



Memorandum

Date: January 15, 2013
To: West Linn City Council
From: Zach Pelz, Associate Planner
Subject: AP-12-02 and AP-12-03 – Additional testimony received on January 15, 2013

Attached is new testimony received on January 15, 2013, regarding the Lake Oswego-Tigard Water Partnership appeal.



14 JAN 13

NO TO THE "WATER PROJECT"
FOR REASONS ALREADY EXPRESSED
BY MY NEIGHBORS, AND TOO
NUMEROUS TO COUNT.

CK SIU 
3718 MAPLETON DR.
WEST LINN, OR. 97068
503-635-2228

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Tuesday, January 15, 2013 3:14 PM
To: Pelz, Zach; CWL Council
Subject: CUP-12-02/DR-12-12 etc New Evidence ~ Extend period for written testimony/figures to be submitted.

There was new evidence introduced by both City staff and the applicant that require the record remain open for seven days after testimony, so that I, as a member with standing, can respond appropriately.

Primarily, there was a conflict between the elevations and enlarged elevations that staff should correct. Right now, the information presented is inconsistent and difficult to assess. The substantial changes, if they are to be accepted as evidence, should be coordinated with the other drawings. Currently, the drawings are in disarray and my ability to provide testimony, in light of the latest mistake, will not occur by tonight.

To better serve the council in the quasi-judicial process, opportunities to gather more participants to speak next week should be granted.

Gary Hitesman

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Tuesday, January 15, 2013 3:03 PM
To: Pelz, Zach; CWL Council
Subject: If you read anything, read this!
Attachments: LUBA Doc #1.pdf

For the Record, I submit objective analysis of the applicant's appeal and support to uphold the Planning Commission decision to deny CUP-12-02/04 & DFR-12-12/14.

Gary Hitesman

TO: Honorable Mayor and Councilors of the City of West Linn

SUBJECT: Appeals for Lake Oswego - Tigard Water Partnership:
CUP-12-02/DR-12-04 (water treatment plant) and
CUP-12-04/DR12-14 (water transmission line)

DATE: 15 January 2013

RE: Uphold WLPC Decision to Deny CUP-12-02/DR-12-04 & CUP-12-04/DR12-14

The applicant's appeal builds upon similar misrepresentations, halfway comparisons, and inconsistencies that are not "entirely" relevant nor accurate in providing the "burden of proof". And many of the applicant's assertions are just outright absurd.

The applicant states:

Utility system demands and supply are shared by all citizens and communities alike. Consider West Linn's water supply comes from South Fork Water Board which also serves the cities of Oregon City and Gladstone - it is a regional water system located within a residential zone. The Tri-City Sewer District is also a regional utility provider.

This statement has no bearing or relevance to the code on which you will be basing your decision. Regional provisions aside, the land use quasi-judicial decision before you is a local jurisdictional matter that all state agencies will oblige. Many other agencies have abstained from a final approval and are looking to West Linn local representatives for guidance. The water supply issue is not an apples to apples comparison and bears closer scrutiny. There is previous testimony that has already been entered into the record and can be expounded upon if the current PC decision is overturned.

The City's 2008 Water Master Plan directs the city to "pursue development of reliable emergency supply capacity with the cities of Lake Oswego, Tigard and others... " This Water Master Plan is an integral and required part of the state's requirement for comprehensive land use planning.

I have provided the City with previous facts from *The City's 2008 Water Master Plan* which will be edited and sent to the council under a separate cover following this letter. Both West Linn city administrators and the Partnership misconstrue the intent and purpose of the WL WMP. The provisions offered by the partnership, as the PC has also stated, do not meet our Comprehensive Plan and our Water Master Plan.

The greatest advantage for a municipal retail water service provider comes from having the infrastructure and inter-governmental agreements necessary for immediate and safe transmission of that public commodity to any customer in its service area upon demand. Wholesale water facilities and mutual aid agreements are regional by their very nature. The City of West Linn does not currently enjoy any agreed to minimum back-up water supply adequate to meet its present or future needs. This lack of a regional solution profoundly impacts the citizens of West Linn.

As the Water Master Plan states, the Average Daily Need for water under a seismic event or other such emergency is approx. 50 MGD. The Water Master Plan makes the assumptions and recommendations based on BOTH transmission lines being severed as they cross the Willamette River. The application provides a solution that is not in keeping with the West Linn Comprehensive Plan nor offers a long term solution that will benefit the residents of West Linn. An amendment to the Comprehensive plan is required first and foremost. The Regional solution within the Water Master Plan is to get water from Bull Run OR from the Robinwood Aquifer. Please refer to my analysis of the WMP under a separate cover.[to follow shortly.]

Concurrent adoption of the IGA proposed by the Partnership will provide a more reliable emergency backup water supply than is available through any other municipal water provider through at least 2041. Assurance of this quantity of water will allow West Linn to move forward with its Bolton Reservoir improvements while eliminating the risk of water service reductions while construction takes place.

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Upgrading old underground pipes serving the intertie will provide the City of West Linn long-term access to 53 million gallons of combined reservoir storage and redundant supply sources from throughout the region.

This claim was made at the Planning Commission(PC) hearing and resoundingly rejected. There are two different points to be made here. #1.) The added pump required to provide additional water would still need to be put in by the City of West Linn and then the reservoir capacity would still not be there to meet the requirements of the Water Master Plan during an emergency. #2.) West Linn administrators and this council have already wasted taxpayer backed SDC funds on building a pipeline near the burgeoning Stafford Basin area

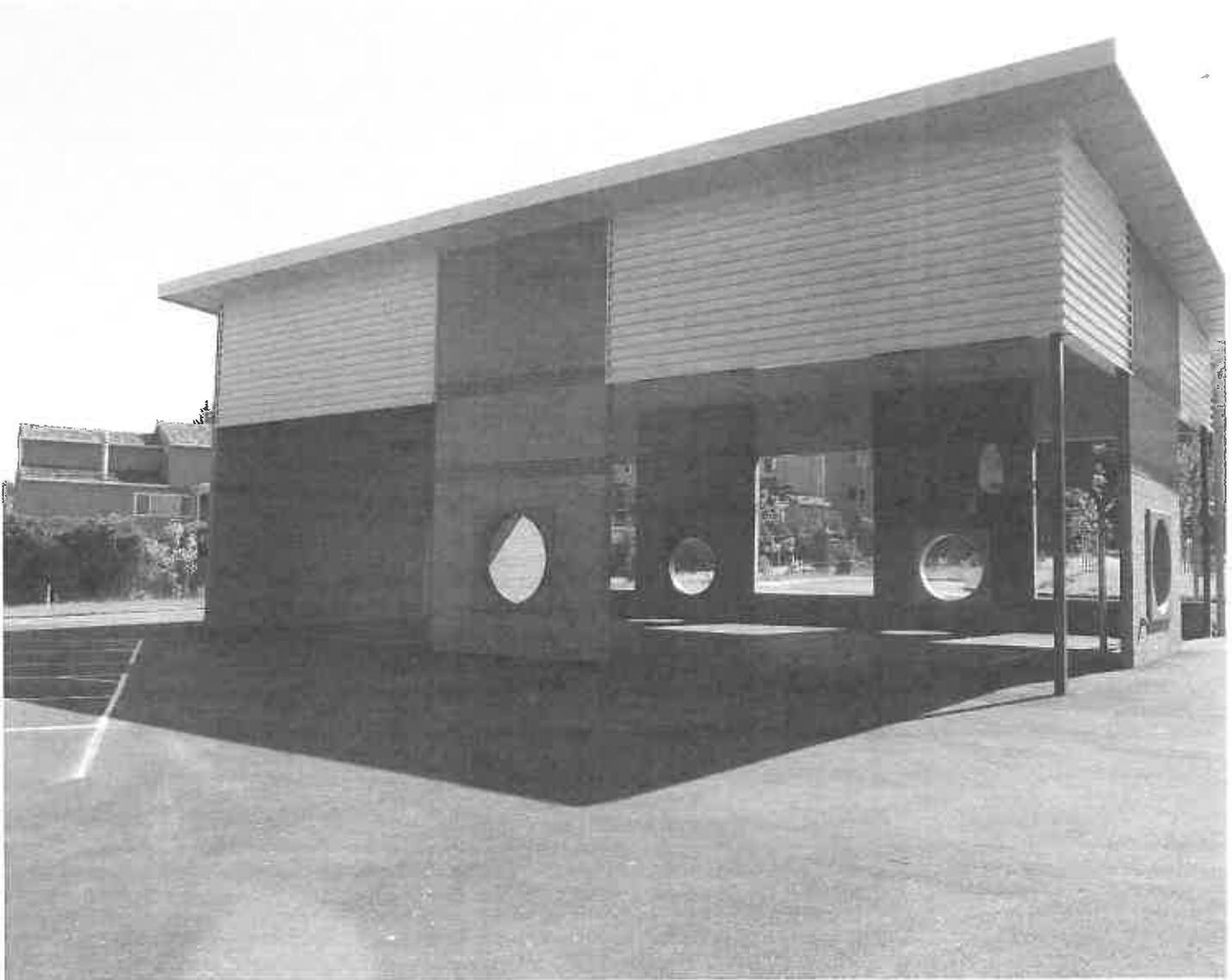
adjacent to West Linn. For the record, the material provided for CUP 12-03 Bland Circle Intertie and Pump house should be looked into as an example of how the current Water Master Plan is being poorly executed. The solution proffered by the Partnership heaps further uncertainty on top of an already precarious execution of the Water Master Plan. Long term access to the 53 million gallons is by no means a certainty.

The City has never before imposed rigorous "community need" obligations on other conditional uses seeking to locate in residential zones within the City.

Simply not true. This is yet another example of how low the applicant is willing to stoop to misrepresent the facts and history of West Linn Planning decisions. There are both examples of applications where the City did not go far enough and others where the list of obligations was equal to, or more severe, than what has been proposed for this application. (As one point of reference, The WLWV School District was compelled to fork over \$1.2 million of SDC funds that they themselves stated did not serve their needs. Compared to the overall construction costs, this obligation had a greater impact than any proposed for this one.) Not only that, the PC decision states the application was so far out of compliance that the conditions of approval assembled were inadequate to overcome the severity of the impacts affecting West Linn residents. The list of comparable obligations is too lengthy to mention here and a list for now will have to suffice. The council should be aware of these other land use cases to bolster the PC decision to deny the applicant. The partial list includes;

- AP-07-07 Between Valley View & Carriage Way build Marylhurst Park Appeal of decision
- AP-08-04 3955 Cedaroak Drive build house City Council call up of Planning Director Decision
- AP-10-03 Appeal of Planning Commission decision to extend approval of a three build office complex at the corner of Tannler Drive and Blankenship Road
- AP-12-03 Pipeline Project from Water Treatment Plant to LO Appeal of Planning Commission Decision
- My favorite, CUP- 09-01 2400 Willamette Falls Drive Conditional Use Permit Holiday Inn Express.
- CUP-10-03 1025Rosemont Road New Primary School Review/ . . .

It should be noted that even where the City has placed community need obligations upon other applicants, the City failed to uphold elements of the code. Under CUP-10-03, Peter Spir's Folly was approved even when the siting and configuration of the play structure was demonstrated to not meet code. (See attached figure.) This structure is only 24 feet at the upper ridge and is 34% under the maximum height and still is out of character with the surrounding neighbor. Yet it was allowed and constructed when it became too late to do anything about it. So The partnership has no idea what they are talking about when they make this claim. This is only a play structure. As my renderings have demonstrated, the City's imposed obligations are, at a minimum, commiserate with the scale of the applicant's structures.



The record shows that the guaranteed provision of water for a 30-year period, replacement of an seismically vulnerable water treatment facility and conveyance system, the resurfacing and providing sidewalks along Mapleton and portions of Kenthorpe streets (when the pipelines and plant proposals will not require any road removal activities on Kenthorpe), improvements to Mary S. Young Park, and all construction impact mitigation activities that have been identified, except for those that would serve to extend the inconvenience, are included as part of this proposal. Net benefit must be considered over the life of a proposed project and within the context of the community need as a whole. This proposal meets that standard.

The WL WMP cites the desire to move away from the patchwork and temporary fixes of the past and strongly urges long term solutions to West Linn's emergency water needs, none of which the applicant has addressed. These amenities would be normal requirements in any other jurisdiction and it is only the West Linn's legal council that has stated the City does not have the authority to enforce these provisions as requirements outright. The PC tackled the issue of **nexus** and came down on the right side of the discussion when they denied the Conditional Use application. The council, instead, should focus on the level of disservice and advice the city manager's consultant has placed over the heads of its residents and citizens. I forget the application itself, but a home improvement in Robinwood was required to provide street improvements under the nexus argument before. So there is precedent which the West Linn consultant through out the window and should be addressed at this appeal.

The Partnership has the ability to move water as appropriate to meet various community needs. However, when sizing this facility, a legal obligation is imposed upon the Partnership to provide sufficient capacity to serve its existing urban customers as well as those that may become customers within the 30-year planning horizon. The City of West Linn shares this planning for service obligation as well. The suggestion has been made that the proposal is designed and oriented to serve the Stafford area, which service is contrary to both the Lake Oswego and West Linn comprehensive plans. Providing any such service to Stafford will require: (1) the Court of Appeals to affirm the pending reserves challenges; (2) an adjacent city to amend their comprehensive plans to allow the annexation of Stafford; (3) a likely city-wide voter approval of annexation of Stafford; and (4) re-zoning of Stafford to urban densities. Only after all of these steps are accomplished and it has met its service obligations to the City of West Linn, could service be further extended from the Partnership.

Which is exactly why this application was misdirected by the West Linn city planning director. Several residents, including me, have previously testified that the application should not have moved forward at all before the process of changing the Comprehensive Plan had undergone the due diligence required. Here precedent offers a run-around solution. The City already offers water to structures outside the city boundary and into the Stafford basin. And there is increasing pressure placed upon West Linn elected officials to provide water to future development by local developers already. The PC hearing established that the Partnership had no way of controlling where future water will be going. The applicant's own council, Ms. Richter said that, like us, an amendment to the Comprehensive Plan required a whole different process. What should happen is the application be denied and have the City of Lake Oswego and West Linn update and change their Comprehensive Plans to allow for such future contingencies. **The lack of any Master Plan for Stafford Basin is the reason why development in West Linn and Lake Oswego has become so difficult. There is absolutely no coordination, and thus, no certainty or consistency in the decision making process of either city.** The city cannot approve a project just because it has acted so retarded towards its planning obligations in the past. And ORS 197 states; (5) The board shall reverse or remand a land use decision not subject to an acknowledged comprehensive plan and land use regulations if the decision does not comply with the goals. The board shall reverse or remand a land use decision or limited land use decision subject to an acknowledged comprehensive plan or land use regulation if the decision does not comply with the goals and the Land Conservation and Development Commission has issued an order under ORS 197.320 or adopted a new or amended goal under ORS 197.245 requiring the local government to apply the goals to the type of decision being challenged.

An evaluation of recent West Linn Planning Commission rulings demonstrates that the public benefit standard applied to the proposed plant expansion and pipeline applications was unreasonably rigorous when measured against all recent Planning Commission rulings. Good public policy dictates that consistent application of land use plan policies and regulations results in reliable and predictable decision-making.

What evaluation? No evaluation was submitted into the record and this is just another example of the partnership's lack of respect for the process and growing desperation of grasping at straws. The Burden of Proof is none existent. See my reply above. The Planning Commission decision was reasonable and not any more rigorous than necessary given the scale of the proposed structure and impacts to the existing neighborhood and Transportation System Plan. Indeed, Chair Babbitt's rationale builds upon previous precedent and sound planning decisions of prior commission hearings, many of which these councilors (with the exception of Tan who only served for one month before running as a politician for higher office) established earlier. If anything, this application has set a new standard of unreliability and unpredictable decision-making. West Linn was already fairly unreliable and inconsistent with its planning process before the partnership came along. The application by the partnership has only further exacerbated the system beyond the point of total failure.

Overturning the PC decision would be the icing on their proverbial cake and indeed would send the council decision directly to LUBA. (Refer to DRAFT LUBA #2 letter to follow.)

The client continues, ad nauseum, to wallow in its own verbal filth and lack of reasoning which requires, unfortunately, a rationale response to counteract their silliness and absurd way of thinking. The client goes on;

2. The plant design is suitable for this site and compatible with the surrounding residential neighborhood.

I have attached my previous submitted testimony that demonstrates the plant design does not meet code. It is important to qualify that the design process has changed considerably, and substantially, since the project was first presented to residents and citizens in West Linn. If you look at the original site analysis provided for feedback and look at the financial cutbacks the applicant has been forced to make, the original design decisions have no bearing on what the partnership is asking for now. All a decision maker needs to do is look at the original layout and comments provided by residents to understand the level of inconsistency and degree of substantial changes that have occurred to render this process invalid.

SOAPBOX and the Burden of Persuasion.

It makes me cringe and turn into a metaphorical HULK when I hear testimony from partnership consultants that the code has not been addressed by residents and that we are vilifying them and the city of West Linn. It is their very actions that have preceded citizen's cries for help. Given the hardships and lack of fair process implemented by them and this city, I am proud to attack this application and uphold my right as a citizen to meet the Burden of Persuasion. My level of disrespect will rise step-by-step against their arrogance and maniacal approach to destroy the land use coordination process in the State of Oregon. I am literally begging with the council to adhere to the strong and justifiable rationale the PC put forth and uphold the PC decision.

- Before the Planning Commission, the Partnership proposed a consolidated site design that resulted in a 12% increase in the overall footprint of structures. The Partnership is now proposing to remove the operations building, reducing the overall footprint by an additional 3%. The net result is a plant footprint that is approximately only 9% larger than the existing plant. This change also reduces overall construction duration from 32 months to 28 months.*
- The current plant design is sterile, cold, and institutional in appearance, which the neighbors have testified, and earlier West Linn decisions found, is compatible with the neighborhood. The proposed design is much softer, incorporating residential design elements and materials.*

Please refer to CDC 55.100(6) Architecture, attached here for your reference.

b. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent

architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, materials and colors of surrounding buildings in the proposed structure.

Please acknowledge, when you support the denial by the Planning Commission, that the applicant failed to provide, and even failed to attempt, meeting the burden of proof. They have provided inconsistent and ever changing plans, elevations, and site plans that have never been coordinated even to this day. Exhibit one is the detail elevation of the administration building which still shows the existing structure in place. The applicant has incorrectly stated that no one has used the code to deny the application. Although that is exactly what the Planning Commission did do.

The client's biggest argument was that the project has a smaller footprint. And the renderings shown are graphic misrepresentations that they have tried to pass off as reasonable accommodation towards the requirements.

Sadly, these drawings would hardly warrant consideration in a city of 26,000 anywhere else and places a question mark over the integrity of the application and city planning staff process. Staff simply makes no sense or is just fulfilling orders from above them. Reviewers appear to have acted with bias, not objectivity. To satisfy LUBA, the burden of persuasion must be allowed to coexist with staff's approval on a level playing field. It appears Staff has been led astray and that the city manager has provided a strong influence on getting the necessary approvals while keeping you guys at bay and effectively tying your hands with actual bias. So not only did staff NOT conduct a fair review; the process in place was corrupted by lack of proper procedures and processes.

The only one, so far, . . . to do it correctly, was the Planning Commission.

Because;

- 1.) Footprint is not a criteria in CDC 55. (There is criteria on "layout", but the client has failed to make the connection to the criteria. And it appears that if they did they would fail here too.)
- 2.) There is no transition per Chapter 24, just a fence 14 feet in height separating the fabric of the existing suburban neighborhood from the industrial complex within.
- 3.) Compatibility is. As defined, Structures SHALL be compatible with existing structures on site, which they are not. They are getting rid of existing structures because existing structures are not compatible with the new ones. It is not the decision makers choice to warrant compliance because it suits the applicants construction schedule. That is not a criteria. And they have not addressed, ever, how the architecture is compatible with existing structures on adjacent lots other than to cite setbacks that are not appropriately presented or proven to serve compatibility. They just say it is. My submitted drawings say otherwise. Contextual design is required yet the structures DO NOT compare favorably, nor reasonably, with the existing scale, massing, architectural styles, building lines, roof forms, rhythm of windows, color, and materials and color. Zilch. Nada. Nowhere.
- 4.) And as for you-former-planning-commissioners, CDC 55.100 6.(a) is an abomination and waste of ink on paper. What is described is not West Linn. It is just a sell out on achieving real comprehensive code enforcement. The language is unenforceable, or worse, easily misconstrued to serve the purpose of any Tom-Dick-or-Harry to come along. Staff has been provided with no choice but to acquiesce to the demands of an overbearing applicant. But even with these lackluster requirements and poorly crafted attempt at regulating aesthetics, the applicant fails miserably.
- 5.) Contrasting Architecture would be allowed if it is "manifestly superior". Ms. Jane Hiesler even asked what that meant and no public response was given. The client failed to provide proof in terms of their creativity,

design, and workmanship. My flowery and disrespectful emails show more creativity and is manifestly superior to their design responses.

6.) Human scale? Definitely not.

7.) 60 percent transparency? Not proven.

8.) Variations in depths and roof lines? No. Facing Mapleton are blank walls. Fences act as blank walls and are foreign to West Linn.

9.) Awnings? No.

10.) Attractive Pedestrian Environment? Sadly, the buildings overshadow the surrounding area like a Death Star. People are running away from this monster.

11.) The huge rolling gates to allow employee cars and delivery trucks does not diminish the predominant role of supporting this facility using automobiles and with materials and quantities exceeding what the neighborhood could ever use or require. Since the applicant failed to talk about the TSP, the application should be denied.

12.) The roll-up door for the building facing Kenthorpe is a nightmare.

13.) Paths should provide direct routes. The path suggested diverts travelers around the behemoth and circumvents a possible positive pedestrian experience.

14.) Height to width ratio was never considered. Classic fail.

15.) Buffering is woefully inadequate and inappropriate. The landscaping will take decades to provide the required buffering.

I emphatically state the project fails to meet CDC 55.100.

Understanding of seismic risk and construction and material technology has improved dramatically since the existing pipeline and plant was constructed. Removal of this out-of-date system and replacement with a state-of-the-art facility can only serve to reduce the seismic risk and enhance safety and reliability to the Robinwood neighborhood and community of West Linn.

What has also improved is our understanding and knowledge of the geology that exists at the location. Questions posed by the PC on land stability in areas of the pipeline remain unresolved and unaddressed. Moving forward with the application without acknowledging the known seismic risks exposed would be disastrous towards the public welfare. Not to mention the absurd waste of public resources to be implemented on another city's project that blocks West Linn's ability to tap into its own resources anytime in the future. The applicant has acknowledged that additional piles are required because the site sits over the Robinwood aquifer. This provides a double negative whammy to the applicant and West Linn. #1.) The understanding of the weak soils came too late in the process and after Lake Oswego started applying the full court press to get the

approvals to build the project. The project never anticipated the large cost to build adequate foundations and the contingency for the entire project was immediately reduced by 67%. (This is a huge omission, but that is a different story.) However, the council should not be allowed to see a mistake as an advantage the applicant provides. #2.) Without the plant expansion, the city of West Linn has an opportunity to readily fulfill the requirements of the Water Master Plan by tapping into the water table below and pumping the water up to the reservoirs stated in the water Master Plan.

As it turns out, West Linn does not need 'no stinkin' badges' from Lake Oswego. Nor their water, which by the way, is actually the states and therefore, all of ours. What Lake Oswego is doing is a grab of natural resources. Extraction for their own benefit. And Robinwood pays for it? Is that justifiable under our code and Comprehensive Plan?

Imagine, instead, an affordable alternative that satisfies the Water Master Plan and provides a park-like setting for the neighborhood, and whole city, to benefit from. Only a fool will argue differently. What is needed is a change in the discussion. What is needed is proper leadership. What an exciting time to use this opportunity and become known for doing a "good" thing as opposed to leaving a legacy of mismanagement and cowardly actions in your wake!

All of the qualified expert testimony submitted into the record, coupled with the Partnership's long-standing record for safe operations at this site, suggests that all industry-standard safety precautions will be taken; pipe removal, installation, facility upgrades, and operation will be done in a way that protects the neighbors as well as their property.

Industry standards aside, the applicant has only pontificated and skipped all the salient points that provide the burden of proof. It is questionable whether Industry standards, applied at this increased scale, can be mitigated with conditions. No. This application is a danger to the public welfare and a violation of the public's trust in its own elected officials.

Where new lighting or noise generation is proposed, the Partnership has responded by increasing the landscape buffering or sound baffling necessary to mitigate these impacts.

Sadly, the removal of the existing building removed one of the most effective buffers assisting Kenthorpe. However, the reverberation of equipment noises on Mapleton will be slightly less than previously acknowledged. The Trillium Creek Elementary School is a great example of why this plant expansion spells disaster for the existing neighborhood. Noise levels are set to increase beyond the methods of how noise is propagated. For one, vibrations from trucks and equipment and moving water are not accounted for. Another, night light will now flood onto Kenthorpe and render the full unmitigated impact of what an industrial facility will do to an existing residential neighborhood.

Inconveniences to pedestrians and vehicles travelling or accessing properties along Mapleton Drive will extend for only a three-month period rather than 32-months as the Planning Commission found. Moreover, construction on Mapleton Drive will occur during the winter months when pedestrian activity is likely to be lighter than during the spring, summer or fall.

Is the partnership just shitting me? Are they serious or are they just piling on? This is more straw. Pedestrians who use Mapleton don't change their use due to seasonal variation. The threat of bodily harm from diverted cars sliding off a pool of water are far greater with construction going on all around and the potential dangers will far outlast the 3 months stated. The PC had it right and said so much more eloquently than I.

3. *As a quasi-judicial proceeding, review must focus solely on the applicable approval criteria.*

- *The strongly held emotional views of those who testify about the presence of the existing plant and the proposed project should play no role in how the applicable criteria are applied by the hearing body.*
- *By allowing a "major utility" as a use conditionally permitted within the R-IO zone, temporary construction impacts are contemplated so long as the compatibility and benefits criteria are met.*

This complaint has no standing in this discussion and is not backed by any code that I am aware of. The council shall disregard this point in their decision making process.

Yet, at a quasi-judicial proceeding, the applicant has the burden of proof which was never attempted. Also, in a quasi-judicial proceeding, opponents to the applicant have the responsibility of the Burden of Persuasion. Opposition to this application has happened in spades and resolute disgust exists at higher levels than I have ever seen since the Vietnam War. The only support FOR the project has come from patsies representing the UAB. Neither of their testimony will stand scrutiny.

The continued "crocodile tears" over emotional views is the stuff of poppycock and terrible fiction. LUBA recognizes it is the right of every Oregon citizen to participate in land use decisions and the affected residents of Robinwood have been unnecessarily painted and falsely accused.

For the record, a partnership executive called the West Linn police to attend a public event because she feared for her safety. As unjustified as that claim was, it also used up limited resources of our public safety system and was an inexcusable act of innuendo and extremely poor stewardship. Which brings me to a new point. Broken TRUST and Partnership members that are terrible stewards of the planning process and frankly, have appeared negligent by some people in West Linn and elsewhere. This is a place I don't care to go as it is unproductive. But if the applicant wishes to pursue an avenue that lacks substance, than I will be forced to counter with facts. If the applicant continues to bend reality and falsely accuse in vagaries and vulgarity, then other justifiable protests will ensue.

Please! Let us all stick to the issues of Land Use, this code, and the Comprehensive Plan. No cheating should be allowed.

For Shame LO! For Shame Tigard. If you want to pick on someone, pick on me! I have tried to always apply this code, Comprehensive Plan, and Oregon Revised statutes and use email as an strategic tool to trigger compliance when none is enforced.

As previously proven by Moi, compatibility and benefits criteria have not been met, so temporary construction impacts are a further public distraction and nuisance. END

Draft ~ Support to uphold the PC decision denying CUP-12-02/DR-12-04 etc.

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Draft ~ Support to uphold the PC decision denying CUP-12-02/DR-12-04 etc.

assembled were inadequate to overcome the severity of the impacts affecting West Linn residents. The list of comparable obligations is too lengthy to mention here and a list for now will have to suffice. The council should be aware of these other land use cases to bolster the PC decision to deny the applicant. The partial list includes;

- AP-07-07 Between Valley View & Carriage Way build Marylhurst Park Appeal of decision
- AP-08-04 3955 Cedaroak Drive build house City Council call up of Planning Director Decision
- AP-10-03 Appeal of Planning Commission decision to extend approval of a three build office complex at the corner of Tannler Drive and Blankenship Road
- AP-12-03 Pipeline Project from Water Treatment Plant to LO Appeal of Planning Commission Decision
- My favorite, CUP- 09-01 2400 Willamette Falls Drive Conditional Use Permit Holiday Inn Express.
- CUP-10-03 1025Rosemont Road New Primary School Review/ . . .

It should be noted that even where the City has placed community need obligations upon the applicant, the City failed to uphold elements of the code. Under CUP-10-03, Peter Spir's Folly was approved even when the siting and configuration of the play structure was demonstrated to not meet code. (See attached figure.) This structure is only 24 feet at the upper ridge and is 34% under the maximum height and still is out of character with the surrounding neighbor. Yet it was allowed and constructed when it became too late to do anything about it. So The partnership has no idea what they are talking about when they make this claim. This is only a play structure. As my renderings have demonstrated, the City's imposed obligations are, at a minimum, commiserate with the scale of the applicant's structures.



The record shows that the guaranteed provision of water for a 30-year period, replacement of an seismically vulnerable water treatment facility and conveyance system, the resurfacing and providing sidewalks along Mapleton and portions of Kenthorpe streets (when the pipelines and plant proposals will not require any road removal activities on Kenthorpe), improvements to Mary S. Young Park, and all construction impact mitigation activities that have been identified, except for those that would serve to extend the inconvenience, are included as part of this proposal. Net benefit must be considered over the life of a proposed project and within the context of the community need as a whole. This proposal meets that standard.

The WL WMP cites the desire to move away from the patchwork and temporary fixes of the past and strongly urges long term solutions to West Linn's emergency water needs, none of which the applicant has addressed. These amenities would be normal requirements in any other jurisdiction and it is only the West Linn's legal council that has stated the City does not have the authority to enforce these provisions as requirements outright. The PC tackled the issue of **nexus** and came down on the right side of the discussion when they denied the Conditional Use application. The council, instead, should focus on the level of disservice and advice the city manager's consultant has placed over the heads of its residents and citizens. I forget the application itself, but a home improvement in Robinwood was required to provide street improvements under the nexus argument before. So there is precedent which the West Linn consultant through out the window and should be addressed at this appeal.

The Partnership has the ability to move water as appropriate to meet various community needs. However, when sizing this facility, a legal obligation is imposed upon the Partnership to provide sufficient capacity to serve its existing urban customers as well as those that may become customers within the 30-year planning horizon. The City of West Linn shares this planning for service obligation as well. The suggestion has been made that the proposal is designed and oriented to serve the Stafford area, which service is contrary to both the Lake Oswego and West Linn comprehensive plans. Providing any such service to Stafford will require: (1) the Court of Appeals to affirm the pending reserves challenges; (2) an adjacent city to amend their comprehensive plans to allow the annexation of Stafford; (3) a likely city-wide voter approval of annexation of Stafford; and (4) re-zoning of Stafford to urban densities. Only after all of these steps are accomplished and it has met its service obligations to the City of West Linn, could service be further extended from the Partnership.

Which is exactly why this application was misdirected by the West Linn city planning director. Several residents, including me, have previously testified that the application should not have moved forward at all before the process of changing the Comprehensive Plan had undergone the due diligence required. Here precedent offers a run-around solution. The City already offers water to structures outside the city boundary and into the Stafford basin. And there is increasing pressure placed upon West Linn elected officials to provide water to future development by local developers already. The PC hearing established that the Partnership had no way of controlling where future water will be going. The applicant's own council, Ms. Richter said that, like us, an amendment to the Comprehensive Plan required a whole different process. What should happen is the application be denied and have the City of Lake Oswego and West Linn update and change their Comprehensive Plans to allow for such future contingencies. **The lack of any Master Plan for Stafford Basin is the reason why development in West Linn and Lake Oswego has**

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become so difficult. There is absolutely no coordination, and thus, no certainty or consistency in the decision making process of either city. The city cannot approve a project just because it has acted so retarded towards its planning obligations in the past. And ORS 197 states; (5) The board shall reverse or remand a land use decision not subject to an acknowledged comprehensive plan and land use regulations if the decision does not comply with the goals. The board shall reverse or remand a land use decision or limited land use decision subject to an acknowledged comprehensive plan or land use regulation if the decision does not comply with the goals and the Land Conservation and Development Commission has issued an order under ORS 197.320 or adopted a new or amended goal under ORS 197.245 requiring the local government to apply the goals to the type of decision being challenged.

An evaluation of recent West Linn Planning Commission rulings demonstrates that the public benefit standard applied to the proposed plant expansion and pipeline applications was unreasonably rigorous when measured against all recent Planning Commission rulings. Good public policy dictates that consistent application of land use plan policies and regulations results in reliable and predictable decision-making.

What evaluation? No evaluation was submitted into the record and this is just another example of the partnership's lack of respect for the process and growing desperation of grasping at straws. The Burden of Proof is none existent. See my reply above. The Planning Commission decision was reasonable and not any more rigorous than necessary given the scale of the proposed structure and impacts to the existing neighborhood and Transportation System Plan. Indeed, Chair Babbitt's rationale builds upon previous precedent and sound planning decisions of prior commission hearings, many of which these councilors (with the exception of Tan who only served for one month before running as a politician for higher office) established earlier. If anything, this application has set a new standard of unreliability and unpredictable decision-making. West Linn was already fairly unreliable and inconsistent with its planning process before the partnership came along. The application by the partnership has only further exacerbated the system beyond the point of total failure. Overturning the PC decision would be the icing on their proverbial cake and indeed would send the council decision directly to LUBA. (Refer to DRAFT LUBA #2 letter to follow.)

The client continues, ad nauseum, to wallow in its own verbal filth and lack of reasoning which requires, unfortunately, a rationale response to counteract their silliness and absurd way of thinking. The client goes on;

2. The plant design is suitable for this site and compatible with the surrounding residential neighborhood.

I have attached my previous submitted testimony that demonstrates the plant design does not meet code. It is important to qualify that the design process has changed considerably, and substantially, since the project was first presented to residents and citizens in West Linn. If you look at the original site analysis provided for feedback and look at the financial cutbacks the applicant has been forced to make, the original design decisions have no bearing on what the partnership is asking for now. All a decision maker needs to do is look at the original layout and comments provided by residents to understand the level of inconsistency and degree of substantial changes that have occurred to render this process invalid.

SOAPBOX and the Burden of Persuasion.

It makes me cringe and turn into a metaphorical HULK when I hear testimony from partnership consultants that the code has not been addressed by residents and that we are vilifying them and the city of West Linn. It is their very actions that have preceded citizen's cries for help. Given the hardships and lack of fair process implemented by them and this city, I am proud to attack this application and uphold my right as a citizen to meet the Burden of Persuasion. My level of disrespect will rise step-by-step against their arrogance and maniacal approach to destroy the land use coordination process in the State of Oregon. I am literally begging with the council to adhere to the strong and justifiable rationale the PC put forth and uphold the PC decision.

- *Before the Planning Commission, the Partnership proposed a consolidated site design that resulted in a 12% increase in the overall footprint of structures. The Partnership is now proposing to remove the operations building, reducing the overall footprint by an additional 3%. The net result is a plant footprint that is approximately only 9% larger than the existing plant. This change also reduces overall construction duration from 32 months to 28 months.*
- *The current plant design is sterile, cold, and institutional in appearance, which the neighbors have testified, and earlier West Linn decisions found, is compatible with the neighborhood. The proposed design is much softer, incorporating residential design elements and materials.*

Please refer to CDC 55.100(6) Architecture, attached here for your reference.

b. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, materials and colors of surrounding buildings in the proposed structure.

Please acknowledge, when you support the denial by the Planning Commission, that the applicant **failed to provide**, and even failed to attempt, meeting **the burden of proof**. They have provided inconsistent and ever changing plans, elevations, and site plans that have never been coordinated even to this day. Exhibit one is the detail elevation of the administration building which still shows the existing structure in place. The applicant has incorrectly stated that no one has used the code to deny the application. Although that is exactly what the Planning Commission did do.

The client's biggest argument was that the project has a smaller footprint. And the renderings shown are graphic misrepresentations that they have tried to pass off as reasonable accommodation towards the requirements.

Sadly, these drawings would hardly warrant consideration in a city of 26,000 anywhere else and places a question mark over the integrity of the application and city planning staff process. Staff simply makes no sense or is just fulfilling orders from above them. Reviewers appear to have acted with bias, not objectivity. To satisfy LUBA, the burden of persuasion must be allowed to coexist with staff's approval on a level playing field. It appears Staff has been led astray and that

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the city manager has provided a strong influence on getting the necessary approvals while keeping you guys at bay and effectively tying your hands with actual bias. So not only did staff NOT conduct a fair review; the process in place was corrupted by lack of proper procedures and processes.

The only one, so far, . . . to do it correctly, was the Planning Commission.

Because;

- 1.) Footprint is not a criteria in CDC 55. (There is criteria on "layout", but the client has failed to make the connection to the criteria. And it appears that if they did they would fail here too.)
- 2.) There is no transition per Chapter 24, just a fence 14 feet in height separating the fabric of the existing suburban neighborhood from the industrial complex within.
- 3.) Compatibility is. As defined, Structures SHALL be compatible with existing structures on site, which they are not. They are getting rid of existing structures because existing structures are not compatible with the new ones. It is not the decision makers choice to warrant compliance because it suits the applicants construction schedule. That is not a criteria. And they have not addressed, ever, how the architecture is compatible with existing structures on adjacent lots other than to cite setbacks that are not appropriately presented or proven to serve compatibility. They just say it is. My submitted drawings say otherwise. Contextual design is required yet the structures DO NOT compare favorably, nor reasonably, with the existing scale, massing, architectural styles, building lines, roof forms, rhythm of windows, color, and materials and color. Zilch. Nada. Nowhere.
- 4.) And as for you-former-planning-commissioners, CDC 55.100 6.(a) is an abomination and waste of ink on paper. What is described is not West Linn. It is just a sell out on achieving real comprehensive code enforcement. The language is unenforceable, or worse, easily misconstrued to serve the purpose of any Tom-Dick-or-Harry to come along. Staff has been provided with no choice but to acquiesce to the demands of an overbearing applicant. But even with these lackluster requirements and poorly crafted attempt at regulating aesthetics, the applicant fails miserably.
- 5.) Contrasting Architecture would be allowed if it is "manifestly superior". Ms. Jane Hiesler even asked what that meant and no public response was given. The client failed to provide proof in terms of their creativity, design, and workmanship. My flowery and disrespectful emails show more creativity and is manifestly superior to their design responses.
- 6.) Human scale? Definitely not.
- 7.) 60 percent transparency? Not proven.

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8.) Variations in depths and roof lines? No. Facing Mapleton are blank walls. Fences act as blank walls and are foreign to West Linn.

9.) Awnings? No.

10.) Attractive Pedestrian Environment? Sadly, the buildings overshadow the surrounding area like a Death Star. People are running away from this monster.

11.) The huge rolling gates to allow employee cars and delivery trucks does not diminish the predominant role of supporting this facility using automobiles and with materials and quantities exceeding what the neighborhood could ever use or require. Since the applicant failed to talk about the TSP, the application should be denied.

12.) The roll-up door for the building facing Kenthorpe is a nightmare.

13.) Paths should provide direct routes. The path suggested diverts travelers around the behemoth and circumvents a possible positive pedestrian experience.

14.) Height to width ratio was never considered. Classic fail.

15.) Buffering is woefully inadequate and inappropriate. The landscaping will take decades to provide the required buffering.

I emphatically state the project fails to meet CDC 55.100.

Understanding of seismic risk and construction and material technology has improved dramatically since the existing pipeline and plant was constructed. Removal of this out-of-date system and replacement with a state-of-the-art facility can only serve to reduce the seismic risk and enhance safety and reliability to the Robinwood neighborhood and community of West Linn.

What has also improved is our understanding and knowledge of the geology that exists at the location. Questions posed by the PC on land stability in areas of the pipeline remain unresolved and unaddressed. Moving forward with the application without acknowledging the known seismic risks exposed would be disastrous towards the public welfare. Not to mention the absurd waste of public resources to be implemented on another city's project that blocks West Linn's ability to tap into its own resources anytime in the future. The applicant has acknowledged that additional piles are required because the site sits over the Robinwood aquifer. This provides a double negative whammy to the applicant and West Linn. #1.) The understanding of the weak soils came too late in the process and after Lake Oswego started applying the full court press to get the approvals to build the project. The project never anticipated the large cost to build adequate foundations and the contingency for the entire project was immediately reduced by 67%. (This is a huge omission, but that is a different story.) However, the council should not be allowed to see a mistake as an advantage the applicant provides. #2.) Without the plant

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expansion, the city of West Linn has an opportunity to readily fulfill the requirements of the Water Master Plan by tapping into the water table below and pumping the water up to the reservoirs stated in the water Master Plan.

As it turns out, West Linn does not need 'no stinkin' badges' from Lake Oswego. Nor their water, which by the way, is actually the states and therefore, all of ours. What Lake Oswego is doing is a grab of natural resources. Extraction for their own benefit. And Robinwood pays for it? Is that justifiable under our code and Comprehensive Plan?

Imagine, instead, an affordable alternative that satisfies the Water Master Plan and provides a park-like setting for the neighborhood, and whole city, to benefit from. Only a fool will argue differently. What is needed is a change in the discussion. What is needed is proper leadership. What an exciting time to use this opportunity and become known for doing a "good" thing as opposed to leaving a legacy of mismanagement and cowardly actions in your wake!

All of the qualified expert testimony submitted into the record, coupled with the Partnership's long-standing record for safe operations at this site, suggests that all industry-standard safety precautions will be taken; pipe removal, installation, facility upgrades, and operation will be done in a way that protects the neighbors as well as their property.

Industry standards aside, the applicant has only pontificated and skipped all the salient points that provide the burden of proof. It is questionable whether Industry standards, applied at this increased scale, can be mitigated with conditions. No. This application is a danger to the public welfare and a violation of the public's trust in its own elected officials.

Where new lighting or noise generation is proposed, the Partnership has responded by increasing the landscape buffering or sound baffling necessary to mitigate these impacts.

Sadly, the removal of the existing building removed one of the most effective buffers assisting Kenthorpe. However, the reverberation of equipment noises on Mapleton will be slightly less than previously acknowledged. The Trillium Creek Elementary School is a great example of why this plant expansion spells disaster for the existing neighborhood. Noise levels are set to increase beyond the methods of how noise is propagated. For one, vibrations from trucks and equipment and moving water are not accounted for. Another, night light will now flood onto Kenthorpe and render the full unmitigated impact of what an industrial facility will do to an existing residential neighborhood.

Inconveniences to pedestrians and vehicles travelling or accessing properties along Mapleton Drive will extend for only a three-month period rather than 32-months as the Planning Commission found. Moreover, construction on Mapleton Drive will occur during the winter months when pedestrian activity is likely to be lighter than during the spring, summer or fall.

Is the partnership just shitting me? Are they serious or are they just piling on? This is more straw. Pedestrians who use Mapleton don't change their use due to seasonal variation. The threat of bodily harm from diverted cars sliding off a pool of water are far greater with construction

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going on all around and the potential dangers will far outlast the 3 months stated. The PC had it right and said so much more eloquently than I.

3. As a quasi-judicial proceeding, review must focus solely on the applicable approval criteria.

- The strongly held emotional views of those who testify about the presence of the existing plant and the proposed project should play no role in how the applicable criteria are applied by the hearing body.*
- By allowing a "major utility" as a use conditionally permitted within the R-IO zone, temporary construction impacts are contemplated so long as the compatibility and benefits criteria are met.*

This complaint has no standing in this discussion and is not backed by any code that I am aware of. The council shall disregard this point in their decision making process.

Yet, at a quasi-judicial proceeding, the applicant has the burden of proof which was never attempted. Also, in a quasi-judicial proceeding, opponents to the applicant have the responsibility of the Burden of Persuasion. Opposition to this application has happened in spades and resolute disgust exists at higher levels than I have ever seen since the Vietnam War. The only support FOR the project has come from patsies representing the UAB. Neither of their testimony will stand scrutiny.

The continued "crocodile tears" over emotional views is the stuff of poppycock and terrible fiction. LUBA recognizes it is the right of every Oregon citizen to participate in land use decisions and the affected residents of Robinwood have been unnecessarily painted and falsely accused.

For the record, a partnership executive called the West Linn police to attend a public event because she feared for her safety. As unjustified as that claim was, it also used up limited resources of our public safety system and was an inexcusable act of innuendo and extremely poor stewardship. Which brings me to a new point. Broken TRUST and Partnership members that are terrible stewards of the planning process and frankly, have appeared negligent by some people in West Linn and elsewhere. This is a place I don't care to go as it is unproductive. But if the applicant wishes to pursue an avenue that lacks substance, than I will be forced to counter with facts. If the applicant continues to bend reality and falsely accuse in vagaries and vulgarity, then other justifiable protests will ensue.

Please! Let us all stick to the issues of Land Use, this code, and the Comprehensive Plan. No cheating should be allowed.

For Shame LO! For Shame Tigard. If you want to pick on someone, pick on me! I have tried to always apply this code, Comprehensive Plan, and Oregon Revised statutes and use email as an strategic tool to trigger compliance when none is enforced.

As previously proven by Moi, compatibility and benefits criteria have not been met, so temporary construction impacts are a further public distraction and nuisance. END.

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Tuesday, January 15, 2013 10:13 AM
To: CWL Council; Pelz, Zach
Subject: CUP-12-02/DR-12-04 & CUP-12-04/DR12-14

Follow Up Flag: Follow up
Flag Status: Flagged

Zach,

Same email. Revised Subject Line. For the Record.

On Tue, Jan 15, 2013 at 1:26 AM, Gary Hitesman <ghitesman@gmail.com> wrote:
The application fails to meet CDC 55.100. All you need is one. I have provided you with 15 plus more to come.

Please refer to CDC 55.100(6) Architecture, attached here for your reference.

b. The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, materials and colors of surrounding buildings in the proposed structure.

Please acknowledge, when you support the denial by the Planning Commission, that the applicant **failed to provide**, and even failed to attempt, meeting **the burden of proof**. They have provided inconsistent and ever changing plans, elevations, and site plans that have never been coordinated even to this day. Exhibit one is the detail elevation of the administration building which still shows the existing structure in place. The applicant has incorrectly stated that no one has used the code to deny the application. Although that is exactly what the Planning Commission did do.

Assuming that the Partnership gave it's level best to present you with the burden of proof, **allow me to provide you with the Burden of Persuasion**. The client's biggest argument was that the project has a smaller footprint. And the renderings shown are graphic misrepresentations that they have tried to pass off as reasonable accommodation towards the requirements.

Sadly, these drawings would hardly warrant consideration in a city of 26,000 anywhere else and places a question mark over the integrity of your planning process. Reviewers appear to have acted with bias, not objectivity. To satisfy LUBA, the burden of persuasion must be allowed to coexist with staff's approval on a level playing field. It appears Staff has been led astray and that the city manager has provided a strong influence on getting the necessary approvals while keeping you guys at bay and effectively tying your hands with actual bias. So not only did staff NOT conduct a fair review; the process in place was corrupted by lack of proper procedures and processes.

The only one, so far, . . . to do it correctly, was the Planning Commission.

Because;

1.)Footprint is not a criteria in CDC 55. (There is criteria on "layout", but the client has failed to make the connection to the criteria. And it appears that if they did they would fail here too.)

2.) There is no transition per Chapter 24, just a fence 14 feet in height separating the fabric of the existing suburban neighborhood from the industrial complex within.

3.) Compatibility is. As defined, Structures SHALL be compatible with existing structures on site, which they are not. They are getting rid of existing structures because existing structures are not compatible with the new ones. It is not the decision makers choice to warrant compliance because it suits the applicants construction schedule. That is not a criteria. And they have not addressed, ever, how the architecture is compatible with existing structures on adjacent lots other than to cite setbacks that are not appropriately presented or proven to serve compatibility. They just say it is. My submitted drawings say otherwise. Contextual design is required yet the structures DO NOT compare favorably, nor reasonably, with the existing scale, massing, architectural styles, building lines, roof forms, rhythm of windows, color, and materials and color. Zilch. Nada. Nowhere. Extinct.

4.) And as for you-former-planning-commissioners, CDC 55.100 6.(a) is an abomination and waste of ink on paper. What is described is not West Linn. It is just crap on paper suggesting that crap like this proposal musters consideration. But even with these lackluster requirements and poorly crafted attempt at regulating aesthetics, the applicant fails miserably. What is worse than Crap? Until now, I hadn't the answer. Now I do. It is this application.

5.) Contrasting Architecture would be allowed if it is "manifestly superior". Ms. Jane Hiesler even asked what that meant and no public response was given. The client failed to provide proof in terms of their creativity, design, and workmanship. My flowery and disrespectful emails show more creativity and is manifestly superior to their design responses; which are crap.

6.) Human scale? Definitely not.

7.) 60 percent transparency? Not proven.

8.) Variations in depths and roof lines? No. Facing Mapleton are blank walls. Fences act as blank walls and are foreign to West Linn.

9.) Awnings? No.

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15.) Buffering is woefully inadequate and inappropriate. The landscaping will take decades to provide the required buffering.

I emphatically state the project fails to meet CDC 55.100.

Gary Hitesman

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Tuesday, January 15, 2013 1:26 AM
To: CWL Council; Pelz, Zach
Subject: AP-12-02 Where is the respect as stated in CDC 55.100(6)b?

Follow Up Flag: Follow up
Flag Status: Flagged

The application fails to meet CDC 55.100. All you need is one. I have provided you with 15 plus more to come.

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The only one, so far, . . . to do it correctly, was the Planning Commission.

Because, from the profane to profanity;

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All of them who pretend to support this project appear to be acting like fools or liars. The city manager should be let go for allowing this mockery to see the light of day and waste your time. Enablers have provided a disservice to this community and offer only a Trojan Horse as community benefit. Shame on ALL of them.

4.) And as for you-former-planning-commissioners, CDC 55.100 6.(a) is an abomination and waste of ink on paper. What is described is not West Linn. It is just crap on paper suggesting that crap like this proposal musters consideration. But even with these lackluster requirements and poorly crafted attempt at regulating aesthetics, the applicant fails miserably. What is worse than Crap? Until now, I hadn't the answer. Now I do. It is this application.

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14.) Height to width ratio was never considered. Classic fail.

15.) Buffering is woefully inadequate and inappropriate. The landscaping will take decades to provide the required buffering.

Lastly, who was the West Linn Buffoon who said property values would rise over the next 40 to 50 years and all this would be forgotten? A UAB volunteer? Incredible! Are you guys that out-of-touch with the shit storm you yourselves have created? I don't think I am being disrespectful when I measure the lack of respect afforded residents in West Linn. I would be a coward if I could not state such an obvious fact

occurring inside West Linn.

As the L.O. sign says at Lusher Farm, "WECLOME". PLEASE! Don't weclome this project to West Linn. Give it a swift kick in the 'tukus' and let's move on to really solving our emergency water needs as recommended in the Water Master Plan. Start by getting a respectable UAB assembled.

I emphatically state the project fails to meet CDC 55.100.

Gary Hitesman

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Monday, January 14, 2013 7:23 PM
To: CWL Council; Pelz, Zach; Jordan, Chris
Subject: Re: AP-12-02/04 Council meeting.

Follow Up Flag: Follow up
Flag Status: Flagged

Lance messes up the facts as they exist in the Comprehensive Plan and Water Master Plan.

The major premise for the Water Master Plan assumes both water crossings to be damaged in a seismic event. The only redundancy to be considered are those mentioned in the Master Plan which is a.) water from Bull Run through LO, and b.) from the aquifer in Robinwood.

On Mon, Jan 14, 2013 at 7:16 PM, Gary Hitesman <ghitesman@gmail.com> wrote:

On Mon, Jan 14, 2013 at 7:11 PM, Gary Hitesman <ghitesman@gmail.com> wrote:
January 14 2011

Your camera work is very fuzzy.

Zach presents favorably over the channel and appears highly professional and clear.

There are issues that are incorrect and will require some research to prove that staff has continued to misconstrue and misrepresent the application in a bias favoring the applicant.

overview is insufficient to meet the burden of proof.

The graphics were fuzzy and illegible. Text was not discernible and graphics were unclear.

6 of 42 significant trees to be replaced. The memo submitted xxx removes ## significant trees.

Remove existing building shaving 4 months off of schedule.

The building elevation is no longer valid. That was not mentioned by staff.

The artist's rendering is a fraud and does not reflect actual conditions.

Trips regarding WP mentions no chemical deliveries.

City has no resources to enforce or monitor the facts mentioned by staff. Please note that staff is often in error and states conditions that are unmonitored and built without ability to "fix": once the code has been violated. Please note Director Sonnen's advice to ignore staff recommendations and look for the facts yourself.

In addition, Lance was not the overseeing city engineer when the application worked it's way through the process. Why was Gene Greene fired mid-process?

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Monday, January 14, 2013 7:17 PM
To: CWL Council; Pelz, Zach; Jordan, Chris
Subject: Re: AP-12-02/04 Council meeting.

Follow Up Flag: Follow up
Flag Status: Flagged

On Mon, Jan 14, 2013 at 7:11 PM, Gary Hitesman <ghitesman@gmail.com> wrote:
January 14 2011

Your camera work is very fuzzy.

Zach presents favorably over the channel and appears highly professional and clear.

There are issues that are incorrect and will require some research to prove that staff has continued to misconstrue and misrepresent the application in a bias favoring the applicant.

overview is insufficient to meet the burden of proof.

The graphics were fuzzy and illegible. Text was not discernible and graphics were unclear.

6 of 42 significant trees to be replaced. The memo submitted xxx removes ## significant trees.

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Pelz, Zach

From: Jani Aden [Jani.Aden@ricoh-usa.com]
Sent: Tuesday, January 15, 2013 12:16 PM
To: Kovash, John; Pelz, Zach
Subject: Fw: West Linn City LO water project support
Attachments: West Linn City LO water project.docx

Mayor Kovash and Zach Pelz, Please count on my support for the LO Water plant upgrade

Jani Aden

Customer Relationship Manager

RICOH USA

12100 SW Garden Place

Portland, OR 97223

Phone: 503.603.8362

Cell: 503.810.6561

Fax: 503.968.1053

E-mail address: Jani.Aden@RicoH-USA.com



Mayor Kovash, Zach Pelz and the
West Linn City Council
22500 Salamo Rd.
West Linn, Oregon 97068

January 15, 2013

Dear Mayor Kovash,

I am a 21 year citizen of West Linn and enjoy my community and the lifestyle that West Linn has to offer. We have friends in several areas of the city and have listened to opinions as well as facts as they have been presented through various means. Over the last few months gotten more interested in the heated battle regarding the LO water project.

In business I value redundancy and reliability when considering critical components to infrastructure and business processes. Our water supply is a critical part of what any city provides residents for a safe and viable community short and long term. Having LO/Tigard fund the upgrade of this system is needed and beneficial to WL along with the surrounding communities and allows us to prioritize our funds for other components of our water system, distribution and upgrades adding to capacity and reliability.

I recognize there will be disruption and a sacrifice by some in increased traffic, potential interference in business, (although the workers and activity may actually contribute to our local businesses) noise and other impacts that accompany any civic project, but it is for the good of the whole community. We all endured the traffic circle at Stafford and Rosemont the closure of the Old WL/OR City bridge etc. This is part of living in a thriving and healthy community.

It is unfortunate that this has turned into such a battle which seemingly stemmed from a poor initial presentation/proposal and methods and some misunderstood actions. That does not change the fact that our population is increasing and the current plant is aging and in need upgrade to support increased demand and longer term back up for West Linn greater than a few hours, we will benefit by increased reliability and water availability with the upgraded plant.

I support the water plant upgrade.

Jani Aden

1-14-2013

Members of the West Linn City Council,

As residents of 3708 Mapleton Dr. for the past 39 years we urge you to Vote NO on the Lake Oswego-Tigard appeal of the unanimous Planning Commission vote to deny their Water Treatment Plant Project. West Linn Planning Commission members are your appointed experts and we agree with their decision to deny for all of the reasons they stated.

We are also opposed to the Project for several other reasons which follow.

(1) We are totally offended that Lake Oswego, a neighbor to West Linn, filed a Lawsuit against us and the other owners of property along Mapleton Drive to condemn our Maple Grove Covenants. They lied to us personally and tried to bully us and we can't even vote their leaders out of office because they are not West Linn Leaders. That is basically condemnation without representation and that is very frustrating. They have also been very Arrogant about the whole process.

(2) Safety! Safety! Safety! For the neighborhood, for the Cedar Oak School and for the traveling public. This is reason enough to say no to this project. It's all in the wrong spot. It shouldn't be in a residential neighborhood. It scares the heck out of us the potential for chemicals being trucked into the neighborhood and a 48' diameter water pressure main 25 feet out our front door. Read the reports on this one and keep in mind we are in an earthquake zone. Liability! Liability! Liability.

cont'd

(3) Lake Oswego's offer of a lump sum \$5 million payment to West Linn because "It seemed like money in hand that could help West Linn" is nothing more than a Bribe. It is certainly not a good reason to support a bad project.

In conclusion we urge you the members of the West Linn City Council to listen to your expert members of the West Linn Planning Commission, listen to and read the testimony you receive and hear during this public hearing and then vote to unanimously deny this appeal by the City of Lake Oswego.

Thank you,
Raymond Modest
3708 Mapleton Dr.
West Linn, OR 97068

Ulla Modest
3708 Mapleton Dr.
West Linn, OR 97068

January 10th, 2013

Dear Mayor Kovash and West Linn City Councilors,

Please vote no on the application for permits for the proposed Lake Oswego-Tigard Water Partnership's water treatment plant and pipeline. This plant would take up to 38 million gallons from the Clackamas River every day. Neither city needs this water.

On November 1, 2012 the West Linn Planning Commission voted unanimously to deny the LOT application for the permits. The community finds that the project is not compatible as per CDC 60.070. The community finds that there is insufficient benefit as per CDC 60.070. This project application calls for a discretionary judgment call on the part of the Mayor and City Council and you were elected to represent the citizens, not the applicant or the staff. Seven of the active Neighborhood Associations have voted to oppose the LOT water treatment plant. Your community has spoken and they have said "No".

Why should you also vote against this application? The reasons are listed for you below:

1. The industrial plant will treat water in a residential neighborhood in West Linn and then pump water thru West Linn through a 48" pipeline to Lake Oswego and then on to Tigard.
2. West Linn receives zero tax dollars and no new community benefit.
3. The LOT water will be used to support new residential development in the Stafford Triangle. The citizens of West Linn have twice been polled by West Linn and twice voiced their opposition to development of the Stafford Triangle.
4. LOT is suing some of your constituents in West Linn to condemn their protective covenants so LOT can build on residential lots in their neighborhood.
5. Businesses and traffic on Highway 43 and residential areas in Robinwood will be disrupted for 3 years with thousands of construction vehicle trips generated in the building and digging of the 48" pipeline from Mary S Young Park to downtown Lake Oswego.
6. No alternatives to the Robinwood site were ever explored. There is industrially zoned land in the Foothills of Lake Oswego where this new plant could be built, but no analysis of this site or any other was done.

For these compelling reasons and so many more that you will hear during Public Testimony at the City Council hearing on January 14th, 15th, and possibly beyond; please vote NO on this application.

Sincerely,
Ed Schwarz *Roberta Schwarz*
Ed and Roberta Schwarz
Address and contact information on file.

Real Estate

There are two real estate issues for property owners in close proximity to the facilities. One is CC&Rs, the second is impacted values before, during and after a facility might be done.

CC&Rs

We owned 4069 & 4079 Mapleton Drive but mediated July 13 with Oswego to settle the issue of just compensation in exchange for the release of the covenant restrictions. The only reason we settled is because we had an offer to buy the lots that was to close July 30, 2012. No one knew this except our agent. Our goal in the mediation was to obtain one dollar more than the \$1,000.00 offer made by Oswego. That was our moral victory.

West Linn Policy

When West Linn built the treatment facility at the end of Mapleton, West Linn honored the CC&Rs to obtain 75% of Maple Grove owners signed releases allowing the city to build. To the best of my knowledge, West Linn has not use eminent domain procedures to condemn properties. Oswego sued 86 West Linn property owners.

Real Estate Values

During the mediation, the mediator called the Oswego appraisers "whores." A Clackamas Judge, called them "hired guns" adding it is "common sense neighboring properties would decline in value."

Before

Rather than hold the lots during three years of construction, we reduced the price from \$135,000.00 to \$90,000.00 and sold at the discounted figure. Issues were the unknown...what will be built and how will it impact my property?

Attached are three local agent's opinions.

During

It would be difficult to sell a property inside a three year construction zone without reducing the price.

One concern is forced sales due to health, age, job changes, or finances. Oswego offers no protection for this. What if this involved your loved one?

Other issues would be safety, noise, access, traffic, etc.

After

Several neighboring owners have called the existing facility a "good neighbor." But they chose to live there and the size of the new facility is much larger. If someone has the choice to buy next to a facility like this, or a like kind property a few blocks away, most are going to choose the latter. Not only would the house in close proximity be worth less, the number of potential buyers will be reduced significantly forcing values down.

Another factor impacting values will be comparables. If one property is down in value, in close proximity, it will drive the value of others in the area down.

Insurance

If one accident occurs and the proximate cause is from the facility, that could put neighboring properties in a high risk pool for insurance. In addition, owners are being expected to absorb risks for construction activity, a reservoir, four foot pipe, ground water, repeated seepage, flood surface waters, landslides and the ramifications of what Oswego claims, "an inevitable earthquake." The 10 year, 1.5 million dollar liability policy that is secondary insurance and controlled by LOT is ridiculous.

Whether this neighborhood will ever recover, remains to be seen. But to say there will be no negative impact is an very unfair risk no property owner should have to assume especially people who bought with the understanding Covenant Restrictions were honored.

We have bought and sold numerous pieces of property since 1985 and can say unequivacably, the values have declined before, and will more during and after.

David J. Froode
Dove Bar Properties, LLC

1.

Dave,

As I said a few days ago when I saw you on Nixon, I have had the Home at the end of Mapleton under contract two different times and both times the city's water facility neighboring it was a big issue for buyers. Whether showing homes on Kenthorp or Mapleton these facilities in the neighborhood are a serious detractants. The idea of expanding it will continue to make a difficult real-estate market in the area that much worse.

Oswego has their own river access and a commercially zoned area around it. They should expand their facility on their own shoreline. Instead they make a park in their commercial zone and want to expand their treatment in our neighborhood and next to our Mary S Young! Expanded city facilities should be in the community it serves.

Sincerely, Peter Jameson

2.

To Whom It May Concern:

I have been a top producing real estate broker for 10 years, and it has been my experience that a lot, or residential property near an industrial, or commercial area, will be harder to sell, and when sold will be at a considerable reduction in price from a like property with the continuity of similar homes around it.

Most real estate agents, in my opinion, would not purchase a lot or home near a commercial or industrial site, as it would be a difficult "resale" down the road when trying to re sell it, unless that person was buying it for a commercial or industrial site themselves. On the percentage of lost value, I would say that it would be over 25%.....and it would take quite a bit longer for the sale to happen....even at a huge reduction in asking price.

KM - Broker Keller Williams Portland Premiere

3.

CHRIS K. Sakys

PRINCIPAL BROKER

Broker west real estate company

1697 19TH STREET, WEST LINN, OR 97068

PHONE: 503.522.3950 FAX: 503.387.5175

To Whom It May Concern:

I was the listing real estate broker for two lots owned by David Froode, Dove Bar Properties. The addresses were 4069 and 4079 Mapleton Drive, West Linn, Oregon.

Granted the real estate market is still in flux but being exposed to an expansion of an industrial facility in a residential area will not improve the values or opportunities to for the sale of properties. It is my professional opinion as principal broker and real estate investor the lots along with other properties on Mapleton will suffer a decline in values of 5-10% for the following reasons:

1. There was interest in the lots. But when the Lake Oswego expansion was disclosed by law, the potential buyer(s) lost interest mainly due to the unknown and simply not wanting to live close to an industrial facility.
2. If a buyer has the choice to buy a property of like kind close to an industrial facility or in a normal residential area, buyers will gravitate to the normal residential areas. This puts the Mapleton properties at a big disadvantage.
3. An existing property will face the same stigma for the same reasons if an industrial facility is added and is in close proximity to their property.
4. Trying to sell any property in this down market is difficult. But to put the property in a construction zone, makes it nearly impossible regardless of the price. There are way too many other properties on the market that are not in construction zones or close to industrial facilities. Two major negatives for Mapleton property owners to offset.
5. Even after the construction dust has settled on Mapleton, it will take years before these properties ever recover from the negative impact and there is no guarantee they ever will.

In the real estate business we track listings days on market. When a property is listed for 120 days or more, the property is generally viewed negatively. There are reasons it won't sell. When that becomes apparent the price is dropped in an effort to attract attention. In a market flooded with overstocked inventory, price is always the number one item for buyers, especially first time buyers. They lack the experience to recognize value, regardless of street appeal. They also are trying to stretch their dollars to their advantage. My conclusion for Mapleton properties. There is no upside for their values if Lake Oswego expands their water facility on to Mapleton.

Sincerely,
Chris Sakys

West Linn City Council

1-12-13

RE: AP-12-02 and AP-12-03

RE: Traffic At Intersection of Nixon and Mapleton Drive

I have lived on Nixon for 23 years. I am a licensed multi-line casualty insurance adjuster in the State of Oregon.

The intersection at Nixon and Mapleton is an accident waiting to happen. In all my years as an adjuster and driver, I have never seen an intersection so precarious. The only reason there have not been more accidents is because it is used by the locals who know to be cautious. Adding thousands of construction vehicles to the area is ludicrous if not down right gross negligence.

From all four directions there are numerous blind spots caused for different reasons.

A. Drivers SB on Nixon can not see EB traffic on Mapleton. There is a hill that blocks the view completely.

B. Driver SB on Nixon attempting to make a right turn on to Mapleton have to go wide illegally entering the NB lane of the intersection.

C. What makes matters worse, drivers SB on Nixon or NB on Mapleton can not see each other due to a mound that blocks the view of opposing vehicles. So if a SB vehicle commits to illegally entering the NB lane, bam, accident.

D. During the summer months or fishing season, many people from outside the area use the parking area to access the river. When their mission ends, many drive out of the area at high rates of speed heading WB on Mapleton.

E. IF a SB vehicle on Nixon makes a right turn on to Mapleton, the vehicle has to stay in the EB lane for approximately 40 feet before it can complete the turn. In the meantime, the driver has 30 feet of visibility of EB traffic coming down Mapleton.

F. Another reason why the vehicles have to turn wide is because of the short but steep hill at the inside curve or NW corner of the intersection. A two wheel drive

vehicle can not execute the hill, four wheel in four wheel can.

Last week there were two young people surveying the intersection. They witnessed all of the scenarios discussed above but somehow these situations did not make it in to their report. Instead it was reported the intersection provides 280 feet of visibility. There is only one direction that would be true. Up.

Again, adding thousands of construction vehicles to this intersection is insane.

David J. Froode
19340 Nixon Ave
West Linn Oregon

West Linn City Council

1-12-13

RE: AP-12-02 and AP-12-03

The Planning Commission Chair person concluded the meeting by saying "it would be nice to hear what the rest of West Linn had to say about this project." Members of STOP, LLC could not have agreed more. We decided to present a petition to not only West Linn but surrounding areas. If you review the addresses, the reader will note there are people from Lake Oswego, Tigard, Milwaukie, Oregon City, etc. on the petition.

The majority of the signers were from West Linn. Many asked to be on our mailing list wanting to be kept informed. Most people were fairly quick to sign. Some said they wanted to research further before signing. But for the most part, once people understood Hwy 43 was going to be under construction, or Mary S Young Park would be used, or there was a large utility facility being installed in a residential area, they chose to sign the petition.

The petition was designed to be positive and provide two simple issues for people to agree to. One was the LOT proposal is not consistent with the overall needs of the West Linn Community. The other, to request the City Council to honor the Planning Commission decision. How that can be construed as being "deeply flawed" only suggests a lot of dumb people must live in West Linn.

We had no problem obtaining signatures. Had we made a greater effort or had more time, we could have easily doubled or tripled the number. It should also be known, back in 1967, over 300 people signed a petition against Oswego building their facility in the unincorporated area of Robinwood. The people of West Linn did not want the facility then and do not want it now.

STOP, LLC, 19363 Willamette Dr., #332, West Linn, OR 97068

I agree that:

1. The Lake Oswego Tigard proposal is not consistent with the overall needs of the West Linn community.
2. The West Linn City Council should vote to uphold the unanimous decision of our West Linn Planning Commission.

Signature	Print Name	Street Address	Email (optional)
<i>William Ramirez</i>	WILLIAM RAMIREZ	6771 APOLO ROAD, WLC	
<i>S. C. Atty</i>	Stephen C. Atty	5525 Summit St	
<i>Jeanette Baker</i>	Jeanette Baker	2607 SE Monroe, Milw	
<i>Herb Chan</i>	HERB CHAN	8800 SE Cunningham Dr	Herb_340@clarkson.com
<i>Justin Manner</i>	Justin Manner	19465 Westing DC	
<i>Martina Westbrook</i>	MARTINA WESTBROOK	19465 Westing DC	
<i>Richard L. Syron</i>	Richard L. Syron	3820 Mapleton Dr West Linn	Richard.Syron@yq.com
<i>Dawn L. Syron</i>	DAWN L. SYRON	3820 Mapleton Dr	



Help Save West Linn

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Signature	Print Name	Street Address	Email (optional)
<i>Cora A. Baker</i>	CORA A BAKER	2607 SW MONROE ST MILS 97227	
<i>Patricia Ann Porter</i>	Patricia Ann Porter	11300A SE 362nd Ave BOENIS OR 97009	pporter@spintone.com

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Signature	Print Name	Street Address	Email (optional)
	Kenneth Murto	5218 Summit St. West Linn WEST LINN	kkmurto@comcast.net
	LINDA SPEARS	4138 Bowman Dr. W.L.	
	Gavin Reiter	2191 Hillen Springs Ct W.L.	
	Pat Smith	4448 Mapleton Dr. W.L.	
	Randy Oetken	21455 S Grapevine Rd W.L.	

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Signature	Print Name	Street Address	Email (optional)
<i>Paula Vokoun</i>	Paula Vokoun	1257 Rockingham Ln LO 97034	
<i>William Vokoun</i>	WILLIAM VOKOUN	1257 ROCKINGHORSE LN.	
<i>Laura Ruelas</i>	Laura Ruelas	11201 NE 25TH AVE MUNICIPALITY OF 97068	
<i>Yuhong Cai</i>	Yuhong Cai	4491 Mapleton drive 97068	
<i>Robert Johnson</i>	Robert Johnson	4491 Mapleton drive 97068	

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Signature	Print Name	Street Address	Email (optional)
	Eleanor Larson	3969 Ridgewood Way	
	Ann Kilstein	3855 Cedarock Dr.	
	Paul Hansen	380 Cedarock Dr.	
	Lonette Dasso	3893 Cedarock Dr.	
	James Dasso	3893 Cedarock Dr.	
	KATHERINE DURHAM	3833 Kentmore Way	
	Eric Carlson	3875 Ridgewood Way	
	John Miller	3825 Ridgewood Way	
	Janet Jeanminette	1617 Maplehurst Dr.	
	Aaron Suffington	3800 Ribwood Way	



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Signature	Print Name	Street Address	Email (optional)
	Moira Domann	1250 Beth Hill (Own 19487 Wilderness)	domannpdx@gmail.com
	Thomas Domann	1250 Beth Hill	domannpdx@gmail.com
	Michael Rowling	2562 Sunset Ave	

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Signature	Print Name	Street Address	Email (optional)
<i>Dorothy Mejdell</i>	Dorothy Mejdell	2045 Alpine Dr W.L.	
<i>Marit T Conkle</i>	Marit T Conkle	4307 Hawthornes Way West Linn OR 97068	
<i>Leo E Conkle</i>	Leo E Conkle	4307 Hawthornes Way	
<i>Elen Kletzok</i>	Elen Kletzok	1230 Bexhill, WL	
<i>Barbara Buchholz</i>	Barbara Buchholz	2005 Maple Terrac	
<i>Donna L Baker</i>	Donna L Baker	1925 Aztec Ct.	
<i>Veronica Ferenz</i>	Veronica Ferenz	6211 Jack Ct.	
<i>Lloyd Haatja</i>	Lloyd Haatja	4271 Terre Vista Ct	
<i>Phyllis D Baden</i>	Phyllis D Baden	22185 Chelmsford Loop. W.L.	
<i>Esther M Horvath</i>	Esther M Horvath	4256 Terra Vista Ct	



HEAD SAVE WEST LINN

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Signature	Print Name	Street Address	Email (optional)
Bob wemy	Bob wemy	16578 MARK HWA	
Jay Rice	Jay Rice	1203 ORCHARD ST	
Ron Williamson	RON WILLIAMSON	19173 BRYANT RD	
Dave Rood	Dave Rood	2571 TROY CT	
Beverly Lynds	Beverly Lynds	5041 J Foothills Rd 10	
Jan Bezyiff	Jan Bezyiff	1787 TAMWISK DR	
Marlene McCarty	A. MARLENE MCCARTY	20910 FAUN CT #6	
Charles Gresejo	CHARLES GRESEJO	2688 MAX LAN-	



Help Save West Linn

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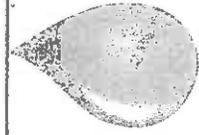
Signature	Print Name	Street Address	Email (optional)
<i>George Jankowski</i>	George J. Jankowski	6270 Irving St, W. Linn	
<i>Violet Quella</i>	Violet Quella	2345 19th W. Linn	viang@aol.com
<i>Rose Ek</i>	Rose Ek	1925 1925 Saw Ek Road W. Linn	
<i>Marilyn Frankel</i>	Marilyn Frankel	3364 Balling Way	
<i>Sandra A. Rood</i>	Sandra A. Rood	2591 Troy Ct. West Linn	
<i>Naomi Karen</i>	NAOMI KAREN	6375 Summerlin Way	NAKAREN@comcast.net
<i>Zori Pranz</i>	ZORI PRANZ	3751 Cedar Oak W. Linn 97068	LMPRANZ@EMAIL.NET
<i>June Eron</i>	JUNE ERON	5870 West A West Linn	
<i>Molly Brock</i>	MOLLY BROCK	4606 Clearwater Ln West Linn 97068	
<i>Donna Flattery</i>	DONNA FLATTERY	6233 TACKETT WEST LINN 97068	



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Signature	Print Name	Street Address	Email (optional)
Sally S. Porsch	SALLY S. POSCH	2428 19 th St	
J.D. Thomas	J.D. THOMAS	4236 Spring Rock Cir	
Douglas S. Imboden	Doug Dickston	5533 1 st Ct.	
Joyce I. Brown	Joyce I. Brown	2434 Southslope Way	
Wanda L. Vilter	WANDA L. VILTER	2435 Southslope Way	
Mark Appant	MARK APPANT	2180 Hillcrest Dr	
Elene Jones	ELENE JONES	7166 SUGAR H	
Rita J. Perry	RITA J. PERRY	22621 WEST BLUFF DR	
Nancy L. Rowinski	NANCY L. ROWINSKI	3424 WALLING WAY	
Dick Hunt	Dick Hunt	1208 11 th St	



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Signature	Print Name	Street Address	Email (optional)
<i>Jeri Smart</i>	JERI SMART	14051 155th Ter Tigard 97224	smartstitcher@yahoo.com
<i>Casey Hepburn</i>	Casey Hepburn	6135 Cheyenne Terr.	CSYHeP@Comcast.net
<i>Roger Hepburn</i>	Roger Hepburn	11 11	
<i>Michelle Fritts</i>	Michelle Fritts	2620 Surrey Ln.	
<i>Nancy Brooke</i>	Nancy Brooke	2655 Surrey Jane	
<i>Jason Dailay</i>	Jason Dailay	4542 Knorthold Way	jasondailay@gmail.com
<i>Mathyn A. Brandebury</i>	Mathyn A. Brandebury	3001 Hunter Court	
<i>Jay A. MacLaughlin</i>	Jay A. MacLaughlin	2599 Bronco Ct.	JayMacLaughlin@yahoo.com
<i>Jun Brown</i>	Jun Brown	4194 Cedarblum	
<i>Lizz Pilkington</i>	Lizz Pilkington	3595 Arbor Drive	#

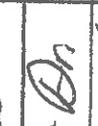
~~Address~~

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Signature	Print Name	Street Address	Email (optional)
	Shawn Pilkington	3595 Arbor Dr	
	Jeff Milks	4300 Cedar Oak Dr	
	Sue Milks	4300 Cedar Oak Dr	
	Donna Beddell	18670 Nixon Ave	
	Diana Craigs	18560 Nixon Ave	westlin

Help Save West Linn



2

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Signature	Print Name	Street Address	Email (optional)
	Samantha Mather	4351 Exeter ^{West} Linn	westlinn.sami@gmail.com
	Jennifer Macdonald	3882 Kenton ^{West} way	jen.macdonald@comcast.net
	DAN STOW	1171 127 st	
	CANDI JAUCHUS	6499 Horton Rd	
	BYRON BRADY	20182 OLD RIVER RD.	
	Julieah Hallman	3710 Nehalem ^{key}	
	Gardeson UK	West Linn	gardeson@lynwoodfarmers.com
	Ginger Nickles	Rose Ct. West Linn	
	Guillermo Martinez	19120 willbarnett-west ^{linn}	
	Jorge Kuri	22193 Horizon DR	



I agree that:

1. The Lake Oswego Tigard proposal is not consistent with the overall needs of the West Linn community.
2. The West Linn City Council should vote to uphold the unanimous decision of our West Linn Planning Commission.

Signature	Print Name	Street Address	Email (optional)
	Bobb's ARSANJANIZ	1920 W. Garrett Dr.	
	EREFAN ARSANJANIZ	3480 RIVERKNOLL WAY WEST LINN OR 97048	
	Faten L ARSANJANIZ	380 Overland Way West Linn OR 97088	
	Chris Holmes	2634 Mark Lane, West Linn	
	Matt Hysert	3700 Kenhorpe Way	
	Mike Bagak	PO Box 766	
	Alexander Govey	Welches OR	



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Signature	Print Name	Street Address	Email (optional)
<i>William Ramirez</i>	WILLIAM RAMIREZ	6771 APOLO ROAD, WLC	
<i>S. C. Altg</i>	Stephen C. Altg	5525 Summit St	
<i>Jeanette Baker</i>	Jeanette Baker	2609 SE Monroe Mill Rd	
<i>Herb Chaw</i>	HERB CHAW	8000 SE Sunningdale Dr	Herb_3400@clarkson.com
<i>Judith Manner</i>	Judith Manner	19465 Westing DC	
<i>Martina Westbrook</i>	MARTINA WESTBROOK	19465 WESTING DC	
<i>Dawn L Syron</i>	Dawn L Syron	3820 Mapleton Dr	KickstartDawn@aol.com

Help Save West Linn



We, the undersigned West Linn business owners and employees, strongly urge the West Linn City Council to please hear the pleas of our businesses and residents by respecting and upholding the extremely conscientious, in depth unanimous decision of the West Linn City Planning Commission to not approve the Lake Oswego Tigard Project. There were many reasons for the City Planning Commission's unanimous decision as enumerated by them in both the oral and written ruling as they found this project not consistent with the overall needs of the West Linn community, that the characteristics of the site were not suitable for the proposed use considering size, shape, location, topography, and natural features, that the use did not comply with the applicable policies of the comprehensive plan and that the site size and dimensions did not provide adequate area for the needs of the proposed use and adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

Name	Business	Signature
Thuy Nguyen	D & H (Western Shell)	

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Signature	Print Name	Street Address	Email (optional)
	N. Christensen	4738 Mapleton	✓
	G. Johnson	2405 Bellevue T	
	M. Buser	1960 Alpine Dr	
	Amy Johnson	2405 Bellevue Ter	
	K. LaPlante	12017 SE Sequoia Ave	97222
	C. Christensen	4738 Mapleton Dr	

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Signature	Print Name	Street Address	Email (optional)
<i>[Signature]</i>	Ricki Clark	5215 Summit	Ricki.Clark@comcast.net
<i>[Signature]</i>	Cindy Schorn-Singh	5570 Summit St	C.schorn@schorn.com
<i>[Signature]</i>	M. Fidd Singh	—	—
<i>[Signature]</i>	Alana Hill	5555 Summit St	—
<i>[Signature]</i>	Melinda M Beiga	55105 Summit St	—
<i>[Signature]</i>	Fred W Beiga	5565 Summit St	—
<i>[Signature]</i>	Sandra L. Justice	5605 Summit St	—
<i>[Signature]</i>	Cory Tanner	5665 Summit St.	—
<i>[Signature]</i>	Ahigai Wojcik	5155 Summit St.	—
<i>[Signature]</i>	PAUL A NURK	5195 Summit St	—

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Signature	Print Name	Street Address	Email (optional)
	Troy Dean	1397 Skye Parkway	
	Colley Dean	1397 Skye Parkway	colley2002@usnl.com
	Dawn Foster	3101 Cascade Terrace NW	

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Signature	Print Name	Street Address	Email (optional)
<i>Greg Padua</i>	GREGORY PADUA	641552 65TH	NORLE
<i>Steve Taylor</i>	Steve Taylor	10540 SW Canterbury Ln	—
<i>Tina Reid</i>	Tina Reid	7825 SW Fanno Cr Dr #3	—
<i>Kim Bell</i>	Kim Bell	560 Parks Ave	—
<i>Robert Stowell</i>	Robert Stowell	2206 Marin Ct	—

Help Save West Linn

