



Memorandum

Date: October 19, 2012

To: West Linn Planning Commission

From: Zach Pelz, Associate Planner

Subject: New evidence received since 5 pm on October 18, 2012, regarding Lake Oswego-Tigard Water Partnership pending land use proposals (CUP-12-02/CUP-12-04)

Attached is the public testimony received since 5 pm on **October 18, 2012**, regarding the Lake Oswego-Tigard Water Partnership pending land use proposals.

Pelz, Zach

From: Natalie Nahey Cooper [n.nahey.4.coopers@comcast.net]
Sent: Friday, October 19, 2012 11:47 AM
To: Dave Froode
Cc: Walters, Rebecca (DS); Pelz, Zach; Julie McAdams (juliecmcadams@yahoo.com); Amanda Davidson (javahag@comcast.net); Benjamin Brink (kappa@dekka.com); Bob and Muriel Rowning (murbobr@q.com); Brian and Anna Wheeler (annaw@hevanet.com); Brian Niedermeyer (bniedermeyer@msn.com); BrianonMapleton(quetzal.verapaz@gmail.com); Casey Davidson (cdavidson@hfflp.com); Chuck Landskronercrm (chucklandskronercrm@hotmail.com); Cindy Kauffman (cinkauffman@yahoo.com); Darryl Walters (darryl_walters@comcast.net); Eric Jones (ericjones2009@aol.com); Francisco and Traci Varela (francisco.varela@comcast.net); Gary and Judy Emblen(2emblens@comcast.net); Georgia Gavin (glgavin@comcast.net); Glenda Waddle (glendawaddle@greatnorthwestpropertiesmanagement.com); Jan and Scott Gerber (jumpin@cmn.net); Jana and Neal Rea (flyartcreations@comcast.net); Janet BecketSamStephens (thorfinn@comcast.net); Jeff Morrison (jeffmorrison@lynninvestments.com); Jenne Henderson (hendersonji@comcast.net); Jerry Henderson (jhenderson@smacna-columbia.org); justjoanmail@yahoo.com; Ken Hanawa (kenhanawa@yahoo.com); Kevin Bryck (kevinbryck@comcast.net); lamontking@comcast.net; Lin and Cindy Stott (c.stott@comcast.net); Linda Edwards (lindaedwards@clear.net); Liselotte Sheu (liselotte@dekka.com); Mark Ellsworth (mark.ellsworth@comcast.net); Mark Mutschler (Drs.mutschler@gmail.com); Mary and Dave Robinson (drcanes14@gmail.com); Marylee King (maryleek@gmail.com); Mia and Derek Tippner (miatippner@gmail.com); Michael Ragan (mike@workflowpro.net); Mike Cooper (hawkey88@comcast.net); Mike Patel (munixinc2000@yahoo.com); Nathalie Christensen (tessamess@gmail.com); Norm King (normbking@gmail.com); Pete Bedard (stoplotnow@gmail.com); Rachel Yeoh-Hanawa (ryhimm@hotmail.com); Ray and Kim Cozby (rcozby@hotmail.com); Rich Sheu (rickveda22@yahoo.com); Sam Stephens (sistephe@gapac.com); Scott Ann Reid (sreid_229@msn.com); Shane Medberry (shanemedbery@me.com); Shanon Vroman (shanonmv@comcast.net); Sharon Knutson (norahs1344@yahoo.com); Shaun Gavin (spgavin63@gmail.com); Stacey Gianopoulos (butterqueen@comcast.net); Stacy Epsteen (sepsteen@comcast.net); Steve Hopkins (SFHopkins9@aol.com); SteveJulieBlake (noelblake@comcast.net); Tara and Ujahn Davisson (tdavisson@gmail.com); Thomas Holder (thom.holder@comcast.net); Tom & Gwen Sieben (gwensieben@att.net); Val Sabo (valariesabo5@hotmail.com); Vicky Smith (patvicsmith@q.com); Viktoriya Yatsula (viktoriyac@gmail.com); William J. More (williamjmore@lynnpropertiesllc.com); Yvonne Davis (yvonne.davis@tqs.com)

Subject: Re: sheriff SWAT team

Hello Dave,

Thank you for the information. We had no notice of this. As a parent of two children who could walk down Mapleton Drive (as yet- a single family residential neighborhood); I am outraged and horrified that this is happening on our street and that I did not know about it. This is no longer a safe place for families with children to live.

What can we do to stop this? This is even worse than what I imagined the water treatment facility would be. How is this use compatible with the zoning laws as they currently exist for Maple Grove?

Best regards,
Natalie

Natalie Nahey Cooper
Sent from my iPhone

On Oct 19, 2012, at 11:13 AM, Dave Froode <dfroode@comcast.net> wrote:

This is a Clackamas County Sheriff's Swat Team training exercise. It is being held on Mapleton across from McAdams home. The vehicles are parked on the vacant lots and they are using the LO homes. They said it has nothing to do with the WTF being a terrorist target.

I spoke with Captain Kevin Layng of the Clackamas County Sheriff's Dept. 503-785-5007 They look for land and buildings that are about to be torn down and use them for their training because nobody cares if they are damaged during the training. The Captain said they have nothing to do with the LOT WTF and did not know it was even there until they were on premise.

Dave

<ijcaffef.png>

<bajcjhfa.png>

On 10/19/2012 9:08 AM, Walters, Rebecca (DS) wrote:

Zach:

Would you please submit this email and letter to the Planning Commission for the Lake Oswego/Tigard Water Treatment Plant and Pipeline conditional use permits application?

This letter arrived yesterday at my home which is located on Mapleton Drive. This letter is indicative that the WTF/pipeline is a REGIONAL water supply and this letter is SCARY.

Here are a few excerpts but the entire letter is attached for your perusal.

"I am writing this to inform you that the Clackamas County Sheriff's Office Special Weapons and Tactics (SWAT) team plans to train in or near your neighborhood sometime in the next two weeks. You can expect to see many patrol cars from various law enforcement agencies within Clackamas County, deputies and police officers wearing heavy vests and helmets as well as several armored vehicles. ... You may hear small reports (pops) from training munitions throughout the day."

Thanks,
Rebecca Walters

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the message and any attachments from your system.

Pelz, Zach

From: Sonnen, John
Sent: Friday, October 19, 2012 11:19 AM
To: Pelz, Zach
Subject: FW: Citizen Request 17454 - Opposition to the LOT water plan

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Webmaster
Sent: Friday, October 19, 2012 8:16 AM
To: Sonnen, John
Subject: Citizen Request 17454 - Opposition to the LOT water plan

A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank you.

Original Request	10/19/2012	Reference Number: 17454
SummaryDate:		
Name:	Ben Marcus	Status: Assigned
Email:	bamarcus88@yahoo.com	Source: online
Phone:		Assigned To: jsonnen
		Assigned Group: Planning
Topic	<u>Opposition to the LOT water plan</u>	
Request Details:	I am a 23 year old citizen of West Linn; I have lived here for most of my life. I just wanted to express my opposition to the LOT water treatment facility construction plan. I do not understand how West Linn planners could accept this proposition as it seems to serve no benefit to our community. I live near the proposed construction area, and I cannot imagine our leaders would sit by as two other cities prepare to inconvenience our neighborhood without offering anything in return. I believe there are other alternatives for LOT water supply and the West Linn option needs to be the last case scenario. I know I'm not alone in this view, and I hope the city of West Linn will respond accordingly.	
Comment:		

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.

Pelz, Zach

From: Sonnen, John
Sent: Friday, October 19, 2012 11:19 AM
To: Pelz, Zach
Subject: FW: Citizen Request 17452 - LOT

John Sonnen, Planning Director
Planning and Building, #1524

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.
Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Webmaster
Sent: Friday, October 19, 2012 8:15 AM
To: Sonnen, John
Subject: Citizen Request 17452 - LOT

A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank you.

Original Request		Reference	
SummaryDate:	10/19/2012	Number:	17452
Name:		Status:	Assigned
Email:	marynpeterson@yahoo.com	Source:	online
Phone:		Assigned To:	jsonnen
		Assigned Group:	Planning
Topic	LOT		
Request Details:	West Linn Planning Commission: Please note our opposition to LOT.		
Comment:			

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.

Pelz, Zach

From: Sonnen, John
Sent: Friday, October 19, 2012 11:18 AM
To: Pelz, Zach
Subject: FW: Citizen Request 17451 - LOT water treatment plant opposition

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Webmaster
Sent: Friday, October 19, 2012 8:14 AM
To: Sonnen, John
Subject: Citizen Request 17451 - LOT water treatment plant opposition

A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank you.

Original Request Summary	10/19/2012	Reference Number:	17451
Name:	Diana Bullen	Status:	Assigned
Email:	D.dianabullen@comcast.net	Source:	online
Phone:	5037056926	Assigned To:	jsonnen
		Assigned Group:	Planning
Topic	LOT water treatment plant opposition		
Request Details:	Please inform the planning department of our opposition to this outrageous plant proposal. I truly doubt that LO would offer a quiet neighborhood for our profit in WL in a similar proposal. Why is this topic even being considered by the planning dept. ? Dave and Diana Bullen		
Comment:			

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.

Pelz, Zach

From: Sonnen, John
Sent: Friday, October 19, 2012 11:18 AM
To: Pelz, Zach
Subject: FW: Citizen Request 17449 - LOT Water treatment Plant

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Webmaster
Sent: Friday, October 19, 2012 8:13 AM
To: Sonnen, John
Subject: Citizen Request 17449 - LOT Water treatment Plant

A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank you.

Original Request Summary	10/19/2012	Reference Number:	17449
Name:	Dave Menne	Status:	Assigned
Email:	menned@hotmail.com	Source:	online
Phone:	503-816-9118	Assigned To:	jsonnen
		Assigned Group:	Planning
Topic	<u>LOT Water treatment Plant</u>		
Request Details:	I would like to know more about the impact this project will have on West Linn residents living near Hwy 43. Specifically: 1) Will construction work be allowed at night? If so, how will noise be controlled? 2) What are the benefits of this project to West Linn residents? 3) Will Hwy 43 be repaved so bike lanes and road services will be smooth and in better than current condition? 4) How long will this project impact the Hwy 43 corridor? 5) How will bike and pedestrian traffic be accommodated during construction? 6) What other options were/or are being considered for this project that are less disruptive?		
Comment:			

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.

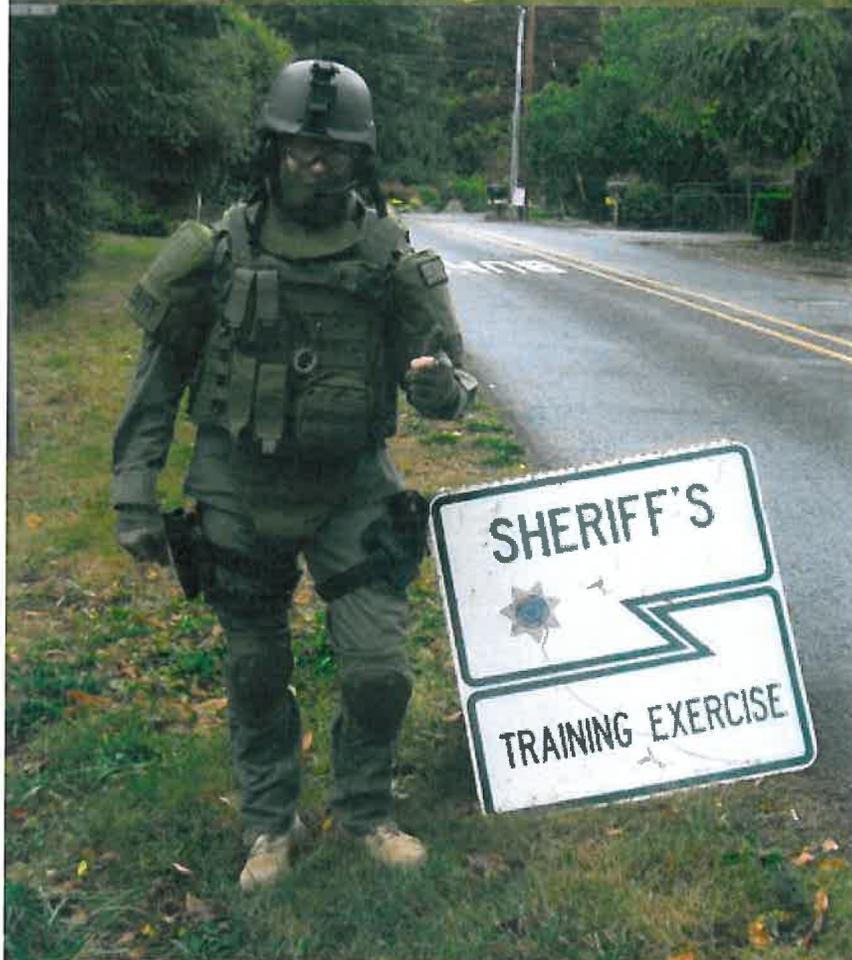
Pelz, Zach

From: Dave Froode [dfroode@comcast.net]
Sent: Friday, October 19, 2012 11:13 AM
To: Walters, Rebecca (DS)
Cc: Pelz, Zach; Julie McAdams (juliecmcadams@yahoo.com); Amanda Davidson (javahag@comcast.net); Benjamin Brink (kappa@dekka.com); Bob and Muriel Rowning (murbobr@q.com); Brian and Anna Wheeler (annaw@hevanet.com); Brian Niedermeyer (bniedermeyer@msn.com); BrianonMapleton(quetzal.verapaz@gmail.com); Casey Davidson (cdavidson@hfflp.com); Chuck Landskronercrm (chucklandskronercrm@hotmail.com); Cindy Kauffman (cinkauffman@yahoo.com); Darryl Walters (darryl_walters@comcast.net); Eric Jones (ericjones2009@aol.com); Francisco and Traci Varela (francisco.varela@comcast.net); Gary and Judy Emblen(2emblens@comcast.net); Georgia Gavin (glgavin@comcast.net); Glenda Waddle (glendawaddle@greatnorthwestpropertiesmanagement.com); Jan and Scott Gerber (jumpin@cmn.net); Jana and Neal Rea (flyartcreations@comcast.net); Janet BecketSamStephens (thorfinn@comcast.net); Jeff Morrison (jeffmorrison@lynninvestments.com); Jenne Henderson (hendersonjj@comcast.net); Jerry Henderson (jhenderson@smacna-columbia.org); justjoanmail@yahoo.com; Ken Hanawa (kenhanawa@yahoo.com); Kevin Bryck (kevinbryck@comcast.net); lamontking@comcast.net; Lin and Cindy Stott (c.stott@comcast.net); Linda Edwards (lindaedwards@clear.net); Liselotte Sheu (liselotte@dekka.com); Mark Ellsworth (mark.ellsworth@comcast.net); Mark Mutschler (Drs.mutschler@gmail.com); Mary and Dave Robinson (drcanes14@gmail.com); Marylee King (maryleek@gmail.com); Mia and Derek Tippner (miatippner@gmail.com); Michael Ragan (mike@workflowpro.net); Mike Cooper (hawkey88@comcast.net); Mike Patel (munixinc2000@yahoo.com); Natalie Cooper (n.nahey.4.coopers@comcast.net); Nathalie Christensen (tessames@gmail.com); Norm King (normbking@gmail.com); Pete Bedard (stoplotnow@gmail.com); Rachel Yeoh-Hanawa (ryhimm@hotmail.com); Ray and Kim Cozby (rcozby@hotmail.com); Rich Sheu (rickveda22@yahoo.com); Sam Stephens (sistephe@gapac.com); Scott Ann Reid (sreid_229@msn.com); Shane Medberry (shanemedbery@me.com); Shanon Vroman (shanonmv@comcast.net); Sharon Knutson (norahs1344@yahoo.com); Shaun Gavin (spgavin63@gmail.com); Stacey Gianopoulis (butterqueen@comcast.net); Stacy Epsteen (sepsteen@comcast.net); Steve Hopkins (SFHopkins9@aol.com); SteveJulieBlake (noelblake@comcast.net); Tara and Ujahn Davisson (tdavisson@gmail.com); Thomas Holder (thom.holder@comcast.net); Tom & Gwen Sieben (gwensieben@att.net); Val Sabo (valariesabo5@hotmail.com); Vicky Smith (patvicsmith@q.com); Viktoriya Yatsula (viktoriyac@gmail.com); William J. More (williamjmore@lynnpropertiesllc.com); Yvonne Davis (yvonne.davis@tqs.com)
Subject: Re: FW: sheriff SWAT team
Attachments: ijcaffef.png; bajcjhfa.png

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Dave



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Thanks,
Rebecca Walters

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Pelz, Zach

From: Shaun Gavin [spgavin63@gmail.com]
Sent: Friday, October 19, 2012 10:33 AM
To: chuck landskronercrm
Cc: Scott Gerber; Walters,Rebecca (DS); Pelz, Zach; juliecmcadams@yahoo.com; javahag@comcast.net; kappa@dekka.com; murbobr@q.com; annaw@hevanet.com; bniedermeyer@msn.com; quetzal.verapaz@gmail.com; cdavidson@hfflp.com; cinkauffman@yahoo.com; darryl_walters@comcast.net; dfroode@comcast.net; ericjones2009@aol.com; francisco.varela@comcast.net; 2emblens@comcast.net; glgavin@comcast.net; glendawaddle@greatnorthwestpropertiesmanagement.com; flyartcreations@comcast.net; thorfinn@comcast.net; jeffmorrison@lynninvestments.com; hendersonjj@comcast.net; jhenderson@smacna-columbia.org; justjoanmail@yahoo.com; kenhanawa@yahoo.com; kevinbryck@comcast.net; lamontking@comcast.net; c.stott@comcast.net; lindaedwards@clear.net; liselotte@dekka.com; mark.ellsworth@comcast.net; Drs.mutschler@gmail.com; drcanes14@gmail.com; maryleek@gmail.com; miatippner@gmail.com; mike@workflowpro.net; hawkey88@comcast.net; munixinc2000@yahoo.com; n.nahey.4.coopers@comcast.net; tessamess@gmail.com; normbking@gmail.com; stoplotnow@gmail.com; ryhimm@hotmail.com; rcozby@hotmail.com; rickveda22@yahoo.com; sistephe@gapac.com; sreid_229@msn.com; shanemedbery@me.com; shanonmv@comcast.net; norahs1344@yahoo.com; butterqueen@comcast.net; sepsteen@comcast.net; SFHopkins9@aol.com; noelblake@comcast.net; tdavisson@gmail.com; thom.holder@comcast.net; gwensieben@att.net; valariesabo5@hotmail.com; patvicsmith@q.com; viktoriyac@gmail.com; williamjmore@lynnpropertiesllc.com; yvonne.davis@tqs.com
Subject: Re: sheriff SWAT team

Notification letters from the Clak Cty Sheriff's office were left on our doorsteps, similar to when the Fire Dept was conducting training a couple weeks ago. I'm sure they were only left at addresses within a certain proximity to the properties.

Shaun Gavin
4412 Mapleton

On Oct 19, 2012, at 10:28 AM, chuck landskronercrm <chucklandskronercrm@hotmail.com> wrote:

This is the first I have heard about this!!

From: [Scott Gerber](#)
Sent: Friday, October 19, 2012 10:24 AM
To: [Walters,Rebecca \(DS\) ; mailto:ZPELZ@westlinnoregon.gov](mailto:Walters,Rebecca (DS) ; mailto:ZPELZ@westlinnoregon.gov)
Cc: <mailto:juliecmcadams@yahoo.com> ; <mailto:javahag@comcast.net> ; <mailto:kappa@dekka.com> ; <mailto:murbobr@q.com> ; <mailto:annaw@hevanet.com> ; <mailto:bniedermeyer@msn.com> ; <mailto:quetzal.verapaz@gmail.com> ; <mailto:cdavidson@hfflp.com> ; <mailto:chucklandskronercrm@hotmail.com> ; <mailto:cinkauffman@yahoo.com> ; mailto:darryl_walters@comcast.net ; <mailto:dfroode@comcast.net> ; <mailto:ericjones2009@aol.com> ; <mailto:francisco.varela@comcast.net> ; <mailto:2emblens@comcast.net> ; <mailto:glgavin@comcast.net> ; <mailto:glendawaddle@greatnorthwestpropertiesmanagement.com> ; <mailto:jumpin@cmn.net> ; <mailto:flyartcreations@comcast.net> ; <mailto:thorfinn@comcast.net> ; <mailto:jeffmorrison@lynninvestments.com> ; <mailto:hendersonjj@comcast.net> ; <mailto:jhenderson@smacna-columbia.org> ; <mailto:justjoanmail@yahoo.com> ; <mailto:kenhanawa@yahoo.com> ; <mailto:kevinbryck@comcast.net> ; <mailto:lamontking@comcast.net> ; <mailto:c.stott@comcast.net> ; <mailto:lindaedwards@clear.net> ; <mailto:liselotte@dekka.com> ; <mailto:mark.ellsworth@comcast.net> ; <mailto:Drs.mutschler@gmail.com> ; <mailto:drcanes14@gmail.com> ; <mailto:maryleek@gmail.com> ; <mailto:miatippner@gmail.com> ; <mailto:mike@workflowpro.net> ; <mailto:hawkey88@comcast.net> ; <mailto:munixinc2000@yahoo.com> ; <mailto:n.nahey.4.coopers@comcast.net> ; <mailto:tessamess@gmail.com> ; <mailto:normbking@gmail.com> ; <mailto:stoplotnow@gmail.com> ;

<mailto:ryhimm@hotmail.com> ; <mailto:rcozby@hotmail.com> ; [Walters,Rebecca \(DS\)](#) ;
<mailto:rickveda22@yahoo.com> ; <mailto:sistephe@gapac.com> ; mailto:sreid_229@msn.com ;
<mailto:shanemedbery@me.com> ; <mailto:shanonmv@comcast.net> ; <mailto:norahs1344@yahoo.com> ;
<mailto:spgavin63@gmail.com> ; <mailto:butterqueen@comcast.net> ; <mailto:sepsteen@comcast.net> ;
<mailto:SFHopkins9@aol.com> ; <mailto:noelblake@comcast.net> ; <mailto:tdavisson@gmail.com> ;
<mailto:thom.holder@comcast.net> ; <mailto:gwensieben@att.net> ; <mailto:valariesabo5@hotmail.com> ;
<mailto:patvicsmith@q.com> ; <mailto:viktoriyac@gmail.com> ; <mailto:williamjmore@lynnpropertiesllc.com> ;
<mailto:yvonne.davis@tqs.com>

Subject: Re: FW: sheriff SWAT team

This to me is a very bad development. As you say...scary. Do we have any recourse on this? As citizens can we ask for reason (as if we didn't know)
Has anybody contacted the source of this letter?

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

From: "Walters, Rebecca (DS)"

Sent: Oct 19, 2012 9:08 AM

To: "Pelz, Zach (ZPELZ@westlinnoregon.gov)"

Cc: "Julie McAdams (juliecmcadams@yahoo.com)" , "Amanda Davidson (javahag@comcast.net)" , "Benjamin Brink (kappa@dekka.com)" , "Bob and Muriel Rowning (murbobr@q.com)" , "Brian and Anna Wheeler (annaw@hevanet.com)" , "Brian Niedermeyer (bniedermeyer@msn.com)" , "BrianonMapleton(quetzal.verapaz@gmail.com)" , "Casey Davidson (cdavidson@hfflp.com)" , "Chuck Landskronercrm (chucklandskronercrm@hotmail.com)" , "Cindy Kauffman (cinkauffman@yahoo.com)" , "Darryl Walters (darryl_walters@comcast.net)" , "Dave Froode (dfroode@comcast.net)" , "Eric Jones (ericjones2009@aol.com)" , "Francisco and Traci Varela (francisco.varela@comcast.net)" , "Gary and Judy Emblen(2emblens@comcast.net)" <2emblens@comcast.net> , "Georgia Gavin (glgavin@comcast.net)" , "Glenda Waddle (glendawaddle@greatnorthwestpropertiesmanagement.com)" , "Jan and Scott Gerber (jumpin@cmn.net)" , "Jana and Neal Rea (flyartcreations@comcast.net)" , "Janet BecketSamStephens (thorfinn@comcast.net)" , "Jeff Morrison (jeffmorrison@lynninvestments.com)" , "Jenne Henderson (hendersonjj@comcast.net)" , "Jerry Henderson (jhenderson@smacna-columbia.org)" , "justjoanmail@yahoo.com" , "Ken Hanawa (kenhanawa@yahoo.com)" , "Kevin Bryck (kevinbryck@comcast.net)" , "lamontking@comcast.net" , "Lin and Cindy Stott (c.stott@comcast.net)" , "Linda Edwards (lindaedwards@clear.net)" , "Liselotte Sheu (liselotte@dekka.com)" , "Mark Ellsworth (mark.ellsworth@comcast.net)" , "Mark Mutschler (Drs.mutschler@gmail.com)" , "Mary and Dave Robinson (drcanes14@gmail.com)" , "Marylee King (maryleek@gmail.com)" , "Mia and Derek Tippner (miatippner@gmail.com)" , "Michael Ragan (mike@workflowpro.net)" , "Mike Cooper (hawkey88@comcast.net)" , "Mike Patel (munixinc2000@yahoo.com)" , "Natalie Cooper (n.nahey.4.coopers@comcast.net)" , "Nathalie Christensen (tessamess@gmail.com)" , "Norm King (normbking@gmail.com)" , "Pete Bedard (stoplotnow@gmail.com)" , "Rachel Yeoh-Hanawa (ryhimm@hotmail.com)" , "Ray and Kim Cozby (rcozby@hotmail.com)" , "Walters, Rebecca (DS)" , "Rich Sheu (rickveda22@yahoo.com)" , "Sam Stephens (sistephe@gapac.com)" , "Scott Ann Reid (sreid_229@msn.com)" , "Shane Medberry (shanemedbery@me.com)" , "Shanon Vroman (shanonmv@comcast.net)" , "Sharon Knutson (norahs1344@yahoo.com)" , "Shaun Gavin (spgavin63@gmail.com)" , "Stacey Gianopoulos

(butterqueen@comcast.net)" , "Stacy Epstein (sepsteen@comcast.net)" , "Steve Hopkins (SFHopkins9@aol.com)" , "SteveJulieBlake (noelblake@comcast.net)" , "Tara and Ujahn Davisson (tdavisson@gmail.com)" , "Thomas Holder (thom.holder@comcast.net)" , "Tom & Gwen Sieben (gwensieben@att.net)" , "Val Sabo (valariesabo5@hotmail.com)" , "Vicky Smith (patvicsmith@q.com)" , "Viktoriya Yatsula (viktoriyac@gmail.com)" , "William J. More (williamjmore@lynnpropertiesllc.com)" , "Yvonne Davis (yvonne.davis@tqs.com)"

Subject: FW: sheriff SWAT team

110 Clean false false false EN-US X-NONE X-NONE

Zach:

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Thanks,
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Pelz, Zach

From: chuck landskronercrm [chucklandskronercrm@hotmail.com]
Sent: Friday, October 19, 2012 10:38 AM
To: Scott Gerber; Walters,Rebecca (DS); Pelz, Zach
Cc: juliecmcadams@yahoo.com; javahag@comcast.net; kappa@dekka.com; murbobr@q.com; annaw@hevanet.com; bniedermeyer@msn.com; quetzal.verapaz@gmail.com; cdavidson@hfflp.com; cinkauffman@yahoo.com; darryl_walters@comcast.net; dfroode@comcast.net; ericjones2009@aol.com; francisco.varela@comcast.net; 2emblens@comcast.net; glgavin@comcast.net; glendawaddle@greatnorthwestpropertiesmanagement.com; jumpin@cmn.net; flyartcreations@comcast.net; thorfinn@comcast.net; jeffmorrison@lynninvestments.com; hendersonjj@comcast.net; jhenderson@smacna-columbia.org; justjoanmail@yahoo.com; kenhanawa@yahoo.com; kevinbryck@comcast.net; lamontking@comcast.net; c.stott@comcast.net; lindaedwards@clear.net; liselotte@dekka.com; mark.ellsworth@comcast.net; Drs.mutschler@gmail.com; drcanes14@gmail.com; maryleek@gmail.com; miatippner@gmail.com; mike@workflowpro.net; hawkey88@comcast.net; munixinc2000@yahoo.com; n.nahey.4.coopers@comcast.net; tessames@gmail.com; normbking@gmail.com; stoplotnow@gmail.com; ryhimm@hotmail.com; rcozby@hotmail.com; Walters,Rebecca (DS); rickveda22@yahoo.com; sistephe@gapac.com; sreid_229@msn.com; shanemedbery@me.com; shanonmv@comcast.net; norahs1344@yahoo.com; spgavin63@gmail.com; butterqueen@comcast.net; sepsteen@comcast.net; SFHopkins9@aol.com; noelblake@comcast.net; tdavisson@gmail.com; thom.holder@comcast.net; gwensieben@att.net; valariesabo5@hotmail.com; patvicsmith@q.com; viktoriyac@gmail.com; williamjmore@lynnpropertiesllc.com; yvonne.davis@tqs.com
Subject: Re: sheriff SWAT team

This is the first I have heard about this!!

From: [Scott Gerber](#)
Sent: Friday, October 19, 2012 10:24 AM
To: [Walters,Rebecca \(DS\)](#) ; <mailto:ZPELZ@westlinnoregon.gov>
Cc: <mailto:juliecmcadams@yahoo.com> ; <mailto:javahag@comcast.net> ; <mailto:kappa@dekka.com> ; <mailto:murbobr@q.com> ; <mailto:annaw@hevanet.com> ; <mailto:bniedermeyer@msn.com> ; <mailto:quetzal.verapaz@gmail.com> ; <mailto:cdavidson@hfflp.com> ; <mailto:chucklandskronercrm@hotmail.com> ; <mailto:cinkauffman@yahoo.com> ; mailto:darryl_walters@comcast.net ; <mailto:dfroode@comcast.net> ; <mailto:ericjones2009@aol.com> ; <mailto:francisco.varela@comcast.net> ; <mailto:2emblens@comcast.net> ; <mailto:glgavin@comcast.net> ; <mailto:glendawaddle@greatnorthwestpropertiesmanagement.com> ; <mailto:jumpin@cmn.net> ; <mailto:flyartcreations@comcast.net> ; <mailto:thorfinn@comcast.net> ; <mailto:jeffmorrison@lynninvestments.com> ; <mailto:hendersonjj@comcast.net> ; <mailto:jhenderson@smacna-columbia.org> ; <mailto:justjoanmail@yahoo.com> ; <mailto:kenhanawa@yahoo.com> ; <mailto:kevinbryck@comcast.net> ; <mailto:lamontking@comcast.net> ; <mailto:c.stott@comcast.net> ; <mailto:lindaedwards@clear.net> ; <mailto:liselotte@dekka.com> ; <mailto:mark.ellsworth@comcast.net> ; <mailto:Drs.mutschler@gmail.com> ; <mailto:drcanes14@gmail.com> ; <mailto:maryleek@gmail.com> ; <mailto:miatippner@gmail.com> ; <mailto:mike@workflowpro.net> ; <mailto:hawkey88@comcast.net> ; <mailto:munixinc2000@yahoo.com> ; <mailto:n.nahey.4.coopers@comcast.net> ; <mailto:tessames@gmail.com> ; <mailto:normbking@gmail.com> ; <mailto:stoplotnow@gmail.com> ; <mailto:ryhimm@hotmail.com> ; <mailto:rcozby@hotmail.com> ; [Walters,Rebecca \(DS\)](#) ; <mailto:rickveda22@yahoo.com> ; <mailto:sistephe@gapac.com> ; mailto:sreid_229@msn.com ; <mailto:shanemedbery@me.com> ; <mailto:shanonmv@comcast.net> ; <mailto:norahs1344@yahoo.com> ; <mailto:spgavin63@gmail.com> ; <mailto:butterqueen@comcast.net> ; <mailto:sepsteen@comcast.net> ; <mailto:SFHopkins9@aol.com> ; <mailto:noelblake@comcast.net> ; <mailto:tdavisson@gmail.com> ; <mailto:thom.holder@comcast.net> ; <mailto:gwensieben@att.net> ; <mailto:valariesabo5@hotmail.com> ; <mailto:patvicsmith@q.com> ; <mailto:viktoriyac@gmail.com> ; <mailto:williamjmore@lynnpropertiesllc.com> ; <mailto:yvonne.davis@tqs.com>
Subject: Re: FW: sheriff SWAT team

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

From: "Walters, Rebecca (DS)"

Sent: Oct 19, 2012 9:08 AM

To: "Pelz, Zach (ZPELZ@westlinnoregon.gov)"

Cc: "Julie McAdams (juliecmcadams@yahoo.com)", "Amanda Davidson (javahag@comcast.net)", "Benjamin Brink (kappa@dekka.com)", "Bob and Muriel Rowning (murbobr@q.com)", "Brian and Anna Wheeler (annaw@hevanet.com)", "Brian Niedermeyer (bniedermeyer@msn.com)", "BrianonMapleton(quetzal.verapaz@gmail.com)", "Casey Davidson (cdavidson@hfflp.com)", "Chuck Landskronercrm (chucklandskronercrm@hotmail.com)", "Cindy Kauffman (cinkauffman@yahoo.com)", "Darryl Walters (darryl_walters@comcast.net)", "Dave Froode (dfroode@comcast.net)", "Eric Jones (ericjones2009@aol.com)", "Francisco and Traci Varela (francisco.varela@comcast.net)", "Gary and Judy Emblen(2emblens@comcast.net)" <2emblens@comcast.net>, "Georgia Gavin (glgavin@comcast.net)", "Glenda Waddle (glendawaddle@greatnorthwestpropertiesmanagement.com)", "Jan and Scott Gerber (jumpin@cmn.net)", "Jana and Neal Rea (flyartcreations@comcast.net)", "Janet BecketSamStephens (thorfinn@comcast.net)", "Jeff Morrison (jeffmorrison@lynninvestments.com)", "Jenne Henderson (hendersonjj@comcast.net)", "Jerry Henderson (jhenderson@smacna-columbia.org)", "justjoanmail@yahoo.com", "Ken Hanawa (kenhanawa@yahoo.com)", "Kevin Bryck (kevinbryck@comcast.net)", "lamontking@comcast.net", "Lin and Cindy Stott (c.stott@comcast.net)", "Linda Edwards (lindaedwards@clear.net)", "Liselotte Sheu (liselotte@dekka.com)", "Mark Ellsworth (mark.ellsworth@comcast.net)", "Mark Mutschler (Drs.mutschler@gmail.com)", "Mary and Dave Robinson (drcanes14@gmail.com)", "Marylee King (maryleek@gmail.com)", "Mia and Derek Tippner (miatippner@gmail.com)", "Michael Ragan (mike@workflowpro.net)", "Mike Cooper (hawkey88@comcast.net)", "Mike Patel (munixinc2000@yahoo.com)", "Natalie Cooper (n.nahey.4.coopers@comcast.net)", "Nathalie Christensen (tessamess@gmail.com)", "Norm King (normbking@gmail.com)", "Pete Bedard (stoplotnow@gmail.com)", "Rachel Yeoh-Hanawa (ryhimm@hotmail.com)", "Ray and Kim Cozby (rcozby@hotmail.com)", "Walters, Rebecca (DS)", "Rich Sheu (rickveda22@yahoo.com)", "Sam Stephens (sistephe@gapac.com)", "Scott Ann Reid (sreid_229@msn.com)", "Shane Medberry (shanemedbery@me.com)", "Shanon Vroman (shanonmv@comcast.net)", "Sharon Knutson (norahs1344@yahoo.com)", "Shaun Gavin (spgavin63@gmail.com)", "Stacey Gianopoulis (butterqueen@comcast.net)", "Stacy Epstein (sepsteen@comcast.net)", "Steve Hopkins (SFHopkins9@aol.com)", "SteveJulieBlake (noelblake@comcast.net)", "Tara and Ujahn Davisson (tdavisson@gmail.com)", "Thomas Holder (thom.holder@comcast.net)", "Tom & Gwen Sieben (gwensieben@att.net)", "Val Sabo (valariesabo5@hotmail.com)", "Vicky Smith (patvicsmith@q.com)", "Viktoriya Yatsula (viktoriyac@gmail.com)", "William J. More (williamjmore@lynnpropertiesllc.com)", "Yvonne Davis (yvonne.davis@tqs.com)"

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Pelz, Zach

From: Scott Gerber [jumpin@cmn.net]
Sent: Friday, October 19, 2012 10:24 AM
To: Walters, Rebecca (DS); Pelz, Zach
Cc: Julie McAdams (juliecmcadams@yahoo.com); Amanda Davidson (javahag@comcast.net); Benjamin Brink (kappa@dekka.com); Bob and Muriel Rowning (murbobr@q.com); Brian and Anna Wheeler (annaw@hevanet.com); Brian Niedermeyer (bniedermeyer@msn.com); BrianonMapleton(quetzal.verapaz@gmail.com); Casey Davidson (cdavidson@hfflp.com); Chuck Landskronercrm (chucklandskronercrm@hotmail.com); Cindy Kauffman (cinkauffman@yahoo.com); Darryl Walters (darryl_walters@comcast.net); Dave Froode (dfroode@comcast.net); Eric Jones (ericjones2009@aol.com); Francisco and Traci Varela (francisco.varela@comcast.net); Gary and Judy Emblen(2emblens@comcast.net); Georgia Gavin (glgavin@comcast.net); Glenda Waddle (glendawaddle@greatnorthwestpropertiesmanagement.com); Jan and Scott Gerber (jumpin@cmn.net); Jana and Neal Rea (flyartcreations@comcast.net); Janet BecketSamStephens (thorfinn@comcast.net); Jeff Morrison (jeffmorrison@lynninvestments.com); Jenne Henderson (hendersonji@comcast.net); Jerry Henderson (jhenderson@smacna-columbia.org); justjoanmail@yahoo.com; Ken Hanawa (kenhanawa@yahoo.com); Kevin Bryck (kevinbryck@comcast.net); lamontking@comcast.net; Lin and Cindy Stott (c.stott@comcast.net); Linda Edwards (lindaedwards@clear.net); Liselotte Sheu (liselotte@dekka.com); Mark Ellsworth (mark.ellsworth@comcast.net); Mark Mutschler (Drs.mutschler@gmail.com); Mary and Dave Robinson (dracanes14@gmail.com); Marylee King (maryleek@gmail.com); Mia and Derek Tippner (miatippner@gmail.com); Michael Ragan (mike@workflowpro.net); Mike Cooper (hawkey88@comcast.net); Mike Patel (munixinc2000@yahoo.com); Natalie Cooper (n.nahey.4.coopers@comcast.net); Nathalie Christensen (tessames@gmail.com); Norm King (normbking@gmail.com); Pete Bedard (stoplotnow@gmail.com); Rachel Yeoh-Hanawa (ryhimm@hotmail.com); Ray and Kim Cozby (rcozby@hotmail.com); Walters, Rebecca (DS); Rich Sheu (rickveda22@yahoo.com); Sam Stephens (sistephe@gapac.com); Scott Ann Reid (sreid_229@msn.com); Shane Medberry (shanemedbery@me.com); Shanon Vroman (shanonmv@comcast.net); Sharon Knutson (norahs1344@yahoo.com); Shaun Gavin (spgavin63@gmail.com); Stacey Gianopoulis (butterqueen@comcast.net); Stacy Epsteen (sepsteen@comcast.net); Steve Hopkins (SFHopkins9@aol.com); SteveJulieBlake (noelblake@comcast.net); Tara and Ujahn Davisson (tdavisson@gmail.com); Thomas Holder (thom.holder@comcast.net); Tom & Gwen Sieben (gwensieben@att.net); Val Sabo (valariesabo5@hotmail.com); Vicky Smith (patvicsmith@q.com); Viktoriya Yatsula (viktoriyac@gmail.com); William J. More (williamjmore@lynnpropertiesllc.com); Yvonne Davis (yvonne.davis@tqs.com)
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Pelz, Zach

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Sent: Friday, October 19, 2012 9:09 AM
To: Pelz, Zach
Cc: Julie McAdams (juliecmcadams@yahoo.com); Amanda Davidson (javahag@comcast.net); Benjamin Brink (kappa@dekka.com); Bob and Muriel Rowning (murbobr@q.com); Brian and Anna Wheeler (annaw@hevanet.com); Brian Niedermeyer (bniedermeyer@msn.com); BrianonMapleton(quetzal.verapaz@gmail.com); Casey Davidson (cdavidson@hfflp.com); Chuck Landskronercrm (chucklandskronercrm@hotmail.com); Cindy Kauffman (cinkuffman@yahoo.com); Darryl Walters (darryl_walters@comcast.net); Dave Froode (dfroode@comcast.net); Eric Jones (ericjones2009@aol.com); Francisco and Traci Varela (francisco.varela@comcast.net); Gary and Judy Emblen(2emblens@comcast.net); Georgia Gavin (glgavin@comcast.net); Glenda Waddle (glendawaddle@greatnorthwestpropertiesmanagement.com); Jan and Scott Gerber (jumpin@cmn.net); Jana and Neal Rea (flyartcreations@comcast.net); Janet BecketSamStephens (thorfinn@comcast.net); Jeff Morrison (jeffmorrison@lynninvestments.com); Jenne Henderson (hendersonjj@comcast.net); Jerry Henderson (jhenderson@smacna-columbia.org); justjoanmail@yahoo.com; Ken Hanawa (kenhanawa@yahoo.com); Kevin Bryck (kevinbryck@comcast.net); lamontking@comcast.net; Lin and Cindy Stott (c.stott@comcast.net); Linda Edwards (lindaedwards@clear.net); Liselotte Sheu (liselotte@dekka.com); Mark Ellsworth (mark.ellsworth@comcast.net); Mark Mutschler (Drs.mutschler@gmail.com); Mary and Dave Robinson (drcanes14@gmail.com); Marylee King (maryleek@gmail.com); Mia and Derek Tippner (miatippner@gmail.com); Michael Ragan (mike@workflowpro.net); Mike Cooper (hawkey88@comcast.net); Mike Patel (munixinc2000@yahoo.com); Natalie Cooper (n.nahey.4.coopers@comcast.net); Nathalie Christensen (tessames@gmail.com); Norm King (normbking@gmail.com); Pete Bedard (stoplotnow@gmail.com); Rachel Yeoh-Hanawa (ryhimm@hotmail.com); Ray and Kim Cozby (rozby@hotmail.com); Walters, Rebecca (DS); Rich Sheu (rickveda22@yahoo.com); Sam Stephens (sistephe@gapac.com); Scott Ann Reid (sreid_229@msn.com); Shane Medberry (shanemedbery@me.com); Shanon Vroman (shanonmv@comcast.net); Sharon Knutson (norahs1344@yahoo.com); Shaun Gavin (spgavin63@gmail.com); Stacey Gianopoulis (butterqueen@comcast.net); Stacy Epsteen (sepsteen@comcast.net); Steve Hopkins (SFHopkins9@aol.com); SteveJulieBlake (noelblake@comcast.net); Tara and Ujahn Davisson (tdavisson@gmail.com); Thomas Holder (thom.holder@comcast.net); Tom & Gwen Sieben (gwensieben@att.net); Val Sabo (valariesabo5@hotmail.com); Vicky Smith (patvicsmith@q.com); Viktoriya Yatsula (viktoriyac@gmail.com); William J. More (williamjmore@lynnpropertiesllc.com); Yvonne Davis (yvonne.davis@tqs.com)
Subject: FW: sheriff SWAT team
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Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

Neighbors of West Linn,

I am writing this to inform you that the Clackamas County Sheriff's Office Special Weapons and Tactics (SWAT) team plans to train in or near your neighborhood sometime in the next 2 weeks. In order to provide you the best service possible, the team needs to constantly train in realistic environments and we appreciate your understanding the necessity of this type of training.

We will not be providing you with an exact date of this training for operational security reasons but assure you that the training will be conducted in the safest manner possible.

What you can expect to see:

You can expect to see many patrol cars from various law enforcement agencies within Clackamas County; deputies and police officers wearing heavy vests and helmets as well as several armored vehicles.

What you can expect to hear:

You may hear small reports (pops) from training munitions throughout the day.

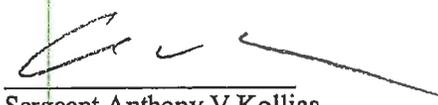
Once the training begins, we ask that you do not come inside the training area for your own safety. The area will be well marked with crime scene tape.

Thank you for your attention to this matter and thank you for understanding our need for realistic training.

Sincerely,

CRAIG ROBERTS
Sheriff

By


Sergeant Anthony V Kollias
CCSO SWAT

"Working Together to Make a Difference"

2223 Kaen Road, Oregon City, OR 97045 • Tel 503-785-5000 • Fax 503-785-5190 • www.clackamas.us/sheriff

Pelz, Zach

From: Curt Sommer [curt.sommer@comcast.net]
Sent: Friday, October 19, 2012 8:21 AM
To: Pelz, Zach
Subject: Testimony
Attachments: LOTP.pdf

Zach,

Can you please forward my testimony from last night to the PC? Is the hearing continued to next week?

--

Regards,

Curt Sommer
503.407.1826
Energy Advisor
blog - <http://ezsolarhouse.com>

To the members of the Planning Commission

My name is Curt Sommer and I reside at 18490 Lower Midhill Dr. I'm here tonight to support the Robinwood Neighborhood Association and the residents of Kenthorpe and Mapleton in their opposition to this absurd proposal. The Comprehensive Plan is ostensibly one of the city's primary guiding documents for determining how land within the city will be used. The comprehensive plan defines a Conditional Use as:

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

It is not possible for a reasonable person to conclude that an industrial facility is compatible with residential uses. Lake Oswego-Tigard can dress up the facility with trees, fencing or any adornments they so choose, but as we say in South Dakota, even if you put lipstick on a pig it is still a pig.

You need to ask yourself, would this be allowed if the project was starting from scratch. The obvious answer is absolutely 'no'. So why should an expansion be allowed. This project was forced through over the objections of the residents back in 1967, and now Lake Oswego wants to SuperSize it over the objections of the current residents. The predominant use type in the neighborhood is residential, so it's unreasonable to assume that expanding the facility is a proper use of the property. Lake Oswego had the opportunity to annex Robinwood years ago but they chose not to.

The proposal does not satisfy the community benefit requirement of the Comprehensive Plan. The existing intertie is not quid pro quo for three years of heavy construction traffic. Whether the traffic is in the middle of the night when we're trying to sleep or the middle of the day when we're trying to live our lives. I'm insulted by their assertion the intertie is a new community benefit because the intertie is already existing.

The proposal also does not satisfy Chapter 60.070, Section A, #7 of the CDC, which says: The use will comply with the applicable policies of the Comprehensive Plan.”

Approval of this proposal would set a dangerous precedent, allowing outside entities to use West Linn as a launching pad for their resource extraction endeavors. Personally, I find the arrogance and hubris of Lake Oswego representatives nothing short of galling. They're deceitful, manipulative and have refused to negotiate in good faith, while simultaneously claiming to be 'good neighbors'. I shudder to think of what they consider a bad neighbor. 'Good' from whose perspective.

Please do not prostitute the interests of West Linn for the benefit of other communities.

Based on the evidence and data presented before you, the only logical conclusion one can draw is to deny the application.

Thank you for your patience and perseverance.

Curt Sommer

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

rec 10/18/2012
[Handwritten initials]

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

Date: October 8, 2012

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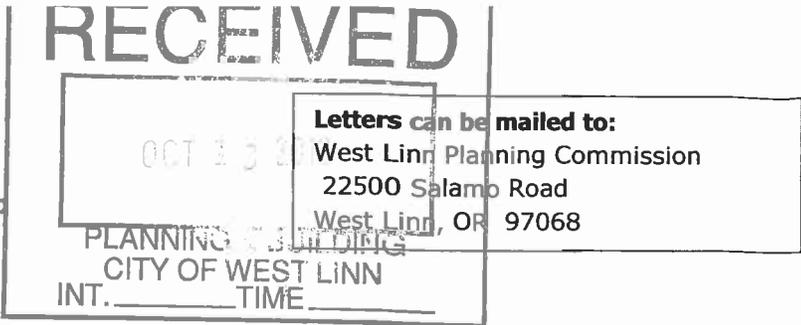
Respectively Submitted:

David P Robinson
Name

3960 Mapleton DR West Linn 97068
Address

Name

Address



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

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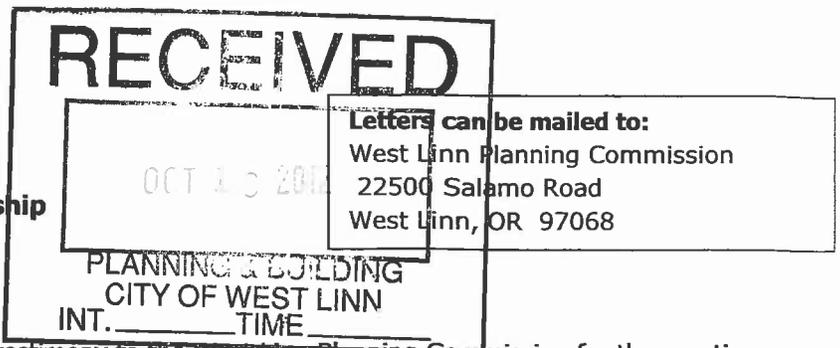
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Respectively Submitted;

Donald R Kauffman
Name
Cindy Kauffman
Name

3993 MAPLETON DR WEST LINN OR 97068
Address
3993 Mapleton on West Linn, OR 97068
Address



TO: West Linn Planning Commission
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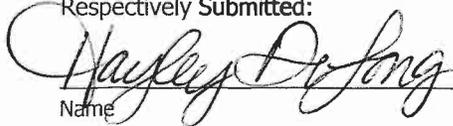
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Respectfully Submitted:

Name _____
Name


Address _____
Address

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012

RECEIVED

Letters can be mailed to:

West Linn Planning Commission
22500 Salamo Road
West Linn, OR 97068

OCT 8 2012

PLANNING & BUILDING
CITY OF WEST LINN
INT. TIME

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Cathy Kauffman
Name

Name

3993 Mapleton Dr 97068
Address

15144 Barnes Way Lake Oswego 97035
Address
(soon to be address)

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

RECEIVED
OCT 13 2012
PLANNING BUILDING
CITY OF WEST LINN
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Respectively Submitted:

Ray Kauffman
Name

2405th 5th Ave West Linn, OR 97068
Address

Name

Address

RECEIVED

OCT 18 2012

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West Linn Planning Commission
22500 Salamo Road
West Linn, OR 97068

TO: West Linn Planning Commission
RE: Lake Oswego-Tigard Water Partnership
Date: October 17th and 18, 2012

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Respectively Submitted:

Joe Nolan DMD
Name

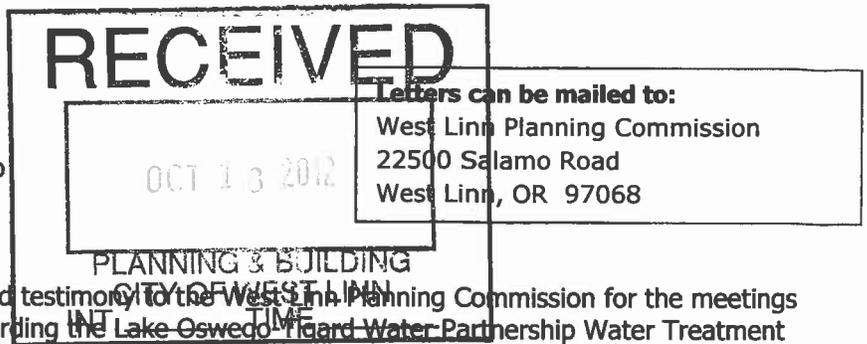
West Linn Dental

19157 Willamette Dr
Address

West Linn, OR

Joseph W Nolan

TO: West Linn Planning Commission
RE: Lake Oswego-Tigard Water Partnership
Date: October 17th and 18, 2012



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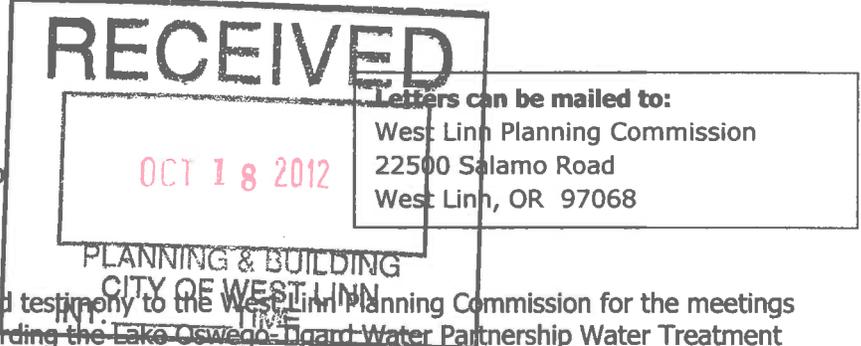
Respectively Submitted:


Name

HEALTHY PET WEST LINN, 19137 WILLAMETTE DRIVE
Address WEST LINN OR 97068

AMBER D. NURMI
OWNER/OPERATOR HEALTHY PET WEST LINN

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Date: October 17th and 18, 2012



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Name

19171 Willamette Drive, West Linn
Address
OR 97068

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West Linn, OR 97068

OCT 18 2012

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2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

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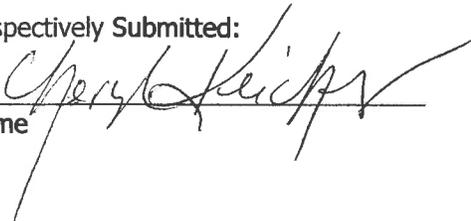
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I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens of West Linn.

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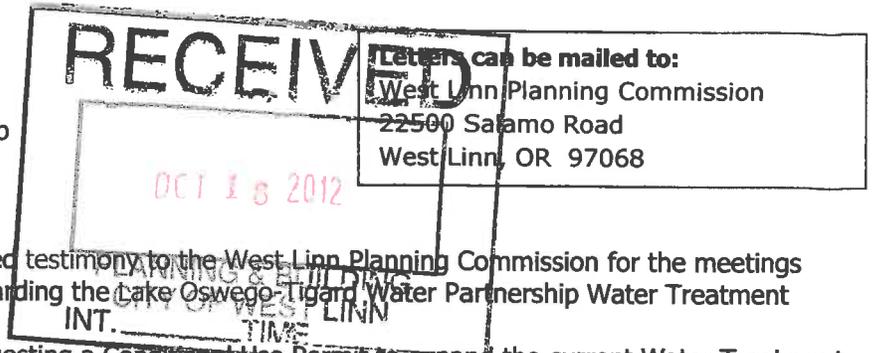
Name



Address

19145 Willamette Dr,
West Linn, OR
97068

TO: West Linn Planning Commission
RE: Lake Oswego-Tigard Water Partnership
Date: October 17th and 18, 2012



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Respectively Submitted:


Name

19133 Willamette dr OR. 97068
Address

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Date: October 17th and 18, 2012



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Respectively Submitted:

TROY HANNAH 
Name

19133 WILLAMETTE DR, WEST LINN, OR 97068
Address

RECEIVED

Letters can be mailed to:

West Linn Planning Commission
22500 Salamo Road
West Linn, OR 97068

OCT 15 2012

PLANNING & BUILDING

CITY OF WEST LINN

INT. MAIL PERMIT NO. 115

TO: West Linn Planning Commission
RE: Lake Oswego-Tigard Water Partnership
Date: October 17th and 18, 2012

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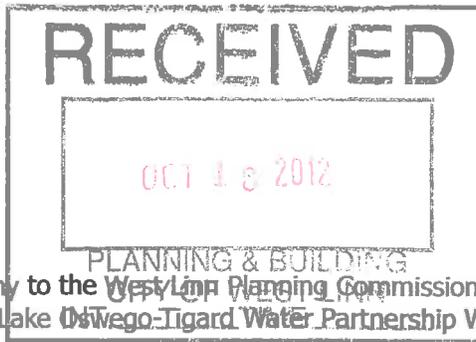
Name

Grant Johnstone

Address

19161 W. Yamette DR

West Linn, OR 97068



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Date: October 17th and 18, 2012

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Respectively Submitted:

Raman Raju
Name

19129 Willamette Dr. West-Linn: Curves
Address

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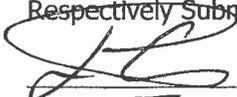
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Respectively Submitted:


Name Tim Andersson

19125 Willamette Dr. 97068
Address

RECEIVED

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RE: Lake Oswego-Tigard Water Partnership
Date: October 17th and 18, 2012

OCT 18 2012
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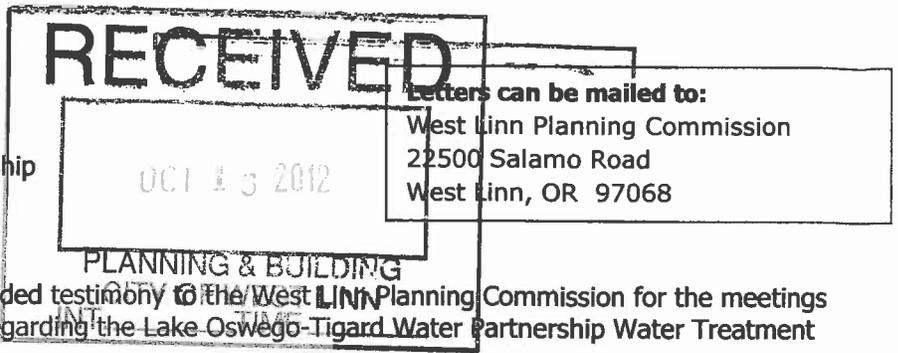
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Sean Andersson
Name
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19125 Willamette Dr. West Linn, OR 97068
Address

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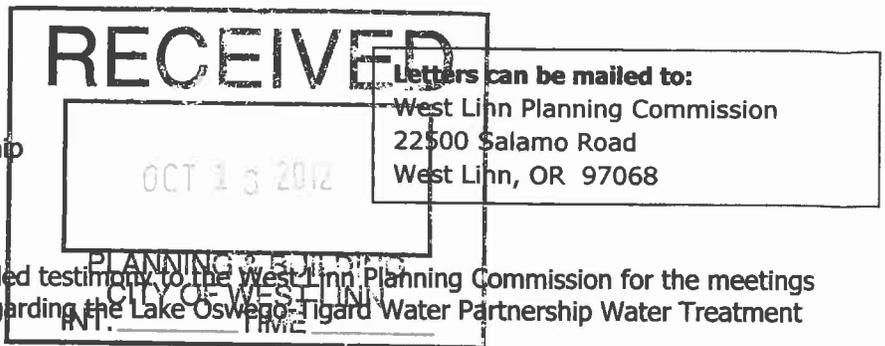
I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens of West Linn.

Respectively Submitted:

Katie R. Madson
Name
Katie R. Madson

19137 Willamette Drive
Address
West Linn, OR 97068

TO: West Linn Planning Commission
RE: Lake Oswego-Tigard Water Partnership
Date: October 17th and 18, 2012



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meetings scheduled on October 17th and 18^h, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. To do so, they need a conditional use permit. Chapter 60 (Conditional Uses) of the West Linn Community Development Code requires that the purpose for the conditional use meets certain standards under which conditional uses may be permitted., enlarged or altered, and how development conditions can be met.

More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria:

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

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

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

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

West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens. Not the cities of Lake Oswego or Tigard. And due to the extent of the work planned, businesses will suffer seriously with some going bankrupt and jobs in West Linn lost.

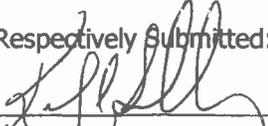
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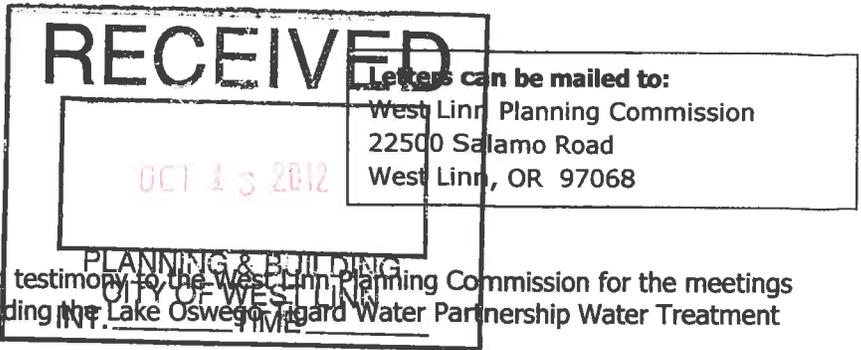
I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens of West Linn.

Respectively Submitted:


Name Kimberly A) Shockey

19137 Willamette Dr, West Linn 97068
Address

TO: West Linn Planning Commission
RE: Lake Oswego-Tigard Water Partnership
Date: October 17th and 18, 2012



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Additionally, the characteristics of the site are not suitable for the proposed use considering location since it is a industrial expansion in a residential area and does not meet the overall needs of the community since it will create economic hardship due to the loss of businesses and jobs due to the extensive highway construction and bottleneck traffic that it will create even with it being done in the evening as there will be 15,400 truck trips and 50,000 additional construction related vehicles on the road slowing down traffic. There also was insufficient notice to the business community. And it will devastate the quality of life for the neighborhood. Additionally, the invalidation of covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive is not in the best interest of the community.

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I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens of West Linn.

Respectively Submitted:

Katya Peterson
Name

1930 Arena Court, West Linn OR
Address
97068

TO: West Linn Planning Commission
RE: Lake Oswego-Tigard Water Partnership
Date: October 17th and 18, 2012

rec. 10/18/2012
JP

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West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens. Not the cities of Lake Oswego or Tigard. In the LOT presentation 10/17/2012 they state that their "insurance fund" will pay for possible damage to homes AFTER the homeowner's insurance has been exhausted. Most people have a deductible on their policy, so this would be left as a homeowner responsibility. Not to mention the possible increase in future insurance rates because of the claim filed.

Clearly our property values have already decreased due to the proposed construction plans, as well as the future expansion of an industrial plant in our residential neighborhood. Our property values will continue to diminish during the construction period, and will remain lower after the completion of the new plant because of the nature of an industrial plant in a residential neighborhood.

The property that the LOT Partnership owns on Mapleton Drive is currently zoned Residential Single Family Homes only, protected by our CCR's. How is it possible that our City will not recognize the current zoning and CCR's as a reason to reject the applications? Please know that the LOT Partnership tried to "buy" the neighborhood's signatures for \$1000/per property to waive the CCR's on the property they own. The majority of the neighborhood does not want to waive the CCR's, so the LOT Partnership has now sued us for removal of the CCR's. This lawsuit has cost us

countless hours of our time and thousands of dollars to fight, and it's not over yet. Please help protect your West Linn Citizens by rejecting both CUP's submitted by the LOT Partnership.

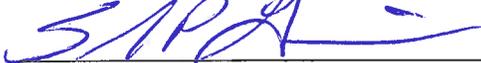
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I strongly urge you to please reject this proposal because it will bring substantial harm to the citizens of West Linn.

Respectively Submitted:


Shaun P. Gavin

4412 Mapleton Drive, West Linn, OR 97068

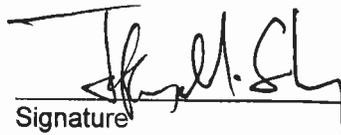
Address

AFFIDAVIT OF BUSINESS MAILING AND VISITATIONS

STATE OF OREGON)
) SS
County of Clackamas)

I, Jeffrey M. Selby, being duly sworn, depose and say that a letter (Exhibit A) was mailed to business owners on the attached list (Exhibit B) on December 20, 2011.

I further state that during the period beginning on or about December 28, 2011 and ending on or about January 9, 2012, I visited each business on the attached list (Exhibit C) and provided representatives with an information packet (Exhibit D) which explained future construction on Highway 43 as a result of the Lake Oswego Tigard Water Partnership. During those visits, 31 representatives (Exhibit E) asked me to include them on the Partnership's Highway 43 Business emailing list.

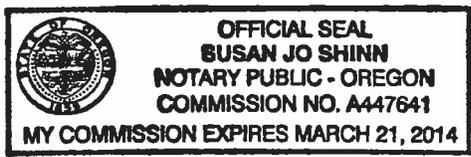


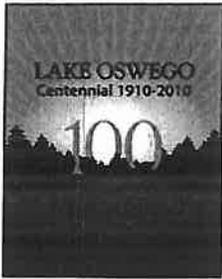
Signature

Subscribed and sworn to, or affirmed, before me this 18TH day of OCTOBER, 2012.



Notary Public for the State of Oregon
My Commission Expires 3/21/2014





LAKE OSWEGO TIGARD WATER PARTNERSHIP

4101 Kruse Way
PO Box 369
Lake Oswego, OR 97034
503-635-0270
www.lotigardwater.org

December 20, 2011

Dear Highway 43 Neighbor:

The City of Lake Oswego is planning an expansion of its water system as part of a partnership with the City of Tigard. System improvements require the replacement of water pipelines under Highway 43. As a business owner or resident in the area, we wanted you to be aware of these plans early. Construction of the pipeline is not anticipated before 2014. Construction could take six months to a year to complete. Lane closures will be required, but it is too early at this point to determine the full construction impacts. Read our Frequently Asked Questions included with this letter to learn more.

Members of our team will visit businesses and homes along Highway 43 over the next month to talk with you and your neighbors about the project. Although construction is a long way off and many details remain undetermined, our Partnership staff is committed to maintaining open communications with you before, during and after construction. The project will make maintaining access to your property and businesses during construction a priority. We look forward to meeting with you and talking about your needs.

The Lake Oswego Tigard Water Partnership is beginning the permit process with the City of West Linn and ODOT for the pipelines in your community. As part of that process, we are planning a neighborhood meeting early in 2012. You will receive notice of the neighborhood meeting in the mail. You may also notice signs posted along Highway 43 and Mapleton Drive announcing the meeting. We hope you will attend.

You can learn more about the project and join our email list at www.lotigardwater.org. Our email list is a great way to stay informed of project progress. We look forward to talking with you as more is known about this project. In the meantime, you can reach us by phone or email.

Sincerely,

Jeff Selby
Citizen Information Coordinator
503-697-6502, info@lotigardwater.org

Enclosure

Project Summary

In August 2008, the cities of Lake Oswego and Tigard formally endorsed a partnership agreement for sharing drinking water resources and costs. Lake Oswego's water supply system is near capacity and key facilities need expansion and upgrades. Tigard residents need a secure, dependable water source. Both cities want to keep water affordable and sharing the cost of new infrastructure to serve both communities does that.



Jack Hoffman, Mayor ■ Jeff Gudman, Councilor ■ Donna Jordan, Councilor
Mike Kehoe, Councilor ■ Sally Moncrieff, Councilor ■ Mary Olson, Councilor ■ Bill Tierney, Council President



Frequently Asked Questions –Water Pipelines in Highway 43 (Willamette Drive) and Mapleton Drive

Is a land use permit required from the City of West Linn to install the pipe? How can I follow that process?

A conditional use permit (CUP) is required for the portions of the pipeline that travel through West Linn.

A CUP requires a public hearing by the Planning Commission, notice to property owners within 500 feet of the impacted area, notice to the Robinwood neighborhood association, signs posted on the site(s) and a required neighborhood association meeting. That meeting provides you the opportunity to learn more about the application before it is filed, ask questions, and offer suggestions. The City of West Linn also posts its land use applications and schedules on its website, westlinnoregon.gov.

The project also requires submittal of a protection plan for natural resources and trees during construction. This will be submitted as part of the CUP for the pipelines.

Why do Lake Oswego and Tigard have water facilities in West Linn?

Lake Oswego gets its drinking water from the Clackamas River. An intake pump located in Gladstone pulls water from the river. The water travels in a pipeline from Gladstone, under the Willamette River to a treatment plant in the Robinwood neighborhood of West Linn. Treated water is piped from the treatment plant to Lake Oswego customers through pipeline in Kenthorpe Way and Highway 43. The project will expand and update facilities along this route including the Water Treatment Plant (WTP) and transmission lines in West Linn.

The Lake Oswego WTP and transmission lines were built in the late 1960s when these areas were unincorporated Clackamas County. Today these facilities are in the City of West Linn. It is not unusual for a water provider to have water facilities in another community. In fact, West Linn also gets its water from the Clackamas River. Water is treated at a Water Treatment Plant in Oregon City before it travels to customers in West Linn via a pipeline on the Interstate 205 (Abernethy) Bridge.

How long will construction last on Highway 43?

The pipeline will be installed in Highway 43 using traditional trenching methods. Depending on factors such as the presence of other utilities and soil type, approximately 50 feet per day of pipeline could be installed, limiting the amount of time that construction crews will be in any one location. Although we anticipate construction of the pipeline through West Linn and into Lake Oswego to occur for six months to a year between 2014 and 2015, it is too early to anticipate exactly when crews will be in any particular location.

What is the schedule?

The pipeline routes are still being designed. In general, the finished water pipeline on Highway 43 will occur as follows.

Task	Schedule
Design	Fall 2011 – Spring 2013
Land Use Pre-application & Neighborhood Meeting Submit application/hold public hearing	Winter 2012 Spring – Summer 2012
Construction	2014 – 2015

Will travel lanes on Highway 43 be closed during construction?

It is very likely that travel lanes will be reconfigured during construction. Flaggers would be required to keep traffic moving in each direction and allow access to nearby neighborhoods. As a State road, Highway 43 is owned and operated by the Oregon Department of Transportation. They will allow construction only during the hours of 9 am through 3 pm. Although more costly, the project will consider working at night to minimize traffic impacts. We won't know details about the construction schedule or other plans until after designs are complete in 2013.

Will customers be able to reach my business on Highway 43 or visitors reach my home in a neighborhood off Highway 43?

Although we won't know construction plans for at least another year, the Partnership will work with businesses and nearby neighbors to maintain access to their businesses and their neighborhoods. The Partnership is open to suggestions about how to minimize impacts to local businesses and homes. Some strategies that can be effective include highly visible signage and weekly construction updates, including coffees at local businesses. These will be outlined in a construction management plan that will contain traffic management techniques as well. The Oregon Department of Transportation (ODOT) will attend the pre-application meeting and the project will be required to meet ODOT requirements for traffic control.

How will the road be restored after construction?

Roads will be restored to their previous condition or better after the pipeline is installed and tested.

Holland Inc.
109 W. 17th St.
Vancouver, WA 98660

Doug Seely
1780 SW Advance Rd.
West Linn, OR 97068

Franklin Coale
PO Box 163
West Linn, OR 97068

West Linn Investors
1136 Hoyt St., Ste 200
Portland, OR 97209

Knowledge Learning Center
650 NE Holliday St.
Portland, OR 97232

Allen Pynn
121 SW Morrison St., Ste 875
Portland, OR 97204

Robert Page
1235 Greeley Way
Stockton, CA 95207

William More
222 N. Rampart St.
New Orleans, LA 70112

Archland Properties
8655 SW Citizens Dr., Ste 201
Wilsonville, OR 97070

West Linn Properties
10250 SW North Dakota St
Tigard, OR 97223

Will Earhart
18745 Willamette Dr
West Linn, OR 97068

Stephen Moore
1555 SW Shadow Wood Dr.
West Linn, OR 97068

James Berrey
6305 SW Rosewood St., Ste D
Lake Oswego, OR 97035

Wyse Investment Services
1501 SW Taylor St, Ste 100
Portland, OR 97205



Visited HWY 43 Businesses

ADDRESS	NAME	PHONE	NOTES
SHADY HOLLOW WAY INTERSECTION			
	Burgerville	503-635-7339	
Suite 202	West Linn Family Health Center	503-635-8384	
LAZY RIVER DRIVE INTERSECTION			
18607	Hazel Michael DMD	503-635-3588	
18612	Gonzales Monte DMD	503-635-4411	
18615	America One Financial	503-699-5272	
18615 (cont)	American Family Shawn Hunter	503-699-4167	
18615 Suite 200	American Family Mike Goodell Agency	503-513-0777	
18625	Edward Jones Financial Advisor	503-675-0890	
18625	Philadelphias Steaks & Hoagies	503-699-4130	
18654	Woodbury & Malone	503-635-3030	



ADDRESS	NAME	PHONE	NOTES
18670	Big Brothers Big Sisters	503-742-2043	
18670	G&L Accupuncture & Herbal Clinic		
18670 Suite 200	West Linn Primary Care	503-636-1133	
18670 Suite 201	Account Ability Tax Services	503-635-3030	
18675	Dog Club of West Linn	503-635-3523	
2875 Marylhurst Dr	C Richard Noble		
18605	Portland Classic Guitar		
3020 Lazy River Dr.	KinderCare		
18676	The Kids Dentist Dr. Yip	503-697-4746	
Suite 100	Providence Medical Group	503-635-6430	
Suite 201	Aaron Haskett DDS	503-636-8475	

ADDRESS	NAME	PHONE	NOTES
Suite 202	Sioda Frank DMD	503-635-4509	
Suite 302	Tselnic Marat DDS DMD	503-635-3948	
FAIRVIEW WAY INTERSECTION			
18711	Sourdough Willlys	503-636-1428	
18740	Thai Orchid Restaurant	503-699-4195	
Suite 222	Bugattis Ristorante of West Linn	503-636-9555	
18750 (cont)	Creative Nail Care	503-635-6006	
18750 Suite C	Modern Eyez	503-697-8879	
	Smile Linn Dental	503-607-2222	
	Starbucks Coffee	503-699-0247	
	Swank Salon	503-305-6064	

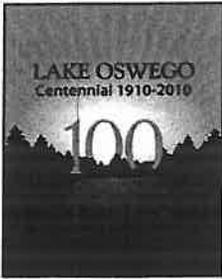
ADDRESS	NAME	PHONE	NOTES
	United Studios of Self Defense	503-675-2488	
18805	Clinical Information Systems	503-699-9745	
18813	Body Heart Soul Massage	503-621-2058	
	Chiropractic Wellness Center of Oregon	503-656-1415	
18825	72 Degrees		
18829	Accurate Hearing	503-924-7433	
18831	Pragma Ventures	503-635-1173	
18850	McDonalds	503-699-7675	
18900	Bank of the West	503-303-6953	
19056	Davita	503-636-0244	
19064 A	La Belle Nails		

ADDRESS	NAME	PHONE	NOTES
19088	Perfecto Dry Cleaners & Laundry	503-635-2249	
	Ying Bun Restaurant	503-635-4706	
19098	Senor Taco	503-699-7107	
CEDARROAK DRIVE INTERSECTION			
19100	7Eleven	503-636-1238	
19120	West Linn Chevron	503-534-0378	
	Round Table Pizza	503-635-6654	
19129	Curves	503-635-3410	
	Wells Fargo	503-635-0025	
19141	H&R Block	503-534-9300	
19143	BaskinRobbins	503-697-9638	

ADDRESS	NAME	PHONE	NOTES
19145	West Linn Hairport	503-635-2515	
19149	Robinwood Cleaners & Draperies	503-635-8473	
19155	Magnolia Boutique	503-636-4730	
19157	Nolan Joseph DMD	503-635-4493	
19161	Johnstone Financial Advisors	503-699-2929	
19171	Premier Martial Arts	503-675-7463	
HIDDEN SPRINGS ROAD INTERSECTION			
19200	Columbia Academy	503-699-1012	
	Emmanuel Presbyterian Church	503-636-7000	
19323	Oil Can Henrys	503-636-2627	
19335	West Linn North Liquor Store	503-697-3504	

ADDRESS	NAME	PHONE	NOTES
19339	Subway Sandwiches	503-699-7665	
19343	VCA West Linn Animal Hospital	503-635-3115	
19353	Darke Robert DDS	503-699-5900	
	Hidden Springs Family Dentistry	503-699-5900* Same phone as above	
19359	J Meyer Salon	503-635-4162	
19363 (cont)	Suns Up	503-558-0406	
19363	The UPS Store	503-636-7617	
19383	Hidden Springs Cleaners	503-635-1112	
MAPLETON DRIVE INTERSECTION			
19555	French Glenn Apartments		
4001 Robin Place	Hidden Village Apartments		

ADDRESS	NAME	PHONE	NOTES



LAKE OSWEGO TIGARD WATER PARTNERSHIP

4101 Kruse Way
PO Box 369
Lake Oswego, OR 97034

503-635-0270
www.lotigardwater.org

December 12, 2011

Dear Highway 43 Neighbor:

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You can learn more about the project and join our email list at www.lotigardwater.org. Our email list is a great way to stay informed of project progress. We look forward to talking with you as more is known about this project. In the meantime, you can reach us by phone or email.

Sincerely,

Jeff Selby
Citizen Information Coordinator
503-697-6502, info@lotigardwater.org

Enclosure

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Is a land use permit required from the City of West Linn to install the pipe? How can I follow that process?

A conditional use permit (CUP) is required for the portions of the pipeline that travel through West Linn.

A CUP requires a public hearing by the Planning Commission, notice to property owners within 500 feet of the impacted area, notice to the Robinwood neighborhood association, signs posted on the site(s) and a required neighborhood association meeting. That meeting provides you the opportunity to learn more about the application before it is filed, ask questions, and offer suggestions. The City of West Linn also posts its land use applications and schedules on its website, westlinnoregon.gov.

The project also requires submittal of a protection plan for natural resources and trees during construction. This will be submitted as part of the CUP for the pipelines.

Why do Lake Oswego and Tigard have water facilities in West Linn?

Lake Oswego gets its drinking water from the Clackamas River. An intake pump located in Gladstone pulls water from the river. The water travels in a pipeline from Gladstone, under the Willamette River to a treatment plant in the Robinwood neighborhood of West Linn. Treated water is piped from the treatment plant to Lake Oswego customers through pipeline in Kenthorpe Way and Highway 43. The project will expand and update facilities along this route including the Water Treatment Plant (WTP) and transmission lines in West Linn.

The Lake Oswego WTP and transmission lines were built in the late 1960s when these areas were unincorporated Clackamas County. Today these facilities are in the City of West Linn. It is not unusual for a water provider to have water facilities in another community. In fact, West Linn also gets its water from the Clackamas River. Water is treated at a Water Treatment Plant in Oregon City before it travels to customers in West Linn via a pipeline on the Interstate 205 (Abernethy) Bridge.

How long will construction last on Highway 43?

The pipeline will be installed in Highway 43 using traditional trenching methods. Depending on factors such as the presence of other utilities and soil type, approximately 50 feet per day of pipeline could be installed, limiting the amount of time that construction crews will be in any one location. Although we anticipate construction of the pipeline through West Linn and into Lake Oswego to occur for six months to a year between 2014 and 2015, it is too early to anticipate exactly when crews will be in any particular location.

What is the schedule?

The pipeline routes are still being designed. In general, the finished water pipeline on Highway 43 will occur as follows.

Task	Schedule
Design	Fall 2011 – Spring 2013
Land Use	
Pre-application & Neighborhood Meeting	Winter 2012
Submit application/hold public hearing	Spring – Summer 2012
Construction	2014 – 2015

Will travel lanes on Highway 43 be closed during construction?

It is very likely that travel lanes will be reconfigured during construction. Flaggers would be required to keep traffic moving in each direction and allow access to nearby neighborhoods. As a State road, Highway 43 is owned and operated by the Oregon Department of Transportation. They will allow construction only during the hours of 9 am through 3 pm. Although more costly, the project will consider working at night to minimize traffic impacts. We won't know details about the construction schedule or other plans until after designs are complete in 2013.

Will customers be able to reach my business on Highway 43 or visitors reach my home in a neighborhood off Highway 43?

Although we won't know construction plans for at least another year, the Partnership will work with businesses and nearby neighbors to maintain access to their businesses and their neighborhoods. The Partnership is open to suggestions about how to minimize impacts to local businesses and homes. Some strategies that can be effective include highly visible signage and weekly construction updates, including coffees at local businesses. These will be outlined in a construction management plan that will contain traffic management techniques as well. The Oregon Department of Transportation (ODOT) will attend the pre-application meeting and the project will be required to meet ODOT requirements for traffic control.

How will the road be restored after construction?

Roads will be restored to their previous condition or better after the pipeline is installed and tested.

Project Schedule

Design and Permitting.....2011

Construction.....Spring 2013 to 2015

Reducing Impacts in Your Neighborhood

Street cleaning and debris

The Project's contractors will be required to maintain a safe and clean work site and comply with Erosion Control Ordinances. To receive an Erosion Control Permit in most communities, a plan is required to keep streets and worksites free of dirt, sediment and debris.

Work hours

Hours of operation will be determined by the jurisdiction where the work occurs and will be made a requirement of the construction contracts. As an example, past work has been permitted by the City of Lake Oswego from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday, unless later hours are authorized by the City Manager. Generally, no work occurs on Sundays or major holidays unless specially authorized.

Traffic and parking

The Contractor will be required to follow a Traffic Control Plan prepared in conformance with State and City regulations. The plan will designate truck routes, detours, signs, and safety measures for pedestrians and cyclists. Access will be maintained for residents, businesses and emergency vehicles at all times. In some cases, parking may be temporarily prohibited in the construction area to maintain needed access.

Noise control

Construction sites are typically noisy, but many steps can be taken to minimize noise. The Partnership will require that the contractor submit a Noise Mitigation Plan. This Plan will state measures to be taken, including equipment selection, timing of noise generating activities to reduce impacts, and reducing idling time of equipment to lower emissions.

Street repair

Streets that are torn up for construction will be restored according to local codes. Street conditions will be assessed before, during and after construction and appropriate restoration will be made as needed.



Natural resources will be marked to ensure sensitive areas are avoided.



What to Expect During Construction

Water System - Under Construction

In August 2008, the cities of Lake Oswego and Tigard formally endorsed a Partnership Agreement for sharing drinking water resources and costs. This agreement was the result of a multi-year planning effort by Lake Oswego and Tigard to meet their obligation to continue providing reliable, safe drinking water to current and future residents and businesses.

Beginning in 2013, the Partnership will construct more than nine miles of pipeline from the Clackamas River in Gladstone through West Linn and Lake Oswego up to the Waluga Reservoir.

The following provides general information about the types of work expected. Project specifics will vary depending on the location. More information will be available once designs are complete and contractors are hired to construct the project starting in the spring of 2013.

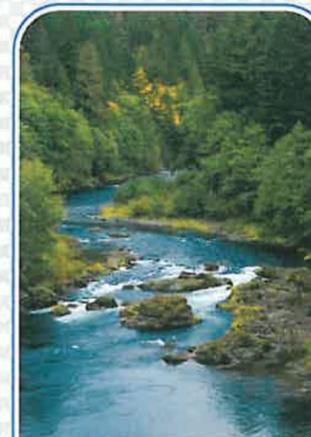


Crews conduct geological testing to determine soil conditions before pipe is installed.

Our Promise

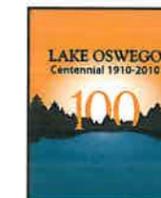
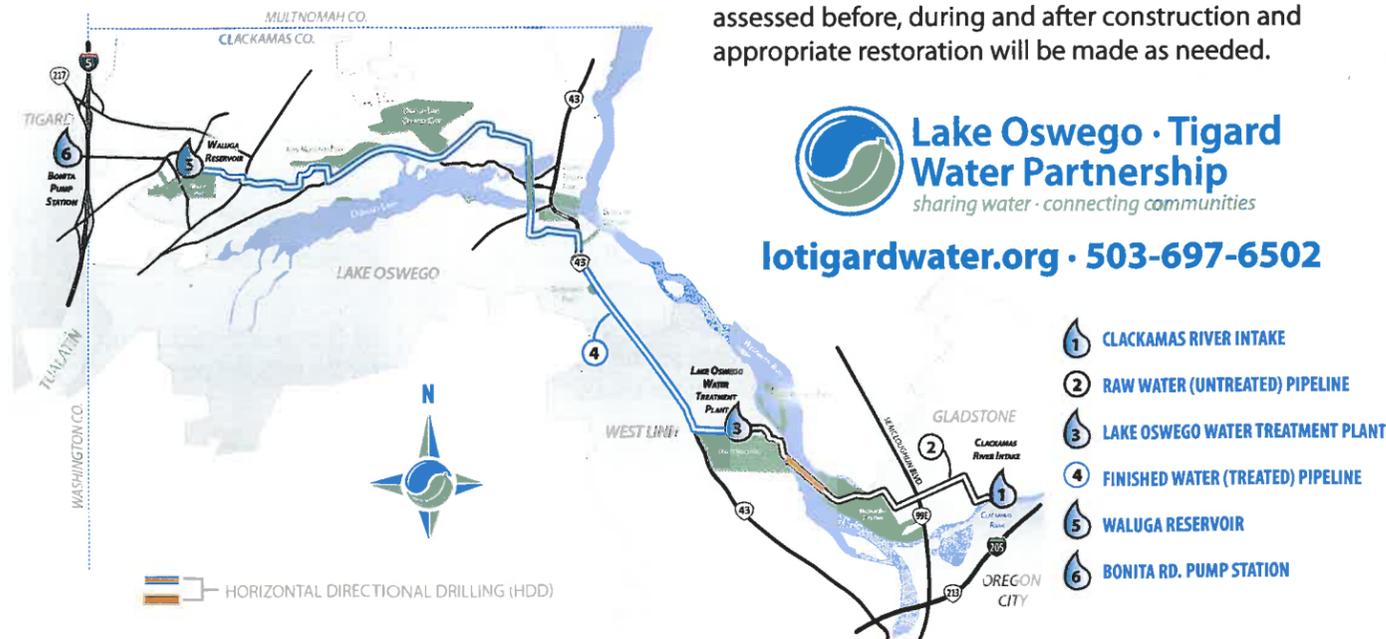
The Lake Oswego Tigard Water Project team is dedicated to:

1. Minimizing impacts to residents and the environment to the extent possible during the construction process;
2. Constructing a fiscally responsible project within a set time frame;
3. Avoiding unplanned interruptions to water service during construction;
4. Providing timely and detailed information about the construction process;
5. Listening to citizen concerns; and
6. Working with citizens to address their needs.



Lake Oswego has provided fresh Clackamas River water to customers since 1969.

Project Map



Construction Methods

What can neighbors expect?



When normal traffic operation is impacted, flaggers will direct vehicles.

Construction sites for water system projects are active places. You will likely see and hear heavy equipment like backhoes, cranes, concrete trucks and generators. Trucks may come and go delivering specialized equipment to the site, like tunneling and drilling machines; or supplies like pipe materials and gravel.

While work is taking place, excavation and earthwork activities can create dust or mud. Construction vehicles and possible road closures or detours can affect traffic. When normal traffic operation is impacted, flaggers will direct vehicles. Crews

will range in size from three or four people to a dozen or more depending on the type of work. Partnership staff will visit the site often to monitor construction activities.

Before construction starts, Partnership Project staff will hold a neighborhood meeting in your area. Information will also be shared with the area's neighborhood or business associations. When construction starts, nearby neighbors will always have a point of contact for asking questions or reporting concerns.

Cut-and-cover trenching

Most of the new pipelines will be installed using cut-and-cover trenching construction techniques. To minimize local disruption, trenching work is done in segments, with each segment taking several days or weeks to complete. When one segment is done, the construction operation moves to the next segment.

Most trenching operations take place in public streets or rights-of-way. First, equipment is used to break up the concrete and asphalt road surface. Then trenches are dug using backhoes and dump trucks remove excavated dirt. Depending on soil conditions or trench depth, the sides of the trench may need to be restrained (shored). When the trench is completed, workers lay new pipes and refill the trench with gravel backfill material. A crew may be able to install up to 100 feet of pipeline

per day, depending on a variety of factors such as haul distances for excavation spoils and imported backfill, location of staging/storage areas, and presence of other buried utilities.

After work is complete, the area gets temporary paving and workers move on to another section. Permanent pavement restoration occurs once pipe testing, disinfection and acceptance is complete. Each jurisdiction may have unique road restoration requirements.

Access to streets can be limited, and detours may be required. In some cases, a road might be closed temporarily, although local access would be preserved for residents. Detour plans are worked out in advance and must be approved by the City where the work will be performed.

Trenchless methods and drilling

Installing a new pipeline or repairing an existing pipeline can also be done using trenchless methods, such as tunneling or horizontal directional drilling. Trenchless methods are typically used to go under a busy roadway, railroad or stream—or to avoid a sensitive environmental area such as a wetland or steep slope. Trenchless methods are also considered when

pipelines are very deep and cut-and-cover methods pose safety issues.

Trenchless methods can be more costly and are only used in certain soil and ground conditions. For example, some trenchless methods may not work well if the ground has a high groundwater table or contains large boulders.

Tunneling

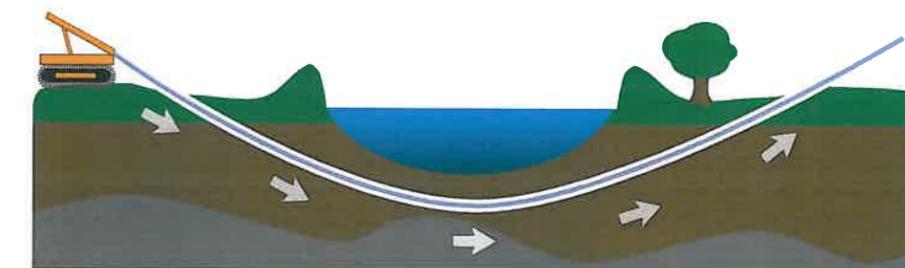
Tunnels are built using specialized tunnel boring machines. Building a tunnel often causes fewer impacts on a community because tunneling occurs underground. Tunneling causes noticeable impacts at access shafts where the machine is inserted and dirt is removed.

surrounding soil is supported with shoring.

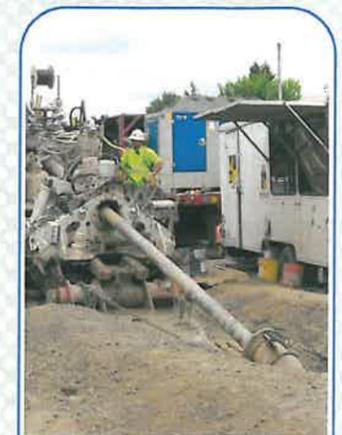
After a tunnel access shaft is built, much of the noticeable activity centers on removing the excavated dirt, called spoils. Trucks then transport spoils to a disposal site. Excavation and spoils removal will affect traffic as trucks come and go, and equipment will run on the site, sometimes continuously during work hours.

Construction starts with site preparation—fencing, grading and clearing vegetation. Then workers build the access shaft and the

Horizontal directional drilling (HDD)



Other trenchless methods are available for different soil conditions or through areas where surface disturbance is not feasible. Horizontal directional drilling (HDD) uses a drilling rig on the surface to install a drill pipe in a shallow underground arc. The drilling rig bores a pilot hole and then uses a reamer to enlarge the hole to the needed size. Pipe is then pulled through the hole. Directional drilling can require a large staging area so the pipeline can be pulled into the hole as a single piece. HDD is planned for under Oswego Lake and under the Willamette River.



HDD uses a drilling rig on the surface to install a drill pipe in a shallow underground arc.



A crew may be able to install up to 100 feet of pipeline per day, depending on a variety of factors.



HDD crew at the exit point for the installed pipe.

For more information

Visit lotigardwater.org or call 503-679-6502 for more information about the Lake Oswego Tigard Water Partnership.



How the Partnership Works

Under the partnership agreement, the City of Lake Oswego will manage and build the water system improvements. An Oversight Committee provides leadership and guidance, with representatives from Lake Oswego and Tigard City Councils. A technical team includes staff from both cities.

Costs will be allocated to Lake Oswego (46.5%) and Tigard (53.5%), recognizing Lake Oswego's ownership of existing facilities.

Public agencies typically sell bonds to fund large capital projects. Both cities have increased water rates to pay back the principal and interest on bonds.

Protecting Natural Resources

Lake Oswego and Tigard are committed to protecting and enhancing water quality and fish habitat in the Clackamas River, and are already working with Clackamas River Water Providers, Clackamas River Basin Council, US Geological Survey, and Clackamas County Water Environment Services to improve watershed conditions.



Clackamas River

Extensive federal and state environmental permit processes are in place to protect the Clackamas River and other natural resources. The project must meet all requirements of the agencies that hold permitting/approval authority.

Learn More

For more information about the Lake Oswego Tigard Water Partnership visit lotigardwater.org, call the Water Hotline at 503-697-6502, or contact:

Jane Heisler
Communications Director
City of Lake Oswego, Oregon
jheisler@ci.oswego.or.us
503-697-6502

New Treatment Method Increases Quality

The Clackamas River is a high-quality drinking water source that has served Lake Oswego for over 40 years. In a recent survey, 93% of Lake Oswego customers said they were "very satisfied" or "satisfied" with their drinking water. The partnership provides an opportunity to incorporate new technology into the water system. An analysis by experts in the field recommended converting Lake Oswego's aging water treatment plant to a new process: conventional filtration plus ozone. The addition of ozone treatment offers multiple benefits at a minimum cost to an average household that:

- Provides an additional treatment barrier to protect public health.
- Consistently produces water that is pleasant tasting, year-round.
- Reduces the amount of chlorine needed for disinfection.
- Is capable of meeting emerging concerns for pathogens, algal toxins, disinfection by-products, pharmaceuticals and personal care products.
- Represents proven technology, with the number of ozone installations increasing in Oregon and across the U.S. due to its ability to provide multiple water quality benefits.



"Ozone is the most powerful disinfectant for the removal of emerging contaminants of concern."

- Water Research Foundation, 2007



Lake Oswego · Tigard Water Partnership

sharing water · connecting communities

In August 2008, the cities of Lake Oswego and Tigard formally endorsed a partnership agreement for sharing drinking water resources and costs. Both cities want to keep water affordable for their customers and sharing the cost of new infrastructure to serve both communities does that.

The two communities will share Lake Oswego's high quality Clackamas River Water Supply.

Lake Oswego's water system is old, worn out and undersized.

Lake Oswego's system is at capacity and in need of substantial improvements. The City must move immediately to replace, upgrade and upsize key facilities regardless of whether Lake Oswego partners with Tigard.

Tigard needs a secure and reliable drinking water source.

For many years, Tigard has been seeking its own water supply, and has considered many options. Through the Partnership, Tigard customers will gain an ownership share of Lake Oswego's water infrastructure.

Partnership is good business.

Working together offers significant cost savings for Tigard and Lake Oswego water customers. Both communities conducted studies to examine their options and found it would cost significantly more for either community to make the necessary changes alone or with other partners.



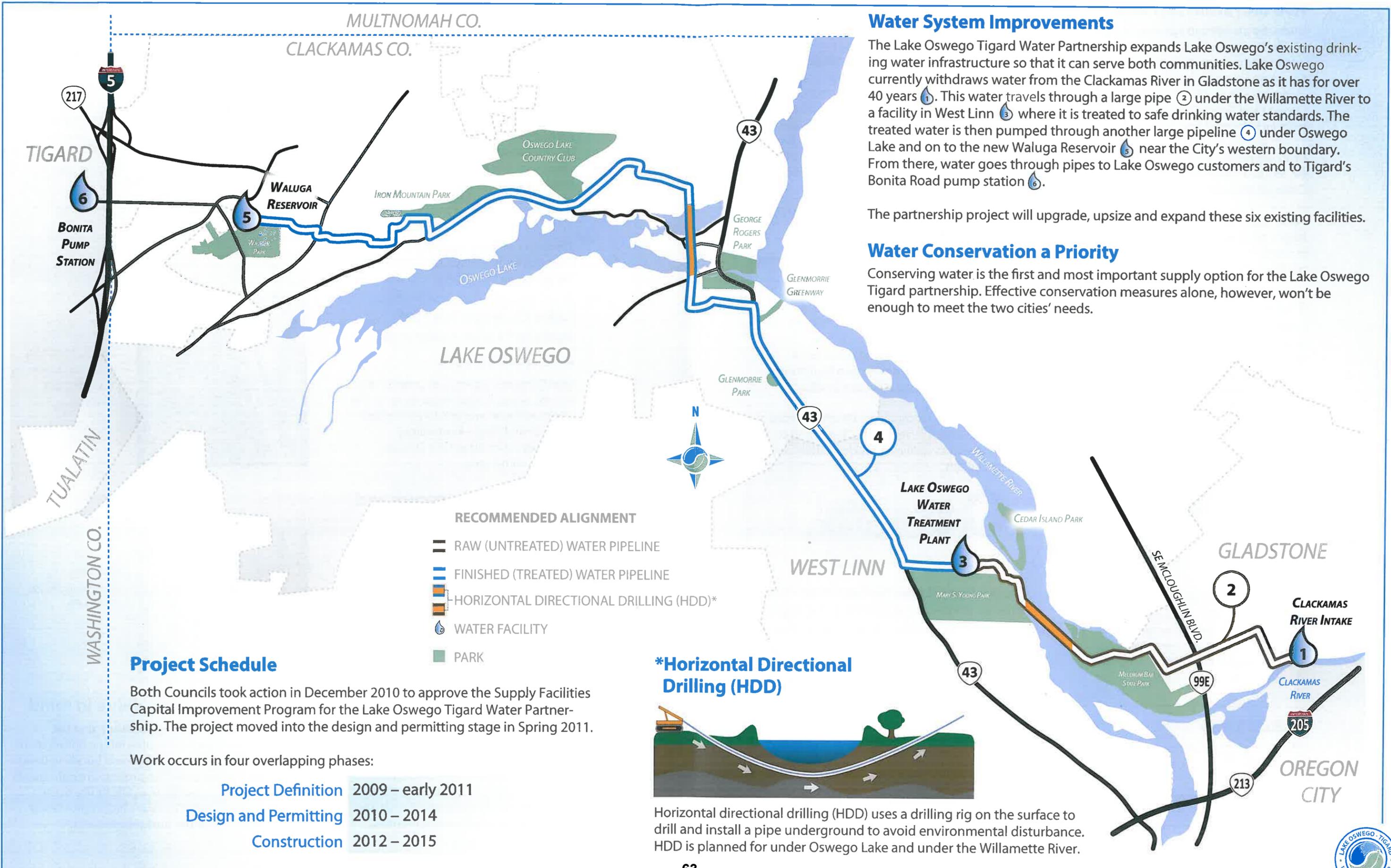
Water Treatment Plant Manager, Kari Duncan, tests water daily to ensure quality.



Lake Oswego's Water Treatment Plant in West Linn.

A Partnership with value in mind

The project team is working to ensure that the program delivers the most value for the dollars spent. Tools such as engineering audits and bundling design projects will help ensure that projects are right-sized, high-quality and cost-effective. Efforts like these helped complete Lake Oswego's Interceptor Sewer Project (LOIS) well under budget estimates.



Visited HWY 43 Businesses Who Requested to be on the LOTWP Email List

First Name	Last Name	Email	Address	City / St	Zip	Phone	Comments
Mike	Goodell	mgoodell@amfam.com	18615 Willamette Dr. Suite 200	West Linn, OR	97068	503-513-0777	
Shelley	Graf	shelley.graf@edwardjones.com	18625 Willamette Dr.	West Linn, OR	97068		
Amelia	Moore	amelia@phillypdx.com	18625 Willamette Dr.	West Linn, OR	97068		
Cathy	Cox	ccox@dogclub4u.com	18675 Willamette Dr.	West Linn, OR	97068		
Gail	Scully		18805 Willamette Dr.	West Linn, OR	97068		
Kelly	Davis	kdavis@airpride.com	18825 Willamette Dr.	West Linn, OR	97068		
Bree	Turner	bree@accurateaudiology.com	18829 Willamette Dr.	West Linn, OR	97068		
Thomas	Oh	pilwoong@gmail.com	19088 Willamette Dr.	West Linn, OR	97068		
Sue	Graves	susan.graves@davita.com	19056 Willamette Dr.	West Linn, OR	97068		
Rodney S.	Cole	rodney.cole@bankofthewest.com	18900 Willamette Dr.	West Linn, OR	97068		
Huey	Meeker	info@westlinnprimarycare.com	18670 Willamette Dr.	West Linn, OR	97068		
Bret	Reiner	bret.reiner@edwardjones.com	18625 Willamette Dr.	West Linn, OR	97068		
						503-685-5002	McDonald's; Mindy, Randi, Jared
Ann	Woods	drwoods@moderneyezvision.com		West Linn, OR	97068		
Ann	Woods	annwoodsod@gmail.com	18750 Willamette Dr., Ste. C	West Linn, OR	97068		
Don	Steiner	smileinndental@hotmail.com	18750 Willamette Dr., Ste. B2	West Linn, OR	97068		State Farm Agent
Judith	Jones	don@donsteiner.net	18750 Willamette Dr., Ste A2	West Linn, OR	97068		Starbucks
Christopher	Morris	morriscs@wellsfargo.com		West Linn, OR	97068		
Val	Mouser	magnoliaboutique@questoffice.net	19155 Willamette Dr.	West Linn, OR	97068		
Cheryl	Keicher	westlinnhairport@yahoo.com	19145 Willamette Dr.	West Linn, OR	97068		
Tim	Andersson	techsupport@acecomputerrepair.biz	19125 Willamette Dr.	West Linn, OR	97068		
Frank	Sioda, DMO	psioda@msn.com	18676 Willamette Dr., Ste. 202	West Linn, OR	97068		
Dana	Yip	grin@oregonkidsdentist.com	18676 Willamette Dr., Ste. 301	West Linn, OR	97068		
Holly	Baird	holly.baird@vcahospitals.com	19343 Willamette Dr.	West Linn, OR	97068		
Robert	Darke	hsdentistry@comcast.net	19353 Willamette Dr.	West Linn, OR	97068		
David	Goldfarb	store4182@theupsstore.com	19363 Willamette Dr.	West Linn, OR	97068		
Rob	Faria	robfarria@sunsuptanningcenters.com	15021 SE McLoughlin Blvd.	Portland, OR	97267		
		ppmfglen@comcast.net	19555 Willamette Dr.	West Linn, OR	97068		French Glen Apts.
Lori	Fields		18750 Willamette Dr., Ste. E	West Linn, OR	97068		
Mary	Edwards	medwards@wlfhc.com	18380 Willamette Dr., Ste. 202	West Linn, OR	97068		
Mike	Hazel	mchazel@comcast.net	18607 Willamette Dr.	West Linn, OR	97068		
Lynne	Wagner	hiddenv@gres.com	4001 Robin Place	West Linn, OR	97068		
		epcwestlinn@comcast.net		West Linn, OR	97068		Hidden Village
Lisa	Newbore	lnwbore@hotmail.com		West Linn, OR	97068		Emmanuel Presbyterian
Peter	McDougal	mcdougap@wlvw.k12.or.us		West Linn, OR	97068		



Dear West Lynn Planning Commission Members,

My name is Martin Gilton; I am a manager at the Wal-Mart Neighborhood Market in the Robinwood shopping center. I would like to say a couple things on the new proposed water pipeline.

First as a business in the area I am concerned with the loss of sales to the local businesses including ours. I understand that the work on the road will be done in the overnight hours, however our store is open twenty four hours and this will still impact our sales. During this time the shopper will have to choose a different place to shop. When the pipeline is done the shoppers might not come back to the Robinwood shopping center

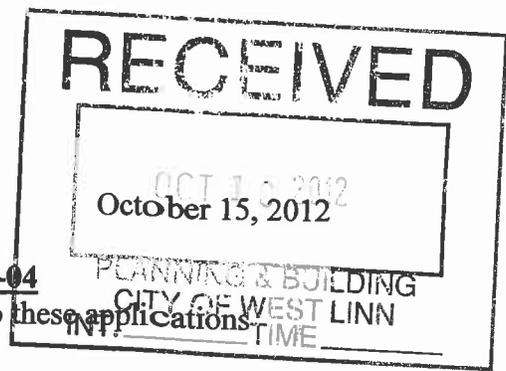
Second, being a good neighbor we have heard many customers that oppose the new pipeline and as a good neighbor we would like to stand behind our customers and show our support to them.

Thank you for your time

A handwritten signature in black ink, appearing to read "Martin S. Gilton". The signature is written in a cursive style with a large, sweeping initial "M" and a long horizontal stroke across the middle.

Martin S. Gilton

submitted by Vicky Smith



To the West Linn Planning Commission:

CUP 12-02 and CUP 12-04

Thank you all for the time and attention you have brought to these applications.

Early in my career, I was lucky to have been mentored by a national leader in Safety and Security and 30 years later we still work together on major infrastructure projects. He instilled in me the importance of evaluating safety issues early in the planning of any project.

I have chosen to address this fundamental issue tonight. Safety has been one of our neighborhood's primary concerns from the beginning.

For more than a year, the neighborhood has asked both the applicant and City staff to confirm that a Vulnerability Assessment was performed on **THIS PROJECT**. The purpose of that request was simple. It was to ensure:

- That the assessment was done and shared with the appropriate departments within the COWL.
- That the staff briefed the Planning Commission and City Council on the findings.
- That the Planning Commission knows the risk reductions and risk mitigation measures instituted by the applicant.
- That any future costs required by the COWL as a first responder would be passed on to the applicant.
- Our neighborhood and nearby Primary School are **SAFE**.

It appears NO study was done on the proposed plant. So why is that important?

Because the COWL staff says the application complies with all the requirements and we DO NOT AGREE.

Specific to CUP 12-02 - Water Treatment Plant

In the UPDATED staff report on Page 7, NO updates to Safety were mentioned, even though SAFETY was identified as a "Central Issue" in the April 2012 staff report.

CDC 60.070(A)(7) – REQUIRES: The use will comply with the applicable polices of the Comprehensive Plan.

The first Comprehensive Plan Goal the staff report cites is:

Goal 2 – Land Use Planing. Section 1 Residential Development Policy 8. STATES: **Protect** residentially zoned areas from negative impacts of comercial, civic, and mixed use development and other incompatable land uses.

The first word is protect. The document from the application that addresses protection is:

Safe Operations Plan. – Submitted 8/20/12

2.1 Site Security (Page 2)

After the events of September 11, 2001, a Presidential Directive created the Department of Homeland Security. Because of the critical importance of drinking water facilities to the security of communities nationwide, public law (PL 107-188), the Bioterrorism and Public Health Security Act, required all community water systems to assess the vulnerabilities of their critical water infrastructure to intentional malevolent acts. Lake Oswego submitted the findings and recommendations of its Vulnerability Assessment to EPA in 2004.

Really 2004! There are residents within only a few feet of this property and Cedar Oak Primary school is less than 1000 feet away. A Vulnerability Assessment for a facility that is being replaced **is NOT a valid assessment.**

Until a valid Vulnerability Assessment on the PROPOSED Water Treatment Facility is preformed, UTILIZING EVERYTHING that has been learned and implemented in the EIGHT years since the applicant's last assessment, how can the City of West Linn know the potential risks or if the applicant has taken any steps to mitigate them.

The applicant has told the COWL that they are following OAR 333-061 *Public Water Systems*.

Why is this relevant?

Because OAR 333-061-0064 *REQUIRES* an Emergency Response Plan. Specifically, “**All public water systems shall complete a security vulnerability assessment and develop a prioritized plan for risk reduction.”**

We are NOT making an unreasonable request. We are ONLY asking that the applicant meets minimum requirements so that our city officials can make decisions based on FACTS.

The staff references another Comp Plan Goal. Specifically:

Goal 11 – Public Services and Facilities. Policy 11 – Ensure costs for NEW infrastructure and the cost to MAINTAIN existing infrastructure are borne by the user. In this case the applicant.

This goal has bearing on both CUP permits and these applications DO NOT comply with this Goal and we will explain why.

With regard to the plant, the City will assume increased costs for police support at a minimum. The potential costs the City assumes with the pipeline is much higher.

Why, because they are trying to squeeze this 4 foot pipe into the paved portion of Mapleton, a vary narrow corridor already FULL of other utilities.

I have listed a few of the City of West Linn's Design Standards for your information, they focus on the standard separation between water and sewer pipes.

3.300 Public Works Standards.

(1) All public works shall be designed and constructed according to the City of West Linn Public Works Standards, a copy of which is on file at City Hall. The City of West Linn Public Works Standards may be amended as provided in subsections (2) and (3) of this section

4.0010 General Design Requirements

A. Water distribution systems shall be designed to meet State Water Administrative Rules, AWWA Standards, and guidelines of these City of West Linn Design Standards.

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.

The City's standards are NOT excessive; in fact they are very commonly used standards all over the United States. These standards are used to not only ensure safe drinking water, but also minimize the risk to the integrity of both systems. Review of these standards across the country shows that as the size of the pipes increase so do the "additional conditions" many jurisdictions require. West Linn is allowing the applicant to move these pipes CLOSER together. We think this is the WRONG direction.

Review of the recent field survey of the transmission pipeline, highlights this concern. This 4 foot pipe DOES NOT fit in our street. Almost the entire 3000 foot length of the transmission line, in Mapleton, fails to meet these City standards.

MOST concerning is that in many locations the 4 foot pipe is only a few feet away from the sewer line, power poles, the proposed domestic waterline and significant trees. EACH of these "tight spots" increases the risk to the "adequate" installation of this significant pipeline. Can satisfactory compaction be achieved with so many other things in the way?

By approving these applications, the City of West Linn muddies the liability waters and is accepting the potential of higher future maintenance costs by:

- Increasing the risk to the integrity of their OWN facilities, namely sewer and waterlines,
- Increasing their OWN future maintenance costs
- Increasing costs to residents for any maintenance to water, sewer or gas service lines.

In closing both applications: fail to meet fundamental CDC and Comprehensive Plan goals, increase risks to our entire community and do NOT fit or belong in our neighborhood.

Alternative Site (and Source) Suggestion

The applicant's lawyer began the presentation stating Alternative Site or Source Analysis' are NOT germane. **We respectfully disagree.**

Before any public entity imposes hardships of any kind they have an implied obligation to evaluate alternatives. In addition the basic tenet of a Conditional Use is that it MAY be allowed – not **WILL** be allowed, which presumes alternatives have been considered.

CDC 11.060 CONDITIONAL USES

The following are conditional uses which may be allowed in this zoning district **subject** to the provisions of Chapter 60 CDC, Conditional Uses.

You have heard the public suggest several alternatives. We RESUBMIT another very viable alternative that preserves WEST LINNs inter tie. We **STRONGLY** urge the Planning Commission to require the applicant to evaluate alternatives **BEFORE** you consider these applications.

Alternative Site (and Source) Suggestion Specifically:

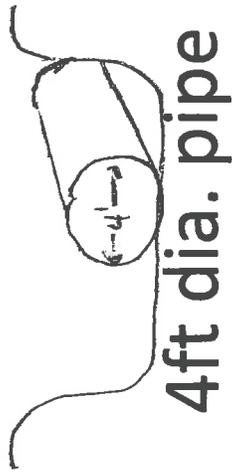
- Lake Oswego and Tigard have sufficient existing and transferable water rights on the Willamette River and could use this source instead of the Clackamas River.
- The Alternative site premise is based on the understanding that both the existing intake and plant are being completely overhauled and/ or rebuilt.
- If the intake was built on the Willamette and plant were designed on a new site instead of working within the limitations of an existing plant and site, it most likely could be accomplished more efficiently from a size, dollars, and schedule standpoint.
- Within Lake Oswego there are several possible locations, including the Foothills district, still allowing for streetcar and other planned improvements. The Foothills area is only mentioned because of its existing industrial zoning and proximity to the Willamette where a new intake could be located.
- An intake and plant located in Lake Oswego would eliminate more than 4 miles of 48-inch pipe saving several millions of dollars.
- Eliminating over 4 miles of large pipe construction would avoid SEVERAL environmentally sensitive areas including parks, streams and protected waterways along their route from the Clackamas River, through Gladstone, UNDER the Willamette River, thru West Linn and into Lake Oswego.
- Much of the existing transmission line in Hwy 43 from Lake Oswego to the WEST LINN inter-tie could be maintained to **provide the same back-up services it does today.**
- Lake Oswego's current plan completely upgrades their old water treatment plant with state of the art water treatment. It follows that you should be able to provide this same state of the art treatment to the Willamette river water, learning from Wilsonville's brand new facility also located on the Willamette River and from the Coca Cola plant in Wilsonville that we understand produces DASANI bottled water.
- By building on a new site, this allows the added cost benefit of keeping the existing plant and transmission line online until the new facility is tested ad ready to be turned on.

Comparison:

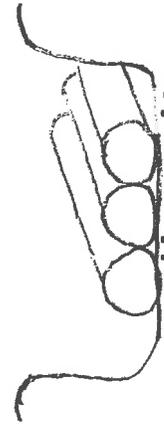
Lake Oswego's treatment plant "upgrade" is estimated to cost \$80 Million dollars and take over 3 years to build within a residentially zoned R-10 neighborhood. In stark comparison, the new Willamette River Water Treatment Plant in Wilsonville cost \$43.8 million and was constructed in less than two years.

The Wilsonville plant abuts a neighborhood and yet they allocated 20 acres to buffer the treatment plant. Lake Oswego's planned expansion is in the middle of a residential area and is less than 10 acres and the buffers are not adequate.

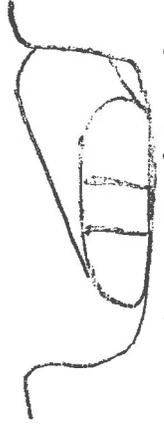
Pipeline Configurations In the Willamette river



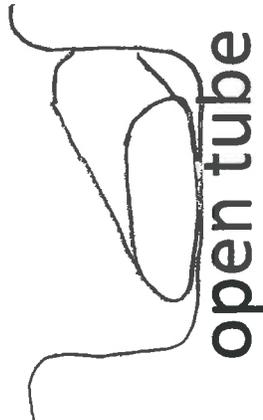
4ft dia. pipe



smaller dia.



Sectioned tube



open tube

No need for stop-gates.

Best safety option possible. In case of breach, the fish won't drown.

RECEIVED

OCT 15 2012

PLANNING & BUILDING
CITY OF WEST LINN
INT. _____ TIME _____

CUP-12-04/DR-12-14/MIS RECEIVED OCT 15 2012

TO: West Linn Planning Commission
RE: Lake Oswego-Tigard Water Partnership
Date: October 18, 2012

RECEIVED
Letters can be mailed to:
 West Linn Planning Commission
 2250 O Salamo Road
 West Linn, OR 97068

OCT 15 2012

PLANNING & BUILDING
 CITY OF WEST LINN

INT. TIME

I would like to submit this letter to the West Linn Planning Commission as my recorded testimony regarding the Conditional Use Permit for the pipeline project proposed by the Lake Oswego-Tigard Water Partnership. The cities of Lake Oswego and Tigard have formed a partnership which has requested a Conditional Use Permit to expand the current water treatment plant on Kenthorpe Way in West Linn in order to provide drinking water for the City of Tigard. The pipeline project at issue goes hand-in-glove with the proposed expansion of the water treatment plant. I am unconditionally opposed to both of these proposals.

First, I would like to emphasize that these proceedings are conducted under the WEST LINN Community Development Code. Not the Lake Oswego or Tigard Community Development Code. No, it is the West Linn Community Development Code. So the use of the word "community" throughout the code, necessarily and logically refers to the Community of West Linn.

§01.020 of the CDC states that the purpose of the CDC is to maintain and improve the existing character and quality of West Linn. That purpose, in and of itself, should be considered a requirement for approval of anything under any section of the CDC. The existing character of Mapleton Drive is a residential street. That is what it was zoned for. The original owners of the land felt so strongly about this that they attached CC&Rs to ensure that it stayed this way forever. Allowing an industrial plant expansion into this neighborhood is contrary to the purpose of the CDC. This plant will not maintain the existing character and quality of this part of West Linn and it certainly will not improve it.

§60.070.A.3 of the CDC requires that the "granting of the proposal will provide for a facility that is consistent with the overall needs of the community."

Webster's Dictionary defines the term "overall" as "a. in view of all the circumstances; b. as a whole; or c. with everyone or everything taken into account." The use of the word "overall" in the CDC is significant because it requires you, the Commission, to take all considerations into account when determining if a project meets the standard.

The Staff report states that this condition is met by the applicant's claim that this pipeline and the expanded WTP will "potentially" save WL ratepayers \$11.6MM by downsizing the Bolton Reservoir Replacement and expanding the intertie. Last night we heard that this figure is derived from their estimated cost for the City of West Linn to build a redundant supply line from our South Fork water treatment facility under or over the Willamette River. This is a red herring. This solution was discussed in the City's Water System Master Plan and rejected.

LOT has continually touted the intertie as the benefit that makes this project beneficial to the community of West Linn. You have already heard the very valid argument that the intertie already exists and that it cannot be used to justify this expansion. The existing IGA does not terminate if this project is built. They want the intertie as much as we do. Furthermore, this project will require West Linn to spend significant dollars to configure the intertie and these costs must be considered.

Even if you accept the intertie as a benefit to the community of West Linn and if you accept that this intertie avoids the costs we might otherwise incur to build other sources of emergency water, you still must view the project's overall impacts in order to determine whether the standard is met.

Saving money for West Linn ratepayers is only one need of the community. West Linn citizens also need peace and quiet, access to their homes, access to local businesses and access to schools. We need to know that our homes and our families are as safe as they can be.

This project will disrupt the lives of every West Linn citizen for several years due to the construction. It will disrupt local businesses by restricting their customers' access. It will increase the response times for emergency services. There will be damage to property. There will be injuries.

It will create additional safety risks for our children going to school. As parents, we must be vigilant in this day and age. We watch out for unknown people in the neighborhood. This project will introduce dozens of strangers into our neighborhood. Most of these strangers will be there to work. Most of these strangers will not pose a threat to our children. But how are we to be sure?

My dog goes crazy every Tuesday morning when the trash trucks come down the street. What will she do when there are dump trucks going by every day, all day long?

It will put a large industrial facility on a plot of land that has been intended, since the 1940's, to be reserved for single family homes.

It has already cost the citizens of West Linn countless hours spent trying to make LOT understand what they could do to make this project more palatable. These hours were largely wasted because they didn't want to hear it.

If the project is denied, these properties could be turned back to private ownership, which would mean additional property tax revenue to the City.

They talk about "potential" savings to ratepayers. Let's consider the "potential" property damage and loss of life in the event of a natural disaster. While I don't doubt that the engineers have done what is required to safeguard against these possibilities, we all know of examples when these safeguards have failed. They really won't know if these designs can withstand the 9.0 earthquake until it happens, and then it will be too late.

We all understand that a water treatment facility is considered to be a critical piece infrastructure and, as such, is a "potential" target for a terrorist attack. What is the "potential" collateral damage that we will suffer because this facility was built in a residential neighborhood?

The bottom line is that allowing this facility to be built here will introduce new risks to the lives and properties of West Linn citizens. They may call these risks minimal, but they are real.

All of these effects must be quantified and then weighed against any claimed benefit that will be achieved by the granting of this project. Only then, can you really know whether this project is consistent with the "overall needs of the community".

After all, if you gave me a \$5 bill and then shot me in the head, would you say that I benefitted?

I believe that when this analysis is completed, you will find that this project does not meet the criteria and must therefore be rejected.

Mr. Chairman, Members of the Commission, I'm angry. I deeply resent that another city has come into my neighborhood, on my street, to try to build this monstrosity for their benefit. I'm angry that they have forced me, my neighbors and my friends to spend so much of our free time over the past several years to address this project. This is time we could have spent with our families, enjoying our community, watching our kids grow. I'm furious that they

want to impose on my enjoyment of my family and my home for a further three years while this thing is constructed. I have been sued to force condemnation of the CC&Rs that protect my property from the construction of such a plant on my street. They have done all this because they don't have the guts to suggest to their own citizens that the right thing to do would be to build this plant in their city. They say that this site is the only option because any other site would cost so much more. But they haven't even done the work to prove that. This, too, makes me angry.

Yes, they were a good neighbor, but they have worn out their welcome. I don't want this plant here. We don't want this plant here. Please tell them that they can't put it here.

Respectfully Submitted:

Sam Stephens

Name

3990 Mapleton Dr., West Linn, OR 97068

Address

Submitted by Jack Narby



Oregon Water Resources Department
Water Rights Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-32410 (modified by Permit Amendment T-8538)) PROPOSED
Water Right Application S-43365, in the name of the) FINAL ORDER
City of Lake Oswego)

Permit Information

Application File S-43365 / Permit S-32410 (modified by Permit Amendment T-8538)

Basin 02 - Willamette Basin / Watermaster District 20

Date of Priority: March 14, 1967

Authorized Use of Water

Source of Water: Clackamas River
Purpose or Use: Municipal
Maximum Rate: 50.0 Cubic Feet per Second

This Extension of Time request is being processed in accordance with Oregon Administrative Rule Chapter 690, Division 315.

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

This Proposed Final Order applies only to Permit S-32410 (modified by Permit Amendment T-8538), water right Application S-43365. Copies of Permit S-32410 and Permit Amendment T-8538 (Special Order Volume 54, Page 677) are enclosed as Attachment 1:

Proposed Final Order: Permit S-32410 (modified by Permit Amendment T-8538)

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OWRD Application S-43365

Consolidated Case
OWRD Exhibit A-1
Page 53 of 142

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for municipal and/or quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use. Under specific circumstances, the Department may condition extensions of time for municipal water use permit holders if use of the undeveloped portion of the permit will not maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

OAR 690-315-0090(3) authorizes the Department, under specific circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

FINDINGS OF FACT

Background

1. Permit S-32410 was granted by the Department on October 19, 1967. The permit authorizes the use of water up to 50.0 cfs from the Clackamas River, a tributary of the Willamette River, for municipal use. It specified that construction of the water development project should be completed by October 1, 1969, and that complete application of water was to be made on or before October 1, 1970.
2. On September 11, 2000 the Department approved Permit Amendment T-8257 (Special Order Volume 54, Page 677) authorizing a change in place of use to include, in addition to the City of Lake Oswego, the Cities of Tigard and Tualatin.
3. On November 14, 2001 the Department issued Certificate 78332 to confirm the incremental perfection of Permit S-32410 for 25.0 cfs of water.
4. Five prior permit extensions have been granted for Permit S-32410 (modified by Permit Amendment T-8538). The most recent extension request resulted in the completion dates for construction and full application of water being extended to October 1, 2000.
5. Due to an ongoing permit extension rulemaking, the Department placed all pending Applications for Extension of Time for municipal and quasi-municipal permits on hold and did not require municipal and quasi-municipal water use permit holders to submit Applications for Extension of Time until the new rules were adopted.
6. Municipal and quasi-municipal water use permit extension rules OAR 690-315-0070 through 690-315-0100 became effective on November 1, 2002, were amended, filed with the Secretary of State, and became effective on November 22, 2005.
7. The permit holder, the City of Lake Oswego (City) submitted a \$100.00 application fee and an "Application for Extension of Time" to the Department on July 1, 2003, requesting the time to complete construction of the water system and apply water to full beneficial use be extended

Proposed Final Order: Permit S-32410 (modified by Permit Amendment T-8538)

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from October 1, 2000 to October 1, 2040.

8. Notification of the City's Application for Extension of Time for Permit S-32410 (modified by Permit Amendment T-8538) was published in the Department's Public Notice dated July 29, 2003. No public comments were received regarding the extension application.
9. On April 18, 2005, January 17, 2006, November 7, 2006, and May 15, 2007, the City submitted additional information to supplement their Application for Extension of Time.

Review Criteria for Municipal and Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]
The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080(1). This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0080(1)(a)]

10. On July 1, 2003, the Department received a completed Application for Extension of Time and the fee required by ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0080(1)(b)]

11. Surface water permits held by municipal corporations for municipal purposes or uses are not subject to the requirement to begin actual construction work within one year from the date of approval of the application⁵.

Duration of Extension [OAR 690-315-0080(1)(c), (d)]

Under OAR 690-315-0080(1)(c), (d), in order to approve an extension of time for municipal and quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

12. The remaining work to be accomplished under Permit S-32410 (modified by Permit Amendment T-8538) consists of (1) planning for provision to expand municipal services into the Stafford Urban Reserve Area, (2) upsizing and expansion of raw and treated water pumping and conveyance systems and treatment, (3) sizing raw and finished water piping to convey 59 cfs of water, (4) construction of distribution systems including pump stations, reservoirs, and

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 537.010(5) applies to surface water and ground water permits

⁵ Section 5, chapter 410, Oregon Laws 2005, provides:

Sea. 5. (2) The amendments to ORS 537.230 and 537.630 by sections 1 and 2 of this 2005 Act apply to requests for extensions of time to complete construction or to perfect a water right made before, on or after the effective date of this 2005 Act, whether or not construction has commenced under a permit prior to the request.

transmission mains to Stafford area, (5) possible expansion of raw and treated water pumping capacity, and (6) completing construction of the water system and applying water to full beneficial use.

13. As of July 1, 2003, the permit holder has diverted the 25.0 cfs of the 50.0 cfs of water allowed under Permit S-32410 (modified by Permit Amendment T-8538 for municipal purposes; the City received confirmation of the incremental perfection for this 25.0 cfs by Certificate 78332. None the remaining 25.0 cfs of water under Permit S-32410 has been diverted.
14. In addition to the 50.0 cfs of water allowed under Permit S-32410 (modified by Permit Amendment T-8538) from the Clackamas River, the City holds the following rights:
 - Permit S-37839 for 9.0 cfs of water from the Clackamas River, tributary of the Willamette River;
 - Permit S-43246 for 6.0 cfs of water from the Willamette River, tributary of the Columbia River;
 - Groundwater Registration GR-3819 for 0.78 cfs from Well 2;
 - Groundwater Registration GR-3820 for 0.98 cfs from Well 4; and
 - Groundwater Registration GR-3821 for 0.78 cfs from Well 3.
15. The City's municipal water rights total 67.54 cfs, being 65.0 cfs of live flow (surface) water, and 2.54 cfs of ground water. According to the City, the 2.54 cfs of ground water is not being utilized at this time. Wells 3 and 4 have been abandoned, and water from Well 2 (GR-3819) is only used sparingly in the hottest part of dry summers to meet peak demands. The City has not yet made use of 34.0 cfs of water from the Clackamas River, being 9.0 cfs of water under Permit S- 37839 and 25.0 cfs of water under Permit S-32410 (modified by Permit Amendment T-8538). The City has not yet made use of 6.0 cfs of water from the Willamette River under Permit S-43246. The City's current system supply capacity is limited by the production of its water treatment facility, which is approximately 24.8 cfs.
16. The City currently serves retail customers within the City of Lake Oswego city limits ("City only"), and residents of water districts outside of the city limits, but within the Urban Service Boundary (USB). The City has agreements to provide water to the Lake Grove Water District, Skylands Water Company, Glenmoirre Water Company, and the cities of Tigard and Portland/Arrowood/Alto Park. The City also maintains emergency interties with the cities of West Linn/South Fork Water Board and Tualatin, and the Rivergrove Water District. A 925-acre developable area called the Stafford Triangle located south of the USB is not currently served by the City, but is expected to be included in the City's service area prior to 2030.
17. The City has agreed to begin supplying up to 3.9 cfs of surplus water to the City of Tigard beginning in June 2007 under the terms of an existing intergovernmental agreement.
18. According to the Lake Oswego's 2007 draft Water Management and Conservation Plan (draft WMCP) (Exhibit 5-4, Page 5-5), the City's maximum day demand is approximately 25 cfs.

19. According to the City's draft WMCP, in 2005 (Exhibit 5-3, Page 5-4), the service population within the city limits of the City of Lake Oswego ("City only") was estimated at 33,278 and is projected to grow at an annual rate of less than 0.5 percent, reaching an estimated service population of 37,697 by the year 2030. In 2005, the service population of residents within water districts outside of the city limits, but within the Urban Service Boundary was estimated at 6,543 and is expected to grow at an annual rate of 1.69 percent, reaching an estimated service population of 9,578 by the year 2030. Thus, the service population within the City's entire Urban Service Boundary (USB) is estimated at 47,275 by the year 2030. The USB service population is estimated to be 54,098 at build-out. The current population of the Stafford Triangle is estimated at 1,707 and is projected to yield a population of 2,595 in 2030.
20. According to the Lake Oswego's 2007 draft Water Management and Conservation Plan (draft WMCP) (Exhibit 5-4, Page 5-5), the City's maximum day demand (including Stafford Triangle) will be 30 cfs in 2030, and will reach approximately 37 cfs at build-out.
21. In November 2006, the City completed a Joint Water Supply System Analysis with the City of Tigard; the analysis concludes significant benefits are derived for each city by partnering for future supply development. According to the City, the timing of utilizing the undeveloped portion of Permit G-37839 is driven by Lake Oswego's current demand patterns and forecasted growth, and Tigard's objective of securing access to a firm source of water supply by 2016. According to the City's draft WMCP (Page 5-7), a service to Tigard of 20.6 cfs of water during maximum day demand periods will result in full use of the City's 50 cfs under this permit, but once the City reaches its projected build-out of 37.0 cfs, Tigard could be limited to 22.1 cfs based on the City's total Clackamas River water rights of 59.0 cfs.
22. The City has requested to reserve 9 cfs for potential sale to the City of Tualatin in absence of continuing to supply of water to the City of Tigard; a modest expansion of an existing intertie would allow the City to supply water to the City of Tualatin.
23. Therefore, considering the water rights held by the City full development the 50 cfs under Permit S-32410 (modified by Permit Amendment T-8538) is necessary to address the present and future water demands of the City, as well as helping to meet supplemental and future regional water demands.
24. The City's request for an extension of time until October 1, 2040 to complete construction of the water system and to apply water to full beneficial use under the terms of Permit S-32410 (modified by Permit Amendment T-8538) is both reasonable and necessary, considering findings in this PFO, including:
 - the amount of development left to occur,
 - the reliability of the other water rights held by the City,
 - the City's projected annual growth rate within its USB,
 - the City's commitment to supply surplus water to other entities through intergovernmental agreements,
 - the potential for the City to enter into a water supply agreement with the City of Tigard

Proposed Final Order: Permit S-32410 (modified by Permit Amendment T-8538)

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or the City of Tualatin, and

- the potential for the reliance of other entities on the City to meet their present and projected demands for water.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-x)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3).

Reasonable Diligence and Good Faith of the Appropriator OAR 690-315-0080(3)(a),(c) and (4)

Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a municipal or quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.

25. During the most recent extension period under Permit S-32410 (modified by Permit Amendment T-8538), being from October 1, 1995 to October 1, 2000, the following work was accomplished by the City:

- supplied the City of Tigard an annual average daily basis of 2.5 cfs of water,
- enacted Ordinance 2142 authorizing membership in the Region Water Providers Consortium and endorsing the Region Water Supply Plan,
- funded the development of a Water Treatment Plant Facilities Plan evaluating plant needs through the year 2050 including build-out needs supporting potential water supply to both the City and the City of Tigard,
- active participant in the Clackamas River Basin Council (CRBC) and adopted Resolution R97-33 authorizing the joint funding of a staff support position to the CRBC,
- along with NCCWC, CRW, SFWB, the Cities of Estacada and Milwaukie, Water Environment Services, Portland General Electric, and the Clackamas River Basin Council, formed the Clackamas Watershed Management Group (CWMG) which supports research and projects designed to benefit the Clackamas River,
- adopted Resolution R98-50 authorizing the City's participation with other Clackamas River Water Providers (CRWP), in the joint development and use of the Clackamas River, which encompasses water quality monitoring, watershed assessments, sanitary surveys and public outreach,
- completed construction of a 5-MG water storage reservoir,
- issued \$7.82 million of water revenue bonds to fund design and construction of two new water storage reservoirs, upgrades to the City's water treatment plant, intake facility, and raw and finished water transmission mains,
- supplied the City of Tualatin over 30 cfs of water in December of 1999 when their primary supply from Bull Run Reservoir was temporarily discontinued due to high

turbidity conditions,

- completed construction of an impressed current cathodic protection system for the raw and treated water transmission pipelines,
- completed construction of a 4-MG water storage reservoir, and
- received a final order for permit amendment T-8538 authorizing a change in place of use to include the Cities of Tigard and Tualatin.

26. Since October 1, 2000, the following work has been accomplished:

- entered into an intergovernmental agreement with the City of West Linn and South Fork Water Board to jointly fund design and construction of a water system intertie,
- provided 4.95 cfs of water daily to the City of West Linn January 1 to April 2001,
- completed a January 2001 Water Master Plan update,
- completed construction of seismic upgrades to the City's water treatment plant,
- completed a Biological Assessment for the City of Lake Oswego Clackamas River Water Intake Modifications (MWH, 2002),
- received a Biological Opinion for the Lake Oswego Water Intake, prepared by the National Marine Fisheries Service (NOAA/NMFS, 2002/00556),
- completed a Joint Water Supply Agreement Analysis with the City of Tigard,
- as a member of CWMG, funded monitoring, sampling studies, and support of the Clackamas River Basin Council (CRBC) between 2000 and 2004, and thereafter funded a modeling project for future demands and pesticide studies with the USGS, worked with the CRBC on the Clackamas Watershed Assessments and Action Plan, and monitored for water quality and stream flows,
- as a member of CWMG, partnered with the United States Geological Survey (USGS) to complete two studies regarding pesticide levels in the lower Clackamas Basin,
- as a member of CWMG, partnered with the United States Geological Survey (USGS) to complete a Water Quality and Algal Conditions Study, and
- completed a draft 2007 Water Management and Conservation Plan.

27. As of July 1, 2003, the permit holder invested \$2.4 million, which is approximately 7 percent of the total projected cost for complete development of this project. The City anticipates an additional investment up to \$34 million for the completion of this project.

28. Since the issuance of Permit S-32410 (modified by Permit Amendment T-8538) on October 19, 1967, the permit holder has diverted the 25.0 cfs of the 50.0 cfs of water allowed under Permit S-32410 (modified by Permit Amendment T-8538); the City received confirmation of the incremental perfection for this 25.0 cfs by Certificate 78332.

29. The Department has considered the City's compliance with conditions, and did not identify any concerns.

Proposed Final Order: Permit S-32410 (modified by Permit Amendment T-8538)

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30. Even further diligence and good faith has been shown by the City in connection with the Clackamas River Water Providers (CRWP) to preserve minimum in-stream flows and enhance in-stream flows within the Clackamas River.
- a. In 1996 Clackamas River Water negotiated a Storage Capacity Agreement with Portland General Electric (PGE) for water storage capacity and water releases from Timothy Lake for stream flow augmentation. In 2006, the agreement with PGE was extended through the duration of the hydroelectric relicensing proceedings for PGE's Clackamas River Hydroelectric Project and also added the Clackamas River Water Providers to the agreement. CRWP members are City of Lake Oswego, South Fork Water Board, North Clackamas County Water Commission (Oaklodge Water District, Sunrise Water Authority and City of Gladstone) and Clackamas River Water. According to the 2006 agreement with PGE, upon issuance of the new FERC license, a new Storage Capacity Agreement between PGE and CRWP will be approved. Under the current agreement with PGE, the CRWP can call on the release of 2,200 acre-feet of stored water from June 15 to Labor Day, and 9,100 acre-feet from Labor Day to June. The storage releases are associated with minimum and maximum release rates.
 - b. In 2006, CRWP entered into an Intergovernmental Agreement for the use of stored water from Timothy Lake under the PGE agreement. Under this Intergovernmental Agreement, the decision for the CRWP to call for the release of stored water will be made to satisfy two purposes (1) preserve minimum instream flows, and (2) to enhance instream flows. (See SUPPLEMENTAL PERMIT EXTENSION MATERIAL, November 2006)

31. The City has demonstrated good faith and reasonable diligence in previous performance under Permit S-32410 (modified by Permit Amendment T-8538).

Financial Investment and Cost to Appropriate and Apply Water to a Beneficial Purpose
[OAR 690-315-0080(3)(b)]

32. As of July 1, 2003, the permit holder invested \$2.4 million, which is approximately 7 percent of the total projected cost for complete development of this project. The City anticipates an additional investment up to \$34 million for the completion of this project.

The Market and Present Demands for Water [OAR 690-315-0080(3)(d)]

33. As described in Findings 13 through 23 above, the City has indicated, and the Department finds that the City must rely on full development of Permit S-32410 (modified by Permit Amendment T-8538).
34. Given the current water supply situation of the City, its intergovernmental agreements with other entities, estimates of build out, and as well as current and future, primary and emergency water demands (including regional demands), there is a market and present demand for the water to be supplied under Permit S-32410 (modified by Permit Amendment T-8538).

35. In accordance with OAR 690-315-0090(3), and as specified under Item 1 (Development Limitations) of the "Conditions" section of this PFO, the Department has determined that this extension shall be conditioned to provide that the diversion of water under Permit S-32410 (modified by Permit Amendment T-8538) beyond the 25.0 cfs confirmed in Certificate 78332 shall only be authorized upon issuance of a final order approving a WMCP.

Fair Return Upon Investment [OAR 690-315-0080(3)(e)]

36. Use and income from the permitted water development project will result in reasonable returns upon the investment made in the project to date.

Other Governmental Requirements [OAR 690-315-0080(3)(f)]

37. Delays caused by any other governmental requirements in the development of this project have not been identified.

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

38. Delay of full beneficial use of water was due, in part, to the size and scope of the project, which includes potential partnerships with the Cities of Tigard or Tualatin, and wholesale contracts with other entities.

Maintaining the Persistence of Listed Fish Species [OAR 690-315-0080(1)(f) and (2)]

The Department's determination regarding maintaining the persistence of listed fish species shall be based on existing data and advice of the Oregon Department of Fish and Wildlife (ODFW). The determination shall be limited to impacts related to stream flow as a result of use of the undeveloped portion of the permit and further limited to where, as a result of use of the undeveloped portion of the permit, ODFW indicates that stream flow would be a limiting factor for the subject listed fish species.

39. The pending municipal Application for Extension of Time for Permit S-32410 (modified by Permit Amendment T-8538) was delivered to ODFW on November 9, 2006 for ODFW's review under OAR-690-315-0080.
40. Notification that the pending municipal Application for Extension of Time for Permit S-32410 (modified by Permit Amendment T-8538) was delivered to ODFW for review was sent to the City on November 9, 2006.
41. Notification that the pending municipal Application for Extension of Time for Permit S-32410 (modified by Permit Amendment T-8538) was delivered to ODFW for review was published in the Department's Public Notice dated November 21, 2006. No public comments were received regarding this notice.
42. The Application for Extension of Time for Permit S-32410 (modified by Permit Amendment T-8538) was placed on administrative hold on February 21, 2007 at the City's request, and was therefore withdrawn from review by ODFW.

- 43. The Application for Extension of Time for Permit S-32410 (modified by Permit Amendment T-8538) was taken off administrative hold on April 23, 2007 at the City's request, and the review by ODFW resumed.
- 44. On May 4, 2007 the Department received ODFW's Division 315 Fish Persistence Evaluation for Permit S-32410 (modified by Permit Amendment T-8538).
- 45. Notification as per OAR 690-315-0080(f)(2) of ODFW's written advice for the pending municipal Application for Extension of Time for Permit S-32410 (modified by Permit Amendment T-8538) was sent to the City May 9, 2007.

46. Summary and Excerpts of Advice from ODFW:
Generally

Use of water under the portion of this permit that was undeveloped as of the date of the extension final order should be conditioned to maintain persistence of listed fish species. ODFW's advice is based on the best available information and existing data and recommends the stream flows in Table 1, below, for maintaining the persistence of listed fish species. However, ODFW advises the Water Resources Department to develop conditions that allow municipalities to meet their water needs while maintaining the persistence of listed fish species. From the first Monday in September through June 30, the severity of the measures to be taken by the permit holders should reflect the amount by which the recommended flows are being missed and the percentage of water that is withdrawn by the municipality as compared to the overall streamflow level.

Table 1

SUMMARY OF ODFW'S RECOMMENDED MINIMUM FISH FLOW NEEDS ON THE LOWER CLACKAMAS RIVER - MEASURED AT USGS GAGE 14211010, CLACKAMAS RIVER NEAR OREGON CITY, OREGON	
Month	Cubic Feet per Second
June - August	650
September	650/800
October - May	800

April 1 through June 30

Flows in the river during this time of year are typically well over 1000 cfs and the level of municipal withdrawal is normally below capacity so there should not be instances where the stream flow is not meeting targets. However, if flows do not meet targets, the City of Lake Oswego (City) should develop a plan to provide for a contingency to reduce its water use.

July 1 until the first Monday in September

This time of year the stream flow does, on occasion, approach or miss fish persistence target flows. However, the water management agencies (Clackamas River Water Providers) have an intergovernmental agreement concerning the PGB Stored Water Agreement⁶ to use 2200 acre feet (AF) of stored water released from Timothy Lake to augment stream flows between June 15 and Labor Day. The City in cooperation with other members of the Clackamas River Water Providers, and in cooperation with ODFW, should develop (and periodically update) a plan to trigger release of water from Timothy Lake to maximize flows during low flow conditions. If flows do not meet targets, the City should develop a plan to provide for a contingency to reduce its water use or augment stream flows using releases from Timothy Lake. Following are considerations for the Water Resources Department to consider in developing conditions for this permit and for the municipality to consider in the development of any plan to address short falls in stream flow levels.

- If targeted flow levels cannot be met, flow releases under agreement from Timothy Lake can be beneficial to stream flows and can offset some of the use by the municipalities. Consultation with ODFW is recommended to determine the annual priority for shaping the augmentation flows to best support fish persistence. A plan (in consultation with ODFW) should be developed that considers a flow regime that considers and balances flow augmentation to maintain inundation of winter steelhead redds in early July (through approximately July 15) and the maintenance of consistent flows throughout the remainder of the time period to maximize access to rearing habitat and avoid stranding of fish.

- The severity of the measures taken should be reflective of the available summer rearing habitat within the lower 3.1 miles of the Clackamas River where the diversions occur (which represents less than 2% of the total available rearing habitat) and is habitat that may be avoided by salmonids since the highest temperatures in the basin occur within this stream reach. Because the value of this rearing habitat is low relative to the rest of the basin rearing habitat, measures such as flow augmentation using stored water will offset much of the effect of diverting water out of-stream. Additionally, flow augmentation would benefit streamflows and rearing habitat from Timothy Lake through the entire stream reach (23.3 miles) down to the lower 3.1 stream miles where water is withdrawn.

⁶On July 1996, Clackamas River Water, Eugene Water and Electric Board, and Portland General Electric (PGE) entered into a STORAGE CAPACITY AGREEMENT concerning releases of storage water from Timothy Lake. On September 1, 2006, Clackamas River Water, South Fork Water Board, Sunrise Water Authority, North Clackamas County Water Commission, and the City of Lake Oswego (collectively referred to as the Clackamas River Water Providers, or CRWP) entered into an Intergovernmental Agreement, CLACKAMAS RIVER WATER PROVIDERS FOR COORDINATING USE OF STORED WATER FROM TIMOTHY LAKE CONCERNING THE 2006 PGE STORED WATER AGREEMENT, whereby the parties agree to coordinate water supply planning for beneficial use of the stored water from Timothy Lake under the Stored Water Agreement with PGE. On November 2, 2006, Portland General Electric and Clackamas River Water entered into an AMENDMENT AND EXTENSION OF STORAGE CAPACITY AGREEMENT whereby the parties acknowledge the desire of Clackamas River Water to coordinate the use of stored water with the Clackamas River Water Providers (CRWP) and agree that upon issuance of the new PGE FERC license that PGB and the CRWP will enter into a new storage capacity agreement concurrent with the term of that license period.

From the first Monday in September through November 30

The water management agencies (Clackamas River Water Providers) have an intergovernmental agreement concerning the PGE Stored Water Agreement to use 9100 AF of stored water released from Timothy Lake to augment stream flows between Labor Day and June 14. If flows do not meet targets after the first Monday in September, the City should develop a plan to provide for a plan to augment stream flows and reduce its water use to minimize its impact. Following are considerations for the Water Resources Department to consider in developing conditions for this permit and for the municipality to consider in the development of any plan to address short falls in stream flow levels.

- If targeted flow levels cannot be met, flow releases under agreement from Timothy Lake can be beneficial to stream flows and can offset some of the use by the municipalities. A main consideration for this time period is to balance flow augmentation to provide for increasing flows that once reached will not be reduced before fall rains arrive and stream flows naturally begin rising. A plan (in consultation with ODFW) should be developed that considers a flow regime that works best for fish spawning in the lower river that provides access to spawning areas and maintains water over those spawning areas until stream flows naturally increase in the fall.
- Relative to the summer flow season, the significance of the lower 3.1 miles in terms of habitat in the fall is more significant (especially for Fall Chinook) and is more important in maintaining persistence of listed and sensitive species.

From December 1 to March 31

ODFW does not anticipate flow related issues occurring with municipal withdrawals during this period of the year based on past gage data.

47. Department's Review of ODFW's Advice:

ODFW recommends target flows to be measured on the Lower Clackamas River (USGS Gage Number 14211010, Clackamas River near Oregon City, Oregon, or its equivalent). When the target flows are not met, ODFW recommends that some kind of action on the part of the water user be taken such as having a contingency to reduce access to the undeveloped portion of the permit. Consistent with this advice, OWRD is proposing conditions in this extension of time that will reduce the maximum total amount of the undeveloped portion of the permit that can legally be diverted when ODFW's recommended flow targets are not met. (See "Conditions to Maintain the Persistence of Listed Fish" specified under Item 2 of the "Conditions" section of this PFO).

ODFW's advice is contingent upon withdrawal of water from points of diversions located only within the lower 3.1 miles of the Clackamas River.

ODFW's advice acknowledges the Clackamas River Water Providers' intergovernmental

¹ODFW actually referred the "Clackamas Watershed Management group (a consortium of all municipal water users on the Clackamas)" instead to the Clackamas River Water Providers. The Clackamas Watershed Management group is a joint funding organization made up of Clackamas River Water Providers and Water Environment Services; the Clackamas Proposed Final Order: Permit S-32410 (modified by Permit Amendment T-8538)

agreement concerning the PGB Stored Water Agreement which allows for 2200 AF of stored water releases from Timothy Lake to augment stream flows between June 15 and Labor Day, and another 9100 AF for release from Labor Day to June 14.

48. The Department finds, based on ODFW's advice, that in the absence of conditions, the use of the undeveloped portion of Permit S-32410 (modified by Permit Amendment T-8538) will not maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit, and as a result of the use of the undeveloped portion of the permit, streamflow would be a limiting factor for the listed fish species.
49. Based on ODFW's advice, the Department proposes to require conditions to maintain, in the portions of the waterways affected by water use under Permit S-32410 (modified by Permit Amendment T-8538), the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. (See Item 2 of the "Conditions" section of this PFO.)⁸
50. On November 5, 2007, ODFW notified the Department that the "Persistence of Fish Conditions" are consistent with their advice.
51. On November 9, 2007, the Department notified the City of the "Persistence of Fish Conditions" proposed in this PFO.

CONCLUSIONS OF LAW

1. The City is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(2).
2. The City has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. Pursuant to Section 5, Chapter 410, Oregon Laws 2005, the permit holder is not required to demonstrate that actual construction of the project began within one year of the date of issuance of the permit, as otherwise required by OAR 690-315-0080(1)(b).
4. The time requested to complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2040⁹, as required by OAR 690-315-0080(1)(d).

Watershed Management group is not a party to this intergovernmental agreement.

⁸ The Department, based on advice from the ODFW, has determined that the conditions contained in this PFO are appropriate for this extension. In other municipal extensions that require conditions to maintain the persistence of listed species, different conditions may be warranted depending on the advice received from ODFW and communications with the particular extension applicant.

⁹ For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify Proposed Final Order: Permit S-32410 (modified by Permit Amendment T-8538)

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6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the City has shown good cause for an extension of time to complete construction of the water system and to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. In accordance with OAR 690-315-0090(3) and as described in Finding 35 above, the Department has established, as specified under Item 1 of the "Conditions" section of this PFO for an Extension of Time, that the diversion of water under Permit S-32410 (modified by Permit Amendment T-8538) beyond the 25.0 cfs confirmed in Certificate 78332 shall only be authorized upon issuance of a final order approving a WMCP under OAR Chapter 690, Division 86.
8. In accordance with OAR 690-315-0080(1)(f), and as described in Findings 46 through 49 above, in the absence of special conditions the persistence of listed fish species will not be maintained in the portions of the waterways affected by water use under this municipal use permit. Therefore, the diversion of water under Permit S-32410 (modified by Permit Amendment T-8538) beyond the 25.0 cfs confirmed in Certificate 78332 will be subject to the conditions specified under Item 2 of the "Conditions" section of this PFO.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

extend the time to complete construction of the water system under Permit S-32410 from October 1, 2000 to October 1, 2040; and

extend the time to apply the water to full beneficial use under Permit S-32410 from October 1, 2000 to October 1, 2040.

Subject to the following conditions:

the Department that the work has been completed and either: (1) hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Department, for issuance of a water right certificate; or (2) continue to appropriate water under the water right permit until the Department conducts a survey and issues a water right certificate under ORS 537.625.

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CONDITIONS

1. Development Limitations

Diversion of water under Permit S-32410 (modified by Permit Amendment T-8538) beyond the 25.0 cfs confirmed in Certificate 78332 shall only be authorized upon issuance of a final order approving a WMCP under OAR Chapter 690, Division 86. A WMCP shall be submitted to the Department within 3 years of an approved extension of time application. Use of water under Permit S-32410 (modified by Permit Amendment T-8538) shall be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

2. Conditions to Maintain the Persistence of Listed Fish

- a. Minimum fish flow needs on the Lower Clackamas River as recommended by ODFW are in Table 2, below, and are to be measured at USGS Gage Number 14211010, Clackamas River near Oregon City, Oregon, or its equivalent.
- b. In cooperation with other members of the Clackamas River Water Providers, the City of Lake Oswego must have an annual meeting with ODFW to devise a strategy to maximize fishery benefits that can be derived from the agreement with PGE for the release of stored water from Timothy Lake. This is of particular significance when augmenting stream flow during the period of July 1 through November 30.
- c. From the first Monday in September through June 30 the maximum total amount of the undeveloped portion of the Permit S-32410 (modified by Permit Amendment T-8538) that can legally be diverted shall be reduced in proportion to the amount by which the flows shown in Table 2 are not met based on a seven day rolling average of mean daily flows (measured on the Clackamas River at USGS Gage Number 14211010, Clackamas River near Oregon City, Oregon, or its equivalent), as illustrated in the examples below.

Example 1:

On June 15, the last seven mean daily flows were 750, 725, 700, 650, 625, 600 and 575 cfs. The seven day rolling average is 661 cfs. The maximum total amount of the undeveloped portion of the permit that could legally be diverted under this permit would not be reduced because the 7 day average of mean daily flows is greater than the 650 target flow for June 15.

Example 2:

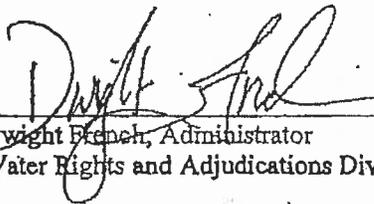
If on June 15, the average of the last seven mean daily flows was 578 cfs, then the target flows would be missed by 11% ($100 - [(578/650) * 100]$). If the maximum total amount of the undeveloped portion of the permit that can legally be diverted under this permit is 10 cfs, then the maximum total amount of the undeveloped portion of the permit that could be legally diverted under this permit would be reduced by 11%. The maximum total amount of the undeveloped portion of the permit that could be legally diverted under the permit under this condition would be 8.9 cfs ($10 - [10 * 0.11] = 8.9$).

Table 2

MINIMUM FISH FLOW NEEDS ON THE LOWER CLACKAMAS RIVER	
MEASURED AT USGS GAGE 14211010, CLACKAMAS RIVER NEAR OREGON CITY, OREGON	
Month	Cubic Feet per Second
June - August	650
September	650/800 ¹
October - May	800

¹650 cfs Sept. 1 through Sept. 15 and 850 cfs September 16 through September 30

DATED: November 20, 2007


Dwight French, Administrator
Water Rights and Adjudications Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and phone
numbers.*

Proposed Final Order Hearing Rights

- Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may protest and request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than January 4, 2008 being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

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2. A written request for contested case hearing shall include:
- a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest; a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

If you have any questions about statements contained in this document, please contact Ann L. Reece at 503-986-0827.

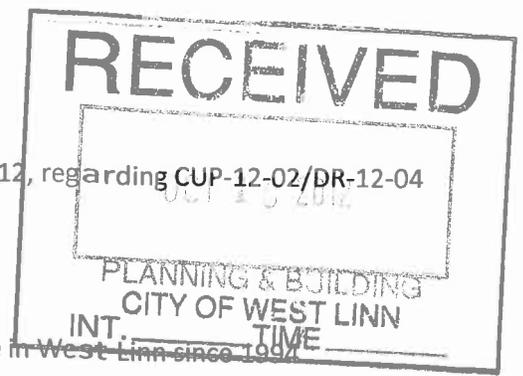
If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.

If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.

Address any correspondence to: Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266

Fax: 503-986-0901

Testimony to the City of West Linn Planning Commission, October 17, 2012, regarding CUP-12-02/DR-12-04 (water plant) and CUP-12-04/DR 12-14 (water transmission line)



My name is Tom Sieben. I have owned and lived at 4950 Mapleton Drive in West Linn since 1994

1. I am 100% in favor of Lake Oswego and Tigard having their own water treatment plant.
2. I am 100% in opposition to the huge expansion of the water treatment plant in West Linn described in these applications submitted by the Lake Oswego Tigard Water Partnership (LOTWP).
3. This plant was built around 1968 in Robinwood, a quiet residential area in West Linn, despite great opposition from many neighbors and citizens then. Since the 1980's, Lake Oswego has been acquiring additional lots in preparation for expansion.
4. The Planning Commission should deny CUP-12-02 and CUP-12-04 based on CDC 60.070 Approval Standards and Conditions Section A Item 3 which states: "The granting of the proposal will provide for a facility that is consistent with the overall need of the community." The stated purpose of this plant is to provide water to citizens of Tigard and Lake Oswego, not to citizens of West Linn. The only real benefit to West Linn is an intertie which essentially ends in 2041 if the new agreement is signed as shown in the applications.
5. Further proof that this plant will not benefit West Linn is in another related document submitted April 20, 2012, to the Department of State Lands (DSL) regarding river, wetlands and park lands used in the project. The DSL Joint Permit Application Appendix A provides evidence of the actual purpose behind this expansion without the sugar-coating LOTWP has provided in documents for West Linn citizens and government to read. Here are some excerpts from the DSL Application Appendix A, pages 6 and 7:

a. Section 4.1.2 Project Need, paragraph 1: "... Lake Oswego and Tigard have undeveloped lands within their Metropolitan Area Boundaries (the "Urban Growth Boundary"), that were established by the Metropolitan Government (Metro). Development of these lands will increase the demand for water. . ."

Why can't Lake Oswego and Tigard use some of their own undeveloped land for their own water treatment plant in Lake Oswego instead of using West Linn land?

b. Section 4.1.2 Project Need, paragraph 3: "The City of Tigard does not currently have an ownership position in a primary water supply source . . ."

Do we need an additional city with an ownership position in West Linn? Tigard has had and still has access to water through a state of the art facility in Wilsonville. Wilsonville has invited Tigard as a partner but Tigard refuses to use it as a water source. Tigard also has a source through the City of Portland, but that source is becoming more expensive. Should a residential West Linn neighborhood be fundamentally altered because Wilsonville's water isn't good enough for Tigard?

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant an extension of time to complete construction of the water system from October 1, 2000 to October 1, 2040;
- grant an extension of time to apply water to full beneficial use from October 1, 2000 to October 1, 2040; and
- make the extension of time subject to certain conditions as set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
City – City of Lake Oswego
CRBC – Clackamas River Basin Council
CRWP – Clackamas River Water Providers
CWMG – Clackamas Watershed Management Group
draft WMCP – City of Lake Oswego's draft 2007 Water Management and Conservation Plan
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
POD – Point of Diversion
USB – Urban Service Boundary
WES – Water Environment Services
WMCP – Water Management and Conservation Plan

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(2) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order and allow an extension to complete construction or perfect a water right. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

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c. Section 4.1.3 Project Purpose, paragraph 1, bullet 1: The project must “Be an adequate source of safe drinking water to supply the current and future demands of the citizens of Lake Oswego and Tigard over the 30-year planning horizon.”

Why must West Linn’s land be the location which supplies Lake Oswego and Tigard safe drinking water for current and future demands over a 30-year planning horizon? Demand for water could certainly increase in the next 30 years requiring yet another plant expansion. At what size after how many expansions does this plant finally become recognized as incompatible with a residential neighborhood?

d. Section 4.1.3 Project Purpose, paragraph 2, bullet 2: “The proposed Project satisfies the project purpose and need, and: Creates opportunities for new or upsized interconnections to other regional sources of supply, increasing reliability and providing a backup water source;”

Why is West Linn required to provide new or upsized interconnections to other regional sources of supply? With inevitable future plant expansions, Kenthorpe and Mapleton could become the site of a regional water-production factory. This is not consistent with land reserved by zoning for residential. West Linn’s only real benefit is the intertie which essentially ends in 2041, while the existence of the plant and pipe are permanent with no similar time limit.

e. Section 4.1.3 Project Purpose, paragraph 2, bullet 3: “The proposed Project satisfies the project purpose and need and: Is the lowest cost option for the City of Lake Oswego and for the City of Tigard . . .”

What benefit is being the “lowest cost option” to West Linn? Lake Oswego had 44 years to find another location for a future plant. It was never even considered. Instead they quietly purchased more land around the plant with intention of future expansion because West Linn has always been the “lowest cost option” for the city of Lake Oswego and now the city of Tigard. No taxes, no lost tax revenue, free police and fire, and free road maintenance for over 40 years. A great deal for Lake Oswego; a rotten deal for West Linn.

f. Section 4.1.3 Project Purpose, paragraph 2, bullet 4: “. . . Ensures the City of Tigard an ownership interest in supply facilities and a reliable long-term source of water.”

What benefit does West Linn get from the City of Tigard having an ownership interest within West Linn?

The Introduction to the West Linn Comprehensive Plan directs planning “to respond to the desires, needs, and aspirations of the citizens of West Linn.” West Linn should not be responsible for satisfying the desires, needs or aspirations of other cities, particularly when West Linn citizens are harmed. Conditional Use Permits are supposed to show a benefit, not harm, to West Linn.

Please deny these applications.

- Be a reliable, long-term supply that satisfies the water demands of the cities for the 30-year planning horizon while acknowledging the many uncertainties inherent in long-term water supply planning (e.g.; population growth rates, development patterns and density, changes in basin hydrology, local and national economic conditions, changes in environmental regulations, conservation, etc.);
- Be a supply source that is acceptable and supportable by the policy makers and the end water users within Lake Oswego and Tigard, including residents, businesses, and wholesale customers, in the context of a safe drinking water supply as well as for the protection of the natural environment of Oregon;
- Be an affordable source that makes an efficient use of public dollars spent as measured by the cost per gallon of water delivered over the planning horizon; and
- Be permitable, constructable, and operational (including a 12-month operational startup and testing period) by June 30, 2016 (the expiration date of Tigard's contract with the City of Portland).

The proposed Project satisfies the project purpose and need, and:

- Implements improvements to Lake Oswego's existing River Intake Pump Station (RIPS) and Raw Water Pipeline (RWP), and Water Treatment Plant (WTP) that would be necessary even without the Project;
- X▪ Creates opportunities for new or upsized interconnections to other regional sources of supply, increasing reliability and providing a backup water source;
- X▪ Is the ~~lowest cost option~~ for the City of Lake Oswego and for the City of Tigard; and
- X▪ Ensures the City of Tigard an ownership interest in supply facilities and a reliable long-term source of water.

The public, social, and economic benefits of the project derive from providing high quality drinking water to residents and businesses in Lake Oswego and Tigard. Environmental impacts have been taken into consideration and minimized to the maximum extent practicable by trenchless pipeline crossings of the ~~Willamette River and Oswego Lake~~ and the avoidance of ~~Springbrook Creek~~.

The proposed Project requires a Section 404 fill and removal permit from the U.S. Army Corps of Engineers (Corps), which constitutes the federal nexus requiring formal Endangered Species Act (ESA) consultation. ESA consultation requires a review of all potential impacts of the Project that could result in "take" of a listed species and/or loss or degradation of designated critical habitat for one or more listed species. A Biological Assessment is required as part of the consultation process and will be made available to regulatory agencies during the JPA review process. An additional agreement, the Lake Oswego and Tigard Intergovernmental Agreement regarding Water Supply Facilities Design, Construction and Operation, will be made available upon request.

4.1.2 Project Need

The cities of Lake Oswego and Tigard have grown in population since their incorporations in 1910 and 1961, respectively, and have increased demand for water even though they have implemented water conservation measures. Lake Oswego and Tigard have undeveloped land within their Metropolitan Area Boundaries (the "Urban Growth Boundary"), that were established by of the Metropolitan Government (Metro). Development of these lands will increase the demand for water. The elected officials and governments of Lake Oswego and Tigard are responsible for ensuring adequate, safe drinking water for current and future citizens, and that responsibility involves planning for, financing, and building infrastructure that supports the needed safe drinking water supply in a manner consistent with water rights permits and state and federal environmental law.

Major components of the City of Lake Oswego's water supply system, which was constructed in the late 1960s, are nearing the end of their ability to reliably meet the water demands of the city residents and wholesale customers. Key facilities frequently need to operate with best utility and engineering practice. In addition, operations staff at the water treatment plant must exercise extraordinary care and diligence to ensure that treated water quality standards and goals are consistently achieved, regardless of incoming water quality. Despite conservation efforts and investments made in Lake Oswego's supply and treatment infrastructure to squeeze every bit of capacity and value from the more than 40-year-old system, renewal, replacement, and expansion of facilities must occur to reliably and economically meet this community's long-term needs for a safe drinking water supply.

The City of Tigard does not currently have an ownership position in a primary water supply source, and, therefore, has limited control over the availability and increasing cost of its water supply. Tigard currently obtains its water primarily through a contract with the City of Portland and, during peak use, in spite of significant conservation efforts, demand exceeds the contracted water allotment and infrastructure capacity. Currently, Tigard can only obtain 5.9 MGD from the City of Portland using the existing connections. Additionally, purchase of water from the City of Portland is more costly and availability of water is not guaranteed. The City of Tigard seeks a partnership in a water supply system that can ensure access to an affordable, adequate, reliable, long-term supply of safe drinking water.

Both communities—Tigard and Lake Oswego—want to pool their resources, implement real multi-community regional water supply planning, and replace the historical approach of isolated city-by-city competition for water with a cooperative approach on a joint project that will inure to the benefit of both communities for many years to come. Such projects cannot and should not be limited to the current need, but must take into account future need based on Metropolitan Government decisions on urban growth within the Metropolitan Area as well as realistic growth projections that, as is the case with Lake Oswego and Tigard, have been reviewed and found reasonable by the OWRD.

4.1.3 Project Purpose

The project purpose is to upgrade, replace, and expand Lake Oswego's existing drinking water infrastructure to provide water to Lake Oswego and Tigard, to satisfy current demands and for the anticipated growth in demand forecast to occur over the 30-year planning horizon. To ensure that the project purpose is achieved, the project must meet the following project objectives. Specifically, the project must:

- Be an adequate source of safe drinking water to supply the current and future demands of the citizens of Lake Oswego and Tigard over the 30-year planning horizon;

Sonnen, John

From: ericjones2009@aol.com
Sent: Thursday, October 18, 2012 3:06 PM
To: Pelz, Zach; Sonnen, John; Ericjones2009@aol.com
Subject: Testimony for CUP-12-02/DR-12-04 & CUP-12-04/DR-12-14

Please add the following testimony to the record for CUP-12-02/DR-12-04 & CUP-12-04/DR-12-14:

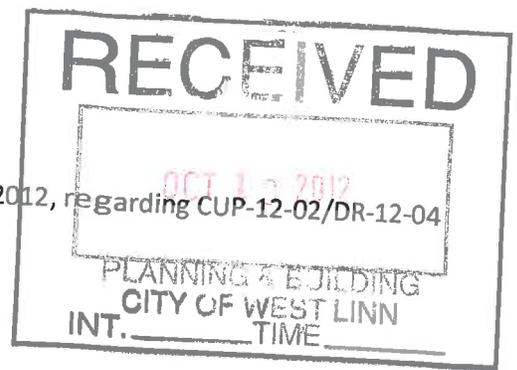
One question that I do not fully understand is how the Mapleton water pipe is going to be moved/replaced. Since they are moving it in 50'-150' sections daily, they will be making about 72 connections (36 days - 6 weeks x 2 connections) between the old and new pipes - if things stay on schedule. These reconections will most likely release asbestos into the water. **How** are residents expected to know then the water is "safe" to drink? I could not get a total length of time out of LOT's Brad Moore at the open house Oct. 10 for the moving of the line, but last night it was stated that it would be six weeks. That is a LONG time to be without water for 8 hours a day/6 days a week - that is about 36 days of combined time (288 hours)! Also, at one of Greg McKenzie's facilitated meetings, Jon Holland said that LOT would pay for ALL of the Mapleton pipe replacement - now it is only 2000' of 3000'. West Linn will have to pay for Kenthorpe and part of Mapleton's pipes - an additional cost to West Linn at this time. Commitments keep being changed by LOT and this brings consternation about what can be believed and what will actually happen in the future.

Jay Eric Jones
4310 Mapleton Drive
West Linn, OR 97068

Please confirm receipt and inclusion into the record for this testimony.

Thank you,

Jay "Eric" Jones



Testimony to the City of West Linn Planning Commission, October 17, 2012, regarding CUP-12-02/DR-12-04 (water plant) and CUP-12-04/DR 12-14 (water transmission line)

Gwen Sieben, 4950 Mapleton Drive, West Linn

Please deny approval of these two applications for an expanded water treatment plant and two related water transmission lines.

Objection I. The Community Development Code (CDC) 60.070 Part A Item 2 states: "The Planning Commission shall approve, approve with conditions or deny an application for conditional use, . . . or to enlarge or alter a conditional use based on findings of fact with respect to . . . the following criteria: 2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural resources."

The site of the water plant should be large enough to provide a much larger buffer from neighbors. Most water treatment plants are not sited in a residential neighborhood with houses all around. Furthermore, the soil in this area is subject to liquefaction putting these large structures and industrial type facilities at risk. As we all know, this area is subject to a potentially severe earthquake.

Of greater concern to me personally is the raw water transmission line (RWP) which will travel around my property at the end of Mapleton. How can a pipe remain intact during a seismic event when the earth is moving? Who will be available during such an event to stop the flow of so much water when it takes up to ten minutes to turn the valve, once someone is in place? If homes are damaged due to an earthquake, it would be an act of God, assuming the structures are built to code. If a pipe was sited in a dangerous location and approved by a city in that location which was subject to these risks, the resulting damage would not be an act of God when the pipe shouldn't have been there in the first place. Siting this pipe in its proposed location is dangerous and puts the city at risk if damage from breakage occurs.

Therefore, the two applications should be denied. If approved, approval should be conditional that someone always be on site, not just near a cell phone, to handle emergencies to turn off the flow of water in the event of a break or leak of some kind.

Objection II: The CDC 60.070 Approval Standards and Conditions Part A Item 3 states: "The granting of the proposal will provide for a facility that is consistent with the overall needs of the community." Furthermore, the West Linn Comprehensive Plan Introduction, paragraph 1, defines who that community is: "This document is designed to respond to the desires, needs, and aspirations of the citizens of West Linn."

The water treatment plant and its accompanying pipes are not for the benefit of West Linn. They are for providing water to Lake Oswego and Tigard residents. The intertie agreement in the applications shows a guarantee of 4 mgd water in an emergency "through at least 2041." This vague language is intended to sound indefinite on purpose. This intertie essentially disappears January, 2042. Why that date? In about 20 or so years LOTWP will claim the plant is aging and new "upgrades" are needed, which might be partially true. What may also be true at that time is a desire for them to again expand

the water plant, perhaps with new piping drawing water from the Willamette. The date 2041 is just about long enough for LOTWP to use aging as an excuse to do an expansion, as they are now, and to force West Linn into renegotiating the intertie agreement in exchange for approval of expansion plans. As it stands now with the cut-off date for the intertie, West Linn's benefit from this plant and pipe is temporary, while LOTWP gets to operate their plant and pipe indefinitely, without a time limit.

These applications should be denied. If approved, the applications should be approved with the condition that the intertie cut-off date "through at least 2041" be removed.

Objection III: Also related to benefits in the above mentioned CDC 60.070 Approval Standards and Conditions Part A Item 3,:

If one can believe LOTWP's promotional material, one of the "great" benefits to West Linn is not needing to spend 16.8 mill in the replacement of Bolton Reservoir. If this plant is approved and West Linn uses water from LOTWP while still spending other money for that replacement, the use of the intertie water is merely temporary, and according to the needs of Lake Oswego and Tigard first. We heard last night that backup water won't be available to West Linn during a future Bolton replacement until the new plant and pipe are finished, in three or so years from now. This is just the beginning of West Linn depending on an outside entity with its own interests. Again, we see that LOTWP gets a permanent foothold in West Linn while West Linn gets temporary benefits according to the rules set down by LOTWP.

Objection IV: CDC 60.070 Approval Standards and Conditions Part A Item 5 states: "The applicable requirements of the zone are met, except as modified by this chapter." Item 7 states: "The use will comply with the applicable policies of the Comprehensive Plan." The Comprehensive Plan Goal 2: Land Use Planning: Section 3: Mixed Use/Commercial Development, under Goals, Policies and Recommended Action Measures, Goal 4 states: "Protect surrounding residential areas from adverse effects of commercial development in terms of loss of privacy, noise, lights, and glare." Additionally, the Comprehensive Plan Introduction under Using the Comprehensive Plan, paragraphs 2 states: "This plan includes . . . recommendations for . . . preventing degradation of quality of life in and for West Linn." Finally, the Comprehensive Plan Goal 2: Land Use Planning: Section 1: Residential, under Goals, Policies and Recommended Action Measures, Policy 8 states: "Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses."

The neighborhood site for the new water plant is zoned R-10 which is entirely residential. Residents will be disturbed during construction with inability to access homes, water supply disruptions for 8 hours a day, "intolerable" noise levels, as noted in the staff report page 2, dangerous detours in and out of the neighborhood via a completely failed blind intersection which is functionally one lane at a point of major sight obstruction (the Nixon/Mapleton intersection), dirt and grime wafting into homes that would dare to have a window open, dirt and grime prematurely aging roofs, siding and paint, damage to vehicles traversing torn up roads, personal safety risk of pedestrians attempting to gain access to homes on foot while vehicle access is obstructed (with groceries?!!!! In the winter in the dark in the

rain?!!!!!), lack of water for fire suppression, great increases in emergency response times for police, fire and ambulance, and many more.

Once this plant and pipe are completed, neighbors to the plant, who are all residential, will have noises, extra lighting, and odors from the non-residential industrial-type utility plant next door or close to them. Neighbors of the pipe, who are many more in number, have the leakage with resulting erosion risk always looming over them (literally, in some cases of elevation change). Catastrophic failure due to weakness in welds or due to a seismic or extremely high ground saturation is a concern to everyone who lives near or below the pipe.

Therefore, the two applications should be denied as incompatible with the residential zoning of the area. This industrial intrusion in the neighborhood harms the West Linn's residents of the peaceful enjoyment of their premises.

If the applications are approved, please approve with the conditions that all expenses to West Linn residents resulting from the construction, including relocation if necessary, be reimbursed by LOTWP. Future expenses caused by the existence of the water plant or pipe should also be required to be reimbursed.

Regarding the dangerous Nixon/Mapleton intersection, any approval must also include the condition that flaggers be available there whenever through traffic on Mapleton is closed.

Objection V. The Comprehensive Plan Introduction under Using the Comprehensive Plan, paragraph 5 states: "In 1997, West Linn citizens overwhelmingly approved a measure advising the City to exercise local control over growth-management. . ."

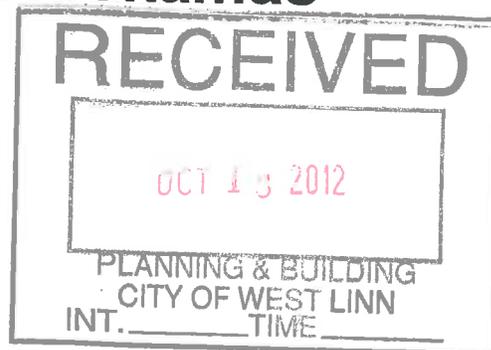
Local control over the water plant property and even the pipe has already been lost to Lake Oswego for 44 years. Why would West Linn want to increase this mistake made under dubious terms in 1967? The water plant pays no taxes and yet get exceptions for laws limiting use of property which actual West Linn residents must follow. No West Linn citizen can vote for the decision makers designing, operating and maintaining the water plant and its related pipes. There has been no accountability for Lake Oswego to maintain their properties or plan the future of their plant according to the wishes of West Linn. After more than a year when it looked to LOTWP that their application was in jeopardy, they agreed this summer to "listen" to the residents' request for mitigations. Yet many mitigations should still be agreed to.

Living on Mapleton and Kenthorpe is somewhat like being a colony of Lake Oswego. They get all the exceptions and benefits while we as neighbors get all the negative results. Better that the applications be denied and have West Linn assert control over its own lands.

Please stop this take-over of West Linn land and deny these applications.

A showdown looms on the Clackamas River over drinking water

By Lee van der Voo
Lake Oswego Review
March 07, 2007



Limited river water may pit fish against utilities

A state law prompting higher water levels in the Clackamas River may one day force water users to trade their green lawns for the survival of endangered species.

Those water users include Lake Oswegans and much of urban Clackamas County, where four water utilities draw drinking water from a gradually strained Clackamas River.

Projections show those utilities can't continue to draw water at current levels, shoulder growth in the region and still leave enough water for endangered fish. In the Clackamas River, fall and spring Chinook salmon, Coho salmon and winter steelhead are protected.

With a 2005 law putting fish first, the stage is set for a Klamath-style battle over water rights in Clackamas County unless proper planning staves it off.

But this time it won't be farmers fighting for water for crops, as is the case on the Klamath River.

On the Clackamas River, residents in cities like Lake Oswego will be fighting fish protections for drinking water if planning doesn't force them to balance consumption with wildlife needs.

Creating conflict

On the Clackamas River, water providers are nervous.

On the river's path from the rain-filled Timothy Lake near Mount Hood to the Willamette River, four utilities tap water serving 250,000 customers.

With growth projections forecasting another 500,000 to 700,000 people in Clackamas County by 2040, the demand for drinking water on the Clackamas will exceed the river's ability to support

fish in the next two decades, according to Joel Komarek, city engineer for Lake Oswego who oversees the city's water utility.

Under a new law, approved by the Oregon Legislature in 2005, the Oregon Department of Fish and Wildlife now gives advice on how to "maintain persistence," or protect, fish species on rivers before water rights for utilities are approved. The Oregon Water Resources Department, which used to renew water rights by postcard, can restrict water rights based on ODFW's advice.

On the Clackamas River, "They're going to be pushing for higher flows than what has been thought of as necessary to support fish. Those increased flows are going to create conflict between sensitive species and drinking water supplies," Komarek said.

A review of applications for new water rights on the Clackamas recently caused ODFW to recommend a 62 percent increase in flows needed to support fish during the summer. A 25 percent increase was suggested for winter. County utilities, when they heard the news, put pending applications for water on hold.

They sought a model of the recommended flows from Portland State University, which predicts problems.

The model shows that the water required to support fish, particularly during migration periods, has already fallen shy of targets on some hot weather days. If the new flow targets are implemented, the study shows, water customers will be forced to save water for fish.

"We're going to potentially have to restrict access for up to 16 percent, potentially for 43 days," Komarek said, if the suggested flows become conditions.

Some call the new regulations "a catastrophe." Others say there is no impact to drinking water, just a question as to whether peak summer uses like lawn watering should trump a species' right to survival.

"A catastrophe"

If the recommendations become rule, Lake Oswego would share its impacts with three other utilities.

The South Fork Water Board, which serves West Linn and Oregon City and Clackamas River Water, a county utility, both draw water from the Clackamas River.

The North Clackamas County Water Commission also draws water from the river, supplying the Oak Lodge Water District and the Sunrise Water Authority, which serve Damascus, Milwaukie and the Mount Scott Water District.

If conflicts over water emerge, those with the most recent water rights would be tapped to reduce consumption, not those who use the most water.

In terms of consumption, Lake Oswego is a heavyweight, consuming hundreds of gallons more water per capita than neighbors, according to a recent study of the utility.

Yet, "whoever was there first and recorded a permit for development of the water of the state ... has priority," according to Komarek.

The South Fork Water Board has the most senior water rights in Clackamas County followed by Clackamas River Water. The North Clackamas County Water Commission would fall behind Lake Oswego, regardless of how much water is used here.

NCCWC Manager Dan Bradley called the brewing impacts of the 2005 law "a catastrophe."

"It's definitely more perilous for the junior water right holder," Bradley said, referring to his utility's mostly secondary rights to water.

Farmers, which account for about 30 percent of water rights on the Clackamas River, are exempt from the law.

"That's one of the reasons we don't think it's very fair. It is fish recovery on the backs of municipalities," Bradley said.

"I think it's headed for being a catastrophe and I think the only way to make it workable is to take the 'maintaining persistence' language out of the bill."

A toe in the water

That bill, called House Bill 3038, passed the Legislature in 2005 as a compromise between municipal water utilities and an environmental group called WaterWatch, a 22-year-old water policy watchdog with offices in Portland and Medford.

Early successes in court put WaterWatch in a bargaining position. A ruling in the group's favor by the Oregon Court of Appeals was already offering stricter protections for fish in the legal

arena because the group's challenge of a water right on a defunct paper mill in Coos Bay found footing in a state statute that said water rights must be developed within five years.

"The cities didn't like that because they thought it called into question these dormant water rights that they've essentially been squatting on for years," said John DeVoe, executive director of WaterWatch.

HB3038, a compromise between the utilities and WaterWatch, allowed the utilities to hang onto unused water rights for 20 years. In exchange, they had to show that endangered and sensitive fish species "maintained persistence," or were protected, before developing unused rights.

NCCWC's Bradley, who was active in talks about HB3038 when it was being drafted, said discussion about 'maintaining persistence' in 2005 differed sharply from the conditions he's so far seen emerge from the new law.

He said currently Clackamas County utilities are watching a pending request for water rights on the Willamette River to see how HB3038 might affect the neighboring Tualatin Valley Water District before going forward with applications of their own.

As the law takes hold, Bradley said an effort to scale it back seems inevitable for utilities.

"They're all watching to see what happens to us on the Clackamas River. We sort of volunteered to be the guinea pig," said Bradley, in part because WaterWatch has named fish survival on the Clackamas River as a top priority.

"It depends on how HB3038 is interpreted and how 'maintaining persistence' is interpreted by ODFW," what the response from utilities might be.

He said some utility managers talk of attacking the "maintaining persistence" language during the next legislative session. Others think court battles will come before then, laying the groundwork for new law.

Meanwhile, Bradley said he doesn't see the need for sudden and radical change in water law and that suggested flow levels in the Clackamas River seem arbitrary.

In the past, he said, "Every year the Water Resources Department would send us a card and say, 'Do you want to renew it?' and we'd say 'yes' and send it back. That's how water rights have been done since 1909."

Planning would avert clash

For WaterWatch's DeVoe, postcard renewal is part of the problem.

In the past, he said, the Oregon Water Resource Department did not subtract unused water rights from stream flows before approving new rights.

"On many streams, they've given away this water more than once," he said.

In Clackamas County, DeVoe said, "The river just doesn't have that much more to give."

"The question is are we just going to do what we've always done and go back to the river and ask it to provide more water? ... The Clackamas may have the last run of self-sustaining wild Coho salmon in the Columbia Basin. Is that something we have to give up or not? We say no. We shouldn't be putting that at risk."

He says conservation needs to be taken seriously and, if it is, no real conflict exists between drinking water and water for fish.

Pointing to the six-week gap between suggested fish flows and summer water use, DeVoe said, "What we're really talking about is not drinking water at all, it's lawn watering."

In Lake Oswego, Komarek sees potential for conservation.

"There will have to be some restrictions. We will have to make a quantum leap in conservation relative to what we do today. Lake Oswego will have to develop and initiate a number of programs to limit consumption, particularly during those high-use periods," he said.

City officials are currently at work on a plan that could include pricing water differently in the summer, offering rebates for water-saving plumbing, restricting lawn watering during droughts, offering water-saving kits to residents and other conservation measures.

The plan is based, in part, on an effective conservation program in Tigard, where water is costly, purchased wholesale from Portland because the city has no utility of its own.

A potential water partnership with Tigard is also being discussed. In the exchange, Lake Oswego would get more capital funding for its system and Tigard would pay less for water.

The arrangement would also give Lake Oswego a catalyst to connect to water sources to the west, which could help the city stave off problems if clashes over water play out on the Clackamas River.

“It’s not an issue right now, but it will become an issue as growth continues to occur,” said Komarek. “It is all a function of how quickly these 500,000 people come into the Portland Metropolitan area.

“It’s going to be incumbent upon us, in terms of planning, to start thinking about that day.”

Water rights

- Statewide, agriculture accounts for about roughly 75 percent of water rights.
- Farmers account for an estimated 30 percent of water users on the Clackamas River.
- WaterWatch considers the Clackamas, Rogue, McKenzie, Chetco and Coquille rivers, as well as sensitive streams on the Oregon coast, most at risk for loss of wildlife if municipal water rights are extended indiscriminately.
- Statewide, utilities are pursuing more than 100 undeveloped water rights.

[Read the original story](#)

RECEIVED

This letter is to comment on Lake Oswego-Tigard Water Partnership Water Treatment Plant (CUP-12-02/DR-12-04) and Water Transmission Pipeline (CUP-12-04/DR-12-14/MISC-12-10/WA-12-03/WR-12-01)

I oppose this project on so many levels that it will be impossible to touch upon all of them. Although this is being presented as two different applications, I think we all know that they go together and one will not be ruled upon in opposition to the other. While my comments may apply to one or the other of the specific applications, the gist of my statement is opposition to the entire proposal.

In thinking about this, I have contemplated the intent of land use planning. Sometimes I cannot believe I have to actually convince somebody of the absurdity of this proposal. Surely it could not be the intent of this or any city's land use policy to allow a huge industrial project to be built in the middle of a residential area. There could not be two more divergent uses. In a land use guide produced by the Oregon Dept of Land Conservation and Development it is spelled out very clearly with this zoning warning: "Don't create islands of a special designation in the middle of a different zone"

One of the criteria of a conditional use permit in West Linn is CDC 60.07 A 7 "The use will comply with the applicable policies of the comprehensive plan". I have read staff's interpretation of this and can only say I am appalled at how they have twisted the obvious intent of the plan into a plethora of benefits that are to be realized from this project. Did we read the same Comprehensive Plan?!

Let's start with this goal of the plan:

"Assert through both planning and policy that compatibility with existing development should be a primary goal in West Linn's land use process"....Clearly compatibility is nowhere evident here. What is it that staff doesn't understand about the difference between industrial and residential?

Although the plan does deal with mixing commercial and residential uses, the concept of mixing industrial and residential uses is obviously so absurd that it is not even addressed. It does, however, state in regard to industrial development: "West Linn does not contain any additional lands suitable for large scale industrial development"

The neighborhood where the project is proposed is listed on the comprehensive map as low density residential, the criteria for which are: "Areas with limited capacity for development in terms of the existing facilities such as sewer, water, drainage, and/or Areas having development limitations due to the topography, soil characteristics, high water table, and flooding" Key words here being limited capacity for development. There is a reason this thing was denied when originally proposed in 1967. I would think that this is a very important consideration in assessing the appropriateness of this proposal. Clearly this classification was never intended for large scale industrial use.

Other contradictory goals in the land use planning section of the comprehensive plan:

"Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed use development and other potentially incompatible land uses"

How can staff interpret this specified goal as positive aspect of this project?! It is clearly intended to discourage just the sort of conflict of use that is occurring here

And most obviously staff did not read this one:

“Foster land use planning that emphasizes livability and carrying capacity”

Also included in the report is reference to Policy 3.9 of the Robinwood Neighborhood Plan.

“Ensure that the LO Water treatment facility on Kenthorpe Drive remains compatible with the surrounding residential areas and provides benefits to Robinwood’s residents as well as those of LO”

The statement by staff that this project complies with this goal is nothing short of ludicrous. This project is not only incompatible with, but is the antithesis of the surrounding residential areas and provides absolutely no benefit to the residents. The Robinwood Neighborhood Assc has confirmed this by its official opposition to the project.

All of this clearly indicates that this project does not “comply with the applicable policies of the comprehensive plan.” I believe that the intent of the comprehensive plan is to encourage compatibility of land use components. One cannot read this plan and think in any way that this project is consistent with its goals. Just because a project follows the rules, that does not determine its appropriateness. This is the flaw in staff’s analysis. What it interprets as benefits are merely the project’s willingness and responsibility to do things the right way. That however is not the issue. However it behaves itself, industrial does not fit in with residential

Then there is the issue of need. This has to be considered in two aspects of this proposal. The first is whether Tigard and LO need this project to bring water to their constituents. They would have you believe that this is so, but in fact, both cities have reasonable options that can and should be explored. They have their reasons for wanting to do it this way, but they are self serving with no regard for the well being of West Linn and its residents.

As for CDC 60.07A (3):being consistent with the needs of the community, it all comes down to the intertie. West Linn already has an intertie agreement with LO. LOT claims that the improvement of such is the primary benefit of this project and staff cites the West Linn Master Water Plan in its support of this. West Linn has numerous water problems that need attention. Improvement of the intertie has been recognized as one part of the solution to these problems. The question that must be asked here is whether West Linn wants to be dependent upon the limited and generally unspecified support of two outside entities, both of whose needs will be served prior to West Linn’s. The intertie is only part of a solution. West Linn needs to take control of its own reins and deal with the other very real issues of its water situation.

The approval of this project based on its benefit of an improved intertie is too high a price for the citizens of this community to pay! I would suggest that the people would overwhelmingly approve a \$3 hike in their water bill as opposed to three years of construction and destruction of its neighborhoods.

And if not, they should at least be given the choice rather than having this incompatible project rammed down their throats.

Another critical issue in this decision is the matter of alternative site studies. While I would agree that the improved intertie is important, I firmly believe that this proposal is not the only option. The fact that no alternative site studies have been done (see below) is compounded when one considers that there could very well be other solutions to this, but the parties refuse to even examine them. The necessity of sacrificing a residential neighborhood to the LOT sacred cow should not be taken as gospel. If LO really wanted to participate in this "spirit of inter- community" coordination of resources, why wouldn't they have approached West Linn and the South Fork Water Board at some point to team up. It makes infinitely more sense than involving Tigard. Let's explore the options before gutting our community.

In the staff report under 27.045 Critical Facilities it states "Construction of new critical facilities shall only be permissible within the SFHA if no feasible alternative site is available"

There is further discussion of building in HCA's that include wetlands, riparian areas, and water resource areas "when no other practical alternative exists"

I realize that both of these are presented with this current site and plan in mind. However, I would dispute both of these findings as they are predicated on this site and plan being the **only** alternative for the partnership. In fact, no one knows if there are other alternatives because no comprehensive study was ever conducted! LOT has repeatedly been asked about this and after much dancing around has said there has been no alternative site study done and that this is the only option they are considering. Tigard has a clear alternative with the Wilsonville plant among others. LO could either maintain its current plant or build in a new more suitable location. In any case, both cities certainly owe it to the city and the citizens of West Linn to at least submit a non biased alternative site study. Again, what land use decision of this magnitude would be allowed anywhere without some documentation that it is actually the only solution?!

Finally, as I attended most of them, I want to comment on the arranged facilitated meetings. Aside from the fact that Mr. McKenzie's meetings did get all parties in the same room, these meetings proved fruitless. There was simply too wide a chasm between the groups and Mr. McKenzie's overbearing authoritative control of the meetings prevented meaningful dialogue on the most important issues.

Thank you

Scott Gerber

3940 Kenthorpe Way

West Linn OR

I have added the following bullet points that are resultant from the OCT 17th Planning Commission Hearing

- **Asbestos Abatement:** How does LOT specifically plan to deal with this issue? I do not consider an answer of “we will adhere to all environmental standards” as adequate. The problems from asbestos arise when it is disturbed. The demolition of the existing pipes needs to be specifically addressed as it will affect safety, construction and transportation methods, and timelines.
- LOT is very loose with their numbers. It is interesting how they very conveniently changed the 2021 timeline for intertie guarantee to 2041. When pressed by Commissioner Steele, the answer was basically we juggled some numbers. I don’t believe they have a clue.
- When it was brought out that many businesses had told Mr. Landskroner that this project would hurt their businesses, he was asked if those businesses realized road work on 43 would occur at night. He replied that he did not know. I have had conversations with business owners who are in the line of fire here and can assure you that those I’ve talked to are aware that roadwork is occurring at night. That is only part of their issue. They see the thousands of added truck trips up and down 43 with the roads being torn up and temp patched as a real detriment. Please reference Glenda Waddles presentation of William More’s statement
- Mr More’s statement also referred to having not received notification from LOT regarding the proposal. While I’m sure this will turn into some sort of “he said..she said”, the fact does seem to be that the owner and tenants of this business center were obviously never really engaged by the applicants. I would suggest they might have done better to communicate with the business people in this community.
- Regarding the statement made by the gentleman who claimed we needed updated facilities that were more resistant to the inevitable large earthquake: There is of course logic in this; the question remains why anyone would locate said facilities in a residential area, thereby increasing the risk to people’s lives and homes when this quake does occur. Things will be bad enough without having a major utility in your back yard.

10/18/2012
Submitted by
Alice Burkhardt

10-18.12. Resolving ROS ①
10-19-12

West Lind Planning meeting.

1. Lake Oswego Tigarard water
Partnership new plant.

Site at L.O. foothills is the best
place for this partners to build
there new plant; because it
is become a rebuilt plant - not
an up dating nor expanding it -
foothills provide a site for
water intake just as good if not
better.

if would stay in their city -
they would have access to any
issues needed at any time with -
out trespassing in another
City municipality. Where they
have not any rights on west Lind's
residents -

This is not an industrial facility
this is a mammoth size tourism
type improper imposition to
our city -

While they propose pipes through the river - simpler, they can take this propose pipe further down river to their own facility - their new water plant - this is not an industrial nor commercial business - it is another's city public provider - no code nor comprehensive plans cover this monster of undertakings

The fact that L.O.T is adamant on their plan in preferring to disrupt our city it is because, L.O. Citizens would not tolerate such gargantuan infrastructure to such chaos for years -

D.L. Planning Commissioners, I ask you: ~~are~~ not our residents worth more than L.O. residents to us. -

They can take their new proposed pipe conduits & new intake infrastructure and set them at their foot-hill site * I do hope they have obtain permit from federal U.S. Corp of engineer to the existing i & o tie pipes, would remain after they would dismantle their current existing plant and they could sell their wet-land property then to any developer and reuse this site into their new water plants - and then when such future development

occurs at His site in question,
we, Westlins can deal with it ~~then~~

please remember that this is not
a city's own's issue; it does not
belong here - How do you think
L.O., resident we receive or
entertain such disturbance in
their midst. I can assure that
they would not put up. —

Just remind yourselves that your
first obligation is to your City's
residents. PLEASE — —

- abrogate His L.O. Tigrard.
Proposal project —

please remember that we have
our own water pipes and reservoir
improvements we will have to put
-up real soon - also a major
disturbance we will be hindered
with; Thank you for your
attentiveness to our well being

Residents - Alice Richmond
3939 Parker Rd - 5037 230101

Water Rights on the Clackamas

All Data as the result of CRD and MVA Staff effort and May Not Agree with the Opinions of OWRD

Certificate	Flow	Location	Notes
0 CFS	0 CFS	NCCWC - 18 CFS - 5/18/1994	
0 CFS	0 CFS	GDA - 173 CFS - 12/18/1981	
0 CFS	0 CFS	LO - 9 CFS - 7/5/1975	
1 CFS	1 CFS	Ford - 21 CFS - 8/18/1975	
0 CFS	0 CFS	The Lodge - 82 CFS - 7/11/1970	
0 CFS	0 CFS	CRW - 6.5 - 5/21/1969	
25 CFS	25 CFS	GRW - 25 CFS - 5/20/1968	
N/A	N/A	OWRD - 640 CFS - 8/26/1968 This permit is an extension of OWRD's 1966 permit and is valid September - June	
25 CFS	25 CFS	LO - 80 CFS - 5/2/1967	
N/A	N/A	OWRD - 400 CFS - 5/25/1966	
18 CFS	18 CFS	CRW - 15 CFS - 8/25/1962	
2 CFS	2 CFS	SRW - 60 CFS - 8/31/1961	
22 CFS (as of 2000)	22 CFS	OWRD - 1 CFS - 1/1/1961	
1 CFS	1 CFS	DC & WL - 30 CFS - 1956 & 1991	
		DC - 20 CFS - 1/15/1918	
		OWRD - 6 CFS - 8/18/1914	

MINIMUM Allowable Flow of the Clackamas River in September 640 CFS

Estimated AVERAGE Flow of the Clackamas River in September is 800 CFS

SFD W. Plant

7.0. Plant

These water rights are specifically for the upper Clackamas River, OC, WL, and SRW do not currently have an intake to utilize these water rights.

ru 10/18/2012
CP

Good Evening

First Thank you for your hard work on this project and your careful consideration of all the testimony that you hear during these public meetings.

My name is Julie Blake. I am a relatively recent resident of West Linn (having only lived in town since 1975) but my husband has roots on Mapleton going all the way back to 1958. We live at 4400 Mapleton, directly across the road from the ~~South~~ south-eastern corner of the Water Treatment Plant. First let me go on record as being **in total opposition** to the expansion of the plant and installation of the gargantuan pipeline on Mapleton Drive. **However**, knowing that there is a *strong possibility* that the "bully in the neighborhood" is going to win this fight, I am urging you as a commission (should this project be approved) to impose the MOST STRICT conditions and guidelines possible on LOT, so as to not disrupt our way of life as quiet, livable, and easily accessible neighborhood. Let me remind you that this is LOT's *choice* to build in a residential neighborhood, **OUR neighborhood**, as opposed to choosing industrial or residential property in either LO or Tigard. Saving money for them on this project, at the expense of our WL citizens, should not figure into any mitigation that you could, or *should* impose on this project, in order to protect our way of life. **Number 1** (and most important) is that we must maintain 24 hour access to our homes, be it by car, feet, bicycle, or whatever means we *now* use to access our private residences. People on our street have jobs... some are homebound needing meals on wheels...some are elderly who need to get to Doctor appointments,...some volunteer in the community, **and** we have school children who need to walk to the top of the street to catch buses. In short, *we are a residential community* with lives that need to be lived, each and every day. We should not have any restrictions saying that we can't drive to our homes...be it for 5-10 minutes or for up to 12 hours as a time. First, there is no-where that you can just park "around the block" and walk only a few feet to get to our homes, as our street is a single street (no side streets) sloping from Highway 43 downhill towards the river, probably one half -to three quarters of a mile in distance. In our case, several times a week, my husband goes out to pick up our young grandchildren, at different times, from different locations to be their afternoon caregiver. Thus on his second trip, the 4 year old goes with him to go and pick up the 7 year old. On sunny days they often walk up to Highway 43, but on dark rainy afternoons, a car trip is necessary. I notice in the submitted plans that the pipe-line installation is planned for Nov of 2014 through March of 2015, during the darkest and most often rainiest, miserable weather we receive. Residents *should not* be asked to park their cars

"somewhere" and try and walk to their homes. For myself, I have been employed by our fine City of West Linn at the local Library for the past 25 years and have treasured my short daily commute that allows me to run home every day for lunch to touch base with family, work on projects or just relax away from the job site. With approval of this project as requested however, these benefits will be a thing of the past, as LOT thinks is absolutely fine to tell me I can't access my own residence for extended hours and perhaps days at a time. ***This must not happen.***

A second great concern regarding the plan LOT has submitted are the hours and days they plan to carry on construction. They ask for 7am-7pm, Monday-Sat and sometimes longer with the permission of our City Manager. I would like to see the hours of construction severely restricted to Monday - Friday, 9-4 with NO exceptions. Saturdays and Sundays should be construction free. Perhaps this will extend their construction timeline a little further out, but what harm will a few more months be when they say it will at least be a 32 month project to begin with. ***As residents, (not business commuters)*** we should at the very least have our entire weekends and holidays free from noise... dump trucks... pile drivers... cement mixers... digging equipment, etc. etc. Remember, it is their choice to build in a residential zone and therefore they should respect our ability to lead tolerable lives..in spite of their unwanted intrusion into our neighborhood. LOT had and has other options but they chose this one thinking they would save time and money. NOT OUR CONCERN. Shorter hours may not be industry or city standards, but they should be ***residential and neighborhood standards in this specific case.*** I believe that you, as a planning commission, have the right and responsibility to impose strict construction restrictions to try and give our WL citizens *some* relief to this monumental headache that we've dealt with for the past 2 years and will continue to deal with for years to come. I specifically ask you for a "Holiday moratorium" on any road construction for part of Dec. 2014, say from Dec. 15th through the end of the year. If you do approve this horrible project, that could be a small gift you could give your own WL Citizens. I know I am not citing specific code guidelines, 10-12 inches of binders and packets of papers were simply too overwhelming to wade through. But you know the codes and can apply conditions that would help make our lives bearable...especially if you look at this project from the perspective as though each of you lived on either Kentrope or Mapleton Drive. I remember being at one of your planning meetings this past April as you discussed fencing around the Bland Reservoir. Several of you expressed concern about the fence "looking industrial" to the neighbors....well if you had concerns about a fence looking

industrial to only a few property owners on Bland Circle...please have those same and even greater concerns about this \$250 million dollar INDUSTRIAL PROJECT. It is *not a fence*. It is being built by LOT, not WL, for the use of LO-Tigard, not your own WL citizens . YET, it is in *our* established neighborhood, not LOT where they have chosen to impose this "new" plant. LOT wants our West Linn families to bear the brunt of this massive project,...why...because they thought they could save money and not take their own valuable building lots off tax roles. Their saving money should not be our concern. How about this one time, West Linn could look the neighborhood bully in the face, and stand up for its' own citizens once and for all.

To summarize: **First**, I ask that you oppose this project; **second**, if you do approve it, do not allow them to limit access to our homes; and **third and last**, Please place strict limits to the "hours of construction"...I'm asking for 9-4, Monday-Friday only, no holidays and holiday moratoriums for Christmas seasons.

Thank you for your time

All of this construction traffic will be required to use either Mapleton or Kenthorpe. Neither of these streets have pedestrian or bicycle paths. Mapleton Dr. is a narrow street, averaging around 18 feet wide without any shoulders. Because of the introduction of all of the heavy truck and general construction traffic (one estimate I heard was around 50,000 trips) both Mapleton and Kenthorpe, *in their entirety*, should be considered part of the construction zone. Why is this important? Because that would require LOT to be responsible to meet safety standards on both streets (Kenthorpe and Mapleton) for the full 32 months of construction for the full length of both residential streets.

When I first read the Construction Management Plan for the pipeline, Section 10, it sounded fairly reasonable. On Mapleton Dr. the Application requires "**a dedicated 5 foot wide pedestrian/bicycle path separated from the construction work zone by channelizing devices placed at a safe distance, no less than 5 feet from working construction equipment.**" That sounded like a reasonable, workable plan that would protect residents through the construction zone.

One problem that I have discovered though is that this pedestrian path language only covers the 150 feet of active open trench work. For the rest of Mapleton, pedestrians will be sharing the road with all of the construction truck traffic. We have school age children that have to walk to and from Hwy 43 in order to catch the school buses in the morning and afternoon. There are residents that rely on Tri Met for transportation which also means a trek up to Hwy 43. These citizens, West Linn residents will be subjected to extreme hazards in trying to navigate walking on a narrow street with all of the dump trucks, cement trucks, and trucks delivering construction materials.

My concern now is that this application that was first deemed complete, has now been amended and LOT has removed the requirement for the 5 foot safety buffer between the pedestrian path and all construction equipment. If first the City of West Linn deemed a Conditional-use application *complete* with a safety zone included, why do they now say it is complete with the safety zone removed.

rec 10/18/2012
PB

Planning Commission Hearing

October 17, 2012

Good evening, My name is Steve Blake and I live at 4400 Mapleton Dr.

I am opposed to the proposed construction of the Water Treatment Plant. The proposed does not comply with CDC 60.070A. Simply stated, this project is just too massive for the location where it is proposed to be built. The safety of the residents of Mapleton Dr. and Kenthorpe Way will be compromised because our streets are inadequate to accommodate construction traffic *and* keep our residents safe.

A big concern relates to the safety of WL citizens who reside on these two residential streets. I understand that Mapleton Dr. is considered a Collector Street and therefore should be able to handle the additional traffic with ease. What is much closer to reality is the reference made by TVF&R, that Mapleton Dr. is a SUBSTANDARD Street.

If this Water Treatment Plant is approved we will be subjected to life in the middle of a massive construction zone for some 32 months. The latest estimate I heard was that there will be 15,000 one-way trips by large trucks to the Water Treatment Plant property located *in our* residential neighborhood between Kenthorpe and Mapleton. That figure does not even include truck trips necessary to construct the 1000 pilings needed to stabilize the Water Treatment Plant, pipeline excavation & construction, trips needed to transport workers, **or** inspectors and other support services to and from the construction site.

(A quick thought on the 1000 pilings. If it takes 1000 pilings to stabilize the buildings doesn't that indicate that there is probably a better location for the Water Treatment Plant? A violation of CDC 60.070A.)

I attended a few meetings where this issue was discussed. Initially I was told that the Partnership could construct a pedestrian path the length of the street and at the option of the residents and the city of West Linn would be willing to remove the path after the Water Treatment Plant was completed. The last meeting we were told that LOT would build a path only if we paid for the construction. LOT is introducing the hazard into our neighborhood but we have to pay to be safe.

One of my greatest concerns with this proposed project is with the impact it will have on the ability of TVF&R to respond to an emergencies during construction of both the pipeline and the Water treatment plant, with the pipeline construction, I believe, presenting the *greater problem*. Over the last month or so I have had several meetings with representatives' from the City of West Linn, the Partnership and TVF&R to discuss different aspects of the Construction Management Plan as it relates to safety and emergency response.

The original application had three critical requirements; First: ***"The contractor will be required to provide 12 foot wide minimum emergency access at all time to all residential and commercial property through the construction work zone."*** Second: ***requires that emergency response access be provided to within 150 feet of each building.*** third and probably most important: ***in the case of an emergency, existing emergency response times to all areas affected by RWP and FWP construction activities will be maintained.***

However, The partnership now acknowledges that there are, at least, 4 locations where the 12' emergency access cannot be maintained at all times. In these cases TVF&R would detour via a much longer route, down Cedar Oak Dr, Steamboat Way and then onto Nixon, at lease a mile further, before they then try and negotiate the blind corner from Nixon back up onto Mapleton

This detour would put them in violation of requirement that ***existing emergency response times to all areas affected by RWP and FWP construction activities will be maintained.*** Their solution was to simply remove the requirement that response times must be maintained. While TVF&R says that driving those extra surface streets will still allow them to maintain response times "within their maximum response times", it is obvious to everyone here that that cannot be quicker than simply turning down onto

10/18/2012 2P

I could repeat what has been said in the past or what has or will be covered tonight. Because the pipe line was not on the agenda I never talked about it. This has been a main concern of mine because my home backup to Highway 43

A conditional use must meet the needs of the community. The only needs that have been put forward has been the inter-tie and the path from Kenthorp to Mapleton.

First the inter-tie.

This has been used on a number of occasions to justify a conditional use being granted in the past. This is nothing new and should not be considered. The inter-tie will be there whether this application is approved or not.

Second the path.

The location of the path at the east end of the property does not meet the requirements under our codes for distances from another path. With the changes in the plant there is adequate space for this path to be placed at the west side of the property per the memo to Chris Kerr from DJ Hefferman dated October 10, 2012. The path is the only tangible item that can be seen.

The mitigation list was to give items of value for the inconvenience we must put up with for three years of construction of the LOTWP to show a benefit to the citizens of the Robinwood area and the city as a whole.

One item on the mitigation list in your packet was missing, unknown to me and others of the GNC. The list in your packet and given to LOT was voted on at the December RNA meeting. Some thing were missing. Unfortunately I didn't catch it until I attended the meeting held at the West Linn High School On Sept. 5, 2012. This was a very important item. What was on the original list is as follows:

“Sidewalks, curb and bike lane from Burgerville north to the city limit”.

I am the first to realize that all the improvements needed on Highway 43 are not likely to be done. This is a tremendous opportunity to address the upgrading of Highway43. At the meeting of September 5, 2012, I suggested to those present that the three cities join to gather to lobby Metro, the county, state and the federal government for funds to pay for improvements to Highway43. Lake Oswego and Tigards managers were there. They seemed to be on board. I later attempted to contact their city managers with no response back. Our mayor and city manager met with Senator Devlin. No encouragement was forth coming from our senator. .Because of this there are two on the mitigation list I urge you to include as a requirement on this application if approved by you.

1. Left Turn lane both north and south at Arbor Dr.

Over the years there have been number of accidents. In fact there was a three car one just a few weeks ago. Plus cars are passing on the right all the time as cars are trying to turn left.

A little history on Arbor Dr.

When College Hills was plotted It allowed for several street connection to future residential development at Marylhurst on the west side of Highway 43. When LO's Planning Commission adopted the plan it called for one street to connect thus giving that part of West Linn direct access to the signals on Hiwas43 thus lowering the

load of auto trips on Arbor Dr. LO City Counsel sided with residence of College Hills and turned down any through street connection to the highway.

2. Pedestrian safety Island at Cedar Oak and Highway 43 at the south crosswalk.

If nothing else at least these two Items should be required.

At that meeting it was asked again for any studies done for other locations for this plant. There response was, we thought you were talking about another location for the water intake. We have been asking for this from the beginning. Myself with many others have felt no other place was ever seriously considered.

On the mitigation list LO keeps showing these improvement needs to be paid for by the franchise fee West Linn is looking into. This has not been finalized, so should not be considered. Plus from what has been said they may fight this fee.

The only way a franchise fee would work for improvements would be to set them aside to pay for some kind of bonds for any improvements on highway 43 and our neighborhood.

Construction of the Pipe Line on Hi-way 43.

Because this is on a state hi-way construction will be only allowed between 8 PM and 5 AM. There shouldn't be major problem with in the business district. The Seven Eleven and Wall Mart are the only ones open all night. There are a few restaurants open into the evening.

According to their application about 50 feet will be done per night.

I estimate that this distance is about 1850 feet from Marylhurst Dr. to the north city limit. At 50 feet pr. night it would be about 37 night of construction noise.

Tentative night work will be from September 2014 to June 2015. Depending on the time of the year some of us will have our windows open and without air conditioning it could be very uncomfortable.

They estimate 8 truck per. hour or about 78 per. Night. This alone will make it difficult to get a good night sleep.

Noise that will be allowed:

Dumping of excavated material into trucks or dumping of gravel onto the ground or into the pipe line ditch. They will attempt, by using sound barriers, to keep other noises lower. No guarantee!

There are about twenty five private residence north of Marlyhurst Dr. to the north city limits that either face or backup to Highway 43, Two of them are residential care homes on the east side or 43. No matter what this will be disruptive to all of us one time or another.

This whole project will be a major disruption for us here in West Linn for three years. If this must be approved please make it as bearable as possible for us most effected.

Thank you

Robert Stowell
2606 Maria Ct.
West Linn, Oregon
503-636-3915

October 15, 2012

West Linn Planning Commission:

Carl Edwards and Steve Hopkins who both live on Mapleton Drive in West Linn collaborated on the attached testimony and request that their allotted times be combined for this presentation during the October 17-18 hearing on Lake Oswego/Tigard's application to expand their water treatment plant in West Linn and install a 42/48" pipeline on Mapleton Drive and Highway 43.

Thanks,

Steve Hopkins, SFHopkins9@aol.com, and Carl Edwards

rec 10/18/2012
CP

The application does not meet CDC-60.070A

October 17-18, 2012, West Linn Planning Commission meetings

Good evening Commissioners and Happy Halloween season. My name is Steve Hopkins, a resident of 3910 Mapleton Drive. And this is Carl Edwards, 3680 Mapleton Drive. We're collaborating on this testimony and have requested combined time.

It's time to return to the Nightmare on Mapleton Drive. We appreciate your continuing service and consideration of our concern over Lake Oswego's attempt to create a new profit center selling water to other cities in the area at the expense of West Linn residents. Despite LO/T's suspension of their application for a few months, we trust that our earlier testimony is still part of your deliberations.

Since then, Lake Oswego and Tigard have combined applications for their treatment plant expansion and pipeline; acknowledged the increasing damage to the Robinwood neighborhood by raising payments for waiving the covenant clause that prevents their easy expansion; and surveyed and marked Mapleton Drive, showing how they'll destroy it installing their pipeline and moving our waterline. They've also shown that utility lines will be closer than the required separation.

Having previously addressed the adverse effects of the plant expansion, we'd like to focus on their proposal to ram a four-foot-in-diameter pipe up Mapleton Drive and down Highway 43 to deliver Clackamas River water to Tigard and whoever else will buy it. Besides squeezing residential and emergency traffic into a 12-foot lane in competition with construction machinery and dump trucks, this pipeline is a monstrous danger to life and property in West Linn.

When it leaks as all pipes ultimately do or bursts as pressurized pipes can, the potential damage can be catastrophic. Carl calculates that this pipe will carry 38 million gallons of water a day under a pressure of 150 static pounds per square inch. (1) Imagine the erosion millions of gallons of pressurized water can cause. Because of the narrowness of Mapleton Drive and the huge size of this pipe, water from a leak can flood the street and take out landscaping, trees, other utilities and even houses as it rushes downhill to the river. Even without a leak in the pipe, the eight-foot-wide, eight-foot-deep trench to house it will invite Trillium Creek cutting under Mapleton Drive to carve a new courses past residents' front doors, dropping power poles and lines in the process.

Lake Oswego officials will tell you that this pipeline—the Titanic of Mapleton Drive-- will never leak or burst and you need not worry about it. If an earthquake along the fault-lines embracing West Linn should cause this pipe to burst, they'll say it was an Act of God and not Lake Oswego's fault. Perhaps not, but it will be West Linn's fault for approving the pipeline in the first place. Aside from Acts of God, Lake Oswego will undoubtedly assure you their pipeline will never leak and if it does they'll fix it promptly.

My neighbor Carl Edwards, who has held licenses to work on underground transmission lines in six states including Oregon, researched the security of four-foot-in-diameter pipelines. He couldn't find any evidence of four-foot-wide pipes in residential neighborhoods, undoubtedly because prudent municipalities wouldn't allow them. He did find a reference to a four-foot pipe under consideration in a Raleigh, North Carolina residential area. Community leaders rejected it because the installation and

pipe would have encroached on private property. Just as Lake Oswego's proposal probably will. (2) However, Carl did find several failures in news reports. I've paraphrased them...

Late at night on February 9th, 1997, a four-foot-wide water main exploded in the most critical traffic bottleneck in Brooklyn, New York. Consider Highway 43. The break in the Brooklyn pipe washed out sidewalks and the street damage snarled traffic for several days.

On August 18, 2010 a four-foot-wide steel water pipe serving two-thirds of the city of Waco, Texas failed, was repaired, failed again two days later and took a few more days to fix.

On July 11, 2011, a four-foot-wide water pipe in Louisville, Kentucky ruptured, spilling seventy million gallons of water. It took crews more than four hours to isolate the break and officials advised more than 75,000 residents to boil their water.

Unfortunately, lightning struck the same place again. On August 12, 2011 Louisville suffered another break in the same area, spilling 7.5 million gallons of water. The spill gouged a cavernous hole in a resident's front yard, toppled a 100-year-old tree and ruptured a gas line, leaving 47 homes without service. Residents were once again advised to boil water. A Louisville Water Company spokesman was quoted saying, "What we're trying to do is figure out if there's technology in the country we can get here to help us really inspect this pipe."

On July 28, 2011, a water main broke in Aloha, Oregon, sending about 180,000 gallons of water down Southwest Stoddard Road. Service was cut to 75 homes and about 200,000 customers suffered reduced water pressure.

At 1:00 a.m., September 28, 2012, Beaverton, Oregon neighbors reported a ductile-steel water main break which sent thousands of gallons of water rushing down Southwest Ruby Street, ripping up asphalt.

Could it happen on Mapleton Drive and Highway 43? Of course it could. It's not a matter of whether it will, it's a matter of when. But it doesn't have to happen. Lake Oswego and Tigard have convinced many Mapleton Drive residents that they will either wear us down and secure enough covenant waivers to expand their plant or condemn the covenant and proceed anyway. But that doesn't mean that the City of West Linn has to put up with this Nightmare and pay for present and future damages. We're counting on the common sense and wisdom of our Planning Commission and City Councilors to stop this destruction of residential lifestyle and property values.

But, what if you don't? What if West Linn officials approve the plant expansion and pipeline? And what if residents or their property are harmed during construction or after completion of the pipeline? To my knowledge, home-owners insurance won't cover this kind of water damage. West Linn may be able to indemnify itself. But history has taught us that we can't count on Lake Oswego to reimburse injured parties for its mistakes or negligence.

Consider the 1996 case of Vokoun vs. the City of Lake Oswego in which Lake Oswego's negligence with an outfall pipe, caused a landslide which dropped the Vokoun's backyard as much as 20 vertical feet, damaging a deck and a dog run and destroying many trees. Although the trial court sided with the

Filed: October 24, 2002

IN THE SUPREME COURT OF THE STATE OF OREGON

WILLIAM VOKOUN
and PAULA VOKOUN,

Petitioners on Review,

v.

CITY OF LAKE OSWEGO,
a municipal corporation,

Respondent on Review.

(CC 96-11-052; CA A101203; SC S47931)

En Banc

On review from the Court of Appeals.*

Argued and submitted September 12, 2001.

Mark P. Reeve, Portland, Reeve Kearns PC, argued the cause and filed the briefs for petitioners on review. With him on the briefs was Tracy Pool Reeve.

Timothy J. Sercombe, Portland, Preston Gates & Ellis LLP, argued the cause and filed the briefs for respondent on review. With him on the briefs was William K. Kabeiseman.

Mark C. McClanahan, Portland, filed a brief on behalf of *amici curiae* George Spada and Marietta Spada.

Harry Auerbach, Portland, Senior Deputy City Attorney, City Attorney's Office, filed a brief on behalf of *amicus curiae* League of Oregon Cities.

W. Eugene Hallman, Pendleton, Hallman and Dretke, filed a brief on behalf of *amicus curiae* Oregon Trial Lawyers Association.

LEESON, J.

The decision of the Court of Appeals is reversed, and the case is remanded to the Court of Appeals for further proceedings.

*Appeal from Clackamas County Circuit Court, Robert D. Herndon, Judge. 169 Or App 31, 7 P3d 608 (2000).

LEESON, J.

Plaintiffs William and Paula Vokoun (plaintiffs) challenge a decision of the Court of Appeals that

reversed a jury verdict in their favor on their claims for inverse condemnation and negligence against the City of Lake Oswego (city) after the trial court denied the city's motion for a directed verdict on both claims. *Vokoun v. City of Lake Oswego*, 169 Or App 31, 7 P3d 608 (2000). For the reasons that follow, we reverse the decision of the Court of Appeals and remand the case to that court for further proceedings.

I. FACTS

Because the jury found in plaintiffs' favor, we view the evidence, and all inferences that reasonably may be drawn from it, in the light most favorable to plaintiffs. *Greist v. Phillips*, 322 Or 281, 285, 906 P2d 789 (1995). Our inquiry is whether there was any evidence from which the jury could have found the facts necessary to support its special verdicts on plaintiffs' claims for inverse condemnation and negligence. See *Brown v. J. C. Penney Co.*, 297 Or 695, 705, 688 P2d 811 (1984) (describing standard of review in determining whether trial court erred in denying motion for directed verdict). Our review of the record "is circumscribed by the case actually presented to the jury through the pleadings, evidence, and jury instructions." *Northwest Natural Gas Co. v. Chase Gardens, Inc.*, 333 Or 304, 310, 39 P3d 846 (2002).

In 1989, plaintiffs purchased a home on the north side of Rocking Horse Lane in the Red Fox Hills Subdivision in Lake Oswego. The subdivision had been developed in the early 1970s on a hill above Tryon Creek State Park. Plaintiffs' property slopes down to the north, into a ravine at the bottom of the hill. The ravine runs approximately parallel to the northern border of plaintiffs' property. Plaintiffs' house is located on the south side of their property.

The city built a storm drain that runs underground from Rocking Horse Lane north along a drainage easement near the western border of plaintiffs' property. (1) An outfall pipe, 12 inches in diameter, located near the northwest corner of plaintiffs' property, discharges the water into the ravine. The water then flows east along a drainage course towards Tryon Creek. During periods of heavy rainfall, the outfall pipe discharges a high volume of water.

Before the Red Fox Hills Subdivision and storm drain were built, storm water from approximately one acre of land drained to the location where the storm drain now exists. After the subdivision was built, the outfall pipe discharged runoff from about seven acres of land into the drainage course, causing extensive erosion. By 1986, in the words of a city engineer, the drainage course "needed some significant attention." However, the city has a "complaint driven" repair policy for maintaining storm drains, and, apparently because no one had complained, the city did not undertake any repairs at that time.

The city also has a five-year plan for determining which capital improvements projects -- including projects involving storm drains -- to undertake. That plan is incorporated into the city's budget. The plan addresses projects that are estimated to cost \$25,000 or more. The city council decides which proposed projects to include in the capital improvements plan. Undertaking a capital improvement project that is not in the plan and that costs more than \$25,000 usually requires the city council to adopt a supplemental budget. The city did not consider whether to place improvement of the storm drain and drainage course at issue in this case in the capital improvement plan. Neither did the city council consider whether to adopt a supplemental budget to repair the erosion problems associated with the storm drain.

Before buying their property in 1989, plaintiffs discovered a hole approximately eight feet deep around the storm drain outfall pipe. The hole appeared to have been caused by erosion from water coming out of the outfall pipe. Although the point where the pipe discharged the storm water was beyond the

boundary of the property that plaintiffs were considering buying, the hole had swallowed the property marker for the northwest corner of the lot. Plaintiffs notified the city about the hole, and, after plaintiffs had purchased the property, the city's maintenance staff filled the hole with asphalt debris left over from a street project in another area of the city. After filling the hole with pieces of asphalt, the maintenance department did not inspect the outfall site or the drainage course to determine whether filling the hole had solved the erosion problem. Neither did the city tell plaintiffs that plaintiffs were responsible for inspecting the area to determine whether filling the hole had stopped the erosion at the outfall site or along the drainage course. In fact, filling the hole did not stop the erosion along the drainage course.

On February 8, 1996, following a period of unusually heavy rain, a landslide occurred on the hillside on which plaintiffs' property is located. The landslide continued to grow in the following months. The landslide caused a four-foot drop in the land approximately nine feet from plaintiffs' house and a 20-foot drop approximately 19 feet from the house. The landslide damaged a deck on the house and a dog run, and both had to be removed. The landslide also destroyed many trees. If plaintiffs had not taken remedial action, the land would have continued to slide, eventually destroying the house.

In November 1996, plaintiffs filed this action against the city for inverse condemnation and negligence. (2) In their claim for inverse condemnation, plaintiffs alleged that the city had "taken" their property for a public use by constructing a storm drain pipe and outfall pipe in a manner that destabilized the soils on and adjacent to plaintiffs' property, causing a landslide. As relates to issues on appeal regarding plaintiffs' negligence claim, plaintiffs alleged, among other things, that the city was negligent by failing properly to inspect the outfall and drainage course to discover the erosion that was occurring and to take reasonable steps to prevent a catastrophic landslide.

As noted, in its answer, the city admitted that it built the storm drain in question. The city contended that plaintiffs had failed to state facts sufficient to constitute a claim and that the city was immune from liability for plaintiffs' negligence claim under ORS 30.265(3)(c). (3)

At trial, plaintiffs presented evidence that the water that the storm drain diverted into the drainage course eroded more than nine tons of soil per acre each year. Before the development of the Red Fox Hills Subdivision and construction of the storm drain, there had not been a drainage course running from the outfall site to Tryon Creek. One of plaintiffs' experts testified that the speed of the water coming out of the outfall pipe likely caused the extensive erosion that occurred along the drainage course. Another expert testified that the erosion had been occurring for about 25 years before the landslide, or about since the time that the storm drain and outfall pipe were installed, and that the primary cause of the landslide was the erosion in the drainage course that had removed the soil at the toe of the slope that supported the hillside on which plaintiffs' property is located. According to that expert, the city should have been aware of the potential for further erosion in the drainage course when it filled the hole at the outfall site in 1989. Finally, plaintiffs presented evidence that the city could have prevented the landslide if it had "backfilled" the length of the drainage course with compacted soil or had constructed an enclosed pipe to carry water from the outfall pipe east along the drainage course to Tryon Creek. Either of those repairs would have cost more than \$25,000.

At the close of plaintiffs' case, the city moved for a directed verdict on plaintiffs' inverse condemnation and negligence claims. The city argued that, as a matter of law, the damage to plaintiffs' property from the landslide was not a taking. The city also argued that, as a matter of law under ORS 30.265, discretionary immunity barred plaintiffs' negligence claim. The trial court denied both motions, and the jury thereafter returned special verdicts for plaintiffs on both claims. (4)

The city appealed, raising multiple assignments of error. The Court of Appeals reversed, addressing only

the city's contention that the trial court erred in denying the city's motion for a directed verdict on plaintiffs' inverse condemnation and negligence claims. See *Vokoun*, 169 Or App at 33 (those two assignments "dispositive"). The Court of Appeals viewed plaintiffs' inverse condemnation claim as being predicated on the city's negligence. See *Vokoun*, 169 Or App at 40 ("In this case, plaintiffs expressly predicate their claims on the City's negligence."). Relying primarily on *Patterson v. Horsefly Irrigation Dist.*, 157 Or 1, 69 P2d 282, 70 P2d 33 (1937), the Court of Appeals held that, as a matter of law, negligent interference with property rights does not support a claim for inverse condemnation. *Vokoun*, 169 Or App at 37-38. The Court of Appeals also held that, as a matter of law, the city had made discretionary policy decisions that entitled it to discretionary immunity under ORS 30.265. *Id.* at 42-43. We allowed plaintiffs' petition for review. We begin our analysis with the inverse condemnation claim.

II. INVERSE CONDEMNATION

Article I, section 18, of the Oregon Constitution provides, in part, that "[p]rivate property shall not be taken for public use * * * without just compensation[.]" Private property is "taken" for public use or benefit through the exercise of the power of eminent domain. *GTE Northwest, Inc. v. Public Utility Commission*, 321 Or 458, 466, 900 P2d 425 (1995). See *Dept. of Trans. v. Lundberg*, 312 Or 568, 571 n 1, 825 P2d 641 (1992) (describing eminent domain as "the power inherent in a sovereign state of taking or of authorizing the taking of any property within its jurisdiction for a public use or benefit"). A governmental unit with eminent domain authority can exercise its power of eminent domain by instituting condemnation proceedings. *Id.* An action against the government to recover the value of private property that the government has taken without first filing condemnation proceedings is referred to as an action for "inverse condemnation." See *Suess Builders v. City of Beaverton*, 294 Or 254, 258 n 3, 656 P2d 306 (1982) (claim for inverse condemnation is shorthand description of process through which landowner recovers just compensation for governmental taking of property even though government did not institute condemnation proceedings).

To establish a taking by inverse condemnation, the plaintiff is not required to show that the governmental defendant deprived the plaintiff of all use and enjoyment of the property at issue. See *Morrison v. Clackamas County*, 141 Or 564, 568, 18 P2d 814 (1933) (any destruction, restriction, or interruption of common and necessary use and enjoyment of property constitutes taking). A "substantial interference" with the use and enjoyment of property is sufficient. *Hawkins v. City of La Grande*, 315 Or 57, 68-69, 843 P2d 400 (1992).

Before this court, plaintiffs first argue that the Court of Appeals erred in holding that negligent governmental interference with property rights will not support a claim for inverse condemnation. They contend that, under this court's decisions in *Morrison* and *Tomasek v. Oregon Highway Com'n*, 196 Or 120, 248 P2d 703 (1952), a public body is liable in inverse condemnation for the consequences of a public use, "regardless of whether the consequences are themselves expected or intended, regardless of 'fault.'" In the alternative, plaintiffs contend that the Court of Appeals erred in analyzing their claim for inverse condemnation as being predicated on the city's negligence. According to plaintiffs, they based their inverse condemnation claim on the city's acts, not on the city's omissions regarding maintenance of the drainage course and repair of erosion along the drainage course.

The city responds that this court's cases, including *Morrison* and *Tomasek*, establish that a "purposive act" is an element of an inverse condemnation claim and that "there is no allegation or proof in this case that the city designed or constructed the subdivision stormwater drainage system." Rather, "[t]he only action of the City related to the subdivision drainage system was its presumed acceptance of the system in the plat dedication." The city's alleged failure to maintain the drainage course and repair the erosion along the course, the city continues, is not the type of "purposive act" that this court's cases have held is required to state a claim for inverse condemnation. The city does not comment on whether its admission

that it built the storm drain would satisfy what it views as the "purposive act" requirement. In addition, the city argues that plaintiffs failed to establish a taking in this case because the damage that the landslide caused to their property did not amount to a substantial interference with their use and enjoyment of the property.

We begin with plaintiffs' first argument, namely, that the Court of Appeals erred in holding that a takings claim cannot be based on interference with property rights that is "merely a consequence of negligent government conduct." *Vokoun*, 169 Or App at 37. Plaintiffs are mistaken. This court long has held that a claim for inverse condemnation requires a showing that the governmental acts alleged to constitute a taking of private property were done with the intent to take the property for a public use. See *Gearin v. Marion County*, 110 Or 390, 402, 223 P 929 (1924) (distinguishing eminent domain from tort, in part, by whether governmental acts done with intent to take private property for public use). *Patterson*, on which the Court of Appeals relied, explained by analogy the difference between negligence and inverse condemnation, and it cited *Gearin* for the proposition that governmental negligence will not support a claim for inverse condemnation. *Patterson*, 157 Or at 17-19. Plaintiffs apparently believe that *Morrison* and *Tomasek* eliminated the requirement that a claim for inverse condemnation requires a showing that the governmental defendant intended to take private property for a public use. We disagree.

In *Morrison*, the plaintiff alleged that the defendant county had built a jetty in the Sandy River that closed the southerly portion of the river channel, thereby forcing the entire flow of the stream to the northerly bank. 141 Or at 566. The next spring, when the river reached its annual high water stage, the entire flow of the river was diverted over the plaintiff's land, destroying it. *Id.* at 566-67. In discussing the law of inverse condemnation, this court stated:

"In an action of this character it is no defense that there was no specific intention on the part of defendant to appropriate plaintiff's property, but the defendant *must be held to have intended to do those things which are the natural and ordinary consequences of [its] act.*"

Id. at 569 (emphasis added). By alleging that the county intended to construct the jetty in a manner that necessarily caused the flooding that destroyed the plaintiff's property, the plaintiff had stated a claim for inverse condemnation. *Id.* *Morrison* thus stands for the proposition that the fact-finder may infer the intent-to-take element of a claim for inverse condemnation from the natural and ordinary consequences of the government's act. *Accord Levene v. City of Salem*, 191 Or 182, 196-97, 229 P2d 255 (1951) (municipal act resulting in "a direct and continuous trespass upon real property, as by diverting the flow of a stream from its natural course onto the property, or by flooding the property through a drain or sewer so constructed that such flooding is a necessary result of the construction," is "taking").

Tomasek is consistent with *Morrison*. In that case, the Highway Department constructed a grade, roadbed, and bridge in a manner that closed off most of a flood plain. *Tomasek*, 196 Or at 138-39. Closing off the flood plain, combined with excavating rock from the river bed, substantially increased the velocity of the current in the main river and changed its course and channel from its original location to a place over and across the plaintiff's land. *Id.* Relying on *Morrison*, this court held that the Highway Department had taken the plaintiff's land for a public use without first condemning the land. *Id.* at 148-50. See also *Hawkins*, 315 Or 57 (holding intentional release of sewage-laden water onto private property to prevent overflow at sewage treatment plant, killing livestock and crops, supported claim for taking personal property by inverse condemnation).

Thus, neither *Morrison* nor *Tomasek* eliminated the requirement that a claim for inverse condemnation requires a showing that the governmental defendant intended to take private property for a public use. A fact-finder may infer the intent to take from the governmental defendant's action if, as this court stated in

Morrison, the natural and ordinary consequence of that action was the substantial interference with property rights. The Court of Appeals did not err for the first reason that plaintiffs have asserted.

We turn to plaintiffs' argument that the Court of Appeals erred nonetheless because it mischaracterized plaintiffs' inverse condemnation claim as being predicated on the city's negligent maintenance of the outfall pipe. We agree. Plaintiffs' complaint states that their claim for inverse condemnation was based on the city's construction of the storm drain pipe and outfall in a manner that created a drainage course where one had not been previously, and caused accelerated erosion along that course, thereby destabilizing the soils on and adjacent to plaintiffs' property. Accordingly, the question is whether plaintiffs presented evidence from which a jury could find that the natural and ordinary consequence of the city's construction of the storm drain was to destabilize plaintiffs' property, causing the landslide. As we have explained, an appellate court will not reverse the trial court's denial of a motion for a directed verdict if there is *any* evidence in the record from which the jury could find the facts necessary to establish the elements of the claim. *See Brown*, 297 Or at 705 (stating standard of review of denial of motion for directed verdict).

As noted, in this case, the city built the storm drain. The city does not dispute that water from that storm drain caused erosion in the drainage channel. The parties presented conflicting evidence about what caused the landslide. Plaintiffs' evidence showed that the hillside on which plaintiffs' property is located was stable before the storm drain was built there had not been a drainage course in the ravine beneath plaintiffs' property before the storm drain was built; the storm-drain channeled water consistent with the way that the drain had been designed and built 25 years earlier; and water from the drain, without any intervening causes, had created the drainage course and caused the erosion that undermined the hillside, causing the landslide.

That the jury heard conflicting evidence on virtually every issue regarding plaintiffs' claim for inverse condemnation is of no moment in our review of whether the trial court erred in denying the city's motion for a directed verdict on that claim. The city built the storm drain, and it is undisputed that a storm drain is a public work, serving a public purpose. Before the storm drain was built, there was no natural drainage course in the ravine. The storm drain collected more than five times the amount of water that naturally flowed through the area where the landslide occurred. The outfall pipe dispersed that water with such force that the water carved a drainage course along the ravine. The water was directed at, and caused, unnatural erosion along the drainage course, undermining the toe of the slope that supported the hillside on which plaintiffs' property is located. One reasonable inference from the foregoing evidence is that the landslide was the natural and ordinary (even inevitable) consequence of the city's construction of the storm drain in that manner. It follows that there is evidence in the record to support the jury's verdict.

Nonetheless, the city argues, there is no evidence in the record to support plaintiffs' claim that the landslide caused *substantial* interference with their property rights. *See Hawkins*, 315 Or at 68-69 (test for whether damage to property rises to the level of a taking is whether there has been "substantial interference" with use and enjoyment of property). Rather, the city contends, the landslide did not functionally impair the use of plaintiffs' property. That argument is without merit. As we have explained, plaintiffs presented evidence that the landslide caused such a significant drop in plaintiffs' land within a few feet of their home that a deck on the house and a dog run had to be removed. Without remedial action, the house would have collapsed. On that evidence, the jury could find that plaintiffs had suffered a substantial interference with their property rights. The trial court did not err in denying the city's motion for a directed verdict on plaintiffs' inverse condemnation claim.

Our decision on plaintiffs' inverse condemnation claim does not address all the assignments of error that the city raised on appeal regarding that claim or the relationship of that claim to plaintiffs' negligence claim. *See Vokoun*, 169 Or App at 33 (noting that Court of Appeals did not address all assignments of

error). Accordingly, the case must be remanded to the Court of Appeals to address those other assignments of error. Moreover, at the Court of Appeals, the city argued that the trial court erred in a number of respects regarding plaintiffs' negligence claim. The Court of Appeals did not reach those arguments because it held, as a matter of law, that the city was immune from liability under ORS 30.265(3). *See id.* at 43 (so holding). Whether the Court of Appeals also must address the city's remaining assignments of error regarding plaintiffs' negligence claim depends, in part, on whether the Court of Appeals erred in its holding on discretionary immunity. We turn to that issue.

III. DISCRETIONARY IMMUNITY

Discretionary immunity protects governmental defendants from liability for certain types of decisions, namely, those that require supervisors or policy makers to assess costs and benefits, and to make a choice among competing goals and priorities. *McBride v. Magnuson*, 282 Or 433, 437, 578 P2d 1259 (1978). The doctrine of discretionary immunity does not immunize a decision not to exercise care at all, if action of some kind is required. *See Garrison v. Deschutes County*, 334 Or 264, 274, 48 P3d 807 (2002) (so stating). To qualify for discretionary immunity under ORS 30.265(3)(c), the city must show that it made a decision "involving the making of policy" as opposed to a "routine decision[] made by employees in the course of their day-to-day activities[.]" *See Mosley v. Portland School Dist. No. 1J*, 315 Or 85, 89, 843 P2d 415 (1992) (stating test for discretionary immunity). The burden is on the governmental defendant to establish its immunity. *Stevenson v. State of Oregon*, 290 Or 3, 15, 619 P2d 247 (1980).

As noted, in this case, the city moved for a directed verdict on plaintiffs' negligence claim on the ground that the city's failure to inspect and maintain the outfall and drainage course was subject to discretionary immunity under ORS 30.265(3)(c). The trial court denied the city's motion and submitted plaintiffs' negligence claim to the jury,⁽⁵⁾ which found the city liable. In reversing the trial court, the Court of Appeals held that the city's choice about which capital improvement projects exceeding \$25,000 to undertake, which did not include inspection, maintenance, or repair of the drainage outfall at issue in this case, was "precisely the sort of discretionary policy decision that is subject to ORS 30.265(3)." *Vokoun*, 169 Or App at 42-43.

On review, plaintiffs contend that the Court of Appeals decision erroneously creates a presumption of immunity whenever a local government adopts a budget that fails to address that government's duty to inspect and maintain public facilities. In this case, plaintiffs contend, the city presented no evidence that policy makers had considered the risks to plaintiffs' property from erosion and alternative means for mitigating it. Therefore, they assert, the city failed to establish its immunity. The city responds that, although plaintiffs couched their specification of negligence in terms of the city's failure to inspect and maintain the drainage course, the underlying issue is the city's failure to acquire the drainage course from the state and improve it either by constructing a closed pipe along the length of the course or filling it with compacted soil. As to the decision not to acquire and improve the drainage course, the city argues, it is immune from liability under the doctrine of discretionary immunity, because the city's governing body made policy decisions reflected in the capital improvements plan that did not include acquiring and improving the drainage course at issue in this case.⁽⁶⁾ For the reasons that follow, we conclude that, on the facts of this case, the Court of Appeals erred in holding that the city had established its immunity to plaintiffs' negligence claim.

As we have explained, the city has a complaint-driven policy regarding inspection and repair of storm drains. Plaintiffs complained about the hole at the outfall site in 1989. Maintenance employees responded to the complaint by going to the area to assess what should be done. They discovered that water from the outfall pipe was causing unnatural erosion along the drainage course in addition to the

large hole that plaintiffs had identified. Maintenance employees decided to repair the erosion by filling the hole with asphalt debris. The decision how to respond to the erosion problem about which plaintiffs had complained was a routine decision made by employees in the course of their day-to-day activities. Such decisions do not qualify for discretionary immunity. *See Mosley*, 315 Or at 89 (describing decisions made by employees in course of day-to-day activities as not qualifying for discretionary immunity). Even assuming that city employees subsequently had inspected their repair, discovered that filling the hole with asphalt debris had not solved the erosion problem, and that adequate repairs would have cost more than \$25,000, the capital improvements plan would not necessarily have barred the city from making the necessary repairs. That is so because, as we explained earlier in this opinion, city policy permitted the city council to adopt a supplemental budget to pay for repairs costing more than \$25,000. The city presented no evidence that the city council considered whether to adopt a supplemental budget to repair the erosion that the outfall pipe at issue in this case had caused. On this record, we conclude that the fact that the city had adopted a capital improvements plan that did not include purchasing and improving the drainage course does not establish the city's immunity from plaintiffs' negligence claim.⁽⁷⁾ The trial court did not err in denying the city's motion for a directed verdict on that claim, and the Court of Appeals erred in holding otherwise. On remand, the Court of Appeals must address the city's other assignments of error regarding plaintiffs' negligence claim. *See Vokoun*, 169 Or App at 33 (declining to address other assignments of error because holding on discretionary immunity dispositive).

The decision of the Court of Appeals is reversed, and the case is remanded to the Court of Appeals for further proceedings.

1. On appeal and on review before this court, the city has maintained that it did not build the storm drain; rather, the city asserts that the developer of the Red Fox Hills Subdivision built the drain and later dedicated it to the city. However, in its answer, the city admitted that it built the storm drain. *See Yates v. Large*, 284 Or 217, 223, 585 P2d 697 (1978) (holding admission of fact in pleadings is judicial admission and normally conclusive on party making it).

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2. Plaintiffs' complaint also alleged other claims that are not at issue here.

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3. ORS 30.265 provides, in part:

"(3) Every public body and its officers, employees and agents acting within the scope of their employment or duties * * * are immune from liability for:

** * * * *

"(c) Any claim based upon the performance of or the failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused."

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4. The jury awarded plaintiffs \$138,410 on their inverse condemnation claim. The jury awarded each of the plaintiffs \$69,205 for property damage, \$80,750 for economic damage, and \$12,000 for noneconomic damage on plaintiffs' negligence claim. The trial court struck the property damage award as duplicative of the inverse condemnation award and then entered judgment for plaintiffs on the balance, \$323,910, plus attorney fees of \$30,224. Because of the posture in which this case appears before this court, we do not address whether, as a matter of law, plaintiffs may recover both on their claim for inverse condemnation and on their claim for negligence.

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5. The trial court instructed the jury as follows:

"In evaluating Plaintiffs' negligence claim, you may consider only the City's acts or omissions *in inspecting or maintaining* the drain channel. If Plaintiffs have proven by a preponderance of the evidence that the landslide was caused by acts or omissions in the maintenance or inspection of the drain channel, then you may find for Plaintiffs."

(Emphasis added.)

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6. Regarding plaintiffs' allegation that the city was negligent in failing to inspect and maintain the outfall and drainage course, the city contends that it had no such duty because the drainage course is on state, not city, property. That argument relates to whether the city was negligent at all, not whether it made policy choices that establish its discretionary immunity.

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7. We need not decide whether, assuming the city council had considered and then decided not to approve a supplemental budget for correcting the erosion in the drainage course, such a policy judgment would qualify for discretionary immunity.

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DESIGN AND CONSTRUCTION OF 8 MILES OF 48" CRITICAL TRANSMISSION MAIN THROUGH A HIGH CONGESTED URBAN, TRANSPORTATION AND RESIDENTIAL CORRIDOR

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ABSTRACT

Construction of the new City of Raleigh Dempsey E. Benton Water Treatment Plant (WTP) located in Garner, North Carolina was completed in spring 2010. Essential to the start-up of this new water plant, was a new 48-inch water transmission main to convey finished water from the new plant in Garner to Raleigh's distribution system—eight miles away and in a highly congested corridor. It was critical that this water transmission main be ready to transfer water to the City of Raleigh when the new water plant was placed into service. On top of an unforgiving construction schedule with an established milestone final completion date, the corridor selected for the 48-inch main was strewn with numerous existing utilities presenting significant obstacles during design and unanticipated re-design challenges during construction.

The route initially selected for the water transmission main was supposed to utilize an existing City of Raleigh utility easement. This existing easement was acquired during the 1920's and 1950's for two existing raw water lines that extend from Lake Benson water supply reservoir to the now abandoned E. B. Bain WTP. Unfortunately, preliminary investigations revealed numerous and significant private property encroachments on the City's raw water line easement. In addition to the encroachment problems on the existing easement, meetings held with community leaders led to the decision to consider an alternative route. The alternative route would address the community's concerns regarding the impact of construction on local residents and residential neighborhoods. As a result, additional meetings held with the public helped with the selection of a route that traversed mostly commercial and undeveloped (cross-country) properties.

Although the impact to residential neighborhoods was reduced, the new route caused serious impacts to the project schedule. This is because, in addition to acquisition of two dozen easements from private property owners, the final selected route required encroachment agreements from North Carolina Department of Transportation (NCDOT) and North Carolina Railroad (NCRR). The final route selected for the water transmission main traversed 3.3 miles of NCDOT rights-of-way, 1.2 miles of NCRR rights-of-way and crossed 3.5 miles of private properties. In addition, the final route required eighteen 66-inch diameter trenchless crossings and including major crossing at US Hwy 70 and Interstate I-440.

Pipe installed along existing roadways competes for space with existing buried telephone fiber optic cable, power lines, natural gas lines, sewer and water lines. Early discussions and meetings were held to carefully coordinate the route to avoid conflicts with existing utilities and to design according to NCDOT and NCRR requirements. NCDOT, NCRR and each utility owner was contacted to notify them of the proposed project, to garner their design suggestions and requirements, and to obtain as-built records of their facilities. The project route was then revised again to avoid conflicts with known utilities. An early

Design and Construction of 8 Miles of 48" Critical Water Transmission Main
Through a Highly Congested Urban, Transportation and Residential Corridor

attempt to obtain NCDOT's and NCRR's input and requirements did not prove successful. As such, extensive relocation was required at the end of final design and also during construction to address conflicts with unknown utilities and new design constraints.

The time spent selecting alternative routes, securing encroachment agreements from NCDOT and NCRR, acquiring easements, and resolving conflicts with existing utilities all caused delays in completion of final design and thus the time available for construction. Driven by a set milestone for final completion, the decision was made to break the project into three sections and bid it in three phases so that all three phases were under construction at the same time. Phase 1 and Phase 3 were bid August and September 2008, respectively, and Phase 2 was bid December 2008. Construction of the work in all three phases was well underway by early 2009. Even with three construction contracts running simultaneously, work was performed continuously for 6 to 7 days a week in order for the water transmission main to be completed in time for the start-up of the Dempsey E. Benton Water Treatment Plant in April 2010.

KEYWORDS

Water Transmission Main
Urban Environment
NCDOT and Railroad Encroachments

INTRODUCTION

City of Raleigh Public Utilities is the regional water supplier for the City of Raleigh and numerous smaller municipalities including Garner, Knightdale, Wake Forest, Rolesville, Wendell, and Zebulon. Construction of the City of Raleigh Dempsey E. Benton Water Treatment Plant was undertaken in 2007 to provide continued satisfactory water service to existing customers and an increased capacity for growth and development within the service area. The new plant was located in Garner, North Carolina which necessitated an assortment of distribution mains and a new finished water transmission main. The distribution mains were required to supply water to the Town of Garner and the transmission main was designed to deliver water from the new plant to the City of Raleigh's distribution system. A total of 1.4 miles of 16-inch and 24-inch water mains were installed within the Town of Garner, and an 8-mile 48-inch water transmission main was laid from Garner to Raleigh to achieve the City's goals. The 48-inch water transmission main connected to the City of Raleigh's distribution system near Wilmington Street close to the abandoned E. B. Bain WTP.

Because a 48-inch water transmission main requires a trench width of 8 to 10 feet and at least a 40 foot wide construction easement, it cannot be installed just anywhere. The designers of the water transmission main had numerous conflicts to resolve which would not normally been very difficult to solve on their own; but when combined in multiples in a restrictive over-crowded utility corridor, the vertical and horizontal design of the transmission main became much more challenging. Existing utility conflicts and NCDOT and NCRR construction constraints made it difficult to find an easy route for construction.

ROUTE SELECTION CHALLENGES

The route initially selected for the water transmission main was to utilize an existing City of Raleigh utility easement. This easement was acquired during the 1920's and 1950's for two existing raw water lines that extend from Lake Benson to the abandoned E. B. Bain WTP in Raleigh. The E. B. Bain WTP and the raw water lines were taken out of service in 1987. Between the time the raw water mains were initially constructed and today, the Town of Garner grew substantially, and in many cases literally grew on top of Raleigh's raw water main easement. The open fields where the raw water lines had originally been built had become established neighborhoods, commercial developments, industrial parks and major highways.

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EASEMENT AND ENCROACHMENT CHALLENGES

In total, 23 private easements, three NCDOT encroachment agreements, and one NCRR encroachment agreement were obtained for the project. A separate NCDOT encroachment agreement is needed for each different type of NCDOT encroachment proposed. For this project, separate NCDOT encroachment agreements were required for 1) the restricted-access agreements for the trenchless crossings at US Hwy 70, Hammond Road, and US 1-440, 2) to parallel New Rand Road because it is part of a future Transportation Improvement Project (TIP), and 3) all other encroachments.

NCDOT rights-of-ways in the project area are strewn with underground utilities. The final route was selected to avoid as many conflicts with existing utilities as possible. The NCDOT and utility owners were contacted early in the design process to determine as-built locations and to notify them where relocations were anticipated. NCDOT was approached for design input and meetings were held to get their recommendations on alignment in the right of way. However, very little direction was given by NCDOT during the design process prior to the submission of the encroachment agreements. After NCDOT encroachments were submitted, NCDOT stipulated that the transmission main be located 5 feet off their rights-of-way line in the vicinity of existing utilities. Due to its large size, it was not physically possible to install the 48-inch water transmission main at the location stipulated by NCDOT. Meetings were held and NCDOT decided to ease up on the 5-foot offset restriction; however, NCDOT still required that the new main be installed as close as possible to the rights-of-way line without regard to the other utilities that were already in the exact same location.

Another NCDOT requirement received late in the design process was that all trenchless crossings encasement pipes were to be installed with a depth of cover at least twice the diameter of the encasement. Because a 48-inch pipe requires a 66-inch encasement pipe, all road trenchless crossings had to be installed with 11 feet of cover and thus had to be lowered an additional 7 feet on the design drawings. Lowering the trenchless crossings also increased costs due to additional pipe bends and increased restrained joint pipe lengths.

The proposed route encroached along North Carolina Railroad property for a little over a mile and included crossing under two railroad spurs. Research of NCRR properties found that years ago Main Street in downtown Garner was constructed entirely within the railroad rights-of-way. Because there were few existing utilities aside from an existing water line on the north side of Main Street, the transmission main was initially routed along the north and same side of Main Street as the railroad tracks. NCRR, however, determined after the NCRR encroachment agreement was submitted that the 48-inch main could be installed within their rights-of-way, but only if it was installed as far away from the tracks as possible. Unfortunately for the designers, this meant the 48-inch main had to be rerouted to the south and beyond the edge of pavement in the same narrow corridor as other existing utilities. Since construction impact for the 48-inch water transmission main was wider and deeper than what was required for the other utilities, it was decided that the 48-inch would be placed closest to the edge of pavement, and that the other utilities would be relocated closer to the edge of the NCRR rights-of-way and thus at the front porches of numerous residents. In order to avoid relocation and conflicts with the numerous existing utilities and disturbance to the resident's front yards, NCRR was approached with a compromise for the route that routed the water transmission main within Main Street under the existing roadway. The NCRR would not even entertain the idea of installing the new 48-inch main within the roadway, but did allow it to be routed just behind the curb on the south side, a location that required the relocation of other existing utilities.

From beginning to end, the process to obtain NCDOT and NCRR encroachment agreements took 5 months and 12 months, respectively.

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BIDDING AND CONSTRUCTION CHALLENGES

With the D. E. Benton WTP under construction and on schedule to be completed in early 2010, the deadline for the water transmission main to be placed into service was quickly approaching. In order to improve the construction schedule, the project was split into three phases to be bid separately and built concurrently. This meant that at all times there were three different contractors simultaneously installing 48-inch pipe through the urban, highly congested corridor. Each of the three construction phases was about 3 miles feet long and had unique construction challenges. Phase 1 was bid in August 2008, Phase 3 was bid in September 2008, and due to possible soil contamination and associated testing, Phase 2 was bid in December 2008. Each Phase allocated 180 days to achieve substantial completion and an additional 30 days to achieve final completion.

Phase 1 Construction

Phase 1 of the project began at the D. E. Benton WTP on NC Hwy 50, continued north to New Rand Road and ended just after crossing through a baseball field and park in the Town of Garner. This phase was by far the most publically visible section and was almost entirely within the NCDOT and Town of Garner rights-of-way. On NC Hwy 50, the rights-of-way width averaged 40 feet from the edge of pavement, but included several utilities such as a large AT&T underground utility. During construction, NCDOT was approached with an alternate design to move the transmission main closer to a turn lane in order to deflect it around an AT&T underground vault. The alternate design was approved and implemented which provided an improvement to the construction schedule as well as a cost savings.

Several other alternative designs were submitted to NCDOT during construction and were evaluated by NCDOT on a case-by-case basis. Where a true hardship was demonstrated, NCDOT was generally found to be willing to re-evaluate alternate solutions that would continue to protect their roadway and help to alleviate the hardship. As a result, one trenchless crossing was deleted from the project, and the transmission main route was shifted into the street where a future NCDOT permanent road closure was going to occur as part of a NCDOT TIP.

Even though each utility owner was contacted during design, the time and cost of the proposed existing utility relocations was relatively unknown at bid time. The plan drawings showed approximate required utility relocations, and the specifications were written to put the responsibility of final determination on the contractor. A utility relocation allowance was included in each bid to pay for relocation costs. The contractors were responsible for scheduling the relocations with the utility owners and for making the effort to have the utilities relocated before they impeded construction.

Utility relocations on Phase 1 greatly exceeded the estimated Bid allowance and the anticipated construction time required for the relocations. The cost of utility relocations in Phase 1 was estimated at \$450,000, and the final cost was approximately \$594,000. Because the utility relocations where inside the NCDOT rights-of-way the contractor and the City had very little influence over the cost and the timing of the relocation. In retrospect, a better plan may have been to avoid the NCDOT right-of-way entirely and pay the cost for easements across private properties instead. If the pipeline had been installed in private easements, existing utility relocation costs and delays to the construction schedule would have been minimized.

Phase 1 also included installation of less than a mile of 16-inch distribution main in the Town of Garner. The 16-inch main was installed on the east side of New Rand Road and the existing 10-inch asbestos cement line was abandoned on the west side of the road to allow for the installation of the 48-inch transmission main. New Rand Road is a narrow road with several side streets and many residences. The abandonment of the existing line meant that all services and side street connections had to be relocated to the new 16-inch line. The side streets and driveways were crossed by open cut requiring daily lane

Design and Construction of 8 Miles of 48" Critical Water Transmission Main
Through a Highly Congested Urban, Transportation and Residential Corridor

During the design stage, all existing utility owners were contacted and made aware of upcoming construction. This notification, however, did not seem to have helped much during construction, and the relocation was found to be both costly in time and in money. In order to avoid existing utility relocation delays, the main should have been built entirely within private easements or the existing utility relocation should have been done under a separate contract prior to the start of construction. Another way to avoid the existing utilities would have been to install the main in the streets. NCDOT will not allow waterlines to be installed under their existing streets, but if you are willing to patch and replace asphalt, then you are generally able to install within streets that are owned by Towns and Cities.

Even with the numerous and challenging design and construction challenges of working in a highly developed corridor, the project was successfully completed and placed into service May 2010, at the same time as the Dempsey E. Benton Water treatment Plant.

ACKNOWLEDGEMENTS

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Water main break floods street in Aloha | News

Title (Max 100 Characters)

Water main break floods street in Aloha

Submitted by [KATU.com Staff \(profile/49541/katucm-staff\)](#)
Thursday, July 28th, 2011, 6:52pm

8 2

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Topics: [News \(/news/news\)](#)



ALOHA, Ore. - A water main break flooded the street in the 4600 block of Southwest Stoddard Road Thursday around 4 p.m. The Washington County Sheriff's Office is advising people to avoid the area.

About 180,000 gallons of water gushed out of the pipe before crews were able to shut off the water. About half of Tualatin Valley Water District customers, about 200,000, experienced reduced water pressure.

Crews dug through the asphalt at the break and are working to repair the 8-inch line. They found that an 18-inch piece of the metal pipe broke off. Water service was cut to about 75 homes until crews could repair the broken pipe.

The water district shut off water to some homes to reduce the pressure and aid in fixing it. Plugged up storm drains contributed to the mess of water on the street.

The break may have stirred up sediment in the water pipes that will cause discoloration which is harmless.

It is unknown at this time what caused the line to break.

Raw video:

2 of 3



Photo: Washington County Sheriff's Office



Photo: Washington County Sheriff's Office

Source: [NEWS \(/news/news\)](#)

(b) (6) (b) (6)

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Water main breaks in Beaverton neighborhood

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3 of 3

Posted: Sep 28, 2012 8:12 AM PDT
Updated: Sep 28, 2012 08:23 AM
By Brian MacMillan - email



BEAVERTON, OR (KPTV) - A water main break overnight sent thousands of gallons of water rushing down a Beaverton neighborhood.

It happened on Southwest Ruby Street and Southwest 149th Place.

Neighbors reported the break around 1 a.m. The big worry was that the broken water main was eroding some of the street.

Beaverton city crews have fixed the break and have patched and repaired some of the asphalt that was damaged.

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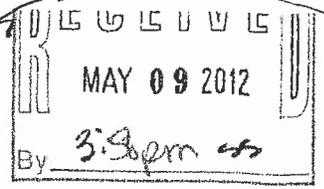
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LOT WATER Treatment Expansion

For May 16th

for 10/15/2012



Greetings , Commissioners.

On our last meeting, May 2nd 2012, Joel from Lo was asked about an earthquake and the main. As we all know we are in a # 3 as #4 being the highest. We believe a quake is bad enough, how could anyone adding this main claim it would be an act of God. We are setting between two fault lines, the Molalla-Canby fault and the Oatfield fault. Maps 1 of 2 and 2 of 2.

Picture 1 of 2 shows the biggest valley, the creek runs under this. The concern is if the underground springs were to travel thru this new trench, could those properties get flooded, as in the winter months run near the top.

Picture 2 is the end of Mapleton, less than 14 ft wide, unstable hillside, and residential setting lower than the road. Now the trench, could this create a separation and over time let those properties slide?

Next 2 sheets shows testing of mains, all states are the same as per ANSI/AWWA standards. AT 150#x 1.5=250 testing pressure. As pipe will be back filled as they go as per Joel with LO. HE said they would test long runs of pipe. If this pipe is buried and you have only one leak, that could be a lot from a 48 inch reservoir or line. AS for bleeder vents, valves they have problems as plugging up and supposed to be installed in all high points to bleed air as air in this system is very dangerous.

Sent a few more pages of how they are having problems repairing these lines.

I also spent hours searching for 42 and 48 inch lines going through residential neighborhoods, couldn't find any but found several times that they changed location to go around neighborhoods.

As in Steve Hopkins speech, are we going to set a precedent for all the world to see, if we do I hope it's not here

Carl and Linda Edwards

3680 Mapleton 38 years.

Submitted, But LOT Tabled meeting

10/2

United States Seismic Zones Map



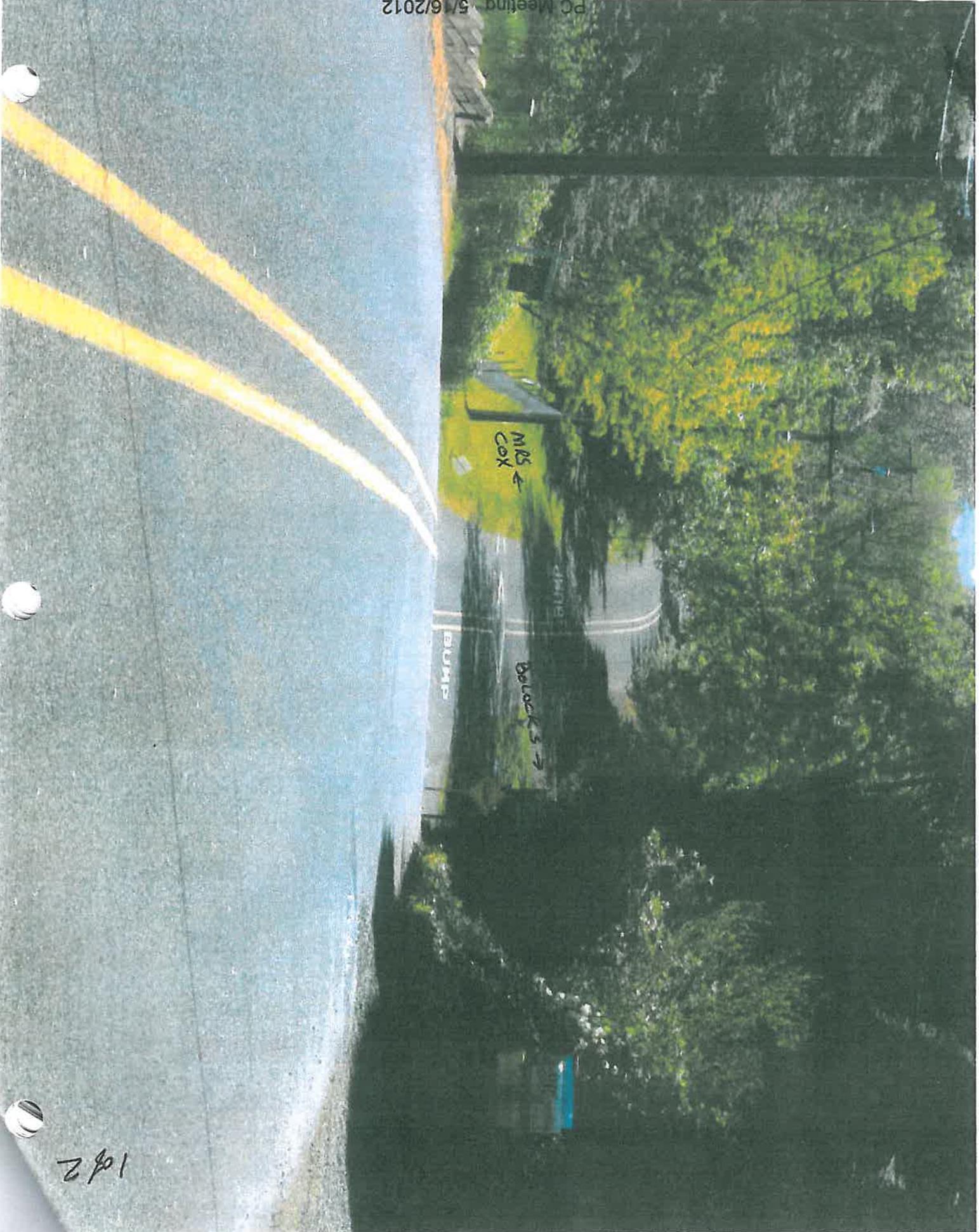
- Seismic Zones**
(Ground Acceleration)
- Zone 0 = 0.0g
 - Zone 1 = 0.075g
 - Zone 2A = 0.15g
 - Zone 2B = 0.20g
 - Zone 3 = 0.30g
 - Zone 4 = 0.40g

Source: 1997 Edition UBC

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Written Testimony 10

- Guam
- Hawaii
- Puerto Rico
- Caribbean & Virgin Islands

10/2



1 of 2



2082

2082



TOWN OF HOLDEN MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS WATER & SEWER

HYDROSTATIC TESTING OF WATER MAINS

As a minimum, all water mains shall be tested in accordance with the Hydrostatic Testing Requirements of ANSI/AWWA C600.

- A. The test pressure shall not be less than 1.25 times the stated working pressure of the pipeline measured at the highest elevation along the test section and not less than 1.5 times the stated working pressure at the lowest elevation of the test section. If the calculated test pressure is less than 175 psi, then a minimum test pressure of 175 psi shall be used for the test. Loss of water pressure during test shall not exceed 5 psi in a 2 hour period.
- B. Where practicable, pipelines shall be tested between line valves or plugs in lengths of not more than 1500 feet. All hydrant valves shall be open so that the hydrants are included in the pressure test. If services are installed, testing shall be conducted up to the curb stop.
- C. The pipe shall be slowly filled with water and the specified test pressure shall be applied by means of a pump connected to the pipe in a manner satisfactory to the Town. The pump, pipe connection, and all necessary apparatus including the gauges shall be furnished by the contractor. Before applying the specified test pressure, all air shall be expelled from the pipe. If permanent air vents are not located at all high points, the contractor shall install corporation cocks at such points so the air can be expelled as the line is filled with water. After all the air has been expelled, the corporation cocks shall be closed and the test pressure applied.
- D. Duration of test shall not be less than two hours.
- E. Where leaks are visible at exposed joints and/or evident on the surface where joints are covered, the contractor shall repair the joints, retighten the bolts, relay the pipe, or replace the pipe until the leak is eliminated--regardless of total leakage as shown by the hydrostatic test. Polyethylene encasement damaged from repairs must also be properly repaired or replaced to the satisfaction of the Town.
- F. All pipe, fittings and other materials found to be defective under test shall be removed and replaced at the contractor's expense.
- G. Lines which fail to meet test shall be repaired and retested as necessary until test requirements are complied with.
- H. The Town will provide water for testing and disinfecting the water mains; however, the contractor will be responsible for piping or hauling the water if necessary. The contractor shall not operate any valves on existing water mains. This shall be done by the Town.
- I. No pipe installation will be accepted if the leakage is greater than that determined by the formula:

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$$L = \frac{SD(P)^{1/2}}{133,200}$$

in which L is the allowable leakage, in gallons per hour; S is the length of pipeline tested, in feet; D is the nominal diameter of the pipe, in inches; and P is the average test pressure during the leakage test, in pounds per square inch gauge. Allowable leakage at various pressures and pipe sizes are shown in the Table below (from AWWA C600 - Table 6A):

Allowable Leakage Per 1,000 Feet of Pipeline* in GAL/HR

Avg. Test Pressure psi	3"	4"	6"	8"	10"	12"	14"	16"	18"	20"	24"	30"	36"	42"	48"
250	0.32	0.43	0.64	0.85	1.07	1.28	1.50	1.71	1.92	2.14	2.56	3.21	3.85	4.49	5.13
225	0.30	0.41	0.61	0.81	1.01	1.22	1.42	1.62	1.82	2.03	2.43	3.04	3.65	4.26	4.86
200	0.29	0.38	0.57	0.76	0.96	1.15	1.34	1.53	1.72	1.91	2.29	2.87	3.44	4.01	4.59
175	0.27	0.36	0.54	0.72	0.89	1.07	1.25	1.43	1.61	1.79	2.15	2.68	3.22	3.75	4.29
150	0.25	0.33	0.50	0.66	0.83	0.99	1.16	1.32	1.49	1.66	1.99	2.48	2.98	3.48	3.97

*If the pipeline under test contains sections of various diameters, the allowable leakage will be the sum of the computed leakage for each size.

TEST FORM (to be completed by tester)

Project: _____ Tester: _____ Date: _____

Location of Mains Tested: _____

	LENGTH (FT)	DIAMETER (IN)	ALLOWABLE LEAKAGE (GAL/HR)
Section			
Section			
Section			
TOTAL (GAL/HR)	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	GAL/HR
TOTAL GALLONS	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	GAL.

Minimum Test Pressure = 175 PSI or greater

Test Start: 1/2 Hour Pressure: _____ Refill amount (in gallons): _____
 1 Hour Pressure: _____ Refill amount (in gallons): _____
 1-1/2 Hour Pressure: _____ Refill amount (in gallons): _____
 2 Hour Pressure: _____ Refill amount (in gallons): _____

TOTAL LEAKAGE _____ GALLONS

PASSED _____ FAILED _____

I certify under penalty of law that I am the person authorized to fill out this form and the information contained herein is true, accurate and complete to the best of my knowledge and belief:

Signature of tester

COMMENTS:

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Written Testimony 15



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Updated: Mon 11:55 PM, Jul 11, 2011

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Louisville main breaks; boil-water advisory issued



LOUISVILLE, Ky. (AP) - A large area of the city of Louisville has been without water or has low pressure after a water main ruptured near the University of Louisville campus, and officials have issued a boil-water advisory. Louisville Water Co. spokeswoman Kelley Dearing Smith says 75,000 people were affected by the break, which spilled 30 million to 40 million gallons of drinking water into the street. The break in the 48-inch main happened Monday evening near the intersection of Floyd and Warnock streets. Crews at the site had almost isolated the break about four hours later and were still working on shutting off one valve, Smith said. The company issued a boil-water advisory for customers in an area from the Ohio River south to the Watterson Expressway and from Ninth Street east to Bardstown Road-Baxter Avenue. Anyone outside the boundary who had low pressure during the break should also boil their water, Smith said.

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Opinion

Who is your pick for Derby 138?

- Bodemeister
- Dullahan
- Gemologist
- Hansen
- Union Rags
- Some other horse

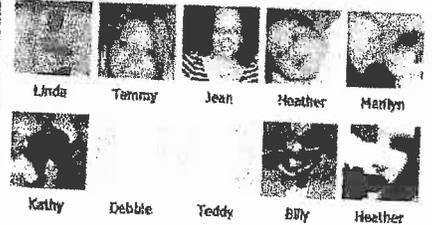
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Repairs from water main break continue

Posted: Aug 12, 2011 5:38 PM PDT

Updated: Aug 12, 2011 5:51 PM PDT

By Jaimie Weiss - email

Posted by Charles Gazaway - email

LOUISVILLE, KY (WAVE) - The Louisville Water Company is working to repair the second major water main break this summer in the same area. Compared to the break on July 11 that happened just west of the site of the current location, the Louisville Water Company said this break only spilled out 7.5 million gallons of water compared to 70 million in the last one. LWC crews were only able to begin their repair work late Friday afternoon because the land that gave way thanks to the water took out a large tree too.

As if staring into a giant hole in his front yard wasn't bad enough for Brandon Perkins, Friday morning the land gave way and the whole swallowed much of what gave his home its character - a huge 100-year-old tree. It left crews trying to get the pipe fixed with an even bigger job on their hands.

Kelley Dearing Smith, a Louisville Water Company spokesperson, said they had to remove the root, tree and trunk from the hole before LWC crews could access the portion of the 48 inch transmission line that busted.

Perkins said watching the water spew from the 88-year-old broken main was like watching a volcano that erupted out of the road. Although it was the second break in the line in less than a month, Dearing Smith said they don't believe there is an overall problem at this point. However, Dearing Smith said staring down into the abyss once again does give them some concern about how effective their inspections are.

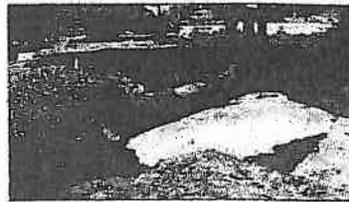
"What we're trying to do is figure out if there's technology in the country we can get here to help us really inspect this pipe," said Dearing Smith.

Until then their job is getting the pipe patched and the water flowing again.

Dearing Smith said everyone has water, but there is still a boil advisory in effect for around 400 customers in an area bound by Lilly Avenue on the north, Bradley Avenue on the east, Maylawn Avenue on the south and Interstate 65 on the west.

Louisville Gas & Electric said the gas line that was ruptured left 37 homes without service. All but two of those homes are expected have gas service restored by Friday night. They hope to have the gas line repaired by Tuesday.

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Brandon Perkins



Kelley Dearing Smith

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Main Pipe for Yakima Drinking Water Fixed

By Robin Wojtanik | Published: Jun 1, 2011 at 1:50 PM PDT (2011-06-1T20:50:8Z)

73493&Path=/News/local/

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=Main+Pipe+For+Yakima+Drinking+Water+Fixed&Random=0.014981421299443243&PartnerID=147116&Cid=122973493)

CITY OF YAKIMA NEWS RELEASE -- Thanks to a receding Naches River and some good luck, the City of Yakima's 48-inch drinking water main pipe has been repaired and is operating without any problems.

Late last week, water levels in the river unexpectedly dropped enough to allow crews to get a better look at the extent of damage flooding had done to an air vacuum release assembly connected to the water main. The release assembly allows air that might build up in the main pipe to escape.

Initially it was feared that cracks in the main pipe may have developed as a result of the air vacuum release assembly having been damaged by flood waters. However, on Friday crews were pleased to discover that the 48-inch main was intact. The damaged release assembly was removed and capped off, and the system was cleaned and tested over the Memorial Day weekend. The tests confirmed that the water main is sound and it was slowly put back in service. By noon today, the system was operating at full capacity.

"We really are fortunate," said City Water/Irrigation Manager Dave Brown. "As it turns out, the fix was relatively easy. We thought that when the flooding receded, we might find a much bigger problem. But we didn't, and we were able to get the system back up and running," said Brown.

Two weeks ago, the City shut down the main pipe coming from its drinking water plant located west of the city along the Naches River due to damage caused by flooding. Most of the customers served by the system relied on the City's three deep wells and some water supplied by Nob Hill Water Association while the damage was assessed and a repair plan was developed. Customers served by the system in Gileed, meanwhile, had their drinking water provided by tanker trucks.

Even late last week, Brown was working on ordering supplies to install a temporary bypass section of pipe that would have been laid across an unused railroad trestle which crosses the Naches River near the Nelson Bridges. The temporary bypass was expected to cost as much as \$300,000 to put in. By comparison, the City spent about \$25,000 to removed and cap the damaged air vacuum release assembly, test the system, and bring it back on line.

"The orders that we put in for the temporary bypass pipe and supplies have been cancelled," said Brown. "We've been able to get the system delivering drinking water again for a lot cheaper and a lot earlier than we thought we were going to. As I said, we are fortunate."

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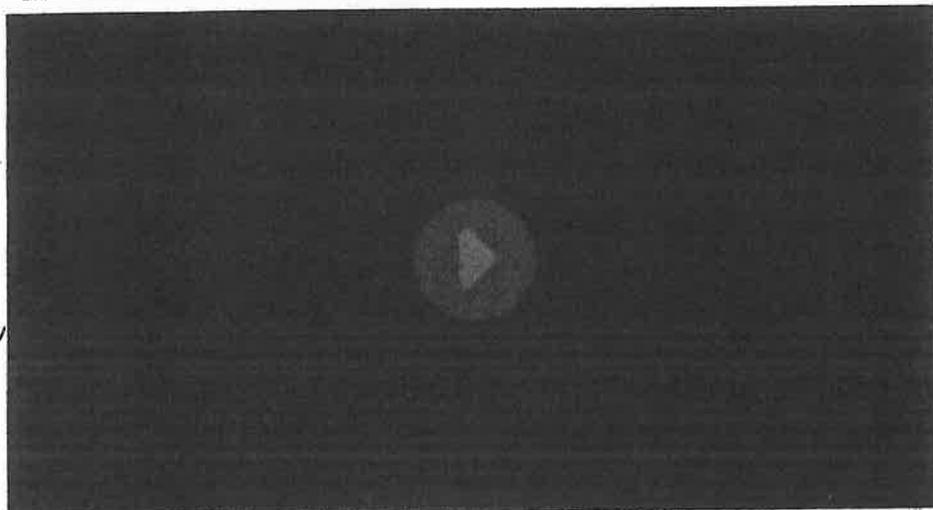


AA ^ v

Reporter: By Paul J. Gately Email

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Attempt To Repair Massive Waco Main Fails



00:26:00 00

Water Woes In Waco

Raw Video: Waco Water Main Break

WACO (August 20, 2010)—The first attempt to repair the broken 48-inch main that feeds water to Waco's Mount Carmel treatment plant failed Friday and now officials say work will continue through the weekend.

Until the pipe is repaired, officials are asking residents to avoid outdoor water use and to conserve indoor use.

City Of Waco Water Main Break Information Website

Jonathan Echols, spokesman for the Waco city water utility, said the repair crew installed a new piece of steel pipe to replace the damaged section that failed Wednesday and said it had to be welded into place.

When the line was tested the welds failed, he said.

"It set us back a little bit but it's not terrible," Echols said.

Echols said he expects crews to work through the weekend and he said he was hopeful the repair would be completed by Sunday.

The break occurred Wednesday in the 48-inch pipe that carries raw water from Lake Waco to the Mount Carmel treatment plant, which officials say provides water to about two-thirds of the city.



NEWS VIDEO PLAYER



Video Player



HOME PAGE VIDEO

	Raw Video: Police 00:59		Grand Avenue Theatre 02:37
	Court Clerk Arrested 01:29		Accident Halts Traffic 00:38

Accident Halts Traffic

1 2 3 4 5

NEXT >

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Buddy Check

Every 3 minutes a woman is diagnosed with breast cancer. Find out how you can help a friend.



water daily and has a maximum capacity of 24 million gallons. Mount Carmel treats about 28 million gallons daily and has a maximum capacity of 42 million gallons.

The main break Wednesday morning sent sending water 60-feet into the air and forced police to close down most lanes of Lake Shore Drive between Greenleaf Drive and Forrester Lane.

Officials are investigating the cause, but said it was probably a combination of high pressure and a weak spot in the massive pipe.

Meanwhile, the headaches mounted Thursday for Waco officials as new leaks developed.

One was reported at the intersection of Valley Mills Drive and Sanger Avenue where a crew planned to work into the night.

Another developed in the 800 block of South 15th Street near Interstate 35.

Officials said the unrelenting heat may be causing the ground to shift, but were investigating the cause of the leaks.

City Of Waco Water Main Break Information Website



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News Flash: Water Main Break At Atlantic Avenue

News Update on the water main break

Potential Choke Hold on Flatbush Ave - Atlantic Avenue Intersection 2,3,4,5,D,N and R Trains

One Sunday February 9th a 48 inch water main exploded on Atlantic Avenue and Court Street in the most critical traffic bottleneck in the Borough. At 10:24PM on Sunday Night, the Water Department is reporting that the Main is still being worked on with an impending Monday morning rush hour lurking just a few hours away. The Traffic Department's 24 information number at 1-212-442-7070 says nothing in it's recorded message about the water main break. It does say that only that one lane on the east side of Flatbush Ave (North Bound) but gives no reason as to why. Nor does the Message say anything about the time the message was recorded.

The Water Department is unsure as to the present status of the break. For information on transit they referred you to the above phone number for the Department of Traffic. They also gave the following Phone Number for Subway information 1-718-330-3331. No one answered the phone at this number and the TA's regular Subway information phone number is now only open from 6AM to 9PM at night.

this is the situation: At 10PM at night, with a water main break which can potentially strand East New York, Brownsville, Crown Heights, Bedford-Sty, Flatbush, Midwood, Flatlands, Sheepshead Bay, Mill Basin, and parts of Park Slope, NOT A SINGLE city agency thought Brooklyn was important enough to man phones after people would be coming home and catching the nightly news reports of the Water Main Break which can potentially strangle general access to Manhattan from all of our Subway Lines except the A, G, and F trains and general road access to the Brooklyn and Manhattan Bridges. In addition, keep in mind that the Gowanus Expressway is under reconstruction with limited or no access from Central Brooklyn to The Prospect Expressway except via Hamilton Avenue and lane closures on the Gowanus itself.

Also be aware that 48 inch water main breaks create massive damage to the roadway and construction repair can be expected in the coming weeks.

Lastly - It should be noted that the City is aware that many of our water mains need to be replaced. But up till now, it has been the position of the City that it is easier to just let them burst then doing the massive work which is needed to repair the mains. In this case, this main, if it would have broken during rush hour would have no doubt caused loss of life, and will complicate an already impossible traffic situation in downtown Brooklyn with the Manhattan Bridge, Flatbush Ave, the BQE and most of our major subway lines currently under repair.

will make an on the spot inspection of the sight tomorrow and report back to you

Mayor Guilliani's email address

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Written Testimony 21
<http://www.brooklynonline.com/bkln.news/watermain.htm>

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Monday

2-11-97 1 PM

After yesterday's water main break on Court Street and Atlantic Avenue, two lanes of Atlantic Avenue have been closed off for repair on one of the oldest road beds in Brooklyn.

The water main which broke was located on the north side of Atlantic Avenue, across from and in front of the public parking garage located on the north-east corner of Atlantic and Court Street. Sidewalk pavement on Atlantic Avenue in front of the garage had been thrust up at a 45 degree angle near the garage wall from water damage.

By 11 AM on Monday afternoon, one-half the width of the four lane roadway on Atlantic Ave. had already been turned-up with centuries old cobblestone stacked on the sidewalk, and the main itself had been repaired, its cracked section removed. The new pipe was covered up by soil and dirt and on the sidewalk lay a section of a 4 foot wide pipe, neatly cut, the remnants of the new water main which was lowered into the ground and welded into place.

The police covered the area, controlling traffic in every direction two blocks around and a cement truck was on the scene, ready to lay new roadbed over the topsoil. When asked by this reporter how long half of Atlantic Avenue would be closed down, one worker said for a couple more days. When asked if this would be enough time to put in a quality roadway since many emergency road repairs sink after a year, the worker said that on those sites either the ground was not packed hard enough or the cement used was not correct. But he was confident that the road would be properly repaired.

So it happens, the entire Borough lucked out, for if this break would have been four blocks East, and during rush hour, most of Brooklyn's transportation Grid would have been paralyzed and loss of life could have occurred within the Atlantic Ave. Subway Station. Water mains in the area have recently had problems, including one main very close to the DeKalb Train Station for the D, Q, N, and R lines. With this current water main break on Felix Street, near the Williamsburg Bridge Bank, it seems to have undermined the foundation of a home on Felix Street.

It would seem, with so much at stake, that it would be logical to have the water mains in this area replaced prior to the need of emergency action. In fact, this can be said about all the water mains in NYC. But downtown Brooklyn is particularly suspect for problems do to the age of the water mains in that area, and the bottleneck of underground subways in the area, the largest concentration of stations and tracks in New York City.

Rumbling subway trains can contribute to the wear and tear that these pipes endure. In addition,

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Some areas around Long Island University and DeKalb Avenue, whole sections of sidewalk are suspended over empty holes as water leaks and weather have removed solid ground and soil under the sidewalks. With so much recently invested into the downtown Brooklyn area, an infrastructure failure could set us back for years.

Back to [Brooklyn On Line](#). Mail [Ruben](#). Visit the [Jewish Billboard](#).

Pelz, Zach

From: William J. More [williamjmore@lynnpropertiesllc.com]
Sent: Thursday, October 18, 2012 6:22 PM
To: Pelz, Zach
Subject: FW: City Planning Commission letter
Attachments: SCAN_DOC0001.PDF

Importance: High

Zack

I just realized that in my rush to get you my email and the letter to the City Planning Commission last night, that the email that I sent to you yesterday was not delivered due to a faulty email typo that I made.

Here it is now.

Sorry about that.

Thanks,

Bill

From: William J. More
Sent: Wednesday, October 17, 2012 5:50 PM
To: 'jpelz@westlinnoregon.gov'
Subject: City Planning Commission letter
Importance: High

Zack

I have attached my executed letter to the City Planning Commission for submittal for tonight's meeting.

I have asked Glenda Waddle, our Property Manager, to please read it to the City Planners this evening on my behalf.

Upon serious reflection and much discussion with others, I am absolutely convinced that it is in the best interest of the entire West Linn community that meaningful alternative solutions be truly explored, something that you know has

not really happened. The way this is proceeding, if that does not occur it is going to cause long term serious problems for the community, problems which would not occur if it was handled differently. If meaningful alternatives are explored and are really not possible, and what is being proposed was absolutely necessary, if the Planning Commission and Lake Oswego and Tigard worked with the citizenry you would get a much better result.

Please think about it because you have an extremely important leadership role in what happens here.

Once again, thanks for speaking with me on this issue and providing me with much needed knowledge.

Best,

Bill

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

Re: CUP-12-02/12-04; CUP 12-04/DR-12-14

Dear West Linn Planning Commission Members:

We are the owners of the Robinwood Shopping Center consisting of 70,831 square feet of retail space and fourteen retail tenants. The Center is across the street from the major water project construction. Our tenants along with all of the other many retailers, service providers and restaurants along Highway 43, and all of the residents of the area in general, especially the Mapleton neighborhood, will be seriously, permanently and devastatingly economically harmed by the proposed Lake Oswego/Tigard water projects. At the outset, let me provide context: These are not West Linn projects. These are projects two other cities want West Linn to approve to benefit their residents and businesses.

The basic premise ought to be that Lake Oswego and Tigard create no net detriment to West Linn residents and businesses. Obviously, West Linn is those cities' preferred option. But is it the fairest option to West Linn residents and businesses who will bear the entire brunt of these projects?

To permit these projects to move forward as proposed will cause irreparable economic harm to the businesses and residents in the area, permanently harm our neighborhoods and negatively impact the quality of life in West Linn. What alternatives were considered and if they were, why were they rejected? If the main reason is cost to Lake Oswego and Tigard, then why was the cost to West Linn residents and property owners not given equal consideration, especially when Lake Oswego and Tigard are asking West Linn to accommodate facilities benefitting non-West Linn residents?

Chapter 60 (Conditional Uses) of the West Linn Community Development Code states clearly that the purpose of that chapter is to provide the **standards** under which conditional uses may be permitted, enlarged or altered, and how development conditions can be met.

More specifically, Chapter 60.070, Approval Standards and Conditions, states that the Planning Commission shall approve or deny an application for a conditional use based on findings of fact with respect to addressing of the following criteria as stated below.

1. The characteristics of the site are suitable for the proposed use considering location etc.

Location- Clearly the proposed locations for the Water Treatment Plant upgrade and the water pipeline expansion in a residential neighborhood are not suitable. These projects should not be occurring in the middle of a residential neighborhood as they are going to cause havoc on the entire neighborhood community. Additionally, these projects should not be obstructing a key heavily trafficked commercial road and commuting corridor that services West

Linn citizens and businesses, adding 15,400 truck trips and 50,000 additional construction-related vehicles. This will be a “Business Killer”, and therefore, a “Jobs Killer”.

Due to the admitted increase of heavy truck/construction traffic, Highway 43 is going to be a multi-year bottle-neck. This will cause retail customers to re-route, harming all businesses along Highway 43. Patronage (and jobs) along Highway 43 will simply go elsewhere.

Imagine heavy construction-related activity with these additional truck trips and vehicles for a couple of years and you get a glimpse of the problem. Throw in active road construction intermittently blocking one of the City’s main roads.

And when you block a key artery, it stops the flow through the entire artery, just like a heart attack, and everything dies due to loss of the blood (or constricted traffic flow). This is simply the wrong location for these projects.

2. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

- a. Economic Hardship- Construction related to both the plant upgrade and the pipeline expansion will have a devastating economic impact on all of the businesses and jobs in the surrounding areas, as stated above, something that to date has not been even considered. These local businesses are only now finally starting to show signs of recovery after enduring an

extremely challenging economic climate over the past four years. **Causing serious economic harm to many of the local businesses that service and have serviced the area for many years and killing the jobs of our local citizenry is certainly not consistent with the overall needs of the community.**

- b. Insufficient Notice-There was insufficient notification with regards to the potential impacts of these proposed projects. In the Staff Report for the Planning Commission it states that “between December 2011 and January 2012, the applicant visited each business and multi-family complex along the Highway 43 portion of the alignment to deliver a letter and informational packet about the project.” Irrespective of what Lake Oswego/Tigard state, the management of the Robinwood Shopping Center and none of our 14 tenants, all of which oppose this project, have ever been visited or received any materials. We will gladly produce affidavits substantiating this. The staff report alludes “to a Good Neighbor Agreement.” There has been no effort directed to us or our tenants at any such discussion.
- c. Quality of Life- The location of the proposed projects will definitely degrade the quality of life of everyone who either lives or works nearby, due to multiple years of loud construction noise, all day - daily heavy truck traffic and general traffic and access disruption.
- d. Legal Intimidation-What is perhaps the most egregious issue is the fact that many of our neighbors in Mapleton have been sued regarding the removal of their CC&Rs that have existed for many years – requiring them to spend thousands of dollars.

This is an inexcusable power play by parties from outside West Linn trying to push these projects on West Linn. This should be immediately stopped.

As the Planning Commission will hear, there is significant, committed opposition to this project. If what is being proposed was consistent with the overall needs of the community there would not be an outpouring against this proposal. The very fact that you have this much opposition signifies that what is being proposed is definitely not consistent with the overall needs of the community.

As discussed earlier, what is consistent with the overall needs of the community is that alternatives be found that take West Linn's interests into account. We would urge the Planning Commission to insist that Lake Oswego and Tigard meaningfully explore and implement alternative solutions. It is always easier to solve your problems on someone else's turf. The conditional use process exists to make certain that this doesn't occur when that turf will be spoiled.

Upon reflecting on the points above, it is obvious that the granting of the Lake Oswego Tigard proposal is totally inconsistent with the overall needs of the community and thus should be denied.

3. **The use will comply with the applicable policies of the Comprehensive Plan.**
 - a. **This plan clearly does not comply with the applicable policies of the Comprehensive Plan in any meaningful way. Some of the goals of the Comprehensive Plan, and the applicant's misstatements regarding them and their failure to achieve them, are stated below.**

1. Citizen Involvement- As previously stated, the statement by the applicants that they “visited each business and multi-family complex along the Highway 43 portion of the alignment to deliver a letter and informational packet about the project” is incorrect.
2. Land Use Planning. Residential Development. Policy 8: Protect residentially zoned areas from the negative impacts of commercial, civic and mixed-use development, and other potentially incompatible land uses. **Need we say more- this proposal clearly does not protect our residential areas from the negative impacts of this industrial water treatment expansion and the pipe work that it will create.**

4. **The applicable requirements of the zone are met.**

- a. **The zoning is R-10, Single-family Residential Detached; R-4.5, Single-family Residential Attached/Duplex; GC, General Commercial.**

Allowing for the disruption of a residential area by the expansion of an industrial plant in a residential area is contrary to the Zoning.

We therefore propose the following:

1. Everyone would agree that it would be ideal if there could be an alternative solution found other than the digging up of Highway 43 and further encroaching an industrial operation into residential neighborhoods.

Some will say that everything has been analyzed and that this is the only solution, but this is definitely not the case. It is our understanding that alternatives exist, but that they have been rejected by the two cities as they have been solely focused on their plan, not a plan considering West Linn.

2. If this approach is tried and it is determined that there is no alternative solution, then each group that is going to be seriously affected should be able to confer with representatives from ODOT and the cities of West Linn, Lake Oswego, and Tigard to devise an approach that can work for each group. **To date, this has certainly not been done for the business community. The objective should be “do no harm.”**

We would like to re-iterate that if the work is to be done at all, which we are strongly opposed to, it is imperative that the work and all transportation of materials etc. be done solely and exclusively during the hours of 10:00 pm to 6:00 am with special sensitivity to those owners directly impacted, as follows:

1. Since the work is supposed to be done in three hundred foot increments moving incrementally with 50 feet of work completed each day, that would mean that the noise issue- which we understand we be attenuated with noise barriers etc. - would be seriously limited per neighborhood since it would only be in each neighborhood for a limited amount of time.

2. There will be specific parties who will suffer from other factors which cannot be currently predicted. There should be some simple process for those parties to be satisfactorily compensated for their economic losses. They should not have to go through the court system.
3. Regular coordination and immediate problem-solving mechanisms need to be established, so that properties like our Center aren't left with surprises or unhappy and confused tenants and patrons. That's the core of a true "Good Neighbor Agreement."

Good faith, fairness and compliance with West Linn's land use standards should be what we should all be concerned with. No developer would be permitted to do what Lake Oswego/Tigard are proposing. Alternatives would be considered. Fair and clear conditions would be established, if the projects proceeded. The land use process doesn't allow one set of rules for applicants like Lake Oswego/Tigard and another set for the rest of us. More work needs to be done; more thought needs to be expended.

Sincerely,


Robinwood Shopping Center, LLC
William J. More

Pelz, Zach

From: Sonnen, John
Sent: Thursday, October 18, 2012 6:19 PM
To: Pelz, Zach
Subject: FW: Testimony for CUP-12-02/DR-12-04 & CUP-12-04/DR-12-14

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: ericjones2009@aol.com [mailto:ericjones2009@aol.com]
Sent: Thursday, October 18, 2012 3:06 PM
To: Pelz, Zach; Sonnen, John; Ericjones2009@aol.com
Subject: Testimony for CUP-12-02/DR-12-04 & CUP-12-04/DR-12-14

Please add the following testimony to the record for CUP-12-02/DR-12-04 & CUP-12-04/DR-12-14:

One question that I do not fully understand is how the Mapleton water pipe is going to be moved/replaced. Since they are moving it in 50'-150' sections daily, they will be making about 72 connections (36 days - 6 weeks x 2 connections) between the old and new pipes - if things stay on schedule. These reconnections will most likely release asbestos into the water. **How** are residents expected to know then the water is "safe" to drink? I could not get a total length of time out of LOT's Brad Moore at the open house Oct. 10 for the moving of the line, but last night it was stated that it would be six weeks. That is a LONG time to be without water for 8 hours a day/6 days a week - that is about 36 days of combined time (288 hours)! Also, at one of Greg McKenzie's facilitated meetings, Jon Holland said that LOT would pay for ALL of the Mapleton pipe replacement - now it is only 2000' of 3000'. West Linn will have to pay for Kenthorpe and part of Mapleton's pipes - an additional cost to West Linn at this time. Commitments keep being changed by LOT and this brings consternation about what can be believed and what will actually happen in the future.

Jay Eric Jones
4310 Mapleton Drive
West Linn, OR 97068

Please confirm receipt and inclusion into the record for this testimony.

Thank you,

Jay "Eric" Jones

Pelz, Zach

From: Sonnen, John
Sent: Thursday, October 18, 2012 6:18 PM
To: Pelz, Zach
Subject: FW: Citizen Request 17440 - Lake Oswego-Tigard Water Partnership Water Treatment Plant and Water Transmission Pipeline

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: Webmaster
Sent: Thursday, October 18, 2012 3:56 PM
To: Sonnen, John
Subject: FW: Citizen Request 17440 - Lake Oswego-Tigard Water Partnership Water Treatment Plant and Water Transmission Pipeline

From: Cathie Alder [<mailto:cathiea@teleport.com>]
Sent: Thursday, October 18, 2012 2:23 PM
To: Webmaster
Subject: Re: Citizen Request 17440 - Lake Oswego-Tigard Water Partnership Water Treatment Plant and Water Transmission Pipeline

Thank you, Jason. Would it be helpful to the 'cause' if I also sent a physical letter?
Cathie Alder

Your inquiry as submitted to the West Linn Citizen Support Center has been marked 'Closed.' Please review the final action taken related to your inquiry using the below case number/web link. If you need to speak with someone about your inquiry, please call 503-657-0331.

Original Request Summary

Date:	10/18/2012	Reference Number:	17440
Name:	cathie alder	Status:	Closed
Email:	cathiea@teleport.com	Source:	online
Phone:	5036979277	Assigned To:	jsonnen
		Assigned Group:	Planning
Topic	<u>Lake Oswego-Tigard Water Partnership Water Treatment Plant and Water Transmission Pipeline</u>		
Request Details:	Dear Planning Commission: My family lives on 19120 Nixon Avenue. We have been following the proposed water treatment plant and pipeline arguments, and after attending the public hearing this evening, Wednesday October 17th, at City Hall and		

listened to the arguments from both sides we have deep concerns about several potential problems: 1. With traffic routed on Mapleton away from Hwy 43 via our street, Nixon, the number of expected vehicles including large, cumbersome and limited vision construction vehicles on our already patched and crumbling street, severely concerns me for both my grandchildren (whom I take care of 30+ hours per week) and all the young children on the street who have up to this point enjoyed a quiet somewhat rural street. 2. We am concerned about the same traffic traveling regularly by Cedaroak Elementary school for the same reasons. 3. With the projected work time from a reported in the meeting 7 pm to 7 am there will be a great commute impact for my husband and myself. The already traffic-laden two-lane Hwy 43 grinds to a near halt when mere street cleaners supply their services. 4. Emergency vehicles will be greatly impeded by the construction. We had need of emergency services a number of years ago when our son went into a grand mal seizure. As anyone who has undergone the moments of intense anxiety during a medical event, the difficulty of wondering how much longer help will take is not acceptable. 5. Having recovered from the flood of 1996 and listening to the potential disaster that could accompany an emergency occurring in the pipeline that would cause millions of gallons of water to be released in the immediate neighborhood, the thought of another preventable water-related disaster is unacceptable. Would FEMA be available once again to assist us? 6. We have been considering a move, but property values have lowered considerably in the last several years. Now, the potential of selling our home is nearly impossible with this three year intrusion, but we wonder if a commensurate lowering of our taxes due to decreased property value caused by said construction will be considered. One has to wonder how this possibility of intrusion and potential danger got this far. Who or what group allowed so much time and money to be spent on an illegal (precedence was documented during the hearing) industrial building proposal in a residential area. When listening to the opening introductions by the committee members, we were stunned by the lack of knowledge about this issue on some of the member's parts and the refusal to be responsible for commenting or being involved in this process by others on the committee. Are these elected or appointed positions? Please place our names among those STRONGLY opposed to the proposed facility and pipeline. Please let us know why the six other possible sites considered were rejected! John and Cathie Alder

Comment: Your comments will be included in the official record for the case and presented to the Planning Commission for their consideration

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.

Pelz, Zach

From: Sonnen, John
Sent: Thursday, October 18, 2012 6:18 PM
To: Pelz, Zach
Subject: FW: Citizen Request 17448 - Planning Commission--LOT water project

John Sonnen, Planning Director
Planning and Building, #1524

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

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From: Webmaster
Sent: Thursday, October 18, 2012 3:57 PM
To: Sonnen, John
Subject: Citizen Request 17448 - Planning Commission--LOT water project

A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank you.

Original Request	10/18/2012	Reference Number:	17448
SummaryDate:		Status:	Assigned
Name:	Margaret Browning	Source:	online
Email:	browningmargaret@ymail.com	Assigned To:	jsonnen
Phone:	635-3145	Assigned Group:	Planning
Topic	<u>Planning Commission--LOT water project</u>		
Request Details:	Please consider that both my husband and I strongly object to the proposed LOT water project. We believe it violates the city's planning design land use code legally, and in intent as well, to place a large industrial project in the middle of a residential zone. This project is unnecessary and would be endlessly disruptive, harming the neighborhoods. This project must be stopped. Best Regards, Margaret Browning and Bernard Craig 2645 Arbor Drive		
Comment:			

Thank you for using the Citizen Support Center. The City of West Linn welcomes your continued involvement with City affairs.

Pelz, Zach

From: Glenda Waddle [glendawaddle@greatnorthwestpropertiesmanagement.com]
Sent: Thursday, October 18, 2012 6:14 PM
To: Pelz, Zach
Cc: William J. More; Jeff Morrison
Subject: FW: Lake Oswego-Tigard
Attachments: Submittal Letters - 10.18.12.pdf

Zach,
I believe I had a typo in your email address. My apologies.

From: Glenda Waddle
Sent: Thursday, October 18, 2012 5:54 PM
To: jpelz@westlinnoregon.gov
Cc: William J. More; Jeff Morrison
Subject: Lake Oswego-Tigard

Zach,
I am forwarding these letters of submittal to you for the Planning Commission from tenants here at Robinwood Shopping Center for your records. I will be delivering the originals at the meeting tonight.
Thank you.

Glenda Waddle, RPA, FMA
glendawaddle@greatnorthwestpropertiesmanagement.com
Great Northwest Properties Mgmt, LLC
19363 Willamette Dr. #108
West Linn, OR 97068
503-636-9000 Office
503-387-3082 Fax