



## Memorandum

Date: April 13, 2012

To: File No. CUP-12-02/DR-12-04 (Lake Oswego Water Treatment Plant expansion)

From: Zach Pelz, Associate Planner

Subject: Supplemental public comments for April 18, 2012 Planning Commission public hearing

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The attached correspondence reflects the public comments submitted for the record since April 5, 2012.

We are against the proposed expansion of the Lake Oswego water treatment plant in our community. We are aware that the City Staff has recommended approval. We are also aware that the City staff answers to The City Manager, Chris Jordan who is in favor of this project and whose wife is close friends with the main spokesperson for this project, Jane Heisler. We believe that Lake Oswego is making light of their expansion's impacts on the surrounding neighborhood, the residents and commuters on Highway 43, and the habitat of the Clackamas River. They have split this project up into parts so as to divide the opposition, however all parts are interconnected. Their plan is to install a pipe that is 3.4 times larger than the current one to supposedly double their capacity. We feel that part of their real plan is to provide additional water to develop the Stafford basin.

Their proposed expansion is really a total rebuild of the plant while keeping it running. We think they should build a new plant in the Foothills District in Lake Oswego where they have at least 6 acres to build and won't have to have setbacks because this is an industrial area, not a neighborhood like ours. They could build their new plant and then just switch from the old plant to the new. They have argued that their piping system wouldn't work but it would if they reversed a few pumps. The pipes flow both ways.

West Linn City Staff has erred in the following ways they have interpreted Lake Oswego's application.

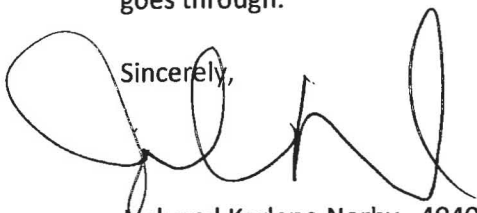
Finding 4: The area that the plant has is sufficient to provide setbacks. We totally disagree. Their drawings show many giant trees and this small plant. These trees don't exist today and might get to look like the artists rendition in 30 years. The buildings are in reality bigger than depicted. The plant is in a neighborhood and will be huge, that is the problem. Any supposed design mitigations they have made were really red herrings used to make the neighbors think they were listening. This plant belongs in Lake Oswego's industrial district.

Finding 5: The mitigation which puts the structures in the middle after talking with the RNA is a red herring as described above. This is a huge facility, much bigger than the current plant and will impact the neighborhood during its construction for three years as well as be an imposing industrial presence in a neighborhood. The inter-tie with the water systems has been used as the reason for expansion at least twice before. This inter-tie will remain anyway as Lake Oswego needs the backup just as West Linn does.

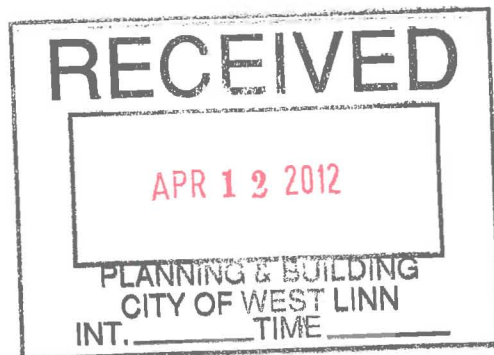
Finding 6: The inter-tie again is used as an excuse for at least the third time to expand the plant. The path they are talking about doesn't do the neighborhood any good because there is no way to get into Mary S. Young Park without going steeply downhill or uphill. They are using this and the already existing inter-tie as a benefit argument because they know there is no benefit to the neighborhood of having a huge industrial facility in its center. These arguments have been seized upon by staff as arguments to expand; we disagree and think all the red herrings thrown up plus the bribing of the neighbors to sign over their rights indicate that they know that their project has a lot of problems.

You as the West Linn Planning Commission are tasked with a tough job on this. The point is though that you are the WEST LINN Planning Commission and not the Lake Oswego's. We request that you listen to the residents affected by this and not the people who are getting paid and will be making even more money if this goes through.

Sincerely,



Jack and Karlene Norby, 4040 Kenthorpe Way



April 12, 2012

To: West Linn Planning Commission

Re: CUP-12-02/DR-12-04  
Expansion of Lake Oswego water treatment plant

To the Members of the Planning Commission:

I oppose the expansion of the existing water treatment plant outside of its existing property at 4260 Kenthorpe Way and onto lots on Mapleton Drive.

Expansion onto Mapleton intrudes into new territory which is zoned residential and which is actually 100% residential except for the plant which is not currently on Mapleton. This plant is completely surrounded by homes, except for the vacant lots where houses have already been demolished by Lake Oswego. It is in the center of our neighborhood, not next to a park, the river, a highway or other non-residential lots.

Permitting an outside entity to develop residential land for a purpose other than what is zoned is giving this entity more rights to use West Linn land than actual citizens of West Linn have. This plant will not be providing a municipal function or utility for the benefit of West Linn residents. The often cited intertie for emergency water already exists and goes both ways between West Linn and Lake Oswego. Without the expansion the agreement for the intertie still stands.

Therefore, Lake Oswego, Tigard or their water partnership should not be given permission to build anything other than a residential building on Mapleton lots, according to the same rules any citizen owner of that property would have to abide by.

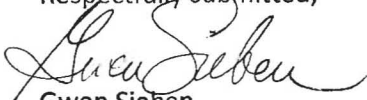
Should the conditional use permit for this water plant expansion onto new property on Mapleton be granted, the Planning Commission is essentially acknowledging that control over development in our city is not in the hands of West Linn citizens. If an outside city owns property, the zoning restrictions West Linn elected officials have enacted do not apply. Because the decision makers of other cities are not elected by citizens of West Linn, these outside officials have no need to gain the approval of any of the affected neighbors to this project or other citizens of West Linn. They are accountable only to Lake Oswego or Tigard citizens and are acting only in the interest of those others. The purpose of West Linn zoning, planning and design restrictions is to protect the citizens of West Linn.

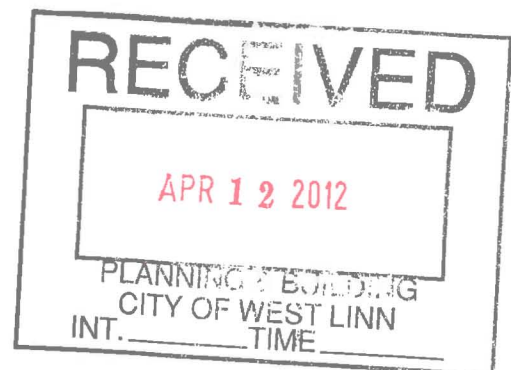
By extension, if this project goes through, one can then infer that lots in any other part of West Linn might also be purchased and developed against the wishes of residents in that neighborhood and the rest of West Linn if only the other entity can claim municipal utility or whatever other permissible conditional use they can come up with. Will we soon see another city, maybe Lake Oswego, purchasing residential waterfront property so they can provide their citizens with a new wastewater treatment plant? Will Lake Oswego continue to buy up property on Kenthorpe and Mapleton for future expansion of other municipal or utility functions they don't want to site next to Lake Oswego residents?

Please, vote against this water treatment plant expansion.

Thank you.

Respectfully submitted,

  
Gwen Sieben  
4950 Mapleton Drive  
West Linn





Submitted into record by C. Kerr 4-12-12

Jordan, Chris

**From:** RNA Great Neighbor Committee [rnagnc@gmail.com]  
**Sent:** Wednesday, December 14, 2011 8:16 PM  
**To:** Jones, Mike; Carson, Jody; Tan, Jennifer; Cummings Teri; Kovash, John; Froode Dave; King Lamont; Blake Steve; Smith Vicki; Vroman Shanon; Jones Eric; Caraher David; Stowell Bob; Heffernan DJ; Mutschler Mark; President RNA  
**Cc:** Jordan, Chris; Kerr, Chris; Sonnen, John  
**Subject:** RNA Resolutions, adopted 12/13/11

3 Resolutions as adopted by unanimous consent at the RNA meeting on 12/13/11  
Resolved: The RNA approves the mitigation list as presented by the Great Neighbor Committee at the December 13, 2011, meeting.

Resolved: The RNA affirms that the Great Neighbor Committee shall present this mitigation list to the LOTWP, the CoWL and the other WL NAs. The Great Neighbor Committee shall work with these agencies to include these mitigations as Conditions of Approval for any Planning applications granted. The Great Neighbor Committee shall execute changes to the mitigation language, as necessary, throughout the Planning process.

Resolved: The RNA asks the West Linn City Council provide further \$5000 funding for the GNC advisor, to assist the Committee in reviewing pending Planning applications, and authorizes the Great Neighbor Committee to speak to the Council on our behalf.

As we have been frequently admonished regarding any improper contact between citizens of West Linn and our elected councilors, no other GNC documents are quoted herein or attached.

A link to our website, where other GNC documents are posted:  
<http://rnagreatneighbors.blogspot.com/>

Please feel free to peruse our Goals, Selection Criteria and Mitigation List, as time, propriety and your conscience allow.

Members of the GNC will be available to answer your questions at your work session on December 19th.

We eagerly await clarification regarding the legal differentiation between our citizen generated ideas and documents, and those presented by the pending applicant.

Kevin Bryck, Chair

RNA Great Neighbor Committee

[RNAGNC@gmail.com](mailto:RNAGNC@gmail.com)

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



Mitigation List Adopted 12/13/11 RNA Meeting		Rank	Goals	Criteria	Pipeline also	
<b>Treatment Plant Mitigations – Design and Operation</b>						
1	Insurance coverage will be maintained by LOTWP for long as the plant and pipeline are in operation to compensate local residents for any personal and real property losses caused by accidents, malfunctions, crashes, or other incidents related to plant and pipeline operations, including chemical releases, pipeline leakage, or water releases and spills, including flooding, erosion, and any form of ground movement and settling.		5	5	X	
2	Independent appraisal/evaluation of all homes in the vicinity of the plant and pipeline to determine effect of proximity to industrial plant and pipeline on future valuation		5	5	X	
3	Mitigate lost tree canopy on site by removing invasives and planting native plants of the same caliper (size) on plant site or at a secondary site like Cedar Island Park.		3,4,7	5	X	
4	Fund established to attract matching funds for remodeling Robinwood Station		8	6	X	
5	Fund established to attract matching funds for Trillium Creek restoration.		8	6	X	
6	Move the treatment plant security perimeter away from adjacent properties so there is room to buffer pedestrian paths with berms and landscaping. No pedestrian paths on property lines.		3,4,5	5		
7	Require that LOTWP develop an Emergency Response Plan to address potential threats to surrounding properties that could be triggered by a natural disaster or an operation incident. Use this plan to help inform the plant design so that potential threats to adjoining properties may be avoided. e.g. release rates for emergency water spills are metered at a rate that does not cause damage to downstream properties.		1,3,5	3	X	
<b>Treatment Plant - Construction</b>						
1	Construction /mitigation single point of contact with 24 hour hotline for reporting, using LOCOM. Require contractor to report construction related complaints to the West Linn when they occur and summarize responses addressing complaints each month in a written report to the West Linn.		2	4	X	
2	Independent mitigation compliance monitoring consultant selected by GNC and paid by LOTWP, with all contractors subject to accelerating fine schedule for non-compliance with Conditions of Approval. Require that the contractor or construction manager hold regular meetings in the neighborhood to explain the status of the project.		2	4	X	

3	Green construction practices, including: all construction vehicle using Ultra Low Sulphur Diesel, limited vehicle idling and limited use of generators.		2,4	4	X	
4	Fund to offset hardship residential sales during construction phase with defined circumstances in which this could be applied, e.g. when a person is unable to delay the home sale until after construction is completed due to death, health crisis, mandatory job relocation, etc.		5	4,5	X	
5	Separate the pathway, landscaping and perimeter screening/buffer contract from the plant construction contract to ensure these improvements are not dropped as a result of cost overruns.		3,4,7	6	X	
6	Construction workers may not park on local streets. Workers must park on-site or at designated off-street parking sites and bussed to the worksite. Delivery trucks may not park or wait on residential streets. They must either enter the construction site or wait in designated off-site staging areas. Access to adjacent residential properties shall maintained at all times.		2,4	4	X	
<b>Residential Streets - Design &amp; Improvement</b>						
1	Hazard impact and response scenario for a pipeline break along the residential route to be developed and approved by the neighborhood.		1,5	5		
2	Permeable path without swale or slightly wider pavement cross section with multiuse lane striped & signed on one side of Mapleton. Fee-in-lieu for Half Street Improvement to be applied to an alternative amenity / cross-section on Mapleton, or to be applied elsewhere in Robinwood Neighborhood.		0,1,3,5,8	5,6		
3	Given that construction activity will likely compromise the entire street section, the entire width of the current street pavement section, including the subgrade, shall be rebuilt to the current City Public Works standards.		0,1,5,8	5,6		
4	City ROW marked (survey stakes) ASAP to assist in design of final ROW.		3,8	4		
5	Concrete Asbestos water lines replaced on Mapleton and Kenthorpe in cooperation with City of West Linn		0,8	5,6		
<b>Residential Street Mitigations - Construction</b>						
1	Maintain daily access to all driveways / residences by vehicle with access closures limited to (DEFENSIBLE TIME HERE). Require the contractor to inform residents about all planned access closures by telephone, email and in writing at least 10 work days prior to a closure. Maintain one traffic lane open at all times on residential streets for emergency vehicle access.		2	4,5		
2	Off-street staging area required. No loading, unloading or staging of equipment or materials on residential streets, except materials (pipe and fill) for immediate placement into excavation. No equipment or materials in ROW after work hours, except construction safety and warning devices.		2	4		

3	Temporary information signs and lights on Hwy43 and Nixon intersections to indicate street closures and local access conditions on Mapleton and Kenthorp.		2	4,5		
4	Relocate Storm Water Grate at Hwy 43 & Mapleton to a location out of the Mapleton travel lane.		8	6		
<b>Hwy 43 – Design and Improvement</b>						
1	Sidewalk or buffered multi-use path on one side of Hwy43 through the entire business district, north to West Linn city limits.		0,1,8	6		
2	Left turn lanes at Arbor Dr., north and southbound		0,1,8	6		
3	Pedestrian safety islands at Cedaroak and Arbor.		0,1,8	6		
<b>Hwy 43 – Construction</b>						
1	Maintain 2-way traffic with cones wherever width of ROW allows. Minimize 1-way traffic and flagging to 'as absolutely necessary', not the default.		2,5	3,4		
2	Maintain bike and pedestrian lane during construction for children going to school		2,5	3,4		
3	GNC representative and City of West Linn invited to all LOTWP / ODOT Meetings related to LOTWP transmission pipeline planning and permitting.		8	3		



**Pelz, Zach**

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**From:** Anna Wheeler [annaw@hevanet.com]  
**Sent:** Thursday, April 12, 2012 4:17 PM  
**To:** Pelz, Zach  
**Subject:** Lo water treatment expansion  
**Attachments:** City of West Linn Planning Commission.wps

To: City of West Linn Planning Commission  
04-11-2012

[ZPELZ@WESTLINNOREGON.GOV](mailto:ZPELZ@WESTLINNOREGON.GOV)

CUP-12-02

From: Anna Wheeler & Brian Wheeler  
4300 Mapleton Drive  
West Linn, Oregon 97068

I have been a resident of West Linn for almost 9 years. Our family moved here because of the beautiful parks and community. We have two children which attend Cedaroak primary school. Our driveway is directly across the street from the proposed expansion.

### **I oppose the LO water treatment plant expansion on Kenthorpe!**

My concerns are as follows and are not necessarily in any order:

1. The Safety of our Neighborhood.- It will double the amount of chemicals to be used in the water treatment plant.
2. Loss in Property value. Living next to an industrial water treatment plant will make it difficult to sell my property and receive market value for the home.
3. Environmental effects on the Clackamas river. Doubling the amount of water to be taken out of the Clackamas river will have a huge impact especially in the summer months for recreation, fishing and the habitat.
4. Transportation impact: during construction the delays and hassle caused by this will disrupt travel on Mapleton Drive, Kenthorpe, Cedar Oak Drive and HWY 43 throughout the area.

Thank you for listening to my concerns.

Anna Wheeler

## Pelz, Zach

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**From:** Jana Rea [flyartcreations@comcast.net]  
**Sent:** Thursday, April 12, 2012 10:48 AM  
**To:** Pelz, Zach  
**Subject:** letter to the WL Planning Commission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

April 12, 2012

City of West Linn Planning Commission,

My name is Jana Rea and I live at 4240 Mapleton Drive in West Linn. Our property is across the street from the lots purchased by Lake Oswego to expand their water treatment plant. I am opposed to the expansion of their water treatment plant for the following reasons.

1. The lots purchased for expansion are covered by CC&R's that say residential use only. When we bought our property in 1990 we purchased land in a neighborhood, not an industrial area. Increasing the plant size will change the immediate neighborhood, the Robinwood neighborhood, and our property values will go down which means less tax income for West Linn.
2. Doubling the size of the water treatment plant will bring in double the chemicals. This is a huge health hazard not only to the neighborhood but also the elementary school that is less than a mile away.
3. LO is taking water that they have rights to and are selling it to a community that do not have rights to it. LO does not need the huge increase of water they are taking for their own community; they are doing it to make lots of money from Tigard.
4. The increased amount of water taken from the Clackamas River will be harmful to the fish and wildlife and takes water away from those communities that have rights to that water.
5. West Linn has always prided itself for it's beautiful trees and protecting those trees. Already a large number of trees have been removed because they supposedly were hazardous yet had not caused problems. There are a lot more beautiful old trees on those properties that will be removed to expand the plant. Even if trees are eventually replanted it will take our lifetime for the neighborhood to recover from the loss of what is taken out.
6. There is a lot of wildlife that will be displaced by the expansion of the water treatment plant. To name one, a family of pheasants now roams our neighborhood and they will no longer have a place to live.



7. The construction traffic that comes with the expansion will make a nightmare for traffic not only on Mapleton and Kenthorpe but also on Highway 43. This is a huge project that will take years to complete. Highway 43 already has issues without this being added to it.
  
8. I see no benefits coming to West Linn from the expansion of the water treatment plant. All the benefits LO list already exist and are also a benefit to them.

The list goes on. As a resident of West Linn I strongly oppose the expansion not only for our neighborhood but also for the whole city, which will be affected by this expansion, should it be approved. I am asking the Planning Commission to protect their citizens from an expansion that will not be in the cities best interest or the resident's best interest.

Sincerely,

Jana Rea

## Pelz, Zach

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**From:** Neal Rea [near@stonergroup.com]  
**Sent:** Thursday, April 12, 2012 10:00 AM  
**To:** Pelz, Zach  
**Cc:** Neal Rea  
**Subject:** Neal Rea Letter to West Linn Planning Commission  
**Attachments:** Neal Rea letter for the 04-18-12 West Linn Planning Commission Public Hearing Notice.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attached is my letter that I request be sent to the Planning Commission concerning an agenda item for the 04/18/12 PC meeting.

Thank you.

Neal Rea, CFO  
503.462.5251  
[near@stonergroup.com](mailto:near@stonergroup.com)

To: City of West Linn Planning Commission  
RE: The Proposed Expansion of Lake Oswego's Kenthorpe Water Treatment Plant  
CUP-12-02

My name is Neal Rea and I live at 4240 Mapleton Drive in West Linn, Oregon. My family and I made the decision some 20 years ago to make West Linn our home because we liked the community's respect and support of the people and businesses calling West Linn their home. Great schools, good community neighbors on all borders and a deep respect for the environmental landscape in and around the city convinced us that West Linn was where we should build our home.

I do not support the proposed expansion of the City of Lake Oswego's Kenthorpe Water Treatment Plant. The proposed plant expansion is not consistent with the City of West Linn's Comp Plan. If the City of Lake Oswego wants to expand their Kenthorpe Water Treatment Plant they should go through a plan amendment process to rezone the residential property they own on Mapleton Drive so that the use Lake Oswego has proposed is allowed on said property rather than as a conditional use. The City of West Linn Planning Commission should not approve the conditional use permit for the expansion of the Kenthorpe Water Treatment Plant into Maplegrove residential neighborhood.

Further, I do not support any expansion to the Kenthorpe Water Treatment Plant because the increase in water taken from the lower Clackamas River would have adverse impacts to the river's current water users, recreational users, fish and aquatic life. Currently, there are approximately 150 cfs in already developed municipal permits on the Clackamas River. There are also eight permit extensions now in litigation and these eight permits, when combined, would allow diversion of an additional 150 cfs from the lower Clackamas River. Lake Oswego plans to let Tigard use a substantial portion of the water permits it is trying to develop, in exchange for Tigard paying a substantial portion of the bill for the expansion of the Kenthorpe Water Treatment plant. Out of Lake Oswego's 59 cfs in water permits on the lower Clackamas River (34 cfs of which has yet to be developed), Lake Oswego plans to supply 22.1 cfs to Tigard (37%). Allowing Tigard to pile on to the stream flow and fish problems already existing in the lower Clackamas River will only make things worse for others now drawing water from the lower Clackamas. This includes the South Fork Water Board which draws water from the lower Clackamas River to serve West Linn and Oregon City. West Linn's citizens, businesses and government have worked hard to protect the environmentally sensitive lands within and surrounding the City of West Linn's boundary; the same protection needs to be extended to the lower Clackamas River and basin.

Thank you for allowing me to express my opinions and concerns with you.

Sincerely,



Neal Rea

Date: 04/12/12



## Pelz, Zach

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**From:** RNA Great Neighbor Committee [rnagnc@gmail.com]  
**Sent:** Wednesday, April 11, 2012 10:55 AM  
**To:** Sonnen, John  
**Cc:** Pelz, Zach; Kerr, Chris  
**Subject:** Hearing for CUP 12-02 - Request to PC Chair regarding NA presentation

The RNA heard the presentation from Peter Spir Tuesday evening and subsequently developed a request to forward to the PC chair regarding the hearing.

Item 8 of the handout delineates a 10 minute block of time for the NA president to make a presentation. RNA President Tony Bracco's work schedule has not permitted him to attend meetings and to keep pace with current developments. Hopefully you receive communication directly from him.

In the interest of a more efficient hearing, the RNA GNC would like to present a coordinated response, at the appropriate time, with several speakers from the GNC covering different topics. This would not take any more time, as all of these individuals are entitled to 5 minutes. We hope that this will lead to a more efficient hearing, as subsequent speakers might shorten their remarks, referring to the GNC presentation, or decline to speak, since their topic was already covered.

Kevin Bryck, Chair

RNA Great Neighbor Committee

[RNAGNC@gmail.com](mailto:RNAGNC@gmail.com)

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

## Pelz, Zach

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**From:** Kerr, Chris  
**Sent:** Wednesday, April 11, 2012 10:44 AM  
**To:** Pelz, Zach  
**Subject:** FW: GNC Chair testimony at PC hearing

For file

Chris Kerr, Interim Assistant City Manager  
Administration, #1538

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

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

**From:** Spir, Peter  
**Sent:** Wednesday, April 11, 2012 10:21 AM  
**To:** Kevin Bryck  
**Cc:** Sonnen, John; Kerr, Chris  
**Subject:** GNC Chair testimony at PC hearing

Kevin

After last night's RNA meeting I raised the question with staff as to how long the GNC chair would have to testify at the PC hearing.

Would you get the same (10 minutes) as a neighborhood president?

Chris Kerr proposed that you make your request for ten minutes by email to John Sonnen or by responding to this e-mail. Alternately you could make the request at the PC hearing.

Best regards

Peter

Peter Spir, Associate Planner  
Planning and Building, #1539

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

## Pelz, Zach

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**From:** Spir, Peter  
**Sent:** Wednesday, April 11, 2012 8:23 AM  
**To:** Kerr, Chris; Pelz, Zach  
**Subject:** here is the document I presented at the Robinwood NA meeting 4/10/12  
**Attachments:** public hearing procedures.docx

Peter Spir, Associate Planner  
Planning and Building, #1539

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.



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## Product or procedure

## Applicable date or allotted time

Staff report is available at City Hall and the Library.

Friday, April 6 by 5pm

The report is posted online at the City's website under [http://westlinnoregon.gov/sites/default/files/projects/cup-12-02\\_staff\\_report\\_final-ck\\_4\\_6\\_2012\\_for\\_web.pdf](http://westlinnoregon.gov/sites/default/files/projects/cup-12-02_staff_report_final-ck_4_6_2012_for_web.pdf)

Deadline for submittal of letters, e-mails or other material so that it will be assembled and mailed to the Planning Commission so they can read your submittal before the hearing

Thursday, April 12 by 4:30pm

Deadline for submittal of letters, e-mails or other material so that it will be assembled and physically distributed to the Planning Commission at their work session 30 minutes before the hearing. Their ability to read your submittal at this time will be limited.

Wednesday, April 18 by 12pm

Submittal of letters or other material at the hearing itself requires at least 15 copies for the Planning Commission, City Staff, City Attorney and the applicant. Their ability to read your submittal at this time will be very limited.

Wednesday, April 18 at 7:30pm at the Planning Commission hearing

Use of audiovisual equipment (including thumb drives, etc.) and charts for presentations at the hearing.

Call planners Zach Pelz or Chris Kerr at 656-4211 by Wednesday, April 18 by 12pm otherwise equipment may not be available or compatible.

Amount of time individuals have to testify at the Planning Commission hearing. Please complete "Sign in/Testimony" form.

5 minutes\*

Amount of time the applicant will have to testify at the Planning Commission hearing. Please complete "Sign in/Testimony" form.	20 minutes*
Amount of time neighborhood president will have to testify at the Planning Commission hearing. Please complete "Sign in/Testimony" form.	10 minutes*
Amount of time the applicant will have to rebut testimony or make closing statements at the Planning Commission hearing	10 minutes*
Audience applause, cheering, booing, disruptive or abusive behavior	Not permitted
If you would like additional time to submit material or evidence into the record you are entitled to ask the Planning Commission that the record is left open for at least seven days. An additional seven days are usually allotted for the applicant to review and respond to this submittal(s). The Planning Commission will then continue the hearing to a date certain (usually two weeks later). An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony.	Prior to conclusion of the Planning Commission hearing

\*All time limitations listed above are typical and are subject to modification at the discretion of the Planning Commission Chair. If you will require more time to testify, you are advised to request it prior to speaking; however, the Chair is not required to accommodate the request, particularly if there are a large number of people wishing to testify. /Project folder

**Pelz, Zach**

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**From:** GARY [hitesman@q.com]  
**Sent:** Wednesday, April 11, 2012 7:21 AM  
**To:** CWL Planning Commission; Pelz, Zach  
**Cc:** Sonnen, John; Heisler, Jane  
**Subject:** LUBA Appeal for CUP 12-02

The amount of MISREPRESENTATION on part of the cities and the partnership **are EPIC**. And our own city staff, department directors, city manager, and councilors have supported a severe interpretation of "ex parte" that appears to undermine the intent of Goal One Citizen Participation and allow the epic proportion of misrepresentation to perpetuate.

I can provide proof beyond doubt of the misrepresentation supplanted through the documentation. I intend to use the beery memo, outline council rule policies, and the manufacturing of misrepresentations as the rationale to overturn approval of CUP 12-02, should it ever be approved as it is currently proposed.

Example One: Staff recommendation regarding ADT's misrepresents intended Use and misleads the Planning Commission and the public.

It took me awhile, but I am now good to go. Deny CUP 12-02.

Gary Hitesman

PS. A big shout out to Chris Jordan for compelling me to move my fence that had encroached into City Owned ROW. It was over the weekend working on the fence that I had my epiphany.



## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Wednesday, April 11, 2012 6:42 AM  
**To:** Kevin Bryck; CWL Planning Commission; Pelz, Zach  
**Cc:** Jordan, Chris; CWL Council; Heisler, Jane; RNA Great Neighbor Committee; Sonnen, John  
**Subject:** Re: CUP 12-02 RNA Resolution And Recommendation for Remand

### RECOMMENDATION:

The Planning Commission remands the applicant to come up with a valid community benefit OF THE WTP, not the pipeline. AND, as voted upon by the Robinwood community, complete the following;

- #1.) pull the application and/or waive the 120 day planning rule,
- #2.) reschedule the hearing to a date certain agreeable to all parties,
- #2.) WL to provide professional and objective arbitration regarding impacts and benefits,
- #3.) and have LOTP resubmit.

### SUMMARY:

What is CUP 12-02 about?

LO-Tigard REQUEST to allow an industrial major utility to increase 115% in size (doubling in size) in a R-10 zone located on a cul-de-sac and in a geological unstable area and near sensitive riparian zones, including one of only two salmon bearing streams located within West Linn.

### PART ONE

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

**From:** [Kevin Bryck](#)  
**To:** [GARY](#)  
**Sent:** Tuesday, April 10, 2012 10:30 PM  
**Subject:** Re: CUP 12-02 RNA Resolution

On Apr 10, 2012, at 6:41 PM, GARY wrote:

Typical LO mindset. It is never the project that is at fault but the one individual LO can set up as the scapegoat.

Who is Kevin?

### PART TWO

Over the last year, I have witnessed citizen participation misused, abused, marginalized, and deeply discounted. It all started with Janet Hiesler getting frustrated with Robinwood because residents were concerned with what LOTP was saying. At that same first meeting, Robinwood was shown a building that I had designed while at MWA and the building was sold to the neighborhood as an example of what the building might look like. Unfortunately, the meeting went further south and Joel Komerak said that the LOTP might also start condemning the covenants as it was a right of theirs.

Today, LOT has started the condemnation process and the building proposed is an abomination compared to what they first offered as an example. And now the Mayors of Tigard and Lake Oswego are entering into private discussions with a select few residents.

There is one thing I am absolutely certain about. The amount of MISREPRESENTATION on part of the cities and the partnership **are EPIC**. And our own city staff, department directors, city manager, and councilors have supported a



severe interpretation of "ex parte" that appears to undermine the intent of Goal One Citizen Participation and allow the epic proportion of misrepresentation to exist.

*I cannot find the right code that addresses misrepresentation nor what to do about it. But that is the problem the Planning Commission must decide upon.* Either approve the plan along with all the misrepresentations and outright lies, or ask the right questions that inform you of the real potential impacts of the Water Treatment Plant.

In reviewing the staff report, I am encountering page after page of misrepresentations and maligned figures to falsely support this project. The WTP appears to provide no local merit or benefit. The Robinwood neighborhood should be thanked for helping me solidify my observations and assistance in identifying what is wrong with CUP 12-02.

Mr. Michael Babbit, Chair

West Linn Planning Commission

22500 Salamo Drive, West Linn, Oregon 97068

Re: Support of the Lake Oswego/Tigard Water Treatment Plant Conditional use

Dear Mr. Babbit,

This letter is in support of the proposal presented by Lake Oswego and Tigard for a remodel/expansion of the existing water treatment plant located on Kenthorpe Way.

I am a long time resident of the Robinwood neighborhood in West Linn and am, quite frankly, disgusted with the NIMBY attitudes being expressed by some of my neighbors. My points are as follows:

- 1) The treatment plant was constructed long ago, even before this neighborhood was in West Linn. It provides a basic critical need, water, for thousands of people today and will serve many more into the future. West Linn should be appreciative that such a facility exists in their boundaries and the owners of that facility are willing to share with West Linn during an emergency is a noble gesture on their part and I applaud them for it.
- 2) I have done my own research on the perceived concern that this plant will harm the Clackamas River and its various threatening species, and wish to debunk that myth here and now. I would rather rely on the testimony of experts than emotionally charged naysayers who do not have to back their assertions w/ facts. It did not take me very long to find out that the Oregon State Fish and Wildlife Department, The Oregon Water Resources Department and the Oregon Attorney General's Office all concur and are willing to defend their positions that the water rights that support this plant are properly conditioned to protect endangered species. In addition the Army Corps of Engineers, DEQ, and the National Marine Fisheries Service are all currently participating in the environmental permit process and will have to concur that appropriate environmental safeguards are in place for this facility. I trust those agencies to protect the Clackamas River adequately.

Lastly, I am glad that our neighbors in Lake Oswego and Tigard don't have the NIMBY attitude being displayed by some West Linn citizens. I have reason to travel up Hwy 43 through Lake Oswego quite often and always feel welcome, how would we feel if their neighbors but up signs telling West Linn residents to keep out or drive around us? Tigard has never banned me from going to Costco or having my kids play sports at Cook Park or Tigard High. Those facilities are theirs you know! My point is we are all the community, the world is bigger than Mapleton and Kenthorpe Sts, let's not become known as the community which prohibits our neighbors something as basic as drinking water.

Thank You,



Neil Robins

4468 Elmran

West Linn, Oregon 97068

## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Tuesday, April 10, 2012 1:27 AM  
**To:** Pelz, Zach  
**Subject:** CUP 12-02 Request for information

Mr. Zach Pelz,

It appears that the staff report may contain inaccurate numbers to describe the proposed impacts and additions to the site. I perceive a potential lack of discipline and bias of the facts that unfairly try to create a perspective of objectivity.

I see it in the Average Daily Trips and I see it in the percentages of land uses and coverage.

What is the actual square footage of existing occupiable space and that of water treatment infrastructure footprint? What is the existing surface area of asphalt?

Then what is the actual square footage of new occupiable space, new enclosed space, water treatment infrastructure footprint, and proposed impervious & pervious pavement (asphalt and the like)

I can do a conservative guesstimate. However, I don't see how staff can make the claims it does without having that information available. Please provide the source for the information or the info ASAP. Thanks.

**Pelz, Zach**

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**From:** GARY [hitesman@q.com]  
**Sent:** Tuesday, April 10, 2012 10:22 AM  
**To:** CWL Planning Commission; Pelz, Zach  
**Cc:** RNA Great Neighbor Committee  
**Subject:** CUP 12-02 New Recommendation Condition of Approval #1

Commissioners are requested to reconsider the list of RECOMMENDATIONS made by staff. There is only one valid recommendation;

Deny 12-02 for noncompliance with the West Linn CDC and Comprehensive Master Plan.

**RECOMMENDATION**

1. Burden of Bias, Unprofessional Conduct, and Gross Neglect: CUP 12-02 shall be remanded back to an impartial and objective third party consulting group for review and compliance to the West Linn CDC, WL Comprehensive Master Plan, Oregon State Industrial Water Works Board, and related Oregon Revised Statutes and compensated from the LOT Water Partnership. The West Linn City Manager shall be provided with a vote of "No Confidence" and have his oversight of both Planning and Engineering removed from his list of responsibilities. City Councilors shall draft new policies providing autonomy for the Planning Director and Director of Public Works. City Council rules shall be amended to provide oversight of staff actions by the City Council.



## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Tuesday, April 10, 2012 10:09 AM  
**To:** Pelz, Zach; CWL Planning Commission  
**Cc:** RNA Great Neighbor Committee  
**Subject:** CUP 12-02 Violation of the Transportation System Plan and neighborhood street safety

Planning Commissioners,

The project does not conform to the Transportation System Plan. Staff is utterly irresponsible and careless in their assessment.

Maplethorpe ADT's will be reduced because they took out two homes in a R-10 zone and so this is positioned as a good thing providing benefit to the transportation system and neighborhood? However, there is an increase in truck traffic, which staff is downplaying, and overall ADT on Kenthorpe more than doubles over existing use.

So in affect, there is a reduction of residential type trips on Mapleton, a throughway, but a 75% increase in industrial traffic on kenthorpe, a residential street and already overburdened cul-de-sac.

The Transportation System Plan sets a maximum number of homes allowed on a cul-de-sac that the added ADT's violate. The City is trying to remedy the decrease in emergency access by putting in a road through an industrial facility. The emergency road will go through residential backyards and between a mechanical dewatering structure, solids loading area, Ozone Generator and Chemical Building, Chemical Delivery Area, Solids Thickening, and Surge Tank while squeezing through a 12 foot gated site access point.

Commissioners CANNOT allow an inadequate road network into Robinwood that violates TVFR personnel safety and creates an unworkable road network without precedent.

The Water Treatment Plant changes the character of Kenthorpe and creates negative impacts on the 10 or so homes at the end of Kenthorpe, affecting their safety and own ADT's. Kenthorpe also takes all the added 18 wheel truck deliveries onto their street, bearing a disproportionate share of the burden and all the risk of increased chemical useage.

### ***Deny 12-02 for failure to meet neighborhood road safety and parts of the Transportation System Plan.***

The Commission should create a condition of approval to fire Planning staff responsible for willful misconduct and the Planning Director for lack of leadership.

#### RECOMMENDATION

1. Unprofessional Conduct and Gross Neglect: CUP 12-02 shall be remanded back to an impartial and objective third party consulting group for review and compliance to the West Linn CDC, WL Comprehensive Master Plan, Oregon State Industrial Water Works Board, and related Oregon Revised Statutes. The West Linn City Manager shall be provided with a vote of "No Confidence" and have his oversight of both Planning and Engineering removed from his list of responsibilities. City Councilors shall draft new policies providing autonomy for the Planning Director and Director of Public Works. City Council rules shall be amended to provide oversight of staff actions from the City Council.

There are two examples of cul-de-sac variances that were forced upon WL neighborhoods before. One was for the Bolton Shopping Center behind Market of Choice and was allowed because only 4 homes were impacted and that was deemed acceptable in lieu of the increased commercial activity. The second variance was permitted for the LDS Church when they closed off Miles Drive. In this instance, residents wanted the road closed off and LDS paid for the street closure and 2 lane emergency access.

This solution is not wanted, endangers residents, and exists solely because the WTP is too big for the site.

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

On 4/10/2012 1:03 AM, GARY wrote:

PC Meeting 4/18/2012

Supplemental Attachments 4/13/12 26

They are playing games with the Average Daily Trip generation by switching out percentages and partial ADT's to minimize the true impact!

They are also reducing ADT's by taking away the ADT of the two existing residences 5 ADT each.

I think the math is bogus and paints an inaccurate picture.

## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Monday, April 09, 2012 6:33 PM  
**To:** Heisler, Jane; Pelz, Zach  
**Cc:** CWL Planning Commission  
**Subject:** CUP 12-02 - qotd: Jonathan Haidt's "The Righteous Mind" - good people divided by politics

Dear Ms. Janet Heisler,

I received this book recommendation from a very wise friend who lives in San Diego and knows nothing of our plight against your wicked plans for a WTP. I read down as far as Liberal Wisdom (2nd paragraph) and laughed out loud at the last sentence. I had to laugh because the paragraph nailed my bias. (see highlighted sentence below.) Unfortunately, I also hold a conservative view regarding moral hazard to important institutions such as urban planning and "bedroom communities" ie. West Linn.

About ten minutes ago, I went to go return a pair of sunglasses that my neighbor had accidentally left in my truck. He had asked me to help him deliver two motorcycles last week and the glasses apparently fell out of his pocket. As I walked to return the glasses, I can very easily see this play structure that was allowed to be built even though it clearly did not meet code. Not only did I request the play structure be amended to meet Chapter 55, the Executive Summary for CUP 10-03 stated that the closest building would be 250 feet. The summary was deceiving albeit technically correct.

I can now see the eyesore from the street every time I back out of my driveway or approach my garage. Thankfully for me, my home is not as adversely impacted like my neighbors. So you see, due to the City of West Linn's terrible policies and review of Conditional Use permits since 2004, about 85% of the CUP were faulty or mismanaged and now I have an iconic fubar that reminds me DAILY of my city's ineptitude and incompetence.

A review of your proposal and your various presentations over the last year have demonstrated that the Partnership has designed a WTP too big for it's site that changes the character, welfare, and safety of the Robinwood neighborhood. So it is nothing personal. I am leery of word play and the cute interpretations that leave out potentially adverse impacts and stretch the reality of other components. Your submittal reeks of missing information, carelessness, and the twisted logic of a deranged city planner lording over peons.

Please feel free to share. I went easy on the elementary school because I believe the school is good for the community and a benefit. Unlike your proposal, which tries to do too much with the land available. Get a bigger site and create decent setbacks that respect and promote human dignity. Because right now, your proposal is atrocious. Shame upon our City Council for turning their backs on their own citizens.

### COMMENT:

The issue your project will fail on is [proportionality](#). The other problem you face is social conservatives breaking rank with Loyalty, Authority, and Sanctity. I think you know it as Robinwood. I hope you rethink your strategy and work together with Robinwood rather than continuing to go it alone. You are wasting limited resources and I know that this project will never survive a LUBA appeal. This project is tighter than the failed Holiday Inn CUP but unfortunately too ambitious and outrageously non-compliant.

Gary Hitesman

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

**From:** [Joel Harrison](#)

**To:** [undisclosed recipients:](#)

**Sent:** Monday, April 09, 2012 2:07 PM

**Pelz, Zach**

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**From:** GARY [hitesman@q.com]  
**Sent:** Monday, April 09, 2012 1:19 PM  
**To:** Sonnen, John; CWL Planning Commission; Pelz, Zach  
**Cc:** Heisler, Jane  
**Subject:** CUP 12-02 - Fwd from Jane Heisler: Meeting with the Water Partnership Oversight Committee

*I don't know who forwarded this notice to me, but Oregon State Goal One objectives appear potentially negated with this process.*

*If LOTP came to my NA to give a lopsided and factually incorrect presentation, why wouldn't I be allowed to attend another meeting being held in a public facility that might provide information and clarification? What authority does the applicant have to request a specific audience in one case yet hold all other sorts of public meetings throughout the state on the same subject matter? There is a 'lie' being spread by Joel Komerak that the Utility, major is not an industrial plant when the CDC **defines** the Utility, major as being industrial. Crap like this should not happen through the words of public stewards.*

*Why was a meeting of a proposed public industrial facility held in the private home of a State representative and until now unannounced?*

*Zach, please verify if a meeting as conducted and as proposed meets with the criteria of the planning process for West Linn. How do these actions support ORS 195 and ORS 197? Have the Beery memo stipulations been adhered, enforced, and/or triggered? Thank you.*

*I would appreciate a response by Planning Director Mr. John Sonnen, in writing, if it is deemed appropriate.*

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

**From:**  
**To:**  
**Sent:** Monday, April 09, 2012 11:38 AM  
**Subject:** Fwd from Jane Heisler: Meeting with the Water Partnership Oversight Committee

Begin forwarded message:

Kevin,

This email is a follow-up to our phone conversation this morning. Mayors Dirksen and Hoffman have scheduled an Oversight Committee meeting to be held this Thursday, April 12 from 6-7 p.m. (in the West End Building, 4101 Kruse Way, Lake Oswego) with the same four Robinwood residents that met at Representative Parrish's house in recent weeks. I understand that includes you, Lamont, Eric Jones and David Newell. Could you please forward this to David Newell, as I do not have his email address. Thanks.

The Mayors would like to continue the discussion they started with you, with the entire Oversight Committee, particularly focusing on some of your unanswered questions. Let me know if you will be able to attend. I am also attaching the list of Robinwood GNC mitigations with Partnership comments.

Let me know if you have any question. I look forward to seeing you on Thursday.

Jane Heisler | Communications Director | Lake Oswego-Tigard Water Partnership | Voice - 503-697-6573 | Mail - P. O. Box 369, Lake Oswego, OR 97034 | [lotigardwater.org](http://lotigardwater.org)





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Begin forwarded message:

Kevin,

This email is a follow-up to our phone conversation this morning. Mayors Dirksen and Hoffman have scheduled an Oversight Committee meeting to be held this Thursday, April 12 from 6-7 p.m. (in the West End Building, 4101 Kruse Way, Lake Oswego) with the same four Robinwood residents that met at Representative Parrish's house in recent weeks. I understand that includes you, Lamont, Eric Jones and David Newell. Could you please forward this to David Newell, as I do not have his email address. Thanks.

The Mayors would like to continue the discussion they started with you, with the entire Oversight Committee, particularly focusing on some of your unanswered questions. Let me know if you will be able to attend. I am also attaching the list of Robinwood GNC mitigations with Partnership comments.

Let me know if you have any question. I look forward to seeing you on Thursday.

Jane Heisler|Communications Director| Lake Oswego-Tigard Water Partnership|Voice - 503-697-6573|Mail - P. O. Box 369, Lake Oswego, OR 97034 |lotigardwater.org

PUBLIC RECORDS LAW DISCLOSURE

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many recognize the efficiency of the single payer model. However, the groupish righteousness of Loyalty, Authority, and Sanctity often keeps them from breaking ranks with their conservative peer groups. Nevertheless, there does seem to be an opening for conservatives to join forces with liberals in advancing the concepts of single payer.

What about the liberals? They would certainly welcome the opportunity to work with conservatives on single payer. But if we listen to Jonathan Haidt, the liberals have been making a mistake by remaining oblivious to the conservatives' moral values of Loyalty, Authority, and Sanctity - fundamentals of moral capital.

He writes, "If you are trying to change an organization or a society and you do not consider the effects of your changes on moral capital, you're asking for trouble. This, I believe, is the fundamental blind spot of the left. It explains why liberal reforms so often backfire, and why communist revolutions usually end up in despotism. It is the reason I believe that liberalism - which has done so much to bring about freedom and equal opportunity - is not sufficient as a governing philosophy. It tends to overreach, change too many things too quickly, and reduce the stock of moral capital inadvertently. Conversely, while conservatives do a better job of preserving moral capital, they often fail to notice certain classes of victims, fail to limit the predations of certain powerful interests, and fail to see the need to change or update institutions as times change."

As a liberal, I confess that I am fixated on the moral foundation of Care. I also confess that I have a blind spot on the full range of moral capital. However, the conservatives do not have a blind spot on Care, even if they seem to have other priorities. Do you suppose that the conservatives would be willing to help us liberals understand the moral capital hidden in that blind spot, in exchange for liberals helping the conservatives understand better what it means to Care?

-----Inline Attachment Follows-----

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Quote-of-the-day mailing list

[Quote-of-the-day@mccanne.org](mailto:Quote-of-the-day@mccanne.org)

<http://two.pairlist.net/mailman/listinfo/quote-of-the-day>



liberals who love markets and lack bleeding hearts.

## Social Conservative Wisdom

We have found that social conservatives have the broadest set of moral concerns, valuing all six foundations relatively equally. Their breadth - and particularly their relatively high settings on the Loyalty, Authority, and Sanctity foundations - give them insights I think are valuable, from a Durkheimian utilitarian perspective (i.e., recognizing that human flourishing requires social order and embeddedness).

A more positive way to describe conservatives is to say that their broader moral matrix allows them to detect threats to moral capital that liberals cannot perceive. They do not oppose change of all kinds (such as the Internet), *but they fight back ferociously when they believe that change will damage the institutions and traditions that provide our moral exoskeletons (such as the family).* Preserving those institutions and traditions is their most sacred value.

In sum

Morality binds and blinds. It binds us into ideological teams that fight each other as though the fate of the world depended on our side winning each battle. It blinds us to the fact that each team is composed of good people who have something important to say.

This book explained why people are divided by politics and religion. The answer is not, as Manichaeans would have it (i.e., battleground of forces of light and of darkness), because some people are good and others are evil. Instead, the explanation is that our minds were designed for groupish righteousness. We are deeply intuitive creatures whose gut feelings drive our strategic reasoning. This makes it difficult - but not impossible - to connect with those who live in other matrices, which are often built on different configurations of the available moral foundations.

<http://righteousmind.com/>

Comment: Social psychologist Jonathan Haidt, in "The Righteous Mind," provides us with a background on the evolution and development of the moral matrices that have contributed to our political divide. Although some might want to challenge details of his Moral Foundations Theory, there is absolutely no doubt that moral differences do exist, and he has provided plenty of experimental data to show that political views do correlate with the six moral foundations described.

Single payer supporters certainly identify with the Care foundation. That's what single payer is all about - making sure that absolutely everyone is able to receive needed health care. Care is the most defining moral foundation of liberals. In contrast, Loyalty, Authority, and Sanctity are barely on the radar screen of many liberals.

Social conservatives are driven by all six foundations of the moral matrix, especially Loyalty, Authority, and Sanctity. Although they are also driven by Care, Care can be suppressed to some extent by the "groupish righteousness" of Loyalty, Authority, and Sanctity. Although libertarians are often included on the right with conservatives, libertarians are unique in that they are influenced very little by the moral foundation of Care. Unabashed libertarians likely would never be single payer supporters.

So if social conservatives are partly driven by the moral foundation of Care, would they ever support single payer reform? In fact, many of them do. Most believe that everyone should have health care, and

**Subject:** Fw: qotd: Jonathan Haidt's "The Righteous Mind" - good people divided by politics

Pantheon Books

The Righteous Mind  
Why Good People Are Divided by Politics and Religion  
By Jonathan Haidt

We can define moral capital as the resources that sustain a moral community. More specifically, moral capital refers to "the degree to which a community possesses interlocking sets of values, virtues, norms, practices, identities, institutions, and technologies that mesh well with evolved psychological mechanisms and thereby enable the community to suppress or regulate selfishness and make cooperation possible."

The Moral Matrix

Care/harm  
Liberty/oppression  
Fairness/cheating  
Loyalty/betrayal  
Authority/subversion  
Sanctity/degradation

Liberal Wisdom

The left builds its moral matrix on three of the six foundations, but it rests most firmly and consistently on the Care foundation.

Liberals are often suspicious of appeals to loyalty, authority, and sanctity, although they don't reject these intuitions in all cases (think of the sanctification of nature). For American liberals since the 1960s, I believe that the most sacred value is caring for victims of oppression. Anyone who blames such victims for their own problems or who displays or merely excuses prejudice against sacralized victim groups [\*can expect a vehement tribal response.\*](#)

Libertarian Wisdom

Some liberals began to see powerful corporations and wealthy industrialists as the chief threats to liberty. These "new liberals" (also known as "left liberals" or "progressives") looked to government as the only force capable of protecting the public and rescuing the many victims of the brutal practices of early industrial capitalism. Liberals who continued to fear government as the chief threat to liberty became known as "classical liberals," "right liberals" (in some countries), or libertarians (in the United States).

You can see the fork in the road by looking at the liberal moral matrix. It rests on two foundations primarily: *Care and Liberty (plus some Fairness, because everybody values proportionality to some extent)*. Liberals in 1900 who relied most heavily on the Care foundation - those who felt the pain of others most keenly - were predisposed to take the left-hand (progressive) fork. But liberals in 1900 who relied more heavily on the Liberty foundation - those who felt the bite of restrictions on their liberty most keenly - refused to follow. In fact, libertarian writer Will Wilkinson has recently suggested that libertarians are basically



## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Monday, April 09, 2012 12:10 PM  
**To:** Sonnen, John; Pelz, Zach; CWL Planning Commission  
**Subject:** CUP 12-02 Bias

To prevent bias from entering into the discussion, I will request Mr. Frank recuse himself from deciding CUP 12-02.

After observing Mr. Frank's actions and statements during CUP 12-01, the concern of bias was not alleviated and I feel may still exist with CUP 12-02. (Personally, I have nothing against the bias of strong city infrastructure nor strong economic development, but commissioners should not be making decisions with bias. **Period.** Mr. Frank's time on the Planning Commission has been too short to demonstrate believability, credibility, and proper objectivity given his webpage, twitter account, and strong successful support of getting the police station bond measure passed.)

In regards to CUP 12-02, I have these observations;

On his own personal website, Mr. Frank writes;

*Thomas Frank feels strongly that economic development should be a main priority. His vision includes supporting area small businesses, the Chamber of Commerce and finding ways to welcome new business opportunities. This, he feels, will make West Linn financially stronger and remain a vibrant, vital community for all our citizens, young and old. Other top priorities include strong public safety, city infrastructure, and city services.*

First, having a top priority including city infrastructure provides the wrong sort of optics if not bias towards approving this proposal. Everyone agrees that the City of West Linn needs to MAINTAIN and fix outdated infrastructure. But "city infrastructure" means things like major utilities like Water Treatment Plants. Further, if "strong public safety" means building a police station, which is what that statement means, then "strong city infrastructure" and "strong city services" implies a bias towards building an enlarged major industrial utility.

Second, it is my observation that like Jenni Tan, Mr. Frank is using his position on the Planning Commission to further his political aspirations. But unlike Jenni Tan, doing this with the full support of the City Manager, who is a strong behind the scenes ardent supporter of expanding the Water Treatment Plant in Robinwood.

Third, when I asked him to recuse himself from CUP 12-01, his response to the PC was;

*" I have no bias towards voting **for** the proposal "*

To be clear and concise, a demonstration of bias **is** by negating a specificity.

Fourth, commissioners will need to become familiar with the content and interpretation of the Beery memo issued to Mr. John Sonnen. Commissioners could be asked to verify that the directions and intent of the memo have been obliged one way or the other. Consideration as to whether Goal One citizen participation criterion has been met, the limitations to public communication have been maintained with staff and councilors, and that Commissioners have acted in good faith, will need to be answered.

Thank you for your consideration. Gary

**Pelz, Zach**

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**From:** McKnight , Andrea 052 [McKnight.Andrea@pdx.sysco.com]  
**Sent:** Sunday, April 08, 2012 7:09 PM  
**To:** Pelz, Zach  
**Subject:** Support of the Lake Oswego/Tigard Water Treatment Plant Conditional  
**Attachments:** Support of Water Treatment Plant proposal.docx

Dear Mr. Babbit,

Please see the letter attached outlining my support of the Lake Oswego/Tigard Water Treatment Plant Conditional.

Thank you,  
Andrea McKnight

Mr. Michael Babbit, Chair

West Linn Planning Commission

22500 Salamo Drive, West Linn, Oregon 97068

Re: Support of the Lake Oswego/Tigard Water Treatment Plant Conditional use

Dear Mr. Babbit,

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

If we can drum up support from the surrounding cities to invest in this facility, and our land use rules are followed, they should be able to build it.

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

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

Thank you for your consideration!

Warm Regards,

Andrea McKnight

## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Saturday, April 07, 2012 4:49 PM  
**To:** CWL Planning Commission; Pelz, Zach  
**Subject:** CUP 12-02 Clackamas Water Providers meeting last week - Jane Heisler revelation

Planning Commissioners,

Instead of answering all the questions and unaddressed issues with the Water Treatment Plant, the LOTP through Joel K. and Jane H. have often resorted to character assassinations of neighborhood advocates, including the meeting where they presented at Hidden Springs. And so the report below begs the question, Why has the LOTP been so outwardly hostile to the Neighborhood Associations and then tell outside entities that things are just peachy?

Sent: Saturday, April 07, 2012 1:34 PM  
Subject: Clackamas Water Providers meeting last week - Jane Heisler revelation

At the Clackamas Water Providers meeting last week, Martha Schrader, current candidate for and past Clackamas commissioner, asked Jane Heisler about the signs, and Jane related that the project had broad public support in West Linn and that it was only a handful of extremists in opposition. The manager of another water provider asked Jane what it would cost to appease the opposition, versus engaging in a drawn out approval process to LUBA and the possibly the courts. Jane replied that LOTWP never even examined those costs.

The actions of the LOTP representatives gets back to credibility and integrity. They have consistently changed their story and lied up and down the I-5 corridor to get what they want. Ergo, an illegal major industrial plant put into a residential neighborhood that is not even in their city.

Deny 12-02. And recommend a vote of no confidence of the City Manager.



## Pelz, Zach

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**From:** GARY [hitesman@q.com]  
**Sent:** Friday, April 06, 2012 6:42 PM  
**To:** Pelz, Zach  
**Cc:** Kerr, Chris  
**Subject:** Re: CUP-12-02 Agenda and Planning Commission Packet for April 18, 2012

Mr. Zach Pelz,

Thanks. It is helpful to me that I get an extra weekend to look at it. I knew the 8th was a Sunday and it is a good thing for the City that the obligation was met.

Gary Hitesman

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

**From:** [Pelz, Zach](#)  
**To:** [Pelz, Zach](#)  
**Cc:** [Kerr, Chris](#)  
**Sent:** Friday, April 06, 2012 5:14 PM  
**Subject:** CUP-12-02 Agenda and Planning Commission Packet for April 18, 2012

Good afternoon,

The staff report for CUP-12-02 (expansion of Lake Oswego water treatment plant at 4260 Kenthorpe Way) and Planning Commission agenda packet is now available on the City's website here: <http://westlinnoregon.gov/planning/planning-commission-meeting-71>. This link will direct you to the April 18, 2012, Planning Commission meeting page which includes a meeting agenda as well as:

- the staff report,
- the public notice packet,
- the letter of completeness,
- the applicant's complete submittal, and
- public comments received to-date.

The complete project file can be accessed at the project page here: <http://westlinnoregon.gov/planning/4260-kenthorpe-way-conditional-use-permit-and-design-review-proposed-expansion-water-treatm>

Have a great weekend,

Zach

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**CITY OF**  
**West Linn**  
Zach Pelz, AICP  
[ZPELZ@westlinnoregon.gov](mailto:ZPELZ@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd.  
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## Pelz, Zach

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**From:** Pelz, Zach  
**Sent:** Friday, April 06, 2012 5:15 PM  
**To:** Pelz, Zach  
**Cc:** Kerr, Chris  
**Subject:** CUP-12-02 Agenda and Planning Commission Packet for April 18, 2012

Good afternoon,

The staff report for CUP-12-02 (expansion of Lake Oswego water treatment plant at 4260 Kenthorpe Way) and Planning Commission agenda packet is now available on the City's website here: <http://westlinnoregon.gov/planning/planning-commission-meeting-71>. This link will direct you to the April 18, 2012, Planning Commission meeting page which includes a meeting agenda as well as:

- the staff report,
- the public notice packet,
- the letter of completeness,
- the applicant's complete submittal, and
- public comments received to-date.

The complete project file can be accessed at the project page here: <http://westlinnoregon.gov/planning/4260-kenthorpe-way-conditional-use-permit-and-design-review-proposed-expansion-water-treatm>

Have a great weekend,

Zach

Zach Pelz, Associate Planner  
Planning and Building, #1542

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## Pelz, Zach

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**From:** Sonnen, John  
**Sent:** Friday, April 06, 2012 8:49 AM  
**To:** Kerr, Chris; Pelz, Zach  
**Subject:** FW: RNA Resolutions, adopted 12/13/11

John Sonnen, Planning Director  
Planning and Building, #1524

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

**From:** RNA Great Neighbor Committee [<mailto:magnc@gmail.com>]  
**Sent:** Wednesday, December 14, 2011 8:16 PM  
**To:** Jones, Mike; Carson, Jody; Tan, Jennifer; Cummings Teri; Kovash, John; Froode Dave; King Lamont; Blake Steve; Smith Vicki; Vroman Shanon; Jones Eric; Caraher David; Stowell Bob; Heffernan DJ; Mutschler Mark; President RNA  
**Cc:** Jordan, Chris; Kerr, Chris; Sonnen, John  
**Subject:** RNA Resolutions, adopted 12/13/11

3 Resolutions as adopted by unanimous consent at the RNA meeting on 12/13/11  
Resolved: The RNA approves the mitigation list as presented by the Great Neighbor Committee at the December 13, 2011, meeting.

Resolved: The RNA affirms that the Great Neighbor Committee shall present this mitigation list to the LOTWP, the CoWL and the other WL NAs. The Great Neighbor Committee shall work with these agencies to include these mitigations as Conditions of Approval for any Planning applications granted. The Great Neighbor Committee shall execute changes to the mitigation language, as necessary, throughout the Planning process.

Resolved: The RNA asks the West Linn City Council provide further \$5000 funding for the GNC advisor, to assist the Committee in reviewing pending Planning applications, and authorizes the Great Neighbor Committee to speak to the Council on our behalf.

As we have been frequently admonished regarding any improper contact between citizens of West Linn and our elected councilors, no other GNC documents are quoted herein or attached.

A link to our website, where other GNC documents are posted:

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

Please feel free to peruse our Goals, Selection Criteria and Mitigation List, as time, propriety and your conscience allow.

Members of the GNC will be available to answer your questions at your work session on December 19th.

We eagerly await clarification regarding the legal differentiation between our citizen generated ideas and documents, and those presented by the pending applicant.

Kevin Bryck, Chair

RNA Great Neighbor Committee

[RNAGNC@gmail.com](mailto:RNAGNC@gmail.com)

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