

Good evening Mayor Kovash and Council. My name is Joel Komarek, Project Director for the Lake Oswego-Tigard Water Partnership. With me this evening is Ed Sullivan, legal counsel, and Jon Holland, who leads the team of consultants that prepared our applications.

Tonight and for the next several nights you will hear many things about our proposals. No one watching these proceedings should lose sight of what brings us here tonight and that is – **drinking water to meet the needs of families, businesses, and first responders in our three communities.**

As a professional engineer, I have been advising policy makers for over 20-years on the value of a reliable water supply system to public health, safety, and economic prosperity. Three elements underpin a reliable water system - treatment and transmission facilities, water storage, and distribution lines that deliver water to homes and businesses. The loss of any one of these elements would have serious consequences to a community.

- **Like West Linn we have only a single supply line that provides all our water.**
- **Your WTP and transmission lines, like ours, were built decades ago before seismic standards existed in building codes.**
- **Our water intake is deteriorating and cannot be repaired and we saw last year that your intake is vulnerable to flood damage.**

**So let's face a glaring fact: The underpinnings of our water supply system and yours are weak and crumbling and will not survive the earthquake that experts say has a 37% chance of occurring in the next 50 years.**

**And let's be clear about one more thing: The emergency intertie that we funded in 2001 - is only as reliable as the systems that supply water to it. Absent upgrades to our systems, reliance on the intertie by either of us should be reconsidered.**

In March, you will seek voter approval to raise water rates to fix leaky pipes. That's a good decision and a good start – but it only shores up one part of your water system. **The other elements – water storage and transmission lines as identified in your 2008 water master plan, are the most vulnerable and your most pressing water system need.** A recent report from your Engineer reconfirms this fact and estimates the cost of a new supply line is almost \$12M dollars and the cost of a new 4MG Bolton reservoir is over \$8M dollars.

As elected officials, you know the time has come for straight talk and tough decisions about our public infrastructure. **The status quo – accepting an unreliable water system and the risks to public health and safety, is not an option. But as we found, going it alone is simply too expensive.** That is why working together to solve our common water supply problems is the most affordable option – for you as well as for us.

By forming a partnership with Tigard, Lake Oswego can now afford to modernize its water supply system **and West Linn is the immediate beneficiary of our investment.** With approval of our plans coupled with an improved water supply agreement, you can better manage the timing of your needed water supply

investments. This allows you to minimize rate impacts to your citizens AND construct a new, downsized Bolton Reservoir, when funding becomes available. **Let me say it again. Our three communities partnering to solve these expensive water supply problems is the most responsible way to manage costs to our citizens.**

**We are at a crossroads tonight.** Our water system is in trouble. Your system is in trouble. These facts cannot be disputed, nor can **the need** for our proposed projects to every resident and business in West Linn. **Your water master plan, adopted during the tenure of former Mayor Norm King, identifies the Partnership as the best, least expensive option to address your most critical water supply needs. Our projects, if built now, implement the direction of the 2008 City Council when it adopted the City's water plan.**

Your Planning Commission heard a substantial volume of testimony about the negative impacts of our proposals that were not factual or supported by expert analysis. In a moment Jon Holland will discuss many of the assertions presented by project opponents and provide a counterpoint to such assertions that have the benefit of expert analysis and independent peer review.

In closing, I would like to quote directly from the findings for a 1988 decision by the West Linn Planning Commission approving a conditional use permit for upgrades to our WTP:

**“Section 60.070(A)(3) requires that the facility be consistent with the overall needs of the community. Potable water is essential for any community and any process or modification which improves the provision of that service requires support.”**

**Mayor and esteemed Councilors - Nothing has changed since the findings of your 1988 Planning Commission. Our proposals, like the ones approved in 1980, 1988, and 1996 are about one thing and one thing only – improving the provision of potable water to your citizens and ours for decades to come. This is the right project. This is the right time and this is an opportunity for West Linn that will not come again. We respectfully ask for your support.**

**Thank you.**

Good evening, Mayor Kovash and City Councilors. I'm Jon Holland. I lead the program management team for the Partnership.

Much of what has been communicated about our project by opponents has been misleading and just plain wrong. This includes information contained in petitions, mailings, lawn signs, and other communications.

The highlights can be grouped into five topics:

1. The intertie agreement
2. Funding of West Linn's water system needs
3. Traffic impacts
4. Scale of the plant expansion
5. And suitability of the site

For each of these, let's compare the facts against information presented by opponents. And for each topic, I'll also ask you to envision the better future you can deliver for your citizens.

**1. First, the intertie. Opponents have said the Partnership's proposal offers no new, significant, permanent benefit** because West Linn already has several interties with other water utilities (including Portland), West Linn already has an upgraded supply pipeline, the Partnership already has plenty of water to share, and the proposed agreement terminates in 2041 so any benefit is temporary.

A. But the truth is different:

- The Partnership is the only intertie to West Linn. The only intertie to the South Fork Water Board has serious capacity limitations and is on the wrong side of the Willamette to benefit West Linn in many emergency scenarios. There is no connection to Portland.
- Without our project, the two next best options in your Master Plan for addressing your supply vulnerabilities are replacing your supply pipeline for \$11.6M or upsizing your planned Bolton Reservoir expansion from 4 MG to 8 MG, which also requires finding a new location.
- Lake Oswego is running short on water. Lake Oswego's peak *day* water demand during the summer routinely exceeds our current reliable capacity. Looking at a few select years of *annual* water production data and ignoring temperature and rainfall leads to mistaken conclusions about our future water needs.
- The intertie agreement is perpetual. 2041 is a significant new commitment by the Partnership to meet your average demand year-round. Beyond this date we can provide access to alternate sources to meet your backup supply needs even longer-term.

B. These important new benefits make the future better:

- The new intertie agreement and expanded Partnership system provide a long-term reliable, fully redundant backup supply, at zero capital cost to West Linn.

**2. On topic number two, opponents have said West Linn needs to be independent, to step up and fund its own water system improvements without relying on the Partnership.**

A. You ARE taking the right steps, but the reality is:

- You have a lot of work to do, including piping, storage, and supply upgrades.
- And you need a reliable backup supply, before **and** after your upgrades are completed.
- **Interdependence** is critical for affordability, as you well know from your participation in numerous regional partnerships.

B. And here's the vision for the future:

- The Partnership provides a reliable backup supply to West Linn in 2015, assuring adequate supply while you address your own system needs, on your own schedule, with public support for reasonable rate increases.

**3. Moving to topic three, opponents have said construction will cause traffic gridlock 24/7 for 3 years, jeopardizing access for residents and emergency service providers, while killing businesses and jobs.**

A. But the facts are:

- Plant construction is 2-1/3 years, during which time the Mapleton Drive pipeline will be built in 3 months, and the Hwy 43 pipeline in 5 months, at night, from 8 pm to 5 am.
- Construction will result in very minor increases to existing traffic, with minimal delays and no change in service levels for any streets or Hwy 43.
- We will never leave a business without a driveway open. All but one of the Hwy 43 businesses open at night have more than one driveway.
- No residential driveway will be closed for more than one 12-hour period.
- TVF&R reviewed our plans and testified they can maintain service levels.

B. Now, here's what the future could hold:

- Traffic is managed with little impact, local businesses are supported by construction workers, neighborhood asbestos cement water lines are replaced, roadways are resurfaced, and reliable, affordable water promotes further business investment.

**4. Fourth, opponents say the proposed huge industrial expansion to a regional plant is out-of-scale with the surrounding neighborhood and is comparable to a Home Depot-sized facility.**

A. But once again the facts are very different:

- Two years ago, most neighbors said the plant has been a good neighbor for many years.
- The upgraded plant has a footprint increase of only 9%.
- Overall lot coverage is only 18%.
- Over 60% of our property will be landscaped.
- The closest building to Mapleton Drive is set back 181 feet.

- The new plant will have residential architectural styling and significant noise and light reduction measures.
- The plant in no way resembles a big box development or a super-sized regional facility.

B. In fact, with our detailed drawings, the future is easy to visualize:

- The slightly larger new plant blends in even better than the existing good neighbor facility, landscaping provides even better screening, and neighbors enjoy green space access, quieter operation, and a new pedestrian path between Mapleton and Kenthorpe.

**5. Finally, opponents have said the site is not suitable due to unstable geology and severe impacts of construction.**

A. But the reality is:

- The existing pipeline and plant are over 40 years old and will fail in an earthquake.
- Three outside experts reviewed our geotechnical work and confirmed the site is suitable with our design solutions.
- The plant footprint is nearly the same, the 8-foot trench for the pipe is in a 50-foot street R/W, and the drilled pipeline under Mary S. Young Park avoids disturbance.
- Our detailed Construction Management Plan incorporates most of the requests from the Robinwood Neighborhood to further limit impacts. This plan also received outside expert review and was judged to be “a comprehensive and sound approach to impact mitigation.”

B. And once more, I ask you to envision the future:

- The new state-of-the-art pipeline and plant withstand a major earthquake and provide water to West Linn, Lake Oswego, and Tigard for public health and safety during a months-long recovery.

You have an incredible opportunity before you. We ask that you consider the facts and visualize the better future our proposal provides to all of West Linn.

Good Evening, I'm Ed Sullivan, representing the Partnership. Last Monday, we submitted a packet outlining, in some detail, the applicable approval criteria and the reasons we believe we meet those criteria. Where the Planning Commission had identified concerns, we provided additional explanation, or evidence, or independent third party peer review analysis to resolve those concerns. We agree with your professional planning staff that our application meets all applicable plan and code criteria.

We know Council sits as the ultimate arbiter of city plans and regulations and has the authority to interpret and apply them. This application is not only about water; it is also about the role your comprehensive plan, your master plans, and your development code play in making rational and consistent decisions. Let me turn to three particular sets of criteria at issue tonight: community needs, compatibility and plan conformity.

A facility must be "consistent with the overall needs of the community." [CDC 60.070(A)(3).] I have three points:

1. The "overall needs of the community" are not determined on a case-by-case basis, depending on the quantity or intensity of the testimony. Rather, community needs in West Linn are identified by various long-term planning documents adopted by City elected officials, particularly in this case the 2008 Water System Master Plan. Those needs can also be achieved by adopting a revised inter-governmental agreement providing for supplemental water needs and a right of way use fee that may be used as the Council directs to fund such water system related works as a Bolton Reservoir replacement, or Highway 43 improvements.
2. Our proposals for modernized and expanded water supply facilities will fully mitigate the seismic vulnerability of the existing plant and pipelines – a direct benefit for the neighborhood, as well as water supply for our three cities. The resurfacing of roads and provision of sidewalks along portions of Mapleton and Kenthorpe fill other community needs.
3. West Linn has never interpreted the "community need" standard to require a guaranteed, perpetual benefit that must flow primarily to its own citizens in other conditional use cases.

This site and this facility must be compatible in terms of "size, shape, location and topography." [CDC 60.070(A)(2).] Again, I have three points:

1. The Partnership proposed a consolidated site design that resulted in a plant footprint that is only 9 percent larger than the existing plant, with **no** variances requested.
2. The significant amount of landscaping, the architecture containing residential design elements, and the large setbacks make the plant compatible. Any other design concerns can be met by conditions.
3. All of the qualified expert testimony submitted into the record, including independent peer review analysis of seismic exposure, traffic and construction management efforts, coupled with the Partnership's long-standing record for safe operations at this site, suggests that the proposed uses will be compatible with the neighborhood.

Finally, applications must satisfy the applicable policies of the comprehensive plan to “protect” surrounding residents from “negative impacts” and “protect West Linn’s quality of life and livability.” [CDC 60.070(A)(7)]. Again, three points.

1. Your Development Code contemplates this use and its attendant construction impacts by allowing major utilities as a conditional use within a residential zone. “Protection” in this context is achieved through conditions. Placing a treatment plant and transmission lines within a residential neighborhood is not unusual. The South Fork facilities are a good example.
2. The proposed plant expansion meets all four Robinwood Neighborhood Plan action measures regarding that expansion.
3. The Partnership is committed to a construction management plan and schedule that minimizes short-term impacts on the area and encourages the continued success of existing businesses, particularly those on Highway 43.

Over the next few evenings you will hear strongly worded testimony from project opponents, some well-reasoned, some opinion and conjecture unrelated to evidence or professional evaluation. A good deal of it may well not be relevant to your decision criteria.

Much of the opposition may be reduced to one notion – the plant should never have been approved 45 years ago – we didn’t want it then and, despite its being a good neighbor, we don’t want it now.

Accepting this as a reason for denial means walking away from 45 years of land use decisions and collaboration premised on the idea of shared responsibility for regional water supply. We ask you not to turn your back on the very essence of land use planning - orderly community growth and consistent development decision-making under your development code, Water Master Plan, and comprehensive plan. Rather, we ask that you consider the facts of our proposals against these applicable criteria and approve our applications. Thank you.