



## Memorandum

Date: October 17, 2012

To: West Linn Planning Commission

From: Zach Pelz, Associate Planner

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

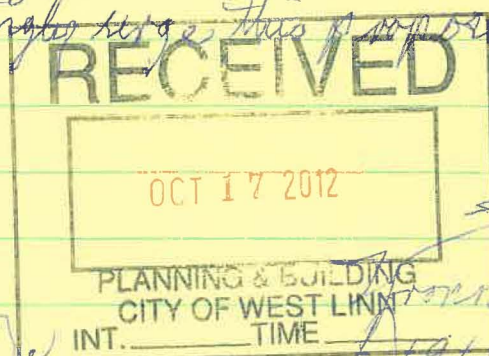
---

Attached is the complete set of public testimony and new evidence received since **October 12, 2012**, regarding the Lake Oswego-Tigard Water Partnership pending land use proposals.

New evidence includes: A letter from the North Clackamas County Water Commission discussing the emergency water supply availability to the South Fork Water Board; a letter from Murry, Smith and Associates documenting their assessment of the relationship between the Lake Oswego-Tigard proposals and the recommendations in the West Linn Water System Master Plan; a letter from Tualatin Valley Fire and Rescue outlining their work to date with the applicant; and, a risk management fund proposal submitted by the applicant.

To the City Planning and Management Staff,  
I and my wife are adamantly opposed to the building of the water treatment facility by Lake Oswego in the Robin Wood neighborhood. If the City of Lake Oswego wants this facility, they can build it in their own City. It is absurd to think that another city can buy land in an adjoining city and build as they please. This is a residential area and it should remain as such. If the city manager and his staff think this to be such a good idea and has no value to our city, maybe this should be addressed as well. I would strongly urge this proposal to not be implemented.

Lee B. Kidman  
19602 Wildewood Dr  
West Linn, Oregon  
97068-2210



Respectfully,  
Lee B. Kidman  
19602 Wildewood Dr.  
West Linn, Or.  
97068-2210



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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

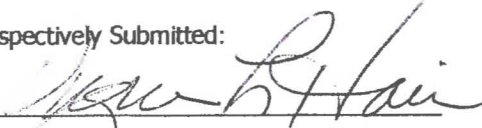
- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

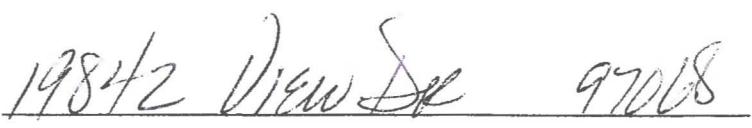
Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

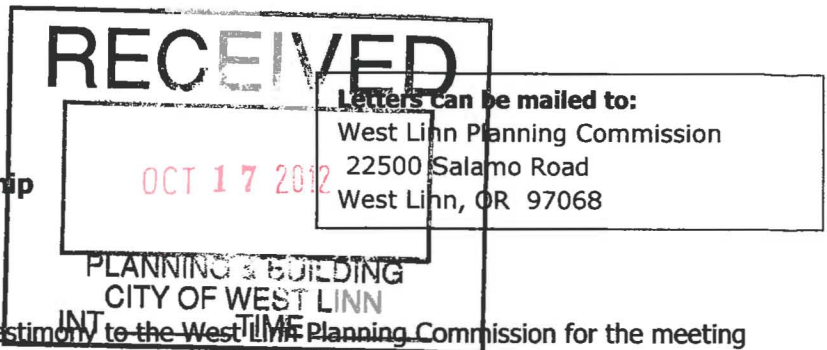
The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

  
Name: \_\_\_\_\_  
Name: \_\_\_\_\_

  
Address: \_\_\_\_\_  
Address: \_\_\_\_\_

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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to **protect** property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

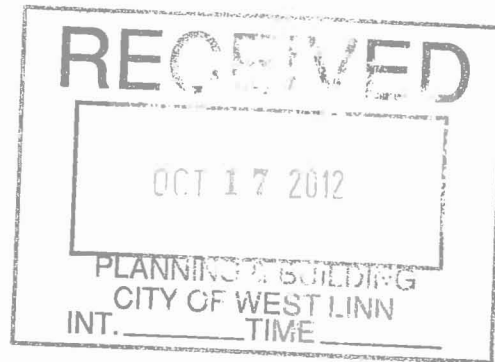
Respectively Submitted:

David A. Crite  
Name  
Marlys V. Eide  
Name

3280 TOPVIEW CT., WEST LINN,  
Address  
3280 Top View Ct. West Linn  
Address

October 15, 2012

West Linn Planning Commission  
22500 Salamo Road  
West Linn OR 97068



Planning Commission:

I have lived on Pimlico Drive since 1982...I am strongly opposed to the City  
Of Lake Oswego building a water treatment plant in the Robinhood  
neighborhood or any place in our city.

Thank you for your attention.

Yours truly,

Mary I Garvik  
2543 Pimlico Drive  
West Linn OR 97068



XFINITY Connect

tomlorie@comcast.net

+ Font Size -

---

**LO Tigard Project Public Hearing**

---

**From :** tomlorie@comcast.net

Wed, Oct 17, 2012 05:17 AM

**Subject :** LO Tigard Project Public Hearing**To :** ZPelz@westlinnoregon.gov

Zach,

I would like to submit a written concern about the plant expansion

This has to do with the addition of a pedestrian trail on the west side of the plant.

I am concerned about public safety specifically for THE CHILDREN that might travel that proposed narrow route through what will become a heavily wooded area.

The open route on the east side as originally designed is MUCH SAFER.

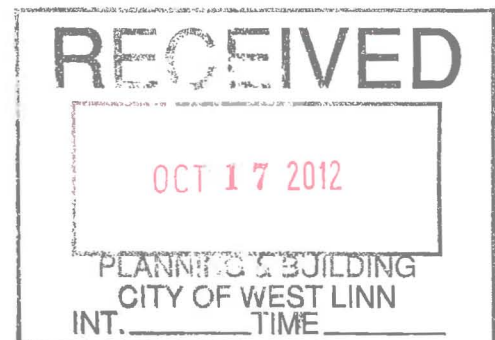
I fear that children being funneled in between security fences and private fences could become a point of entrapment.


I think about the young girl waking to school in Colorado last week, disappearing and being found mutilated as a case of exercising **extreme safety** measures when it comes to school routes.

Please DO NOT consider the additional western pedestrian route for **SAFETY REASONS**.

Questions?

Please contact me at 503-803-0678



 Oct. 17<sup>th</sup> .2012

## West Linn Planning Commission

It seems to me the West Linn Planning Commission has an once in a life time opportunity to serve the residents of our City. Most certainly in the planning design there should be given serious consideration to NOT allowing a large industrial project to be allowed in a residential zone. Zoning is a necessary and valuable tool. Not only does it designate and describe the type of construction that can take place but also insures the quality and values appropriate to any given location. West Linn's residential neighborhoods are friendly and made up of family residences, our schools and our parks...as they should be. Our businesses are located in areas that are zoned for business and with consideration for traffic and accessibility. They are part of neighborhoods but do not disrupt the quality of living in a quiet and safe area. "Residential" may be defined as pertaining to, fitted for residents! The land use is for a person(s) living in a place, for a DWELLING.

Given the overwhelming objections of many ,many citizens in West Linn to the proposal by the Cities of Lake Oswego and Tigard to build a huge water treatment plant in the middle of one of our quiet neighborhoods is outrageous. It is contradictory to the definition and intentions of residential land use.

West Linn citizens would gain absolutely nothing from this facility. Interties? Sure, but we in West Linn are already in the process of updating our water systems. Are there really no other alternatives? Of course there are. Point in case regarding land use...a swimming pool is to be removed from a designated wet land area.

I strongly urge the Planning Commission to deny the land use of a residential zoned area for both the laying of any pipes and the treatment facility by Lake Oswego and Tigard. We do not condone bullying in our schools nor should we for one second allow LOT to bully our city.

I further feel this decision should be voted on by all of us who dwell here.

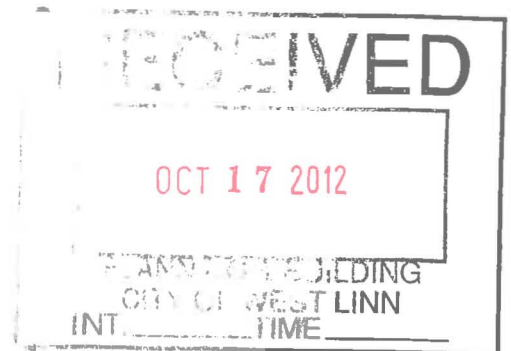
Thank you,

*Angela R. Dreher*

Angela R. Dreher, Ph.D.



Dr. Angela Dreher  
5767 Terrace Dr.  
West Linn, OR 97068



## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Wednesday, October 17, 2012 1:53 PM  
**To:** Pelz, Zach  
**Subject:** FW: LOT Written Submission Testimony

John Sonnen, Planning Director  
Planning and Building, #1524

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

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

**From:** Mark Ellsworth [mailto:mark.ellsworth@comcast.net]  
**Sent:** Wednesday, October 17, 2012 10:25 AM  
**To:** CWL Planning Commission  
**Subject:** LOT Written Submission Testimony

City of West Linn Planning Commission:

LOT claims the City of West Linn will benefit from improving the existing water intertie with Lake Oswego to better guarantee water in the event of an emergency. The problem is we already have an intertie agreement that LO uses as much as we do. This intertie already provides for emergency back up water for both us and LO. We also have in place additional intertie agreements through Southfork that connect us to many other water providers including the City of Portland. In the application to the city, our Planning Dept. notes LO providing us with water last winter when our intake on the Clackamas was damaged. What they didn't mention is that the bulk of the water came from sources other than LO and in fact Clackamas River Water was the first to begin providing us water not LO. This intertie is mutually beneficial and not likely to go away if we decide to not let LOT expand. The cost to our city for allowing this oversized project into city is huge and the only entity to enjoy a significant benefit is LO who will get their water infrastructure updated with Tigards money.

I'm still confused how this project will benefit our City and that I also have heard almost no support of this project from West Linn residents who are not and will not be directly impacted. The RNA's have spoken! Read your testimony. Remember, this is a water grab by LOT to generate thousands of dollars of revenues from Tigard by selling Clackamas county water to a Washington county municipality.

LOT needs to be redirected to use Willamette River Water just like Wilsonville does.

I recommend denial of this entire application including pipe and plant.

Mark Ellsworth



## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Wednesday, October 17, 2012 1:53 PM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 17437 - proposal by the cities of LOT to construct a water treatment plant

John Sonnen, Planning Director  
Planning and Building, #1524

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

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

**From:** Webmaster  
**Sent:** Wednesday, October 17, 2012 10:40 AM  
**To:** Sonnen, John  
**Subject:** Citizen Request 17437 - proposal by the cities of LOT to construct a water treatment plant

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

<b>Original Request</b>	<b>10/17/2012</b>	Reference Number:	<b>17437</b>
<b>Summary</b>	<b>Date:</b>	Status:	<b>Assigned</b>
Name:	<b>Wini Davis</b>	Source:	<b>online</b>
Email:	<a href="mailto:winidavis@hotmail.com">winidavis@hotmail.com</a>	Assigned To:	<b>jsonnen</b>
Phone:	<b>503-657-0812</b>	Assigned Group:	<b>Planning</b>
Topic	<b><u>proposal by the cities of LOT to construct a water treatment plant</u></b>		
Request Details:	West Linn should not allow this intrusion on it's neighborhoods, schools, parks, and thoroughfares just to foster the unnecessary demands of these other cities. Please stop this project!		
Comment:			

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

## Pelz, Zach

---

**From:** Eric Eisemann [e.eisemann@e2landuse.com]  
**Sent:** Wednesday, October 17, 2012 12:42 PM  
**To:** Pelz, Zach  
**Subject:** FW: WTP Pipeline  
**Attachments:** Water Pipe Line\_Planning Commission Letter (2).docx

Did you receive this letter for the record?

Eric

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

---

**From:** Mohling, Karen A. [mailto:Karen.Mohling@tvfr.com]  
**Sent:** Tuesday, October 16, 2012 4:05 PM  
**To:** Eric Eisemann  
**Subject:** RE: WTP Pipeline



October 16, 2012

Michael Babbitt, Chairman  
West Linn Planning Commission  
C/O Planning Department  
22500 Salamo Road #1000  
West Linn, OR 97068

*RE: Lake Oswego/Tigard Land Use Applications - CUP-12-02/DR-12-04 (water treatment plant) and CUP-12-04/DR-12-14 (water transmission line)*

Dear Chairman Babbitt and Members of the Commission,

On behalf of Tualatin Valley Fire and Rescue (TVF&R), I have reviewed the proposals for construction of the Lake Oswego/Tigard Water Treatment Plant, and the corresponding water transmission line. The construction of the water plant is evaluated by compliance with the Oregon Fire Code, and, the construction of the pipe line must be done so that emergency response standards are met. In addition to reviewing the submitted documents, I have also met with the applicants' land use planners and project designers on several occasions over the past nine months to go over details of the proposals.

In reviewing the applicant's construction management and emergency response plans, they have been developed to ensure that the Fire District will be able to meet its emergency service goals. Construction projects typically have to balance concerns about access and construction duration. The Fire District routinely adjusts to construction activity and is able to use the resources of multiple stations and alternative response routes to quickly respond to emergencies. In that light, we have requested that the contractors inform TVF&R stations about weekly construction activity and provide the Fire District with a point of contact so that we may coordinate our availability and response plans with daily construction activity.

The applicants have provided a detailed level of planning for the installation of the water line. Together we have worked to anticipate possible impediments to emergency response and create an acceptable solution. The input of the citizens has also improved the initial plan.

While there is no way at this time to anticipate every emergency issue and/or impact on our response, TVF&R will make every effort to ensure that the neighborhood emergency needs are met during the laying of the pipeline. This will be done by working in good faith with the project designers and managers to minimize the impacts of the construction on emergency response and to continually reevaluate any new information as it becomes known.

Respectfully,

Karen A. Mohling  
Deputy Fire Marshal



**Pelz, Zach**

---

**From:** tomlorie@comcast.net  
**Sent:** Wednesday, October 17, 2012 10:18 AM  
**To:** Pelz, Zach  
**Subject:** LO Tigard Project Public Hearing

Zach,

I would like to submit a written concern about the plant expansion

This has to do with the addition of a pedestrian trail on the west side of the plant.

I am concerned about public safety specifically for THE CHILDREN that might travel that proposed narrow route through what will become a heavily wooded area.

The open route on the east side as originally designed is MUCH SAFER.

I fear that children being funneled in between security fences and private fences could become a point of entrapment.

I think about the young girl waking to school in Colorado last week, disappearing and being found mutilated as a case of exercising extreme safety measures when it comes to school routes.

Please DO NOT consider the additional western pedestrian route for SAFETY REASONS.

Questions?

Please contact me at 503-803-0678

Warm regards as a concerned mother and citizen,

Lorie Griffith

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

**From:** Shauna Shroyer <SShroyer@westlinnoregon.gov>  
**To:** Lorie Griffith <tomlorie@comcast.net>  
**Sent:** Mon, 15 Oct 2012 22:22:36 -0000 (UTC)  
**Subject:** RE: LO Tigard Project Public Hearing

Lorie,

You can give it to Zach Pelz. Thanks for checking.

Shauna

Shauna,

With whom do I submit written testimony?

Keep up the great work!

Lorie Griffith

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

From: Shauna Shroyer <[SShroyer@westlinnoregon.gov](mailto:SShroyer@westlinnoregon.gov)>

Sent: Mon, 15 Oct 2012 16:30:21 -0000 (UTC)

Subject: LO Tigard Project Public Hearing

Good Morning,

For those wishing to speak at the Water Treatment Plant and Water Pipeline hearing, please note the following times:



- Public Testimony – 7 minutes

- Neighborhood Association Representative – 15 minutes

- Applicant Presentation – 40 minutes

- Applicant Rebuttal – 20 minutes

**NOTE:** You may supplement your oral or written testimony with presentation boards, maps, photos, or PowerPoint presentations. Once presented at a public hearing, any

boards, photos, maps, etc. must remain with the City as part of the official record (so make copies for yourself, because you won't be able to take them home with you). If you are making a presentation via computer, the presentation must be delivered to City Staff 48-hours prior to the meeting.

Thank you,

Shauna Shroyer

## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Wednesday, October 17, 2012 9:01 AM  
**To:** Pelz, Zach  
**Subject:** FW: lake oswego water and sewage

John Sonnen, Planning Director  
Planning and Building, #1524

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

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

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

**From:** Tolliver, Michelle :LPH IV Nur [mailto:MTollive@LHS.ORG]  
**Sent:** Wednesday, October 17, 2012 8:37 AM  
**To:** CWL Planning Commission  
**Subject:** lake oswego water and sewage

I live on Mark Lane and I would like to side with my neighbors in the cedar oaks area. I do not believe that we should give up a neighborhood to Lake Oswego and Tigard . I hope our city council sides with the people of West Linn and not the well-funded and lawyered powers of lo and Tigard. Please stand up for our rights and do not give away our livability. We are not the toilet bowl of LO . Thanks Michelle Tolliver 2735 Mark Lane



## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Wednesday, October 17, 2012 8:19 AM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 17426 - LAKE OSWEGO-TIGARD WATER PARTNERSHIP WATER TREATMENT PLANT

please add to record

John Sonnen, Planning Director  
Planning and Building, #1524

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

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

**From:** Webmaster  
**Sent:** Tuesday, October 16, 2012 3:23 PM  
**To:** Sonnen, John  
**Subject:** Citizen Request 17426 - LAKE OSWEGO-TIGARD WATER PARTNERSHIP WATER TREATMENT PLANT

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

<b>Original Request</b>	<b>10/16/2012</b>	Reference Number:	<b>17426</b>
<b>SummaryDate:</b>			
Name:	<b>carole lukas</b>	Status:	<b>Assigned</b>
Email:	<a href="mailto:lukas9305@comcast.net">lukas9305@comcast.net</a>	Source:	<b>online</b>
Phone:	<b>503-656-9858</b>	Assigned To:	<b>jsonnen</b>
		Assigned Group:	<b>Planning</b>
Topic	<b><u>LAKE OSWEGO-TIGARD WATER PARTNERSHIP WATER TREATMENT PLANT</u></b>		
Request Details:	As a resident of West Linn I am against this treatment plant as it will not contribute to West Linn in any way. To cut down established trees is not in our best interest. Even worse is the disruption of business and traffic along the 43 corridor. Of what benefit to our community would this treatment plant be? Nothing that I can see. Vote NO!		
Comment:			

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

## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Wednesday, October 17, 2012 8:19 AM  
**To:** Pelz, Zach  
**Subject:** FW: LOT expansion issue

Please add to the record

John Sonnen, Planning Director  
*Planning and Building, #1524*

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

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

**From:** hewill@comcast.net [mailto:hewill@comcast.net]  
**Sent:** Tuesday, October 16, 2012 3:40 PM  
**To:** CWL Planning Commission  
**Subject:** LOT expansion issue

We oppose this planned project allowing Lake Oswego to build in West Linn for a number of reasons. As we are unable to attend the public meeting please count us as totally opposed to this water project as it stands. I have lived here 29 years and I believe this is one of the biggest failures to protect the interests of West Linn citizens. Please do not allow this this water project to proceed in Mary S Young Park.

Best regards,

Harry & Julia Williams  
4892 Summit St  
West Linn

**Pelz, Zach**

---

**From:** Sonnen, John  
**Sent:** Wednesday, October 17, 2012 8:08 AM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 17432 - Objection to LOT

John Sonnen, Planning Director  
Planning and Building, #1524

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

**From:** Webmaster  
**Sent:** Wednesday, October 17, 2012 7:41 AM  
**To:** Sonnen, John  
**Subject:** Citizen Request 17432 - Objection to LOT

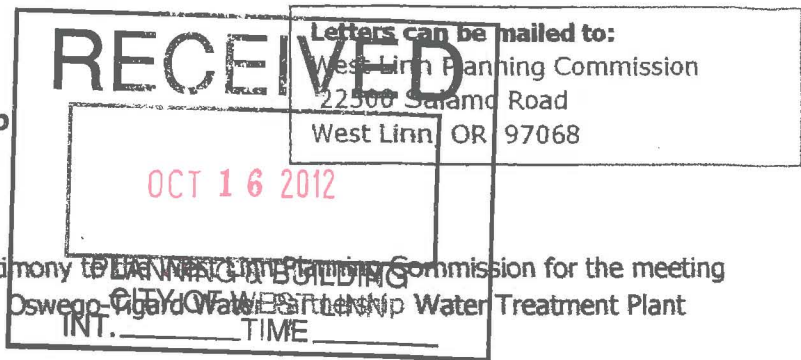
A new Citizen Request has been submitted to the Citizen Support Center, and assigned to you for prompt response. Please use the online Citizen Support Center to respond to this Citizen Request. As a reminder, your response will be included in the online tracking system for this Citizen Request. Thank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

<b>Original Request Summary</b>	<b>10/17/2012</b>	<b>Reference Number: 17432</b>
<b>Name:</b>	<b>Joan Briscoe</b>	<b>Status: Assigned</b>
<b>Email:</b>	<a href="mailto:briscoejoan@hotmail.com">briscoejoan@hotmail.com</a>	<b>Source: online</b>
<b>Phone:</b>	<b>503-723-0648</b>	<b>Assigned To: jsonnen</b>
		<b>Assigned Group: Planning</b>
<b>Topic</b>	<b><u>Objection to LOT</u></b>	
<b>Request Details:</b>	I am a resident of Springcrest Condos of which there are 18 units in number, and most of us are elderly. As a Board member and on behalf of my neighbors I would like to have it know that we object to the proposed building of the Treatment Plant in West Linn. We are very near Highway 43 and do not want our neighborhood disturbed by the traffic and noise that the construction would bring. At times it is already difficult to enter Highway 43 from Pimlico Drive as there is no traffic light and this makes some of us feel unsafe. We have endured the added traffic due to the Oregon Bridge closure for a very long time and now that the bridge has reopened, we do not wiah another long, noisy intrusion in our neighborhood. Sincerely, Joan Briscoe	
<b>Comment:</b>		

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



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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Raymond E. Noddy  
Name  
Wendy Noddy  
Name

3708 Mapleton Dr. West Linn, OR  
Address  
3708 mapleton Or West Linn OR  
Address

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

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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

C. K. SIU  
Name  
  
Name

3718 MAPLETON DR. WEST LINN, OR  
Address  
97068  
  
Address



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

**RECEIVED**  
OCT 16 2012  
PLANNING & BUILDING  
OFFICE OF WEST LINN  
INT. \_\_\_\_\_ TIME \_\_\_\_\_

**Letters can be mailed to:**  
West Linn Planning Commission  
2500 Salamo Road  
West Linn, OR 97068

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

- I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:
- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
  - **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
  - **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

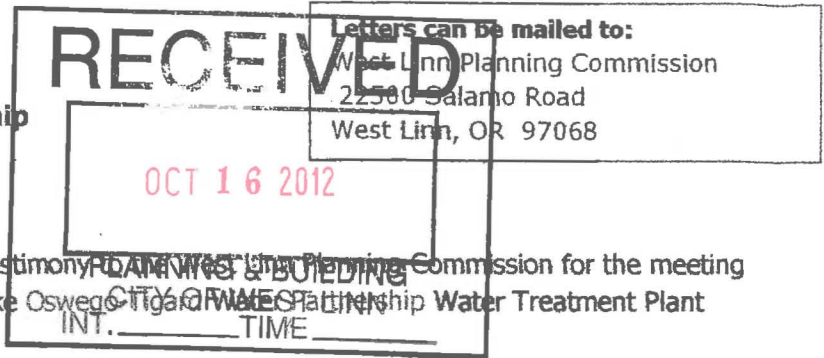
The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Carl J. Edwards  
Name  
Carl J. Edwards  
Name

3680 Mapleton Dr  
Address  
3680 Mapleton Dr.  
Address

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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

*Monty B. Merritt*  
Name  
*Monty B Merritt*  
Name

*3701 Mapleton Dr, West Linn*  
Address  
Address



October 15, 2012

West Linn Planning Commission:

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

Thanks,

Steve Hopkins, [SFHopkins9@aol.com](mailto:SFHopkins9@aol.com), and Carl Edwards



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Vokouns, the city appealed the case and ultimately lost it after Supreme Court review. While the homeowners had to deal with the destruction immediately, it took a six-year legal battle with Lake Oswego to secure justice and compensation for legal fees. (3) Lake Oswego's pipeline application also endangers human life, private properties and future West Linn budgets.

After many years assuming that they could expand their industrial plant in our residential neighborhood, followed by two years of misrepresentation to Mapleton residents, we expect little compassion and remuneration from Lake Oswego if their invasion of West Linn goes awry. (4)

It's not as though they don't have a safer, less damaging, more practical alternative. How much easier and safer it would be for them to transfer more of their water rights to the Willamette River and treat the water in a facility on the bank of the Willamette in Lake Oswego. Instead of expanding their industrial plant in residential West Linn, tunneling under the Willamette and Mary S. Young Park and trenching and tunneling up Mapleton Drive and Highway 43 to Lake Oswego. Does this make sense to you?

You don't have to accommodate this invasion of West Linn's residential property. You don't have to set a precedent for industrial expansion in West Linn neighborhoods. You don't need to be responsible for future failures of alien pipes. You don't have to get sucked into this four-foot pipe. Hopefully, you won't approve this Nightmare.

(1) See Carl Edwards' testimony, April, 2012.

(2) See attached abstract: "Design and construction of 8 miles of 48" critical transmission main through a high congested urban, transportation and residential corridor", 2010.

(3) See attached appellate court opinion: "William Vokoun and Paula Vokoun v. City of Lake Oswego", CC 96-11-052; CA A101203; SC S47931.

(4) Examples of misrepresentations:

\* Lake Oswego lied to us in meetings and mailings, saying that they hired an appraisal firm to determine whether their project would affect neighborhood property values. They said the appraisers determined that there would be no adverse affect on residential property values. Later, they confessed that the study only reviewed the value of Lake Oswego's properties around the treatment plant.

\* Lake Oswego personnel repeatedly told us that there was no way Lake Oswego or Tigard residents would ever drink treated water from the Willamette River. Later we found out that they already have water rights on the Willamette.

\* Lake Oswego told us they have analyzed and rejected alternatives to expanding their plant in our neighborhood. Yet, despite our repeated requests this past year to see the numbers from those alternatives, they haven't shared them with us. Like their "neighborhood appraisal", we doubt that they exist.



Presented by

Find stories and video

Search

[Log in](#) [Contact us](#)

1 of 3

[Argument leads to shooting death of man ...](#)

[It's October and that means Halloween is ...](#)

[TriMet partners with startup to build ...](#)

[Aloha man who was reported missing found safe](#)

## Water main break floods street in Aloha | News

### Title (Max 100 Characters)

Water main break floods street in Aloha

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

8      2  
[Like](#) (#)      [Tweet](#) (#)  
[Print](#) (#)      [E-mail](#) (#)

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



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

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

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

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

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

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

Raw video:

2 of 3



Photo: Washington County Sheriff's Office



Photo: Washington County Sheriff's Office

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

(#) (#) (#) (#)

### Top Beaverton Stories

[News](#)

[News](#)

[News](#)

[News](#)





Online Exclusive Limited Time Offer. High-Speed internet \$14.99 per month for 6 months. Our Best Deal. Online Only. CenturyLink. LEARN MORE

Share | Print | Text Size

Water main breaks in Beaverton neighborhood

Recommend 46 people recommend this. Sign Up to see what your friends recommend.

3 of 3

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



Halloween features



- Crafts for preschoolers
13 trick-or-treat tips
8 candy alternatives
Celebrate Day of the Dead
More Halloween features

Most Popular Stories

More >

- Man eaten by hogs at Oregon farm
Long Beach couple finds buried treasure
Albertsons workers stop attack on 11-year-old boy
Sage Stallone's cause of death revealed
Bullied teen speaks out about homecoming court joke
Happy Days star Erin Moran is homeless
Limo company on girl's party bus fall: 'A horrible mistake'
PD: 3 teens sexually assault intoxicated girl
Man dead after Tualatin parking lot collision with wife
PD: AZ mom abandons child, claims she gets 'sex crazy'

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

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

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

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

Copyright 2012 KPTV (Meredith Corporation). All rights reserved.



FOX 12 OREGON COMMUNITY EVENTS CALENDAR FIND SOMETHING TO DO! GO NOW!

Filed: October 24, 2002

IN THE SUPREME COURT OF THE STATE OF OREGON

WILLIAM VOKOUN  
and PAULA VOKOUN,

Petitioners on Review,

v.

CITY OF LAKE OSWEGO,  
a municipal corporation,

Respondent on Review.

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

En Banc

On review from the Court of Appeals.\*

Argued and submitted September 12, 2001.

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

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

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

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

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

LEESON, J.

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

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

LEESON, J.

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



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

### I. FACTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## II. INVERSE CONDEMNATION

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

### III. DISCRETIONARY IMMUNITY

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

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

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

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

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

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

-----

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

Return to previous location.

-----

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

Return to previous location.

-----

3. ORS 30.265 provides, in part:

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

\*\* \* \* \* \*

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

Return to previous location.

---

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

Return to previous location.

---

5. The trial court instructed the jury as follows:

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

(Emphasis added.)

Return to previous location.

---

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

Return to previous location.

---

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

Return to previous location.

---



10

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

Nichole S. Johnson, P.E., ARCADIS\*  
Perry A. Allen, P.E., City of Raleigh Public Utilities  
W. Whit Wheeler, P.E., City of Raleigh Public Utilities

ARCADIS G&M of North Carolina, Inc  
801 Corporate Center Drive  
Raleigh NC, 27607

## ABSTRACT

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

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

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

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



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

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

## KEYWORDS

Water Transmission Main  
Urban Environment  
NCDOT and Railroad Encroachments

## INTRODUCTION

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

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

## ROUTE SELECTION CHALLENGES

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

As such, the new transmission main could not be built in the existing easement without considerable disruption to the community and surrounding buildings.

The community and the property owners along the existing easement asked the City of Raleigh to abandon the existing easement. In addition to the encroachment problems on the existing easement, meetings held with community leaders led to the decision to consider an alternative route. The alternative route would address the community's concerns regarding the impact of construction on local residents and residential neighborhoods. As a result, additional meetings held with the public helped with the selection of a route that traversed mostly commercial and undeveloped (cross-country) properties.

To find the most cost effective and least disruptive route, an extensive re-evaluation of the proposed corridor was made. It was determined that portions of the existing easement were still viable for the 48-inch transmission main and other portions after negotiations with property owners were exchanged for a more suitable location within the same property. In addition, on the northern end of the existing easement and proposed project where the 1927 and the 1952 raw water mains came together most of the easements were not encroached upon, or if it was, other nearby property was available upon which the new transmission main could be built.

The State of North Carolina owns two large parcels intersected by the existing easement. Negotiations were made with the State so that the water transmission main could be built along the edge of their property or in areas where future development would not be impeded. Several other private property owners also agreed to alternate easement locations so that the final location of proposed water transmission main paralleled the edge instead of intersecting their properties. As a result, the selected final route ended in nearly the same location as the abandoned raw water mains, paralleling NCDOT rights-of-way along Wilmington Street, crossing under Interstate I-440 and terminating across the street from the E. B. Bain WTP. At its northern terminus, the new water transmission line connected to an existing 30" water main.

To the south, the abandoned raw water mains went down narrow residential streets and crossed under US Hwy 70 at an NCDOT restricted-access point having expansive entrance and exit ramps. Both of these factors necessitated selection of an entirely new corridor for the southern portion of the water transmission main.

The southern route was, for the most part, located within NCDOT rights-of-way, but where possible the route was selected along Town of Garner roads. This is because the Town of Garner allowed the transmission main to be installed within the street. As most other existing utilities in Garner are installed along the shoulder of the road, installing the 48-inch main in the roadway avoided conflicts or costly existing utility relocations. A segment of the new southern route even went through Downtown Garner. As part of a renewal effort, the Garner Revitalization Association was formed to focus on the downtown area. Several meetings with the Association were held to get their input on the proposed route and to find out their plans for the Downtown area. With the approval of the Association, a route through Main Street was chosen to avoid disruption to the historical areas of Downtown Garner. However, because Main Street also parallels North Carolina Railroad and is within the railroad's rights-of-way, an encroachment agreement was needed from NCRR for the installation. The final route followed the railroad to the property owned by the State of North Carolina.

During planning of the route through the Town of Garner, several meetings were held with the Town's Engineering Department to get their opinions on the best route location. The route was also presented to the Town Council. Once the final route was determined, all property owners along the route and residents affected by the proposed construction were invited to a public meeting. At this meeting, property owners were presented with the route and photos of typical construction activities. The property owners were given an opportunity to review the route and ask questions about construction. The easement and encroachment agreement process began after this meeting.

# EASEMENT AND ENCROACHMENT CHALLENGES

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

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

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

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

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

## BIDDING AND CONSTRUCTION CHALLENGES

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

### Phase 1 Construction

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

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

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

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

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



closures. Advanced public notification of the scheduled work and water service shutdowns helped keep disruptions to the community down and minimized the number of complaints received.

**Phase 2 Construction**

Phase 2 of the project started just at the ballpark in the Town of Garner, crossed under US Hwy 70 and followed the NCRR rights-of-way and existing easement to the State owned property. Almost half of the Phase 2 project, a little over a mile, was constructed inside the NCRR rights-of-way and included two trenchless crossings under railroad spurs. As part of Phase 2 construction, several asbestos cement water lines were replaced or abandoned in Downtown Garner.

Phase 2 included the construction through downtown Garner, the part of the route of greatest concern to the Garner community. On Main Street, the largest hurdle was installing the transmission main behind the curb as directed by NCRR. NCRR owns rights-of-way 100 feet on both sides of the tracks inclusive of Main Street and residential front yards (as close as front porches in some cases). Even though public meetings had been held, the residents in the area were understandably upset about the location of the main so close to their houses and the loss of several large trees in the way of construction.

Power, cable, and telephone lines and poles would also need to be relocated. In order to have the existing utility lines relocated each utility owner also had to apply for a permit from NCRR, another lengthy process. With only 8 months until the WTP was scheduled to go online, NCRR was once again approached with the plan to install the main within Main Street. This plan included the relocation and partial abandonment of a sanitary sewer. The revised sanitary sewer layout also required the relocation of sanitary sewer services. After meeting with the NCRR and their consultant, a revised permit for the location of the main within Main Street was issued on December 2009, leaving only 2 months to finish the line. The Contractor worked diligently to keep construction moving while waiting on the revised NCRR permit. Construction crews started on each end of the project and worked towards the Main Street area. Since NCRR required restrained joint pipe within their rights-of-way, there was not much flexibility for a misalignment of the main at the last two installed pipes. The contractor took great care to line up the pipes as they came together on Main Street, and ultimately only one special 5.625° fitting was needed to align the two ends.

Phase 2 also included connection to the other two phases because it was in the middle. The connection to Phase 3 required one additional fitting because the end of the Phase 3 line was not installed at the correct depth. In addition, the connection to Phase 1 was also difficult due to natural rock in the area that had to be removed, but it was ultimately connected and completed as designed.

Phases 1 and 2 reached final completion at nearly the same time. Both phases were pressure-tested independently and both passed on the first try. In order to simplify the disposal of the highly chlorinated water used during disinfection, Phases 1 and 2 and the portion of the 48-inch water transmission main on the WTP site were all disinfected simultaneously. Chlorinated water was then easily discharged to the wastewater system on the WTP site.

**Phase 3 Construction**

Phase 3 was almost entirely across undeveloped properties and had the most stream and trenchless crossings. There were 5 trenchless crossings in Phase 3 averaging 300 feet in length and included a 500-foot crossing under a 10-lane section of Interstate 440.

Phase 3 began with construction on a property owned by the State of North Carolina and currently used as a training facility for the State Highway Patrol (SHP) and is completely fenced in for security purposes. A new easement was negotiated to avoid the SHP's training facility driving track. The property managers for the facility allowed the security fence to be relocated to the edge of the easement during construction giving the contractor construction access while keeping their site secured. Over many years, the State

has utilized the property for several different purposes and has always maintained their own onsite private waterlines. A fifteen-foot deep 4-inch potable water line was "found" and damaged during the Phase 3 construction activities. The water line break caused a serious and significant blowout, and eroded soil was washed into a nearby stream.

Although by law it is the utility owner's responsibility to mark underground lines, not all utility owners are responsive or can even find their own lines. Several other existing water lines were also found in the abandoned raw water easement and were uncovered during construction or, less fortunately, were broken. In an effort to avoid construction delays, the contractor worked more carefully where there was evidence of waterlines to try to avoid damaging them and worked quickly to fix any breaks that occurred.

On another property owned by the state, the original easement was largely undeveloped except for one building. During the design and easement acquisition, building managers reviewed and approved the new transmission main alignment. However, during construction one onsite manager had a concern about the alignment in regards to the possible future expansion of the building. Although materials had already been ordered and delivered to the site, it was decided to relocate the main. A redesign was prepared that incorporated the existing materials so that no delays occurred due to ordering replacement pipe and fittings.

Phase 3 terminated at an open cut creek crossing at Walnut Creek where the transmission main connected to an existing 30-inch concrete pipe. Phase 3 finished on schedule and was tested and disinfected independently of the other two phases.

**Construction Observation**

One of the greatest challenges during construction was determining how best to provide the construction observation services. As noted above, there were three separate contractors working simultaneously at three different locations. With each contractor's multiple crews and with the trenchless crossings subcontractors, at any given time there were as many as 8 different crews spread out over eight miles. All three contractors had to average 6 work days a week to complete the project on time, and during the last month of the Phase 1 construction, a 7-day work week was maintained. To ensure that the project was built as specified and problems were resolved as quickly as possible, ARCADIS provided one full-time on-site construction observer and as many on-call part-time construction observers as was needed. During the heaviest construction period, the City also supplemented with one of their additional construction observers. The construction observers not only had to oversee the water transmission main installation, but they also handled questions and concerns from citizens.

**CONCLUSIONS**

Even though there were significant delays due to utility relocations and re-alignment of the transmission main, the project was completed in time for the start-up of the WTP. Although having three contractors working at one time did cause some construction observation headaches, the pipe line would not likely have been installed on time had it not been phased. In addition, it would have been difficult to find a single contractor with the work force and equipment necessary to complete the construction by the milestone deadline. In the end, phasing the project was a good approach.

Upfront planning with the community leaders, engineers, and residents kept changes during construction minimal. Keeping the public informed of the construction schedule was a key to success. If people know what to expect and when it will occur, then they are less likely to be upset about traffic delays or water service interruptions. Having a contractor and construction observer on the job that are able to communicate effectively with property owners and whom can troubleshoot issues as they arise, help to maintain positive public relations throughout construction.

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

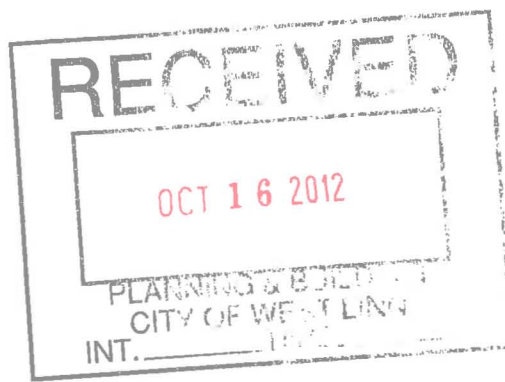
Even with the numerous and challenging design and construction challenges of working in a highly developed corridor, the project was successfully completed and placed into service May 2010, at the same time as the Dempsey E. Benton Water treatment Plant.

## **ACKNOWLEDGEMENTS**

City of Raleigh

Town of Garner

Your West Linn Neighbors



PSRT STD  
U S POSTAGE  
PAID  
PORTLAND, OR  
PERMIT NO. 11

\*\*\*\*\* \*ECRWSS\*\*C-010

TO OUR NEIGHBORS AT

WEST LINN OR



*This is a not political propaganda; the City of West Linn will be ruling on water issues which will impact every West Linn resident in the coming days. Please know that West Linn is considering approving a large water treatment plant in an area zoned as residential.*

CITY OF WEST LINN PLANNING COMMISSION

**PUBLIC HEARING NOTICE**

**Lake Oswego-Tigard Water Partnership Water Treatment Plant (CUP-12-02/DR-12-04) and Water Transmission Pipeline (CUP-12-04/DR-12-14/MISC-12-10/WA-12-03/WR-12-01)**

The West Linn Planning Commission will hold public hearings on Wednesday, October 17, 2012, starting at 7:00 p.m. in the Council Chambers in City Hall, 22500 Salamo Road, West Linn, to consider two requests by the Lake Oswego-Tigard Water Partnership: 1) a request for approval of a Conditional Use and Class II Design Review for an expanded City of Lake Oswego water treatment plant at 4260 Kenthorpe Way (Clackamas

**What you may not know:**

- The Lake Oswego Tigard (LOT) Water partnership is suing your neighbors and friends in West Linn; this authority was approved by both Lake Oswego and Tigard's elected officials
- The proposed actions will build a treatment plant in West Linn, pipe water to a Lake Oswego transfer station, in order to sell water to Tigard for which West Linn sees \$0
- 7 of the 10 active West Linn Neighborhood Associations voted to support the Robinwood Association and oppose the LOT expansion
- Construction along Highway 43 to bury a 48 inch pipe will disrupt businesses and traffic for many months introducing construction vehicles and congestion for an estimated 3 years
- The proposed actions will cut down dozens of established trees in State Park Land and nearby neighborhoods



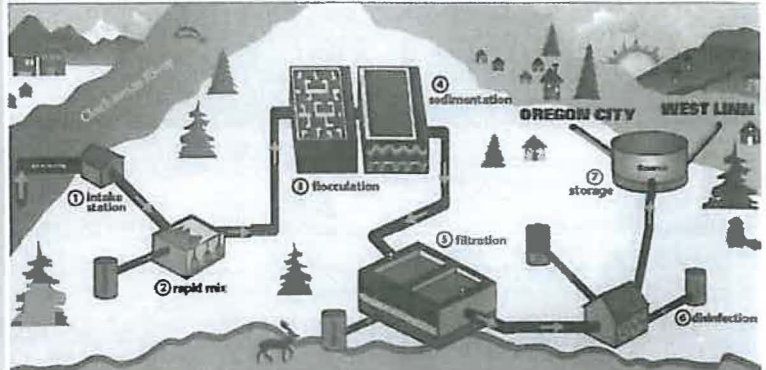
Please spend the time to understand what will be happening in West Linn based upon decisions to be made October 17<sup>th</sup> and 18<sup>th</sup>; water implications for the next 100 years will be determined

## Items That Remain Unknown

- Business impact along Highway 43 for the years of construction?
- Why can't West Linn voters vote on this industrial plant?
- Interruption to routine services like Safety agencies, mail, trash, paper delivery?
- LOT doesn't pay any franchise fee or property taxes to locate a revenue producing factory in a West Linn residential zone?
- This is ONLY to provide water to Tigard, and support expansion of the Stafford Triangle. Why now? Why in West Linn?
- Why have no other sites or option plans been provided for public debate?

### Boost Your Water IQ

The West Linn "Water IQ Test" from the August edition of the "Update" newsletter yielded some interesting results. There's a need for more community education about the source of West Linn water (Clackamas River), the treatment location (Oregon City), the name of our water agency (South Fork Water Board), and the age of West Linn's main water storage facility (100 years old). Here's an infographic on West Linn water to boost your Water IQ!



The City of West Linn and the City of Oregon City co-own the South Fork Water Board. South Fork's water system includes an intake structure off of Libeckman Lower Road, a pipeline up the hill from the river to the site of the water treatment plant, a transmission pipeline from the treatment plant to Oregon City and West Linn distribution connections, and a pump station to boost treated water to higher elevation in both cities. West Linn's main water storage facility is the Kelton Reservoir, located off of Skyline Drive. The purpose of water treatment is to purify the surface water of the Clackamas River by removing objectionable or detrimental materials to produce high quality safe water for domestic consumption. The treatment plant has a capacity of approximately 30 million gallons a day (mgd) and the peak day to date was 20.5 mgd in summer of 2006. Learn more about West Linn water online at <http://westlinnoregon.gov>.

Good Neighbors do not condemn the rights of individual property owners



<http://portlandtribune.com/wlt/96-opinion/116177-lot-may-have-the-money-but-west-linn-has-the-voice-of-its-citizenry>

## LOT may have the money, but West Linn has the voice of its citizenry

Published on Wednesday, October 03, 2012 | Written by Scott Gerber |

The West Linn Planning Commission will soon face a momentous land use decision, one that will affect every citizen of West Linn. The proposal by the cities of Lake Oswego and Tigard (LOT) to construct an enormous industrial water treatment plant in the middle of a quiet Robinwood neighborhood is preposterous not only in its scale, but also in its lack of necessary purpose.

During the upcoming hearings, citizens are asked to keep their comments focused on specific elements of the city land use code. The question that really begs to be asked, however, is whether it is conceivable that there would ever be any intent in the city's planning design to allow for the placement of large industrial projects right in the middle of a residential zone. Most certainly there is no city in the world that would promote this type of land use planning. It is simply contrary to common sense.

LOT would have us believe that this project is necessary to provide water to their citizens. Nothing could be further from the truth. Both cities have alternate and reasonable solutions to their water issues. Why should West Linn allow this intrusion on its neighborhoods, schools, parks and thoroughfares just to foster the unnecessary demands of these other cities?

This project entails massive drilling under the Willamette and Mary S. Young State Park. In the course of this three-year project, Highway 43 will be torn up resulting in noise throughout the night and innumerable traffic issues; the folks who live in the immediate neighborhood will be subjected to thousands of trucks, the endless sounds of industrial construction and a terrible invasion on their way of life. The area in and around Cedaroak Park Primary school will be subject to traffic and construction-related issues. If you live in West Linn, you will be affected. West Linn is being asked to take the hit while LOT receives all the benefit.

LOT has money, lawyers and engineers lined up to push this project through. All we have is the voice of the citizenry. This can be stopped if the people speak up. I would urge concerned citizens to attend the upcoming meetings on Oct. 17 and 18 and to speak in opposition to this project. If you don't want to attend or speak, at the very least send an email or letter to your planning commission to express your opposition. We can stop this, but only through the voice of the people.

Letters can be addressed to the West Linn Planning Commission, 22500 Salamo Road or comment through the city website at <http://westlinnoregon.gov>.

**Nancy Rowinski**  
3424 Walling Way  
West Linn, OR 97068-1535

October 16, 2012

Dear Planning Commission,

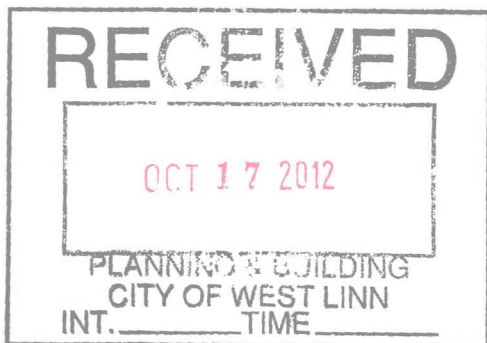
I OPPOSE LOT'S PLAN to construct this industrial water treatment plant in the middle of our quiet Robinhood neighborhood.

They should not be involved in providing water to Tigard (for expansion of the Stafford Triangle). They have alternate solutions.

Why should we bear the noisy, dirty traffic disruptions on our streets and the highway for an estimated three years.

I see no worthy rewards to West Linn citizens.

I OPPOSE LOT'S PLAN!



Sincerely,

Nancy Rowinski  
(on Walling Way 50 years)



## Pelz, Zach

---

**From:** Brian Ginter [ginterb@msa-ep.com]  
**Sent:** Tuesday, October 16, 2012 9:11 PM  
**To:** Calvert, Lance; Whynot, Jimmy; Wyatt, Kirsten; Pelz, Zach  
**Cc:** Dennis Koellermeier (dennis@tigard-or.gov); Holland Jon (JRHolland@BrwnCald.com); Joel B. Komarek (jkomarek@ci.oswego.or.us); 'Norm Eder' (norme@cfmpdx.com)  
**Subject:** LOTWP Water System Impact Assessment  
**Attachments:** LOTWP Project Letter Report 10-16-12 FINAL.pdf

Lance – Please find attached the final letter report documenting our assessment of the relationship between the LOTWP project and the City’s Water System Master Plan recommendations and capital improvement program. Please do not hesitate to contact me if you have any questions in this regard. Thanks. - Brian

Brian M. Ginter, P.E. ▪ Civil Engineer, Associate  
Murray, Smith & Associates, Inc. ▪ [www.msa-ep.com](http://www.msa-ep.com)  
121 SW Salmon, Suite 900 ▪ Portland, Oregon 97204-2919  
Tel: 503.225.9010 ▪ Fax: 503.225.9022 ▪ [bmg@msa-ep.com](mailto:bmg@msa-ep.com)

Notice: This e-mail and any attached files are the private confidential property of the sender, and the materials are privileged communications intended solely for the receipt, use, benefit and information of the intended recipient indicated above. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, distribution, or taking of any other action in reliance on the contents of this transmission is strictly prohibited, and may result in legal liability on your part. If you have received this e-mail in error, please notify us immediately at the above address.



Please consider the environment before printing this e-mail.



October 16, 2012

Mr. Lance Calvert  
Public Works Director  
City of West Linn  
22500 Salamo Road  
West Linn, Oregon 97068

Re: Lake Oswego – Tigard Water Partnership Project

Dear Mr. Calvert:

As requested, Murray, Smith & Associates, Inc. (MSA) has prepared this letter report to summarize the significance of the Lake Oswego-Tigard Water Partnership (LOTWP) project to the City of West Linn (City) in the context of the City's Water System Master Plan (WSMP) and Capital Improvement Program (CIP), to document a meeting with representatives of the LOTWP and to summarize the assessment of additional information provided by the LOTWP at the request of the City's Utility Advisory Board (UAB).

### **Summary of Findings**

- LOTWP's proposed expansion meets the City's needs for a reliable backup supply system with adequate year-round capacity
- The amended intertie agreement adopted by the cities of Lake Oswego and Tigard commits to providing backup water at the City of West Linn's average day demand of 4 million gallons per day (mgd) through 2041
- LOTWP's proposal to provide this upgraded backup supply at no cost to the City saves \$2.2 million over the intertie enhancement cost assumed in the WSMP
- The City's next best alternative to meeting backup supply reliability needs is to construct a new finished water transmission main at a cost of \$11.6 M, not included in the WSMP CIP budget, and the reliability of this alternative is substantially less than that offered by the full redundancy of LOTWP's new intake, pipeline, and water treatment plant (WTP)
- LOTWP can provide the City with access to significant storage and other water supply sources, including the City of Portland's, as further reliability enhancements
- LOTWP's proposed upgrade allows construction of the Bolton Reservoir on the preferred existing site, and allows downsizing from 8 MG to 4 MG



## Background

The City adopted the current WSMP in November 2008 (Resolution No. 08-44). The CIP for the water system included in the Master Plan report includes approximately \$31 million (2008 dollars) in system capital improvement and capital maintenance projects.

One of the primary focus areas in the WSMP is the identification of appropriate distribution system water storage volumes for emergency conditions, specifically considering water supply reliability and redundancy. The WSMP documented the following key findings:

- *Bolton Reservoir replacement is a high priority improvement* – The existing Bolton Reservoir structure is approximately 100 years old and observations summarized in the City's current and past (1982, 1987, 1999 and 2004) WSMP documents indicate the reservoir has reached the end of its useful life. In addition, the reservoir's hypalon cover, installed in 1989, has also reached the end of its useful life and will require replacement if full reservoir replacement does not occur soon.
- *Recommended storage volume* – The recommended storage volume of the Bolton Reservoir replacement is directly related to the vulnerability of City's supply source and the assessment of available backup supply.
- *Water supply vulnerability* – The City's sole source of water supply, from the South Fork Water Board (SFWB) WTP located in Oregon City, is vulnerable to disruption at critical single points of failure at multiple locations. As documented in the WSMP, the single greatest risk of supply disruption is at the City's 24-inch diameter transmission main crossing of the Willamette River which is suspended from the I-205 bridge. Several other elements of the SFWB supply system also lack redundancy, including the Division Street Pump Station and the segment of the transmission main extending from the pump station to the Willamette River crossing.
- *Availability of backup supply from Lake Oswego* – The City currently has an emergency intertie with the City of Lake Oswego that allows the City to boost water from Lake Oswego's finished water transmission main into the City's distribution system in the event of an emergency which disrupts the City's SFWB supply. However, during the summer season when water demands are high, Lake Oswego lacks available water supply capacity in order to meet the needs of its customers and provide adequate temporary water supply to the City during an emergency. In addition, the Lake Oswego water supply and the City's SFWB supply are both vulnerable to supply disruptions associated with the common Clackamas River water source.
- *Recommended strategy and storage volume* – The WSMP identified a major vulnerability in the City's water supply and presented three alternatives for establishing the recommended emergency storage volume required for the City's water system, in the context of meeting water supply needs during maximum day demand (MDD) conditions:
  1. Construct a parallel river crossing: This alternative focused on constructing improvements to address the most vulnerable portion of the City's water supply system, the I-205 bridge crossing of the Willamette River. Construction of a parallel Willamette River crossing would provide redundant transmission across

the river, reducing the risk of a supply disruption due to the loss of this transmission main. This alternative was not recommended because of the high capital cost and because it does not directly address other vulnerabilities, including the remaining segments of the transmission main system on both sides of the Willamette River.

2. Construct additional distribution system storage: This alternative focused on constructing additional distribution system storage, in the form of an 8 million gallon reservoir to replace the existing Bolton Reservoir, to provide for water supply in a supply disruption emergency. This alternative was also not recommended because of the high capital cost, and this alternative provides only limited benefit as distribution system storage only has a limited capacity to serve customers without additional supply to the system. The proposed Bolton Reservoir would contribute approximately one day of emergency supply.
3. Secure reliable peak season emergency supply: This alternative recognized the potential benefit of coordinating with the City's neighbor – the City of Lake Oswego – and other municipal water providers to utilize existing infrastructure and emergency connections to gain access to alternate supply sources. This alternative involved development of agreements and potential construction of new intertie facilities to secure emergency supply capacity from the Portland Bull Run source. This alternative was selected as the preferred approach as it presented the City with an opportunity to secure access to adequate and reliable backup water supply.

### **Meeting Summary**

At the direction of the City, representatives from MSA (Brian Ginter) met with members of the LOTWP project team (Joel Komarek, City of Lake Oswego; Dennis Koellermeier, City of Tigard; Jon Holland, Brown & Caldwell) and City staff (Jimmy Whynot) on August 16, 2012, to assist the LOTWP with interpretation of the WSMP's analysis, findings and recommendations. Through this discussion, the LOTWP team refined their narrative of project benefits to support the pending land use application(s) for the proposed LOTWP project elements within the City of West Linn.

MSA was directed by City staff to prepare a summary of the meeting and an independent assessment of the significance of the LOTWP's proposed project to the City's selected water supply redundancy and storage capacity strategy for presentation and discussion with the City's UAB.

### **Significance of LOTWP Projects to the City's Master Plan Recommendations**

As described earlier in this report, one of the primary recommendations of the City's adopted WSMP is the development of intergovernmental agreements (IGAs) and facilities necessary to secure access to a redundant source of supply. The recommended capacity of the proposed Bolton Reservoir replacement project is linked to the successful development of a reliable backup supply.

The LOTWP project is a key element of establishing reliable emergency supply for the City. The City has worked with the cities of Lake Oswego and Tigard to develop the required IGAs and to better understand the potential for development of a backup water supply source. Through this process, the LOTWP has confirmed a couple of key conditions:

1. In order for the City of Lake Oswego to reliably provide emergency water supply to the City during the summer season, expansion of the Lake Oswego Water Treatment Plant and other associated facilities, including upsizing the Raw Water Pump Station and Raw Water Transmission Main, as proposed by the LOTWP project are required.
2. The LOTWP has determined that intertie facilities with the Washington County Supply Line are not beneficial, and as such, will not be pursued. This decision is based on water quality concerns associated with blending chlorinated and chloraminated water, and the low likelihood that additional peak season capacity will be available in this transmission main based on the current allocation of the pipeline capacity. *The capital cost, approximately \$2,200,000 (2008 dollars), associated with development of emergency supply included in the WSMP CIP, was for this proposed intertie and associated facilities.*
3. Lake Oswego has inadequate available supply capacity today to provide the City with reliable emergency water supply during construction of the Bolton Reservoir replacement project. During construction, the City will be without a major source of water to maintain service during a short duration supply disruption. It is essential that measures to mitigate this risk during construction be taken. Assuming construction of the Bolton Reservoir replacement project is to begin after the summer of 2014, the LOTWP project will make adequate water supply available for the summer of 2015 as construction continues without the Bolton Reservoir on-line.
4. Conditions of the proposed IGA with the LOTWP and future regional water demand growth may limit the future availability of reliable backup supply during the peak season. Availability is not anticipated to be of concern for approximately 30 years.

If the City is unable to negotiate the necessary agreements with the LOTWP, then the City must reconsider alternatives to address the risk of emergency supply disruptions. In order to quantify the economic value of establishing agreements with the LOTWP, the other two alternatives considered in the WSMP were briefly reconsidered and one alternative was updated to reflect current known conditions.

Based on recent analysis, construction of a larger Bolton Reservoir Replacement is likely infeasible at the current site, and limited alternative sites exist for such a large volume of storage. As previously stated, this alternative also provides a reduced level of reliability as it only provides for one day of emergency supply from storage and does not provide any true measure of supply redundancy. *Further consideration of this alternative is not recommended.*

Construction of a parallel Willamette River crossing would address a major vulnerability, but still leaves several points of potential supply transmission failure. Based on the WSMP and

follow-on investigations of the City's transmission main, construction of parallel piping from the Division Street Pump Station to the beginning of project CIP-65 (replacement of 18-inch diameter transmission main from Broadway Street and Buse Street to Bolton Reservoir) would be required to address the most vulnerable elements of the City's water supply system. *Loss of supply at the SFWB WTP, finished water pipeline, or Division Street Pump Station is not addressed by these improvements.*

The total cost of needed improvements associated with the parallel river crossing option, not recommended in the WSMP, to improve transmission system reliability (if IGAs for emergency supply are not secured) is summarized below.

<u>Project</u>	<u>Estimated Project Cost (2012 Dollars)</u>
Parallel Transmission Main – Division Street Pump Station to Willamette River	\$ 2,140,000
Willamette River Crossing	\$ 9,000,000
Parallel Transmission Main – Willamette River to CIP 65	\$ 440,000
<b>TOTAL</b>	<b>\$ 11,580,000</b>

### **Presentation of Findings to the UAB**

The findings of the assessment described above were presented in preliminary form to the UAB on September 11, 2012. During this presentation, the UAB asked for clarification and additional information requiring follow-up and information from the LOTWP. Two key questions were asked by the UAB:

- What makes the LOTWP water supply system more reliable than West Linn's SFWB supply? Specifically, contrast the river intakes, the new submerged crossing versus West Linn's bridge crossing, and the reliability of the upgraded LOWTP in the event of a major earthquake event.
- What are the LOTWP's emergency water supply plans if an event occurs which impacts all supplies relying on the Clackamas River source, and what does this mean for the City?

The LOTWP provided MSA with detailed documentation to address both questions. This data was reviewed and a summary of the information provided is presented below as a response to the questions posed by the UAB.

### ***LOTWP Project Reliability***

The proposed LOTWP project includes major upgrades and/or construction of new facilities for all elements of the water supply system. As such, these facilities are all being designed to meet or exceed current building code requirements and are being designed to the highest standards with consideration of the need for redundancy and high reliability to supply the LOTWP's needs. A brief description of each element of the supply facility follows.



*River Intake and Pump Station:* The new river intake structure will house three independent fish screens, allowing each screen and pump bay to be isolated in the event that damage to a screen occurs from debris in the river (as happened to the SFWB intake this past winter). In addition, the new intake screens will be protected by an upstream debris deflector, and the screens can be lifted out of the river flow to an elevation above the 500-year flood level. These are all reliability features not included in the SFWB intake design. Furthermore, the new intake structure is being designed to withstand seismic overturning and the simultaneous buoyancy of a 10-year flood event – a conservative standard for dams applied by the Bureau of Reclamation – with an extensive system of 14 rock anchors drilled and grouted into 30 feet of rock.

*Raw Water Pipeline:* The LOTWP's new raw water transmission main will be constructed using cathodically protected, double lap welded ¼-inch thick steel pipe with interior lining and exterior coatings. An independent, third party review of the proposed pipeline material and design (*Lake Oswego Seismic Pipeline Design, Seismic Design Final Memorandum, Degenkolb, August 3, 2012*) verified the pipeline system design addresses the seismic risk associated with a 2,475 year return period event. As previously discussed, the City's water transmission main crossing of the Willamette River is highly vulnerable and has experienced multiple disruptions in service.

*Water Treatment Plant:* The upgraded and expanded LOTWP WTP is being designed to the same standard as the pipeline and intake, with measures in place to protect it from a seismic event with 2,475 year recurrence interval. A system of nearly 1,000 auger-cast piles is being designed to protect the new facility from ground movement and possible liquefaction associated with such a seismic event.

No effort has been made in this report to specifically contrast these design criteria with that of the SFWB WTP. The purpose of this description is to illustrate the specific measures being taken by the LOTWP to assure these facilities remain in service following a major seismic event.

### ***Emergency Water Supply Plans***

As described above, the UAB expressed concern that depending on the LOTWP as an emergency supply for the City may have limited benefit if an emergency condition occurs which impacts all water suppliers relying on the Clackamas River as the source of water. If such an event were to occur, the LOTWP has several emergency provisions in place to continue to provide water to its customers. The first option for both Tigard and Lake Oswego during a short duration supply disruption is the distribution system water storage in each of their respective systems. Tigard has 27 million gallons (MG) of storage and Lake Oswego has 24 MG of storage, plus a proposed addition of 2 MG in the clear well at the new water treatment plant. The combined 53 MG of storage between the two systems is adequate to supply customers through four average day's demand levels.

The City of Tigard also has a system of two aquifer storage & recovery (ASR) wells with a recovery capacity of approximately 5.5 million gallons per day (mgd) for 60 days or longer.

Mr. Lance Calvert  
October 16, 2012  
Page 7

In addition, the City of Tigard will maintain its connection with the City of Portland. This connection has approximately 8 mgd of capacity.

This additional storage volume, ASR capacity and connection to the City of Portland will achieve the recommended approach to addressing supply reliability needs outlined in the City's WSMP.

### Summary

This letter report summarizes the significance of the LOTWP project to the City in the context of the City's WSMP and CIP, documents the meeting with representatives of the LOTWP and summarizes the assessment of additional information provided by the LOTWP at the request of the City's UAB. This memorandum presents a synopsis of relevant data for City stakeholders as they review the current status of water system supply and storage strategies.

We appreciate the opportunity to be of service to the City. We would be pleased to further review the report and its findings with you and other City staff, the UAB, City Council or other interested parties.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.



Brian Ginter, P.E.  
Associate

BMG:mlm

cc: Mr. Jimmy Whynot, City of West Linn  
Mr. Jon Holland, Brown & Caldwell  
Mr. Joel Komarek, City of Lake Oswego  
Mr. Dennis Koellermeier, City of Tigard

**Pelz, Zach**

---

**From:** Hevanet [dcaraher@hevanet.com]  
**Sent:** Tuesday, October 16, 2012 8:38 PM  
**To:** Pelz, Zach  
**Subject:** Lake Oswego-Tigard Water Partnership Proposal  
**Attachments:** Letter\_to\_plan\_com.docx

Mr. Pelz;

I'm attaching a letter as written testimony for the West Linn Planning Commission's hearing for the Lake Oswego-Tigard Partnership Water Treatment Plant and Water Transmission Pipeline. This is the same letter I wrote to the Planning Commission on April 14, 2012, but am resubmitting it to assure that my thoughts will remain current and valid during the commissions consideration of the Lake Oswego-Tigard's application. I did change the date of the letter to verify that it is still an accurate reflection my thoughts.

Sincerely,

David Caraher

*David L. Caraher  
4388 Kenthorpe Way  
West Linn, OR 97068*

October 17, 2012

City of West Linn Planning Department  
22500 Salamo Road, #1000  
West Linn, OR 97068  
Attn: Zach Pelz

Don't be shocked, but this is a letter of general support for Lake Oswego's proposal to upgrade and increase the capacity of its water treatment plant in West Linn.

I've lived next to the water treatment plant for thirty two years. Both my south and west property lines adjoin the treatment plant boundaries. I think I have more common boundary with the treatment plant than any other land owner. I like having them next door. For one thing, they have been very good neighbors:

- When I asked if they could keep their fence sixteen feet on their side of the line so I could have a buffer between my back yard and their property, they agreed.
- When they planned for a standard silver chain-link fence between us, I asked if they couldn't color it some way so I wouldn't be so industrial looking. They put up a green fence.
- I requested a wall of vegetation between us so I wouldn't be able to see their building: they planted red-twig dogwood, eight feet tall, and I can't see any part of their facility from any part of my property.
- They planned a new road right along my west property line. When I suggested they move it to the inside of their property, they agreed, and that's where it is.
- Once, while I was entertaining guests outside on my deck on a Saturday afternoon, they had a project going with noisy, heavy equipment. I asked if they couldn't give it a rest: they shut down until Monday.
- Two years ago I asked if they couldn't help control the blackberries along our border: a week later they brought in a crew and dug them up.
- Last year, when I pointed out that a large tree limb from a tree on their property was hanging out over the roof of my house, they removed it within a week.

But more than being good neighbors, I like having them next door because their landscaping provides me with unusual seclusion and privacy, an advantage I enjoy and visitors envy. I also like having the open space they provide: their property is for me a welcome relief from unbroken residential density in the neighborhood. Finally, if they were to be replaced by nine acres of houses, our neighborhood would have a lot more noise and traffic.



Now on to Lake Oswego's current proposal: I have attended most of their open house and public meetings, and I have also heard and read the words of neighborhood opposition. (I am a member of the Robinwood Neighborhood Association's "Great Neighbor Committee." Although I have been mostly inactive due to scheduling conflicts, I am on their electronic mailing list and so keep up with their communications.)

Speaking strictly for myself, here are my comments about Lake Oswego's proposal to upgrade and increase the capacity of its water treatment plant.

For the most part, I do agree with two neighborhood objections.

First, increasing the capacity of the plant to serve Tigard does seem like Lake Oswego is taking advantage of West Linn hospitality. Considering the treatment plant is within a residential area, it would seem prudent for Lake Oswego to tread as lightly as possible here. The proposal might be more palatable if Lake Oswego could provide us with a cost-benefit analysis of plausible alternatives. I suspect neither Lake Oswego nor Tigard has conducted such an analysis. I think they should have, and I think the West Linn Planning Commission should give this point and its consequences serious consideration. We should have no objection to Lake Oswego upgrading the plant and increasing its capacity for its own use, but without clear justification, increasing capacity for a second jurisdiction seems disingenuous.

Second, I agree that the construction work for this project, especially for the pipeline, has the potential to cause serious impacts to the neighborhood. I believe we, the neighborhood, City of West Linn, City of Lake Oswego and contractors can mitigate a large portion of these impacts, but that will take considerable effort and cooperation on everyone's part, and it could require an agreement over and above conditional use permit requirements.

I also have several significant points of disagreement with the voices of objection.

First, I don't think the treatment plant looks like an industrial facility, or is in any way a visual intrusion into our neighborhood. On the contrary, I think it's already more attractive than some neighboring properties where old, dead cars, boats, camp trailers, moldy shacks, un-mowed lawns, deformed trees and weeds, and trash including an old couch and discarded scraps of metal and wood decorate front yards or are plainly visible from the street. What's more, after visiting with Lake Oswego's architects and engineers and reviewing their drawings and plans, I am convinced the finished product will be an asset to the neighborhood.

Second, I don't think the noise of plant operations is a significant factor. I know the plant has been noisy in the past – the front end loader scraping sludge from the settling ponds has been the worst. But after thinking about it, people who live close to the Willamette get far more noise from rowing crews with their bull horns at six o'clock in the morning and from jet skis and power boats the rest of the day. People who live near Tanner Creek Park get more noise from daily park use in the summer, especially during the weekly rock concerts. People who live within a half-mile of I-205 get the constant drone of traffic, day after day, from five in the morning until ten at night. People near downtown Oregon City get several daily doses of noise from the train. People who live near Robinwood Park get to hear a regular clack of skate boards long into summer evenings. Of all those, I'd rather live next to Lake Oswego's Water Treatment Plant.

Finally, I disagree with the notion that Lake Oswego should dismantle this plant and move the entire operation to Lake Oswego. To me, that would cause more harm than good. Demolition of its main building, adjacent concrete structures, the four concrete settling ponds, and removal of its pipe

lines would cause about as much noise, traffic and other impacts as upgrading and adding to its existing facilities. That would be followed by the impacts of converting the site to a housing complex, requiring heavy equipment for site preparation, road and sidewalk construction, and construction of new homes. The foundations of new houses would be seven feet from the current treatment plant boundary, and as close as fourteen feet from houses that are currently next to the treatment plant property line.

I conclude that the construction phase of the new treatment plant poses significant impacts to the livability of the neighborhood, but that when it's completed, the appearance and operation of treatment plant will not only blend in well here, but will be an asset to the neighborhood. It has the potential to be the most attractive facility of its size in West Linn.

I will not be able to attend the planning commission's public hearing on this topic on April 18, and so I ask that you incorporate this letter into the land use record.

Sincerely,

DAVID L. CARAHER

cc: West Linn Planning Commission  
Joel Komarek, Project Director, Lake Oswego-Tigard Water Partnership

## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Tuesday, October 16, 2012 4:22 PM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 17427 - Water Treatment Plant

Please add to record

John Sonnen, Planning Director  
Planning and Building, #1524

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

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

**From:** Webmaster  
**Sent:** Tuesday, October 16, 2012 3:24 PM  
**To:** Sonnen, John  
**Subject:** Citizen Request 17427 - Water Treatment Plant

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

<b>Original Request Summary</b>	<b>Date:</b> 10/16/2012	<b>Reference Number:</b> 17427
<b>Name:</b>	<b>Greg Hoedl</b>	<b>Status:</b> Assigned
<b>Email:</b>	<a href="mailto:hoedl3@msn.com">hoedl3@msn.com</a>	<b>Source:</b> online
<b>Phone:</b>		<b>Assigned To:</b> jsonnen
		<b>Assigned Group:</b> Planning
<b>Topic</b>	<b><a href="#">Water Treatment Plant</a></b>	
<b>Request Details:</b>	West Linn Planning Commission I oppose the construction of the (LOT) water treatment project in West Linn. Greg Hoedl 2655 Dillow Dr. West Linn, OR. 67068	
<b>Comment:</b>		

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

**Pelz, Zach**

---

**From:** Sonnen, John  
**Sent:** Tuesday, October 16, 2012 4:21 PM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 17425 - Re: Water Treatment Plant for LO

Please add to record

John Sonnen, Planning Director  
Planning and Building, #1524

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

**From:** Webmaster  
**Sent:** Tuesday, October 16, 2012 3:23 PM  
**To:** Sonnen, John  
**Subject:** Citizen Request 17425 - Re: Water Treatment Plant for LO

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

<b>Original Request Summary</b>	<b>10/16/2012</b>	Reference Number:	<b>17425</b>
Name:	<b>Carol Geldaker</b>	Status:	<b>Assigned</b>
Email:	<a href="mailto:cgeldake@teleport.com">cgeldake@teleport.com</a>	Source:	<b>online</b>
Phone:	<b>(503) 636-2179</b>	Assigned To:	<b>jsonnen</b>
		Assigned Group:	<b>Planning</b>
Topic	<b><u>Re: Water Treatment Plant for LO</u></b>		
Request Details:	I want to give you support to going ahead with the treatment plant. Improvement is often painful, but all our communities have to think of the future, not just for the inconvenience of the "right now". We need to be good neighbors. We have walked over to Kenthorpe to look at the current plant and the landscaping. We feel the planned improvement of the area would be a positive to all once it is completed. Your job is to be planners for West Linn ,and it isn't always a positive position to be in. Know you have our support. Thank you for serving on the committee. Carol Geldaker		
Comment:			

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



**Pelz, Zach**

---

**From:** Sonnen, John  
**Sent:** Tuesday, October 16, 2012 1:24 PM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 17423 - Lake Oswego, Tigard Water Partnership

Please add to the record

John Sonnen, Planning Director  
Planning and Building, #1524

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

**From:** Webmaster  
**Sent:** Tuesday, October 16, 2012 11:32 AM  
**To:** Sonnen, John  
**Subject:** Citizen Request 17423 - Lake Oswego, Tigard Water Partnership

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

<b>Original Request Summary</b>	<b>10/16/2012</b>	Reference Number:	<b>17423</b>
Name:	<b>Donna Berry</b>	Status:	<b>Assigned</b>
Email:	<a href="mailto:tomanddonnaberry@hotmail.com">tomanddonnaberry@hotmail.com</a>	Source:	<b>online</b>
Phone:	<b>503 580 3618</b>	Assigned To:	<b>jsonnen</b>
		Assigned Group:	<b>Planning</b>
Topic	<b><u>Lake Oswego, Tigard Water Partnership</u></b>		
Request Details:	Please do not put the Water Treatment Plant in West Linn. It does not make sense!!! Put it in Lake Oswego or Tigard. We do not benefit in any way having the plant built here. Please City Of West Linn Planning Commission stand up for the People of West Linn!		
Comment:			

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

## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Tuesday, October 16, 2012 1:14 PM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 17422 - LOT Water pipeline

Please add to the record

John Sonnen, Planning Director  
Planning and Building, #1524

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

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

**From:** Webmaster  
**Sent:** Tuesday, October 16, 2012 11:31 AM  
**To:** Sonnen, John  
**Subject:** Citizen Request 17422 - LOT Water pipeline

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

<b>Original Request</b>	<b>10/16/2012</b>	Reference Number:	<b>17422</b>
<b>Summary</b>	<b>Date:</b>		
Name:	<b>Doug Dickston</b>	Status:	<b>Assigned</b>
Email:	<a href="mailto:doug dickston@gmail.com">doug dickston@gmail.com</a>	Source:	<b>online</b>
Phone:	<b>5033135889</b>	Assigned To:	<b>jsonnen</b>
		Assigned Group:	<b>Planning</b>
Topic	<b><a href="#">LOT Water pipeline</a></b>		
Request Details:	Dear Planning Commission, I STRONGLY oppose the LOT Water pipeline through the Robinwood neighborhood in West Linn, and I encourage you NOT to vote to implement it. Sincerely, Doug Dickston West Linn		
Comment:			

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

## Pelz, Zach

---

**From:** Holland, Jon R. [JRHolland@BrwnCald.com]  
**Sent:** Tuesday, October 16, 2012 12:43 PM  
**To:** King Lamont  
**Cc:** Pelz, Zach; Whynot, Jimmy; Calvert, Lance  
**Subject:** RE: CRWP Plant Tour  
**Attachments:** NCCWC memo on emergency supply to SFWB.pdf; SFWB Emergency Water Documentation 12-29-11 to 1-7-12.pdf

Hi, Lamont,

I wanted to follow-up with you on this topic from your Clackamas River Water Providers Annual Watershed Tour last month.

The Lake Oswego Tigard Water Partnership is the primary source of backup water supply to West Linn and the only source under a wide variety of potential problems. Any backup supply needs resulting from issues with the South Fork Water Board's finished water transmission pipeline or Division Street Pump Station in Oregon City or with West Linn's finished water transmission main (including the I-205 bridge river crossing) or Bolton Reservoir, can currently only be met via the intertie with LOTWP.

The North Clackamas County Water Commission, can, under certain conditions, provide some supply to Oregon City and West Linn in the event of damage to the SFWB intake, raw water pump station, raw water transmission main, or WTP. See the attached letter from NCCWC's general manager. Of course in these events, Oregon City and West Linn would both be in need of backup water. NCCWC has limited capacity during both the summer and winter (depending on river turbidity and water temperature).

Also, see the attached summary prepared by Sunrise Water Authority of last winter's emergency water supply to SFWB and West Linn when the SFWB intake was damaged. There's a good graphic that shows SFWB's connection to NCCWC.

Hope this helps with your understanding of how these systems work.

Regards,

Jon

**Jon Holland**  
6500 SW Macadam Avenue, Suite 200  
Portland, OR 97239  
[JRHolland@brwncald.com](mailto:JRHolland@brwncald.com)  
T 503.977.6609 | C 503.803.5813



---

**From:** [lamontking@comcast.net](mailto:lamontking@comcast.net) [<mailto:lamontking@comcast.net>]  
**Sent:** Monday, September 24, 2012 6:51 PM  
**To:** Heisler, Jane  
**Cc:** Blake, Steve  
**Subject:** Re: CRWP Plant Tour

Hi Jane,

Thank you for the information! The bottom line is that we currently have a impressive network of intertie agreements with many different sources of which LO is only a small part of. From the tours you noticed that there is generally ample water for each party to cover the others needs in the event of an emergency. Given the nature of interties, LO would be hardpressed to simply disconnect our mutual intertie due to their being upset because we decided that the massive intrusion into our neighborhood was unjustified. We would lose the existing benefit of an intertie but so would LO. Through our current relationships we are already connected to Portland. We still have many unresolved issues with LOT and I am trying to put together another meeting in the near future to try and alleviate some of the concerns with your project.

Have a great week!

Lamont

---

**From:** "Jane Heisler" <[jheisler@ci.oswego.or.us](mailto:jheisler@ci.oswego.or.us)>  
**To:** [lamontking@comcast.net](mailto:lamontking@comcast.net)  
**Sent:** Monday, September 24, 2012 5:09:29 PM  
**Subject:** CRWP Plant Tour

Hi Lamont

I know you asked at a couple of the plants on Saturday's tour about whether they served West Linn Water during the December fish screen issue. Everyone did pitch in to help out for that event. Since I didn't hear the question asked of Kari at the LO plant tour, I thought I'd fill you in on the water we provided.

CRW, NCCWC and our plant all supplied water to SFWB during this time. While the intake was out, Lake Oswego provided a total of 4.59 million gallons, an average of .77 MG per day. This water went directly to West Linn. The remainder of their demand (perhaps 1 or 1.5 million per day) came from NCCWC or CRW through the SFWB clearwell. Their emergency connection (pipeline B) goes directly from NCCWC to the SFWB clearwell, where it then goes to Oregon City and West Linn. We offered, and were capable of providing more water to them but they did not need more than this.

All three of the water systems (CRW, NCCWC, and Lake O.) changed their operating strategy to provide water to the SFWB customers. I think Wade Hawthorne from Sunrise water wrote up a report of the incident and how each system changed its operating strategy to provide emergency water, and what water went where. I'll try to track that down for you if you are interested. Thanks.

**Jane Heisler, Communications Director**

Lake Oswego Tigard Water Partnership

[jheisler@ci.oswego.or.us](mailto:jheisler@ci.oswego.or.us)

503-697-6573

---

PUBLIC RECORDS LAW DISCLOSURE

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



---

**ADMINISTRATIVE OFFICE**

14496 SE River Rd.  
Milwaukie, OR 97267  
Tel. (503) 654-7765  
Fax. (503) 653-1973



---

**TREATMENT PLANT**

14275 S. Clackamas River Dr.  
Oregon City, OR 97045  
Tel. (503) 723 -3505  
Fax. (503) 723 -3508

---

MEMORANDUM

To: Joel Komarek, Project Director – Lake Oswego/Tigard Water Partnership

From: Dan Bradley, NCCWC General Manager

Date: July 18, 2012

RE: Availability of NCCWC Emergency Water Supply to South Fork Water Board

We have had several discussions over the past few months regarding the North Clackamas County Water Commission's treatment plant. The intent of this memorandum is to clarify the amount of water that may be available to serve the South Fork Water Board plant in the event of an emergency similar to the one that occurred last December and January.

The plant has a summer capacity of 20 million per day. The NCCWC typically produces 16-18 MGD so very little water would be available from July through early September.

In the non-peak months October-April water would be available depending on weather conditions. NCCWC utilizes two types of water treatment – slow sand and membrane filtration. Each component has a capacity of 10 million gallons per day. However, if the river turbidity exceeds 8 NTU's the slow sand filters are turned off. In addition, if the water temperature is very cold, 10 degrees Celsius or less the fibers in the membrane unit constrict and production of 8 MGD is not uncommon.

In the recent event at the South Fork raw water intake the river turbidity did not allow the use of the slow sand filters and the water temperature was cold enough that the membranes were limited to 8 MGD. The NCCWC was only able to send South Fork 1 MGD and that was only available because Clackamas River Water was able to serve all of the Sunrise Water Authority territory.

The river turbidity cleared on the third day of the event and the slow sand filters were placed back on line so more water was sent to South Fork (5 MGD total).

The pipeline from the NCCWC to SFWB has a capacity of 10 MGD but we have never transferred that quantity since the pipeline was installed.

In conclusion, the amount of water the NCCWC can send to SFWB will depend on the weather and river conditions so I cannot provide you with a definitive volume that may be available.

## Re-Cap of Emergency Water to SFWB

- 12/29/11
  - Issue at SFWB intake: SFWB WTP taken off-line
  - SFWB started taking water via Pipeline B
  - West Linn started taking a portion of its water from LO
  - NCCWC asked SWA to stop taking water from NCCWC (NCCWC slow sand filters down due to high turbidity)
  - SWA started taking additional water from CRW at Otty Road PS
  - NCCWC asked CRW to pump some water
- 12/30/11
  - Wade Hathhorn spoke with Lee Moore and they agreed that the situation was an emergency: SWA started taking water in excess of its fixed volume contract with CRW
  - SFWB contacted CRW and requested sharing of water sources
  - NCCWC asked CRW to pump more water
- 12/31/11
  - Continued emergency operations in similar manner
- 1/1/12
  - Continued emergency operations in similar manner
- 1/2/12
  - Continued emergency operations in similar manner
  - SWA pursued repair of large customer leak
- 1/3/12
  - NCCWC brought slow sand filter back on-line
  - SWA switched back to normal operations
  - West Linn stopped taking water from LO by end of the day
  - CRW stopped supplying emergency water
- 1/4/12
  - NCCWC provided all water to SFWB, OLWD, Gladstone, and some to SWA
- 1/7/12
  - SFWB WTP back on-line

## Water Volume Summary of Emergency Water to SFWB

12/29/11 – 1/7/12: NCCWC produced 69.69 MG (Avg. 7.0 MGD) – Normal avg. had been 4.1 MGD

12/29/11 – 1/7/12: SFWB received 44.14 MG through Pipeline B (Avg. 4.4 MGD)

12/29/11 – 1/3/12: SFWB received 4.579 MG from LO

12/29/11 – 1/3/12: CRW sent 7.69 MG through Oak Lodge PS (Avg. 1.3 MGD)

12/29/11 – 1/3/12: CRW sent 3.25 MG to SWA at Otty Rd Res PS (Avg. 0.5 MGD)

## Cost Summary of Emergency Water Delivery

CRW out-of-pocket (OOP) cost: OT = \$355, Chemical = \$180, Power Demand = \$394

CRW Total Cost = \$929

NCCWC OOP cost: OT = DD \$599.17 + AS \$312.12 + TJ \$348.95 = \$1,260.24, Power Demand (400 HP) = \$798.86, Differential Water Cost =  $(\$0.45869/\text{ccf} - \$0.38/\text{ccf}) * 7.69 * 1000000 / 748 = \$808.99$

NCCWC Total Cost = \$2,868.09

SWA OOP cost: Differential Water Cost =  $(\$0.54039/\text{ccf} - \$0.144/\text{ccf}) * 3.25 * 1000000 / 748 = \$1,722.28$

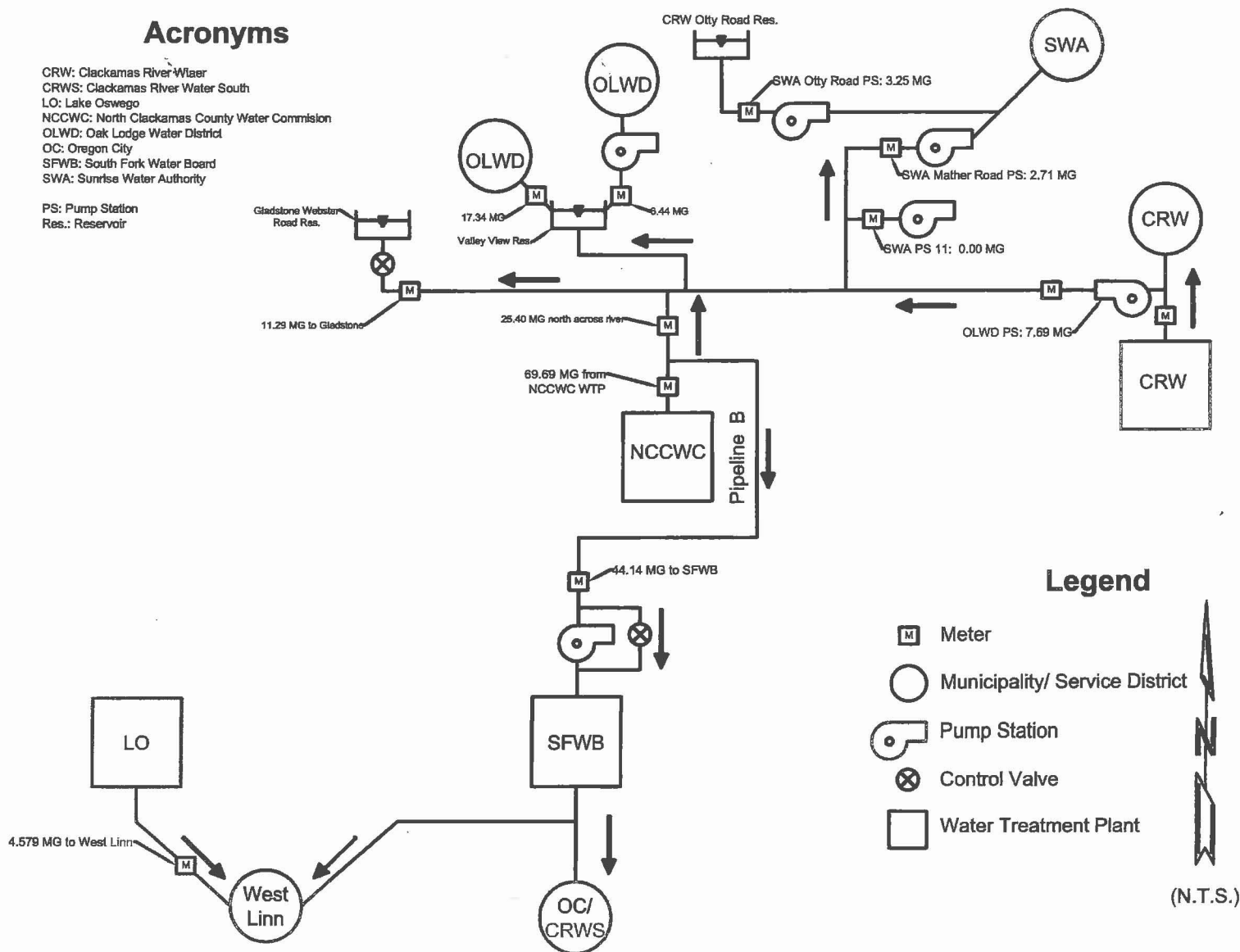
SWA Total Cost = \$1,722.28

# Emergency Distribution Schematic

## Acronyms

CRW: Clackamas River Water  
 CRWS: Clackamas River Water South  
 LO: Lake Oswego  
 NCCWC: North Clackamas County Water Commission  
 OLWD: Oak Lodge Water District  
 OC: Oregon City  
 SFWB: South Fork Water Board  
 SWA: Sunrise Water Authority

PS: Pump Station  
 Res.: Reservoir





## Tim Jannsen

---

**From:** Dan Fraijo  
**Sent:** Thursday, January 19, 2012 7:21 AM  
**To:** Whynot, Jimmy  
**Cc:** Tim Jannsen  
**Subject:** RE: West Linn's usage during SFWB's intake repairs

Thanks, I will forward this to Tim.


---

**From:** Whynot, Jimmy [<mailto:Jwhynot@westlinnoregon.gov>]  
**Sent:** Thursday, January 19, 2012 7:08 AM  
**To:** Dan Fraijo  
**Subject:** West Linn's usage during SFWB's intake repairs

Good morning Dan,  
Here's our usage during the intake repairs.

	<u>From LO</u>	<u>From SFWB</u>
12/29	.798mg	1.040mg
12/30	.965mg	.320mg
12/31	.882mg	1.170mg
1/1	.616mg	1.300mg
1/2	.548mg	1.270mg
1/3	.770mg	1.360mg

---

 Jimmy Whynot  
[Jwhynot@westlinnoregon.gov](mailto:Jwhynot@westlinnoregon.gov)  
*Operations Supervisor*  
4100 Norfolk St.  
West Linn, OR 97068  
P: (503) 742-8615  
F: (503) 657-3237  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)

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

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

CRW Out of Pocket Costs fo Consideration to Produce an Additional 7.69 MG from 12/30/11 Through 1/3/12.

Overtime	\$	355
Chemical	\$	180
Elect. Demand	\$	394
	\$	929

## Emergency Water for SFWB

Total overtime for Dave Davis

7.5 Hours at 79.89	599.17
--------------------	--------

Total overtime for Alan Schacht

4 Hours at 78.03	312.12
------------------	--------

Total overtime for Tim Jannsen

5 Hours at

Total Overtime hour worked 16.5 hours

### **Total amount**

This total sum includes benefits

There was no overtime for Phil Bonsi

12/29/11 - 1/7/12 : NCCWC produced 69.69 MG (Avg. 7.0 MGD)  
↳ Normal Avg. had been 4.1 MGD

12/29/11 - 1/7/12 : SFWB ~~received~~ received 44.14 MG (Avg. 4.4 MGD)

12/30/11 - 1/3/12 : CRW sent 7.69 MG to NCCWC (Avg. 1.5 MGD)

12/30/11 - 1/3/12 : CRW sent 3.25 MG to SWA at  
Otty Rd Res. PS (Avg. 0.7 MGD)

My time:  $\boxed{5 \text{ hrs}}$   
NCCWC  
cost

348.95

Cost from NCCWC to water  
at MRPS = \$0.1<sup>44</sup>/~~1~~ / ccf

Cost at Otty Rd Res. PS = \$0.54/ccf

Additional  
cost to SWA

$$(0.54 - 0.144)(3.25 \text{ MG}) \left( \frac{1000000 \text{ gal}}{1 \text{ MG}} \right) \left( \frac{1 \text{ ccf}}{748 \text{ gal}} \right) = \boxed{\$1720.59}$$

if Mather  
rate

$$(0.459 - 0.144)(3.25) \left( \frac{1000000}{1} \right) \left( \frac{1}{748} \right) = \boxed{\$1368.65}$$





**Portland General Electric**

Name **N CLACKAMAS CO WATER COMMISSION**  
 Account Number **0012 02774-819122 3**  
 Service Address **14275 S CLACKAMAS RIVER DR OREGON CITY, OR 97045**  
 Mailing Address **N CLACKAMAS CO WATER COMMISSION 14275 S CLACKAMAS RIVER DR OREGON CITY OR 97045-9486**

Cycle: 1403 **Amount Due** **\$ 7,019.78**  
 Feeder Line Code: CL1 Due date for current bill 01/09/12

**This month's charges**

**Meter #TZ010460, Schedule 85 Secondary**  
 Energy Charges ( 61717 kWh) 6,670.78  
 Adjustments 117.28  


---

**6,788.06**

**Taxes and Fees 231.72**

**Current Charges 7,019.78**

Previous Amount Due 5,793.13  
 Payments/Adjustments 5,793.13CR  
 Balance Forward 0.00  
 Current Charges 7,019.78

**Your energy use**

**Meter # TZ010460**  
 Schedule 85  
 Meter Multiplier 600  
**Service Period Meter Reading**  
 12/18/11 0  
 11/16/11 0  
 32 days of service 61717 kWh

Thank you for your payment. It's a privilege to provide your electric service.

Thank you for your excellent bill payment record. We appreciate having you as a customer and we look forward to serving your energy needs in the years ahead.

Point of Delivery Identification (PODID) number for meter number TZ010460 is 769783522.

**Details of this month's charges**

**Meter #TZ010460, Schedule 85 Secondary**  
**Energy Charges**  
 Basic Charge 240.00  
 System Usage Charge 179.55  
 (61717.000 kWh)  
 Off-Peak Usage of 25941.000 kWh 1,406.01

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Dec 2011	39	1928.6	212.12
Dec 2010	42	3559.7	382.14

\*Temperature source: Aurora Municipal Airport

On-Peak Usage of 35776.000 kWh	2,209.88
Demand Charge 162.000 KW x \$1.8500000	299.70
Reactive Demand Charge 39.000 x \$0.5000000 Billed KVAR	19.50
(Reactive Demand of 104.000 Actual KVAR)	
Transmission Charge 162.000 KW x 82.00000¢	132.84
Distribution Charge	
Facility Capacity 200.000 KW x \$2.4100000	482.00
Facility Capacity 795.000 KW x \$2.1400000	1,701.30

**6,670.78**

**Adjustments**

105 Regulatory Adjustments ( 61717.000 kWh x 0.00000¢ )	67.28CR
109 Energy Efficiency Funding Adj ( 61717.000 kWh x 0.00000¢ )	92.58
110 Energy Efficiency Customer Svc ( 61717.000 kWh x 0.00000¢ )	3.08
122 Renewable Resource Adjustment ( 61717.000 kWh x 0.00000¢ )	77.17
123 Decoupling Adjustment ( 61717.000 kWh x 0.00000¢ )	6.80CR
140 Income Tax Adjustment ( 61717.000 kWh x 0.00000¢ )	30.23CR
145 Boardman Operating Life Adj ( 61717.000 kWh x 0.00000¢ )	48.76

**117.28**

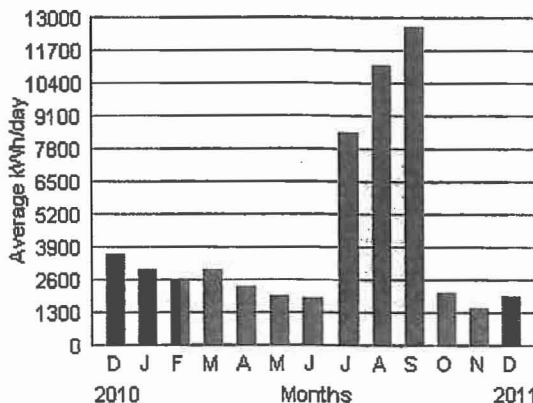
**Taxes and Fees**

Low Income Assistance	30.86
Public Purpose Charge (3%)	200.86

**231.72**

**Current Charges**

**7,019.78**





**Portland General Electric**

Name **N CLACKAMAS CO WATER COMMISSION**  
 Account Number **0012 02774-819180 1**  
 Service Address **14275 S CLACKAMAS RIVER DR OREGON CITY, OR 97045**  
 Mailing Address **N CLACKAMAS CO WATER COMMISSION 14275 S CLACKAMAS RIVER DR OREGON CITY OR 97045-9486**

Cycle: 1401 **Amount Due \$ 16,824.54**  
 Feeder Line Code: CL1 Due date for current bill 01/09/12

**This month's charges**

**Meter #AB01080070, Schedule 85 Secondary**  
 Energy Charges ( 203622 kWh) 15,857.71  
 Adjustments 386.85

**16,244.56**

Previous Amount Due 16,122.68  
 Payments/Adjustments 16,122.68CR  
 Balance Forward 0.00  
 Current Charges 16,824.54

**Taxes and Fees 579.98**

**Current Charges 16,824.54**

**Your energy use**

**Meter # AB01080070**  
 Schedule 85  
 Meter Multiplier 600

Service Period	Meter Reading
12/18/11	0
11/16/11	0
32 days of service	203622 kWh

Thank you for your payment. It's a privilege to provide your electric service.

Thank you for your excellent bill payment record. We appreciate having you as a customer and we look forward to serving your energy needs in the years ahead.

Point of Delivery Identification (PODID) number for meter number AB01080070 is 769783579.

**Details of this month's charges**

**Meter #AB01080070, Schedule 85 Secondary**  
**Energy Charges**  
 Basic Charge 240.00  
 System Usage Charge 592.52  
 (203622.000 kWh)  
 Off-Peak Usage of 88873.000 kWh 4,816.92

Period Ending	Avg Daily Temperature*	Avg kWh Per Day	Avg Cost Per Day
Dec 2011	39	6363.1	507.64
Dec 2010	42	5922.5	488.84

\*Temperature source: Aurora Municipal Airport

On-Peak Usage of 114749.000 kWh	7,088.05
Demand Charge 508.000 KW x \$1.8500000	939.80
Reactive Demand Charge 0.000 x \$0.5000000 Billed KVAR (Reactive Demand of 114.000 Actual KVAR)	0.00
Transmission Charge 508.000 KW x 82.00000¢	416.56
Distribution Charge Facility Capacity 200.000 KW x \$2.4100000	482.00
Facility Capacity 599.000 KW x \$2.1400000	1,281.86

**15,857.71**

**Adjustments**

105 Regulatory Adjustments ( 203622.000 kWh x 0.00000¢ )	221.97CR
109 Energy Efficiency Funding Adj ( 203622.000 kWh x 0.00000¢ )	305.45
110 Energy Efficiency Customer Svc ( 203622.000 kWh x 0.00000¢ )	10.15
122 Renewable Resource Adjustment ( 203622.000 kWh x 0.00000¢ )	254.54
123 Decoupling Adjustment ( 203622.000 kWh x 0.00000¢ )	22.40CR
140 Income Tax Adjustment ( 203622.000 kWh x 0.00000¢ )	99.75CR
145 Boardman Operating Life Adj ( 203622.000 kWh x 0.00000¢ )	160.83

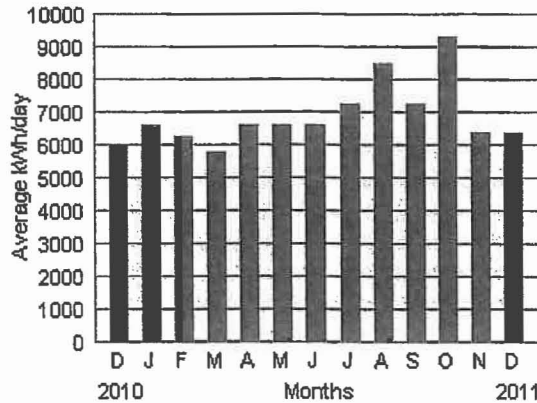
**386.85**

**Taxes and Fees**

Low Income Assistance	101.81
Public Purpose Charge (3%)	478.17

**579.98**

**Current Charges 16,824.54**





**7.2 OPERATIONS REPORT**

DISCUSSION: The NCCWC plant has produced a total of 138.95 million gallons for the month of February (January 25 – February 25). The average production rate was 4.48 mgd. Of the 138.95 million gallons produced, the slow sand filters produced 106.89 million gallons and the membrane filters produced 32.06 million gallons. The NCCWC did not purchase any water from South Fork during the month.

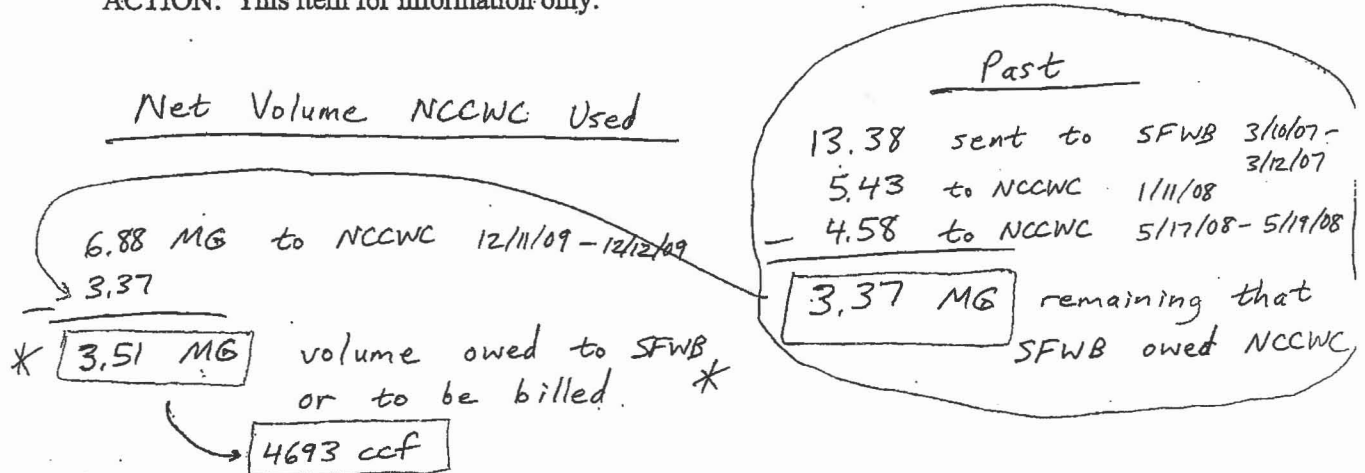
The NCCWC plant has produced a total of 139.53 million gallons for the month of March (February 25 – March 25). The average production rate was 4.98 mgd. Of the 139.53 million gallons produced, the slow sand filters produced 107.53 million gallons and the membrane filters produced 32.00 million gallons. The NCCWC did not purchase any water from South Fork during the month.

During the month of February, the highest production day for the plant was 5.75 million gallons. During the month of March, the highest production day for the plant was 10.54 million gallons. For the current month of April, the highest production day for the plant has been 6.24 million gallons.

The Clackamas River has experienced relatively low turbidities for the months of February and March. For the month of February, the slow sand filters were shut down for approximately 9 out of the 28 days due to high turbidity. For the month of March, the slow sand filters were shut down for approximately 4 out of the 31 days due to high turbidity.

On March 10 – 12, South Fork Water Board's on-site chlorine generator was not functioning properly. During this three day period, the NCCWC water treatment plant supplied water to Gladstone, Oak Lodge, Sunrise, and South Fork. A total of 13.38 million gallons of water were delivered to South Fork. This volume will be delivered back to the NCCWC at a future time when the NCCWC is in need of water.

ACTION: This item for information only.



## 7.2 OPERATIONS REPORT

DISCUSSION: The NCCWC plant has produced a total of 150.42 million gallons for the month of November (October 25 – November 25). The average production rate was 4.85 mgd. Of the 150.42 million gallons produced, the slow sand filters produced 89.70 million gallons and the membrane filters produced 60.72 million gallons. The NCCWC did not purchase any water from South Fork during the month.

The NCCWC plant has produced a total of 138.39 million gallons for the month of December (November 25 – December 25). The average production rate was 4.61 mgd. Of the 138.39 million gallons produced, the slow sand filters produced 79.20 million gallons and the membrane filters produced 59.19 million gallons. The NCCWC did not purchase any water from South Fork during the month.

During the month of November, the highest production day for the plant was 6.27 million gallons. During the month of December, the highest production day for the plant was 5.71 million gallons. For the current month of January, the highest production day for the plant has been 5.34 million gallons.

The Clackamas River has experienced high turbidities during one period for the month of November and more consistently during the month of December. For the month of November, the slow sand filters were shut down for approximately five days. For the month of December, the slow sand filters were shut down for approximately sixteen days.

This past month, the slow sand filter beds have experienced high finished water turbidity due to snowmelt. The slow sand filters have difficulty filtering out the small colloidal particles that result from snowmelt. The operators have had to periodically switch various slow sand filter beds off-line during these events.

On Friday, January 11, one of the plant's monitoring devices stopped functioning properly, which affected the membrane's recycle water system. This resulted in a temporary shut down of the membrane filters. The membrane filters were returned on-line by Monday, January 14. During a portion of the weekend, the slow sand filters were also shut down due to high turbidity. The result of these circumstances was that the NCCWC's demands were greater than its ability to produce water.

In order to keep the reservoirs at a safe level, NCCWC received 5.43 million gallons (MG) of water from South Fork Water Board (SFWB). In March of 2007, SFWB had plant troubles and the NCCWC supplied 13.38 MG of water. The 5.43 MG of water will be subtracted from the total amount of water that SFWB owes the NCCWC.

ACTION: This item for information only.

**7.2 - OPERATIONS REPORT**

DISCUSSION: The NCCWC plant has produced a total of 153.17 million gallons for the month of April (March 25 – April 25). The average production rate was 4.94 mgd. Of the 153.17 million gallons produced, the slow sand filters produced 106.59 million gallons and the membrane filters produced 46.58 million gallons. The NCCWC did not purchase any water from South Fork during the month.

The NCCWC plant has produced a total of 182.29 million gallons for the month of May (April 25 – May 25). The average production rate was 6.08 mgd. Of the 182.29 million gallons produced, the slow sand filters produced 93.49 million gallons and the membrane filters produced 88.80 million gallons. The NCCWC did not purchase any water from South Fork during the month.

During the month of April, the highest production day for the plant was 7.29 million gallons. During the month of May, the highest production day for the plant was 10.66 million gallons. For the current month of June, the highest production day for the plant has been 7.97 million gallons.

The new sand in filter beds #1 and #3 are still being flushed to reduce their finished water turbidity. There have been periods when these beds have been on-line and periods when the finished water turbidity has been too high. Although the finished water turbidity has been high, the filtered water bacteriological counts have looked excellent. Staff is planning to meet with the State's Drinking Water Program on Friday, June 20 to ask for an exception to the normal finished water turbidity standard.

In mid-May, the weather warmed up considerably and caused a large snow-melt event. For five days, the slow sand filters were shut down due to high raw water turbidity. The result of these circumstances was that the NCCWC's demands were greater than its ability to produce water.

In order to keep the reservoirs at a safe level, Sunrise utilized some of its wells and NCCWC received 4.58 million gallons (MG) of water from South Fork Water Board (SFWB). In March of 2007, SFWB had plant troubles and the NCCWC supplied 13.38 MG of water. The 4.58 MG of water will be subtracted from the amount of water that SFWB still owes the NCCWC.

**ACTION:** This item for information only.

## Water Produced from NCCWC and SFWB

	<b>Membrane</b>		<b>SSF</b>		<b>SFWB</b>		<b>Total</b>
<b>Date</b>	<b>Reading</b>	<b>Production</b>	<b>Reading</b>	<b>Production</b>	<b>Reading</b>	<b>Production</b>	<b>Production</b>
	<b>(1000 gal)</b>	<b>(ccf)</b>	<b>(1000 gal)</b>	<b>(ccf)</b>	<b>(1000 gal)</b>	<b>(ccf)</b>	<b>(ccf)</b>
1/25/2009	57339		53196		269594		
		34029		303615		-162614	175030
2/25/2009	82793		280300		147959		

### Cost for the Agencies

	OLWD	GLAD	MRPS	PS 11	OLPS	SWA	Total	SFWB
<b>Supply</b>								
February (1/25-2/25)								
Volume (ccf)	100529	45674	18463	9679	201	27941	174144	162614
Rate (\$/ccf)	0.416122	0.334950				0.539479		0.35
Cost (\$)	41832.33	15298.51				15073.58		56914.90
<b>Demand</b>	February							
	(ccf)							
OLWD	100,529							
GLAD	45,674							
SWA	27,941							
Total	174,144							
<b>Cost of water</b>	<b>Total</b>							
OLWD	\$41,832.33							
GLAD	\$15,298.51							
SWA	\$15,073.58							
SFWB	\$56,914.90							



## Pelz, Zach

---

**From:** Holland, Jon R. [JRHolland@BrwnCald.com]  
**Sent:** Tuesday, October 16, 2012 10:54 AM  
**To:** Pelz, Zach  
**Subject:** LOTWP Proposed Risk Management Fund  
**Attachments:** Risk Management Fund-Proposal [draft-8.10.12].doc

Zach,

Here is the text of our subject proposal per your request.

Jon

**Jon Holland**  
6500 SW Macadam Avenue, Suite 200  
Portland, OR 97239  
[JRHolland@brwncald.com](mailto:JRHolland@brwncald.com)  
T 503.977.6609 | C 503.803.5813



## **Proposed Risk Management Fund**

### **Issue Statement**

Some residents of West Linn living adjacent to the Partnerships proposed new water transmission pipelines (42" and 48") and planned expanded water treatment plant (38 million gallon per day, with a buried 2 million gallon clearwell) fear that a catastrophic failure of these particular Supply Facilities will damage their property to such an extent that full recovery from those damages cannot be achieved within the limits of insurance held by the property owner and/or the Partnership.

- Due to the critical importance of the WTP and pipelines to public health, safety, and disaster recovery, the Partnership has established a post earthquake performance objective that these facilities remain operational and occupiable even when subjected to a magnitude 9.0 Cascadia Subduction Zone (CSZ) mega-thrust earthquake.
- The Partnership has conducted a comprehensive analysis of geologic hazards program-wide and believes the seismic hazards present in West Linn and program-wide are well understood and can be mitigated through robust design, construction inspection, and a rigorous and sustained program of monitoring, maintenance and refurbishment.
- For these reasons, the Partnership believes the risk of catastrophic failure of the WTP or pipelines is low to negligible.

### **Conclusion**

Despite its diligence and best management and planning efforts, use of conservative factors in design, a rigorous quality assurance/quality control and inspection program during construction and despite the thorough understanding of the local and regional seismic hazards and risks, the Partnership acknowledges that unknown and unknowable risks may be present that could result in potential claims from third parties relating to failure of its facilities.

### **Proposal**

1. The Partnership will, subject to authorization by the respective councils of the Partners through their budget adoption process, establish a Risk Management Fund (RMF) in the amount of \$1,500,000 beginning in Fiscal Year 2015. This appropriation will be set aside in a restricted budget account for a period of 10-years.
2. The level of funding is based on the bulleted items above and an analysis of claims/compensation paid by CCIS<sup>1</sup> state-wide relating to water pipeline failures.
3. The 10-year duration of the RMF reflects the timeframe within which design and/or construction defects are most likely to reveal themselves and the 6-year statute of limitations on injury to property and/or contracts in Oregon.

---

<sup>1</sup> City-County Insurance Services (CCIS) provides liability and property damage insurance coverage to 98% of cities and counties within the State of Oregon.

4. These restricted funds are for use on a program-wide basis (i.e., any community within which Partnership facilities are constructed may tender a claim against the Managing Agency (i.e., Lake Oswego) seeking compensation from the RMF).
5. Distribution of monies from the RMF to third party claimants, assuming a claim has been perfected, would occur when the following conditions are met:
  - a. Coverage including deductibles are exhausted by the claimants own policies for claims relating to property damage, flood, earthquake, and DIC coverage, and
  - b. Coverage as afforded through the Partnerships individual policies of insurance is exhausted through payments made to third party claimants to the extent such claims are perfected, and
  - c. Damages to third party properties remain uncompensated in excess of payments received through 5b and 5c, above.
6. The amount of distributions to any individual claimant for uncompensated damages would not exceed the smaller of 10% of the claimants own property damage or earthquake deductible or \$50,000.
7. The Partnership is working with its legal and insurance advisors to develop administrative procedures for filing and adjudicating claims made against the RMF.
8. At the end of the 10<sup>th</sup> year, all funds remaining within the RMF will “roll-over” into an Asset Management Fund that is required by the Partnership IGA to be funded on an on-going basis to ensure the assets are inspected, maintained, and refurbished to maintain an “as-new” condition.

## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Tuesday, October 16, 2012 9:04 AM  
**To:** Pelz, Zach  
**Subject:** please add to the record

I do not see any advantage to West Linn by cooperating with the plan of LO and Tigard to build in and through West Linn. It sounds like nothing but a few years of trouble, maybe more. Undoubtedly there IS some reason WL is going along with this. Please explain fully and soon!

Mary Jean Rivera 19613 S Suncrest Dr.

503-720-5830

[maryjeanandben@yahoo.com](mailto:maryjeanandben@yahoo.com)

John Sonnen, Planning Director  
*Planning and Building, #1524*

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

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

## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Tuesday, October 16, 2012 8:44 AM  
**To:** Pelz, Zach  
**Subject:** FW: Citizen Request 17417 - LOT..

John Sonnen, Planning Director  
Planning and Building, #1524

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

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

**From:** Webmaster  
**Sent:** Tuesday, October 16, 2012 8:00 AM  
**To:** Sonnen, John  
**Subject:** Citizen Request 17417 - LOT..

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

<b>Original Request Summary</b>	<b>10/16/2012</b>	Reference Number:	<b>17417</b>
Name:	<b>Diana Crandell</b>	Status:	<b>Assigned</b>
Email:	<a href="mailto:crandell5414@comcast.net">crandell5414@comcast.net</a>	Source:	<b>online</b>
Phone:	<b>503-657-3695</b>	Assigned To:	<b>jsonnen</b>
		Assigned Group:	<b>Planning</b>
Topic	<b><u>LOT..</u></b>		
Request Details:	The proposal by the cities of Lake Oswego & Tigard to construct an enormous industrial water treatment facility in Robinwood SHOULD NOT BE ALLOWED. Those two cities need to find land to use within their own two cities & not disrupt West Linn Residents for this facility that does not do a thing for West Linn Citizens, except impact us! I am voting 'NO' to LOT! Sincerely, Diana Crandell 6555 Lowry Drive West Linn, OR 97068		
Comment:			

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



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



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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Michael R. Mace

Name Dennis Combs

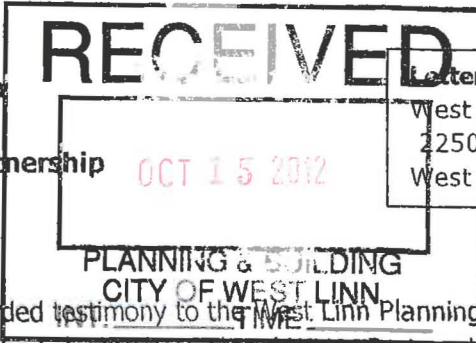
Name

5260 Broadway West Linn OR

Address 5260 Broadway West Linn OR

Address

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



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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "**community benefit**".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And the want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Winnifred M. Simonsen  
Name

1570 Rosemont (P.O. Box 512)  
Address West Linn, OR 97068

Name

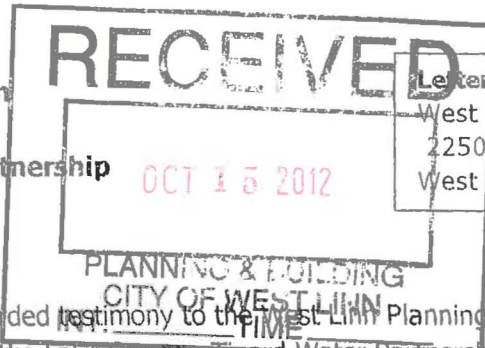
Address



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012



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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And the want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

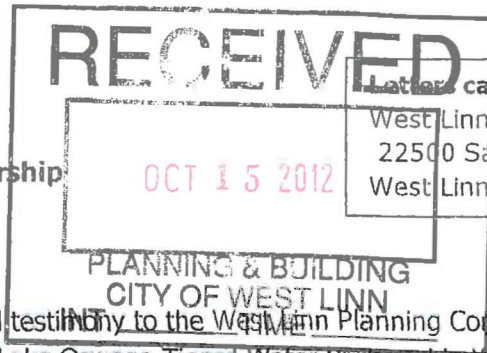
Jay S. Rice  
Name

1203 Orchard St. West Linn, OR  
Address

Name

Address

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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

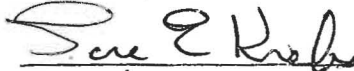
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And the want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:



Name

Name

22275 Chelan Loop W.L

Address

Address



RECEIVED

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

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

OCT 15 2012  
PLANNING & BUILDING  
CITY OF WEST LINN

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

John Bezaire  
Name

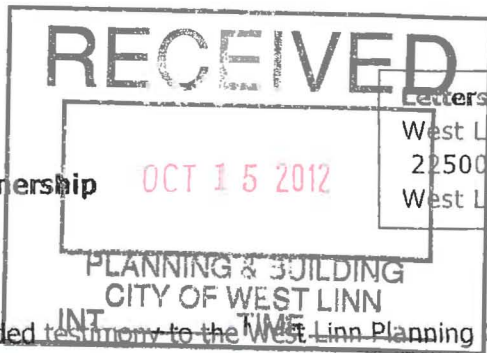
Name

1387 TAMARISK DRIVE WEST LINN OR 97068  
Address

Address



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



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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

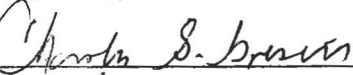
**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

- I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:
- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years - all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
  - **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
  - **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And the want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectfully Submitted:  
  
Name  
\_\_\_\_\_  
Name

2688 Mount Linn West Linn  
Address  
\_\_\_\_\_  
Address

RECEIVED

OCT 15 2012

Letters can be mailed to:

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

PLANNING & BUILDING  
CITY OF WEST LINN  
INT. \_\_\_\_\_ TIME \_\_\_\_\_

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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Marlene Yanson

Name

6286 Preakness Dr.

Address

West Linn, OR 97068

Address

Name



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

**RECEIVED**  
Letter can be mailed to:  
West Linn Planning Commission  
22500 Salamo Road  
West Linn OR 97068  
OCT 15 2012  
PLANNING & BUILDING  
CITY OF WEST LINN  
11:11 AM

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

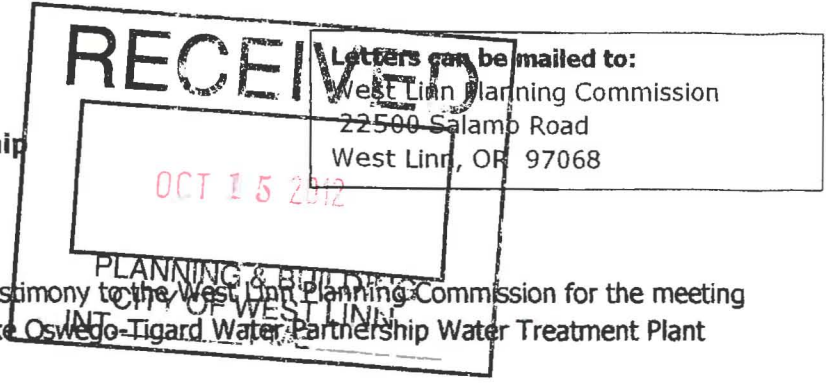
Maureen C-Josey  
Name

Name

6024 Holmes St. West Linn OR 97068  
Address

Address

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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

- I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:
- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
  - **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
  - **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

*Sharon L. Grimes*  
Name  
*Sharon L. Grimes*  
Name

*4022 S. Elmson Dr. West Linn*  
Address  
*4022 Elmson Drive West Linn*  
Address



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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Maing Conv. A  
Name  
Leo Clough  
Name

OR 97068  
4307 Kenthorpe Way W. Linn  
Address  
4309 KENTHORPE WAY  
Address



**TO: West Linn Planning Commission**

**RE: Lake Oswego-Tigard Water Partnership**

**Date: October 8, 2012**

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Dennis Beber  
Name

1925 Astor Ct West Linn, OR 97068  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012



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

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

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits REQUIRES a "community benefit".

I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

- I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:
- West Linn Citizens will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a Revenue Generating Agreement between the cities of Lake Oswego and Tigard.
  - West Linn Citizens will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, Will Be Life Changing in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
  - West Linn Citizens will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the West Linn Citizens. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to invalidate covenants established in 1944 by the City of West Linn to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. Who's looking out for West Linn Citizens? You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a CITIZEN OF WEST LINN, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the CITIZENS OF WEST LINN who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Sandra G. Rood

Name

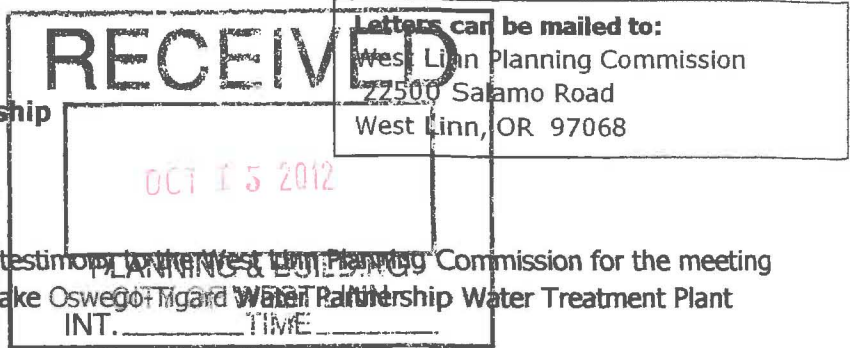
2571 Troy CT. West Linn Or 97068

Address

Name

Address

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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Marilyn Fiskel  
Name  
Carol A. Palomaki  
Name

3364 WALKING WAY, WEST LINN 97068  
Address  
SAME AS ABOVE  
Address



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

**RECEIVED**  
OCT 15 2012  
PLANNING & BUILDING  
INT. TIME

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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

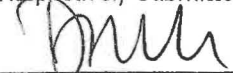
- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

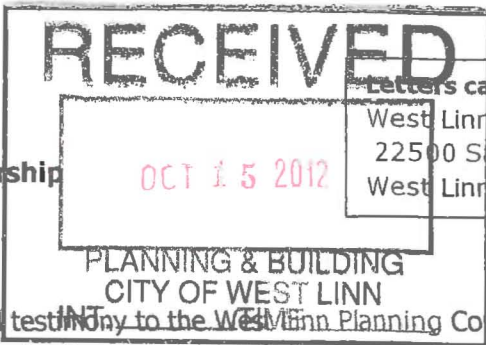
Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

  
Name Dagmar David  
Name

4299 Terra Vista Ct  
Address  
West Linn, OR 97068  
Address



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

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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

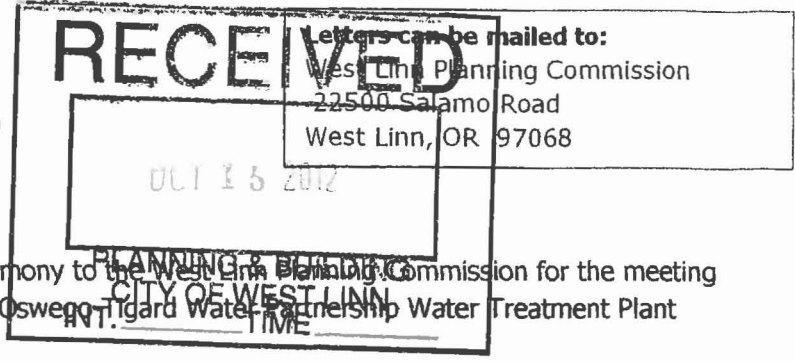
Respectively Submitted:

Debra A. A. A. A.  
Name  
Debra A. A. A. A.  
Name

4206 Cedarvale Dr.  
Address  
4206 Cedarvale Dr.  
Address



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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

- I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:
- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
  - **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
  - **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

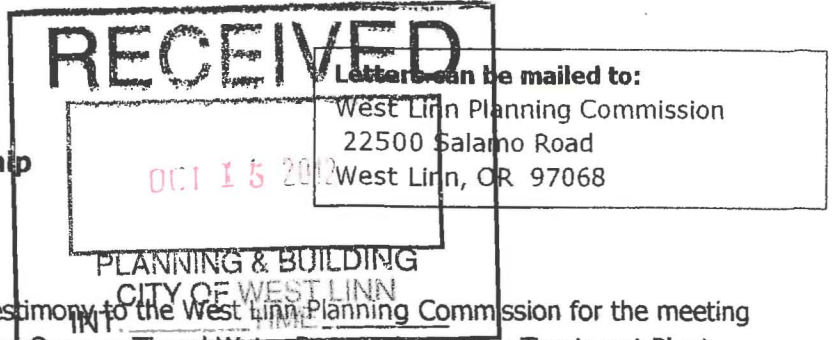
Michael P. Benson  
Name

2295 Churner Street West Linn  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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



I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
- **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

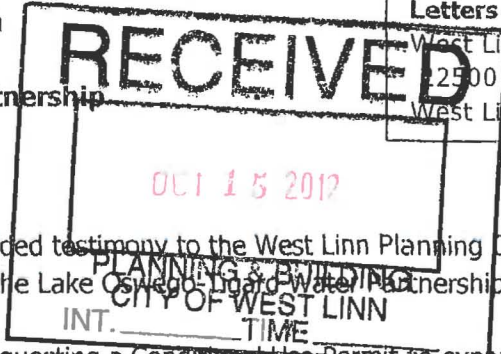
*Patricia Bartley*  
Name  
*Robert L. Bartley*  
Name

*4310 Cedarock Pl. West Linn*  
Address  
*4310 Cedarock Pl. West Linn*  
Address



TO: West Linn Planning Commission  
RE: Lake Oswego-Tigard Water Partnership

Letters can be mailed to:  
West Linn Planning Commission  
2500 Salamo Road  
West Linn, OR 97068



Date: October 8, 2012

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Name

4242 Terra Vista Ct. WL OR 97068  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

TO: West Linn Planning Commission  
RE: Lake Oswego-Tigard Water Partnership

RECEIVED

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

OCT 15 2012

Date: October 8, 2012

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectfully Submitted:

Jay Wilson  
Name

Name

4344 Cedar oak Dr  
Address  
West Linn, OR 97068  
Address



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012

RECEIVED

OCT 15 2012

Letters can be mailed to:

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

PLANNING & BUILDING

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

•**West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Todd Gunter

Name

Name

Todd Gunter

Address

Address

4320 Cedar oak Dr 97068

West Linn OR

RECEIVED

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012

OCT 15 2012

Letters can be mailed to:

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

PLANNING & BUILDING  
CITY OF WEST LINN

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn** or the **Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Lisa Nielson

Name

Jay Nielson

Name

4344 Cedarok Dr West Linn OR

Address

11 97068

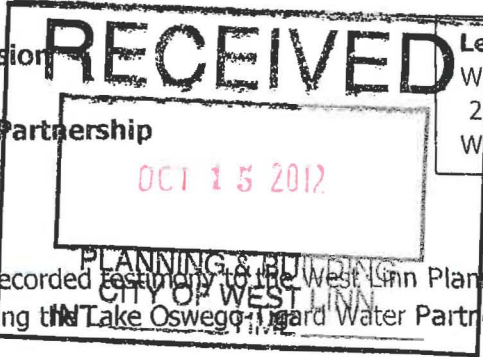
Address



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012



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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

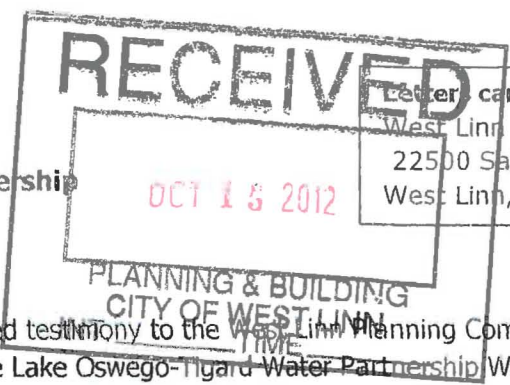
The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

*Jane M. Jones*  
 Name \_\_\_\_\_  
 Name \_\_\_\_\_

*4310 Mapleton DR. W.L. ORE.*  
 Address \_\_\_\_\_  
 Address \_\_\_\_\_

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



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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

- I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:
- **West Linn Citizens** will have to endure 2+ years of constant construction including heavy truck traffic and loud heavy machinery noise for 11 hours EVERY weekday and 9 hours EVERY Saturday and Sunday. West Linn Citizens will be subjected to this type of construction for 7 days a week ... for 2 years – all for a *Revenue Generating Agreement* between the cities of Lake Oswego and Tigard.
  - **West Linn Citizens** will have 2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction. The impact of this construction, especially to West Linn Senior Citizens living in this area, **Will Be Life Changing** in their daily routines. Also negatively affected will be main transportation and pedestrian routes and 24-hour emergency vehicle access.
  - **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

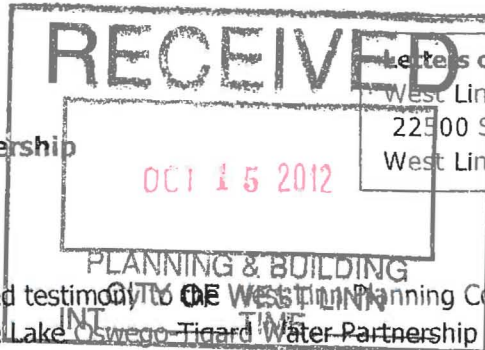
The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:  
Margaret DeJure  
Name

2610 Peninsula Terr West Linn OR  
Address



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



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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Barb Langford

Name

Name

18695 Middell Cr West Linn

Address

Address

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012



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

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a **"community benefit"**.

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

Marion Kog  
Name

2103 Greene St West Linn  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address



RECEIVED

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012

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

OCT 15 2012

PLANNING & BUILDING  
CITY OF WEST LINN  
INT

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a **revenue generating agreement** with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits **REQUIRES** a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

- **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to the homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City of West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego the opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectively Submitted:

ADOLF HARTFEIL

Name BARBARA HARTFEIL

Name

4230 ST Terra Vista Ct, West Linn,

Address " " " " 97068

Address



RECEIVED

OCT 15 2012

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

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012

PLANNING & BUILDING  
CITY OF WEST LINN  
INT. \_\_\_\_\_ TIME \_\_\_\_\_

I would like to submit this letter as my recorded testimony to the West Linn Planning Commission for the meeting scheduled on October 17<sup>th</sup>, 2012 regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant

The cities of Lake Oswego and Tigard are requesting a Conditional Use Permit to expand the current Water Treatment Plant on Kenthorpe Way in West Linn in order for Lake Oswego to enter into a revenue generating agreement with the city of Tigard to provide drinking water for Tigard. It is my understanding according to the West Linn Comprehensive Plan, the approval of a Conditional Use Permits REQUIRES a "community benefit".

**I don't believe there is any "community benefit" to West Linn or the Robinwood Neighborhood** if this application is approved. Most of the benefits the LOT plan lists are either already in place (intertie) or will have to be done because the scope of this construction will destroy existing streets, pipelines and Mary S. Young State Park.

I do see an enormous list of horrific things no one could possibly consider a "community benefit" including:

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

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

• **West Linn Citizens** will be exposed to the possibility of reduced property values and irreparable damage to homes because of pipeline placement and possible pipe breakage which will be the fiscal responsibility of the **West Linn Citizens**. Not the cities of Lake Oswego or Tigard.

Secondly, how can West Linn ALLOW Lake Oswego to **invalidate covenants established in 1944 by the City West Linn** to protect property zoning on Mapleton Drive? How can West Linn even consider giving Lake Oswego opportunity to exercise the option to use "eminent domain" in the city of West Linn? Up until now dealing with the Lake Oswego Water Treatment Plant has never been a problem for this neighborhood. It is now.

Lake Oswego's sole reason for expanding this plant is to build a revenue base by supplying water to Tigard. And they want to create this revenue base as cheaply as possible. **Who's looking out for West Linn Citizens?** You Should Be!

The City of West Linn asked us the question: "How does this proposal meet or not meet the approval criteria for a Conditional Use Permit?" As a **CITIZEN OF WEST LINN**, that's the question you must ask yourself. You represent West Linn. You need to think very carefully about the **CITIZENS OF WEST LINN** who will be so impacted if you give your approval to this Conditional Use Permit.

Respectfully Submitted:

*Nancy L. Rowinski*  
Name

*I agree with this letter.*  
*M. ... what community benefits??*  
Name

*3424 Halling Way*  
Address

Address

*to maintain low Linn parks & etc etc benefits to W L Ints*  
*money to ... generate money to ... sets me*

## Pelz, Zach

---

**From:** Michael Ragan [mike@workflowpro.net]  
**Sent:** Monday, October 15, 2012 2:57 PM  
**To:** Pelz, Zach  
**Cc:** Shanon Vroman  
**Subject:** LOT Water Treatment Facility - Planning Commission Hearing 10/17

Mr. Pelz,

Due to business travel commitments I cannot attend the subject hearing, but would like to have my comments entered into the testimony of record, as follows:

1. Placing or expanding a large industrial facility in the middle of a quiet residential neighborhood seems most irresponsible from a land use planning perspective, and most inconsiderate to the surrounding property owners. Why should these West Linn homeowners be put through this disruption and loss of property value, when the cities of Lake Oswego and Tigard have more appropriate industrial land within their boundaries? The reason they give is cost savings, but what they don't seem to acknowledge is that their savings come at our expense, and it is going to be significant expense and disruption.
2. Lake Oswego and Tigard have behaved quite badly in this endeavor. They've lied about their intentions in the past. They've distorted or lied about their impact on property values going forward. They've used every bullying tactic at their disposal, and they're now putting individual property owners with limited resources through the expense and disruption of a law suit to get their way. This is patently unfair, and the only recourse we have is through the Planning Commission.
3. My home, at the bottom of the hill, bears an additional risk from this project. A catastrophic break in the high volume/pressure water line would likely send a major flood coursing down Mapleton and the nearby creek straight into my home. When I asked the LOT representative if they would be willing to purchase an insurance policy naming us as "additional insured" parties to cover such a problem he said "absolutely not". So, their catastrophe turns into my catastrophe – both financial and personal. I suppose after several years of battle in the courts I could get a settlement for the damage, assuming I could afford the battle after my home has been destroyed.

As taxpaying citizens of West Linn, we deserve to be heard, and our neighborhood should be protected from LOT's predations. I urge you to deny their request for permits - and tell them to expand their plant in a Lake Oswego or Tigard industrial area more suitable for that use.

**Michael Ragan**  
4981 Mapleton Drive  
West Linn, OR 97068  
Phone: 503-744-0964



## Pelz, Zach

---

**From:** Shroyer, Shauna  
**Sent:** Monday, October 15, 2012 1:51 PM  
**To:** Pelz, Zach  
**Subject:** FW: LO Tigard Project Public Hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Zach,  
Can you please respond?  
Thanks,  
Shauna

Shauna Shroyer, Administrative Assistant Planning, #1557

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

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

**From:** Rudolph Mundy [mailto:mrmundy@earthlink.net]  
**Sent:** Monday, October 15, 2012 1:44 PM  
**To:** Shroyer, Shauna  
**Subject:** Re: LO Tigard Project Public Hearing

We were not at the last meeting, but we heard via the "grapevine" that the plan is now to close Mapleton and divert all truck traffic to Kenthorpe. Can that possibly be true? I hope it isn't a case of the squeaky wheel getting the grease and those of us who have supported the project being the ones to suffer the most. Please let us know if this rumor is true.

Martha Mundu

On Oct 15, 2012, at 9:30 AM, Shroyer, Shauna wrote:

>  
> Good Morning,  
>  
> For those wishing to speak at the Water Treatment Plant and Water Pipeline hearing, please note the following times:  
>  
> . Public Testimony - 7 minutes  
> . Neighborhood Association Representative - 15 minutes  
> . Applicant Presentation - 40 minutes  
> . Applicant Rebuttal - 20 minutes  
>  
> NOTE: You may supplement your oral or written testimony with presentation boards, maps, photos, or PowerPoint presentations. Once presented at a public hearing, any boards, photos, maps, etc. must remain with the City as part of the official record (so make copies for yourself, because you won't be able to take them home with you). If you are making a presentation via computer, the presentation must be delivered to City Staff 48-hours prior to the meeting.  
>





## Pelz, Zach

---

**From:** Oveson, Pete [POveson@BrwnCald.com]  
**Sent:** Monday, October 15, 2012 1:27 PM  
**To:** Walters, Rebecca (DS)  
**Cc:** Holland, Jon R.; Pelz, Zach; Eric Eisemann; Day, Eric  
**Subject:** RE: Existing waterline in Mapleton Drive

Rebecca,

We will defer to the City of West Linn on how they would like us to abandon in place or remove the asbestos waterline. There are a few locations where the asbestos line will need to be removed due to conflicts with the proposed transmission line. In these cases, our pipeline engineering team will develop a safe way per all applicable standards to remove the pipe that will be reviewed by the City of West Linn Engineering Department.

Thanks,

Pete

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



---

**From:** Walters, Rebecca (DS) [<mailto:Rebecca.Walters@adp.com>]  
**Sent:** Monday, October 15, 2012 9:52 AM  
**To:** Oveson, Pete  
**Cc:** Holland, Jon R.; Pelz, Zach; Eric Eisemann; Day, Eric  
**Subject:** RE: Existing waterline in Mapleton Drive

Thank-you Pete. I appreciated your knowledge and how well you fielded our neighbors' questions at the open house. Thanks for answering my question about the current West Linn pipe that will not be replaced. I had a neighbor asked me about the asbestos cement pipe that you will be replacing. Will you be taking it out of the ground after the new pipeline is in place, disinfected, etc.? He mentioned that moving the asbestos could contaminate the water so I told him I would ask you what the process will be to remove the asbestos cement pipeline and your process to keep the water from being contaminated?

Thanks,  
Rebecca

---

**From:** Oveson, Pete [<mailto:POveson@BrwnCald.com>]  
**Sent:** Monday, October 15, 2012 9:27 AM  
**To:** Walters, Rebecca (DS)  
**Cc:** Holland, Jon R.; Pelz, Zach; Eric Eisemann; Day, Eric  
**Subject:** Existing waterline in Mapleton Drive

Hi Rebecca,

It was great talking with you at the pipeline open house on Wednesday the 10<sup>th</sup>. At the open house you had a great question about the West Linn water line south of the Mapleton/Nixon intersection that extends to the dead end. The

reason the Lake Oswego-Tigard project is not replacing this section of waterline is because it is not made of asbestos cement. This section is actually cast iron which is more reliable than asbestos cement. Jim Whynot from the City of West Linn has approved this existing section of pipe remaining in service.

Please let me know if you have any more questions.

Regards,

Pete

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



---

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



**Pelz, Zach**

---

**From:** Vicky and Pat [patvicsmith@q.com]  
**Sent:** Monday, October 15, 2012 11:59 AM  
**To:** Pete Oveson  
**Cc:** Jon R. Holland; Pelz, Zach; Eric Day; Eric Eisemann  
**Subject:** Re: Sewer Separation

Pete -

Thanks for the follow-up email. They have that detail, they also have this standard. More relevant is what is best practice for Transmission lines.

***4.0023 Separation with Sewer Lines***

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

Just curious if your design has changed from what was staked in the field. From looking at what is staked, there are non-crossing locations where you do not appear to have either the 5 foot horizontal or the 1.5 vert. As well as locations where the sewer invert will be higher than the waterline when running parallel. Have these locations been approved.

Thanks, Vicky

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

From: Pete Oveson <POveson@BrwnCald.com>  
To: Vicky and Pat <patvicsmith@q.com>  
Cc: Jon R. Holland <JRHolland@BrwnCald.com>, Zach Pelz <ZPELZ@westlinnoregon.gov>, Eric Day <eday@ci.oswego.or.us>, Eric Eisemann <e.eisemann@e2landuse.com>  
Sent: Mon, 15 Oct 2012 12:16:41 -0400 (EDT)  
Subject: Sewer Separation

Hi Vicky,

It was nice talking with you last week at the open house (I got your email address from Jon Holland). I wanted to follow up with you about the OAR requirements and West Linn's standards for water/sewer separation. Attached is the West Linn

standard detail for water/sewer separation. It is identical to the one in OAR 333-061-0050s. Both the new LOTWP and West Linn pipelines will be in Zone 1 (5' horizontal and 1.5' vertical spacing) relative to the sewer except for a few crossing locations, which

will be in accordance with crossing option "A" in the detail.

Please let me know if you have further concerns about consistency between West Linn's and state standards on this topic.

Thanks,

Pete

**Pete Oveson, P.E.**  
Brown and Caldwell

6500 SW Macadam Avenue Suite 200

Portland, OR 97239

[poveson@brwncald.com](mailto:poveson@brwncald.com) [target=\\_blank>poveson@brwncald.com](mailto:poveson@brwncald.com)

T: 503.977.6650 | C: 503.880.5837





## Pelz, Zach

---

**From:** Sonnen, John  
**Sent:** Monday, October 15, 2012 10:25 AM  
**To:** Pelz, Zach  
**Subject:** FW: Please submit written testimony re LOT Project

John Sonnen, Planning Director  
Planning and Building, #1524

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

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

**From:** Yvonne Davis [mailto:yvonne.davis00@gmail.com]  
**Sent:** Monday, October 15, 2012 10:21 AM  
**To:** CWL Planning Commission  
**Subject:** Please submit written testimony re LOT Project

*Please submit this letter as written testimony to the Planning Commission for the October 17<sup>th</sup> meeting regarding the Lake Oswego-Tigard Water Partnership Water Treatment Plant.*

I am writing to voice my opposition to the proposed expansion of the Lake Oswego Water Treatment facility and its associated pipeline project. Living on Mapleton, my family will be adversely affected by this project in ways that anyone living in West Linn would find objectionable. We will be subjected to the noise, dirt, heavy traffic and disruption of a major construction project, just feet from our property for an extended period of time. Additionally, it is virtually certain that our property values will decline as a result of a degradation of the street's environment.

But the negative aspects of this project do not end on Mapleton and Kenthorpe. Traffic on Highway 43 is guaranteed to be a nightmare. This corridor is already a weak point in area transportation. The added construction traffic, plus lane closures will adversely affect almost all West Linn residents. I am not a traffic engineer, but I am confident that the added strain to Highway 43 will turn it into a parking lot. Local merchants will surely feel the pain as their customers avoid the area.

And what benefit will we derive from this project? In round one, the LOT team pointed to the intertie, relying heavily on the insinuation that Lake Oswego has bailed out West Linn repeatedly. However a closer look at the facts revealed that the intertie has been used to bail out Lake Oswego an equal number of times. Lake Oswego needs to keep the intertie in place as much as we do. Once it became apparent that the intertie argument was bogus, the concept of a franchise fee was floated. This is now supposedly the big benefit to West Linn. This is a pathetic attempt to retrofit a payoff into a community-wide benefit. The money will go to the city for it to dole out as it wants, while the people of West Linn will suffer the consequences. The most polite analogy I can come up with for this outrage, is that this is similar to a third party taking money to look the other way while someone else is being raped. Is this really how city government is supposed to work?

When we bought our home, we assumed that zoning restrictions would be enforced in a fair and consistent manner. We agreed to the CC&Rs, understanding that they were in place to protect our investment. We have played by the rules. We pay our taxes, and when we remodeled our home we paid permit fees. As taxpayers we fund the city's planning department with the expectation that its policies are in place to protect

West Linn's quality of life and environment. With its callous disregard to widespread citizen opposition to this project the planning department has made clear that it has no interest in protecting the interests of its taxpayers.

As a planning commissioner it is your responsibility to stand up for the welfare of the community. Please vote against the project.

Respectfully,

Yvonne Davis

4226 Mapleton Drive

## Pelz, Zach

---

**From:** Walters, Rebecca (DS) [Rebecca.Walters@adp.com]  
**Sent:** Monday, October 15, 2012 9:52 AM  
**To:** Oveson, Pete  
**Cc:** Holland, Jon R.; Pelz, Zach; Eric Eisemann; Day, Eric  
**Subject:** RE: Existing waterline in Mapleton Drive

Thank-you Pete. I appreciated your knowledge and how well you fielded our neighbors' questions at the open house. Thanks for answering my question about the current West Linn pipe that will not be replaced. I had a neighbor asked me about the asbestos cement pipe that you will be replacing. Will you be taking it out of the ground after the new pipeline is in place, disinfected, etc.? He mentioned that moving the asbestos could contaminate the water so I told him I would ask you what the process will be to remove the asbestos cement pipeline and your process to keep the water from being contaminated?

Thanks,  
Rebecca

---

**From:** Oveson, Pete [mailto:POveson@BrwnCald.com]  
**Sent:** Monday, October 15, 2012 9:27 AM  
**To:** Walters, Rebecca (DS)  
**Cc:** Holland, Jon R.; Pelz, Zach; Eric Eisemann; Day, Eric  
**Subject:** Existing waterline in Mapleton Drive

Hi Rebecca,

It was great talking with you at the pipeline open house on Wednesday the 10<sup>th</sup>. At the open house you had a great question about the West Linn water line south of the Mapleton/Nixon intersection that extends to the dead end. The reason the Lake Oswego-Tigard project is not replacing this section of waterline is because it is not made of asbestos cement. This section is actually cast iron which is more reliable than asbestos cement. Jim Whynot from the City of West Linn has approved this existing section of pipe remaining in service.

Please let me know if you have any more questions.

Regards,

Pete

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



---

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is

strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the message and any attachments from your system.



## Pelz, Zach

---

**From:** Oveson, Pete [POveson@BrwnCald.com]  
**Sent:** Monday, October 15, 2012 9:27 AM  
**To:** rebecca.walters@adp.com  
**Cc:** Holland, Jon R.; Pelz, Zach; Eric Eisemann; Day, Eric  
**Subject:** Existing waterline in Mapleton Drive

Hi Rebecca,

It was great talking with you at the pipeline open house on Wednesday the 10<sup>th</sup>. At the open house you had a great question about the West Linn water line south of the Mapleton/Nixon intersection that extends to the dead end. The reason the Lake Oswego-Tigard project is not replacing this section of waterline is because it is not made of asbestos cement. This section is actually cast iron which is more reliable than asbestos cement. Jim Whynot from the City of West Linn has approved this existing section of pipe remaining in service.

Please let me know if you have any more questions.

Regards,

Pete

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



## Pelz, Zach

---

**From:** Oveson, Pete [POveson@BrwnCald.com]  
**Sent:** Monday, October 15, 2012 9:23 AM  
**To:** gwensieben@att.net  
**Cc:** Holland, Jon R.; Pelz, Zach; Eric Eisemann; Day, Eric  
**Subject:** LOT visit follow-up

Hi Gwen,

It was nice meeting with you and Tom this last Wednesday to talk about the Lake Oswego-Tigard project. I wanted to get back to you regarding your two questions.

1. How is LOTWP going to manage the risk of a fire resulting from welding at the HDD staging area and on Mapleton Drive?

A short section of open-cut pipeline will require several welded joints in the OPRD-owned property north of Mary S. Young Park. This work is expected to occur during the late summer to early fall months (i.e., August-September). The contractor will need water for the HDD operation so he will already be tapped into the existing water line and will have this supply immediately available for fire suppression in the event it's needed.

The remaining open-cut pipeline work on Mapleton Drive will occur between November 2014 and March 2015 so damp conditions will virtually eliminate any risk of fire from pipe welding in the trench or on the pavement. The construction management team will be focused on contractor compliance with all applicable safety codes. The contractor will be required to prepare safety plans to address these and other issues.

2. What will LOTWP do to ensure safe traffic conditions at the intersection of Mapleton Drive and Nixon Ave during the construction project?

We understand that detouring residential traffic during pipeline construction could, unless mitigated, pose increased safety risks at the intersection of Mapleton Drive and Nixon Avenue. Our traffic engineering consultant will study the issue and will advise us and the City of West Linn on appropriate strategies for traffic safety at this intersection during construction. We will work with the City of West Linn to make sure any proposed solutions are acceptable to the City Engineer, as required by the recommended approval condition prepared by West Linn planning staff for our permit application.

Regards,

Pete

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



## Pelz, Zach

---

**From:** Oveson, Pete [POveson@BrwnCald.com]  
**Sent:** Monday, October 15, 2012 9:17 AM  
**To:** Vicky and Pat  
**Cc:** Holland, Jon R.; Pelz, Zach; Day, Eric; Eric Eisemann  
**Subject:** Sewer Separation  
**Attachments:** wl-409-sanitary-sewer-crossing.pdf

Hi Vicky,

It was nice talking with you last week at the open house (I got your email address from Jon Holland). I wanted to follow up with you about the OAR requirements and West Linn's standards for water/sewer separation. Attached is the West Linn standard detail for water/sewer separation. It is identical to the one in OAR 333-061-0050s. Both the new LOTWP and West Linn pipelines will be in Zone 1 (5' horizontal and 1.5' vertical spacing) relative to the sewer except for a few crossing locations, which will be in accordance with crossing option "A" in the detail.

Please let me know if you have further concerns about consistency between West Linn's and state standards on this topic.

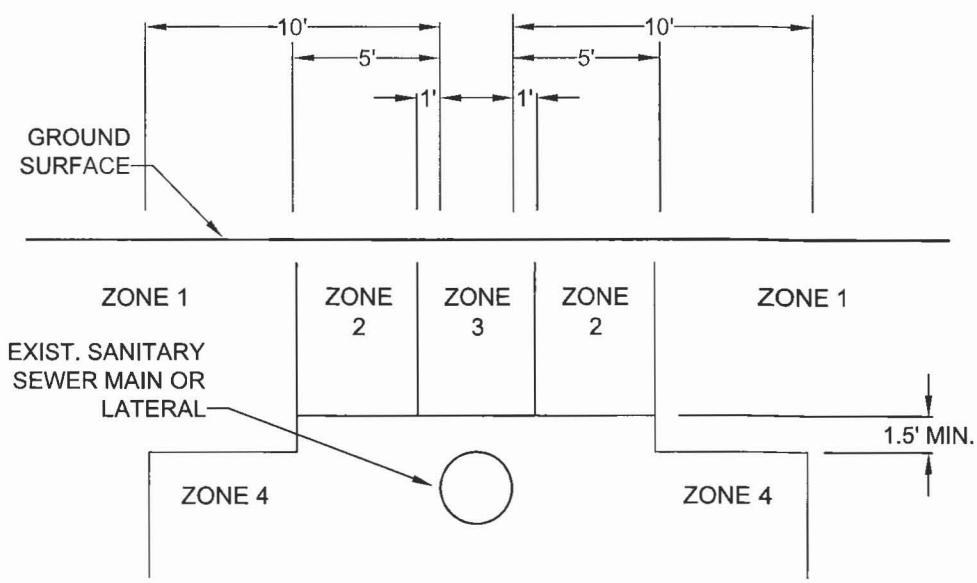
Thanks,

Pete

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




THIS DETAIL DRAWING SHALL NOT BE ALTERED OR CHANGED IN ANY MANNER EXCEPT BY THE CITY ENGINEER. IT IS THE RESPONSIBILITY OF THE USER TO ACQUIRE THE MOST CURRENT VERSION OF THE DETAIL.



ZONE 1: ONLY CROSSING RESTRICTIONS APPLY  
 ZONE 2: CASE-BY-CASE DETERMINATION  
 ZONE 3: PARALLEL WATERLINE PROHIBITED  
 ZONE 4: PARALLEL WATERLINE PROHIBITED

**NOTE:**

1. WHERE THE PROPOSED WATERLINE WILL BE INSTALLED PARALLEL TO AN EXISTING GRAVITY SANITARY SEWER MAIN OR LATERAL LINE, THE SEPARATION BETWEEN THE TWO SHALL BE AS INDICATED ABOVE.
2. CROSSINGS:
  - A. WHEREVER POSSIBLE, THE BOTTOM OF THE WATERLINE SHALL BE 1.5 FEET ABOVE THE TOP OF THE SEWER LINE, AND ONE FULL LENGTH OF WATERLINE SHALL BE CENTERED AT THE CROSSING.
  - B. WHERE IT IS NOT POSSIBLE FOR THE WATER LINE TO BE 1.5 FEET ABOVE THE SEWER LINE, OR THE WATERLINE PASSES UNDER THE SEWER LINE, THE EXISTING SEWER LINE SHALL BE EXPOSED FOR A DISTANCE OF 10 FEET ON EACH SIDE OF THE CROSSING, AND SHALL BE REPLACED WITH C-900 PVC WITH STRUCTURAL REQUIREMENT OF DR18 OR DR 25 OR CLASS 50 DUCTILE IRON PIPE AS APPROVED BY THE CITY ENGINEER, AND A LENGTH OF WATER PIPE SHALL BE CENTERED AT THE CROSSING, OR AS APPROVED BY THE CITY ENGINEER.

<h2 style="margin: 0;">STANDARD SANITARY SEWER CROSSING</h2>	
 <div style="font-size: 24pt; font-weight: bold; margin-top: 5px;">             City of West Linn           </div>	DATE: <div style="text-align: right; font-weight: bold;">2010</div>
	DRAWING NO. <div style="text-align: right; font-weight: bold;">WL-409</div>
	FILE NO.



## Pelz, Zach

---

**From:** Pete Bedard [pete.bedard@gmail.com]  
**Sent:** Sunday, October 14, 2012 12:43 PM  
**To:** Pelz, Zach  
**Subject:** Re: Greg McKenzie presentation Thursday October 18

Hi Zach,

Thank you. Sorry, I should have looked at the agenda first before bothering you. I've been trying to find the code that describes how to determine the right of way. Please point me to where in the cdc the right of way is determined. I have been under the impression that the public right of way extends 25 feet from the center of the road. I can't find where in the cdc to verify that. Thanks.

Pete Bedard  
503-635-5464

On Fri, Oct 12, 2012 at 2:44 PM, Pelz, Zach <[ZPELZ@westlinnoregon.gov](mailto:ZPELZ@westlinnoregon.gov)> wrote:

> Mr. Bedard;

>

> Your previous email was included in the public testimony that was forwarded to the Planning Commission on October 5th. Additionally, at their September 19 worksession, the Planning Commission agreed that Mr. McKenzie could present his comments during the seven-minute public testimony period, if he was so inclined. The Planning Commission also discussed a desire to limit individual testimony to a single appearance, in the interest of accommodating what is expected to be a large turnout. With that said, the Planning Commission Chair has full authority over the format and decorum of the Planning Commission hearing and may suggest a revision to the current arrangement if he is so inclined.

>

> Zach

>

>

>

>

>

>

>

>

> Zach Pelz, AICP

> <mailto:ZPELZ@westlinnoregon.gov>

> Associate Planner

> 22500 Salamo Rd.

> West Linn, OR 97068

> P: (503) 723-2542

> F: (503) 656-4106

> Web: <http://westlinnoregon.gov>

>

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

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

>

> -----Original Message-----

> From: Pete Bedard [mailto:pete.bedard@gmail.com]

> Sent: Friday, October 12, 2012 1:55 PM

> To: Pelz, Zach

> Cc: Kerr, Chris; [planningcommission@westlinnoregon.gov](mailto:planningcommission@westlinnoregon.gov); Planning  
> Commission Board; [lamontking@comcast.net](mailto:lamontking@comcast.net)  
> Subject: Greg McKenzie presentation Thursday October 18

> Hello Zach,

> I am following up to make sure that Greg McKenzie will not be on the  
> agenda for the upcoming planning commission meeting. In my previous  
> email I informed you that he did not help matters. He in fact muddied  
> the waters further. In his last meeting he proposed using a franchise  
> fee to pay for RNA and GNC mitigation. This is new information. If  
> he presents it I, along with everyone else speaking at the meeting,  
> will ask for an additional 7 minutes to speak specifically about Greg  
> McKenzie and his meetings. So in other words, everyone speaking will  
> have two opportunities to speak for 7 minutes. Once before Greg and  
> once after him. That seems only fair. If the city (Chris Jordan) has  
> any issues with this they should be ironed out before the meeting.  
> Don't you agree? Thanks for your help.

> Pete Bedard  
> 503-635-5464