



CITY OF
West Linn

PLANNING COMMISSION

Minutes of October 17, 2012

Members present: Chair Michael Babbitt, Vice Chair Gail Holmes, Russell Axelrod, Thomas Frank, Robert Martin, Holly Miller and Christine Steel

Members absent: None

Council Liaison:

Staff present: John Sonnen, Planning Director; Zach Pelz, Associate Planner; Khoi Le, Engineer; and Chris Crean, Acting City Attorney

PREMEETING WORK SESSION

Chair Babbitt convened the work session at 6:30 p.m. in the Rosemont Room of City Hall. Staff recalled the Commissioners had agreed to hearing procedures. They listed recently submitted documents. Commissioner Frank clarified that he would not recuse himself at Planning Commission level, but he might if the matter reached Council level. Mr. Crean confirmed that it was conceivable that one application might meet the applicable criteria and the other not. Mr. Pelz reported that the applications did not address whether the applicant would move forward with one if the other was denied. Mr. Crean counseled the Commissioners regarding *ex parte* contact.

CALL TO ORDER – REGULAR MEETING

Chair Babbitt called the meeting to order in the Council Chambers of City Hall at 7:00 p.m.

PUBLIC COMMENTS (Regarding items not on the agenda)

None.

PUBLIC HEARING

CUP-12-02/DR-12-04 (water treatment plant) and CUP-12-04/DR-12-14 (water transmission line)

Chair Babbitt opened the hearing. All of the Commissioners present reported *ex parte* contacts (including site visits). Commissioner Frank related that he planned to hear the applications at the Commission level and would recuse himself if the matter was heard by the Council.

Staff Report - Water Treatment Plant application

Mr. Pelz used slides to present the staff reports. Since the original plant application had been suspended the applicant had submitted revisions to the plant site plan and the IGA had been signed by Lake Oswego and Tigard. Staff stated the IGA committed 4 million gallons per day until 2041. The clearwell had been reduced from 3 million gallons to 2 million gallons, which would reduce truck trips. Staff found the application met conditional use standards. The site was physically adequate for the proposed use; possible adverse effects to surrounding properties could be mitigated; and the facility was consistent with the needs of the community. Mr. Pelz explained why. The plant had been in operation since 1968 and never created any major problems. Now it was a bigger site with additional buffering. The applicant's proposal in concert with the IGA could further Water Master Plan policy. Staff stated the IGA guaranteed water supply availability would result in approximately \$11 million in cost savings to the City of West Linn. Mr. Pelz discussed four categories of significant issues: Noise, the Good Neighbor Plan, Construction impacts; and Public Safety. The applicant had shown the proposal met DEQ

standards for noise impacts and had made additional changes that would cut down on noise. The chemical delivery area would be partially enclosed and a compressor had been eliminated. The recommended conditions called for a post-construction noise study; a prohibition on backup alarms during evenings; and notification to neighbors of any afterhours construction requests. The applicant had added an ombudsman and 60-day notice of drilling to the Good Neighbor Plan. The applicant would bus in workers and that would cut vehicle trips by about 150 trips per day. The applicant would use low-sulfur fuel vehicles. They would not park on the street. The applicant submitted an independent review of the original seismic analysis. The applicant had submitted a Safe Operations Plan that detailed how the design of the site, use of materials, and electrical and mechanical redundancies built into the site promoted safety of the operation.

26:06

Staff Report - Pipeline application

Mr. Pelz showed graphics of the pipeline route, equipment locations, and of a typical open-trench construction work section. The pipeline would travel through 1.9 miles of West Linn. It would be in a seven-foot wide trench under Mapleton Drive. The applicant would tunnel under a Water Resource Area (WRA) to avoid impacting it. Their drilling staging area would create temporary disturbance within a Habitat Conservation Area (HCA) that would be re-vegetated afterwards. This was the only alternative site that avoided impacts to WRAs that was still feasible. As the pipe went along Mapleton and Highway 43 and crossed other WRA areas the applicant would keep the pipe within the paved portion of the right-of-way.

Staff discussed the equipment and decibel levels in the drilling staging area, truck trips and access during open trench construction. The applicant dealt with noise with a sound attenuating wall around the drilling staging area and acoustical blankets and enclosures around the construction equipment. Mr. Pelz compared the 55 - 66 dBA continuous and 65 - 72 dBA intermittent decibel levels with some normally heard noises ranging from 50 dBA to 70 dBA. The phasing table showed four phases between March 2014 and August 2015. He discussed Average Daily Trips (ADTs). There would be about two trips per hour during drilling; about six trips per hour during the 24- to 48-hour pipe-pulling period; and 85 ADT during trenching on Mapleton and Highway 43. The related mitigation was to limit construction activity to a 100- to 150-foot section of roadway; bus workers from off site; and phased off-sets of day and evening trips. ODOT required the highway work to be done at night (9:00 p.m. to 5:00 a.m.). The applicant would maintain one lane of vehicular traffic and provide pedestrian access through the work zone. Work in each 150-foot work zone on Mapleton would be 7:00 a.m. - 7:00 p.m. The zone would be closed to vehicles for up to 12 hours, but there would be pedestrian/bike access through it and the applicant would provide a parking area for affected residents. An emergency accessway would be provided at all times, except for four sections where the pipe crossed the street. During that work traffic would be detoured via Nixon Avenue. The applicant was required to coordinate traffic control at the Nixon/Mapleton intersection with the City Engineer. A graphic showed how trucks would enter and exit the site. There were to be no left turns onto Highway 43 from Mapleton drive. Trucks heading south on Highway 43 would access the highway at the signal at Cedar Oak.

Staff believed the applicant had demonstrated they would construct their facilities to the highest seismic standards available. A third party review of their original seismic analyses confirmed their original design. They had also submitted a Safe Operations Plan.

Staff recommended approval of the application subject to the recommended conditions.

45:47

Questions of Staff

Commissioner Steel inquired who signed the Intergovernmental Agreement and when and why Oregon City was not a signatory. Mr. Crean related that he was still working on the agreement. The South Fork Water Board would sign the IGA on behalf of Oregon City and West Linn because it owned and operated the water system. There was no legal requirement regarding the order of signing. Mr. Sonnen related that the water board and the Council would consider signing the IGA after the applications were decided. Mr. Crean did not anticipate any substantial revisions to the draft IGA.

Commissioner Martin inquired whether there was a condition of approval that would require the applicant to do what the seismic information recommended. Mr. Pelz advised this was a unique situation in which staff had requested a lot of information from the applicant about things that typically were not under the purview of planning and zoning. The staff's approach was to refer to the seismic analysis recommendations in the conditions but still allow the applicant the flexibility to employ best practices and find efficiencies. The final design would be subject to a more detailed review by the Building and Public Works Departments.

Commissioner Axelrod inquired why more than one outside professional had been utilized. Mr. Pelz related that the City had hired planner D.J. Heffernan to assist Robinwood Neighborhood's Great Neighbor Committee and help them understand the quasi-judicial process. The City had hired consultant Greg McKenzie to work with the applicant and the neighborhood and try to resolve concerns.

Mr. Pelz clarified for Commissioner Steel that the applicant had proposed an ombudsman and it was incorporated into both agreements. One of the recommended conditions required the applicant to follow the recommendations in the Good Neighbor Plan. The City could enforce it by ordering work stopped until an issue was resolved.

58:16

Applicant

Ed Sullivan, Garvey, Schubert Barer, 121 SW Morrison, 11th Floor, Portland, Oregon 97204 and Dennis Koellermeier, Public Works Director, City of Tigard, testified on behalf of the applicant. They used slides to outline their presentation. Mr. Sullivan reported the applicant had made progress resolving neighborhood concerns with the assistance of an independent facilitator, but they had not made everybody happy. He advised the decision had to be based solely on the applicable approval criteria, the facts in the application, and how the applicant would mitigate the impacts of construction. The applicant agreed with the staff reports that their application and supporting materials demonstrated the criteria were satisfied. The applicant stated contentions regarding alternative sites, water sources, NEPA requirements, Stafford water rights, and property acquisitions were not germane.

Mr. Sullivan discussed the criteria in CDC 60.070(A). The applicant agreed with staff that the site was adequate and suitable to accommodate the proposed use and that the proposed plan mitigated adverse impacts. Planner D. J. Heffernan had concluded that the revised site plan addressed many of the concerns raised by neighbors and the RNA. The applicant stated the facility was consistent with needs of the community. The overall needs extended beyond the site and included the City as a whole. The Water Master Plan established that the intertie of the pipe and the plant fulfilled an essential community wide need by furnishing water facilities, improving water system reliability, providing water supply redundancy, and reducing or eliminating ratepayer capital costs. Those were significant benefits for the entire City. Adequate public facilities were available. This was well covered in the staff report. Zoning requirements were met. Supplemental Design Review requirements were met. The staff report showed the criteria related to natural resources and Habitat Conservation Areas were satisfied. The proposal was consistent with the Water Master Plan and Robinwood Neighborhood Plan. The applicant agreed with the staff conclusions that the City's planning

goals and policies were satisfied and the proposed plan benefitted Robinwood neighbors. He noted that RNA Goal 3 spoke to the water treatment plant and not the pipelines. Implementing Policy 3.9 provided that the City would ensure that the plant remained compatible with the surrounding residential areas and provided benefits to Robinwood residents. It assumed the existing plant was compatible. West Linn staff had found the proposed plant was compatible with the surrounding area using the code design review standards and the proposed conditions of approval. The proposed plan provided specific benefits to Robinwood residents that included improved local emergency access, new local water lines, street cleaning, new pedestrian paths and access to open space at the plant, and enhanced Mary S. Young Park improvements.

Mr. Koellermeier talked about the reliability of and risks to the water system. The intertie was beneficial to both parties. Being connected to the new facility offered West Linn the benefit that if something happened at the Clackamas River intake and no one could take water from there, Tigard had the ability to direct water from other sources into that pipeline. They would maintain their current connection to the City of Portland system for emergency purposes and they were also connected to a Tualatin system and could get water from it. They had an aquifer storage and recovery supply system as well. The West Linn Water Master Plan identified \$31 million in water system improvements. Its general goals were to have a secure reliable backup supply; replace Bolton Reservoir; and replace aging pipes. It relied on the expanded backup supply the applicant would provide. The proposed project would provide a fully redundant backup water supply; avoid the need for West Linn to make almost \$12 million worth of investments in a new finished water transmission main; enable Bolton Reservoir replacement; and replace some of the asbestos cement pipe in the system. A map of the two systems was color coded to indicate risk. The approximately 65,000 feet of asbestos cement (AC) pipes was a risk. That the intertie did not currently have year-round capacity was a risk. During part of the summer Lake Oswego had used as much as 12 million gallons per day and there had been no surplus water available to put into the intertie. Another risk was the age and condition of the Bolton Reservoir and the finished water pipeline. If a part of its system east of the I-205 Bridge failed West Linn could be without water. At Christmas time last year the South Fork intake structure had been compromised by flood damage and West Linn had received water from the Lake Oswego water treatment plant. The existing systems were seismically vulnerable. They had been built before there were any state seismic standards.

The benefits West Linn would receive from the proposed upgrades included the \$350,000 the applicant was going to spend to replace AC pipes; a Partnership guarantee to make water available 24/7 and 365 days a year through 2041; intertie water during the 28 months the Bolton Reservoir would be out of service; and that the proposed facilities would be designed for a 9.0 Cascadia Subduction Zone earthquake. The applicant's investment to bring water from across the Willamette River would save West Linn the \$11.6 million cost of a redundant pipeline sometime in the future. Even if West Linn built that pipeline it would still have the vulnerabilities of the old water treatment plant and the existing intake. The new intake structure was designed with features to increase its stability and deal with the 500-year flood level.

The applicant had dealt with the hazard of the liquefaction zone by putting 1,000 auger-cast piles (the quietest type) through it down to more resilient soil at a cost of \$3 million. The new pipeline would be constructed according to the recommendations of a recognized expert on seismic design of pipelines. Flooding was addressed because all of the water bearing structures in the water treatment plant were connected to an existing drain to the Willamette River. Stored chemicals were comparatively benign and would be located in the middle of the site in secondary containment facilities. There were isolation valves all along the pipeline. Response to a break would be quick because the plant would be operated by staff who could shut the

valves manually, not automatically. The applicant was marketing a reverse 911 system that was the police and fire departments' preferred notification method.

Neighborhood improvements and impact mitigation included resurfacing the two aging streets; and a new path/emergency access through Water treatment plant. West Linn ratepayers were avoiding \$350,000 worth of investment by the work the applicant was doing. The applicant would pay for \$90,000 worth of improvements in Mary S. Young Park in exchange for the easement there. The McKenzie report listed 30 mitigation items that had been identified during facilitated meetings with neighborhood. The applicant had determined that seven items were beyond the scope of and had no nexus to the project. In that case they could not use their bond proceeds to pay for it. The applicant had suggested that West Linn might apply franchise fees. They would establish a \$1.5 million risk management fund for ten years to cover losses a property owner's own insurance or the contractor's insurance did not pay for. After that the funds would be transferred into the plant's long term capital replacement fund.

Mr. Koellermeier discussed traffic management. Trucks would not be allowed to turn left to or from Mapleton Drive. Emergency vehicle and pedestrian access would be maintained on Mapleton along a 150-foot work zone while it was closed to through traffic. Residents along the rest of Mapleton would still be able to access their properties. If necessary, the applicant could implement a one-way construction loop through the project. Workers would be bussed to and from the site. Striping adjustments would make the left turn lane longer at the Cedar Oak/Highway 43 intersection. The applicant would sequence construction to minimize increase in traffic.

The applicant's recent changes enhanced buffers for neighbors. There would be more green space. They had moved solids indoors and eliminated a generator to reduce noise. They had removed the oxygen tanks. They would install extra tall plantings on corners where they thought light issues might be a problem for the neighbors. The proposal would only reduce existing green space by 12%. The south part of the site along Mapleton would have 8% lot coverage and the rest was all green space. Lot coverage was much less than City standards would allow. 58% of the entire site was landscaped. 91 trees were required and 308 would be planted. Post construction operations would only generate four trips per day on Kenthorpe.

Mr. Koellermeier summed up the cost savings for West Linn. The updated intertie agreement benefit was full redundancy and reliable backup supply for a total value of \$11.6 million. The OPRD easement and West Linn infrastructure agreement contribution benefit was capital improvement project (CIP) funding for parks, pipes and roads of \$700,000. The City Council was considering charging franchise fees, which could be a long term revenue source. Altogether there was about \$12 million water dollars that West Linn would not need to spend because of the improvements the applicant was making. It would likely require a 30% water rate increase to support a \$12 million expenditure. Mr. Sullivan observed the staff had done a good job addressing both code criteria for conditional use permits and design review in their report.

1:34

Questions of applicant

Commissioner Miller asked if the applicant would go forward with one application if the other was denied. Mr. Sullivan was not sure. He questioned why they should make the investment in the plant if the pipes could not be upgraded or vice versa. Commissioner Miller asked how the applicant would go about appointing an ombudsman given the contentious nature of the matter. Mr. Sullivan explained the person would be an independent third party who was not an employee of the Partnership or the City. Commissioner Miller noted the applicant had reduced the footprint. She asked what the likelihood was they would need to increase it between now and 2041. Mr. Koellermeier explained they had changed some buildings and taken advantage

of new technology so they could have the full 38 MGD capacity they had water rights for. They would never have to come back to ask to be allowed to add additional footprint.

Commissioner Miller asked for a comparison of the safety and durability of auger cast piles and hammer-driven piles. Brett Shipton, the applicant's geotechnical engineer, clarified the auger cast piles would be safe during a seismic event. They were constructed differently from driven (beaten into the ground) piles. The capacity was slightly less, so here had to be more of them. He confirmed that the design of foundations had been changed so that auger cast pilings would support them after a re-analysis of seismic information.

Vice Chair Holmes recalled the applicant's website said the project would be engineered so water could be given to Stafford. She asked if that was still the case. Mr. Sullivan recalled that came out of an engineering feasibility study. It could be done, but the applicant was committed not to do it. Lake Oswego Comprehensive Plan policy was to not extend to Stafford.

Mr. Koellermeier clarified for Commissioner Axelrod that 53 million gallons was the current total of above ground storage in Tigard and Lake Oswego. ASR was in addition to that. The systems were configured in such a way that water could be made available to West Linn through the intertie if the Clackamas River source was not available, but the applicant could not get it to West Linn today due to existing pipeline capacity.

Commissioner Frank noted that West Linn would be guaranteed 4 million gallons per day until 2041. He asked what happened in 2042. Mr. Koellermeier explained that in 2042 there could potentially be a small tapering off of the 4 MGD and from then on it could become problematic to deliver 24/7 for 365 days a year, especially on peak use summer days. He also clarified for Commissioner Frank that the existing drain to the Willamette River had adequate capacity to drain the proposed facility.

Commissioner Steel inquired what enabled the applicant to extend the emergency water supply guarantee from 2021 to 2041. Mr. Koellermeier explained they had revised their growth-planning assumptions and projections. Commissioner Steel asked if they could put a cap on their growth or consider another water source for Tigard in order to continue to meet the guarantee to West Linn. Mr. Koellermeier doubted that they would agree to limit their growth. Tigard was looking for an additional source because of projections that it would need one to serve its future growth in the 2040's and 2050's.

Commissioner Steel asked if the plant would be operational during construction and if West Linn could take the Bolton Reservoir off line in order to replace it while using the emergency intertie before plant expansion was finished. Mr. Koellermeier confirmed the plant would continue to operate except for some very short, strategic shutdowns. He would have to check with the experts, but he believed it was likely that capacity would increase as various components of capacity came online during construction. He clarified for Commissioner Steel that the applicant did not yet know where the parking for bussed in workers would be. They could agree to related condition of approval.

Commissioner Axelrod questioned why the pipeline needed to reverse back from Tigard to the intertie if the applicant could direct water from the plant to the intertie and then Lake Oswego could get supplemental water from Tigard. Mr. Koellermeier explained the scenario he had been talking about was one where the intake and the plant could not work for some reason and the plant was not producing. Then water would be back fed through Lake Oswego into West Linn from the other sources. Commissioner Axelrod suggested another scenario was backing up during Bolton Reservoir construction. Jon Holland, the applicant's program manager, offered an answer to this question later in the questioning period (see below). Commissioner Axelrod asked if there was a seismic-related reason for downsizing the clear well. Mr. Koellermeier clarified that was driven by construction issues and cost. Commissioner Axelrod asked for confirmation that the only real change that came out of the expanded seismic

analysis was to expand the auger cast piles to the other foundations. Mr. Koellermeier would have the geotechnical expert respond to that later.

Commissioner Martin indicated he liked that the work on Highway 43 would only be done at night. He asked about equipment, steel plates, and if Highway 43 would be resurfaced or just patched. Mr. Koellermeier clarified that ODOT required them to work at night and it required the equipment to be moved off the pavement during the day. The pavement would be replaced daily and there would be no steel plates. Pete Oveson, pipeline team lead, advised that ODOT required the entire affected lane width(s) to be repaved.

Commissioner Frank asked how long residents along Mapleton would be blocked from accessing their driveways. Mr. Koellermeier advised it would be a maximum of twelve hours. Affected residents would be notified at least a day beforehand and have another parking spot.

Mr. Oveson clarified for Commissioner Axelrod that 2,000 feet of asbestos water line along Mapleton would need to be replaced as part of the finished water pipeline. An additional 1,000 feet did not need to be replaced but they would replace it anyway just for continuity and to get rid of the extra asbestos cement. That part was funded by West Linn. Mr. Le clarified for Commissioner Axelrod that the current asphalt on Mapleton did not need to be replaced right now.

Jon Holland, Brown and Caldwell, 6500 SW Macadam, Portland, Oregon, 97239 oversaw the design team. He explained the applicant could now extend the guarantee to 2041 because growth projections had been re-analyzed and because they were now factoring in Lake Oswego's and Tigard's storage capacity. After 2041 if the Partnership's demands took the full plant capacity they might be able to supplement in an emergency through Tigard's intertie with the Portland system. He discussed the questions related to where the diversion took place and Bolton construction. If Bolton was taken down the existing intertie pipeline would have the capacity to transmit the 4 MGD average daily demand that was needed, but it would not necessarily supply West Linn's peak summer demand. After the plant expansion stored water could augment the Partnership's demand while the diversion took place to West Linn. The flow would come back from Tigard through Lake Oswego to West Linn when the whole source was down and they needed to move water from storage or from Portland. He explained that the Lake Oswego – Tigard connection's current capacity was just 2 MGD and the Partnership program would upsize it. Lake Oswego had very limited, if any, access to Tigard's storage or to the City of Portland's supply without the partnership proposal being approved and the improvements constructed. The applicant would prepare some graphics to illustrate different scenarios.

Mr. Holland explained for Commissioner Martin that pumps propelled the water through the pipeline and a pressure drop would set off an alarm if there was a big enough leak in the pipe. He would look up what the smallest detectable leak was. Commissioner Martin asked about isolation valves. Mr. Holland advised they were every two thousand feet and the applicant had decided to operate them manually and not automatically. It was best to have personnel there to make a decision to close the water supply.

Mr. Holland clarified for Commissioner Axelrod that the applicant did not plan to have turbines to generate green power back out of the pipeline because it was not efficient enough.

Commissioner Miller asked about habitat restoration. Mr. Oveson explained a team of environmental engineers had concluded that putting the pipe 30 to 60 feet underneath the ground in bedrock would be too deep to have an impact on the environment. The spoils at the drilling entrance and exit sites would be put in containment devices and hauled off in a safe manner. 19 trees would be removed from a small area of about 7,000 sq. ft. just north of Mary S. Young Park and replaced with a density equal to 30 trees. Replanting would be with native trees and all native ground cover and shrubs.

Commissioner Martin inquired about noise generation from Meldrum Bar in Gladstone. Mr. Oveson related there would be some noise associated with the drilling operation at Meldrum Bar but not as much as there would be on the other side of the river because drilling would be from the West Linn side. The schedule showed that activity would happen in 2014.

Chair Babbitt announced a ten minute break and then reconvened the hearing.

2:36

Public Testimony

Wade Hathorne, Chair of Clackamas River Water Providers, and General Manager of the Sunrise Water Authority spoke on behalf of the CRWP, which had submitted written testimony in favor of the applications (see Exhibit PC-3, Section 18, Attachment E for CUP-12-04/DR-12-14). The water providers were North Clackamas County Water Commission, Sunrise Water Authority, South Fork Water Board, Lake Oswego and Tigard. The state owned the Clackamas River and allowed the providers access to the water if they acted responsibly and cooperated. The project was consistent with the needs of the larger community of all Clackamas water users. Water providers worked together to ensure that there was no interruption in supply of any system. They had responded so quickly when the South Fork Water Board was knocked completely out of operation that citizens of West Linn never knew it happened. The proposed project would enhance the existing integrated system during unexpected outages. That resulted in reduced costs and other benefits. He advised that nearly almost all of the Clackamas River Water Providers had substantial amounts of customers outside of the Clackamas basin, so that was not an issue.

Mark Knudson, 1850 SW 170th Ave., Chief Engineer of the Tualatin Valley Water District, stressed the value of interconnections and cooperation between water districts. Due to the age of most water systems in the Willamette Valley, a 9.0 CSZ earthquake would take them out of service for three to four months. The current proposal to rebuild a system was a tremendous benefit and needed to happen because it was essentially rebuilding the entire backbone of the water system for the communities of Lake Oswego, Tigard and West Linn (through the intertie). He urged the Commission to view the proposal as an opportunity to improve the seismic resilience of the region's water system and protect public health, public safety and long term economic viability.

Michael Monical, 18735 Nixon Ave., read aloud his written testimony (see p. 36/52 of the October 18 Memo to the Planning Commission regarding new evidence received since 5pm on October 17). He supported the expansion of the plant and the water line but he questioned that it benefitted the local community. There should be a condition for an acceptable IGA that was not time limited and did not effectively mandate a major capital improvement in the future. Mitigation of impacts was not a benefit, but a requirement. He suggested one way to provide benefits to the local community was to set aside 1.5% to 2% of construction costs to benefit the community. Nixon Avenue would experience a lot more traffic. The road was in sad shape in places and some mitigation was warranted there. He supported having more water reservoirs in West Linn. During the questioning period he clarified that unless West Linn conditioned the IGA to provide 4 MGD past 2041 the City would have to build more water storage.

Lynne deVries, 5190 Firwood Dr., did not come forward to testify when called.

Scott Irwin, 3261 Top View Ct., questioned that the applicant's noise mitigation would address sound going upward and across the area. He did not want to have to commute through construction on Highway 43. He recalled there were alternative routes that were further north and might not require as much highway construction. He would prefer that West Linn came up

with a plan that put it in a better position to negotiate. A connected system was a good idea, but it might not be absolutely necessary at this time.

Tony Miranda, 19451 Wilderness Dr., suggested it would make more sense for the applicant to draw and treat water from the Willamette. The pipeline put lives of people who lived between Highway 43 and the river at risk. He suggested they put it on the bottom of the river instead. The 48 inch pipeline would hold so much water and be so heavy that if it broke it could hurt people. During the questioning period, he clarified that he was suggesting putting the finished water line along the bottom of the river.

Pete Bedard, 19431 Wilderness Dr., testified he was concerned about his quality of life. He could hear boats on the Willamette River from his residence. The water project was to add 15,400 truck trips and a plant representative had told him they estimated there would be over 50,000 vehicle trips during the project. The neighborhood had been asking for the related documentation and feasibility studies for alternative sites for two years. Different applicant representatives had given different answers regarding whether the applicant had looked at alternative sites. Mr. Bedard indicated he was disappointed in how the mitigation discussions facilitator conducted the meetings, the resulting list, and that Mr. McKenzie had concluded it would all be taken care of by franchise fees. If there were no franchise fees there was no benefit. He noted a 48 inch pipe was huge. He asked the Commissioners to try to imagine what a resident would experience during construction.

Linda and Carl Edwards, 3680 Mapleton Dr., submitted written testimony (see p. 46/50 of the October 18 Memo to the Planning Commission regarding new evidence received since 5 pm on October 17. Mr. Edwards questioned how reliable and safe the pipeline was where it was over two fault lines that could separate. His questioned that the plant staff would be able to shut off the valves within minutes, as the applicant claimed.

Glenda Waddle, 19151 Willamette Dr., submitted and read aloud written testimony from Robinwood Shopping Center owner William More on behalf of its tenants: Joseph Nolan, DMD; Johnstone Financial; Premier Martial Arts; West Linn Hairport; Robinwood Cleaners; Baskin & Robbins; Magnolia Boutique; Walmart; Wells Fargo Bank; Curves; Round Table Pizza; Healthy Pet; and Ace Computer (see October 19 Memo to Planning Commission, p. 162/174 of CUP-12-04). Their position was that residents and businesses would be permanently and economically harmed by the proposed projects. The proposal was not consistent with the overall needs of the community when construction would disrupt traffic and there would be loud construction noise all day and have a devastating economic impact. The outpouring of opposition in itself was a demonstration that the project was not consistent with the overall needs of the community. They were prepared to submit affidavits that the applicant had not visited any of them and provided them with sufficient notice about the projects. They held the site was not suitable for proposed use because it was located in a residential neighborhood. The most harmful issue was legal intimidation of neighbors when the applicant sued them to remove their CC&Rs. They urged the Commission to insist that Lake Oswego and Tigard meaningfully explore and implement alternative solutions that took West Linn into account. If there was no alternative solution, each affected group should confer with ODOT and the cities of West Linn, Lake Oswego and Tigard to devise an approach that could work for each group. The objective should be to do no harm. They suggested if the work was to be done at all should be done only between the hours of 10 p.m. to 6 a.m. During the questioning period, Ms. Waddle clarified that the people she spoke for disputed that the applicant had come to any of their businesses.

At 10:30 p.m. Commissioner Axelrod **moved to continue to hear testimony until 11 p.m.** Commissioner Martin **seconded** the motion and it **passed 7:0.**

Dave Froode, 19340 Nixon Ave., considered the applicant's reluctance to provide information about alternative sites an insult. He suggested Tigard could join the Wilsonville system and

Lake Oswego could join the South Fork Water Board. If Lake Oswego joined South Fork that would mean West Linn would have to increase the size of its water pipe over the I-205 Bridge, but it would be less expensive than tunneling under the Willamette River and tearing up a residential neighborhood. Lake Oswego could use the savings to upgrade its facility. The benefit would be savings for all ratepayers. He suggested Lake Oswego could build a facility in Foothills and draw water from the Willamette. He recalled Lake Oswego had admitted they would not need to expand the plant and taking from the Clackamas River if Tigard was not involved. He asked the Commissioners to imagine this happening on their own street and vote to deny the application.

Duane Thompson, 1080 SW Westwood Dr., a civil engineer, related he had been retained by a group of residents along Mapleton Drive, Nixon Avenue, and Kenthorpe Way. He contended that West Linn staff had rubber stamped the application. He advised that the affected residents would experience almost a total loss of their public streets because there was not enough room within the 16 to 18-foot street width for the accesses, equipment and work area the graphics depicted. He advised the project would always be working against water coming down the ditches. Creeks would be contaminated. He questioned the most recent trip projections because the work area length would double but the trips did not. He recalled that the Clackamas County Commission had denied the original application in 1967 because it was an improper use in a residential area. They had subsequently approved it for political reasons. Today it was an industrial building in a residential neighborhood that the code did not allow.

Jay "Eric" Jones, 4310 Mapleton Dr., submitted written testimony (see October 18 Memo to Planning Commission, p. 40/52 for CUP-12-04/DR-12-14). He and his mother Jeane lived across the street from the plant. They were concerned about emergency access, emergency response time, and having the water turned off for eight hours a day. He confirmed the County had originally denied the application for a plant there because a water treatment plant seemed to be an incompatible use in the area; it would lower property values and preclude any further development; and there was a possibility of objectionable noise and odor. He had a copy of the petition against the proposal that 320 neighbors had signed at that time. He related that his experience on the Great Neighbor Committee when they worked with the applicant caused him to not trust what the applicant said and that he did not believe the project would provide the benefits they claimed it would have. His geologic training told him that a big earthquake would likely be about five minutes long and the liquefaction would be very bad. West Linn would probably be on its own for two or three days afterward. It would take five minutes to shut off each valve. He questioned how many staff would be on duty if it happened in the middle of the night. He asked the Commission to deny the applications.

Charles K. Landskroner, 4059 Mapleton Dr., testified that he had discussed the applications at Robinwood, Bolton, Hidden Springs, Willamette, Sunset, Barrington Heights, and Savannah Oaks neighborhood association meetings and they were all in opposition to having an industrial plant in a residential neighborhood. He presented a petition signed by the tenants of the Robinwood Retail Center who were opposed to the project. They were concerned about their businesses and the kind of traffic that would be generated. The noise would be intolerable. The plant did not belong in a residential neighborhood. During the questioning period, Commissioner Martin asked if the retail center tenants were aware that construction would be limited to between 8:00 p.m. and 5:00 a.m. or did they think traffic was going to be obstructed during the daytime. Mr. Landskroner indicated he did not know.

At 11:00 p.m. Commissioner Martin **moved** to continue CUP-12-02/DR-12-04 and CUP-12-04/DR-12-14 to 7:00 p.m. Thursday October 18, 2012. Commissioner Miller **seconded** the motion and it **passed** 7:0.

The remaining agenda items were not discussed due to the lateness of the hour.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

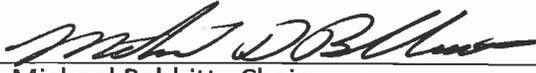
ITEMS OF INTEREST PERTAINING TO THE COMMISSION FOR CITIZEN INVOLVEMENT

ITEMS OF INTEREST FROM STAFF

ADJOURNMENT

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at 11:02 p.m.

APPROVED:



Michael Babbitt, Chair

12-7-12

Date