

Memorandum

Date: October 12, 2012

To: West Linn Planning Commission

From: Zach Pelz, Associate Planner

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

Purpose

Attached is the complete set of public testimony and new evidence received since October 5, 2012, regarding the Lake Oswego-Tigard Water Partnership pending land use proposals.

New evidence includes: a summary review of the applicant's proposal from DJ Heffernan (Planner hired to assist the Robinwood Great Neighbor Committee) (Attachment 2); an addendum to the original Construction Management Plans and Good Neighbor Plan, offered by the applicant, to further define the ongoing relationship between the applicant and residents in the project vicinity (Attachment 3); a document prepared by the applicant, summarizing project benefits (Attachment 4); and, a letter from the applicant's legal counsel clarifying statements regarding waiver of the 120-day rule per ORS 227.178 (Attachment 5).

**Attachment 1: Public testimony received since
October 5, 2012**

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

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 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:

Joyce P. Brown
Name

2434 Kenthorpe Way
Address

Name

Address

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Respectively Submitted:

Sally Porsch
Name

2428 19th St. West Linn, OR 97068
Address

Name

Address

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Respectively Submitted:

Wanda Vilter
Name

2435 Southslope Wy. West Linn
Address

Name

Address

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Respectively Submitted:

Juanita McFarlane
Name

20748 S Viewpoint Rd West Linn
Address

Name

Address

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Respectively Submitted:

Barbara Buchholz
Name
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Name

2005 MAPLE Terrace
Address
West Linn, OR 97068
Address

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OCT 15 2012	Letters can be mailed to: West Linn Planning Commission 22500 Salamo Road West Linn, OR 97068
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Respectively Submitted:

MARK ARNOT
Name

JOSIE NUNEZ
Name

2727 SW ROSSY TRAIL WEST LINN 97068
Address

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Address

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Respectively Submitted:

Mary Lynn Ball
Name

2310 19th St W 97068
Address

Name

Address

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TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

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Respectively Submitted:

Christine Juelke
Name

2345 19th St west Linn, OR 97068
Address

Name

Address

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Respectively Submitted:

Margaret Matthews
Name

1531 11th St West Linn, OR 97068
Address

Name

Address

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Respectively Submitted:

Rickard J. Hunt
Name

1288 11th St
Address

Name

West Linn, OR
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
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Respectively Submitted:

Alan Kawada
Name

2323 Appaloosa Way, West Linn 97068
Address

Name

Address

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Respectively Submitted:

Mark John

Name

SUE ABRAMS

Name

2180 Hillcrest Dr

Address

"

Address

RECEIVED

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

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RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012

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Respectively Submitted:

Steve Haataja
Name

4271 Terra Vista, CT. W.L. 97068
Address

Name

Address

RECEIVED

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

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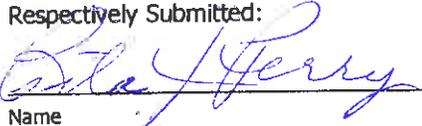
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Respectively Submitted:

Anthony M. Cook
Name

Name

2020 ALPINE DR., WEST LINN
Address

Address



TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012

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Respectively Submitted:

Dianne L. Cook

Name

2020 Alpine Rd, West Linn

Address

Name

Address

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

RECEIVED
OCT 10 2012
PLANNING & BUILDING
CITY OF WEST LINN

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Respectively Submitted: *Dorothy Mejdell*

Dorothy Mejdell
Name

2045 Alpine Dr.
Address

Name

Address



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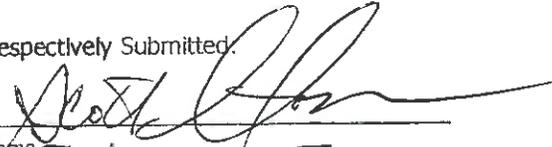
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Name Scott L. Foster
Name

1400 ROSEMONT RD W.L. 97068
Address
Address



RECEIVED

TO: West Linn Planning Commission

RE: Lake Oswego-Tigard Water Partnership

Date: October 8, 2012

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Respectively Submitted:

Lillian Gray
Name

Name

2768 Robinwood way
Address

Address

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



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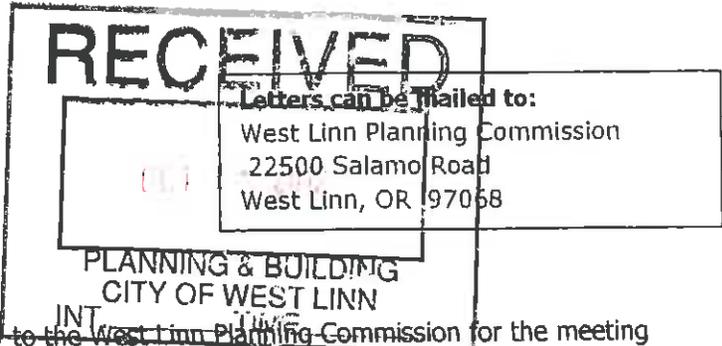
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Respectively Submitted:

JUDITH A. HUTCHINSON
Name
Judith A Hutchinson
Name

2111 SUNSET AV #14
Address
WEST LINN, OR 97068
Address

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



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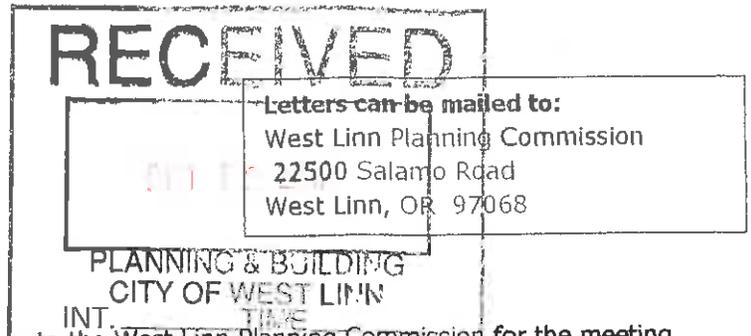
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Respectively Submitted:
Keena Heijdenman
Name
Keena Heijdenman
Name

1935 Hillhouse Drive
Address
West Linn, OR 97068
Address

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



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Respectively Submitted:

Joyce Olson
Name

4063 Imperial Dr. West Linn, Or
Address

Name

Address

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



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Respectively Submitted:

Aldean Remussen
Name

Name

15730 Dixon Ave.
Address

Address

West Linn, OR 97068

RECEIVED

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

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Respectively Submitted:

Evahay King
Name
Evahay King
Name

4145 Kenthorpe Way West Linn
Address
4145 Kenthorpe Wy West Linn, OR
Address

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



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Respectively Submitted:
Jennifer McDonald
Name

4194 Cedarvale DR. West Linn OR
Address

Name

Address

RECEIVED

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

OCT 10 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 _____	

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Respectively Submitted:

M. Marie Horvath
Name

Name

4256 Terra Vista Ct
Address

West Linn, OR 97068
Address

Pelz, Zach

From: Eric Eisemann [e.eisemann@e2landuse.com]
Sent: Friday, October 12, 2012 10:51 AM
To: Pelz, Zach
Cc: Mohling, Karen; Oveson, Pete; eday@ci.oswego.or.us; 'Wobbrock, Nick'
Subject: TVF&R response time during construction
Attachments: Pipeline TVF&R Response Time meeting.pdf

Good morning Zach,

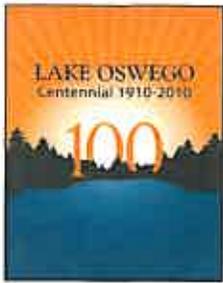
You will recall that members of our team met with Deputy Fire Marshal Karen Mohling, Mr. Steven King and Mr. Lamont King last week to talk about TVF&Rs ability to respond to emergency situations on Mapleton Drive during pipeline construction. As promised, I am providing you with a written summary of the meeting discussion. Karen Mohling and Pete Oveson reviewed and commented on my draft memorandum. The attached document incorporates all of their comments and, in my opinion, is an accurate summary of the meeting.

If you have any questions about the meeting or the meeting summary, please do not hesitate to contact me.

Thank you.

Eric

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



MEMORANDUM

TO: Zach Pelz, West Linn Associate Planner

FROM: Eric Eisemann, E2 Land Use Planning

COPY: Deputy Fire Marshal Karen Mohling, Eric Day, and Pete Oveson

SUBJECT: Meeting on October 3, 2012 regarding TVF&R response time during pipeline construction

DATE: October 11, 2012

The purpose of this memorandum is to recap the central points of our meeting on October 3, 2012. Pete Oveson, Brown and Caldwell engineer, Mr. Steven Blake, Mr. Lamont King, you, and I attended the meeting at Fire Station 58. The primary purpose of the meeting was to discuss emergency response strategies during construction of the Lake Oswego pipeline projects on Mapleton Drive.

Mr. Blake and Mr. King raised concerns that Tualatin Valley Fire and Rescue (TVF&R) response times might be compromised as a result of the proposed pipeline construction. They correctly stated that in a life threatening situation every second of response delay might be critical.

TVF&R has a system-wide, response time goal of reaching any address within its district within 6 minutes of notification 90% of the time. Response time to Mapleton Avenue might presently be around two minutes. Deputy Fire Marshal Mohling stated that she is “comfortable” with the efforts being made to meet the agency’s response time goals during the pipeline project. The Fire District routinely adjusts to construction activity and is able to use the resources of multiple stations to respond quickly to emergencies. Construction projects typically have to balance keeping access open, the length of the construction project, and the cost of both. Additionally, there will be added access provided between Mapleton and Kenthorpe through the plant.

Pete Oveson suggested that the goal of the project sponsors is to provide TVF&R with emergency access to the degree that the agency deems appropriate; stating that we are flexible in how we respond to TVF&Rs needs. A lengthy discussion ensued about the characteristics and quality of the road system and the ability of the sponsors to provide adequate emergency access. The three primary points of discussion were:

- (1) the pavement width on Mapleton and whether it can accommodate construction activity, safe pedestrian access, and emergency vehicles;
- (2) trenching and whether TVF&R vehicles can reach a private dwelling when construction activity is occurring immediately in front of the dwelling; and
- (3) safe access onto Oregon 43 from the work site, particularly regarding school traffic and queuing.

Pete Oveson described the construction strategy and drew several figures on the dry board to illustrate his talking points.

- The construction trench will be 8 feet wide (Pete had mentioned 7 feet in the meeting, but has since clarified that it would actually be 8 feet wide);
- the length of daily street trenching will be between 100 – 150 feet;
- a 5-foot wide pedestrian accessway will be separated from the construction area by a chain link fence;
- in four locations along Mapleton the pipeline alignment (i.e. trench) will cross the street; and
- except for these four locations, there will be continuous 12-foot wide emergency access. TVF&R will be notified when pipeline construction is in these four areas and will be prepared to take a detour route to access residences on Mapleton Drive to the east of the work zone.

As outlined in the application materials, the contractor will be required to coordinate directly with TVF&R personnel and establish two way communication with TVF&R so that the construction crews can begin relocating equipment as soon as TVF&R notifies the crews that there is an emergency along the route. The goal is for TVF&R to continue to meet its 6-minute response time objective.

Deputy Fire Marshal Mohling said that the proposed 100-150 foot daily construction zone does not result in unreasonable TVF&R emergency access. However, she suggested that the sponsors consider additional response measures, including:

- Providing steel plates over the trench to allow TVF&R crew access to a dwelling if needed during an emergency;
- Conducting a trial run of the emergency response plan, which could be made a condition of approval;
- Providing an enlargement of the 'strip map' concentrating on the 150-foot construction strip that better illustrates the street widths and access plan;
- Providing a diagram that depicts the right-of-way, pavement access lanes and a fire truck (10 feet wide from mirror edge to edge and 40 feet long);
- TVF&R crews to call the lead contractor directly if an emergency arises so that the construction crews can begin moving equipment and opening lanes of access; and
- Providing a sample of the work notification including site drawings depicting location of the trenching the contractor will provide TVF&R on a weekly and daily basis.

Deputy Fire Marshal Mohling made a pledge to those in attendance that TVF&R will make every effort to ensure that the neighborhood emergency needs are met. This is being done by working in good faith with the project designers and managers to anticipate any impediments to response ahead of time and to make a plan to address them.

The meeting adjourned.



Pelz, Zach

From: Pelz, Zach
Sent: Friday, October 12, 2012 8:45 AM
To: lamontking@comcast.net
Subject: RE: LOT Questions

Good morning, Lamont –

I'll try to quickly respond to your questions below, but please feel free to contact me if you have any further questions:

1. Will the applicant be required to pay SDC's to West Linn?
 - a. Yes. SDCs are based on impacts to the City's infrastructure and therefore, through previous development approvals, the applicant has already paid for their existing system impacts. Their new SDC charges will be based on the difference in impact between what exists today and what would exist if a new expanded operation is approved.
2. The applicant's traffic generation graphic is misleading.
 - a. I believe the applicant was attempting to compare the average daily trip volume per month for the project duration. I also understand that the applicant used a conservatively high estimate in their daily trip estimate. In looking at the total average daily trips, it's appropriate to factor in the 7am-7pm construction time period for construction related traffic for an accurate estimate of the situation. Finally, and as I believe the graphic represents well, 60 truck trips per day (approximately 5 trips/hour) is a relatively small proportion compared to the residential traffic on Mapleton and Kenthorpe. Of course, heavy trucks do not negotiate these streets as quickly as light-duty vehicles, but we believe the applicant has demonstrated an appropriate level of mitigation (no left turns from Mapleton to Hwy 43, extended left turn queue from Cedar Oak to Hwy 43, bussing workers from remote location, etc.) to address traffic concerns.

Thanks,

Zach

From: lamontking@comcast.net [mailto:lamontking@comcast.net]
Sent: Thursday, October 11, 2012 8:31 AM
To: Pelz, Zach
Subject: LOT Questions

Hi Zach,

I attended the LOT Open House yesterday and several questions were brought up. Is LOT paying SDC's to WL for the development? Since we are providing their infrastructure including fire and police it is thought our city should be collecting money to offset our expenses. The second item brought to my attention was the traffic report in their application. They show a graph that seems to indicate the traffic generated by the plant is a fraction of total trips. Someone pointed out to their construction manager(Jon) that the information was incorrect. The total trips generated by the neighborhood included all trips during the month 24/7, including weekends and holidays. The corresponding trips for construction only represented trips during construction hours, a considerably shorter time span. The basis for these trips was also in question. A major concern for the city is the disruption in traffic that will occur during construction and LOT's claim that 60 large trucks per day going in intersections of Mapleton and Cedar Oak will only cause minor congestion is absurd particularly when people are

going and coming from work and the school trips generated from Cedaroak Grade School. Appreciate and information you can provide me on these topics.

Lamont

Pelz, Zach

From: lamontking@comcast.net
Sent: Thursday, October 11, 2012 8:31 AM
To: Pelz, Zach
Subject: LOT Questions

Follow Up Flag: Follow up
Flag Status: Completed

Hi Zach,

I attended the LOT Open House yesterday and several questions were brought up. Is LOT paying SDC's to WL for the development? Since we are providing their infrastructure including fire and police it is thought our city should be collecting money to offset our expenses. The second item brought to my attention was the traffic report in their application. They show a graph that seems to indicate the traffic generated by the plant is a fraction of total trips. Someone pointed out to their construction manager(Jon) that the information was incorrect. The total trips generated by the neighborhood included all trips during the month 24/7, including weekends and holidays. The corresponding trips for construction only represented trips during construction hours, a considerably shorter time span. The basis for these trips was also in question. A major concern for the city is the disruption in traffic that will occur during construction and LOT's claim that 60 large trucks per day going in intersections of Mapleton and Cedaroak will only cause minor congestion is absurd particularly when people are going and coming from work and the school trips generated from Cedaroak Grade School. Appreciate and information you can provide me on these topics.

Lamont

Pelz, Zach

From: Pelz, Zach
Sent: Thursday, October 11, 2012 8:26 AM
To: Parkin, Gary
Subject: RE: CUP12-02 and CUP12-04

Thank you for your comments, Mr. Parkin, they will be added to the public record for this decision.

Zach

From: Parkin, Gary [mailto:ParkinG@ci.milwaukie.or.us]
Sent: Thursday, October 11, 2012 8:06 AM
To: Pelz, Zach
Subject: CUP12-02 and CUP12-04

A citizen of West Linn and a neighboring Public Works professional, I support the expansion of the water treatment plant in the Robinwood neighborhood and construction of the associated pipeline.

In addition to providing water to our neighbors, the expansion provides emergency water for West Linn and would enable the City to replace the Bolton water reservoir.

Gary Parkin, PE
Public Works Operations Director
City of Milwaukie
503 786-7614

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MILWAUKIE SUSTAINABILITY: Please consider the impact on the environment before printing a paper copy of this message.

Pelz, Zach

From: Parkin, Gary [ParkinG@ci.milwaukie.or.us]
Sent: Thursday, October 11, 2012 8:06 AM
To: Pelz, Zach
Subject: CUP12-02 and CUP12-04

A citizen of West Linn and a neighboring Public Works professional, I support the expansion of the water treatment plant in the Robinwood neighborhood and construction of the associated pipeline.

In addition to providing water to our neighbors, the expansion provides emergency water for West Linn and would enable the City to replace the Bolton water reservoir.

Gary Parkin, PE
Public Works Operations Director
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MILWAUKIE SUSTAINABILITY: Please consider the impact on the environment before printing a paper copy of this message.

rec 10/10/2012
ZP

Planning Department /Zach Pelz
City of West Linn Planning Department
22500 Salamo Rd.
West Linn, OR 97068
zpelz@westlinnoregon.gov

Application #: CUP12-02 (WTP), CUP12-04 (Pipelines)

Dr. Mr. Pelz,

I am sending you this letter to indicate my support of the Lake Oswego/Tigard water treatment plant and pipeline project.

A supply of clean dependable drinking water is a basic need for any community. To allow the community to thrive the basics like water supply, fire protection and industrial supply need to be met. Having another community fund and build a state of the art facility in West Linn and offer that supply to West Linn as an emergency back- up is a great show of cooperation and an offer West Linn needs to accept.

The Lake Oswego/Tigard investment implements the main water source recommendation in West Linn's water master planning documents and allows West Linn rate payers to avoid millions of dollars of investment. This is a non-brainer, get the plant and pipes built.

Mrs. Athena Wilson
2701 OXFORD ST
WEST LINN, OREGON 97068

Pelz, Zach

From: Kerr, Chris
Sent: Wednesday, October 10, 2012 9:21 PM
To: Pelz, Zach
Subject: Fwd: Amended Report
Attachments: Phase-II_Final Report_2.pdf; ATT00001.htm; Summary of Mitigation.pdf; ATT00002.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPhone

Begin forwarded message:

From: DJ Heffernan <djheff1@gmail.com>
Date: October 10, 2012, 5:56:40 PM PDT
To: "Kerr, Chris" <ckerr@westlinnoregon.gov>
Cc: RNA Great Neighbor Committee <rnagnc@gmail.com>, Steven Blake <noelblake@comcast.net>, Stowell Bob <Stowell5050@aol.com>, King Lamont <lamontking@comcast.net>
Subject: Amended Report

Chris - please share the attached with Zack. It's shortened and I think provides better and more defensible guidance to the PC than my earlier rush version. I know your staff report does not recommend the pathway through the site but in the interest of

--
Cheers,
DJ

Chris Kerr, Economic Development Director
Economic Development, #1538

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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

From: Holland, Jon R. [JRHolland@BrwnCald.com]
Sent: Wednesday, October 10, 2012 3:13 PM
To: Pelz, Zach
Subject: LOTWP Benefits Summary document
Attachments: image001.jpg; West Linn Benefits Summary_final_sm.pdf

Zach,

Attached please find the electronic version of the subject document. I'll drop off 14 hard copies at your office shortly for distribution to the Planning Commission and staff.

Regards,

Jon

Jon Holland
6500 SW Macadam Avenue, Suite 200
Portland, OR 97239
JRHolland@brwncald.com
T 503.977.6609 | C 503.803.5813



Pelz, Zach

From: Norm Eder [norme@cfmpdx.com]
Sent: Wednesday, October 10, 2012 1:02 PM
To: Pelz, Zach
Subject: Not exactly first thing in the morning but here it is
Attachments: Addendum construction management v3.docx; ATT00001.htm

The partnership agrees to this as an addendum to their application's construction management plan (both applications if necessary.)

We presume those who participated from Robinwood agree to this construct as well.

Addendum to the construction management plan

Construction Consultation

The Lake Oswego Tigard Water Partnership (Partnership) will convene meetings twice a month where project managers will meet with up to five designated representatives from the Robinwood Great Neighbor Committee (RGNC.) The first meeting will be held no more than 60 days following issuance of all approvals by the City of West Linn.

The purpose of the committee is to promote open and free communication between the Robinwood Neighborhood and the Partnership about construction of the proposed project. The meetings will anticipate and/or address construction management matters and neighbor concerns as they arise before and during the course of the project. The meetings will continue until the project (plant and pipeline) receives its Certificate of Occupancy from the City of West Linn.

- The Partnership and the RGNC will meet jointly with the Robinwood Neighborhood Association as invited by the President and Board of the Association.
- Partnership will retain the services of an ombudsman to promote communication among the RGNC, the Partnership, and the City of West Linn.
- Partnership's designated construction management team will provide the City of West Linn with copies of all written correspondence and notice of telephone contacts related to the proposed construction project from citizens.
- Partnership will communicate on a regular basis and as necessary with Tualatin Valley Fire and Rescue, police agencies, and the City of West Linn to assure public safety access needs are coordinated and accommodated.
- Partnership will provide a minimum of 60 days notice to all property owners within 500 feet of staging area for drilling the Willamette River pipeline crossing.

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, October 10, 2012 10:03 AM
To: Pelz, Zach
Subject: FW: Citizen Request 17382 - No L.O.T. Water grab

Please add to the record

John Sonnen, Planning Director
Planning and Building, #1524

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

From: Webmaster
Sent: Wednesday, October 10, 2012 7:39 AM
To: Sonnen, John
Subject: Citizen Request 17382 - No L.O.T. Water grab

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

Original Request Summary	10/10/2012	Reference Number: 17382
Name:	Cliff Gerber	Status: Assigned
Email:	CliffGerber@comcast.net	Source: online
Phone:	503-636-3696	Assigned To: jsonnen
		Assigned Group: Planning
Topic	<u>No L.O.T. Water grab</u>	
Request Details:	Why should a West Linn neighborhood be held hostage to Lake Oswego? A large scale water treatment plant for the City of Lake Oswego does not belong in a quiet West Linn neighborhood. Are there alternative solutions for Lake Oswego? Why is West Linn bending over to receive this abusive treatment?	
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 10, 2012 9:17 AM
To: Pelz, Zach
Subject: FW: Citizen Request 17369 - Water Treatment Plan in West Linn

Please add to the record

John Sonnen, Planning Director
Planning and Building, #1524

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

From: Webmaster
Sent: Tuesday, October 09, 2012 7:35 AM
To: Sonnen, John
Subject: Citizen Request 17369 - Water Treatment Plan in West Linn

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

Original Request Summary	10/09/2012	Reference Number: 17369
Name:	bret goldstein	Status: Assigned
Email:	bretgoldstein@yahoo.com	Source: online
Phone:		Assigned To: jsonnen
		Assigned Group: Planning
Topic	<u>Water Treatment Plan in West Linn</u>	
Request Details:	In regards to the water treatment plant that is proposed for west linn, I would please urge you to consider one of your alternative plans. I am a resident of robinswood near 43 and while west linn has so much to offer, this one project could surely tip the tables for me to seek residence elsewhere. Thank you kindly, Bret Goldstein http://portlandtribune.com/wlt/96-opinion/116177-lot-may-have-the-money-but-west-linn-has-the-voice-of-its-citizenry	
Comment:		

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

Pelz, Zach

From: Walters, Rebecca (DS) [Rebecca.Walters@adp.com]
Sent: Tuesday, October 09, 2012 9:16 AM
To: Holland, Jon R.; DJ Heffernan; Pelz, Zach
Cc: King Lamont; (noelblake@comcast.net); A. Gregory McKenzie; Dennis Koellermeier; Vicky and Pat; Norm Eder
Subject: RE: LOTWP Response to RNA Questions from 9-11-12 Meeting
Attachments: image001.jpg

Thanks Jon. I will send this out to all of our neighbors.

Rebecca

From: Holland, Jon R. [mailto:JRHolland@BrwnCald.com]
Sent: Monday, October 08, 2012 4:22 PM
To: DJ Heffernan; Pelz, Zach
Cc: King Lamont; (noelblake@comcast.net); A. Gregory McKenzie; Dennis Koellermeier; Vicky and Pat; Norm Eder; Walters, Rebecca (DS)
Subject: LOTWP Response to RNA Questions from 9-11-12 Meeting

DJ, Zach, RNA, et al,

Attached is the Partnership's response to questions asked at the September 11, 2012 facilitated meeting. Rebecca, please circulate as appropriate.

Thanks,

Jon

Jon Holland
6500 SW Macadam Avenue, Suite 200
Portland, OR 97239
JRHolland@brwncald.com
T 503.977.6609 | C 503.803.5813



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Pelz, Zach

From: Holland, Jon R. [JRHolland@BrwnCald.com]
Sent: Monday, October 08, 2012 4:22 PM
To: DJ Heffernan; Pelz, Zach
Cc: King Lamont; (noelblake@comcast.net); A. Gregory McKenzie; Dennis Koellermeier; Vicky and Pat; Norm Eder; Walters, Rebecca (DS)
Subject: LOTWP Response to RNA Questions from 9-11-12 Meeting
Attachments: image002.jpg; WL Neighborhood Meeting Questions and LOTWP Response 10-8-12.doc

DJ, Zach, RNA, et al,

Attached is the Partnership's response to questions asked at the September 11, 2012 facilitated meeting. Rebecca, please circulate as appropriate.

Thanks,

Jon

Jon Holland
6500 SW Macadam Avenue, Suite 200
Portland, OR 97239
JRHolland@brwncaid.com
T 503.977.6609 | C 503.803.5813



City of West Linn
LOTWP Facilitation Project
3rd Neighborhood Meeting
September 11, 2012
Facilitator Notes
Summary of Audience Questions

The following questions were submitted on written forms to the Facilitator from the audience at the 3rd Neighborhood Meeting held in the former Robinwood Fire Station on September 11, 2012. Several of the questions were about the same topics which have been summarized herein. Some of the questions were written illegibly or incoherently and have been ignored after trying to interpret their meaning. Others were mere arguments for a position which also have been ignored. The name of the author of each question was optional and, therefore, not included herein.

PLEASE NOTE: Each individual who wrote on the question form may not find their exact words in the summary of questions below. Some of the questions have been paraphrased for clarity.

At the meeting the LOTWP representatives agreed to submit brief written responses to the questions which are summarized by the Facilitator below. City of West Linn may be a more appropriate respondent for some of the questions.

LOTWP Responses October 8, 2012

Several participants at the meeting told Mr. McKenzie they had additional questions about the project and additional remediation requests. Mr. McKenzie invited neighborhood participants to submit this information. None were received after four weeks. LOTWP representatives feel that a reasonable amount of time has passed for the submission of additional questions and that it is important to respond to the submitted questions.

LOTWP representatives have continued to meet with neighborhood representatives to refine and clarify the Construction Management Plans.

LOTWP representatives are happy to address any questions we may have missed or misunderstood.

Summary of Questions (Answered at Meeting)

LOTWP: more complete responses provided below.

1. What are the greatest noise generators and how is it being attenuated?

The greatest noise generators at the existing WTP are:

- CO2 tank

- lime silo and feed system
- backup generator testing
- front end loader operation required to remove sludge from the lagoons

The proposed new WTP eliminates or reduces noise by:

- removing the CO2 tank
- removing the outdoor lime silo
- downsizing the generator by adding a second electrical power feed as a backup and placing the smaller generator in an enclosure
- handling sludge indoors with a quiet screw press dewatering system

2. How fast would the chemicals spread if accidentally released?

Gaseous chlorine, a chemical of concern used at some treatment plants, is NOT used currently and will NOT be used at the new WTP. In the event of a release, each chemical within the Chemical Building will be contained in a sump collection system, designed to hold the volume of the chemical tank and 20 minutes of flow from fire suppression sprinklers, to prevent chemical exposure to anyone outside of the secure perimeter. Chemical piping outside of the containment areas is double-walled.

The liquid oxygen tank is double-walled and is located near the middle of the WTP parcel. Because liquid oxygen quickly vaporizes, dilutes, and dissipates in the atmosphere, the increased risk of combustion rapidly decreases at short distances away from the tank itself and is minimal beyond the secure perimeter.

The existing WTP has a perfect safety record with regard to chemical spills and leaks. The new WTP's design and safety standards are significant improvements over the existing.

3. Will the overflow pipeline from the plant to the river be expanded?

No. The existing overflow pipeline is adequately sized to convey any overflows from water holding tanks and pipes at the WTP in the event of an emergency.

4. How will these mitigation items appear as conditions of approval of the CUP?

The City of West Linn is responsible for determining conditions of approval for the CUP. The Partnership will honor the commitments it has made, per our responses on the Robinwood Mitigation List, regardless of whether they are included as CUP conditions of approval.

5. Will you hold on site meeting soon and show with survey stakes proposed corners of buildings, clearwell, roads, pumps, etc.? Also with balloons indicating building heights, etc.?

Yes. An open house is scheduled for October 10, 2012 at the current WTP site and on Mapleton Drive. Proposed building corners at the WTP site and the pipeline alignment in Mapleton Drive have been surveyed and marked with stakes and paint. Balloons will be used to show the proposed WTP building heights.

6. Where are the drawings?

All application materials, including project maps, are available on the City of West Linn website. See below for a link to these materials:

WTP Application: <http://westlinnoregon.gov/planning/4260-kenthorpe-way-conditional-use-permit-and-design-review-proposed-expansion-water-treatm>

Pipelines Application: <http://westlinnoregon.gov/planning/construct-water-pipeline-mary-s-young-park-lake-oswego-water-treatment-plant-kenthorpe-way->

7. Why hasn't an alternate site/source study been done? (4 questions sheets)

LOTWP quickly concluded constructing the WTP on any alternative treatment plant site would be significantly more costly than building on the existing site already owned by LOTWP. This conclusion is predicated on the Clackamas River as LOTWP's preferred source of supply.

**8. For the risk management fund, why only 10 years duration? (3 question sheets)
The fund should be invested to earn a return.
The amount should be \$1.5 billion – not million.**

LOWTP agreed to create a \$1.5 million risk management fund to provide an extra measure of confidence that money will be available to respond to damage claims attributable to the WTP or pipeline construction and operation. The fund will supplement the Partnership's liability insurance.

The Partnership did extensive research with municipal insurance providers and concluded:

- The Partnership has, and its contractors will have, adequate liability insurance to cover foreseeable claims
- No fault coverage to protect private property is not commercially obtainable
- Any solution to this concern must be a self-managed fund
- An analysis of 10 years of water damage claims paid by an insurance pool representing the vast majority of Oregon municipalities indicated that claims averaged about \$3,000

- The Partnership is investing heavily to mitigate seismic hazards

Our insurance experts believe that 10 years is more than adequate to cover any material or workmanship defect that may occur, and long-term this money is best spent on maintaining these assets for the benefit of the neighborhood, the City of West Linn, and the Partnership's ratepayers.

9. Would the street (Kenthorpe Way) ever be completely closed for short times?

No. The only exception, as noted in the WTP Construction Management Plan, is the potential for short-term blockage (less than 15 minutes) during infrequent delivery of large equipment. Re-paving of Kenthorpe will require further coordination and planning (e.g., only paving half of the street width at a time) to ensure access is maintained for all residents.

10. How will the Mapleton/Nixon connection be handled during construction?

The intersection of Mapleton Drive and Nixon Avenue has challenging geometry that could be exacerbated with additional residential traffic due to pipeline construction detours. Our professional traffic engineering firm 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 meet West Linn standards.

11. Explain how one lane of traffic will be maintained open on Mapleton during pipeline installation.

During open-cut pipeline construction, the active construction work zone (maximum of 150 feet at any time) on Mapleton Drive will be closed to through traffic, except emergency vehicles. This closure will be limited to working hours (7:00 am to 7:00 pm maximum). Local access to homes on Mapleton will be allowed from either side of the work zone closure (from Highway 43 from the west or from Nixon Avenue from the east).

12. If Nixon Avenue is used for heavy truck traffic, will it be resurfaced?

Nixon Avenue will not be used for any construction traffic. It will not be resurfaced as part of this project.

13. Please explain the franchise fee concept. How many of the mitigations items are resolved by the franchise fee? How can we ensure the franchise fee will cover all items on the mitigation list? How much will the franchise fee generate? (8 question sheets)

The City of West Linn has said it intends to assess a fee against the Partnership for use of West Linn right-of-way for the proposed pipelines. West Linn has not yet

determined the amount. The Partnership identified seven of the 30 items on the Robinwood Mitigation list, as noted in our September 2012 response column appended to the list, as candidates for some level of funding through fee revenues. We have encouraged the City of West Linn and the neighborhood to work together to determine whether these items are priorities for funding. All questions about the disposition of the proposed franchise fee should be directed to the City of West Linn.

Summary of Questions (Not Answered at Meeting)

14. Will LOTWP pay a construction transportation fee?

We are not aware of such a fee.

15. Why or when would the treatment plant not be manned?

The WTP will be manned when in operation. At present, the WTP is not operated continuously; it is typically shut down each night. Hours of operation for the upgraded WTP will also depend on water demand and future efficiency evaluations.

16. How many piles will be installed and how long will this activity last?

Approximately 1,000 auger-cast piles will be used to protect the WTP. Auger-cast piles are constructed by drilling a hole in the ground which is filled with concrete as the drill is withdrawn. Steel reinforcing is placed into the concrete at the upper end of each pile.

Where construction noise is a concern, auger-cast piles are used in lieu of conventional impact hammer driven piles. Auger-cast piles are installed at the beginning of construction for each building's or tank's foundation. The contractor will construct these structures in phases over 28 months.

17. Will there be any pre-condition surveys of nearby homes done?

The condition of the existing streets, landscaping, fencing and other structures adjacent to the streets around all construction areas will be documented during the preconstruction survey with photographs and video. The Partnership will restore all streets consistent with City of West Linn and ODOT standards after the pipelines are installed. Though we do not expect damage to private property, damaged landscaping, fences, and/or structures on public or private property will be restored to existing or better condition, as allowed by the City of West Linn.

**18. What exactly were the 2 appraisals based on that were referenced at the meeting?
Comment: I never received an appraisal on my home.**

Two professional appraisal reports were prepared as part of the process to lift the deed restrictions in the Maple Grove Plat. Copies of these reports were sent to each

property owner. The reports both concluded there would be no loss in property values as a result of the upgraded WTP.

19. Will homeowners be compensated if they demonstrate an actual loss in property value after the plant is constructed?

Claims for property damage, including loss of value, may be made by any property owner with LOTWP's Managing Agency, the City of Lake Oswego. The City's claims evaluation process would determine whether compensation is due and the amount.

20. Why doesn't LOTWP buy any house for sale in the construction affected area if house stays on market more than "X" number of weeks?

Many factors can influence how long a home remains on the market and its ultimate sales price. To help remove uncertainty about future impacts as well as benefits, the Partnership will provide information to realtors and property owners to share with potential buyers. This information will detail the WTP construction schedule, architectural and landscape improvements, reliability and safety enhancements, asbestos cement water line and hydrant replacement, roadway resurfacing, and the new pathway/emergency access through the WTP site.

21. Has the location of the "pipe" at the Nixon/Mapleton connection been set so future realignment (i.e. re-grading) can occur?

The top of the pipe will be 4 feet below the pavement surface through the Nixon/Mapleton intersection. This will allow some future street re-grading at this intersection.

22. Will trees lost at the HDD site also be replaced?

The HDD staging area will be restored after the six-month construction period with approximately 30 native trees including alder, maple, cherry, and western red cedar. A 25-foot wide strip directly over the pipeline alignment will be planted with native shrubs and ground cover to restore this area.

Nineteen trees will be removed to accommodate HDD staging in the state-owned property immediately north of Mary S. Young State Park. The trees to be removed include alder, maple, and cottonwood, and the condition of all trees that will be removed is "fair" to "very poor," as determined by a certified arborist.

23. Will LOTWP reimburse residents for costs incurred due to inability to access homes by vehicle?

LOTWP is committed to resolving specific access needs for each property owner if issues arise.

Residents may not be able to access their homes for short periods during open-cut pipeline construction on Mapleton Drive. The longest interruption of access could be up to three consecutive construction work shifts (7 am to 7 pm maximum). However, in most cases this impact will be much shorter. The 150-foot long work zone will not all be open trench at any one time and the production rate of 50 feet of pipeline per day is conservatively low. In all cases, where a resident may not have direct property access, the contractor will be required to provide a nearby parking alternative.

- 24. When overnight construction occurs on Hwy 43, will there still be daytime construction on Mapleton "pipe" and the plant? If so, will LOTWP provide alternate housing so people can sleep since for 5 or 6 days straight there will be around the clock construction?**

The construction contract will stipulate that nighttime construction work on Highway 43 near Mapleton Drive shall not occur during the same period as daytime construction work near the west end of Mapleton Drive.

Nighttime construction on Highway 43 is currently planned for 5 months sometime between June 2014 and August 2015. Daytime construction work on Mapleton Drive will likely occur between November 2014 and March 2015.

- 25. How does LOT plan to compensate West Linn residents for pain and suffering incurred by their project?**

We understand construction of the WTP and pipeline will be a significant and extended nuisance for some neighbors and for those using Highway 43 at night. LOTWP will work to minimize impacts as detailed in our Construction Management Plans and Good Neighbor Plan.

The completed project will have significant benefits to the Robinwood Neighborhood and to all of West Linn.

Neighborhood Benefits

- Repaving of Mapleton Drive, Kenthorpe Way, and Old River Road, valued at \$250,000
- Replacement of local asbestos cement water lines, valued at \$350,000, increasing reliability of local water service
- Enhancement of Mary S. Young State Park, valued at \$90,000
- New pedestrian trail, and emergency accessway, connecting Mapleton Drive and Kenthorpe Way through WTP site
- Replacement of Partnership's 45-year old, seismically vulnerable pipelines and WTP with new pipelines and structures built to withstand a 9.0 magnitude earthquake
- Funding of priority CIP projects with franchise fee revenues

City-wide Benefits

- Avoidance of an additional 30 percent water rate increase otherwise needed for a \$11.6 million supply reliability upgrade project: replacement of West Linn’s supply pipeline from Oregon City to West Linn; avoiding this cost makes funding of urgently needed upgrades to West Linn’s Bolton Reservoir and aging piping system more feasible
- Enabling replacement of the Bolton Reservoir by ensuring adequate summer backup supply capacity so that the existing reservoir can be demolished and reconstructed on the same site over a 12-month period
- 4 million gallons of year-round backup water supply through 2041
- Fully redundant (new intake, new pipeline, and new WTP), new backup water supply system built to withstand magnitude 9.0 earthquake
- Access to 53 million gallons of reservoir storage in Lake Oswego and Tigard and 400 million gallons of aquifer storage in Tigard
- Access to redundant supply sources through Tigard’s connections
- Assistance with funding of priority CIP projects through anticipated franchise fee revenue

26. What are the benefits to the neighborhood for dealing with 3 years of construction traffic exclusive of the mitigation items?

See above response to question 25.

27. What are the pedestrian rules for school children?

A 5-foot wide pathway will be provided through the pipeline construction work zone for the safety of all pedestrians. For areas outside of the construction work zone, existing conditions will be maintained. LOTWP will inform neighbors prior to the start of heavy construction periods, post signage as necessary, and use flaggers around the construction site when appropriate to assure public safety.

Additional Questions (Asked Verbally at Meeting)

28. Why don’t the traffic projections for Mapleton and Kenthorpe shown on the handout at the meeting and in the August 20, 2012 WTP application match the 7,700 trips noted in the January 17, 2012 WTP application?

The January 17, 2012 application estimated “7,700 truck trips over the 26-month ‘heavy’ construction period.” This was based on a 26-month period that includes a large portion of WTP earth moving and concrete work and was reported as a *total number of round trips* (equivalent to 15,400 one-way trips).

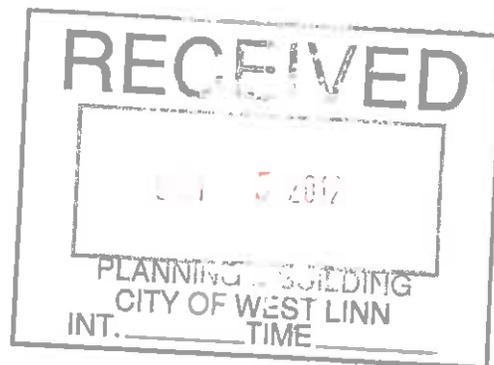
The August 20, 2012 submittal presents the information differently. Reported values are based on the entire 32-month project duration covering the full scope of the work and include all vehicular trips. Trips are reported as *one-way per day*.

By taking the August 20, 2012 traffic data and only focusing on the heaviest 26-month period of WTP construction, eliminating all small vehicle trips, and applying the average one-way trips per day over the total number of work days, the total truck trip value is 14,400 one-way trips, slightly lower than the 15,400 one way trips estimated in January.

29. How can LOTWP take credit for items on the Robinwood Mitigation List as being “partially agreed” when they are proposing those items be covered by the franchise fee?

The Partnership believes those suggested mitigation items, while desirable to the neighborhood, go beyond the scope of the impacts of our proposed projects. As such, these items may be more appropriate for indirect mitigation, via some level of funding from the franchise fee. The decision on which of these items are priorities for funding is up to the City of West Linn with input from the neighborhood.

Planning Department /Zach Pelz
City of West Linn Planning Department
22500 Salamo Rd.
West Linn, OR 97068
zpelz@westlinnoregon.gov



Application #: CUP12-02 (WTP), CUP12-04 (Pipelines)

Dr. Mr. Pelz,

As a West Linn water ratepayer I wish to recommend the Planning Commission support the applications submitted by the cities of Lake Oswego and Tigard to expand their Water Treatment Plant and pipelines.

I understand that this treatment plant provides the backup supply to West Linn and the expansion project will make it more dependable and able to withstand a sizable earthquake. I also have heard that if this treatment plant were to be denied that West Linn's emergency supply would diminish over time and to build a suitable replacement system would cost West Linn ratepayers \$12 M dollars! That alone should make this a no-brainer!

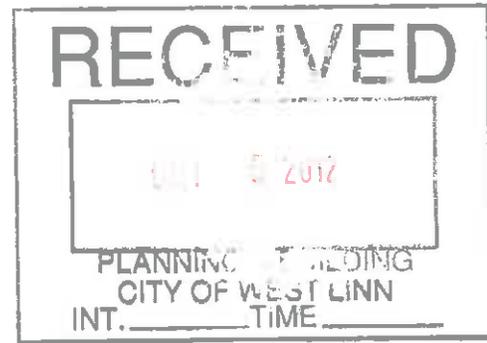
I realize some neighbors are opposed but have complete confidence in our land use code requirements and the great reputation of our neighboring cities to do the right thing and build a state of the art facility that will prove to be a good neighbor for decades to come.

Neil and Suzie Robins

4468 Elmran

West Linn Oregon, 97068

Zach Pelz
City of West Linn Planning Department
22500 Salamo Rd.
West Linn, OR 97068
zpelz@westlinnoregon.gov



Application #: CUP12-02 (WTP), CUP12-04 (Pipelines)

Dear Sir,

I am writing this letter to express my support of the Lake Oswego and Tigard proposal to upgrade their water facilities.

As a property owner in West Linn knowing the City can provide water in a natural disaster or major fire is important to all West Linners, and a few neighbors who oppose this plan should not be allowed to dominate the conversation and shout down the common sense opinions of many.

This series of projects is anticipated to provide 2000 high quality jobs for the surrounding communities. If our region ever wants to grow out of this recession things need to be built so people can get to work.

The fact that Tigard and Lake Oswego have the leadership and community support to invest in their future should be applauded and allowing the local naysayers to have the ability to deprive the vast majority of West Linn access to this state of the art asset is wrong.

Thank You for your time,

Robert Harding
2075 Ostman Rd.
West Linn, Oregon

Pelz, Zach

From: Oveson, Pete [POveson@BrwnCald.com]
Sent: Friday, October 05, 2012 1:45 PM
To: Pelz, Zach
Cc: Eric Eisemann; 'Day, Eric'
Subject: RE: disposal of HDD excavation material
Attachments: image001.jpg; image002.gif

Follow Up Flag: Follow up
Flag Status: Flagged

Zach,

HDD excavation spoils will be separated from bentonite drilling mud in tanks on-site (a baker tank looks like a large dumpster container). Once separated, spoils will be removed from the site via dump trucks once the tanks get full and taken to a gravel yard for disposal. The gravel yard used for disposal much meet all applicable standards, Meisel Rock Products in McMinnville, Oregon has been identified as a potential disposal site. The contractor will ultimately determine which particular gravel yard to use for disposal as long as it meets all applicable standards. Spoils material will not be disposed of on-site.

Thanks,

Pete

Pete Oveson, P.E.
Brown and Caldwell
6500 SW Macadam Avenue Suite 200
Portland, OR 97239
poveson@brwnncald.com
T: 503.977.6650 | C: 503.880.5837



From: Eric Eisemann [mailto:e.eisemann@e2landuse.com]
Sent: Thursday, October 04, 2012 9:58 AM
To: Oveson, Pete; eday@ci.oswego.or.us
Subject: Fw: disposal of HDD excavation material

Will you please reply to Zach.
Thanks

Eric Eisemann
E2 Land Use Planning
Sent from my Motorola ATRIX™ 4G on AT&T

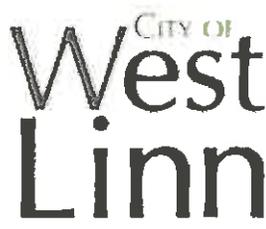
-----Original message-----

From: "Pelz, Zach" <ZPELZ@westlinnoregon.gov>
To: Eric Eisemann <e.eisemann@e2landuse.com>, "Day, Eric" <eday@ci.oswego.or.us>
Sent: Thu, Oct 4, 2012 15:28:49 GMT+00:00
Subject: disposal of HDD excavation material

Good morning,

I'm curious about where the excavation spoils from the HDD work will be disposed of. Do you have that information yet?

Zach

 CITY OF
**West
Linn**

Zach Pelz, AICP
ZPELZ@westlinnoregon.gov
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
P: (503) 723-2542
F: (503) 656-4106
Web: 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.

June 12, 2012

To:

**Planning Director John Sonnen, West Linn City Council, & Chris Jordan,
West Linn City Hall
22500 Salamo Road
West Linn, Oregon 97068**

Under **197.320 Power of commission to order compliance with goals and plans**, the Land Conservation and Development Commission(LCDC) shall issue an order requiring a local government, state agency, or special district to take action when there is good cause to believe a local government has engaged in a pattern or practice of decision making that violates an acknowledged comprehensive plan or land use regulation[197.320(6)].

Following instructions as defined under **197.319 Procedures prior to request of an enforcement order**, (b)efore a person may request adoption of an enforcement order under ORS 197.320, the person shall present the reasons, in writing, for such an order to the affected local government. This letter is intended to fulfill the requirement triggering this land use process on ordering compliance.

Background

Recent city administrative and city council decisions regarding CUP-12-02/DR-12-04 have suppressed public participation in a land use issue creating unmitigated negative impacts affecting housing within an urban growth boundary. The question in need of an answer is;

Are the censorship remarks of the current West Linn city council, council rules, and Beery memo supportive of the West Linn Comprehensive Plan and State of Oregon Goal One objectives?

Request

Public participation regarding the proposed development of an industrial scale water treatment plant in an R-10 zone has been channeled into a restrictive and opaque process that is without precedent. Both the local comprehensive plan and Oregon land use regulations have been usurped by a newly created decision-making process using a severe interpretation of ex-parte communication. This request asks the City of West Linn to demonstrate implementation of Council Goals adopted Feb.5, 2003;

1. Maintaining and protecting West Linn's quality of life and livability.
2. Actively supporting and encouraging West Linn's neighborhood associations and promoting citizen involvement in civic life.
3. Maintaining and strengthening trust and credibility in City government.
4. (6.) Promote land use policies, both locally and regionally, that are based on concepts of sustainability, carrying capacity, and environmental quality.

Actions

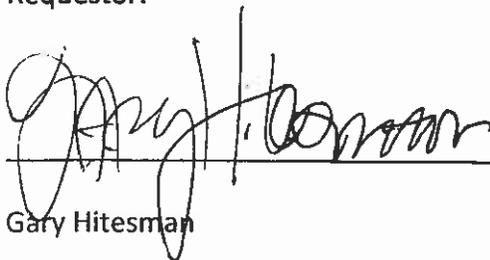
It is requested that the following actions be established and brought before a consensus of the affected neighborhoods or those associations with an expressed interest;

1. Using a quantitative methodology, provide information to affected neighborhoods on the elements of the water treatment plant facility and pipeline that maintain and protect the existing quality of life and livability in Robinwood.
2. Using a quantitative methodology, provide information to affected neighborhoods on the elements of the water treatment plant facility and pipeline that supports concepts of sustainability, carrying capacity, and environmental quality.

Per ORS 197.320, the local government shall issue a written response to the request within 60 days of the date the request is mailed to the local government or special district (Monday, August 13, 2012). The requestor and the local government may enter into mediation to resolve issues in the request. The Department of Land Conservation and Development shall provide mediation services when jointly requested by the local government and the requestor. If the local government does not act in a manner which the requestor believes is adequate to address the issues raised in the request by Monday, August 13, 2012, a petition may be presented to the Land Conservation and Development Commission under ORS 197.324.

A metropolitan service district may request an enforcement order under ORS 197.320 (12) without first complying with subsections (1) and (2) of this section. I may be reached at ghitestman@gmail.com or by mail; 2188 Clubhouse Drive, West Linn, Oregon 97068.

Requestor:



Gary Hitesman

Attachment 2: Review of proposal from DJ Heffernan (Planner hired by City of West Linn to assist Robinwood Neighborhood Association)

MEMORANDUM

Daniel Heffernan Company
2525 NE Halsey Street
Portland, OR 97232

DATE: October 10, 2012
TO: Chris Kerr, Economic Development Director
FROM: DJ Heffernan
SUBJECT: LOT Water Pipeline Application and Amended WTP Application Review

cc. Robinwood Neighborhood Association (RNA)

This memorandum was prepared at the request of the Robinwood Neighborhood Association and City of West Linn. It summarizes my review of land use applications and proposed mitigation measures related to proposed improvements at the Lake Oswego Water Treatment Plant (WTP) in West Linn, OR. If these applications are approved, the Lake Oswego-Tigard Water Partnership (Applicant) would upgrade the WTP and build pipelines to deliver raw untreated water and treated finished water to and from the WTP. The Applicant proposes that most of the large pipeline improvements be constructed in public rights of way using open-trench construction. Part of the raw water line, however, will be constructed by tunneling beneath the Willamette River. While most of that work takes place underground outside the City of West Linn (City), the "pull-out" location for the horizontal drilled tunnel is on a parcel of land owned by Oregon State Parks that is adjacent to but not part of the Mary S. Young State Park.

The West Linn Development Code (WLDC) allows the proposed uses, which are considered major utility improvements, conditionally in the zoning districts where they are proposed. Conditional use approval requires discretionary review hearings before the West Linn Planning Commission (WLPC), who may approve, approve with conditions, or deny the applications. The pipeline and site plan applications are being heard jointly but each will be ruled on separately.

The site plan for the WTP proposal calls for rebuilding the 40+ year-old treatment plant and doubling its production. New infrastructure integral to the updated plant is proposed on adjacent parcels that the Applicant acquired for this purpose. Under the proposal, the area devoted to water production would be slightly greater than is in use today. Setbacks for treatment facilities from property boundaries would increase as a result of a compact treatment plant design. The addition of property south of the existing plant would increase the WTP site from 6.04 ac. to 9.24 acres. On a percentage basis, the lot coverage for the proposed facility would be less than today's facility. The amount of developed surface area is expected to be 3.92 acres, with 2.01 acres covered by buildings. The other 1.91 developed acres includes roads, parking, and walking paths. The balance of the site, 5.32 acres, is shown as open space. A 2.0 mg buried clear well would be located in this area. Soils would be excavated for the clear well and the cover ground would be landscaped with native meadow plantings.

WTP Amended Site Plan Issues

The revised site plan addresses many of the concerns that neighbors and the RNA raised with the original plan, including increased set-backs, underground electrical infrastructure, reduced noise from truck deliveries during operations (e.g. the use of on-site compressed air for chemical deliveries), additional landscaping and screening to reduce lighting glare and obscure buildings, and less on-site water storage. The later reduces the amount of water that would need to be contained and/or discharged following an emergency. That said, there are several relevant issues that have been raised by the RNA that remain unresolved.

First the Robinwood Neighborhood Plan (RNP) calls for better pedestrian linkage between Mapleton Avenue and Kenthorp Way if and when the WTP is upgraded. While the site plan includes a usable bike/pedestrian link via an emergency access road, this alignment has a number of shortcomings, which include:

- The path does not connect with pedestrian facilities on Kenthorp; it “dumps” pedestrians onto a cul-de-sac with no pedestrian infrastructure.
- The path location is at the site’s east end, which is as far removed as possible from Oly’s Path along Trillium Creek. Oly’s Path connects Kenthorp Way to Cedar Oak Drive and from there to the Cedar Oak Elementary School.
- The east-end connector leaves a connectivity gap between Mapleton and Kenthorp along the WTP property frontage of more than 600’, which exceeds the 330’ maximum that triggers a need for alternative connectivity per the West Linn Transportation System Plan (TSP). The WTP site is the only remaining set of properties in common ownership between these two streets and the last readily available opportunity to improve neighborhood connectivity.

The revised site-plan provides an opportunity for the addition of a west-side pathway through the site in addition to the connection at the east end. Features in the revised site plan that support a second pathway include:

- The proposed shift in the location of treatment facilities to the center of the site east of the “guest parking lot” affords the opportunity to extend a pathway from the Kenthorp entrance south to Mapleton.
- The west-end public open space area that fronts Mapleton is roughly in line with the Kenthorp entryway.
- The revised site-plan would allow a pathway to be constructed through the site away from the western property boundary without disturbing the perimeter vegetation that buffers the path visually and in distance from adjacent property owners.
- The Kenthorp entry is close in proximity to Oly’s Path; this provides school children a safe pedestrian route on which to walk from Mapleton to the school, and also from the school to Mary S. Young Park. This alignment reduces out-of-direction travel for kids that live on Mapleton.

- A west-side path is more in line with policy and dimensional requirements in the West Linn TSP, which call for access between neighborhood streets where cross-street connectivity exceeds 330’.

In a meeting with City planning staff, they stated that the limited amount of new traffic generated by the WTP upgrade does not provide a causal link for requiring a west-side pathway. This argument, however, misses the fact that the RNP, which is an element of West Linn’s Comprehensive Plan, specifically calls for improved N/S connectivity between Kenthorp and Mapleton as required mitigation when the treatment plant is upgraded.

RNP Policy 3.9 calls on the City to ensure the LOWTP “*remains compatible with the surrounding residential areas and provides benefits to Robinwood’s residents as well as those of Lake Oswego.*” Action item 4 under that policy anticipates WTP expansion and specifically calls for the City to “*Mitigate negative impacts of treatment facility expansion on the surrounding neighborhood with positive contributions to transportation connectivity between Kenthorpe and Mapleton Drives.*” The plan calls for implementing Policy 3.9 and its related action measures through the development review process rather than with code amendments or in the WL Capital Improvement Plan, as is the case for implementing other RNP policies. On this basis, there need not be a causal trip-based rationale for requiring this connection between Kenthorp and Mapleton. The Comp Plan establishes the requirement as mitigation for WTP upgrade.

It is within the City’s discretion to determine the most appropriate location for the connection given that the RNP does not specify a location. Guidance in this regard should come from the TSP, which provides objective criteria for locating cross-connectivity between neighborhood streets. The Applicant initially proposed building a pathway through the west-side of the site, but revised that proposal because of objections by adjacent property owners. Now other neighborhood interests object to the east-side connection as being inadequate. No matter what the applicant does, there will be objections to the site plan by those who do not want the inconvenience associated with project construction.

Regardless, a neighbor’s disapproval is hardly reason for not implementing planning policies that provide broader neighborhood benefits. Those include more direct connectivity to existing pedestrian trails (Oly’s Path), direct connectivity to identified community destinations (Mary S. Young Park and Cedar Oak School), and consistency with the WL TSP. The path may be built on an easement rather than dedicated right of way to ensure the Applicant is able to meet security requirements within the site.

Other issues raised by neighbors relate to disturbances from WTP construction activity. Neighbors expressed significant concern about the nuisance of a three-year construction window and, in particular, the possibility that adjacent property owners will have difficulty selling their homes during that time. Neighbors asked that the Applicant be

willing to acquire adjacent properties to the site if a hardship condition, such as a health emergency or employment relocation, necessitates the sale. The applicant has stated that they would consider such requests on a case-by-case basis.

Water Pipelines Application

The Applicant proposes to build pipelines beneath existing pavement in public right of way, which limits the need to mitigate direct impacts to repairing the street damage. The Applicant, however, has agreed they will rebuild Mapleton Avenue and Kenthorp Way to mitigate damage to these streets from heavy truck use during construction. The Applicant's Construction Management Plan (CMP) asserts that when the pipelines are being installed, residents will need to detour around the construction zone during construction hours, but that access will be maintained emergency vehicles. The Applicant recognizes there are several "pinch points" on Mapleton where it will be difficult for an emergency vehicle to pass through the construction zone. Residents will lose daytime access to their home when the pipeline trench is open within 150' of their driveway. This condition will last for two or three days. The CMP also calls for pedestrian and bike access through the construction zone at all times.

During neighborhood meetings, neighbors asked questions related to specific construction details near their property, for which a ready answer was not available. They also asked how to communicate with project officials if they have a problem. The Applicant's CMP, which is part of the application, provided general answers to many questions but details for resolving concerns property by property are not known at this time. In follow-up meetings with neighborhood interests, the Applicant proposed amendments to the CMP that provide a formal on-going mechanism for dialog with the City and neighborhood interests, communications with emergency service providers, and notice about the start of construction work to property owners. This solution seemed to alleviate concerns that the land use decision would be the end of communications with the applicant on construction matters.

Attached is a list of specific construction-related concerns that neighborhood residents raised in the public outreach process. Most of these issues can be addressed through the amended construction management program. Some, such as requests for indemnity, for independent inspection and enforcement of conditions of approval, and for alternative construction methods along parts of HWY 43, are beyond the control of the City in a land-use proceeding.

Second, we note this project affords the neighborhood and the City an opportunity for adding pedestrian amenities on Mapleton Avenue. The RNP again provides clear guidance on this point. RNP Policy 3.3 calls for the provision of pedestrian facilities on neighborhood streets. Action Item 2 under that policy calls for sidewalks on streets leading to the Robinwood Main Street area (Willamette Drive). Policy 3.9 calls on the City to ensure the LOWTP "*remains compatible with the surrounding residential areas*

and provides benefits to Robinwood's residents as well as those of Lake Oswego." Action item 2 under that policy calls for the City to "Take advantage of the need to replace Lake Oswego water pipelines along Robinwood streets to provide street improvements and needed pedestrian routes." The West Linn TSP, which classifies Mapleton as a collector street, calls for pedestrian facilities separated from the roadway.

Given there is no pedestrian infrastructure on Mapleton, and the direction in the RNP to use the opportunity of pipeline replacement for improving pedestrian routes, the City should take advantage of this project to upgrade pedestrian infrastructure on Mapleton. The Applicant has stated a willingness to cooperate with the City in coordinating their construction work with construction of pedestrian improvements through the work zone. The pedestrian facility need not be a "sidewalk" per-se. The TSP provides flexibility for a compacted-gravel or an asphalt pathway. The facility could be limited to one-side of the road, which would provide connectivity to the Robinwood Main Street Area, and link to the pedestrian frontage improvements on Mapleton at the WTP site, and the pedestrian connection(s) between Kenthorp and Mapleton through the WTP site.

The City and Applicant should work together to incorporate the need for safe pedestrian passage through the construction zone with a permanent facility. Construction of such an improvement likely is SDC eligible. Assuming the City participates in financing this improvement, it would need to be added to the Capital Improvement Plan (CIP). It is not fair to the Applicant, however, to embroil them in a planning policy and budget debate between the neighborhood and the City. At most, the WLPC should consider adopting a condition of approval requiring the Applicant to coordinate its pipeline construction work on Mapleton with the City if City funds are available for building pedestrian improvements on Mapleton. Sample language for such a condition is already in the application for coordinating the Kenthorp Way water-line replacement and street reconstruction.

The Applicant's consent to provide West Linn access at cost to as much as 2 mgd of water from the WTP for an extended period of time is a substantial step toward meeting the conditional use criterion for providing a community benefit. The "community benefit" criterion is ambiguous as to how it should be measured, and deliberately so we suspect in view of the myriad of uses to which it applies. Given the scale and the nature of this project, the offer to grant West Linn access to water deliveries from this alternative water source over a long period of time is significant for its commodity value and avoided costs. Regardless, this commitment does not absolve the Applicant of the explicit obligation set forth in the RNP to mitigate plant expansion by improving pedestrian connectivity between Mapleton and Kenthorp and improving pedestrian routes on Mapleton Avenue.

Summary of Mitigation items that require further clarification:

Treatment Plant Design/Operation

4. Fund established to attract matching funds for remodeling Robinwood Station.
5. Fund established to attract matching funds for Trillium Creek restoration

Highway 43 Design and Improvements

1. Sidewalk or buffered multi-use path on one side of Hwy43 through the entire business district, north to West Linn city limits.
2. Left turn lanes at Arbor Dr., north and southbound
3. Pedestrian safety islands at Cedaroak and Arbor.

LOT responded that it would be appropriate to use franchise fee payments to underwrite/finance these mitigation improvements. This approach needs to be worked out with the COWL. It is important that the franchise fee basis be set high enough to finance these improvements in a reasonable time frame. Other wise there is the potential that franchise payments will be diverted to other pressing needs in the city. Recommend that all mitigation measures to be constructed with franchise fee payments be rolled into a one-time 20-yr bond issue. The cost of the program needs to be capitalized with the franchise fee rate (i.e. the capital costs plus design and inspection fees establishes the minimum capital cost basis for the franchise fee). There are other potential sources of funds that could be tapped to finance these improvements, which could contribute to reduce the franchise fee burden. They include:

- Metro RTP Bike System Funds
- ODOT Bike/Ped Program Funds
- West Linn CIP funds freed up by LOT's contributions to water system improvements
- West Linn SDC funds for water and transportation

Treatment Plant Construction

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. 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.
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.

Residential Street Construction

1. Maintain daily access to all driveways / residences by vehicle with access closures limited to (DEFENSIBLE TIME HERE).
 2. 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.
 3. 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.
 4. Temporary information signs and lights on Hwy43 and Nixon intersections to indicate street closures and local access conditions on Mapleton and Kenthorp.
- Relocate Storm Water Grate at Hwy 43 & Mapleton to a location out of the Mapleton travel lane.

HWY 43 Construction

3. GNC representative and City of West Linn invited to all LOTWP / ODOT Meetings related to LOTWP transmission pipeline planning and permitting.
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.

These and other issues related to construction management and practices should all be rolled into a Construction Partnering Agreement between the owner, the City, ODOT, and the Neighborhood(s). These issues can be referenced in a condition of approval that calls for the preparation and approval of a partnering agreement prior to construction of the plant and pipeline.

Attachment 3: Proposed addendum to
Construction Management and Good Neighbor
Plans as offered by the applicant

Addendum to the construction management plan

Construction Consultation

The Lake Oswego Tigard Water Partnership (Partnership) will convene meetings twice a month where project managers will meet with up to five designated representatives from the Robinwood Great Neighbor Committee (RGNC.) The first meeting will be held no more than 60 days following issuance of all approvals by the City of West Linn.

The purpose of the committee is to promote open and free communication between the Robinwood Neighborhood and the Partnership about construction of the proposed project. The meetings will anticipate and/or address construction management matters and neighbor concerns as they arise before and during the course of the project. The meetings will continue until the project (plant and pipeline) receives its Certificate of Occupancy from the City of West Linn.

- The Partnership and the RGNC will meet jointly with the Robinwood Neighborhood Association as invited by the President and Board of the Association.
- Partnership will retain the services of an ombudsman to promote communication among the RGNC, the Partnership, and the City of West Linn.
- Partnership's designated construction management team will provide the City of West Linn with copies of all written correspondence and notice of telephone contacts related to the proposed construction project from citizens.
- Partnership will communicate on a regular basis and as necessary with Tualatin Valley Fire and Rescue, police agencies, and the City of West Linn to assure public safety access needs are coordinated and accommodated.
- Partnership will provide a minimum of 60 days notice to all property owners within 500 feet of staging area for drilling the Willamette River pipeline crossing.

**Attachment 4: Summary of project benefits
submitted by the applicant**



Executive Summary

Executive Summary

West Linn has a significant stake in the Lake Oswego Tigard Water Partnership's proposed water treatment plant (WTP) and transmission pipeline projects.

For nearly 30 years, Lake Oswego and West Linn have shared water in the event of an interruption of service from either community's supply system. Today, the Partnership's and West Linn's water systems are aging, seismically vulnerable, and at or near capacity. The Partnership's proposed improvements offer a unique opportunity – all three cities will be able to more affordably improve the reliability and safety of their water supply systems.

Lake Oswego can address its water supply system deficiencies by providing a new, expanded, state-of-the-art supply system while sharing the costs with its partner, Tigard. West Linn can – through an intertie with this robust proposed system – address the supply, storage, source reliability, and safety concerns identified in its *Water System Master Plan* (Murray, Smith & Associates, 2008) at no cost to its ratepayers. This

will allow West Linn to focus its limited resources on other Master Plan priorities. These include replacement of the 100-year-old Bolton Reservoir and deteriorating piping network, both of which also are advanced by the Partnership's proposed improvements.

Since the pause in the Planning Commission hearing process last May, the Partnership has completed the following: a) submitted the pipeline conditional use permit application to facilitate a consolidated hearing with the WTP application; b) adopted an amended agreement with the City of West Linn for long-term backup water supply and an agreement for infrastructure improvement funding; and, c) conducted further discussions with neighborhood representatives to find ways to address their concerns.

This document describes the benefits that all of West Linn's residents and the Robinwood Neighborhood will receive if the projects are approved. It also highlights how the Partnership will mitigate construction impacts and minimize potential disturbance from ongoing operations.

The Partnership's proposal offers major upgrades to the reliability and safety of West Linn's backup water supply, makes significant improvements in the local neighborhood, and substantially mitigates construction and operations impacts – all at no cost to West Linn ratepayers.

Benefits to West Linn

The Partnership has proposed improvements to its WTP, pipelines, and new river intake pumping station in Gladstone that will greatly improve water service **reliability and safety** for West Linn, consistent with its Master Plan. These improvements include allowing the Bolton Reservoir to be taken offline during re-construction. Additional improvements to system reliability and safety for West Linn include:

- A Year-round backup supply of 4 million gallons per day (mgd) through 2041
- Access to 53 million gallons of reservoir storage in Lake Oswego and Tigard
- Access to redundant supply sources through Tigard as a regional interconnect hub
- Fully redundant new supply system, designed to withstand a magnitude 9.0 earthquake

The Partnership also offers West Linn significant **neighborhood improvements**, consistent with the Comprehensive Plan and Robinwood Neighborhood Plan, including:

- Mapleton Drive and Kenthorpe Way resurfacing and provision of a pedestrian path and emergency accessway between these two streets
- Asbestos cement (AC) pipe replacement beneath Mapleton Drive and cooperation with West Linn in replacing the AC pipe beneath Kenthorpe Way
- Mary S. Young Park trail and bridge to Cedar Island improvements, and 10 acres of native vegetation restoration

The Partnership has extended its strategies for **impact mitigation**, including:

- Risk Management Fund that enhances protection from any construction problems, providing short-term risk coverage transitioning to a long-term maintenance and replacement fund
- Project scheduling and sequencing that will limit overall impacts, including traffic volumes
- Architecture and enhanced landscaping features that will reduce visual, noise, and lighting impacts and will provide additional green space at the WTP for neighborhood access

**Reliability
and Safety**

**Neighborhood
Improvements**

**Impact
Mitigation**

**Cost
Savings**

Benefits to West Linn, continued

Lastly, West Linn will realize **cost savings** of more than \$12.3 million (see Figure ES-1), minimizing impacts to its ratepayers while advancing water, street, and park capital improvement projects consistent with existing plans.

West Linn's system is significantly upgraded at no cost. This upgrade includes West Linn's intertie to the Partnership's proposed fully redundant supply system and access to the Partnership's abundant storage and to other regional water sources through Partnership connections.

West Linn avoids costs of more than \$12 million in new expenditures – preventing a 30 percent rate increase on top of the 25 percent increase West Linn's Chief Financial Officer estimates is required to fund the needed water system improvements.

West Linn residents will realize additional cost savings and benefits from Mary S. Young Park improvements, West Linn street resurfacing, and a franchise fee to be levied by West Linn on the Partnership's pipelines in West Linn right-of-way.

These benefits to West Linn will advance critical elements of your Water System Master, Comprehensive Plan, and Robinwood Neighborhood Plan.

Partnership Feature	Benefit to West Linn	Total Value
Updated intertie agreement	Full redundancy and reliable backup supply	\$11.6 MILLION
OPRD easement and West Linn infrastructure agreement	Capital improvement project (CIP) funding for parks, pipes, and roads	\$ 0.7 MILLION
Franchise fee	Long-term revenue source	\$ XX.X MILLION OVER X YEARS

Figure ES-1
Summary of cost savings



Community Development Code Context

The WTP and pipeline projects require Conditional Use Permits (CUP) and must satisfy the approval criteria in Chapter 60 of the West Linn Community Development Code (CDC). West Linn's professional planning staff found in its review that our land use applications demonstrate full compliance with code approval criteria.

Two keys to this conclusion are:

1. **Consistency with the overall needs of the community** – Our proposal will deliver solutions for critical community needs identified in the Master Plan, an element of the Comprehensive Plan. These include supporting the top three priorities of the Master Plan: 1) upgrading the backup water supply including securing access to a redundant water source; 2) replacing portions of deteriorating asbestos cement water lines; and, 3) facilitating replacement of the Bolton Reservoir.

2. **Compliance with the Comprehensive Plan** – Our proposal is consistent and compliant with another element of the Comprehensive Plan, the Robinwood Neighborhood Plan. The Neighborhood Plan calls for keeping an expanded WTP compatible with the surrounding residential area while offering benefits to Robinwood residents. To accomplish these policy objectives the Neighborhood Plan suggests the following specific Action Measures:
 - Appropriate landscape screening
 - Context-sensitive architecture
 - Needed street and pedestrian route improvements
 - Mitigation of impacts from construction and ongoing operations and maintenance
 - Transportation connectivity between Kenthorpe Way and Mapleton Drive

The Partnership's applications specifically describe how each of these Action Measures is addressed. Highlights are included in the following four sections.



Reliability and Safety

Year-round backup water supply of 4 mgd through 2041

Access to 53 million gallons of combined reservoir storage

Access to redundant supply sources through Tigard regional interconnect hub

Fully redundant new supply system, designed to withstand magnitude 9.0 earthquake

Section 1. Reliability and Safety

The City of West Linn's *Water System Master Plan* specifically relies on an intertie with the Partnership's proposed higher-capacity system to address the identified concerns over supply, storage, source reliability, and safety. The other top Master Plan priorities, replacement of the 100-year-old Bolton Reservoir and a deteriorating piping network, also both benefit from the Partnership's proposal. Additional improvements to West Linn's water system reliability and safety will result from construction of the Partnership's new supply system, including access to:

- **Enhanced capacity backup supply system** capable of meeting at least West Linn's average day demand of 4 mgd through 2041, even during peak summer periods
- **Vast reservoir and aquifer storage resources** of Lake Oswego and Tigard (53 and 400 million gallons, respectively), if needed during an emergency
- **At least two additional supply sources** via Tigard's existing connections, in the event the Clackamas River source is temporarily unavailable
- **Fully redundant, robust new backup supply system** (intake, pipes, and plant) designed for severe seismic event of 9.0 magnitude

Existing System Overview

The South Fork Water Board provides wholesale water to Oregon City and West Linn and is jointly owned by the two cities. Raw water is withdrawn from the Clackamas River by the South Fork intake, treated at the South Fork Water Treatment Plant, and then pumped to the Bolton Reservoir in West Linn (see Figure 1-1). West Linn maintains and owns the transmission lines to Bolton, five other reservoirs, the distribution lines to residents, and the pump station and intertie linking West Linn to the Partnership's system. The West Linn water system serves approximately 24,000 residents. The existing intertie and intertie pumping station between the Partnership's finished water pipeline, just downstream of its WTP, and the Bolton Reservoir provide the primary source of West Linn's backup water supply.

The Partnership's WTP is the City of Lake Oswego's only drinking water treatment facility and currently serves a population of 36,000. Tigard has purchased an equity stake in all of Lake Oswego's existing supply system. Tigard will continue to serve its 57,000 residents through its connection to the Portland Water Bureau system, until the proposed upgrades are constructed.

Both Tigard and Lake Oswego have substantial water storage capacity. Tigard has 27 million gallons (MG) of storage in reservoirs and Lake Oswego has an additional 26 MG. Tigard also has an aquifer storage and recovery (ASR) system that can bank up to 400 MG during the low-demand season to help supplement summer peak or emergency needs.

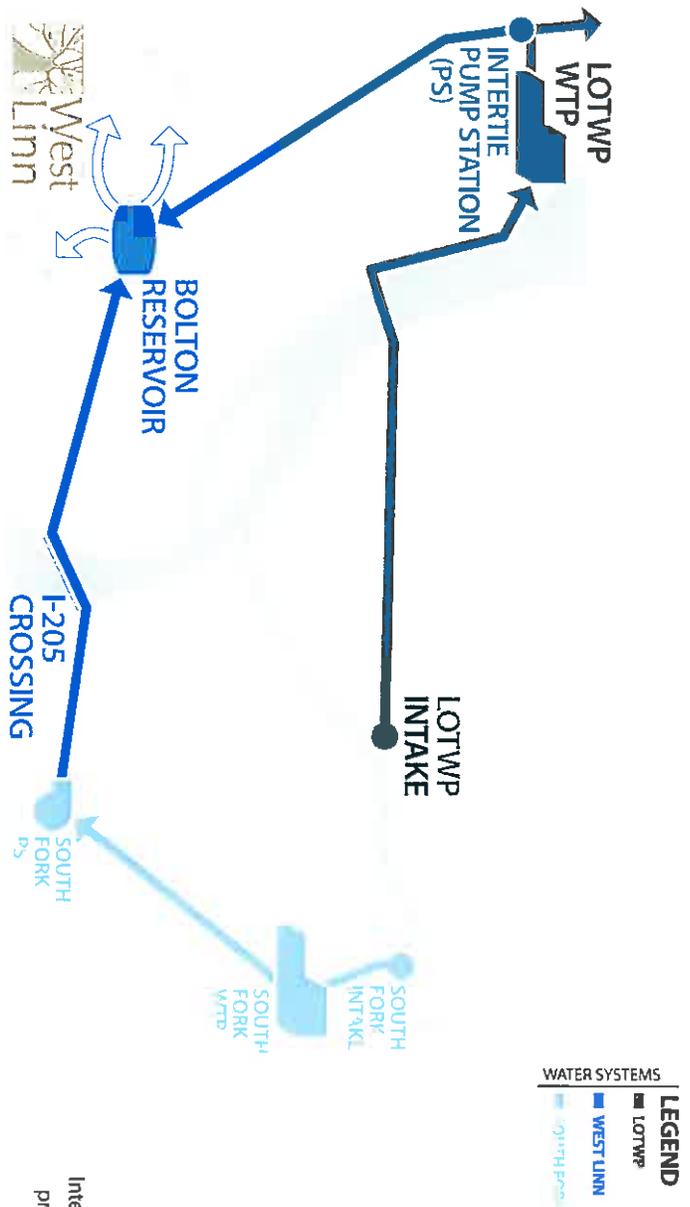


Figure 1-1
 Intertie with Partnership provides backup water supply to West Linn

West Linn and Partnership water systems currently at risk

The existing Partnership water supply facilities have significant deficiencies. These are driving the proposed upgrades: Age, capacity, condition, and seismic vulnerability pose serious risks to reliable water delivery to our citizens. Figure 1-4 shows the specific risks for each of our existing supply systems.

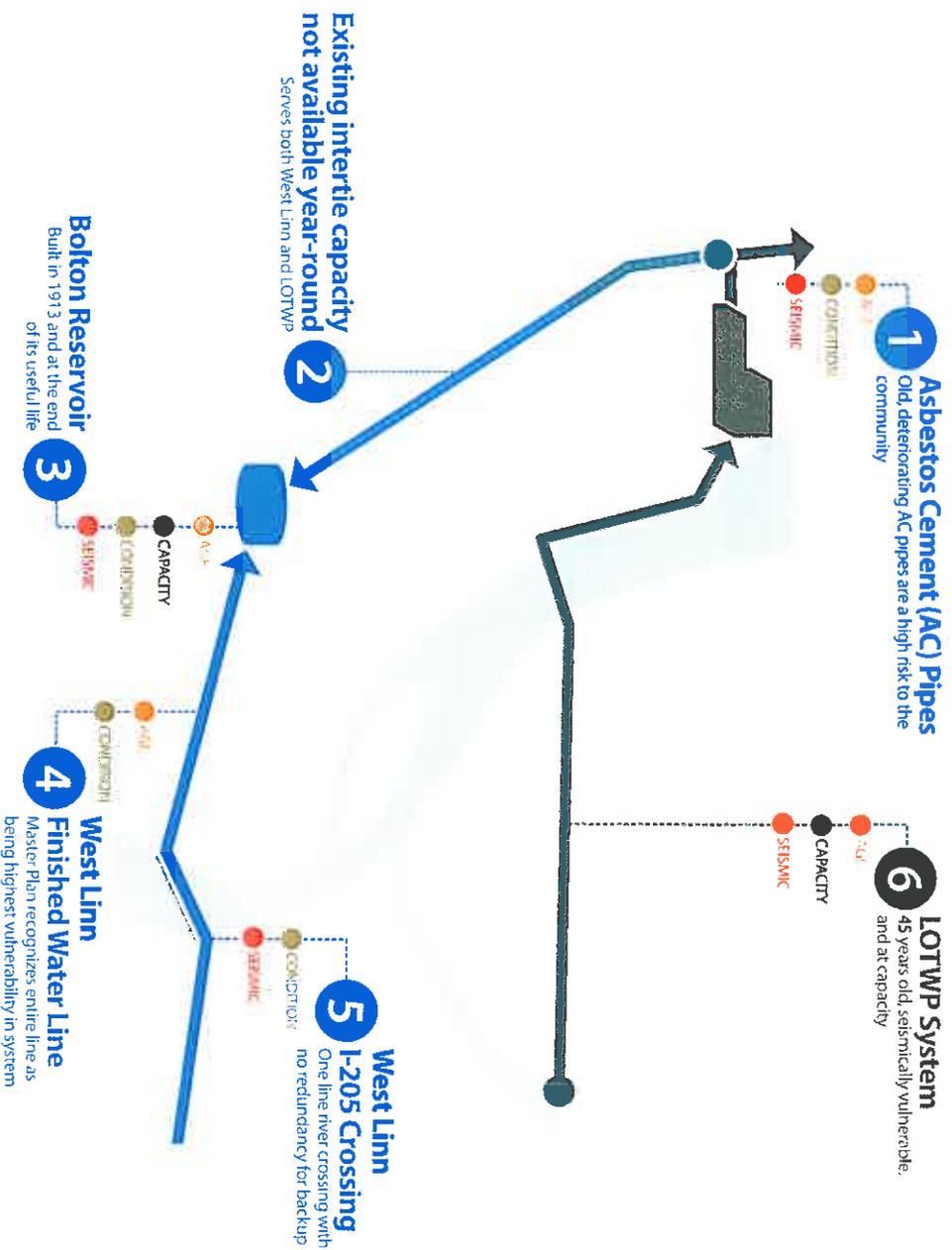


Figure 1-4
Both existing water supply systems face reliability risks

West Linn will receive 4 mgd year-round backup supply through 2041

The expansion of the Partnership's supply system will enable West Linn to receive emergency backup water through 2041. Emergency water supply for West Linn is currently based on availability of water from the Partnership. Lake Oswego's current maximum water demands are approaching the existing supply system's capacity. During peak-use, high-demand conditions, the availability of backup water from the Partnership to West Linn is near zero.

A reliable source of backup water is an essential part of all municipal water systems. West Linn's primary water supply system is old and vulnerable.

The joints on the West Linn supply main suspended between the twin spans of the I-205 bridge become loose every few years. The South Fork intake was damaged by debris during high river flows last December (See Figure 1-5). Other supply system failures would also result in the need for backup supply. Water to fight fires is critical in the event of a natural disaster such as an earthquake.

WL taps into LO water after intake damaged

Published on Wednesday, January 04, 2012. Written by [Linda Hall](#).
 West Linn's and Oregon City's water supply was compromised after heavy rain Dec. 29, causing West Linn to tap into its emergency intake with Lake Oswego.
 The South Fork Water Board (SFWB), which is the water supply agency for both Oregon City and West Linn, was forced to shut down its drinking plant in Oregon City last Thursday afternoon when workers noticed the system was not functioning properly.
 "The timing is good... demands are low this time of year" Jan. 2012

Repairs and upgrades

Failure

Damage

Reliable source (Fire/disasters)



Figure 1-5
 West Linn relies on backup water supply from Partnership

Amended IGA, new Partnership system address West Linn needs

In 1984, West Linn and Lake Oswego adopted an intergovernmental agreement (IGA) allowing the two neighboring cities and the South Fork Water Board to share water in times of emergency or to facilitate maintenance of their respective water systems. The 1984 agreement was updated in 2003, when West Linn and Lake Oswego partnered in the design, construction, and operation of an improved intertie and pump station. The Partnership recently agreed to update the agreement to provide 4 mgd of water to West Linn (equal to average day demand), once the WTP and pipeline upgrades are completed. Lake Oswego and Tigard City Councils adopted the amended IGA in September 2012. It will be fully executed when West Linn's City Council agrees to the amendments.

The proposed higher capacity supply system combined with the substantial storage capacity of Tigard and Lake Oswego (53 MG in reservoirs as well as 400 MG in ASRY) gives the Partnership the ability to meet its new backup water supply commitments to West Linn. In addition, access to the City of Portland's two sources, Bull Run and the Columbia South Shore Well Field, via Tigard's connection would provide two added redundant sources to West Linn. This provides a new level of reliability in the event the Clackamas River source is not available.

Many of the risks identified in Figure 1-4 on page 10 are addressed as a result of the Partnership's WTP and system improvements. Figure 1-6 is a summary of the major benefits to West Linn of the Partnership's proposal, consistent with the Water Master Plan.

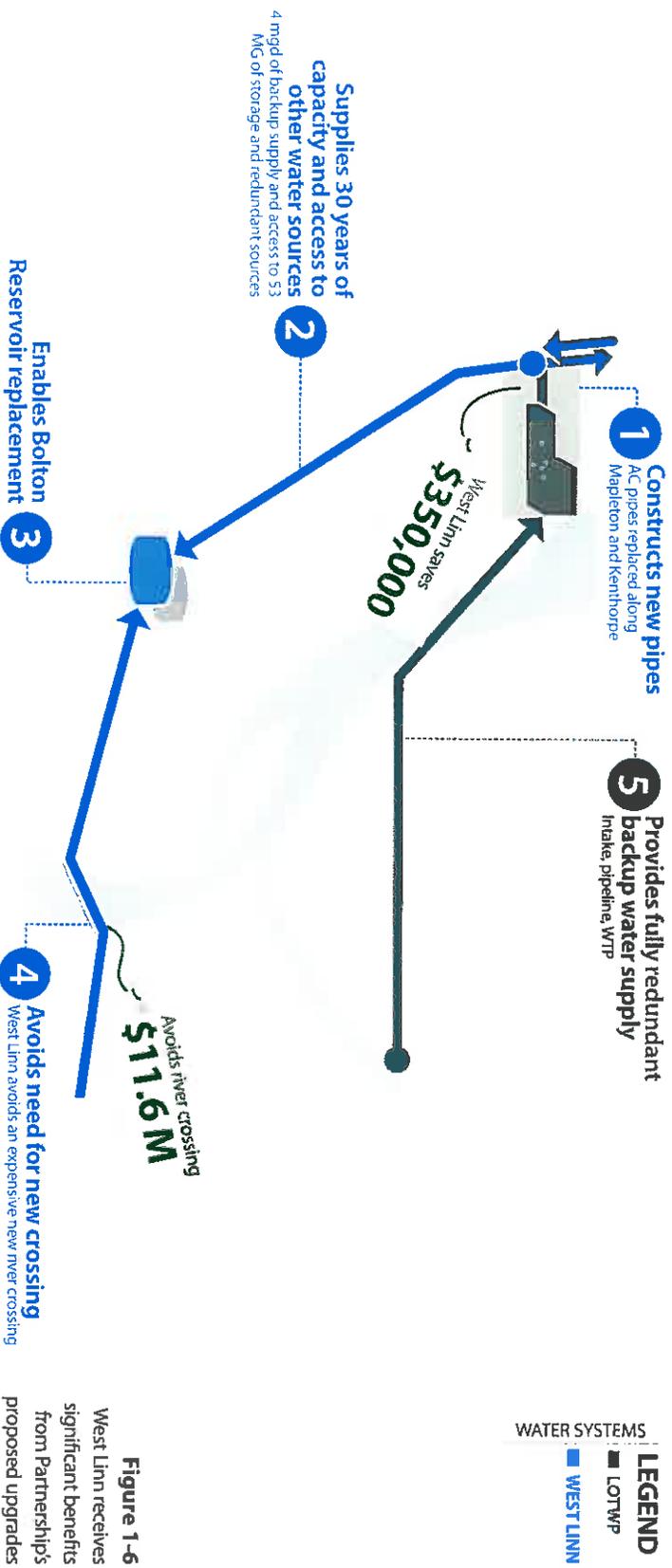


Figure 1-6
West Linn receives significant benefits from Partnership's proposed upgrades

System reliability is critical – more rigorous seismic standards must be addressed

The Partnership is committed to the safe operation of all elements of its proposed system. Its primary mission is to design, build, and maintain a safe, reliable, long-term water supply system to ensure public health and safety.

The history of seismic design standards in Oregon has evolved rapidly from their inception less than 40 years ago. As shown in Figure 1-7, the Cascadia Subduction Zone (CSZ) earthquake has only recently been included. And these standards are only applicable to buildings, not pipelines, further emphasizing vulnerability of the existing systems.

The citizens of Lake Oswego and Tigard will depend on the new water supply system at all times, but perhaps no more so than during and following an emergency or natural disaster. And the citizens of West Linn, in the event of damage to or malfunction of any key element of its water system or the South Fork Water Board supply facilities, will also rely on the Partnership's facilities for their backup source of supply.

Figure 1-7
Seismic design standards have evolved quickly for buildings, increasing 225% since 1974

1974
Standard adopted
in Oregon

1994
CSZ earthquake
first considered

2004
CSZ increased to 9.0

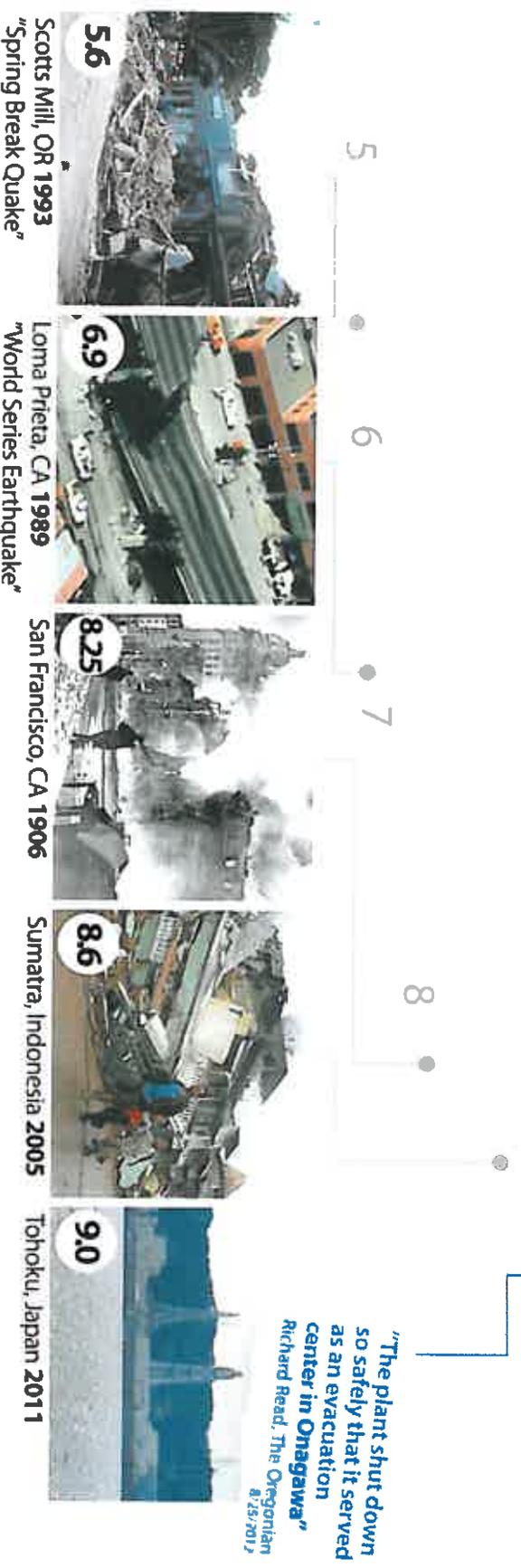
Partnership's new supply system designed for highest reliability, including magnitude 9.0 earthquake

For these reasons, the Partnership has chosen to design a highly reliable system with built-in safeguards. These include selection of a design standard for all of its proposed new supply facilities that mitigates the hazards of an earthquake with a 2 percent chance of exceedance in 50 years (2,475-year return interval). This is the highest global standard, applicable to life sustaining structures, such as hospitals and emergency response facilities. This return interval includes consideration of the magnitude 9.0 CSZ event (see Figure 1-8).

Design features to enhance reliability for the proposed improvements are described on subsequent pages. These include each element applicable to West Linn's backup supply system: the intake on the Clackamas River, the WTP, and the pipelines.

LOTWP Design Standards

Figure 1-8
Partnership facilities designed for 9.0 CSZ earthquake



Intake features assure reliable operation

River intakes are susceptible to damage, especially from debris during high flows, as happened to the South Fork Intake last winter. An inoperable intake has a domino effect on the rest of the system, requiring a backup water supply until the intake is repaired. To reduce the risk of damage and service interruption, the Partnership's proposed intake features three screens (see Figure 1-9). Each screen has an isolation shut-off gate. If one or two screens are damaged, their gates are closed and the remaining screen(s) continue in service. Damaged screens can be mechanically raised out of the water for rapid repairs or maintenance, without need to mobilize divers or cranes.

Project design engineers have further reduced the threat of damage to the new intake with a deflector bar rack, just upstream. This will redirect material before it can impact the screens. As added insurance, the screens can be raised out of the river to above the 500-year flood elevation.

The design also includes 14 rock anchors drilled 30 feet below the intake into underlying rock to prevent overturning in an earthquake and to resist buoyancy in a flood.

Finally, the design includes a standby pump and second electrical feed in the event of an equipment or power failure.

Figure 1-9
New Partnership intake features seismic and other reliability safeguards



New WTP designed to highest seismic standard

The WTP is located in a high earthquake hazard area. This raises concerns about seismic stability for the existing and the proposed facilities. The Partnership completed a Site-Specific Seismic Hazards Evaluation in accordance with requirements of the Oregon Structural Specialty Code. Based on this evaluation, we determined the major geologic hazard triggered by the design earthquake is liquefaction of a saturated, unconsolidated layer of soil. Liquefaction is a temporary loss of soil strength that can cause settlement, in this case from 5-9 inches in a magnitude 9.0 event.

To mitigate this risk, the entire WTP will be supported on auger-cast pile foundations that extend through the liquefiable layer into underlying dense gravels, as shown in Figures 1-10 and 1-11. This extra safety measure, costing approximately \$3 million for nearly 1,000 piles, will protect the even larger investment it supports by not relying on any strength from the liquefiable soil layer.

Auger-cast piles were selected because they are substantially quieter to install than hammer-driven piles. They are constructed by augering a hole in the ground and replacing the soil with concrete as the auger is withdrawn. Steel reinforcing is then placed in the upper portion of each pile.

Additional reliability features of the new WTP include:

- Mechanical and electrical redundancy
- Durable building materials
- New emergency access route
- Redundant warning and alarm system
- Fire detection and suppression systems
- Site security measures

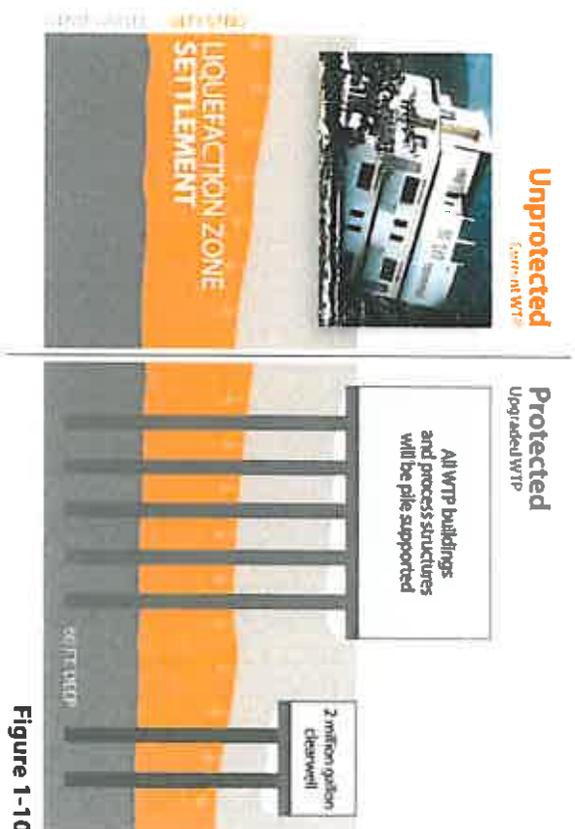


Figure 1-10
Pile supports fully mitigate liquefaction settlement hazard

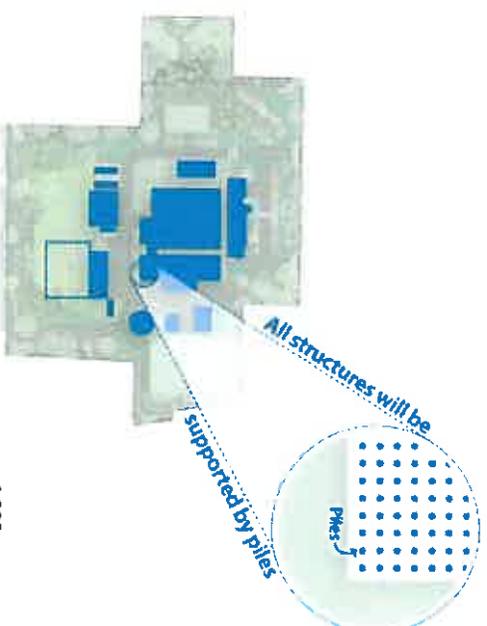


Figure 1-11
1,000 auger-cast piles protect all structures at cost of \$3 M

New pipelines designed for highest seismic standard

The Partnership's and West Linn's supply pipelines are at risk. West Linn's pipeline has experienced past failures due to corrosion. And, in the case of the I-205 bridge crossing, vibration of mechanical joints causes repeat failures. Neither pipeline was designed to resist earthquakes; both have segments with push-on joints that can separate in an earthquake (see Figure 1-12).

The Partnership selected robust materials and features to protect the pipelines to the industry's highest seismic standard during its 75- to 100-year design service life. The Partnership's design engineers were assisted by one of the country's foremost pipeline seismic design experts.

Steel pipe with welded joints, regarded as the highest performing pipeline system available for resisting earthquake forces, will be used for both the raw and finished water pipelines. The joints will be secured with double lap welds; welded inside and outside the pipe at each joint. Our expert, Don Ballantyne, has worked throughout the western United States, including with the San Francisco Public Utility Commission and the Los Angeles Department of Water and Power. These agencies routinely use steel pipe for their new, critically important pipelines and use double lap welded joints when these lines traverse particularly at-risk locations.

Though there are no recognized seismic design standards for pipelines, the Partnership has adopted the approach recommended by the American Society of Civil Engineers and the International Building Code for very important structures. This approach mitigates the hazards of an earthquake with a 2 percent chance of exceedance in 50 years (2,475-year return interval), the highest level accepted worldwide.

The flexible steel pipelines will readily accommodate the expected differential settlement due to liquefaction of 2 inches in 40 feet. Flexible joints will be used to accommodate the transition into rigid, pile-supported structures where the pipelines enter and exit the WTP site.

The new welded steel raw water pipeline drilled into place through stable basalt formations more than 30 feet beneath the river bed (see Figure 1-13) will result in a more reliable river crossing.

Additional pipeline reliability will be achieved by using state-of-the-art corrosion prevention systems and by conducting routine asset management activities to ensure the pipelines are maintained in good working condition throughout their design service lives.

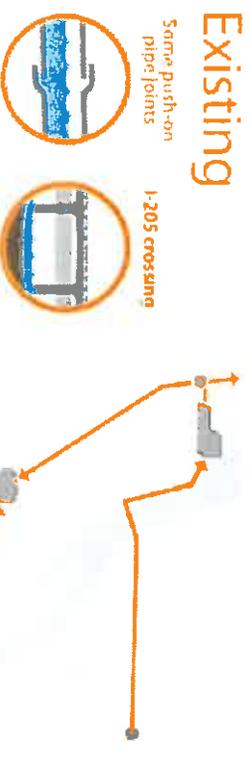


Figure 1-12
Existing pipelines are vulnerable to earthquakes

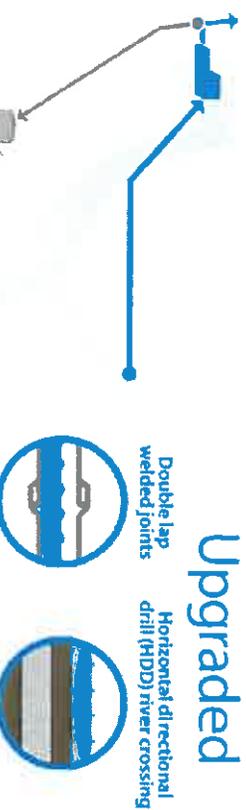


Figure 1-13
New pipeline will provide needed redundancy and reliability

WTP and pipeline design address neighborhood safety issues

The design incorporates a variety of measures to optimize safety for plant operations staff and neighbors. A few of these are highlighted in Figure 1-14 and described in greater detail below:

1. A triple redundant overflow control system diverts unlikely treatment basin overflows to several holding basins. Overflows are diverted to the Willamette River through the existing overflow pipeline, mitigating the risk of neighborhood flooding in the event holding basins are overwhelmed.
2. The centrally located Chemical Building includes a sump collection system. This is designed to hold one full chemical tank and 20 minutes of flow from fire suppression sprinklers, to prevent chemical exposure to anyone outside of the secure perimeter. Chemical piping outside of the containment areas is double-walled. No gaseous chlorine has been used at the WTP for many years.

3. Isolation (shutoff) valves will be installed at intervals of approximately 2,000 feet along the entire land-based pipeline alignment. The valve closest to any damaged section of pipe can be closed within minutes by operations and maintenance staff or by local jurisdiction emergency crews to limit any damage that might occur from leaking water.

4. Pumping only when the WTP is staffed allows immediate shutdown of pumps in the unlikely event of a serious problem with either pipeline as alarms would alert the operator of a pressure drop.

5. The Clackamas County Emergency Notification System, sometimes called "Reverse 911," is available to interested neighbors who may have concerns about the safety of the new WTP or pipelines. The system alerts affected registered residents by sending messages and instructions by landline phone, cell phone, internet phone, and email.

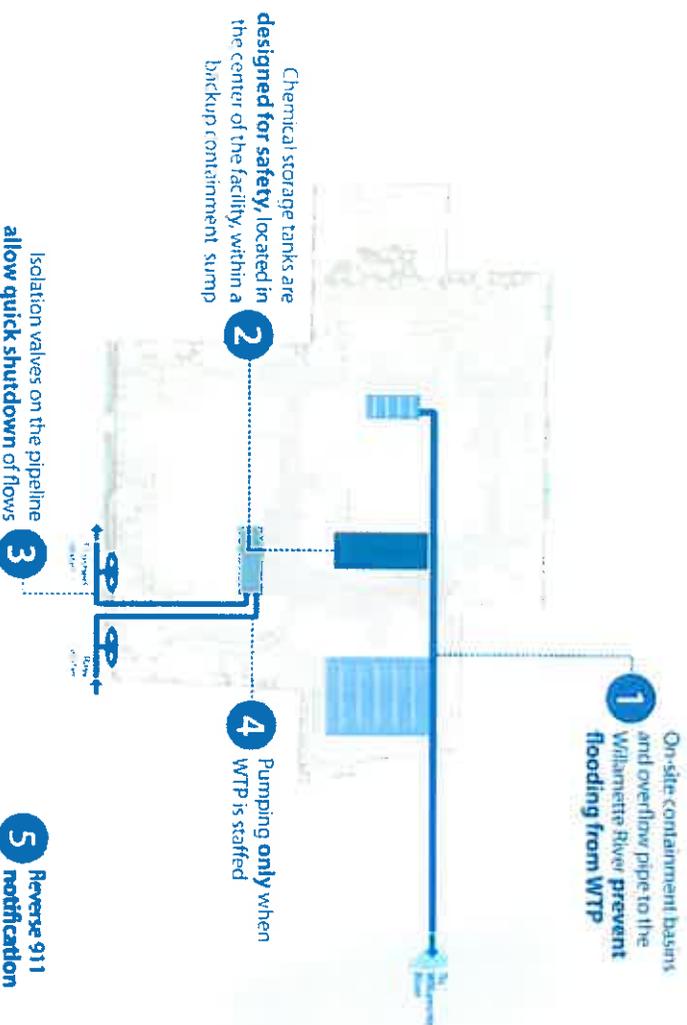
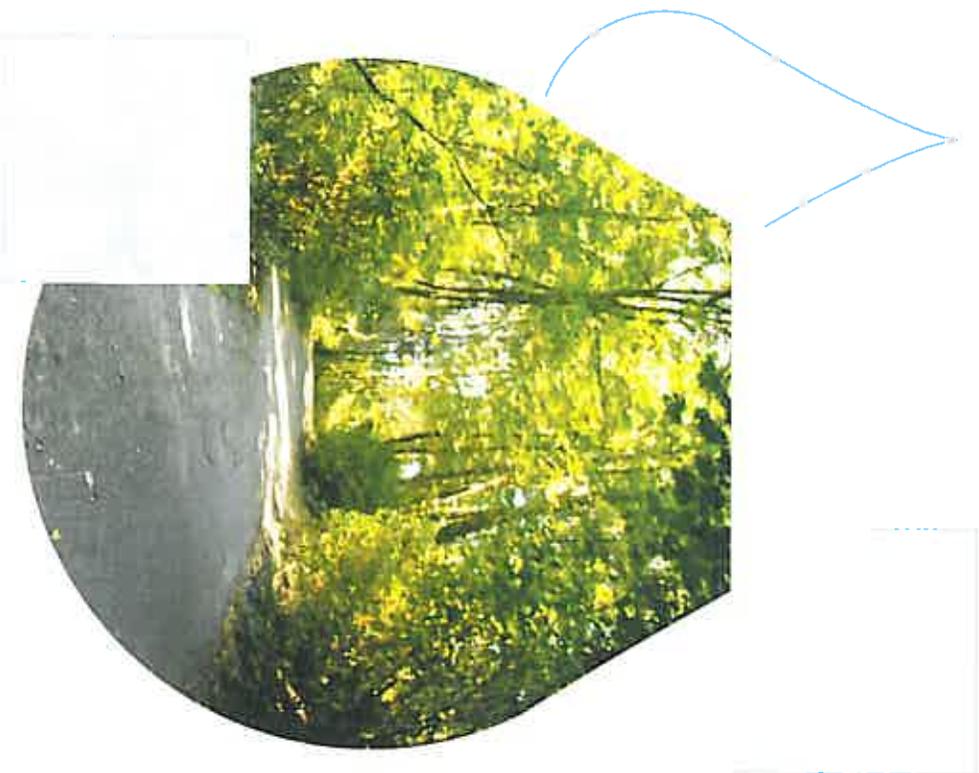


Figure 1-14
New WTP and pipelines
designed for optimal safety



Neighborhood Improvements

Mapleton and Kenthorpe street resurfacing and pedestrian pathways

Asbestos cement pipe replacement

Mary S. Young Park improvements

Section 2. Neighborhood Improvements

This section outlines the benefits to the Robinwood Neighborhood.

The **street improvements** and **new pathway** are consistent with the Robinwood Neighborhood Plan. The West Linn **water line replacement** is consistent with the Master Plan. And the **Mary S. Young Park improvements** were identified and approved by the West Linn Parks Advisory Board.

Mapleton and Kenthorpe street restoration valued at \$250,000

The Partnership will maintain Mapleton Drive and Kenthorpe Way in good condition during the pipeline and WTP construction periods. The roadways will be re-paved to City of West Linn standards at the conclusion of construction. The result in both cases will be new, durable asphalt surfaces free of utility trench patching.

The Robinwood Neighborhood Plan calls for "positive contributions to transportation connectivity between Kenthorpe Way and Mapleton Drive" to "mitigate negative impacts of treatment facility expansion on the surrounding neighborhood." The Partnership worked with the Robinwood Neighborhood to identify the preferred route through the treatment plant site to serve pedestrians, emergency vehicles, and local traffic in the event an emergency blocks either Mapleton or Kenthorpe (see Figure 2-1).

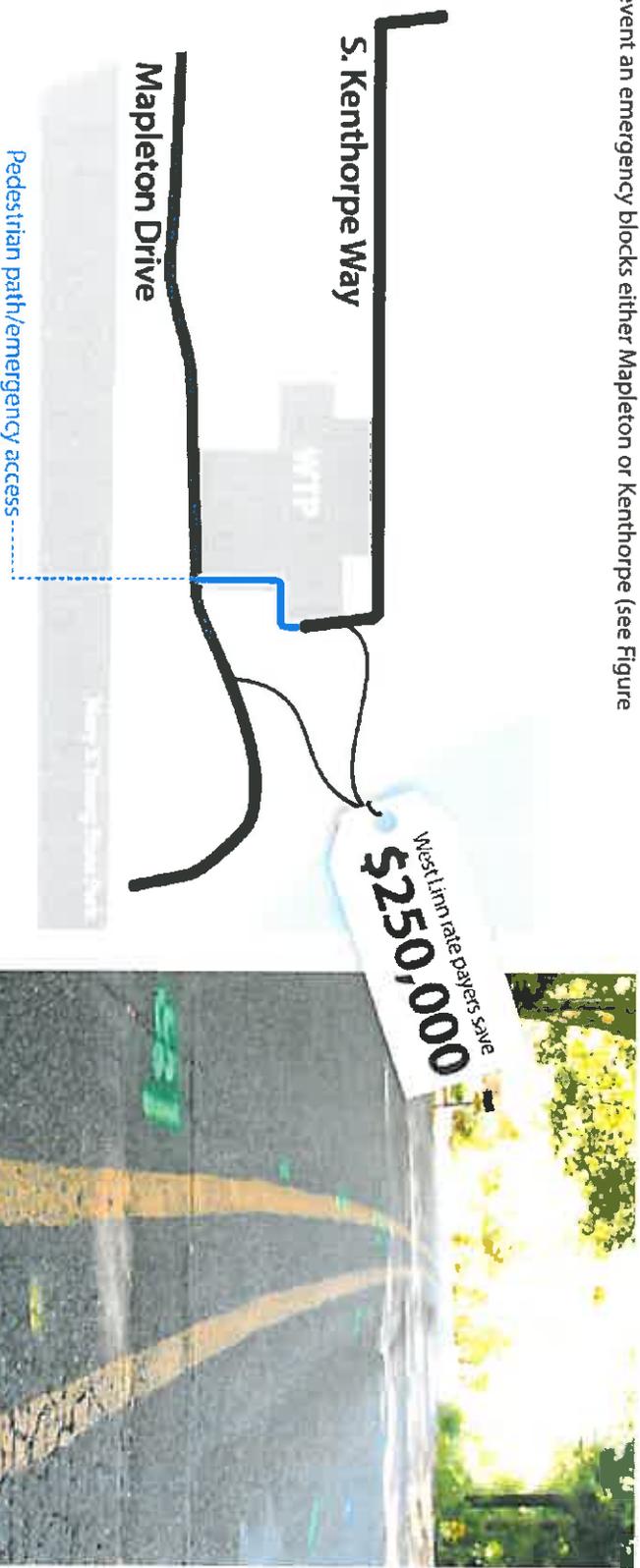


Figure 2-1

Aging streets to be resurfaced, new path/emergency access through WTP

Asbestos cement pipe replacement valued at \$3350,000

West Linn's existing distribution system contains approximately 12 miles of asbestos cement (AC) water mains installed in the 1950s and 1960s. This comprises approximately 10 percent of the City's distribution system piping. Much of the AC pipe is located in the Robinwood service zone. AC pipe generally has a service life of roughly 50 years. A number of communities have undertaken replacement programs targeting AC pipe installed in the same timeframe as West Linn's.

The Master Plan recognized that "based on the current understanding of AC pipe service life and performance, as well as the age of the existing pipe in the City's distribution system, the City can anticipate increasing incidents of AC pipe failures within its distribution system." For that

reason the Master Plan calls for a \$345,000 annual investment over 20 years to complete replacement of this brittle, deteriorating pipe material with new, larger ductile iron pipe.

The Partnership will fund the replacement of two-thirds of the AC pipe in Mapleton Drive and all of a short segment in Old River Road. New fire hydrants will also be installed. These will be closer together than the current hydrants.

In addition, the Partnership will help West Linn realize economy of scale cost savings by designing and constructing all the new pipe shown in Figure 2-2 as part of the larger pipeline and WTP projects.

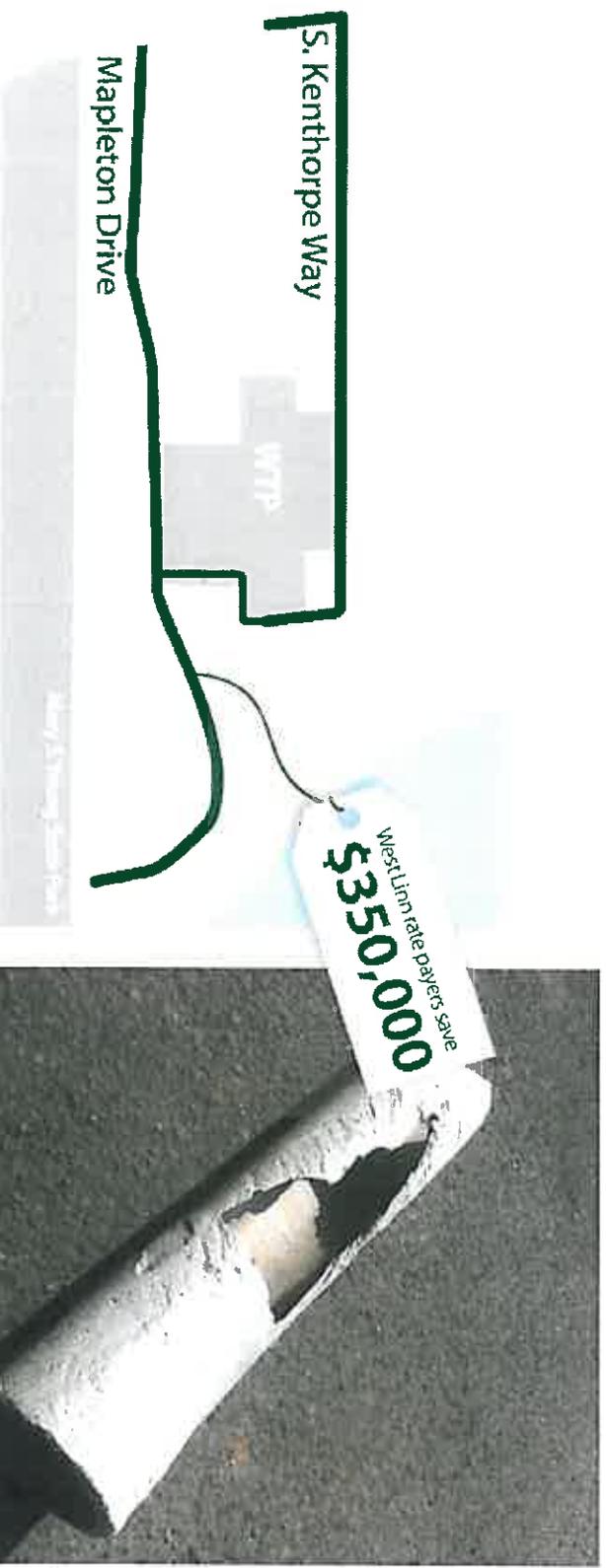


Figure 2-2

Deteriorating asbestos cement pipe to be replaced with new ductile iron pipe



Mary S. Young Park improvements valued at \$90,000

In addition to paying just compensation for an easement from the Oregon Parks and Recreation Department (OPRD), the Partnership will also fund much-needed enhancements to Mary S. Young Park through an agreement with OPRD and the City of West Linn. Funding these improvements meets OPRD's policy of providing an "overwhelming public benefit" to park users. The Partnership will install the raw water pipeline under the park. A small area of OPRD land near the northeast

corner of the park, not widely visible or used by visitors, will serve as the entry point for the 42-inch pipeline installation. Horizontal directional drilling will be used to install the pipe deep beneath the ground surface. This will avoid the impacts of open excavation methods.

The agreed upon enhancement projects are highlighted in Figure 2-3.

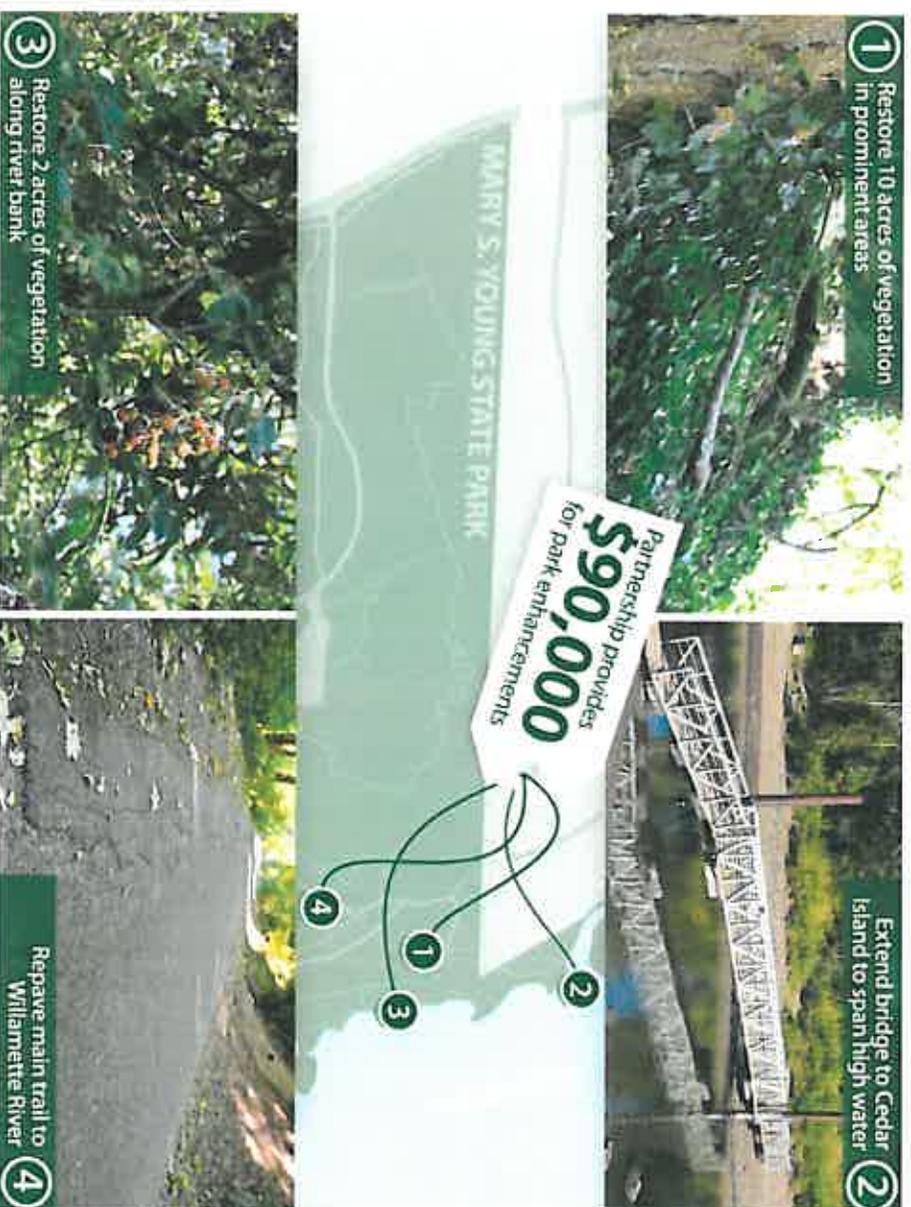
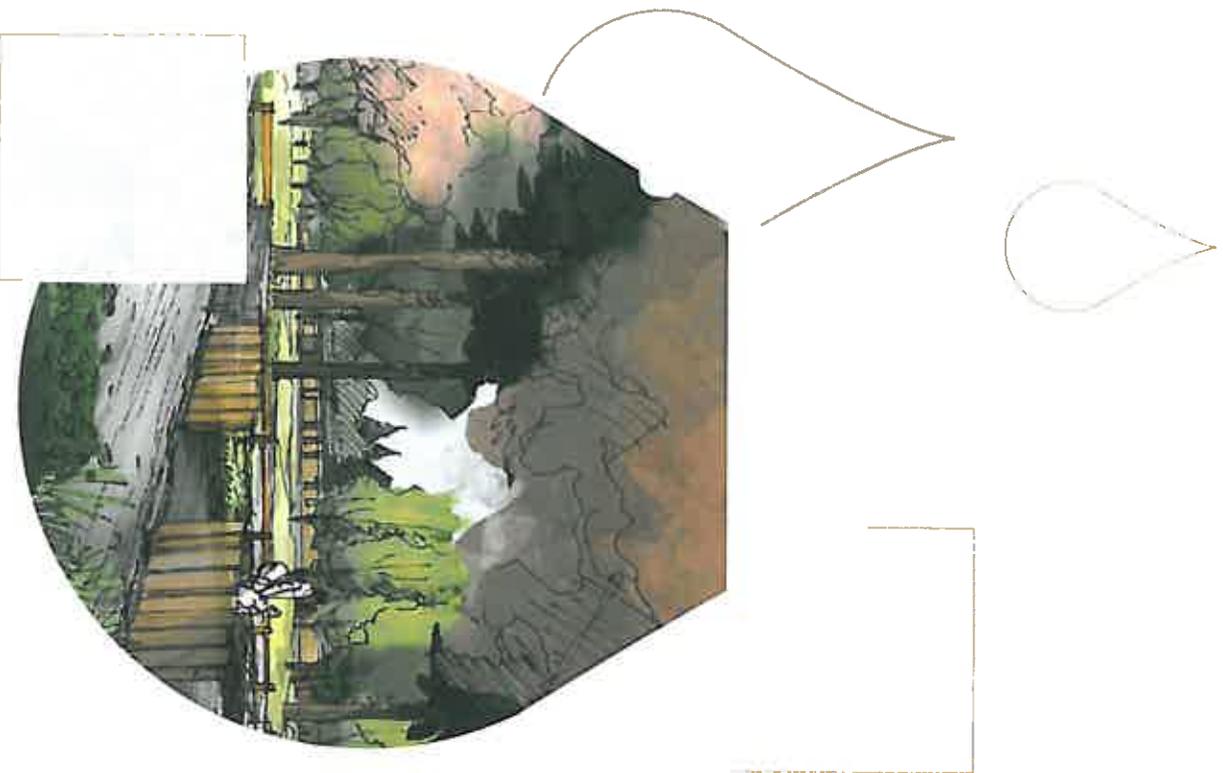


Figure 2-3
 Needed park
 improvements
 provide
 "overwhelming
 public benefit"



Impact Mitigation

Renewed neighborhood engagement addresses key concerns

Risk Management Fund enhances protection

Construction traffic impacts and ongoing noise and glare minimized

Landscaping and architecture enhances compatibility with residential area

Section 3. Impact Mitigation

Neighbors have expressed concerns about potential impacts to their safety, property value, and more as a result of the construction and ongoing system operation. The Partnership has taken extraordinary steps to develop the most sound and secure facility and pipeline designs possible. Many other issues have been addressed through detailed architectural and landscape innovations and Construction Management Plans submitted as part of our land use permit applications.

Since the May Planning Commission hearing, the Partnership has participated in a series of professionally facilitated community meetings to explore ways to meet neighborhood concerns about potential impacts of the proposed projects. We believe progress was made. Improvements to our mitigation plans include:

- **Establishing a Risk Management Fund**
- **Reducing traffic impacts** through careful planning and project scheduling
- **Enhancing buffers** to WTP neighbors from ongoing operations

And we continue to employ extensive **landscape screening and neighborhood-compatible architecture.**

The Partnership is committed to working with Robinwood Neighborhood representatives throughout the remainder of the design phase, as well as during construction to promote communication and resolve further issues as they arise.

Risk Management Fund enhances protection from any construction problems

The Partnership has exercised diligence in our planning efforts, is executing a conservative design process, and will implement a rigorous quality assurance/quality control program during construction. The Partnership has substantial insurance coverage for potential claims from third parties relating to damage caused by failure of its facilities. However, the Partnership has gone one step further to add another layer of protection.

The Partnership will, subject to authorization by its City Councils, establish a Risk Management Fund of \$1.5 million. This fund will be set aside in a restricted account for a period of 10 years. This reflects the timeframe within which design and/or construction defects are most likely to appear and exceeds the 6-year statute of limitations on injury to property and/or contracts in Oregon. An analysis of 10 years of water damage claims paid by a pool representing the vast majority of Oregon municipalities indicated claims during that period averaged approximately \$3,000.

The fund is program-wide, and distribution to third-party claimants would occur under the following circumstances:

- Coverage, including deductibles, is exhausted by the claimant's own policies for claims relating to property damage, flood, earthquake, and difference in conditions coverage
- Coverage, as afforded through the Partnership's individual policies of insurance, is exhausted through payments made to third-party claimants to the extent such claims are perfected
- Damages to third-party properties remain uncompensated in excess of payments received through the first two sources above

The Partnership is working with legal and insurance advisors to develop the procedural mechanics of the fund and claims process. All funds remaining after 10 years will be transferred into an Asset Management Fund. The Asset Management Fund is required by the Partnership IGA to fund inspection, maintenance, and upgrades to keep the system in good working condition (see Figure 3-2).

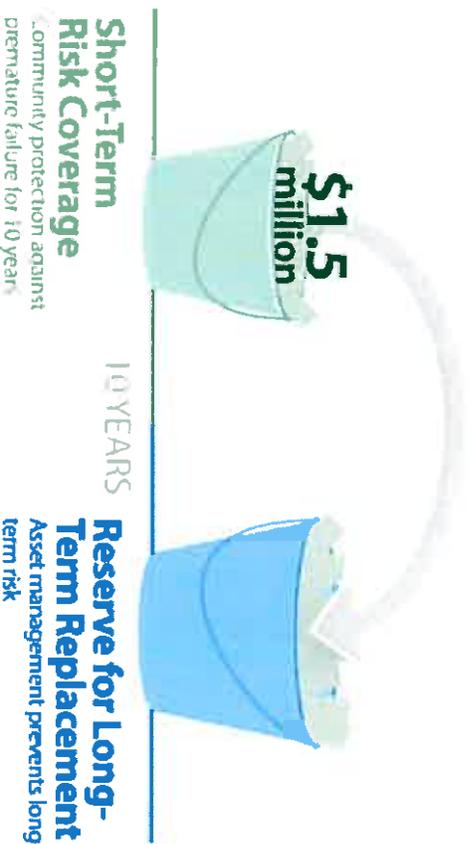


Figure 3-2
Risk Management Fund provides added assurance for residents program-wide

WTP construction noise mitigation and information for realtors reduce impact on home sales

The Partnership, in the Construction Management Plan for the WTP, committed to the following proactive noise mitigation measures to reduce impacts on neighbors:

- Normal work days and hours will adhere to those allowed for construction in West Linn
- Construction equipment and vehicles will be equipped with mufflers and particulate filters in good condition and repair
- Heavy mobile equipment and trucks will be required to turn off engines when not in active use
- On-site truck and construction equipment activities will be planned to minimize reverse direction travel to reduce noise generated from OSHA-required safety backup alarms
- Dump truck tail gates will not be allowed to slam during delivery of materials
- Fabric material will be installed at selected sections of temporary site security fencing to provide a degree of noise mitigation
- And significantly, all piles will be auger-cast, rather than impact hammer-driven

The Partnership also committed to provide information to realtors and property owners to share with potential buyers regarding WTP construction schedule, architectural and landscape improvements, reliability and safety enhancements, asbestos cement water line and hydrant replacement, roadway resurfacing, and the new pathway/emergency access through the WTP site.



Traffic control strategies reduce impacts

Construction of the WTP and pipeline will bring additional vehicles to the neighborhood streets and Highway 43. Figure 3-3 highlights several strategies to lessen traffic impacts in the area, including:

1. Prohibiting left turns for large construction trucks to/from Mapleton Drive will prevent conflicts with vehicles on Highway 43 and will prevent delays for local traffic making these same turns
2. Maintaining emergency vehicle access and pedestrian access through the active pipeline work zone will maintain safety for residents on local streets, including Mapleton Drive

3. A one-way construction loop through the WTP site, if needed, offers an opportunity for trucks to avoid turning around in tight spaces
4. Bussing much of the construction workforce to and from the sites will reduce not only traffic volumes but eliminate parking impacts on West Linn streets
5. Expanding the left turn lane on Cedaroak Drive at Highway 43 will reduce congestion at this intersection by allowing more traffic to pass on the right to turn north on Highway 43

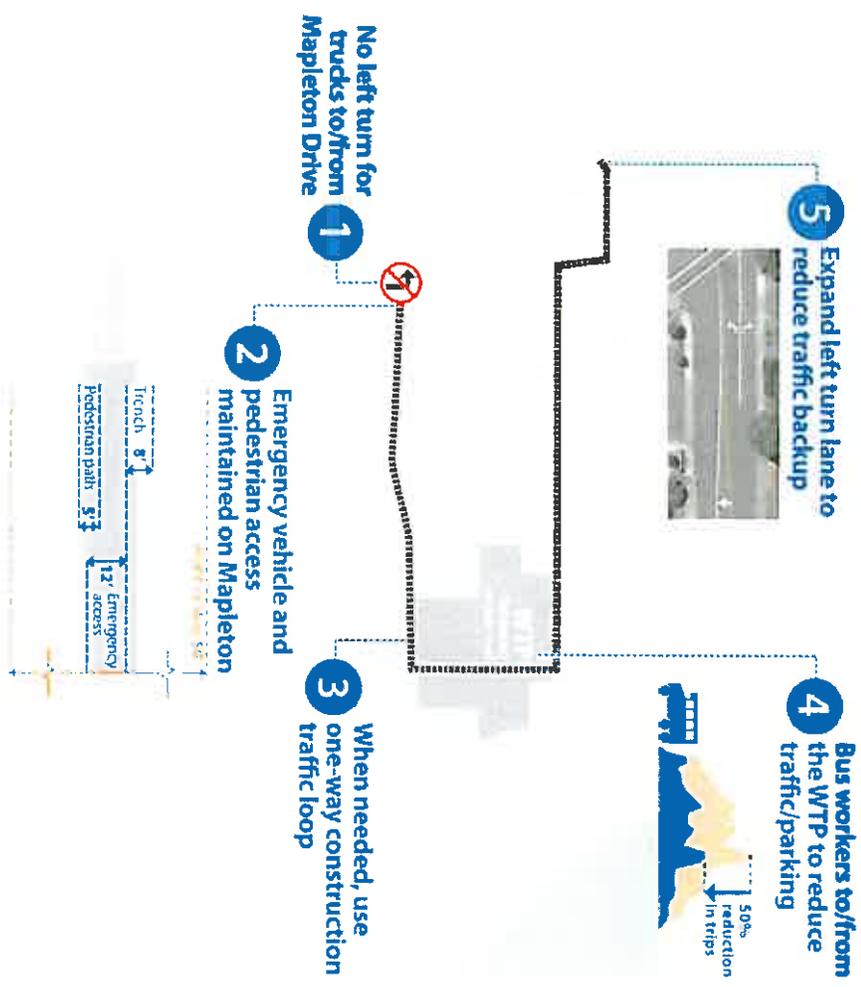


Figure 3-3
Careful planning reduces traffic impacts during construction

Sequencing of projects reduces traffic impacts

Construction traffic from three distinct phases of work will use Mapleton Drive. Ensuring these phases are not constructed simultaneously will minimize local traffic impacts. For example, Figure 3-4 shows the HDD pipeline work does not begin until the peak of the WTP construction has passed. And during the open cut pipeline work, no WTP traffic will be allowed on Mapleton. Figure 3-5 shows Kenthorpe Way traffic will be primarily due to WTP construction.

Both figures show the current traffic volumes, based on City of West Linn data, as well as the relatively low additional construction traffic volumes. For both streets, the total volume even at the peak of construction is well below the acceptable level for residential streets of 1,500 one-way trips per day. Approximately 50 percent of the construction trips will be small vehicles, pick-up trucks or smaller.

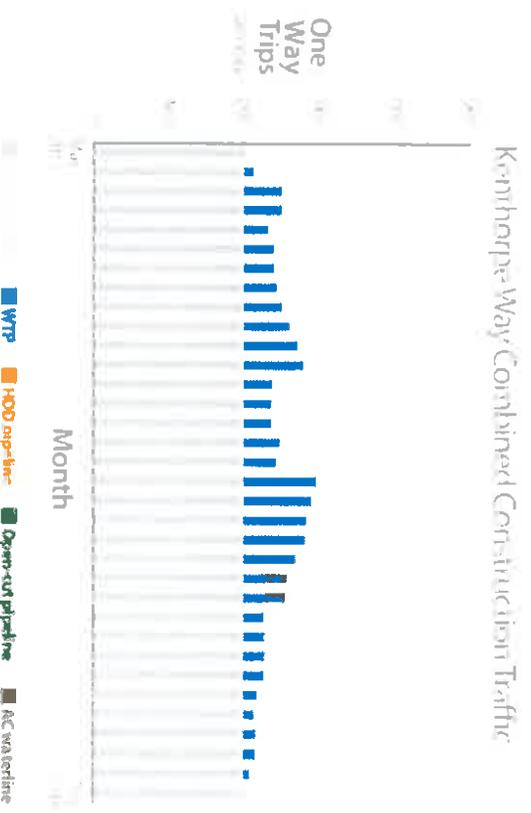
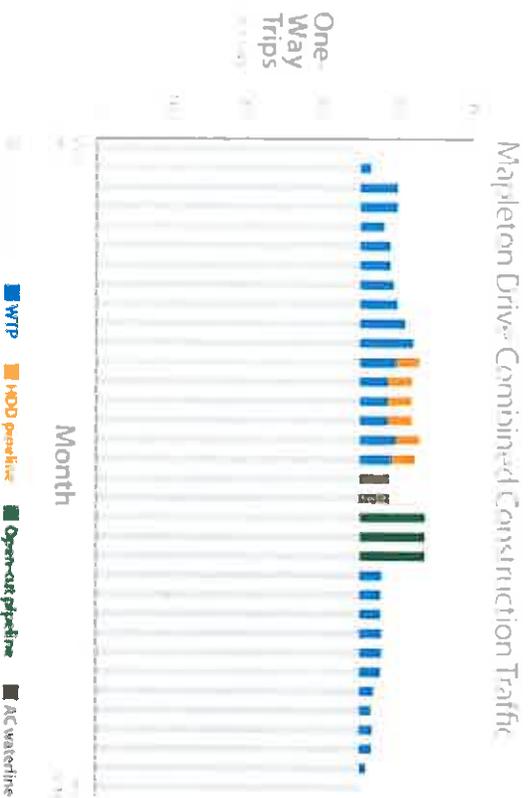


Figure 3-4
Project scheduling
minimizes Mapleton
construction traffic
impact

Figure 3-5
Project scheduling
minimizes Kenthorpe
construction traffic
impact

Neighbors buffered from ongoing WTP operations

During initial public outreach efforts, the project team consistently heard neighbors say the WTP is well-screened and quiet. The proposed capacity increase of the WTP is more than 100 percent, from 16 to 38 million gallons per day. But **the new WTP will only reduce landscaped green space by 12 percent.** This is accomplished by a centralized layout, new high-rate treatment processes, a reduction in building/tank footprints, and removal of the existing rental houses on the Mapleton side of the property.

Figure 3-6 shows several steps proposed to maintain the WTP's reputation as a good neighbor:

1. Proposed tankage and building footprints are now reduced 20 to 30 percent since the original land use submittal last January, preserving an additional 13,600 square feet of green space
2. Solids dewatering will now be accomplished indoors with a quiet screw press rather than using front end loaders to remove solids from the existing lagoons
3. A second electrical feed will be used for standby power rather than a large diesel generator that regularly creates noise when tested
4. The carbon dioxide tank, a source of intermittent noise, will be eliminated from the site
5. Planting approximately 18 mature coniferous trees, 12-14 foot tall, will enhance screening for the nearest properties and reduce nighttime glare

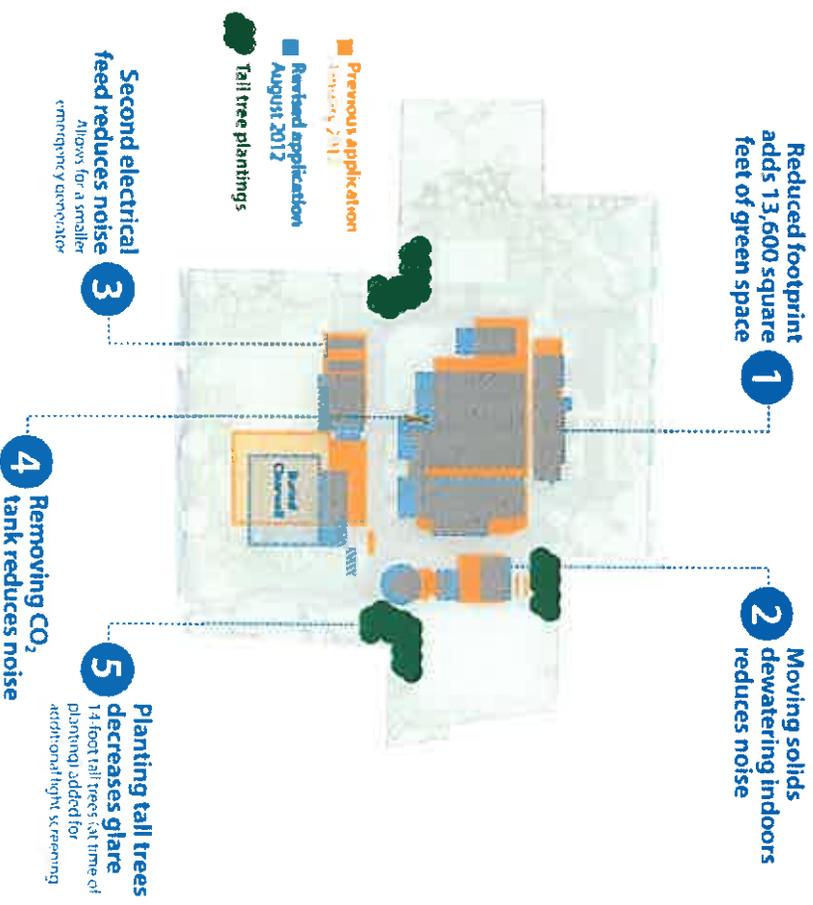


Figure 3-6
Updated design enhances buffers for neighbors from ongoing operations

Landscape screening and architecture enhance WTP compatibility with neighborhood

The proposed WTP decreases overall green space on the site by only 12 percent compared to existing conditions. The compact, centralized footprint helps mitigate potential visual impacts by maintaining significant distance between adjacent homes and the new buildings and treatment processes. Compatibility with the surrounding residential area is further enhanced through an integrated landscape and architectural approach.

Figure 3-7 shows the generous landscaping screening around the entire perimeter of the site. A few of the highlights include:

- Maintaining clusters of trees in the northwest corner of the site along Kenthorpe Way, along the western site boundary, and along the eastern site boundary
- Preserving 36 of the 42 significant trees on site, planting 91 native species trees to mitigate for the 6 significant trees to be removed, and planting an additional 217 native species trees
- Landscaping 58 percent of the site compared to the 20 percent required
- Using lot coverage of only 22 percent compared to the 35 percent allowed
- Employing split rail fencing along street edges and good neighbor fencing along neighboring properties while keeping security fencing subdued behind layers of vegetation and distant from street view (see Figure 3-8)
- Constructing low walls in the landscape, inspired by dry-stacked rubble walls typical of a farm or orchard
- Using native species which do not require significant irrigation, maintenance, or spraying



Figure 3-7
Landscape screening in layers provided around entire WTP



Figure 3-8
Mapleton path/emergency access

Landscape screening and architecture enhance WTP compatibility with neighborhood, continued

Architectural compatibility strategies include:

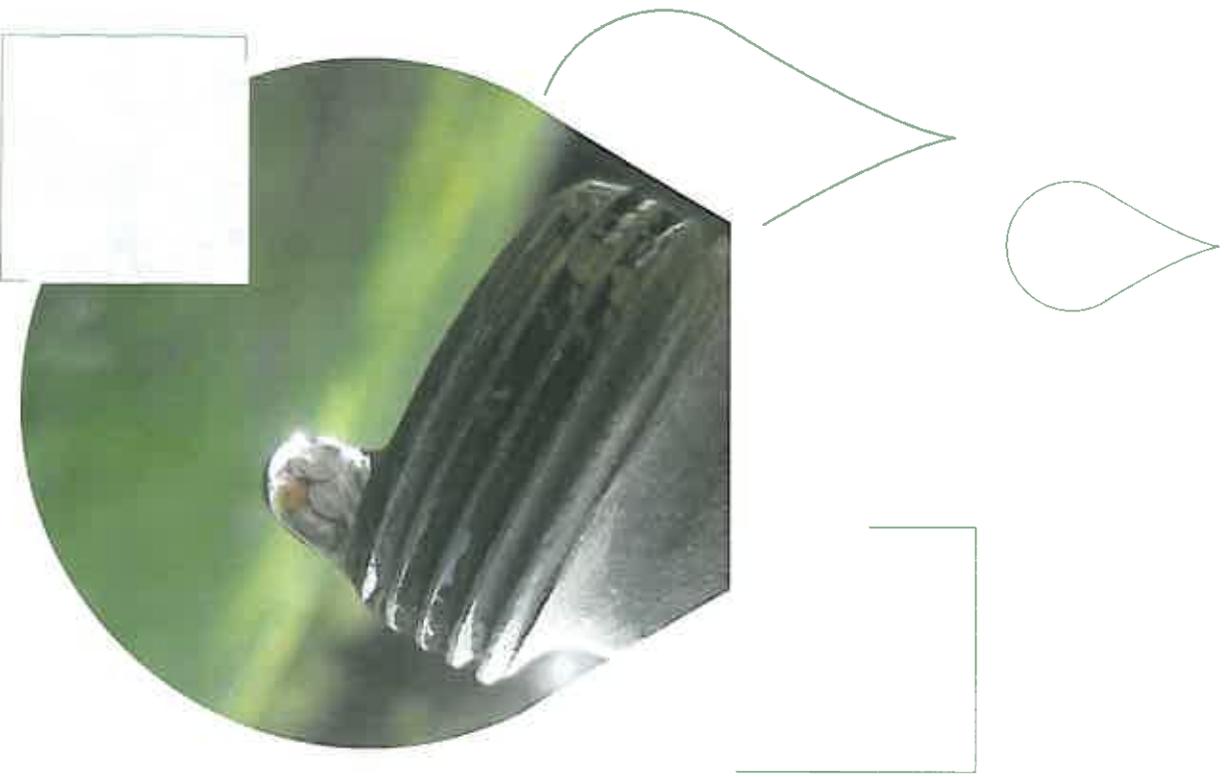
- Screening internal plant activity with building edges, walls, and elements which tie the architectural design and the landscape design together
- Using materials, color, orientation, form and proportion to integrate buildings placed on the WTP edge into the residential context
- Employing horizontal planes, brick, wood, and earth tones throughout building design to mimic these design themes from neighboring homes
- Constructing site-specific screens of vertically oriented reclaimed wood slats on timber or steel frames, tying into the semi-wooded nature of the site

The visitor face of the WTP will be the façade created by the administration and operations buildings, shown from Kenthorpe Way in Figure 3-9. This complex will serve as a professional work environment and a reception and education area. The façade will take cues from the neighborhood in terms of form and façade treatments and will be designed to be outward-facing and inviting. The building and the publicly accessible landscaping will be fully accessible and sustainable.

The landscape and architectural elements of the design will emphasize low visual impact and compatibility with an established neighborhood.



Figure 3-9
Kenthorpe entrance



Cost Savings

\$12.3 million in total savings

Annual franchise fee generates additional revenue

Section 4. Cost Savings

The total cost savings to West Linn offered by the Partnership's proposal is more than **\$12.3 million** (see Figure 4-1). West Linn will also receive ongoing revenue from an expected franchise fee. This will be assessed on the Partnership's use of West Linn's right-of-way for the new transmission pipelines.

The first \$11.6 million of savings are avoided costs because West Linn will not have to construct a replacement finished water transmission line. Instead, the increased capacity of an intertie with the Partnership's new,

robust, fully redundant supply system provides West Linn even greater reliability than its own Master Water Plan envisioned. The next \$0.7 million represents the Partnership's direct funding of capital projects for West Linn's park, pipelines, and roads. Finally, the franchise fee amounts to a long-term revenue source West Linn can use to fund future projects.

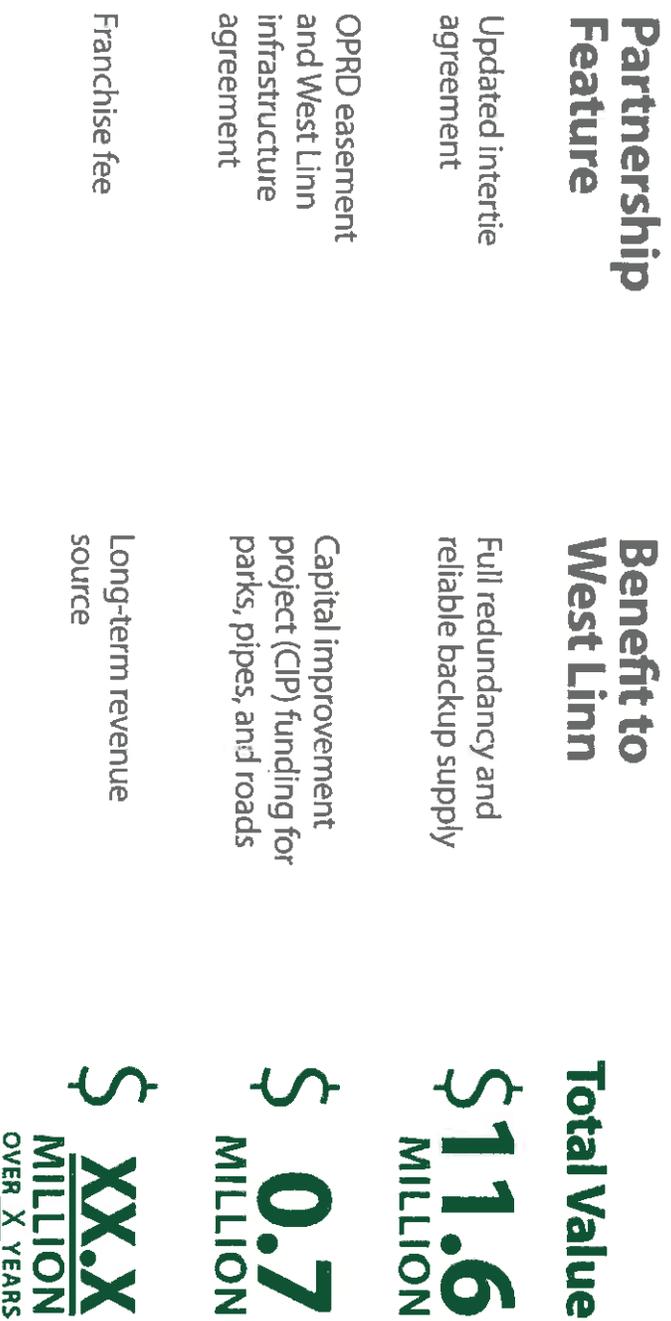


Figure 4-1
Summary of cost savings

What do these savings represent for West Linn?

West Linn ratepayers avoid an additional 30 percent rate increase, **on top of the 25 percent rate increase** needed to fund the urgently needed upgrades to the Bolton Reservoir and a deteriorating piping system (see Figure 4-2).

In terms of West Linn water rate payer impacts, **these benefits are huge**



“... a **25% water rate increase** in FY 2014 should be sufficient to fund a minimal level of debt service for water system improvement projects.”

Richard Seals, Chief Financial Officer, City of West Linn, 4/5/12

\$12 million avoided costs prevent an additional **30% rate increase**

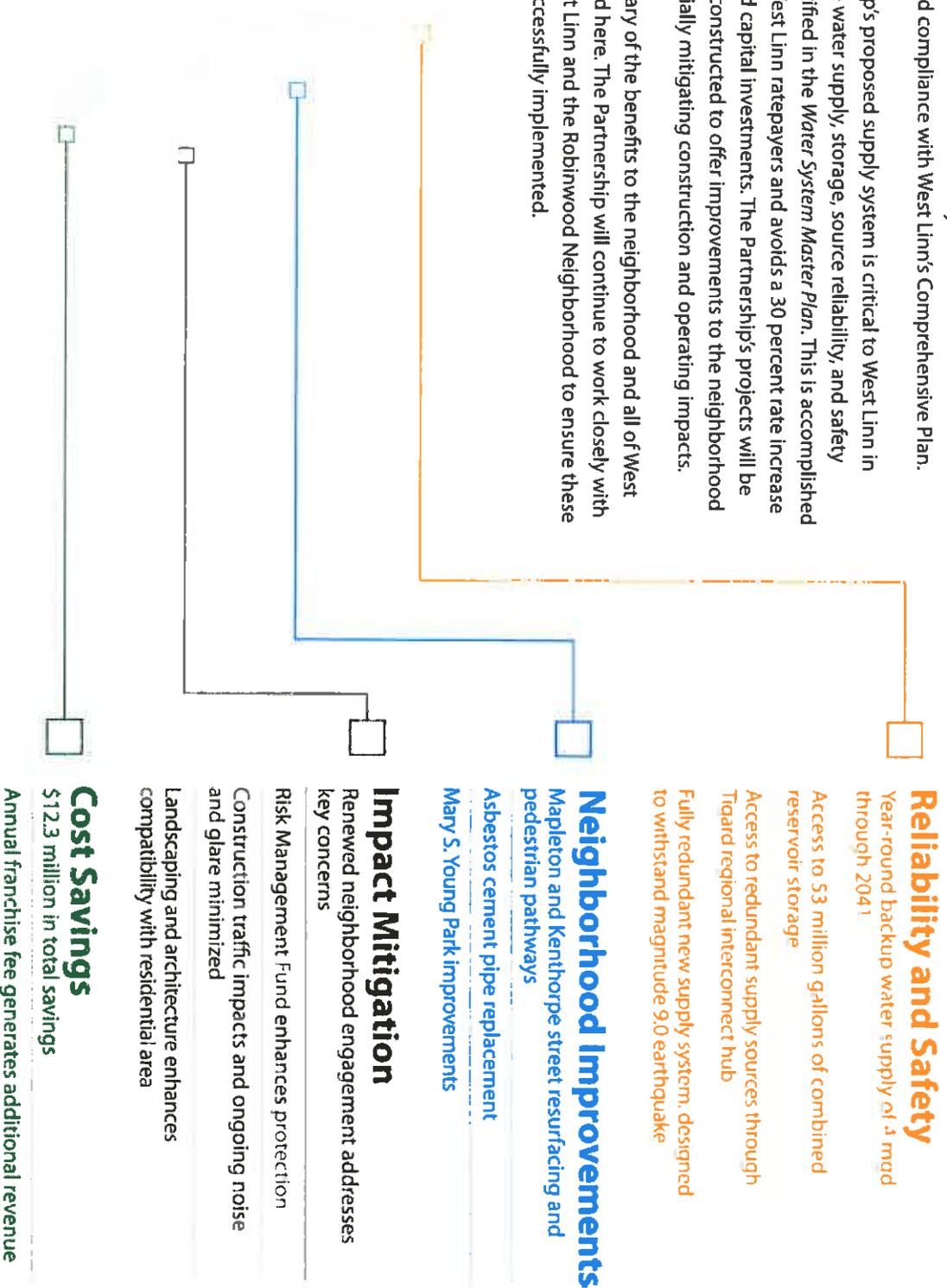
Figure 4-2
Partnership limits
West Linn water
rate increases

Summary

West Linn planning staff determined the CUP applications for the WTP and pipelines demonstrate consistency with the overall needs of the community and compliance with West Linn's Comprehensive Plan.

The Partnership's proposed supply system is critical to West Linn in addressing the water supply, storage, source reliability, and safety concerns identified in the *Water System Master Plan*. This is accomplished at no cost to West Linn ratepayers and avoids a 30 percent rate increase to fund needed capital investments. The Partnership's projects will be designed and constructed to offer improvements to the neighborhood while substantially mitigating construction and operating impacts.

A visual summary of the benefits to the neighborhood and all of West Linn is provided here. The Partnership will continue to work closely with the City of West Linn and the Robinwood Neighborhood to ensure these projects are successfully implemented.



**Attachment 5: Letter from applicant's legal
counsel clarifying waiver of 120-day rule**



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October 11, 2012

Pam Beery
Attorney at Law
Beery, Elsner & Hammond, LLP
1750 SW Harbor Way, Suite 380
Portland, Oregon 97201-5164

Re: Finished Water Pipeline Conditional Use and Design Review Applications
City File Nos. CUP-12-04/DR-12-14/Misc-12-10/WR-12-01
Water Treatment Plant Conditional Use and Design Review Applications
City File Nos. CUP-12-02/Dr-12-04

Dear Pam:

On behalf of the Lake Oswego-Tigard Water Partnership, I wish to provide greater clarification on the 120-day deadlines applicable to the above-referenced applications. The Staff Report for the finished water pipeline (pipeline), pg 5, states that "the 120-day maximum application-processing period has been waived by the applicant" and a final decision must be reached no later than August 14, 2013. This conclusion was drawn from my testimony at the hearing before the Planning Commission on May 16, 2012 where I "extend[ed] the 120-day period consideration for the life of the applications." It appears that staff may have interpreted this reference to "applications" to mean both the pipeline as well as the Water Treatment Plant (plant) applications. However, this reference to "applications" was directed at the combination of the conditional use and design review applications necessary for the plant only.

Second, the pipeline application was not filed until mid-June, nearly one month after this statement was made. The 120-day rule of ORS 227.178 does not begin to run until an application is deemed complete and until the timeline begins to expire, there is nothing to extend.

Further, the minutes of my testimony go on to explain an assumption that "the City would basically have a one year period in which to decide both cases." Therefore, with regards to the pipeline, any extension of the timeline expires on February 20, 2013, one-year from that the plant application was deemed complete.

Just to clarify and memorialize for the record, the applicant has extended the 120-day deadline for making a decision on the plant until February 20, 2013. The deadline for making a decision on the pipeline is similarly February 20, 2013. We remain committed to working with

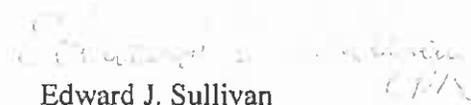
West Linn decision-makers and staff to resolve this case before February 20, 2013, consistent with the timeline as you have outlined in your process memorandum of September 14, 2012.

Please feel free to contact me if you have further questions.

Sincerely,

GARVEY SCHUBERT BARER

By


Edward J. Sullivan