



## Memorandum

Date: January 7, 2013  
To: West Linn City Council  
From: Zach Pelz, Associate Planner  
Subject: AP-12-02 and AP-12-03 – Additional testimony received as of January 7, 2013

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Attached is new testimony received since January 4, 2013, regarding the Lake Oswego-Tigard Water Partnership appeal.

The copy of this testimony delivered to Council at their January 7, 2013, Special Meeting does not include pages 165-438 (*Joint Water Supply System Analysis, Draft Report, July 2007, aka Carollo Report*). This document was previously included in the record and has been previously distributed to the Council. The document was resubmitted into the record on January 7, 2013, with handwritten page numbers.



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January 7, 2013

West Linn City Council  
City of West Linn  
22500 Salamo Road, #1000  
West Linn, Oregon 97068

Re: Lake Oswego-Tigard Water Partnership Water Treatment Plant and  
Pipeline Applications  
West Linn File Nos. AP-12-02 and AP-12-03

Dear Mayor Kovash and Councilors:

This firm represents the Lake Oswego-Tigard Water Partnership (“Partnership”) in furthering its efforts to modernize and upgrade its water treatment plant and pipelines within the City of West Linn. This letter provides a framework that may guide you as you consider the mountain of materials which make up this appeal. As discussed in greater detail below, this appeal contains project refinements, additional expert testimony and outlines project benefits to the citizens of West Linn that were either not available or not within the Planning Commission’s purview to implement prior to its decision.

As an introductory matter, this is a quasi-judicial proceeding meaning that you sit as the judges, charged with applying your code and weighing the evidence submitted. The Partnership bears the burden of proving that the applicable criteria are satisfied and for that reason, this letter provides a brief summary of our appeals, the applicable standards, and how we satisfy these standards.

### **Factual Background**

The Partnership submitted a land use application, most particularly a conditional use permit request, for a Raw Water Pipeline (“RWP”) and Finished Water Pipeline (“FWP” or collectively “pipelines”) on June 25, 2012. On August 20, 2012, the Partnership submitted revisions to the pipeline proposal and land use application, including conditional use permit request, to modernize its Water Treatment Plant (“WTP” or “plant”).



On November 26, 2012 the West Linn Planning Commission issued final decisions denying both the plant and the pipeline proposals. The Planning Commission found the proposals failed to further the “overall community need.” In particular the Planning Commission pointed to the construction impacts, plant size, and seismic risk made the plant inconsistent with the surrounding neighborhood. In response to these findings, the Partnership improved the plant proposal to address persistent public concerns about short-term construction impacts and the compatibility of the facility with its surrounding residential neighborhood. Additionally, the Partnership asks the Council to reconsider the Planning Commission’s determination that provision of a reliable back up water supply and other infrastructure improvements offered by the partnership failed to provide an overall community benefit.

#### A Smaller Footprint and Shorter Construction Time Reduces Public Inconvenience

The modified proposal removes the existing Operations Building, thereby reducing the impervious surface area by 2%. This smaller plant size will reduce the visual impacts and provide greater landscaping and buffering areas, much of which will be available for public use. The result is a plant footprint approximately 9% larger than the existing plant despite a more than doubling of daily production capacity from 16 million gallons per day (mgd) to 38 mgd. Additional consequences include an even more compatible, neighborhood-scaled design for the plant and a reduced construction period from 32 months to 28 months further reducing the temporary inconvenience to plant neighbors.

#### Significant Public Benefits for all West Linn Residents and the Robinwood Neighborhood

In addition to reducing the plant footprint and construction duration, these proposals provide further concrete, direct benefits to the citizens of West Linn:

- Adoption of a new intergovernmental agreement to provide a more reliable emergency backup water supply than is available through any other municipal water provider through at least 2041. A letter explaining the enhanced benefit provided by this new agreement along with a proposed redlined amendment requiring the provision of backup water for non-emergency purposes, a concern raised by the Planning Commission, is attached as Exhibit A to this letter.
- The upgraded plant and new pipelines, assurance of this quantity of water will allow West Linn to move forward with its Bolton Reservoir improvements while eliminating the risk of water service reductions while construction takes place.
- Upgrading seismically vulnerable underground pipes serving the intertie will provide the City of West Linn long-term access to more than 450 million gallons of combined reservoir storage and redundant supply sources from throughout the region.
- There have been on-going negotiations between the Partnership and the City of West Linn about the efficacy of imposing a community impact fee in lieu of a franchise fee to



allow the Council to realize immediate benefits flowing to its citizens resulting from this project. Though not required to approve this project, we are hopeful that if the Council does assess such a fee as a condition of approval, enforceable by subsequent agreement and ordinance, that it will, within the best judgment of the Council, potentially dedicate these funds to Bolton Reservoir or other improvements to enhance opportunities for clean, reliable water service region-wide.

- Resurfacing and providing sidewalks along portions of Mapleton Drive and Kenthorpe Way.
- A cooperative public works agreement that could be negotiated with West Linn that will speed the replacement of crumbling asbestos-cement pipe in the Robinwood neighborhood.
- Improvements to Mary S. Young Park will improve public access and enhance the user experience.
- A comprehensive and detailed construction management plan in response to neighbor concerns about inconvenience and public safety. The construction management plan has been favorably reviewed by outside experts and Tualatin Valley Fire and Rescue.

#### Seismic Risks will be Eliminated and Public Safety Improved

The Planning Commission identified seismic risk as a primary concern in its decisions. It is important to note, that the construction of the proposed pipelines and plant will eliminate the most significant seismic risks associated with existing facilities buildings and pipelines. Further, Professor Scott Burns of Portland State University provided an independent peer review considering the area susceptibility to landslides caused by earthquakes or other heavy rain events. The evidence of landslides in the area occurred as part of the Missoula Floods, approximately 15,000 calendar years ago and has endured a substantial number of earthquakes since. The small historic landslide to the east of the plant occurred as a result of heavy rainfall in 1996, resulting in a slide of less than 200 cubic yards of material and such events will not affect the pipeline or treatment plant. In the past 15,000 years, there is no other evidence of displacement. Dr. Steven Dickenson of New Albion Geotechnical, Inc. and formerly a professor at Oregon State University, has reviewed the liquefaction and lateral spreading studies concluding that ground displacements have been well identified and appropriate mitigated. See Exhibit B.

#### Traffic Impacts are Manageable and Temporary

The transportation impacts caused by construction, while inconvenient, will be temporary, well managed and will not have any material negative impact to Highway 43 businesses. Brian Copeland, a licensed traffic engineer working for DKS Associates, the firm that prepared the City of West Linn's Transportation System Plan, has provided additional analysis of traffic impacts caused by the modified proposal. Most particularly, DKS has found that the additional



average vehicle delay encountered by vehicles passing through intersections along Highway 43 will increase by four seconds or less as a result of construction activities. Further, the Partnership retained Greenlight Engineering to provide an independent peer review of the DKS Associate analysis. In sum, Greenlight concluded that through the construction management plan, the roadways can safely accommodate traffic and minimize inconvenience to residents. In addition to the mitigation identified by DKS, the Partnership will agree to the traffic calming treatments, a reduced maximum contractor speed and other additional mitigation measures identified in the Greenlight review. These findings and recommendations can be found in Exhibit C.

#### Construction Impacts are Minimized

Attached as Exhibit D, is an evaluation of the Partnership's proposed Construction Management Plan by Bill Hawkins, a contractor and professional Construction Manager for CH2MHill will 30 years of experience in the construction of public infrastructure projects including large diameter water transmission line projects. Mr. Hawkins concludes that the Partnership plans "represent a sound approach to impact mitigation that equals and in some cases, exceeds mitigation measures typically provided for projects of similar size and scope."

We are proud of the City of Lake Oswego's long-standing record for safe plant operations and construction in West Linn. We are committed to industry-standard best management practices for all aspects of this project to protect neighbor safety and property.

#### The Partnership will Promote Highway 43 Businesses and Create Jobs

The Partnership has further developed Business Promotion and "Buy Local" plans to support area businesses. These will be implemented prior to the beginning of construction. See Exhibit E. Many of the workers working on the project can be counted on to purchase goods and services from local shops, restaurants and service providers during the 28-month plant construction period.

#### **Procedural Concerns**

##### A Campaign of Misinformation and Pressure

If the proceedings before the Planning Commission are any indication, the Council will likely hear a great deal of testimony that our utility improvement projects will devastate residential property values and Highway 43 businesses. These statements have and will again be made with great force. These statements are conjecture and unsupported by professional or expert testimony of any kind. The simple fact is that nothing about our proposed project is out of the ordinary for public works, in any of our three cities. Water pipes of this size and process plants necessary to provide these benefits exist throughout the Portland metropolitan region, most particularly the South Fork Water Plant located in a residential zone in Oregon City.

Several Highway 43 employers have submitted written testimony that they either do not oppose or will take no opinion on the project after initially submitting letters of opposition. These



reversals came after business owners were contacted by the Partnership. During those Partnership meetings owners learned that all Highway 43 construction would be at night, that the construction zone would advance at least 50 feet per night and that all late night customers would have driveway access to businesses. Subsequently, Walmart, Burgerville, McDonalds, and Wells Fargo Bank have submitted new statements indicating that they are satisfied that the Partnership will do everything possible to mitigate passing pipeline construction or that they rescind their opposition.

Although we appreciate the support that we have received from some of the larger businesses, we regret that many owners, especially operators of small, single location businesses have been induced not to communicate with Partnership representatives. Despite this pressure, several business owners have met with our representatives only to report that their opposition is based on fear of losing their leases, rent increases or of an organized boycott. Other owners reported they have been asked to contribute money to fund opposition costs in order to demonstrate "which side they are on." A summary of a few of these conversations are set forth in Exhibit F.

We believe the petitions that have been circulated in opposition to our application falls into this same pattern of misinformation. As shown in other materials submitted in Exhibit G, the petitions contain multiple inaccurate statements that are very easy to sign and forget. The council should weigh these things in arriving at its decision in this case. The underlying documents containing these statements have been submitted to the record.

Repeated verbal and written abuse has been directed against the Partnership, its representatives, as well as West Linn City Staff. In particular, opponents have sought to intimidate the City Manager by aggressively questioning his integrity, diligence, professionalism and even calling for his termination. The scope of this campaign in opposition is disturbing and well beyond the boundaries of what we should expect from our fellow citizens engaged in civic debate about an essential public service such as clean water.

#### The Partnership Will Not Ask Nor Support Requests for Additional Delay

The Council will likely receive requests to delay its decision either in terms of a continuance or to leave the record open to allow parties additional time to respond. The real purpose of these requests will be to push this matter past February 20, 2013 in the expectation that state law imposed time limits will void the application. We oppose all efforts to delay a decision and we urge the Council to deny these requests for more time.

The Partnership has submitted all of the new evidence it plans to submit during this hearing in this letter, well in advance of this hearing. If the Council would prefer to allow parties to submit final written materials after the oral portion of the hearing concludes, it could establish a preemptory open record schedule as follows.

- Conclude all oral testimony, including applicant's rebuttal by Wednesday, January 16.
- Leave the record open until 10:00 AM, the morning of Tuesday, January 22 to accept written testimony in response to any new written testimony received during the hearing.



- Close the record at 10:00 AM on Tuesday, January 22, giving the applicant until Friday, January 25 at 12:00 PM to submit final written argument and get it distributed to the Council for weekend review.
- Convene on Monday, January 28 for Council deliberations and a final decision.

### **The Proposals Satisfy West Linn's Conditional Use Criteria**

The Council's disposition of this appeal must be based upon its determination of whether or not the decision to deny the application was based upon the applicable code criteria. The sole basis of the Planning Commission's decision to deny was their interpretation of the Conditional Use Criteria. Although the applications before you include Design Review for the plant and the pipelines and Flood Management, Water Resources and Willamette River Greenway reviews, these were unchallenged by the members of the Planning Commission or opposition testimony received to date. This memo, therefore, focuses on those criteria, with related design standards cross-referenced in the footnotes.

Before moving to the conditional use criteria, it might be helpful to summarize a number of issues that were the focus of much of the opposition testimony that are not germane to the approval criteria and should not be considered as part of this proposal:

- Facilitating the extension of services to Stafford – Both West Linn and Lake Oswego have an obligation under Goal 11 to plan for provision of urban services for areas designated as urban reserves such as Stafford. Before provision of service can actually occur, these reserve areas would need to be brought into the urban growth boundary, annexed by voter approval, and plans amended to accommodate development.
- Alternative locations analysis - No formal alternatives analysis was conducted with regard to these applications because: (a) the West Linn Water System Master Plan ("WSMP") acknowledges the benefit of partnering with Lake Oswego at this plant location where the intertie will continue to provide a reliable source of emergency back-up water; and (b) because there is no requirement that such a study be conducted.
- Charter Chapter XI, Section 46, voter approval for activities in city parks – The voter approval obligation applies to activities occurring on "City owned park or open space." The two parcels located north of Mary S. Young Park that will be used to accommodate the horizontal direction drilling staging area are not City owned and are zoned for residential use and, therefore, no voter approval is required.
- Construction – related impacts - A "utility, major" is defined as "the installation of a utility facility that will have a significant impact on the surrounding uses or the community in terms of *disrupting traffic, interfering with access, creating noise, and causing adverse effects.*"

"Utility, major" is a use conditionally permitted in an R-10 zone. Impactful major utility installations are allowed so long as the conditional use criteria requiring compatibility



and benefits are met. For example, the CDC sets no numeric limit on construction traffic associated with this use. Rather, construction traffic, diesel dump trucks and the like, are anticipated to occur in all land development projects, most particularly utility installations.

The City has no precedent for taking construction impacts into account when evaluating “overall need” or “benefits to Robinwood’s residents.” Notwithstanding the lack of regulatory standards, the Partnership has made every effort to respond to the neighbors’ concerns most particularly by providing a detailed construction management plan. See McKenzie report dated Oct. 3, 2012 and submitted into the record before the Planning Commission.

The applicable approval criteria are set out in *italics* with the Partnership’s response following. West Linn planning staff found that in all cases the proposed projects satisfied an overall community need, provided measurable benefits to the City of West Linn and its residents, and met all applicable underlying zoning, design review, environmental and supplemental land use regulations. As such, references to where these criteria are addressed in the staff reports are also identified.

Site Characteristics, Compatibility and Ability of the Sites to Accommodate the Proposed Uses

*CDC 60.070(1). The site size and dimensions provide:*

- a. Adequate area for the needs of the proposed use; and*
  - b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.*
- 2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.<sup>1</sup>*

Addressed in staff reports:   WTP: Finding 4, Finding 5, revised  
  Pipeline: Finding 8

WTP: The large site size, coupled with the compact plant footprint, along with the removal of the existing Operations Building, allows for increased buffering; buildings that are placed toward the center of the site away from residences allowing for setbacks to be much larger than those required by Code. The net result is a plant footprint that is approximately only 9% larger than the existing plant. The current plant’s architecture is sterile, cold, and institutional in appearance, which the neighbors have testified, and earlier West Linn decisions found, is

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<sup>1</sup> *CDC 55.100(B) – Contextual Design*  
*CDC 55.100(B)(6)(c)-Transition of Commercial Uses*





compatible with the neighborhood. The proposed design is much softer, incorporating residential design elements and materials with varied facades broken up by several lower scale structures and small, non-intrusive parking lots. The cross shaped lot permits more immediate off-site adjacency but the centrality of the location, designed with Robinwood Neighborhood involvement, far exceeds the minimum FAR, lot size and setbacks in the R-10 zone. No evidence has been submitted that upon completion, the plant will have any negative impact on property values, building aesthetics or quality of life.

All noise generating equipment is centrally located and the Partnership has identified strategies that will mitigate for noise. Compliance with the noise level standards is guaranteed by imposing a condition of approval requirement of a follow-up noise study after occupancy.

With regard to seismic concerns, qualified professional geotechnical engineers and geologist's including additional analysis responding to the Planning Commission's concerns in Exhibit B have confirmed that existing geologic hazards can be fully mitigated through conventional design and construction methods.

The WTP has existed on this site since 1967 and West Linn approved upgrades to the WTP in 1980, 1988 and 1996. During all of these reviews, the City found that the plant was compatible and satisfied WLDC 60.070(A)(3) "...the facility is consistent with the overall needs of the community." Given that most of the homes on Kenthorpe and Mapleton predate these approvals, staff notes no record of "any significant negative impacts that the existing facility has had on the neighborhood" since that time.

Pipes. Finding #8 of the staff report provides: "Although the Applicant's proposal will compete for space within existing utilities beneath Mapleton Drive, sufficient space exists for relocated utilities to be placed above or below the proposed pipelines; therefore, adequate area for the proposed uses exist." The City Engineer, who is licensed and qualified to know the limits for accommodating utilities within Mapleton Drive, as well as the professional engineers working with the Partnership, found that adequate spacing exists to install the pipe safely.

#### Consistency with the Needs of the Community Overall

*CDC 60.070(A)(3): "The granting of the proposal will provide for a facility that is consistent with the overall needs of the community."*

Addressed in staff reports:   WTP: Finding 6 revised  
  Pipes: Finding 10

WTP: The proposal will meet numerous community needs, the principal benefit being the implementation of the West Linn Water System Master Plan. The WSMP, which has been formally adopted by the city calls for improving the emergency supply capacity and reliability for the City of West Linn. Expanding capacity from 16 mgd to 38 mgd will increase the availability for emergency water pending the execution of a new IGA, therefore, providing West Linn residents with greater certainty that emergency water will be there when it is needed. West



Linn's consulting engineers, Murray, Smith & Associates, Inc. stated in a letter dated October 16, 2012 that "LOTWP's proposed upgrade allows construction of the Bolton Reservoir on the preferred existing site, and allows downsizing from 8MG to 4 MG."

The project will meet the needs of the community by furthering "dozens" of comprehensive plan policies (see revised finding 10) such as, right-of-way improvements on Mapleton and Kenthorpe, environmentally sustainable storm water facilities, community open spaces that include lighting, benches and a public trail connecting Mapleton and Kenthorpe. The trail will benefit school children walking to Cedaroak School. The proposal preserves natural resources and habitat and ensures opportunities for recreation. The staff report concludes: "While the improvements are not required of the applicant under CDC, the applicant has offered them for the benefit of the community."

A survey of conditional use permits approved in West Linn over the past 10 years suggests that the City has never interpreted "community need" to require a quantifiable net benefit analysis that runs primarily to the citizens of West Linn as a prerequisite for finding compliance. See Exhibit H. Rather, when approving a fire station on Failing Street in 2008, the Planning Commission's findings provide "It should go without saying that emergency services are perhaps the most critically needed services any community can provide." The provision of clean water is a similarly critical community service. In approving Trillium Creek Elementary, a structure of comparable size in a residential zone, the Planning Commission found that a school "is long overdue and welcome." There was no consideration of whether all of the students attending this elementary school were city residents. To the contrary, many of the students will come from the rural residential Stafford area and yet, this approval fails to mention any plan prohibitions extending public services, such as schools to Stafford.

Pipes: The WSMP identifies the emergency water intertie as a top priority for improving West Linn's water supply reliability for many years. To realize this potential, Lake Oswego and Tigard City Councils have offered an intergovernmental agreement to West Linn City Council and the South Fork Water Board for execution. Construction of the new plant and pipelines coupled with the updated intergovernmental agreement satisfies that priority.

#### Comprehensive Plan Consistency

*CDC 60.070(C): "The use will comply with the applicable policies of the Comprehensive Plan."*

#### *Transportation System Plan (TSP)*

*Goal 2: Land Use Planning, Policy 8, "Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses."*

*RNA Plan Goal 3.9: "Ensure that the Lake Oswego Water Treatment Facility on Kenthorpe Drive remains compatible with the surrounding residential areas and provides benefits to Robinwood's residents as well as those of Lake Oswego."*



Staff Report Addressed: WTP: Finding 10, revised  
Pipes: Finding 14

WTP: With regard to the trails, staff found with regards to Goal 12 Transportation, Pedestrians, construction of a pedestrian path connecting the east end of Kenthorpe Way to Mapleton Drive will eliminate the need for the City of West Linn to construct this inter-neighborhood connection and “will provide a benefit to children walking to and from Cedaroak Park Primary School.” The proposed “green streets” approach to frontage development is in keeping with the stated goal of providing alternatives to traditional neighborhood sidewalks and complies with the TSP.

With regard to traffic safety and mobility during plant operation, staff concluded that the completed WTP will generate an additional 2 -3 average daily trips on Kenthorpe Way (ADTs) but, when the two houses along Mapleton Drive are demolished, the neighborhood will experience a net reduction of approximately 27 ADTs. Consequently, future WTP operations will not warrant any improvements to local intersections.

With regard to construction related traffic, inconveniences to pedestrians and vehicles travelling or accessing properties along Mapleton Drive will extend for only a three-month period rather than 32-months as the Planning Commission found. Moreover, construction on Mapleton Drive will occur during the winter months when pedestrian activity is likely to be lighter than during the spring, summer, or fall.

Transportation engineers, DKS Associates, has assessed current traffic and transportation conditions in the project vicinity, to identify areas of concerns, and to propose mitigation strategies to alleviate transportation problems generated as a result of WTP and pipeline construction. Exhibit C. The study found that (1) the transportation networks are adequate to address both existing and incremental changes in traffic volume resulting from construction activity, and (2) that construction activity could generate an additional 15 second delay during peak AM and PM commute hours at the Cedaroak and Mapleton intersection with Highway 43. (School busses use the Cedaroak intersection but not during peak PM hours.) The DKS study proposed temporary mitigation measures such as restriping Cedaroak to allow a longer vehicle queuing area and prohibiting construction vehicles from making a left turn off of Mapleton onto Highway 43. The DKS study found that the incremental change in construction related traffic did not warrant any long-term physical improvements to these intersections.

Goal 8 Parks and Recreation, Policy 8, although not directly applicable, is satisfied because the pedestrian path fulfills the intent of this policy. Similarly the open spaces, frontage improvements and pedestrian lighting and benches are compatible with this policy. Further, MSY Park is the community park in closest proximity to and serves Robinwood residents.

In addressing these provisions, staff found that “with the conditions of approval proposed, the application will meet all of the provisions of the CDC; as such, it will be further more goals, policies and action measures than can be mentioned in the staff report. Additionally, staff found



that the applicant's proposal satisfies several supplemental documents to the Comprehensive Plan, including the TSP, WSMP, and the RNA Plan."

Pipes:

The subject properties are zoned to allow for "utilities, major," including water plants and pipelines, where the conditional use criteria are satisfied. Further, staff concluded that installation of a below-ground public utility as referred to in Policy 8 makes this policy inapplicable. As noted above, the WSMP identifies intertie upgrades as a way to address the City's water supply reliability needs.

### Conclusion

For the reasons set forth herein, as well as the applications coupled with the staff reports, all of the applicable approval criteria have been satisfied. We thank you, in advance, for your time and effort put into this issue and we respectfully request that you approve these applications.

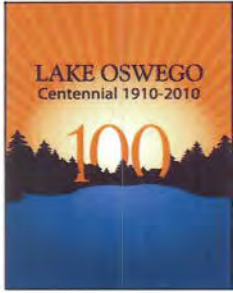
Sincerely,

GARVEY SCHUBERT BARER

Edward J. Sullivan

Enclosures:

- Exhibit A: Redline revisions to Emergency Water Supply Intergovernmental Agreement
- Exhibit B: Peer review of seismic hazards and mitigation approach
- Exhibit C: Transportation engineer analysis of Highway 43 construction delays
- Exhibit D: Peer review of construction management plans
- Exhibit E: Business promotion plan
- Exhibit F: Summary of neighborhood outreach efforts
- Exhibit G: Summary of opposition testimony
- Exhibit H: Analysis of prior conditional use approvals in residential zones



CITY OF LAKE OSWEGO

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January 7, 2013

Honorable Mayor Kovash and City Council of West Linn  
City of West Linn  
22500 Salamo Road  
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RE: Appeal CUP 12-02/DR12-04 and CUP-12-04/DR 12-14: Emergency Water Supply IGA and Intertie.

Dear Mayor Kovash:

Throughout the proceedings for the subject land use applications there was a significant amount of testimony given at the Planning Commission hearings about the benefits (or lack thereof) to West Linn of our emergency water intertie and how that benefit is enhanced (or not) with approval of our land use applications. Project opponents appear to want the City Council to believe that approval of the subject applications coupled with an enhanced emergency supply agreement offers no benefit to the City and additionally does not satisfy a community need. The basis for such argument by project opponents appears to rest on the following assertions:

1. The updated intertie agreement adopted by Lake Oswego (LO) and Tigard (T) last September does not provide any more certainty of the availability of a back up water supply to West Linn than the existing intertie agreement.
2. The updated intertie agreement does not allow activation of the intertie by the parties for non-emergency purposes and thus does not provide a benefit to the City in terms of facilitating construction of a future new Bolton Reservoir.
3. The existence of the intertie has been used as the basis for approving prior conditional use approvals. How many times can this same basis be used?
4. The commitment of supply is only good through 2041, and therefore it is a short term benefit relative to the life cycle of the Partnerships facilities.

The purpose of this letter is to provide a response to each of the above assertions and then to provide the City Council with some additional facts to assist it in understanding this complex issue:

**Assertion:** *The updated intertie agreement adopted by Lake Oswego and Tigard last September does not provide any more certainty of the availability of a back up water supply to West Linn than the existing intertie agreement.*

**Response:** The updated emergency water supply intergovernmental agreement (“Agreement”), adopted in September by LO and T, when coupled with construction of the facilities proposed by LO and T provides the following *enhanced benefit* to WL:

- LO supply facilities will be designed to remain operable post Cascadia Subduction Zone (CSZ) earthquake event, thereby assuring WL of a reliable source of back up water supply.
- Access to 450 million gallons (MG) of stored water contained within the distribution systems of LO and T as compared to only 27 MG of stored water from LO in the current condition.
- Access to alternate sources of supply (e.g., Bull Run, Trask River, and Hagg Lake) and potentially the Willamette River through interconnections with the suppliers of those sources as compared to the current conditions which provide no access to adequate alternate sources of supply.
- A commitment from the Partnership to supply at least 4 mgd of back up water through at least 2041 as compared to the current agreement which contains no such commitment. This new commitment is made possible through the updated Agreement and upsized and modernized supply system of the Partnership.

**Assertion:** *The updated intertie agreement does not allow activation of the intertie by the parties for non-emergency purposes and thus does not provide a benefit to the City in terms of facilitating construction of a future new Bolton Reservoir.*

**Response:** The current 2003 Agreement provided for the joint funding and construction of the existing intertie pump station. Its construction allowed WL to take its supply transmission main out of service for an extended period of time for repairs while being supplied water through the intertie from LO. This was a non-emergency condition, but the parties mutually agreed to activate the intertie for this purpose. Despite this past precedent setting action, minor modifications of the 2003 Agreement can be made to eliminate this perceived constraint and assure use of the intertie for non-emergency purposes. The attached Exhibit A, is an excerpt from the 2003 Agreement showing proposed modifications to eliminate that constraint.

**Assertion:** *The existence of the intertie has been used as the basis for approving prior conditional use approvals. How many times can this same basis be used?*

**Response:** The current applications before the City Council, if approved and if coupled with the updated Agreement provide new benefits to WL not secured through prior land use approvals. These new benefits are:

- Improved water quality – The new treatment process and larger clearwell assures that any water supplied to WL from LO will meet current disinfection requirements without adding extra chlorine.
- Seismic resilience – The upsized and modernized WTP and pipelines will be designed to fully mitigate the geologic hazards known to exist at the site and to remain operable post CSZ event.
- Increased Storage Capacity – The upsized and modernized WTP and pipelines provide access to more than 450 MG of stored water - enough to supply the average day demands of all three cities through at least 2041 for almost 20 days.
- Additional Sources of Supply – The upsized and modernized pipelines will allow access to alternate sources of supply including Bull Run, Trask River, Hagg Lake, and potentially the Willamette River.

**Assertion:** *The commitment of supply is only good through 2041, and therefore it is a short term benefit relative to the life cycle of the Partnerships facilities.*

**Response:** **The commitment to supply a minimum quantity of water for a specified duration is unprecedented among municipal water providers in an emergency supply agreement and the reality is that the existing agreement is not worth much because there is not enough water behind it.** In addition:

- Interconnections with other water supply systems are inherently beneficial and the Partnership expects that the parties to the current agreement all support this ideal and will continue with the agreement beyond 2041 just as we have for the past 25 years.
- The commitment of 4 mgd through 2041 is based on population and water demand forecasts looking ahead 30 years and assumes a worst case of having to supply this rate of water during peak season demand periods. Outside of the infrequent peak day demand days, this volume of water can be provided well beyond 2041.
- A 30-year commitment of water supply is not short term and provides WL a considerable window of time within which to address its more costly water system problems, while knowing it can rely on the Partnership for water in times of need.


As the Council deliberates on this issue it may be helpful to also be aware of the following facts:

- The existing intertie was designed to provide up to 5.4 million gallons per day (mgd) to WL from LO. Supply from WL to LO is hydraulically constrained at the intertie to no more than 3.4 mgd. The LO supply constraint is reduced to less than 2 mgd during periods of peak water demands by WL due to hydraulic constraints in the I-205 supply line.
- The reliability of the existing intertie pump station is questionable for the following reasons:
  - It cannot provide for LO's current average day demand due to hydraulic constraints and deficient storage volumes as noted in the 2008 Water Master Plan (WMP).
  - It does not have an on-site dedicated source of standby power to allow pumping from LO to WL should primary utility service be interrupted to the pump station.
  - The viability of the intertie and its usefulness and value to either WL or LO requires that the facilities of either city supplying water to the intertie remain operable or can be made operable within 24 hours following an event that would disrupt operations (e.g., earthquake, flood, fire or contamination of the source of supply).
    - It is known and acknowledged by experts that a CSZ earthquake of magnitude 8.0, or above, has a greater than 1 in 3 chance of occurring within the next 50 years.
    - It is now known LO's existing WTP and pipelines would not remain operable and would likely remain inoperable for an extended period of time when subjected to the CSZ event due to the presence of liquefiable soils underlying these facilities.

- It is known WL's supply line suspended from the Abernethy Bridge and its 100-year old Bolton Reservoir are not constructed to modern seismic design codes and are vulnerable to a CSZ event. The Bolton Reservoir sits atop an ancient landslide and several mapped faults. The existing supply line does not have welded joints across its length.
  - It is known the supply and treatment facilities of SFWB were constructed in the 1950's well before seismic design criteria were a part of building codes and that its intake is vulnerable to flood damage. We are not aware of any plans by SFWB to invest in seismic upgrades to its facilities in the near future.
- Lake Oswego does not currently have access to alternate sources of supply in sufficient volume to meet its own emergency back-up supply needs much less backfill emergency water sent to WL.
  - Both LO and WL rely on the Clackamas River as their sole source of supply. Access to alternate sources of supply would mitigate this inherent supply risk.
  - Until WL invests in a new Bolton Reservoir and SFWB invests in reliability improvements, the value to LO of the existing intertie is diminished and continued reliance on this intertie as LO's primary source of emergency water supply may not be in LO's best interests.

The above is submitted for the record and your consideration as we proceed with the appeal of the Planning Commission's denial of the applications that are the subject of this correspondence.

Respectfully,



Joel B. Komarek, P.E.  
Project Director  
Lake Oswego-Tigard Water Partnership

/jbk



2. “Emergency Condition” Defined. An “emergency condition” is an occurrence created by a failure of the water supply facilities of the Board, Lake Oswego, West Linn, or Tigard, or the occurrence of an event which jeopardizes the Parties’ water quality, whereby insufficient supply to any of the water customers of the Parties could threaten the health or safety of those customers. Such failure includes failure or interruption in the operation of river intakes, raw and finished water pumping facilities, water treatment facilities, raw and finished water pipelines, reservoirs, and appurtenant facilities. Emergency conditions shall not include situations involving loss of water pressure or diminution in water volume in a water distribution system during periods of high demand if the system remains in a normal operational mode, and shall not include ~~scheduled repairs or maintenance or~~ reductions in water availability due to regulatory action.
3. Utilization of Water Intertie. The water system intertie may be utilized by the mutual consent of the executive officers of each of the Parties, or their designees for emergency and non-emergency purposes. ~~Decisions regarding the use of the intertie for may be reviewed by the city councils of each of the Parties at the discretion of each city council.~~
4. Location and Description of Water System Intertie. The location of the water system intertie is in the vicinity of the intersection of Kenthorpe and Old River Road in West Linn. The intertie connection that was established and constructed in 1984 under the above-referenced prior agreement consists of an 18-inch intertie main approximately 800 feet in length and related appurtenance that are located on Old River Road between Mapleton Drive and Kenthorpe Way. This pipeline connects West Linn’s 18-inch diameter transmission main located on Highway 43 to Lake Oswego’s 24-inch diameter transmission main located at the intersection of Kenthorpe Way and Old River Road. In 2000, West Linn constructed an intertie booster pump station on property located on the west side of Old River Road between Kenthorpe and Mapleton Drive. The property is located between Old River Road and Highway 43. The pump station connects to, and utilizes, the 18-inch intertie main on Old River Road. The pump station allows the intertie to be used on a continuous and automatically controlled basis in both directions of supply, i.e. Board and West Linn to Lake Oswego and Lake Oswego and Tigard to West Linn and Board. The pump station includes flow, pressure control, metering and telemetry facilities, and a connection for providing emergency power supply. The pump station, along with the facilities and appurtenances associated with it, as well as the facilities previously constructed in 1984, constitute the water system intertie that is the subject of this agreement.
5. Modifications to Water System Intertie. West Linn, as the project owner, undertook and completed the water system intertie pump station project. West Linn has maintained accurate cost accounting records relating to the project. The Board agreed to contribute \$100,000.00 to the project cost, which shall be payable in accordance with a payment schedule not to exceed two years. Lake Oswego agreed to contribute to the project a sum equal to 50% of the project cost of the facilities that benefit Lake Oswego, but not to exceed \$65,000.00. These facilities are defined as the piping, valves, vaults, metering, instrumentation and control systems, and appurtenant facilities that are used to provide water supply to Lake Oswego from West Linn and the Board. The estimated project cost of these facilities which benefit Lake Oswego is \$130,000.

January 7, 2013

Brown and Caldwell  
6500 SW Macadam Avenue, Suite 200  
Portland, OR 97239

Attention: Mr. Pete Oveson

**Geotechnical Engineering Services**  
Lake Oswego-Tigard Water Partnership  
West Linn Planning Commission – Final Notice CUP-12-02/DR-12-04 and DR-12-14  
West Linn, Oregon  
GeoDesign Project: BrownCald-49-20

## INTRODUCTION

This letter is our response to the West Linn Planning Commission’s Final Decision Notice CUP-12-02/DR-12-04 and DR-12-14 in the matter of the proposal for a conditional use permit and Class II design review for the proposed expansion of the City of Lake Oswego Water Treatment Plant (WTP) at 4260 Kenthorpe Way and Installation of a water transmission line in the city limits of West Linn.

The Planning Commission finds that the application is not consistent with CDC Section 60.070(A)(2) – *“The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features.”* The reasons provided by the Planning Commission are that the area is prone to seismically induced liquefaction, lateral spreading, as well as the potential for a deep-seated landslide. The Planning Commission is concerned that the steep slopes and landslides mapped by the State of Oregon Department of Geology and Mineral Industries northeast of the WTP as shown on Figure 2A of the August 23, 2012 Kleinfelder report will fail during a seismic event and impact the WTP and pipe. Those landslides are shown on Figure 1. The Planning Commission is also concerned that liquefaction and lateral spreading will impact the facilities during a design seismic event and will not withstand a magnitude 9.0 earthquake on the Cascadia Subduction Zone.

## SEISMIC STUDIES USED IN DESIGN

The proposed facility will be designed using the 2009 International Building Code, which prescribes that all structures be designed using design levels of ground shaking associated with

a probability of exceedance in a 50-year period. Shannon & Wilson (S&W) and Kleinfelder both used the ground motions computed using the U.S. Geological Survey's 2008 maps, which includes ground shaking from various sources including a magnitude 9.0 event on the Cascadia Subduction Zone. Seismic hazards were assessed using ground shaking levels associated with the maximum considered earthquake noted above.

S&W conducted a geotechnical engineering study at the WTP site. The findings of that study are presented in a geotechnical engineering report dated September 2012<sup>1</sup>. S&W predicts between 5 and 9 inches of ground surface settlement associated with liquefaction. They also conclude that lateral spreading hazard is low due to the distance of the WTP to the Willamette River, the relatively deep groundwater table, and the flat topography. To mitigate the effect of liquefaction, S&W has recommended that the facility be supported on auger cast piles that extend through liquefiable soil and transfer all foundation loads to the competent underlying gravel unit. S&W also identifies relative vertical movement between the structures that do not settle and the adjacent ground that undergoes liquefaction settlement. Flexible connections and joints will be used in such cases. Flexible steel pipe with specially designed connections that can tolerate the predicted settlement will be used for the raw and finished water pipelines. The proposed methods of mitigating the hazard are standard in the industry and, in our opinion, are adequate.

An additional seismic study was conducted by Kleinfelder that is documented in an August 23, 2012 letter report<sup>2</sup>. The study focuses on the proposed pipe alignment and identifies the potential for liquefaction in the area and predicts 2.5 to 3.5 inches of liquefaction settlement along portions of the proposed alignment designated Reach 2, east of the WTP, and Reach 4, west of the WTP. They conclude that there is no liquefaction potential in Reach 1, closest to the Willamette River. This is due to the presence of weathered basalt material encountered in borings MA-1, MA-2, and MA-3. The logs of those borings are presented in the GeoDesign March 18, 2011 geotechnical data report<sup>3</sup>. Kleinfelder also concludes that the risk of lateral spreading is low.

## INDEPENDENT STUDIES

The Lake Oswego-Tigard Water Partnership engaged the expertise of Professor Scott Burns of Portland State University to study the slopes to the west of the WTP and provide an opinion on their stability under seismic conditions. Professor Burns concludes that a mapped ancient landslide was caused at the end of the Missoula Floods, approximately 15,000 calendar years ago and endured 30 megathrust earthquakes on the Cascadia Subduction Zone since. His opinion on the smaller historic landslide mapped on Figure 2A of the August 23, 2012 Kleinfelder report is that it was induced by heavy rainfall in 1996 where 8 inches of precipitation occurred in a four-day period. We note that the mapped landslide is also upslope of a cut made for Nixon Avenue, which had a destabilizing effect. Professor Burns further concludes that the slopes to the east of the WTP are steep but have not shown large displacements in the last

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<sup>1</sup> Shannon & Wilson, *Geotechnical Engineering Report; Lake Oswego - Tigard; Water Treatment Plant; West Linn, Oregon*, dated September 2012.

<sup>2</sup> Kleinfelder, *West Linn Land Use Application; Seismic and Geologic Hazards; LOTWP, Raw & Finished Water Pipelines; Lake Oswego, Oregon*, dated August 23, 2012.

<sup>3</sup> GeoDesign, Inc., *Geotechnical Data Report; Lake Oswego Raw Water Pipeline; Clackamas County, Oregon*, dated March 18, 2011.

15,000 years in which period 30 megathrust earthquakes have occurred at the Oregon coast on the Cascadia Subduction Zone, with magnitudes of more than 9.0. We also note that these slopes have also been subjected to large precipitation events and have not shown displacements where they have not been graded. The findings of Professor Burns' study are presented in a letter report attached to this document.

Dr. Steven Dickenson of New Albion Geotechnical, Inc. and formally a professor at Oregon State University has reviewed the liquefaction and lateral spreading studies. He concludes that liquefaction and lateral spreading at the ground displacements have been well identified by the design team and appropriately mitigated. A letter report documenting his study is presented in the attachment to this letter report.

### CONCLUSIONS

It is GeoDesign's opinion that seismic hazards have adequately been identified by the design engineers and effective mitigating measures implemented. Our position is further supported by the independent studies conducted by Professor Burns and Dr. Dickenson. As noted above, the WTP structures will be supported on piling, which prevents structures from settling by transferring foundation loads down to the competent dense gravel layer. Flexible connections and joints will be used where vertical displacement is expected between structures that settle and the adjacent ground surface. Flexible steel pipe with specially designed connections that can tolerate the predicted settlement will be used for the raw and finished water pipelines.

◆ ◆ ◆

We trust that this information meets your requirements. Please contact us if you have any questions or require additional information.

Sincerely,

GeoDesign, Inc.



Brett A. Shipton, P.E., G.E.  
Principal Engineer



BAS:kt

Attachments

One copy submitted (via email only)

Document ID: BrownCald-49-20-010713-geol-Planning\_Commission-Final.docx

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**ATTACHMENT**

**College of Liberal Arts and Sciences**

Department of Geology      Scott F. Burns

Post Office Box 751                      503-725-3389 tel  
Portland, Oregon 97207-0751          503-725-3025 fax  
burnss@pdx.edu

January 3, 2013

Brett Shipton  
Geodesign Inc.  
15575 SW Sequoia Parkway, Suite 100  
Portland, Oregon 97224

Dear Brett –

You have asked me to review the landslides and potential for reactivation related to the LOTWP Raw and Finished Water Pipelines project. This report summarizes what I have found. Based on comparison of the soils and landslides of the area, the risk of seismically and climatically induced landslides on the pipeline and treatment plant is very low. I have divided my analysis into two types of landslides: seismically induced landslides (especially the subduction zone megathrust landslides) and climatically induced landslides from a huge precipitation event. I have attached a map that shows the three landslides I have investigated. They are numbered 1 (climatically controlled) and 2 and 3 (originally formed from the Missoula Floods, but what are the chances of seismically reactivating them).

**Seismically induced landslides:**

I specifically investigated the chances of reactivation and the production of lateral spread of the two ancient landslides (slides 2 and 3) and one historic landslide (slide 1). All three of these landslides are on the bluff to the northeast of Kenthorpe Way in West Linn. The question is: What are the chances of these landslides being seismically reactivated if a subduction zone megathrust earthquake occurs.

The two ancient landslides that I visited in the field on December 28<sup>th</sup> both are in a group of landslides we consider to have been produced at the end of Missoula Floods, approximately 15,000 calendar years ago. All of the materials on Mapleton and Kenthorpe Streets are sediments laid down during the Missoula Floods – the fine grained facies. We have mapped many landslides in the West Linn-Oregon City area with similar

characteristics. We feel that they all have similar origins 15,000 years ago when the water saturated slopes failed as the floodwaters decreased. The flood waters from these great floods were over 400 feet deep at the site and saturated the slopes. We see little evidence of major reactivation from seismic induction since that time and a retrogression of the head scarp by lateral spread at the top of the slopes, and we have had over 30 megathrust quakes (over 9.0 along the coast) since they formed. I see little danger posed to the pipeline and water treatment plant from lateral spread related to these landslide slopes or even the steep slopes of the area that have no landslides on them. To have a lateral spread, one needs to have water saturated soils from high ground water tables, and these Missoula Flood sediments are basically well drained.

Can these two ancient landslides (2 & 3) reactivate? Yes, they can, and we have noted reactivation of nearby slides from local over-steepening from excavations, undercutting from streams, and dumping of large amounts of water onto the slopes, though. I really do not see these things happening on these slopes related to the pipeline and the treatment plant. Both of these ancient slides have homes over them so I make recommendations to the homeowners that they control the water on the slopes and they restrict their excavations, and they should not see any movement. I do not feel that subduction quakes, or localized fault activity on Portland's faults would reactivate these landslides, especially the head scarps. We would see evidence locally of past events.

#### **Climatically Induced Landslides:**

The small historic landslide (slide 1) was a climatically induced landslide which is typical in the Portland area from large amounts of rainfall in short periods of time. They occur on steep slopes just like this one. We mapped over 300 of these in 1996 in the Portland area that occurred from the February climatic event where we had 8 inches of rain in four days. Their sizes are generally less than 200 cubic yards of material. This landslide is what we might expect from a climatic event, not a seismic event.

Will climatic events in the future affect the pipeline and the treatment plant? Very small landslides (<250 cubic yards) will be produced periodically along the large scarp at the Kenthorpe Way. Will these small events affect the pipeline or the treatment plant – no. They will not cause any lateral spread or large migration of the scarp. Their effects will be minimal.

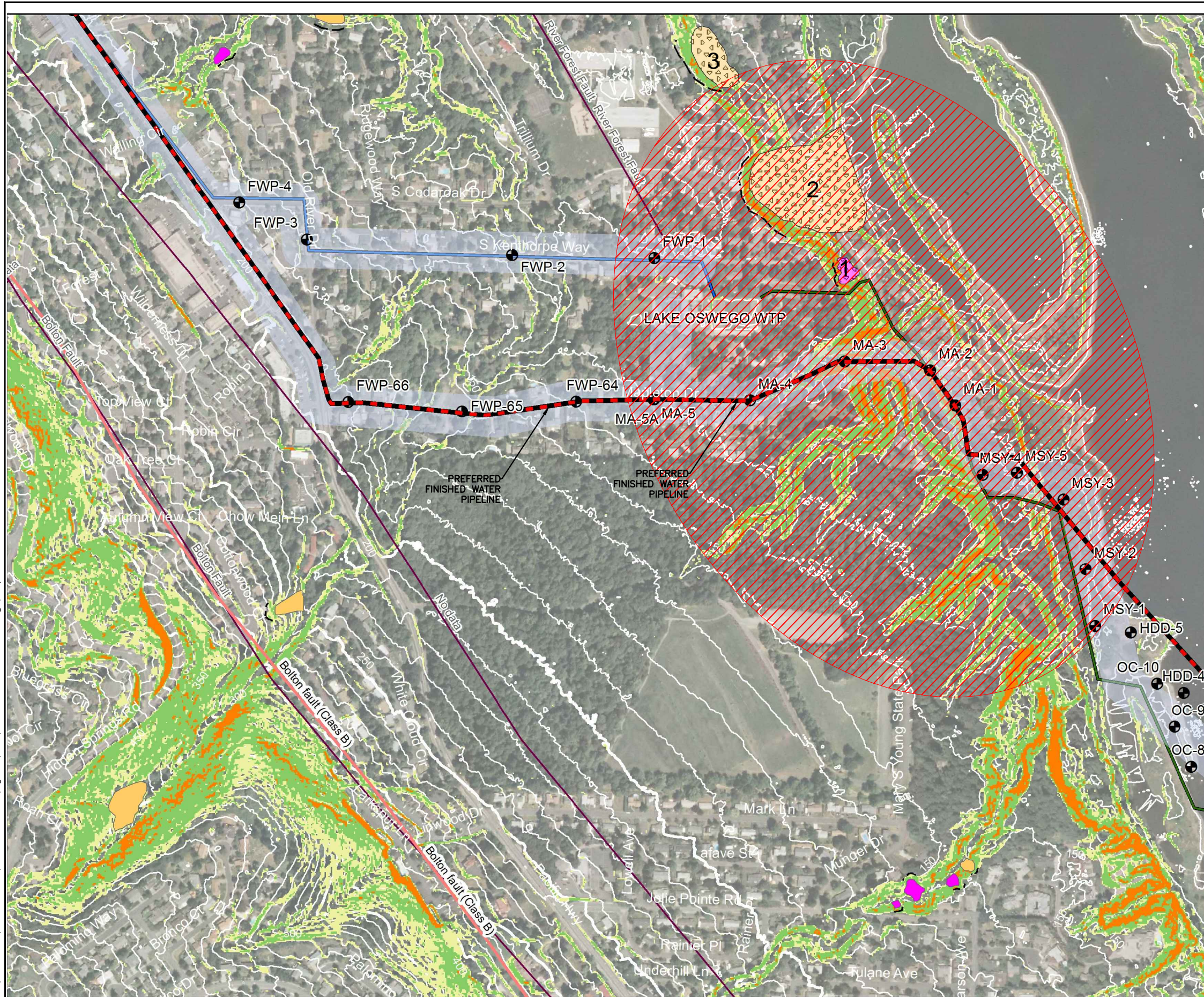
The slopes to the east of the water treatment facility are steep, but they have not shown large displacements in the last 15,000 years which would be expected from subduction zone quakes. Lack of many landslides on these steep slopes points to the well-drained nature of the soils. The slopes do not pose large dangers to the pipelines and the treatment plant.

Sincerely,

Scott Burns, Professor of Geology  
Portland State University  
Consulting Geologist, RG, CEG

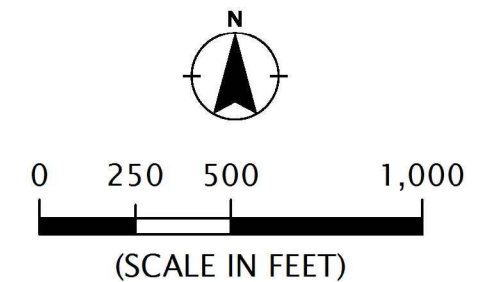


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**LEGEND**

- FWP-1 BORING
  - EXISTING FINISHED WATER PIPELINE
  - EXISTING RAW WATER PIPELINE
  - QUATERNARY FAULTS (USGS)
  - FAULTS (ODGC)
  - PREFERRED ALIGNMENT
  - PREFERRED ALIGN
- PERCENT SLOPE**
- <24%
  - 24% - 33%
  - 33% - 50%
  - 50% - 100%
  - >100%
- LANDSLIDE FAILURE DEPTH**
- DEEP-SEATED (>4.5 M)
  - SHALLOW-SEATED (<4.5 M)
- LANDSLIDE ACTIVITY**
- HISTORIC (<150yrs)
  - PRE-HISTORIC (>150yrs)
  - AREA OF STUDY



LANDSLIDE DATA FROM DOGAMI LANDSLIDE INVENTORY (2010)  
 ORTHOPHOTO FROM OREGON IMAGERY EXPLORER  
 QUATERNARY FAULT DATA DERIVED FROM USGS (2009) ONLINE DATABASE

10-FOOT TOPOGRAPHIC CONTOURS DERIVED FROM 2007 OREGON LIDAR CONSORTIUM  
 BORING LOCATIONS SURVEYED BY WESTLAKE CONSULTANTS OF LAKE OSWEGO, OREGON, OR FIELD  
 LOCATED BY GEODESIGN PERSONNEL



**NEW ALBION**  
**Geotechnical, Inc.**

5060 SW Philomath Blvd., #341  
Corvallis, Oregon 97333  
541-602-0984  
sed@newalbiongeotechnical.com

January 7, 2013

Mr. Brett A. Shipton  
GeoDesign, Inc.  
15575 SW Sequoia Pkwy, Suite 100  
Portland, OR 97224

Subject: External Review of Seismic and Liquefaction Hazards Evaluations Associated with;  
Geotechnical Engineering Services  
Lake Oswego-Tigard Water Partnership  
West Linn Planning Commission – Final Notice CUP-12-02/DR-12-04  
West Linn, Oregon  
GeoDesign Project: BrownCald-49-20

Dear Mr. Shipton:

As requested, New Albion Geotechnical, Inc. (New Albion) has completed the technical review of the project documentation addressing; geotechnical site characterization, seismic hazard analyses, and potential hazards associated with liquefaction and lateral spreading. The primary focus of this review included: seismic hazard and ground motion characterization required for liquefaction triggering evaluation, liquefaction assessment, post-liquefaction ground settlements, and possible lateral spreading hazards. The review focused on the portion of the proposed water distribution system located in the City of West Linn, and included portions of the alignments of both the raw water pipeline and finished water pipeline, as well as the Lake Oswego Water Treatment Plant (LOWTP) site.

#### **EXECUTIVE SUMMARY**

New Albion has completed its external peer review of pertinent engineering documents addressing seismic and liquefaction hazards along the alignment of the proposed water transmission line within the limits of the City of West Linn, Oregon. The specific reports provided for review by New Albion are listed in the following section “Scope of Review” and include recent documents prepared by GeoDesign, Inc., Kleinfelder, and Shannon & Wilson, Inc. These three consultancies have characterized the design-level seismic ground motions, the potential for earthquake-induced degradation of soil strength (*liquefaction*), and the post-liquefaction behavior of the soil using analysis procedures that have been widely adopted in North American engineering practice. Overall, the seismic and liquefaction hazards analyses have been executed following regional standards of practice and at a level commensurate with

the importance of this critical lifeline project. The methods of analyses and conclusions reached by each consultancy may differ slightly due to reasonable differences in professional judgment concerning complex aspects site characterization and cyclic soil behavior; however, taken collectively the conclusions are in reasonable agreement when evaluated in light of the ground motion amplitudes used as the basis for respective analyses. The pipeline, ancillary components, and foundation soils have been evaluated for seismic ground motions having an average return period of 2,475 years, consistent with the design of important lifeline structures.

The seismic and geologic hazards have been well-identified and evaluated by GeoDesign, Kleinfelder, and Shannon & Wilson. Liquefaction hazards have been identified along portions of the proposed water transmission line and reasonable measures recommended for addressing these concerns. Practical mitigation techniques including ground treatment, deep foundation support, and structural details that provide system flexibility have been proposed. These methods have been employed to improve the seismic resiliency of important civil works projects throughout the Pacific Northwest. Collectively, the conclusions and recommendations provided by these consultancies indicate that, from a geotechnical engineering perspective, the project is feasible using methods of construction routinely utilized in the Pacific Northwest

#### **SCOPE OF REVIEW**

The specific materials and documents provided by GeoDesign, Inc. (GeoDesign) for review by New Albion included the following;

1. GeoDesign, Inc., Geotechnical Data Report, Lake Oswego Finished Water Pipeline, Clackamas County, Oregon, for Brown and Caldwell, February 7, 2011.
2. GeoDesign, Inc., Geotechnical Data Report, Lake Oswego Raw Water Pipeline, Willamette River Crossing, Clackamas County, Oregon, for Brown and Caldwell, March 10, 2011.
3. GeoDesign, Inc., Geotechnical Data Report, Seismic Hazard Assessment, City of Lake Oswego and Tigard Joint Water Supply System, Clackamas County, Oregon, for Brown and Caldwell March 11, 2011.
4. GeoDesign, Inc., Geotechnical Data Report, Lake Oswego Raw Water Pipeline, Clackamas County, Oregon, for Brown and Caldwell, March 18, 2011.
5. GeoDesign, Inc., Geotechnical Data Report, Expansion of City of Lake Oswego Water Supply System, Supplemental Explorations for Seismic Hazard Evaluation, Finished Water Pipeline, Clackamas County, Oregon, for Brown and Caldwell, August 2, 2012.
6. Degenkolb Engineers, Technical Memorandum, Seismic Design Memorandum (Final), Lake Oswego Seismic Pipeline Design, prepared by Don Ballantyne for Lake Oswego (Joel Komark and David Prock), August 3, 2012.
7. Kleinfelder, Letter report, West Linn Land Use Application, Seismic and Geologic Hazards, LOWTP Raw & Finished Water Pipelines, Lake Oswego, Oregon, prepared by Chad Lukkarila and Mark Swank, for Kennedy-Jenks Consultants (Brad Moore), August 23, 2012.

8. Shannon & Wilson, Inc., Geotechnical Engineering Report, Lake Oswego – Tigard Water Treatment Plant, West Linn, Oregon, for MHW Americas, Inc., September, 2012.

### **SEISMIC PERFORMANCE ISSUES OUTSIDE THE SCOPE OF THIS REVIEW**

This review focuses on liquefaction hazards in the West Linn portion of the project. The review did not address the following issues, which were outside the scope of services;

- The stability and seismic performance of ancient landslides. This topic has been addressed by Dr. Scott Burns, Portland State University.
- The seismic performance of the pipeline, dynamic soil-pipeline interaction, and water system fragility. A preliminary assessment of these issues has been made by Mr. Donald Ballantyne, Degenekolb Engineers.
- Analysis and design of ground treatment alternatives for mitigation of liquefaction hazards at the LOWTP. This evaluation has been performed with recommendations provided by Shannon & Wilson, Inc.
- Analysis of the seismic performance of auger cast piles for deep foundation support of the proposed LOWTP expansion. This analysis and preliminary design recommendations was also provided by Shannon & Wilson, Inc.

### **CONCLUSIONS AND RECOMMENDATIONS**

Seismic Hazards and Ground Motions - The seismic hazard evaluations have been prepared at a level commensurate with the importance of the project. The seismic hazard evaluations performed by GeoDesign, Kleinfelder, and Shannon & Wilson followed the regional standard of practice and make use of some of the latest scientific information available on seismicity in the Pacific Northwest. The characterization of the regional seismic sources, the ground motion predictive equations used, and the PSHA methodology appear to be well-founded on the basis of the results of recent paleoseismic and geologic investigations, and engineering seismology addressing ground motion characterization in subduction zone settings (USGS 2012). All three investigations made use of existing, widely-adopted sources for seismic hazard analysis (e.g., USGS NSHMP 2002 and 2008).

Liquefaction Resistance of Sand-Like Soils - The assessment of liquefaction susceptibility and triggering in soils along the raw water pipeline and finished water pipeline employed the well-established procedures for “sand-like” soils, after applying the soil screening recommendations of Boulanger and Idriss (2006), and Idriss and Boulanger (2008). The evaluation of liquefaction potential for sand-like soil was thus conducted following widely-adopted, standard-of-practice methods. The evaluations performed to date appear to be consistent with the regional standard of practice and have demonstrated the portions of the pipeline alignment where the potential for liquefaction hazards warrant mitigation measures. It is again noted that the liquefaction hazard assessment conducted by Kleinfelder is considered slightly- to moderately-conservative due to the earthquake magnitude and ground surface PGA used in the analysis.

The liquefaction potential at the LOWTP was evaluated using a well-known, commercially available numerical model (D-MOD2000) for site-specific dynamic response analyses. This model includes an algorithm for computing excess pore pressure generation and the results of the analyses indicated that an extensive portion of the lower Fine-Grained Flood Deposits is liquefiable under the design level ground motions. The liquefaction hazard has been identified and measures proposed for mitigating the effects of liquefaction on the pipeline and appurtenant structures.

Liquefaction Resistance of Clay-Like Soils - At the high seismic load levels used in analysis and design it is anticipated that nominal cyclic degradation in the stiffness and strength of the saturated, soft to medium stiff, NP to low-plasticity silts may occur. The potential for cyclic degradation of saturated portions of the silt deposits should be evaluated along portions of the alignment where sloping ground could contribute to deviatoric strains and permanent ground deformation. These areas appear to be localized and of limited extent along the pipeline alignment in West Linn. Evaluation of the silt may include a review of existing cyclic laboratory testing data on regional fine-grained soils, and if hazardous conditions are indicated cyclic laboratory testing of high quality specimens of the soil.

Post-Liquefaction/Post-Cyclic Loading Settlement of Sand-Like and Clay-Like Soils -

Estimates of post-liquefaction settlement in sand-like soil have been made using widely-adopted, practice-oriented procedures for one-dimensional volumetric strain. The range of settlement values in each pipeline Reach is considered reasonable at the locations of the borings and CPT soundings. The differential settlement along Reaches 1, 2, and 4 may be accommodated by the use of welded steel pipe and appropriate connection details based on current seismic design guidelines (Degenkolb Engineers 2012).

At the LOWTP the thickness of the liquefiable layer will require mitigation measures in the form of remedial ground treatment to increase the cyclic resistance of the soil and/or structural applications such as deep foundations to transfer structural loads into underlying competent layers and support the pipeline.

Lateral Spreading Hazards

Lateral spreading hazards have been evaluated by GeoDesign, Kleinfelder, and Shannon & Wilson. Similar conclusions have been reached by each consultancy and are briefly summarized;

1. The lateral spreading hazard is considered very low along Reach 1 due to the limited extent of potentially liquefiable soils.
2. Along Reach 2 the lateral spreading hazard has been conservatively assumed to be moderate in Reach 2; however, additional site investigation may be required to ascertain the extent of potentially liquefiable soils along the sloping portion of Mapleton Drive.
3. Although the potentially liquefiable portion of the Fine-Grained Flood Deposits in Reach 3 (LOWTP) is laterally extensive across the LOWTP site the potential for damaging lateral spreading is considered minor due to the nearly horizontal grade across the site and the

distance (roughly 300 to 400 feet) to significant slopes to the east and southeast of the proposed improvements.

4. The potential for later spreading is considered low along most of the pipeline alignment in Reach 4. This is due to the interlayered nature of the sandy soil and fine-grained deposits, the relatively thin layers of liquefiable soils (generally less than 5 ft) with unknown lateral extent, the minor slopes along much of Highway 43, and the depth to the static groundwater table. Localized lateral spreading and ground deformation hazards may be associated with embankments and filling adjacent to incipient gullies and minor creeks (Arbor Creek, Robinwood Creek, Fern Creek, Robin Creek).

The seismic and geologic hazards have been well-identified and evaluated by GeoDesign, Kleinfelder, and Shannon & Wilson. Collectively, the conclusions and recommendations provided by these consultancies indicate that, from a geotechnical engineering perspective, the project is feasible using methods of construction routinely utilized in the Pacific Northwest and with appropriate consideration of the following issues;

- Mitigation of the liquefaction hazards identified in the vicinity of the proposed Lake Oswego Water Treatment Plant expansion. Proposed mitigation schemes include ground treatment methods that have been used throughout the Pacific Northwest to reduce the liquefaction susceptibility of the soil via densification or cementation, and deep foundation options that provide support through potentially liquefiable soil. These ground treatment and deep foundation options are reasonable and have been implemented on numerous projects throughout the region.
- Pipeline flexibility at transitions between relatively soft and stiff geologic units (e.g. Columbia River Basalt and alluvial soils, dense sands and gravels grading into soft silts and clays, and cut and fill slopes).
- Pipeline and system flexibility at transitions between pile-supported structures and “free-field” ground conditions.

#### **COMMENTS RELATED TO THE SEISMIC HAZARD ANALYSES**

New Albion has reviewed the seismic hazard evaluations prepared by GeoDesign (2011), Kleinfelder (2012), and Shannon & Wilson (2012). The assumptions, methods, and conclusions were reviewed for consistencies and possible variations to other pertinent regional seismic hazard assessments (i.e., U.S. Geological Survey National Seismic Hazard Mapping Project [NSHMP], 2008, Petersen et al, 2008, and Geomatrix, 1995). These references were supplemented with materials from the proceedings of the U.S. Geological Survey “Pacific Northwest Workshop for the Update of the National Seismic Hazard Maps (2012).”

The seismic source characterization has been well outlined in all three reports and highlights the primary hazards associated with; relatively shallow crustal earthquakes, deep intraslab subduction zone earthquakes, and interface subduction earthquakes along the Cascadia Subduction Zone (CSZ). The source characterization for the both the individual crustal faults and gridded seismicity associated with

crustal sources is consistent with the USGS NSHMP (Petersen et al, 2008). The source characterization for the deep intraslab subduction earthquakes in the Portland-Willamette Valley region is consistent with the most recent seismic hazard modeling performed by the USGS NSHMP (Petersen, 2008).

All three reports made use of the seismic hazard de-aggregation presented by the USGS NSHMP (2002 and 2008 editions) therefore rely on the same PSHA methodology. The GeoDesign hazard assessment (2011) was initially made for ground motions having a 5% probability of exceedance in 50 years (975 year average return interval). The seismic hazard used as the basis for analysis and design of the water distribution system was subsequently amended to the 2% probability of exceedance in 50 years (2,475 year average return period) thus the design ground motion levels were significantly increased. The design ground motion levels provided in all three reports are considered appropriate for the specific seismic hazard levels evaluated by each consultancy. The influence of ground motion parameters on aspects of dynamic soil response, triggering of liquefaction or soil degradation, and the seismic performance of slopes and retaining walls should be evaluated using the results of the 2008 USGS NSHMP applied for ground motions having a 2% probability of exceedance in 50 years with appropriate consideration of the magnitude and source-to-site distance for each of the predominant seismic sources considered.

On the basis of the PSHA deaggregation for ground motions having a 2% probability of exceedance in 50 years, liquefaction hazards should be evaluated for two scenarios;  $M_w$  9.0 megathrust earthquake along the Cascadia Subduction Zone, and a roughly  $M_w$  6.5 to 7.0 shallow crustal event in the Portland metropolitan region. These scenario earthquakes have been adequately addressed in all three reports.

#### **COMMENTS RELATED TO THE LIQUEFACTION POTENTIAL OF PREVALENT SOILS**

Evaluating the potential for liquefaction of native foundation soils requires the characterization of both the seismic loading and the cyclic resistance of the soil. This review has considered both facets of the liquefaction hazard assessment, with specific consideration of the following;

1. Geotechnical site characterization.
2. Cyclic loading of foundation soils.
3. Cyclic resistance of "sand-like" soils.
4. Cyclic degradation potential for "clay-like" soils.

Review comments addressing specific aspects of each of these topics are provided as follows.

##### Geotechnical Site Characterization

Data reports covering the geotechnical site investigations have been prepared by GeoDesign (2011, 2012) and Shannon & Wilson (2012). Pertinent aspects of the investigation methods, drilling and sampling procedures, and the laboratory testing programs have been well addressed in each report.

Overall, the geotechnical investigations are considered appropriate for the following applications;

- The Shannon & Wilson (2012) geotechnical investigation at the Lake Oswego Water Treatment Plant (LOWTP) site is comprehensive and appropriate for this critical lifeline facility. The composition and variability of the prevalent soil units have been well demonstrated. The static groundwater conditions have also been well addressed with consideration of perched conditions and anticipated ranges in the seasonal fluctuation of the piezometric surface.
- The GeoDesign (2011, 2012) geotechnical investigations along the proposed pipeline alignments provide the following;
  - The soil conditions along the alignment of the existing raw water pipeline from the Willamette River to the LOWTP have been evaluated with borings made on roughly 200 ft to 500 ft spacing.
  - The soil conditions along the alignment of the finished water pipeline from the Lake Oswego Water Treatment Plant to the limits of the City of West Linn (near the Pacific Highway [Oregon Route 43] and Arbor Drive) have been evaluated on the basis of borings spaced roughly 100 ft to 1,400 ft apart, with an average spacing of approximately 600 ft.
  - The extensive in situ investigations, supplemented with laboratory testing, provide adequate geotechnical information for evaluating the broad extent of potential liquefaction hazards along the pipeline alignment and representative ranges of the estimated post-liquefaction settlements that may occur following design-level ground motions.

#### Cyclic Loading of Foundation Soils

The cyclic loading associated with the design-level ground motions (2% probability of exceedance in 50 years) has been addressed in the Shannon & Wilson (2012) and Kleinfelder (2012) reports for the LOWTP and Raw Water Pipeline, respectively. Shannon & Wilson and Kleinfelder both adopted the ground motions computed by the USGS (2008) for firm soil/weak rock conditions (Site Class B/C boundary) therefore similar values were used. The influence of the dynamic response of the overlying soil deposits on the ground motions was evaluated using two different approaches; (i) Shannon & Wilson performed site-specific soil response analyses at the LOWTP site providing a very thorough assessment of site effects, and (ii) Kleinfelder used code-based soil amplification factors for a more general assessment of dynamic soil response. Both methods are considered appropriate for the portions of the water distributions system evaluated.

For application at the LOWTP, site-specific dynamic soil response analyses were performed using the program D-MOD2000 to model fully nonlinear effective stress soil behavior. Effective stress analyses were performed for one soil profile, with input excitation provided by a collection of eight acceleration time histories scaled to the Peak Ground Acceleration (PGA) from the PSHA for firm soil/weak rock conditions. The material properties used as input for the D-MOD2002 model were based on the Shannon & Wilson site investigation, which included synthesis of the laboratory testing data, correlations with soil index properties and in situ testing data (SPT and CPT), and professional judgment established on similar projects in the Portland-Willamette Valley region. Shear wave velocity ( $V_s$ ) measurements were provided by one seismic CPT sounding. The computed output from the D-MOD2000 analyses includes excess pore pressure generation for coupled assessment of the liquefaction



hazard. The estimates of cyclic loading at the LOWTP are considered reasonable and the methods of evaluation reflect the regional standard of practice for critical lifeline facilities.

The cyclic loading parameters used by Kleinfelder for liquefaction hazard evaluations for portions of both the raw- and finished-water pipeline alignments were developed using more general, code-based procedures. The ground motions established for the firm soil/weak rock transition (Site Class B/C boundary) were adjusted for site effects using code-based amplification factors providing an approximate estimate of the PGA for use in subsequent liquefaction hazard analyses.

### Cyclic Resistance of "Sand-Like" Soils

Aspects of the liquefaction hazard evaluation for sandy soils have been addressed in the reports prepared by GeoDesign (2011, 2012), Kleinfelder (2012), and Shannon and Wilson (2012). Several widely-adopted procedures for evaluating the potential for triggering of liquefaction in sandy soil have been applied on this project (i.e., Idriss and Boulanger 2008, Cetin et al 2004, Moss et al 2006, Robertson and Wride 1997, Youd et al 2001).

Soils potentially vulnerable to liquefaction have been generally defined following the recommendations of Boulanger and Idriss (2004) and Idriss and Boulanger (2008) as predominantly sand and/or silt with PI < 7 to 8. The intensity of the cyclic loading (Cyclic Stress Ratio, CSR) used in these "Simplified Liquefaction" procedures has been computed using the peak ground acceleration from the simplified code-based procedures for a specified Site Class and the straightforward formulation;

$$CSR_{M=7.5, \sigma'_{vc}=1 \text{ atm}} = (0.65 a_{\max} \sigma_{vc} r_d) / (g \sigma'_{vc} MSF K_{\sigma} K_{\alpha}) \quad (1)$$

Where:

- $a_{\max}$  = Maximum horizontal acceleration at the ground surface
- $g$  = acceleration due to gravity
- $\sigma_{vc}$  = geostatic vertical total stress
- $\sigma'_{vc}$  = geostatic vertical effective stress
- $r_d$  = shear stress reduction factor
- $MSF$  = Magnitude Scaling Factor
- $K_{\sigma}$  = correction factor for overburden stress
- $K_{\alpha}$  = correction factor for static horizontal shear stress

The CSR values at the depths of interest were computed using this formulation in the liquefaction hazard assessments prepared by GeoDesign and Kleinfelder. This is opposed to the procedure followed by Shannon & Wilson wherein the CSR and excess pore pressure generation in the vulnerable soils were computed directly using D-MOD2000 effective stress analyses. Both procedures are applicable and follow regional standards of practice for evaluating liquefaction potential.

Several comments are warranted regarding the liquefaction hazard evaluations presented by the three consultancies;

1. The practice-oriented procedures used on this project to evaluate liquefaction potential are commonly performed using spreadsheets. The spreadsheets (i.e., cell formulas) and/or computational software used by the three consultancies were not provided in their respective reports precluding a thorough review of the specific computations.
2. The liquefaction triggering analyses performed by Kleinfelder (2012) are deemed very conservative due to the magnitude and ground motion amplitude used in the analyses. While the  $M_w$  9.0 Cascadia Subduction Zone scenario is well supported by the USGS PSHA deaggregation, the corresponding use of the Uniform Hazard PGA value of 0.55g applies cyclic loading that is considered much greater than ground motions representative of a  $M_w$  9.0 earthquake occurring roughly 100 km from the site. The PGA value of 0.55g is much more appropriately applied for the shallow, local crustal earthquake having a magnitude of 6.5 to 7.0. The large PGA value used with the Magnitude Scaling Factor for a  $M_w$  9.0 event (Equation 1) is considered overly-conservative, resulting in a slightly- to moderately-larger extent of liquefiable soil and greater estimated post-liquefaction settlement.
3. The LOWTP investigation prepared by Shannon & Wilson noted the following general site conditions;

*"In general, the Artificial Fill unit was about 1.5 to 5 feet thick and was encountered in the existing WTP, either near existing buildings or structures, or underneath pavement. The unit consisted of pavement sections, base course materials, medium- dense sandy silty gravel, and very soft to medium-stiff clayey silt to sandy silt. The Fine-Grained Flood Deposits unit was either encountered underlying the Fill within the existing WTP or at the ground surface within the Mapleton Property. The Fine-Grained soil unit consists of soft to stiff clayey silt and sandy silt to approximately 25 feet in depth, followed by approximately 25 to 30 feet of very loose to medium-dense silty sand to sand to a total depth of 52 to 57 feet. Underlying the Fine-Grained soil unit was the Older Sand and Gravel Alluvium unit. This unit consists of very dense sandy gravel to gravelly sand."*

The 25 to 30 foot thick layer of very loose to medium-dense silty sand to sand has been evaluated by Shannon & Wilson as liquefiable under the design level ground motions. This portion of the Fine-Grained Flood Deposits has been treated in subsequent foundation analyses as fully liquefied, which is a slightly conservative assessment given the interlayered nature of the sands and more silt-rich soils that may not be as vulnerable to cyclic degradation and liquefaction.

4. The soil parameters used by Shannon & Wilson in the D-MOD2000 effective stress analyses were not available for review therefore pertinent aspects of the excess pore pressure modeling could not be evaluated. Given the lack of site-specific cyclic test data on the potentially liquefiable soils (specifically silty sand, sandy silt, and NP silt) a range of modeling parameters is often used to assess the sensitivity of the computational results on this input. It is not apparent that this type of

sensitivity analysis was performed. Irrespective of the breadth of the numerical modeling, Shannon & Wilson have treated the entire 25 to 30 feet of very loose to medium-dense silty sand to sand as potentially liquefiable, an appropriately conservative assessment based on the in situ test data (SPT and CPT).

5. The water distribution system in the City of West Linn has been subdivided by Kleinfelder into four sections, or Reaches. General conclusions regarding liquefaction hazards in each of the sections are provided as follows;
  - a. Reach 1 (Raw Water Pipeline: HDD crossing, lower portion of Mapleton Drive slope) – The liquefaction potential is classified as “None to very low” by Kleinfelder. This assessment is supported by the site investigation performed by GeoDesign. The location of the transition from HDD in competent soil and rock to the open cut and cover portion of the Raw Water Alignment has not been determined. The potential for minor differential soil deformations at this transition in excavation methods and/or soil type should be considered in design of the pipeline.
  - b. Reach 2 (Raw Water Pipeline: Middle of Mapleton Drive slope to within 300 ft of the WTP) – The liquefaction hazard is classified by Kleinfelder as “Moderate to High” along this roughly 400 ft to 500 ft section of the alignment. This assessment was apparently made from the following information; (i) soil boring MA-4 (GeoDesign) located approximately 500 feet to the west that extended through soft- to medium-stiff silt (Upper Fine-Grained Flood Deposits) to a depth of 13.5 ft, and (ii) characterization of the underlying, presumably liquefiable soil, based on lateral extrapolation of the soil profile from the LOWTP located approximately 400 feet to the north, specifically in situ information (B-5, CPT 7) obtained by Shannon & Wilson. While extrapolation of the in situ data from the LOWTP may support the generalization of liquefiable soils at depth along Reach 2, the depth and lateral extent of the liquefiable soil at this location is not known. The geomorphology along the portion of Mapleton Drive between borings MA-4 and MA-3 suggests that a transition in the soil profile from that assumed at MA-4 (based on data from the LOWTP) to the shallow soil profile at MA-3 is possible. The acquisition of additional in situ information between these two locations, and extended to dense underlying material, may reveal conditions that are more favorable than indicated by the “Moderate to High” liquefaction hazard currently assumed by Kleinfelder.
  - c. Reach 3 – (Mapleton Drive within 300 feet of the WTP to east and west) – The high liquefaction susceptibility of the saturated, sandy portion of the Fine-Grained Flood Deposits subjected to design level ground motions has been identified and highlighted by GeoDesign, Kleinfelder, and Shannon & Wilson. The liquefaction hazard has been thoroughly evaluated by Shannon & Wilson using both site-specific modeling, and more general, practice-oriented methods consistent with the procedures used by GeoDesign and Kleinfelder. Ground treatment and deep foundation strategies have been proposed to mitigate the potential for extensive damage to the proposed pipeline and structures. The measures proposed by Shannon & Wilson at this early stage of design are reasonable and have been employed on numerous large civil works projects in the Portland-Willamette Valley region and throughout the Pacific Northwest.

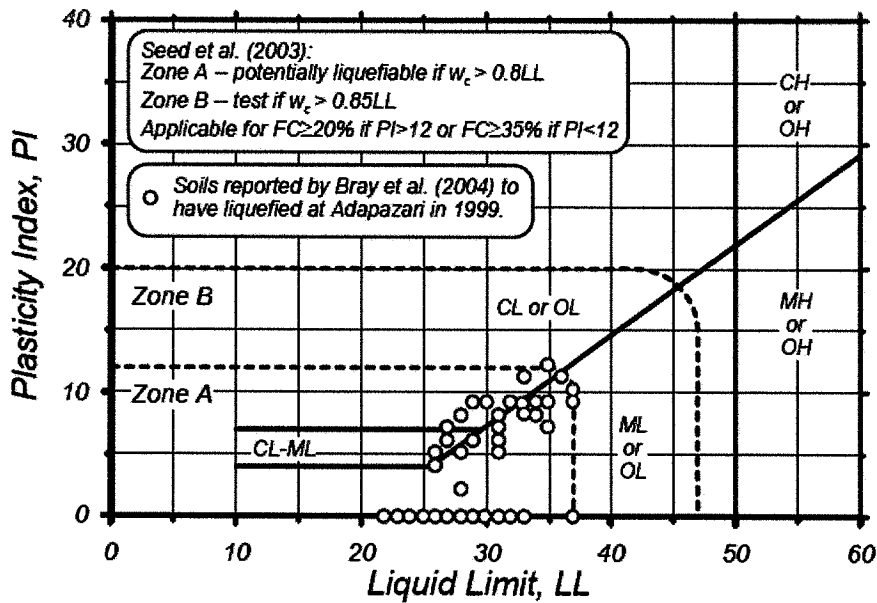
- d. Reach 4 – (Finished Water Pipeline: Mapleton Drive 300 feet west of WTP, along HWY 43, to Arbor Drive) – The liquefaction potential along this portion of the alignment has been generally classified by Kleinfelder as “*Moderate except low potential at the borings including FWP-5, -7, -8, and -65.*” A review of the boring logs for explorations made along the Reach 4 (GeoDesign 2011, 2012) alignment indicate interbedded layers of soft to very stiff silt and loose to medium dense sand to silty sand. The static groundwater table has been observed in two relatively deep piezometers at depths below current grade along Highway 43 of roughly 25 ft. Perched groundwater conditions have been noted on several of the soil borings. The seasonal nature of the perched groundwater elevation has not been evaluated therefore assumptions have been made regarding the extent of saturated soils in liquefaction hazards analyses. Kleinfelder assumed a depth to groundwater of 10 ft and evaluated all soils beneath this depth for liquefaction potential. GeoDesign used data from the deeper observation wells and supporting documentation (Snyder 2008) to establish the static groundwater table at a depth of roughly 25 ft below existing grade. This is consistent with the data obtained at the LOWTP by Shannon & Wilson, and used as the basis for their liquefaction hazard evaluations. The potentially liquefiable soils in this reach appear to be relatively thin layers (generally < 5 ft thick) and interbedded with non-liquefiable fine-grained soils. The lateral spreading and post-cyclic settlement hazards associated with these layers appear to be minor along the relatively flat alignment.
- e. The elevation at the base of proposed excavations for the finished water pipeline was not available at the time of this review. The process of excavation for the pipeline and back-filling with free-draining soil will likely affect the perched groundwater conditions observed at shallow depth adjacent to the pipeline and this should be accounted for in liquefaction hazard assessments.

#### Cyclic Resistance of “Clay-Like” Soils

Silt-rich soils are prevalent in the upper portions of the Fine Grained Flood Deposits. The consistency of the silt varies between non-plastic to high-plasticity (ML-MH) therefore the cyclic resistance and post-cyclic loading behavior of the soil will vary substantially. The “Simplified Procedures” used for evaluating liquefaction potential are not applicable for the silt-rich soil, therefore the evaluation of seismic degradation relies on refined methods of analysis. Fine-grained soils, termed “Clay-like” soils due to their cyclic behavior, have been defined on the basis of the Plasticity Index (PI) following the recommendations of Boulanger and Idriss (2004, 2006). A binary “liquefiable/non-liquefiable” classification has been adopted on this project by GeoDesign, with  $PI > 8$  used as the criterion for indicating that the soil is not susceptible to liquefaction. These soils have been shown in numerous investigations to have a cyclic resistance that is greater than “sand-like”; however, this is a function of soil and site-specific conditions (e.g., geostatic stresses, stress history of the soil, age and fabric of the soil).

The screening criteria of Bray and Sancio (2006), for example, identify possibly liquefiable soils as having PI as high as 12, if the in situ water content exceeds the product of  $(0.85 * \text{Liquid Limit})$ . Laboratory

testing is encouraged for fine-grained soils with PI as high as 20 when the water content exceeds  $0.85 * \text{Liquid Limit}$ . This screening guideline is shown graphically on the Plasticity Chart in Figure 1. The laboratory data provided by GeoDesign (2011, 2012) and Shannon & Wilson (2012) demonstrates a broad range of PI values in the upper alluvial silt layers varying from NP to 60. A significant percentage of the specimens obtained from beneath the static groundwater table exhibit moisture contents greater than  $0.85 * \text{Liquid Limit}$ . On the basis of the simplified screening criteria and consideration of the high-amplitude, long-duration motions being used for analysis and design it appears that there is potential for strength loss in portions of the saturated alluvial silt deposits during seismic loading. A more complete assessment of the potential for cyclic degradation and shear strain mobilization should consider the following project-specific factors for the fine-grained soils; geostatic stresses, stress-history (OCR), static shear stress imposed on the foundation soil after proposed construction, high-amplitude and long-duration ground motions, ratio of the static undrained shear strength to the imposed cyclic shear stress, and post-cyclic shearing resistance. This could be efficiently assessed by way of; (i) cyclic laboratory testing of high quality soil samples obtained along the pipeline alignment, (ii) estimating the post-cyclic, stress-strain behavior of the alluvial silts based on data from other sites in the region, or (iii) general relationships developed for a broad database of fine-grained soils (e.g., Boulanger and Idriss, 2007).



**Figure 1: Plasticity chart showing recommendations by Seed et al. (2003) regarding the assessment of "liquefiable" soil types, with data from liquefaction sites compiled by Bray et al (2004). Figure from Boulanger and Idriss (2004).**

Although the alluvial silt deposits may not be susceptible to strength loss due to full liquefaction the potential may exist for cyclic degradation of shearing resistance, resulting in a reduction in strength and associated earthquake-induced deformations adjacent to sloping portions of the pipeline alignment.

This aspect of cyclic behavior has not been extensively evaluated for the near-surface silt deposits. A primary reason for this is due to considerations of the static, year-round groundwater elevation and the degree of saturation of the near-surface silt deposits. As with “sand-like” soil, the potential for cyclic degradation is largely dependent on the degree of saturation of the soil. Saturation is required for cyclic degradation leading to “liquefaction” or “cyclic failure” of the silt. In addition, the very minor slope along much of the alignment minimizes the need for extensive cyclic testing and analysis of permanent ground deformation.

## **COMMENTS RELATED TO THE SETTLEMENT OF SOILS FOLLOWING CYCLIC LOADING**

### Sand-Like Soils

Estimates of the surface settlement associated with re-consolidation of liquefied sand after seismic loading have been made by all three consultancies using procedures that are widely adopted and considered standard of practice methods of analyses (Tokimatsu and Seed 1992, Zhang 2002, Idriss and Boulanger 2008). These procedures use SPT and CPT data in the estimation of settlement due to 1-dimensional volumetric strain. The settlement estimates do not account for the vertical component of soil deformation associated with slope deformation (deviatoric strain). The total computed settlement is computed at the location of the boring or CPT sounding and differential settlement is commonly estimated from one of two methods;

1. The differential settlement is defined as a specific percentage of the total computed settlement (generally 30% to 75% depending on the variability of the soil deposits), or
2. The differential settlement is computed as the difference in total computed settlement between adjacent borings or CPT soundings. This approach was adopted at the LOWTP.

The effect of post-liquefaction volumetric strain and differential settlement on the pipeline and surface structures is a function of the thickness of the liquefiable layers, the depth of the layers and extent of overlying non-liquefiable soil, the depth of embedment of the buried structure, and the distance between the points over which the differential settlement occurs (i.e. angular distortion). It is common to assume that variability in the settlement profile (i.e. differential settlement) at the ground surface, or base of the pipeline trench, is reduced with increasing depth to the liquefiable layer(s). This has been noted by all three consultancies and incorporated into the estimates of differential settlement.

The ranges of post-liquefaction settlement due to 1-D volumetric strain are considered reasonable using the standard of practice methods applied on the respective portions of the project alignment.

It is noted that Shannon & Wilson has assumed that for the deeply embedded structures that are founded very close to the liquefiable soils the differential settlement may be equivalent to the maximum, total settlement. This assumes that the settlement across the foundation will vary from the total computed at one location to essentially zero. This is considered a very conservative assumption. All portions of the liquefiable layer are assumed to settle to some degree due to re-consolidation of the

sandy soil after cyclic loading therefore the differential settlement will not likely be equivalent to the total computed at one point of the foundation.

Non-Plastic to Low-Plasticity Silt

The methods developed for estimating 1-D settlement in sand due to volumetric strain are not applicable for silt-rich soils. While it has been shown in cyclic laboratory tests on a variety of silts from the Portland-Willamette Valley region that these soils will undergo volumetric strain if loaded such that high excess pore pressures are achieved, the cyclic resistance of these soils is generally greater than that of clean- to silty-sands. The ground settlement due to volumetric strain development in the upper, silt-rich portion of the Fine-Grained Flood Deposits is considered very minor to negligible.

In their initial seismic hazard assessment of the existing water supply system GeoDesign (2011) conservatively treated silt-rich soils with  $PI < 8$  as "sand-like" to the sake of estimating seismically-induced settlements. This approach is considered reasonable yet leads to slightly- to moderately-conservative estimates of total settlement and associated differential settlement.

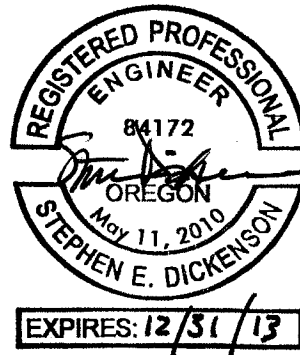
The settlement hazards posed to the pipeline by seismic loading of non-saturated fine-grained soils, and saturated medium stiff to stiff fine-grained soils is considered negligible.

This review is submitted to GeoDesign for consideration by the LOTWP project team and further discussion. If you have any questions pertaining to the comments provided in this letter please do not hesitate to contact me. I look forward to assisting with additional review of seismic and geologic hazards, as well as seismic geotechnical design considerations should this be required by GeoDesign and the project team.

Respectfully submitted,  
NEW ALBION GEOTECHNICAL, INC.



Stephen Dickenson, Ph.D., P.E.  
Principal Engineer



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# MEMORANDUM



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**DATE:** January 4, 2013  
**TO:** Pete Oveson, Brown and Caldwell *EXP 12-31-13*  
**FROM:** Brian Copeland, P.E., PTOE  
Monica Leal, P.E.

**SUBJECT:** West Linn Traffic Analysis Memorandum

P11130-000

## 1.0. Summary/Conclusions

This memorandum summarizes the potential impacts to OR43 and the Robinwood neighborhood as a result of the constructing the Raw Water Pipeline (RWP), Finished Water Pipeline (FWP) and a new water treatment plant (WTP) in West Linn, Oregon. A description of these proposed improvements, as well as existing transportation conditions, estimated traffic delays, proposed access strategies, and proposed traffic control strategies has been included in the following documents which we previously submitted for the record as part of the West Linn Planning Commission hearings:

- CUP 12-02 Section 14A and Section 14B
- CUP 12-04 Section 10 and CUP 12-04 Section 12
- September 27, 2012 Land Use Application Update of CUP 12-02 and CUP 12-04
- November 1, 2012 Response to West Linn CUP-02 and CUP 12-04 public comments on construction traffic calculations
- December 10, 2012 Land Use Application Update of CUP 12-02 and CUP 12-04

In response to public input, the design team has reduced the overall construction schedule from 32 months to 28 months. The purpose of this memorandum is to update traffic analysis based on the revised schedule and to highlight key findings of the traffic analysis to date. Key findings can be summarized as follows:

- The existing transportation network capacity along OR43 and the Robinwood neighborhood is adequate to accommodate both existing and additional project-related construction traffic.
- No lane closures or access impacts will occur along OR43 during daytime hours (5:00 AM-8:00 PM).
- Nighttime construction on OR43 will generate a maximum of ten additional truck trips per hour, which will have insignificant impacts to capacity along OR43.
- Added construction traffic from RWP/FWP and WTP construction activities during daytime hours is insignificant when compared to existing daytime traffic volumes along OR43.

- Intersections along OR43 would operate within ODOT mobility standards with the addition of construction traffic. The addition of RWP/FWP and WTP construction traffic would increase average vehicle delays at intersections along OR43 by a maximum of four seconds/vehicle (see Table 1).
- The *additional* average delay encountered by a vehicle entering or leaving Cedaroak Drive or Mapleton Drive at OR43 would increase by less than fifteen seconds in the AM peak period and less than ten seconds in the PM peak per vehicle as a result of RWP/FWP and WTP construction.
- Mitigation measures included as part of FWP and WTP construction are summarized in Section 6.0 of this memorandum. With these strategies in place, no safety issues are anticipated as a result of construction activities.
- Adequate stopping sight distance is available along construction truck routes in the Robinwood neighborhood based on a speed of 25 miles per hour. The exception to this is along Mapleton Drive in the vicinity of Nixon Street, where mitigation measures will be implemented during construction to improve safety.
- Pedestrian and bicycle access will be maintained at all times along OR43, Mapleton Drive, Cedaroak Drive, Kenthorpe Way, and Old River Road during construction activities. Pedestrian/bicycle access will be separated from vehicle traffic through any open-cut work areas.

## 2.0. Estimated Construction Traffic

Additional construction-related traffic along OR 43 and in the Robinwood neighborhood will occur as the result of the following activities:

- FWP work along OR 43
- RWP/FWP work along Mapleton Drive
- WTP construction in the Robinwood neighborhood

FWP work on OR 43 will be limited to nighttime hours (8:00 PM to 5:00 AM), while WTP construction and RWP/FWP construction along Mapleton Drive will occur during the daytime. Estimated construction traffic volumes resulting from the RWP/FWP and WTP construction activities, as well as associated schedules, are described in the following memorandums:

- The Lake Oswego WTP Application (CUP 12-02) and RWP/FWP Application (CUP 12-04) Memorandum submitted on September 27, 2012
- The Lake Oswego WTP Application (CU 12-02) and RWP/FWP Application (CUP 12-04) Memorandum Submitted on December 10, 2012
- Water Treatment Plant Project, Submittal Section 14A, Construction Management Plan (CMP)
- West Linn Pipelines Land Use Application, Submittal Section 10, Construction Management Plan for Raw Water and Finished Water Pipelines in West Linn

### 3.0. OR 43 Capacity Impacts

The existing transportation network capacity along OR43 is adequate to accommodate both existing and additional project-related construction traffic, and any construction-related impacts to capacity and access along OR43 will be minimal. FWP work on OR 43 will be limited to the hours from 8:00 PM to 5:00 AM when existing traffic volumes on OR43 are at their lowest levels. This nighttime construction on OR43 will generate a maximum of ten additional truck trips per hour, which will have negligible impacts to capacity along OR43. No lane closures or access impacts will occur along OR43 during daytime hours. WTP construction and RWP/FWP construction along Mapleton Drive will occur during the daytime hours, but will generate limited traffic along OR43 relative to the existing traffic levels.

Figure 1 shows the existing twenty-four hour traffic volumes along OR43 north of Robinwood Way, along with the estimated construction traffic volumes resulting from the RWP/FWP and WTP construction activities. This figure focuses on the *maximum* one-way construction traffic volumes to be generated over the entire project duration. Over a 24-hour period, the combined RWP/FWP and WTP construction traffic volumes would represent less than two percent of the existing traffic volumes on OR43. During the morning and evening peak hours when additional traffic from combined construction activities is at its highest level, the additional traffic from combined FWP and WTP construction traffic volumes would represent less than three percent of existing traffic along OR43. This figure clearly shows that the added construction traffic from FWP and WTP construction activities is insignificant when compared to existing traffic volumes along OR43.

Intersection performance was evaluated to estimate vehicle delays, volume to capacity (v/c) ratios, and Level of Service (LOS) experienced by roadway users with the additional RWP/FWP and WTP construction traffic. Existing traffic conditions were compared to traffic conditions during construction to assess traffic impacts due to the RWP/FWP and WTP construction activities. This analysis assumes a worst-case scenario with the WTP workforce traffic traveling to and from the construction site during the peak traffic conditions along OR43 (7:00 AM-8:00 AM and 5:00 PM to 6:00 PM). This traffic analysis was based on the Highway Capacity Manual (HCM) methodology<sup>1</sup>. Intersection performance was evaluated at the following three signalized intersections:

- OR43/Lazy River Drive
- OR43/Cedaroak Drive
- OR43/Hidden Springs Road

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<sup>1</sup> Highway Capacity Manual, Transportation Research Board, 2000.

Figure 1: OR 43 Between Robinson Way and Arbor Drive

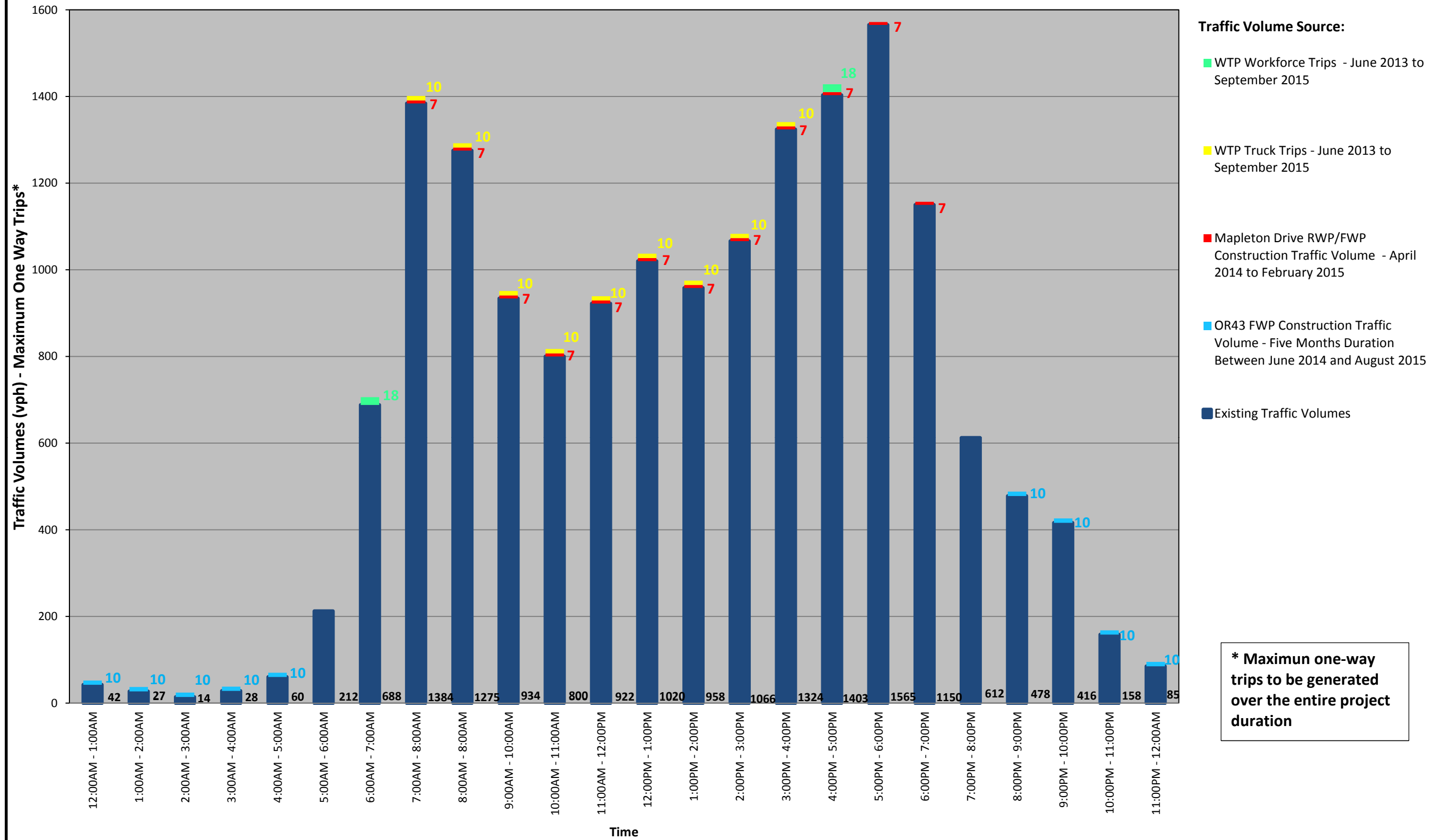


Table 1 shows a summary of the AM and PM peak hour traffic analysis results with and without the additional construction traffic, along with the ODOT traffic mobility standards.

**Table 1: Capacity Analysis Summary**

Intersection	LOS		Average Delay (Sec)		Volume/Capacity (V/C)		ODOT V/C Mobility Targets*
	Existing Conditions	With WTP & FWP Volumes	Existing Conditions	With WTP & FWP Volumes	Existing Conditions	With WTP & FWP Volumes	
<b>AM PEAK HOUR</b>							
OR43/Lazy River Dr	B	B	16.7	16.7	0.81	0.81	0.99
OR43/Cedaroak Dr	C	C	22.7	26.7	0.89	0.95	0.99
OR43/Hidden Springs Rd	C	C	21.7	24.3	0.84	0.88	0.99
<b>PM PEAK HOUR</b>							
OR43/Lazy River Dr	B	B	17.7	17.7	0.80	0.80	0.99
OR43/Cedaroak Dr	B	B	11.2	14.2	0.57	0.62	0.99
OR43/Hidden Springs Rd	C	C	20.1	20.9	0.81	0.84	0.99

Notes:

\*1999 Oregon Highway Plan, Oregon Department of Transportation, August 2006, Policy 1F

LOS=Level of Service

Delay= Average vehicle delay in the peak hour for the entire intersection

Results of this analysis show that each of the three study intersections would operate within the ODOT mobility standards with and without additional construction traffic. Results of this analysis show that the *additional* average vehicle delay encountered by vehicles passing through the intersections of OR43/Hidden Springs Road, OR43/Cedaroak Drive, or OR43/Lazy River Drive would increase by four seconds or less as a result of construction activities.

## 4.0. Robinwood Neighborhood Capacity Impacts

The existing transportation network capacity for roadways in the Robinwood neighborhood is adequate to accommodate both existing and additional project-related construction traffic. RWP/FWP construction will generate a maximum of seven hourly one-way truck trips on Mapleton Drive between December 2014 and February 2015 (three months). This work will occur between the limits of 7:00 AM and 7:00 PM. During this time, existing traffic along Mapleton Drive will be detoured to Cedaroak Drive. The WTP construction will generate weekday construction traffic volumes between the limits of 6:00 AM and 5:00 PM. The Contractor’s work schedule could vary somewhat within these maximum hours. The WTP construction is anticipated to start on June 2013 and finish on September 2015. Over the peak three months of construction, an estimated maximum of 45 one-way construction trips are anticipated during the AM and PM peak hours. These 45 one-way peak hour trips include 10 one-way truck trips (five in each direction) and 35 one-way contractor workforce trips. The

Contractor's craft-level personnel will be bussed to and from the site each day from an off-site parking location.

In order to assess capacity impacts in the Robinwood neighborhood, average delays for vehicles using the intersections of OR43/Cedaroak Drive and OR43/Mapleton Drive were analyzed with the additional traffic volumes generated by WTP and RWP/FWP activities during the peak three months of construction. Results of this analysis show that the average delay encountered by a vehicle entering or leaving the Robinwood neighborhood via Mapleton Drive or Cedaroak Drive at OR43 would increase by less than 15 seconds during the AM peak period and less than ten seconds in the PM peak period as a result of additional construction activity. This is consistent with information provided in previous memorandums. The intersection of OR43/Cedaroak Drive would continue to operate within ODOT mobility standards with the additional construction traffic from FWP and WTP construction activities.

This intersection performance analysis assumes the following:

- Per the CMP, the WTP Contractor's craft-level personnel will be bussed to and from the WTP site each day from an off-site parking area.
- Per the CMP, left turns at the OR43/Mapleton Drive intersection will not be allowed for construction traffic during all phases of the RWP/FWP and WTP construction.

## **5.0. Bicycle and Pedestrian Safety**

With implementation of the mitigation strategies summarized in Section 6.0, no safety issues related to bicycle and pedestrians are anticipated as a result of construction activities and construction-related traffic. Pedestrian and bicycle access will be maintained at all times along OR43, Mapleton Drive, Cedaroak Drive, Kenthorpe Way, and Old River Road during construction activities. Pedestrian/bicycle access will be separated from vehicle traffic through any open-cut work areas. There are currently no bicycle or pedestrian facilities along most of these roadways. In cases such as this, it is not uncommon for construction traffic to share the road with pedestrians and bicycles during construction activities in residential areas. The Partnership will include a speed reduction for construction traffic in the contract documents and will monitor construction traffic speeds within the Robinwood neighborhood. The Partnership will also work with local law enforcement if traffic safety concerns arise during construction.

Stopping sight distance was evaluated along the proposed truck routes in the Robinwood neighborhood. Adequate stopping sight distance is available along construction truck routes based on a speed of 25 miles per hour<sup>2</sup>. The exception to this is along Mapleton Drive in the vicinity of Nixon Street, where mitigation measures will be implemented during construction to improve safety.

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<sup>2</sup> A Policy on Geometric Design of Highway and Streets, 6<sup>th</sup> Edition, AASHTO, 2011, Tables 3-1 and 3-2

A detailed discussion of proposed pedestrian and bicycle access strategies to be used during the FWP and WTP construction activities is included in the West Linn Land Use Application Traffic Memorandum and the Traffic Control Strategy Memorandum for the Water Treatment Plan (WTP). Mitigation measures included as part of FWP and WTP construction are summarized in the next section.

## **6.0. Mitigation Measures Included in Project**

In order to minimize transportation impacts in the Robinwood neighborhood during the FWP and WTP construction activities, the following mitigation measures will be in place over the entire project duration:

- FWP construction activities along OR43 will occur between the hours of 8:00 PM and 5:00 AM to minimize construction-related traffic impacts on the roadway.
- The WTP Contractor's craft-level personnel will be bussed to and from the WTP site each day from an off-site parking area to minimize traffic impacts.
- Left turns at the OR43/Mapleton Drive intersection will not be allowed for construction traffic.
- During open-cut pipeline construction activities, pedestrian and bicycle access will be safely accommodated around the work zone on Mapleton Drive and OR43 at all times. On OR43, there will be no impact to current bicycle facilities outside of the defined nighttime construction hours.
- Bicycle access along OR43 during nighttime construction work will be maintained at all times with a flagged and shared bike/vehicle lane. There will be no impact to current bicycle facilities outside of the defined nighttime construction hours on OR43.
- Vehicle access to commercial properties will be maintained at all times during business hours.
- With City approval, a "Combined Bicycle/Pedestrian" sign with a "Share the Road" rider will be posted to alert the drivers of the presence of bicycles and pedestrians on the roadway.
- With City approval, a portable changeable message sign (PCMS) with a message such as "Truck on Roadway/Use Caution" can be used to alert drivers to slow down during construction.
- The existing turn lanes on the east leg of the OR43/Cedaroak Drive Intersection can be extended 50 feet to provide additional storage for construction-related traffic.
- The Partnership will include a speed reduction for construction traffic in the contract documents and will monitor construction traffic speeds within the Robinwood neighborhood. The Partnership will also work with local law enforcement if traffic safety concerns arise during construction.



January 7, 2013

City of West Linn City Council  
22500 Salamo Road  
West Linn, OR 97068

**RE: AP 12-02 and AP 12-03 Lake Oswego-Tigard Water Partnership Water Treatment Plan and Transmission Lines**

Greenlight Engineering has been asked by the Lake Oswego-Tigard Water Partnership team to evaluate the construction traffic management plan of the proposed water treatment plant expansion and transmission lines (hereafter referred to as the “project”) and conduct a peer review of the DKS Associates traffic memorandums. We have reviewed the June 18, 2012, August 14, 2012, January 4, 2013 memorandums prepared by DKS Associates and the November 1, 2012 memorandum prepared by the Lake Oswego-Tigard Water Partnership.

In reviewing the traffic memorandums, Greenlight Engineering also conducted our own field evaluation of the existing conditions of Mapleton Drive, Kenthorpe Way, Old River Road, Cedar Oak Drive, and Nixon Avenue.

**Executive Summary**

- The traffic memorandums present a plan that is well designed, safe, utilizes recognized best practices and minimizes inconvenience and maximizes safety for West Linn’s residents.
- With the proposed mitigation, the affected roadways can accommodate the anticipated construction traffic associated with the project without any significant adverse traffic capacity issues.
- We recommend the following additional measures to further enhance the safety and livability of West Linn’s residents:
  - Consider additional traffic calming treatments on Kenthorpe Way, Nixon Avenue, Old River Road, and Mapleton Drive such as temporary or permanent speed humps and/or radar speed signs if desired by the neighborhood and approved by the City of West Linn.
  - Designate and advertise a neighborhood construction impact coordinator to the neighborhood that can field any and all concerns raised by the neighborhood before and during construction.
  - Designate a 20 MPH maximum contractor speed on Mapleton Drive, Kenthorpe Way, and Old River Road.



## **Introduction**

Our review of the traffic impacts of the project is a neutral, unbiased assessment of the existing and proposed traffic conditions and is based solely on our traffic engineering experience and projects of a similar nature in this region. Our staff has extensive experience in the review of construction traffic management of several other transmission line projects in the Portland Metro area working as local public agency staff. In all cases, those projects involved impacts to local residential streets. In all cases, those projects did not result in notable safety issues.

It is important to note that in our land use experience, we have not seen temporary construction traffic impacts considered as a critical part of a conditional use application. Typically, those matters are resolved outside of a land use case among local agency staff, the consultant team, and with participation from the neighborhood. In our professional opinion, this construction management plan goes above and beyond what is typically proposed for a project of this nature and certainly it appears that much thought and coordination has been considered much earlier than for similar projects. Again, in our experiences, we have not seen notable safety issues arise as a result of construction in similar situations.

It is also important to note that it is atypical for pipeline transmission projects to consider the impact on traffic capacity of affected intersections. Typically, this is done informally with far less data and analysis, but with coordination with public agency staff. However, in the case of this construction management plan, several impacted intersections were analyzed to determine the project's impact on traffic capacity. In the case of two intersections, appropriate mitigation such as the restriction of left turns and increasing queue storage has been proposed and will be implemented. Such measures are a model for how construction management plans should be designed, yet typically aren't.

In review of the construction management plan, we find that the plan is well designed, utilizes recognized best practices that limit safety exposure, and will minimize impacts to the City of West Linn and its residents. While there will be some impacts, we find that the impacts have been well mitigated and that the roadways will be safe to accommodate the planned impacts. In our review, we did note some possible additional measures that may enhance the construction management plan. We offer the following comments.

## **Local Road Safety**

Mapleton Drive, Kenthorpe Drive, Nixon Avenue and Old River Road are fairly typical transitioning urban local roadways lacking in sidewalks or separated bicycle facilities. These roadways will experience a temporary increase in truck traffic during the construction of the project.

Although Mapleton Drive is classified as a collector roadway and Kenthorpe Way and Old River Road classified as local roadways all are considered to be "very low volume" roadways, as the existing volumes are under 400 vehicles per day according to AASHTO's "Guidelines for Design of Very Low Volume Local Roads". Typically,

these roadways are treated differently from a design perspective given their very low volume than is a typical roadway.

Pedestrians share the roadway or utilize gravel or dirt shoulder areas that are generally wide and prevalent along much of each of these roadways. Testimony has been provided regarding potential conflicts between pedestrians and construction traffic. We conducted several measurements along each of the roadways and found that, while the roadways are narrow in some locations, vehicles have more than sufficient visibility to see both pedestrians and oncoming vehicles at most every location in order to slow or stop to avoid a potential conflict. As described in the January 4, 2013 DKS Associates memorandum, there is one location on Mapleton Drive that lacks sufficient stopping sight distance. However, that location will be mitigated. Generally, each roadway also has clear shoulder areas where pedestrian can find refuge if needed.

Again, there is sufficient visibility where users of the roadway can slow or stop or otherwise act appropriately to avoid any conflict along each of these roadways.

A review of the recent reported crash history (Appendix A of this report) of Mapleton Drive, Kenthorpe Way, Cedar Oak Drive, Old River Road and Nixon Avenue indicates that there are very few historical reported traffic crashes and there are no existing traffic safety patterns along any of these roadways. We fully anticipate that there will continue to be no safety issues with any of these roadways with the provision of the planned mitigation and recommended mitigation included herein.

As described in the January 4, 2013 DKS Associates memorandum, construction vehicles will be held to a speed of 20 MPH or less enforceable by contract, which will offer likely the greatest safety and livability assurance. Additional measures such as additional speed bumps, radar speed signs, which display the speed of vehicle to a driver and encourage them to slow to an appropriate speed, should be considered as should the signage suggested by DKS Associates to enhance the safety or livability of the roadways.

Also important to note is that there are a few short sections of roadway where vegetation encroaches on the right-of-way, which would require that pedestrians walk within the paved surface of the roadway for brief moments. If it is a concern of the City of West Linn, the City could trim the vegetation within the right-of-way or allow the project to remove the vegetation. This should be considered regardless of the presence of the project. However, again, this vegetation exists in locations where there is ample visibility for vehicles to see pedestrians and vice versa to be able to act appropriately to avoid conflicts.

### **Intersection of Mapleton/Nixon**

We evaluated the intersection of Mapleton/Nixon for potential safety issues. The proposed traffic management plan includes detouring traffic from Mapleton Drive to Nixon Avenue, then to Cedar Oak Drive and vice versa during a temporary closure of Mapleton Drive. The intersection will experience a temporary increase in traffic during this closure.

We evaluated the intersection to determine if there were any existing sight restrictions that could potentially result in safety issues. Adequate intersection sight distance ensures that vehicles approaching an intersection have adequate visibility to turn from one roadway to another roadway without hindering traffic on the other roadway.

Based upon AASHTO's "A Policy on Geometric Design" recommended intersection sight distance is 280 feet. When approaching the intersection from Nixon Avenue and looking up the hill to the west on Mapleton Drive, intersection sight distance is adequate. Intersection sight distance is well in excess of 280 feet looking in that direction. Similarly, looking to the south on Mapleton Drive, intersection sight distance is adequate for movements from Nixon Avenue. Lastly, for eastbound vehicles turning left from Mapleton Drive to Nixon Avenue, intersection sight distance is adequate. We don't find that there are any safety issues under existing conditions with the intersection and that the project won't create any additional issues.

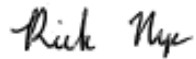
**Conclusion**

With the measures suggested in the traffic memorandums, the subject roadways can safely accommodate the proposed traffic associated with the construction of the project. Our recommendations will enhance the safety and livability associated with the construction.

We find that the plan presented in the traffic memorandums, in conjunction with the included recommendations, is a safe plan that minimizes inconvenience and maximizes safety for the City of West Linn and its residents.

Should you have any questions, feel free to contact me at 503-317-4559.

Sincerely,



Rick Nys, P.E., PTOE  
Principal Traffic Engineer

**Experience and Expertise**

I am a Professional Engineer (P.E.) registered in the State of Oregon and Washington. I am a certified Professional Traffic Operations Engineer (PTOE). I hold a Bachelor of Science degree in Civil Engineering with emphasis in Transportation Engineering. I have over thirteen years of experience in traffic engineering and transportation planning.

I participated in the recent update of the Oregon Temporary Traffic Control Handbook, the statewide guidebook utilized in temporary traffic control planning. I have participated for several years in reviewing and improving traffic safety issues for various small cities and counties across Oregon through work commissioned through Oregon State University and ODOT. I have reviewed several pipeline transmission projects in the Portland Metro area, all with urban residential roadway traffic impacts.

*Appendix A*

*Historical Crash Data*

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
URBAN NON-SYSTEM CRASH LISTING

CITY OF WEST LINN, CLACKAMAS COUNTY

MAPLETON DR and Intersectional Crashes at MAPLETON DR, City of West Linn, Clackamas County, 01/01/2008 to 04/30/2012

Total crash records: 1

SER#	E A U C O DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE (MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	SPCL USE TRLR QTY	MOVE	A S	PED	ACT	EVENT	CAUSE						
INVEST	D C S L K TIME	DIST	FIRST STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G E LICNS	LOC	ERROR	ACT	EVENT	CAUSE			
		FROM	SECOND STREET	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	E#	TYPE	SVRTY	E X RES	LOC	ERROR	ACT	EVENT	CAUSE	
00474	N N N N N 02/03/2009	14	MAPLETON DR	INTER	3-LEG	N	N	CLR	S-1TURN	01	NONE	0	STRGHT								27,13	
CITY	TU		WILLAMETTE DR	NW		L-TURN REF	N	DRY	REAR		PRVTE	NW-SE									00	
	6P			06	0		Y	DLIT	INJ		PSNGR CAR		01	DRVR	NONE	47 M	OR-Y	016,044	038		27,13	
											PSNGR CAR											
											02	NONE	0	TURN-L								
											PRVTE	NW-NE									019	00
											PSNGR CAR		01	DRVR	INJC	30 F	NONE	000	000		00	
											02	NONE	0	TURN-L								
											PRVTE	NW-NE									019	00
											PSNGR CAR		02	PSNG	INJC	09 M		000	000		00	

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

CITY OF WEST LINN, CLACKAMAS COUNTY

**KENTHORPE WAY and Intersectional Crashes at KENTHORPE WAY, City of West Linn, Clackamas County, 01/01/2008 to 04/30/2012**

Total crash records: 1

SER#	E L G H R DAY	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE (MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	SPCL USE TRLR QTY	MOVE	A S	PED	ACT	EVENT	CAUSE		
INVEST	D C S L K TIME		DIST	FIRST STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G E LICNS	LOC	ERROR		
			FROM	SECOND STREET	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V# TYPE	TO	E# TYPE	SVRTY	E X RES				
04664	Y N N	12/07/2010	17	KENTHORPE WAY	INTER	3-LEG	N	Y	RAIN	FIX OBJ	01 NONE 0	STRGHT					079	01	
CITY	TU		0	OLD RIVER RD	SW		NONE	N	WET	FIX	PRVTE	E -W					000 079	00	
	9P				05	0		N	DARK	PDO	PSNGR CAR		01 DRVR	NONE	80 F	OR-Y	047,081	000	01
																OR>25			

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
URBAN NON-SYSTEM CRASH LISTING

CITY OF WEST LINN, CLACKAMAS COUNTY

OLD RIVER RD and Intersectional Crashes at OLD RIVER RD, City of West Linn, Clackamas County, 01/01/2008 to 04/30/2012

Total crash records: 1

SER#	E L G H R DAY	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE (MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	SPCL USE TRLR QTY	MOVE	A S	PED	ACT	EVENT	CAUSE		
INVEST	D C S L K TIME		DIST	FIRST STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G E LICNS	LOC	ERROR		
			FROM	SECOND STREET	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V# TYPE	TO	E# TYPE	SVRTY	E X RES				
04664	Y N N	12/07/2010	17	KENTHORPE WAY	INTER	3-LEG	N	Y	RAIN	FIX OBJ	01 NONE 0	STRGHT					079	01	
CITY	TU		0	OLD RIVER RD	SW		NONE	N	WET	FIX	PRVTE	E -W					000 079	00	
	9P				05	0		N	DARK	PDO	PSNGR CAR		01 DRVR	NONE	80 F	OR-Y	047,081	000	01
																OR>25			

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.



CITY OF WEST LINN, CLACKAMAS COUNTY

**NIXON AVE and Intersectional Crashes at NIXON AVE, City of West Linn, Clackamas County, 01/01/2008 to 04/30/2012**

No Rows to Display

S	D																												
P	R	S	W															SPCL USE											
E	A	U	C	O	DATE	CLASS	CITY	STREET	RD	CHAR	(MEDIAN)	INT-REL	OFFRD	WTHR	CRASH	TRLR	QTY	MOVE	A S										
SER#	E	L	G	H	R	DAY	DIST	FIRST	STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G	E	LICNS	PED						
INVEST	D	C	S	L	K	TIME	FROM	SECOND	STREET	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	E#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE

*Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.*

## Lake Oswego-Tigard Water Partnership Construction Management Plan Peer Review

**PREPARED FOR:** Joel Komarek, Project Director, Lake Oswego–Tigard Water Partnership

**PREPARED BY:** Bill Hawkins / CH2M HILL, Construction Management Practice Director

**DATE:** 7 January 2013

### Background

The Lake Oswego–Tigard Water Partnership (Partnership) is undertaking a program to construct new facilities to provide a greater capacity for delivering drinking water to the cities of Lake Oswego and Tigard. In addition to other elements, this program will include construction of pipelines and water treatment facilities within the boundaries of the city of West Linn.

Residents living near and along the proposed construction impact zones have expressed concerns to the Partnership that the project as currently designed cannot be safely constructed within a predominately residential setting. In response, the Partnership, has prepared Construction Management Plans (CMPs) for the construction of the Water Treatment Plant and pipelines. These plans have been provided to the City of West Linn as part of the Partnerships applications for land use approval. The Partnership has requested CH2M HILL to provide an independent review of the CMPs.

### Purpose

The purpose of this memo is to present the opinions of the reviewer on the efficacy of the CMPs to adequately mitigate the issues and risks associated with the work, which are of concern to nearby residents. The opinions presented herein are based on a review of the CMPs and related supporting documents, the reviewer's knowledge of the scope, size, and location of the work, knowledge of the community, and the residential setting.

### Qualifications of Reviewer

Bill Hawkins has been employed as a construction contractor and currently is a professional construction manager with the global engineering firm of CH2M HILL. Bill has over 30-years experience in managing the construction of public infrastructure projects including large diameter water transmission line projects, treatment facilities, road construction, and other public and private projects.

### Introduction

Construction projects, like those proposed by the Partnership, are not uncommon, but can present significant challenges. However, these challenges can be effectively managed to minimize negative impacts to surrounding properties. Implementing effective construction management plans and specifications administered and enforced by dedicated professionals with proven experience managing projects in challenging and highly sensitive situations will provide significant mitigation to the risks associated with the nature of work involved in this program.

Two CMPs representing all of the work within the City of West Linn will be addressed in this memo. These include the 1) Water Treatment Plant (WTP) CMP and, 2) Raw Water and Finished Water Pipelines (RW/FW) CMP.

The nature of these CMPs is to demonstrate to the City of West Linn how the Partnership will control and manage the construction phases of the projects as they relate to, or impact the public. Much more detailed plans addressing organizational structure, document management, site specific

safety, and other areas of concern not necessarily applicable to the general public developed by the Partnership's site construction management team and the involved contractors would be expected at the time construction actually commences.

### Summary of findings

Both the Treatment Plant and Pipelines CMPs reflect a thorough understanding of the construction challenges and risks. Potential construction impacts are identified as well as methods that will be implemented through construction contracts and the Partnership's construction management team's activities to mitigate negative impacts to the public. A brief summary of the reviewer's findings are presented below:

- The level of detail provided in the proposed CMPs is typically only seen in plans developed later in the design development phase with the input of construction management professionals.
- Traffic control plans are well detailed and provide thorough definition of measures that will be employed to minimize negative impacts to the public.
- Excavation locations and risks have been evaluated with appropriate risk mitigation measures defined.
- Potential noise sources have been identified and appropriate measures have been defined in the CMPs.
- Erosion control and mud and dust containment has been addressed through the application of industry best practices.
- Construction zone security has been addressed and appropriate measures have been defined to minimize security risks to either the construction project itself, or the surrounding public.
- Effective plans to provide communication between the construction project team and the surrounding public have been addressed.

### Water Treatment Plant CMP

The WTP CMP provides a Project Overview, addresses the Construction Schedule, Construction Management, and Construction Impacts/Mitigation. We believe the plan as currently developed, thoroughly addresses the issues of concern related to the specific aspects of the project, location, and what would likely be the concerns of the City of West Linn, and surrounding property owners.

Our comments to the WTP CMP plan are presented in the list below:

1. Considerable detail addressing traffic control is presented. Somewhat more focus on traffic has been provided for this project than would be typical for similar projects across the overall Portland metro area. Thorough analysis has been done and traffic control methods have been developed that should effectively mitigate traffic problems. The CMP includes measures such as distributing the traffic equally between Mapleton Drive and Kenthorpe Way, and implementing right turn only restrictions at Cedar Oak Drive and Mapleton Drive are features that should provide considerable benefit to minimizing negative impacts to local traffic.
2. The section on noise mitigation has identified noise sources and generally addresses most of the typical elements and features employed to minimize noise impacts that are typically the source of complaints from neighbors. The sound emitted by newer diesel powered construction equipment compared to that most people have experienced in the past is considerably less, and much less disturbing to nearby properties. There are some activities that will be required during the construction of the treatment plant that are fairly noisy though, and do not have practical alternative methods available, but these activities are not expected to be of significant duration.

3. Controlling on-site waste is typically an issue with close-by property owners on similar projects. An area of waste that has historically been an issue is garbage from craft lunches, such as paper, wrappers, aluminium cans, etc. Including specific requirements in the construction contract to specifically address this issue may be worthy of consideration, and if so, mitigation measures included in this CMP (e.g., designate specific break/lunch areas for work personnel, and required clean-up frequencies).

In general, the WTP CMP appears to address the full range of concerns typically seen from surrounding property owners and local jurisdictions. There may be some margin to refine details of the plans as the engineering design is further detailed, but the CMP is well detailed, thorough, and applicable to the type and location of the work. It is industry standard practice to develop more detailed Construction Management and Communication Plans for the Construction Management Professional prior to construction and for the contractor once a construction contractor is under contract. The more detailed plans typically dictate the detailed activities of individuals involved in the project to ensure the specific tasks described in these CMPs are successfully implemented.

### **Raw Water and Finished Water Pipelines CMP**

The RW/FW CMP provides a Project Overview, addresses the Construction Methodology, and Construction Management. Construction Schedule and Construction Impacts/Mitigation is covered with the Construction Methodology and Construction Management sections. It is the reviewer's opinion that CMP detail exceeds the level of construction issue identification and proposed mitigation compared to similar CMPs developed at the 60% design completion stage.

This CMP provides a detailed explanation of how each element of the pipeline construction will proceed including traffic and noise impacts. Temporary traffic and pedestrian impacts will be of primary concern during construction of the RW/FW pipe infrastructure in the streets. The RW/FW CMP addresses the limits to construction vehicle haul routes, traffic control strategies and temporary lane closures, pedestrian/bicycle access, emergency vehicle access, public transit circulation, residential/commercial driveway access, and night time working hours to minimize impacts to all users of the local streets and Hwy 43.

Noise generation due to pipeline construction was assessed in the RW/FW CMP. Proposed noise mitigation measures include use of portable sound walls/tents, specific construction methodology restrictions; sound monitoring, and prohibition of blasting for pipe trench excavation.

Based on the detail presented for traffic and noise elements described above, the RW/FW CMP appears to more than sufficiently address the issues that would seem to be of concern to the surrounding property owners and the city of West Linn.

Our comments to the RW/FW CMP plan are presented in the list below:

1. Of note is special consideration for surrounding property owners during the pull-back phase of the HDD work, as the noise generated by this operation can be disturbing to close-by activities. The offer to relocate nearby residents during the HDD pull-back period could include more detail to address conditions of the offer if any, and advance noticing to effected homeowners.
2. The plan provides extensive analysis of construction traffic generated by the construction operations in average daily terms. There may be value to include additional discussion to help effected property owners and jurisdictional officials better understand the variability in traffic that may occur throughout the day.
3. The HDD noise information provided by Environ may provide benefit to surrounding property owners, but sound at different frequencies can affect how that noise travels and how it

affects surrounding property owners either inside their homes or outside. It may be beneficial to consider sound frequency as a criterion for design of the sound walls described in the CMP.

In general, the Raw Water and Finished Water Pipelines CMPs appear to thoroughly address the full range of concerns typically seen from surrounding property owners and local jurisdictions for the WTP and RW/FW projects.

Constructing 42-inch and 48-inch pipelines through local street right of way is not without risk. However, there are numerous examples of successful projects that have involved constructing large pipelines in similarly confined rights of way in the greater Portland area. The success of such projects depends upon how the work is engineered and managed. Many projects with significantly more engineering challenges than the RW/FW pipeline projects proposed by the Partnership have been constructed without problems by employing qualified engineering and construction management professionals with successful experience in the type of work involved.

As the engineering design is further detailed, there may be opportunities to further enhance the CMP, but the CMP is well detailed, thorough, and applicable to the type and location of the construction work. When construction work begins, it would be normal industry standard practice to develop more detailed Construction Management and Communication Plans dictating the detailed activities of individuals involved in the project to ensure specific tasks described in these CMPs are successfully implemented.

### **Summary**

Overall, both the Treatment Plant and Pipelines Construction Management Plans provide a thorough understanding of the construction work and activities. Potential construction impacts are identified as well as methods that will be required and employed through construction contracts and through the Partnership's construction management team's efforts to mitigate negative impacts to the public. In general, there are always additional measures that can be employed to further reduce negative public impacts, but such additional measures usually diminish the efficiency of the construction work, and as such may increase the duration of the construction activities, or increase the cost significantly.

With all public improvement construction, a balance must be met between the magnitude of the impact and the duration of the impact. Often reducing the magnitude will result in increasing the duration of the impact. Overall, based on my years of experience with projects of a similar nature, and in my professional opinion, the CMPs provided by the Lake Oswego-Tigard Water Partnership represent a comprehensive and sound approach to impact mitigation that equals and in some cases, exceeds mitigation measures typically provided for projects of similar size and scope.

# Taking Care of Businesses During Construction



Lake Oswego · Tigard  
Water Partnership  
*sharing water · connecting communities*

The Lake Oswego Tigard Water Partnership's highest priority during construction of its pipeline on Hwy 43 is to make sure customers can reach their favorite businesses. The Partnership promises to keep the Robinwood Business District "Open for Business" during construction and respond promptly with solutions to business and neighbor concerns.

## Customer Access

The Partnership's contractors will coordinate construction work to minimize impact to businesses.

- ✓ All traffic lanes on Hwy 43 will be open during the business day. All pipeline construction will be at night—from 8:00 p.m. to 5:00 a.m. when most businesses are closed.
- ✓ Traffic will be directed to alternate driveways for businesses open during construction hours.
- ✓ Businesses will be given advance notice of construction activity.
- ✓ The construction schedule will be maintained—progressing about 50 feet per night.
- ✓ Contractors will make sure regular nighttime delivery and garbage collection schedules are not interrupted
- ✓ Flagger will be provided for any short-term nighttime street blockages.
- ✓ Pedestrians, transit and vehicles will always have clearly marked access to businesses.

## Making Sure You are "Open for Business"

The Partnership will provide communication and marketing support to let customers know you are "Open for Business." There should be no impact to most businesses because all existing Hwy 43 lanes and driveways will be open during the day.



*The Partnership works closely with businesses to help them thrive during construction.*

As construction approaches the Partnership will make sure your business is accessible if you are open during construction hours. Custom signs with your logo will be provided to help guide customers to your door.

Open businesses will always have at least one accessible driveway at night when construction occurs.

***"Robinwood business owners appreciate knowing what to expect during construction projects. The Partnership's careful planning and collaboration gives businesses more control."***

## Shop Local Campaign

Project construction will generate over two thousand jobs and additional spending from patronage of local shops and restaurants.

The Partnership and its contractors have identified local businesses along the corridor to channel work to during construction, such as sign makers, restaurants, coffee shops, print shops and other small businesses. This effort keeps dollars within the local economy.

Business promotional activities will also encourage neighbors to buy local.

## Attracting Customers

A Partnership-sponsored, branded marketing campaign will help build awareness of local businesses.

With a marketing mix of discount programs, advertisements in *The West Linn Tidings*, and video ads for social media, businesses will enjoy increased exposure and an opportunity to attract more customers.

## Keeping You Informed

The Partnership will work hard to help your business to thrive during the construction period. We will stay in touch with property owners and business managers along the pipeline alignment. During construction our representatives will stay in touch with businesses to make sure any problem is solved quickly.

The Partnership website provides current information to the public on an on-going basis. The site address is [lotigardwater.org](http://lotigardwater.org). The "In Your Area" tab will list what is happening and what to expect along Hwy 43.

During construction, regular email updates will also be sent to anyone who subscribes to the project email list at [lotigardwater.org/contact](http://lotigardwater.org/contact).



*The Partnership will use local businesses when catering outreach events in West Linn.*

## Project Hotline

Before and during construction, the Partnership provides businesses and property owners/managers with a 24-hour, 7 days-a-week emergency construction hotline to get issues resolved and questions answered. The project phone line is 503-697-6502.

***"The Partnership's targeted approach ensures that Robinwood's vitality and economic well being will be preserved, if not enhanced, both during construction and over the long term."***

*—Chris Kerr, Economic Development Director  
City of West Linn*



### CONTACT INFORMATION

503-697-6502

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

[lotigardwater.org](http://lotigardwater.org)

*This information is provided through a partnership between:*





## Shop Local Campaign Robinwood Business District

The Lake Oswego Tigard Water Partnership will develop a marketing campaign for Robinwood area businesses with the understanding that some owners have concerns about the planned pipeline installation on HWY 43 affecting their businesses.

Plans include:

- Campaign branding (logo, imaging)
- Newspaper ad design and placement in *The West Linn Tidings*
  - Glossy, multi-page, color insert featuring multiple businesses (2 over the 4-5 month construction period)
  - Black and white 1/8<sup>th</sup> page ad featuring a randomly selected business every other week
- Short-length video production
  - Videos of featured businesses will be posted on the Partnership's Facebook page
  - Videos will be given to business owners to use in their own social media efforts
- Promotional items (logo shopping bags, etc.) provided by home-based business in West Linn

The Partnership will hold public meetings every other week in a local business to share information about the construction project. All catering will be purchased from Robinwood businesses.

The Partnership will also encourage its project team and contractors to shop and dine at local businesses. The team will partner with business owners to fund a discount coupon process or buy gift cards for contractors.

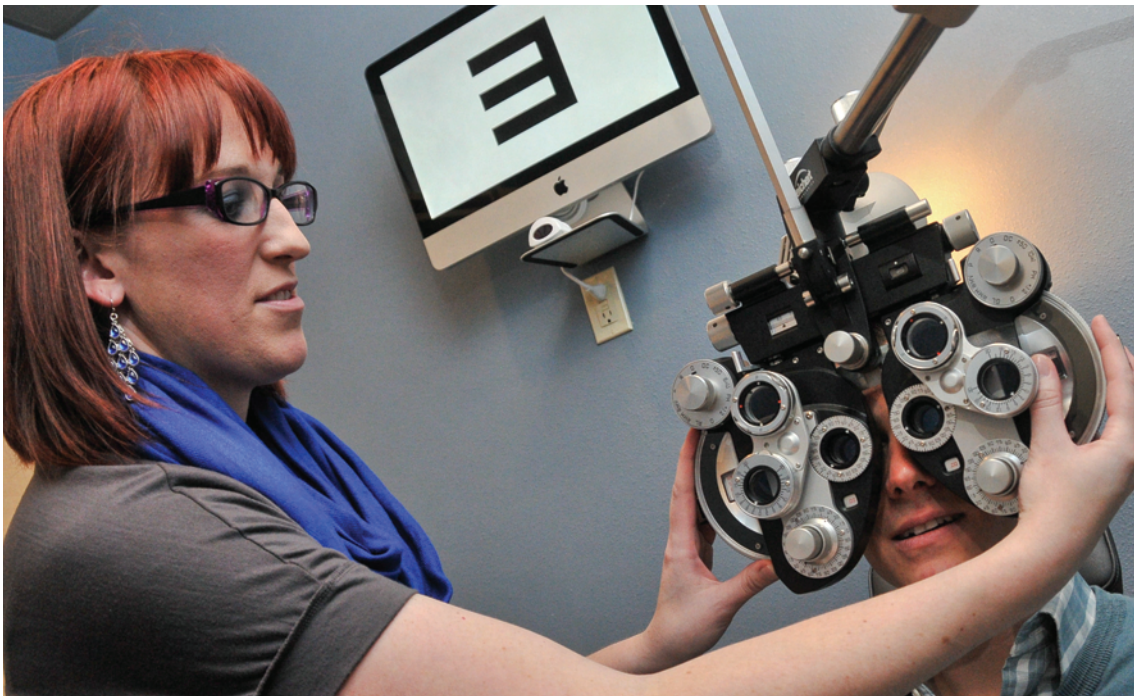
Partnership staff views the campaign as a stand-alone program that can be implemented locally again and again, long after the pipeline is installed.





# West Linn's Robinwood Businesses

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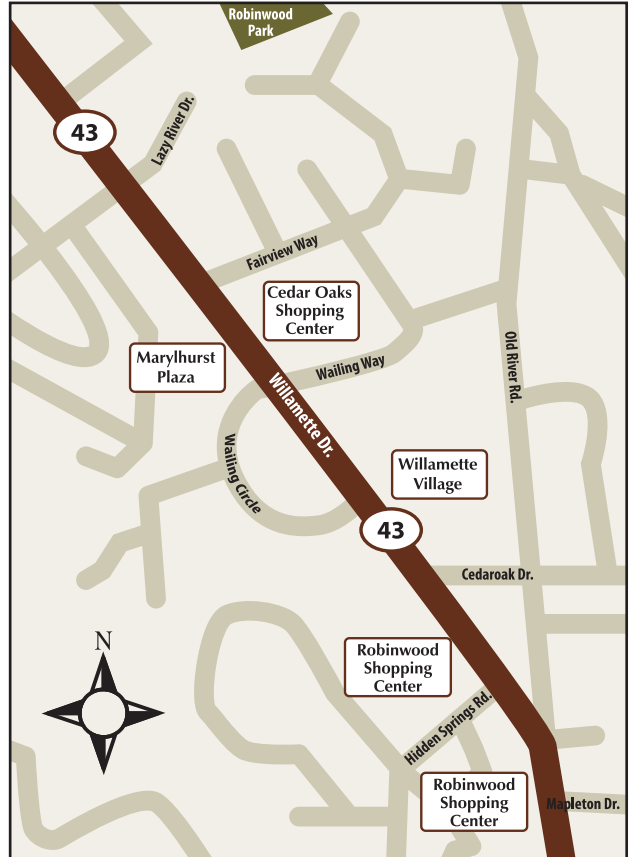
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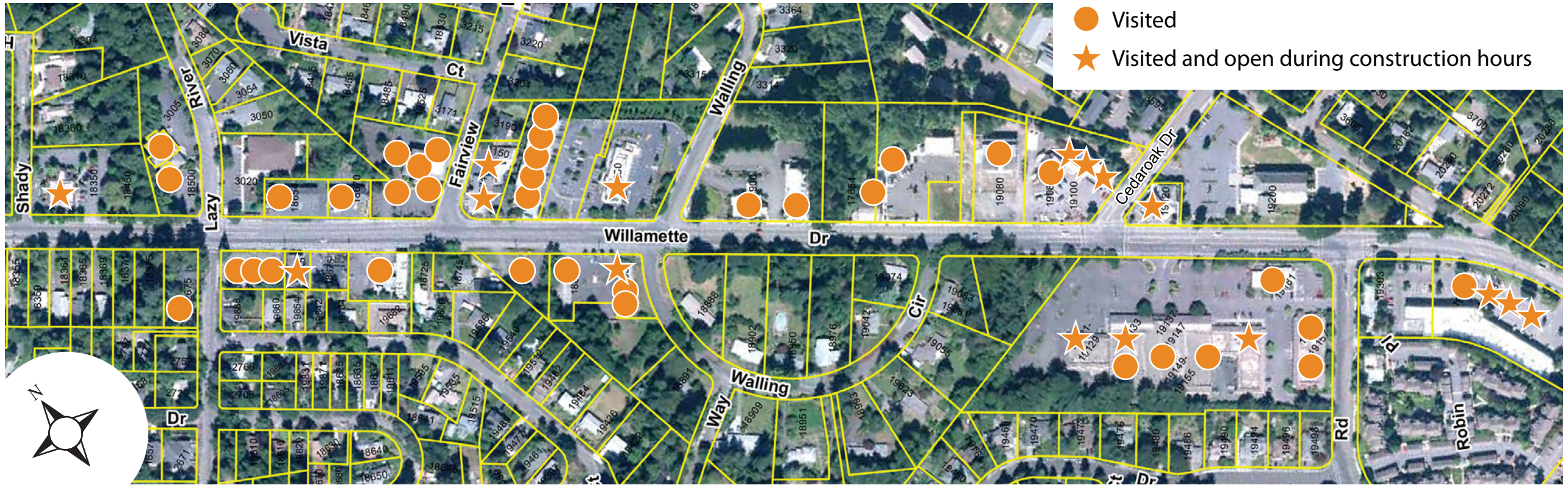
**Taste the Far East in  
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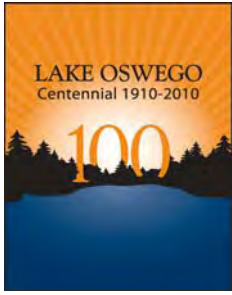
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# Robinwood Businesses on Highway 43



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	Sat	9:00 a.m. - 11:00 p.m.	McDonalds	Mon - Sat	5:00 a.m. - 11:00 p.m.	Premier Martial Arts	Mon - Thurs	9:00 a.m. - 9:15 p.m.
	Sun	9:00 a.m. - 8:00 p.m.	Ying Bun Restaurant	Sun	6:00 a.m. - 11:00 p.m.		Fri	9:00 a.m. - 7:00 p.m.
Thai Orchid Restaurant	Mon - Sun	11:30 a.m. - 9:30 p.m.	Senor Taco	Mon - Sun	10:00 a.m. - 9:00 p.m.	Subway Sandwiches	Sat	9:00 a.m. - 1:00 p.m.
Bugattis Ristorante of West Linn	Sun - Thurs	5:00 p.m. - 9:00 p.m.	7Eleven	Mon - Sun	12:00 a.m. - 11:45 p.m.	The UPS Store	Mon - Sun	7:00 a.m. - 10:00 p.m.
	Fri-Sat	5:00 p.m. - 10:00 p.m.	West Linn Chevron	Mon -Fri	5:00 a.m. - 11:00 p.m.		Mon	8:30 a.m. - 8:30 p.m.
				Sat	6:00 a.m. - 11:00 p.m.			
				Sun	6:00 a.m. - 10:00 p.m.			



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LAKE OSWEGO-TIGARD WATER PARTNERSHIP  
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Lake Oswego, OR 97034

503-534-4238  
www.lotigardwater.org

## MEMORANDUM

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**TO:** Joel Komarek, Project Director, Lake Oswego Tigard Water Partnership

**CC:** Jane Heisler, Communications Director, Lake Oswego Tigard Water Partnership

**FROM:** Dennis Koellermeier, Public Works Director, City of Tigard  
Jeff Selby, Citizen Information Coordinator, City of Lake Oswego

**SUBJECT:** West Linn Resident and Business Owner Discussions during November and December, 2012

**DATE:** January 4, 2013

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### Introduction:

During the past two months, staff from both Lake Oswego and Tigard have met with residents and business owners about the proposed treatment plant and pipeline land use applications. We have summarized below some of our observations regarding those interactions.

### Discussion:

**Dennis Koellermeier:** I am a 50 year resident of West Linn and Director of Public Works for the City of Tigard. I have had numerous conversations with various West Linn citizens regarding the Lake Oswego/Tigard Water Partnership project during the past 60 days. In all cases these conversations were with people I have personally known for many years and all who know I am associated professionally with the project.

This statement refers to five conversations I held with 5 different people at five different times and locations.

Two general themes emerged from these conversations. First, there was a clear consensus that the expansion of a drinking water plant that had been in the neighborhood for over 50 years was not viewed as problematic, and certainly not the "Armageddon" described by the vocal opposition.

The second theme was concern or fear of retaliation if they spoke out publicly in favor of the project. One of the citizens I spoke with is also a long time business owner in West Linn who stated he could not risk losing clients. Another was a lay minister who works with local youth who was concerned taking a public position would negatively affect that ministry.

The other three conversations were similar but focused on the fear of being intimidated or shouted at by the opposition if they went public with a position of support.

In summary, I believe these five individuals are proponents of the project and see the many benefits to the community this project would bring but due to intimidation have chosen not to speak publicly.

**Jeff Selby:** I serve as Citizen Information Coordinator for the Lake Oswego Tigard Water Partnership. Since the West Linn Planning Commission hearings, I made a concerted effort to meet with neighbors and business owners to discuss the project. I met with a total of 21 business owners, franchise operators, and managers of 18 businesses located on Highway 43 in West Linn between November 27, 2012 and December 26, 2012, to discuss the Partnership.

All but one business representative said that they expect minimal negative impact if the Partnership performed its pipeline construction between the hours of 8 p.m. and 5 a.m. as required by ODOT. One business owner I met with was not interested in hearing me explain the Partnership's construction plan and hours of work.

All representatives listed the following points as their main priorities:

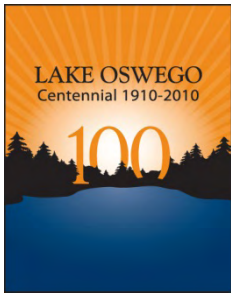
- Pipeline construction will be done only between the hours of 8:00 p.m. and 5:00 a.m.
- Alternate driveway access will be provided for businesses open during working hours.
- Businesses will be provided advance notice of when construction will take place near their location.

During the conversations, three people said they felt pressured to oppose the Partnership's plans.

1. A store manager of a large employer in the neighborhood stated that employees felt compelled to sign petitions opposing the project when a man entered the store, handed out the petition forms, and said that Lake Oswego would shut down Highway 43 for two to three years for construction. The manager said the man told them that all their jobs would be in jeopardy if they didn't sign the petitions.
2. Another business owner stated that she would have supported the project, but since her property manager is involved in the opposition, she was afraid her rent would be raised.
3. A third business representative said he felt his "arm was twisted." An opposition representative told him that if he gave money to the cause, that the opposition would, "make sure his customers know which side he's on."

To summarize, business owners were pleased to learn that construction would be conducted at night and that businesses would have open access for customers at all times. These conversations with business owners made it clear that some were coerced or threatened into opposing the project out of fear of retribution.





## MEMORANDUM

**TO:** Zach Pelz, Associate Planner

**FROM:** Eric Day, Senior Planner, Lake Oswego Tigard Water Partnership.

**SUBJECT:** Assertions and Responses

**DATE:** January 7, 2013

Over the course of the public review process, project opponents made many assertions that are misleading, incomplete, or untrue. Additionally, the applicant has become aware that there has been a petition signed by many residents of West Linn which opposes the application. The applicant, in submitting this memorandum, calls into question many of the statements of this petition and others which have been made throughout the application process. The purpose of this memorandum is to help the City Council evaluate the assertions made against the facts which are in the record.

### 1. Central Topic – Overwhelming Opposition

#### Authority for the assertion in the record

The petition circulated by Stop LLC has been signed by many West Linn Citizens. This demonstrates overwhelming opposition to the proposed plant expansion and pipeline.

#### Partnership response in the record

- The petition, as an expression of public opposition, is deeply flawed. Project opponents have aggressively circulated the Stop LLC petition for at least two months. It is unclear, as of this submission to the record, how many citizen signatures Stop LLC has secured. However, it is clear the petition, as circulated and posted on the Stop website (<http://www.stopplot.org/>) contains many falsehoods and misrepresentations of the proposed project. These are addressed in this document, by West Linn planning staff in their 3 staff reports and technical experts. It is unlikely West Linn citizens asked to sign the petition by project opponents were made aware of this information.
- The primary public support for the petition gathering has been an unsigned blog found at: <http://www.westlinnfirst.com/> The information contained in this blog is contradicted by the extensive record of expert testimony, and West Linn's own professional staff. The blog's content have been placed in the record by the Partnership.
- A second blog, Civic Tomfoolery, <http://civictomfoolery.blogspot.com/>, has also been a consistent source of opposition and misinformation about the proposed plant, the partnership and the role of West Linn city staff and elected officials. The Partnership has introduced the contents of this blog into the record.

## 2. Central Topic - Intertie

### Assertion - West Linn has multiple intertie options

#### Authority for the assertion in the record

- "You have already heard the very valid argument that the intertie already exists and it cannot be used to justify this expansion. The existing IGA does not terminate if this project is built. They want the intertie as much as we do." Sam Stephens, Oct. 19 submittal p. 71.
- "Let's not forget that the existing intertie is not our ONLY source of emergency water." Shanon Vroman, Oct. 26, 2012 submittal.
- "We also have in place additional intertie agreements through South Fork that connect us to many other water providers including the city of Portland". "...in fact, the Clackamas River Water was the first to begin providing us water not LO." October 17, 2012 email from Mark Ellsworth, Mapleton Drive to West Linn Planning Commission

#### Partnership response in the record

- "The City's emergency intertie with the City of Lake Oswego provides a reliable backup supply, albeit with limited capacity, to the City in the event of a supply disruption." Page 5-7." West Linn Water System Master West Linn Water System Master Plan, 2008 (WSMP).
- "The City's emergency intertie with the City of Lake Oswego provides a reliable backup supply, albeit with limited capacity, to the City in the event of a supply disruption." Page 5-7.
- "The Lake Oswego Tigard Water Partnership is the primary source of backup water supply to West Linn and the only source under a wide variety of potential problems. Any backup supply needs resulting from issues with the South Fork Water Board's finished water transmission pipeline or Division Street Pump Station in Oregon City or with West Linn's finished water transmission main (including the I-205 bridge river crossing) or Bolton Reservoir, can currently only be met via the intertie with LOTWP." Email from Jon R. Holland to Lamont King, Zach Pelz, Jimmy Whynot, and Lance Calvert, October 16, 2012.
- The only emergency supply source identified in the WSMP is the Tigard/Lake Oswego intertie. WSMP, Table 8-6 - Capital Improvement and Capital Maintenance Program Summary.

### Assertion - The intertie does not provide a new benefit and it is only temporary.

#### Authority for the assertion in the record

- No benefits because the "intertie is already in place." Oct. 17 and 18 petition signed by multiple parties.
- The only real benefit to West Linn is an intertie which essentially ends in 2041 if the new agreement is signed as shown in the applications." Tom Sieben, Oct. 19 submittal p. 91.

#### Partnership response in the record

- The new intertie agreement will provide access to 450 MG of water supply, the combined storage capacity of Lake Oswego and Tigard, rather than 25 MG provided by the old intertie agreement.
- The 2041 date is not the end of the IGA, but merely an estimated date at which the Partnership may not be able to provide 4 mgd during the peak demand season.
- (There is discussion of adding IGA amendment language to the record on Monday.)

**Assertion - Another river crossing is not in the 2008 WSMP; West Linn will not realize an \$11.6 M savings.**

**Authority for the assertion in the record**

- "The claimed benefit of credit for a redundant water system was not part of the Master Plan for West Linn...a redundant water line is not and never will be needed for capacity..." Michael Monical, Oct. 26 submittals

**Partnership response in the record**

- The 2008 WMP does not identify the supply line capacity as an issue, but rather identifies this critical lifeline as a single point of failure in WL's supply system. Mr. Monical is confusing capacity need with reliability need.
- The WSMP did not recommend Option B which included a second river crossing. If the Partnerships expanded intertie is not built, West Linn will have to consider a second and very costly river crossing.

### **3. Central Topic – Highway 43**

**Assertion – The project is a 'business killer'**

**Authority for the assertion in the record**

- "Loss of businesses and jobs due to the extensive highway construction and bottleneck traffic that it will create even with it being done in the evening as there will be 15,400 truck trips and 50,000 additional construction related vehicles on the road slowing down traffic". Oct. 17, 18 and 25 petition signed by multiple parties.
- "This will be a 'Business Killer,' and therefore, a 'Jobs Killer.'" William J. More, Oct. 19 submittal p. 164.
- "All of our tenants, and all of the businesses that I know of on Highway 43, are strongly against this proposal even with the road work being done at night." William J. More, Robinwood Shopping Center, Oct. 25 submittals.

**Partnership response in the record**

- The project will create many primary construction jobs as well as secondary job opportunities throughout the region.
- Pipeline construction along OR 43 will only occur between the hours of 8 PM and 5 AM. All businesses will have full access during non-construction hours. Alternative access is provided for most business during construction hours. The contractor will coordinate work activity with the few business with only one driveway during nighttime construction hours. The project will move approximately 50 feet a day along OR 43. The total increase in traffic volume along OR 43 due to project-related construction is 0.2%. See "Response to West Linn CUP 12-02 and CUP 12-04 Public Comments on Construction Traffic Calculations", prepared by DKS Traffic Engineers, November 1, 2012. (DKS)
- Four large 24/7 businesses along Hwy. 43 have submitted written testimony stating that they are not opposed to the project and believe that the Partnership will mitigate impacts on their businesses. Two of the submittals are from Walmart and Wells Fargo, anchor tenants in the Robinwood Shopping Center.

## 4. Central Topic – Local Traffic

### Assertion – Project will severely limit access to homes

#### Authority for the assertion in the record

- "2+ years of extremely limited access to their homes 24 hours a day, 7 days a week during this construction." Oct. 8 and 25 petition signed by multiple parties.
- "15,000 one-way trips by large truck to the Water Treatment Plant property located in our residential neighborhood...that figure does not even include truck trips necessary to construct the 1000 pilings needed..." Steve Blake, Oct. 19 submittal p. 120.
- A 12-foot emergency access plus an 8' wide trench was 20 feet. In some places, Mapleton is only 16 feet wide." Jenne Henderson, Minutes of Oct. 18 PC meeting p. 9.

#### Partnership response in the record

- Opponents are confusing "working hours as allowed by WL Code" with "hours of work that will actually occur on any given work day." It is very likely the worst case would be 10 hour days, beginning at 7:00 am to 5:00 pm five days a weeks, with no work (except for equipment oiling, refueling, maintenance) occurring on Saturday's. Most contractors are acutely aware that working too many hours is counterproductive and increases risk of on-the-job injury.
- Construction will only occur during West Linn approved work hours, not 7 days a week. Total construction-related trips from pipeline work on Mapleton Drive and Highway 43 is actually 24,274 one-way trips (or 12,137 round-trips). DKS page 4.
- The pipeline construction zone will occur in front of any one driveway no more than 2-3 days; the contractor shall notify property owners in advance of blockage and will coordinate access with the owner and TVF&R. Land use application, Construction Management Plan.
- The total construction traffic resulting from all pipeline phases over the duration of pipeline construction work will only increase existing total traffic volumes by 14% on Mapleton Drive and by less than 1% on OR 43. Total WTP construction truck traffic over the duration of WTP construction will increase total existing traffic by 7% on Kenthorpe Way and by 4% on Mapleton Drive. Almost all pipeline and WTP traffic will be sequenced so as to not overlap or occur simultaneously on the same street. DKS page 2.
- The CMP demonstrates, and West Linn staff agrees that there is adequate room within the right-of-way to accommodate construction activity and emergency access. TVF&R has reviewed the CMP and has determined that it is adequate to serve their emergency response needs. See, Rebuttal materials, November 2012.

## 5. Central Topic – Water Treatment Plan (WTP)

### Assertion – Not compatible with the neighborhood

#### Authority for the assertion in the record

- "It is not possible for a reasonable person to conclude that an industrial facility is compatible with residential uses...a pig is still a pig." Curt Sommer, Oct. 19, 2012 PC submission, p. 23.
- "The size and mass of the WTP will be comparable to that of a Home Depot, Costco, Wal-Mart Super Store or a similar big box store." Norm King, dated Oct. 18 and included within the Oct. 26 petitions.

**Partnership response in the record**

- The total square footage of WTP processing facilities will be less than 32,000 S.F. and will contain 17 public parking spaces, far less than a big box retail store. WTP application, Section 21.
- The project architects created the WTP design as a result of a survey of the architectural character of the neighborhood. See WTP application Section 4.
- The total lot coverage is less than 19%, substantially less than the maximum 35% lot coverage allowed by code. See WTP application, Section 4.

**Assertion – Construction noise is too great**

**Authority for the assertion in the record**

- 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. Oct. 8, 17, 18 and 25 petitions signed by multiple parties.

**Partnership response in the record**

- West Linn code allows construction work to occur 12-hours/day Monday through Friday and from 9 AM to 5 PM on weekends and holidays. Consistent with the CMP, typically the contractor will work 40-50 hours a week and not on Sundays
- Noise from traffic on public roads and construction activities is exempt from the noise regulations (per OAR 340-035-0035(5)). However, West Linn’s nuisance code restricts construction to the hours between 7 AM to 7 PM Monday through Friday and 9 AM to 5 PM weekends and holidays (WLMC 5.487.B.4). See WTP application Section 4, page 14.

**Assertion – The WTP will be increased by 300%**

**Authority for the assertion in the record**

- "And Joel does not mention the buildings will grow over 300% of existing, impervious paving will be added over 400% of existing.." Gary Hitesman email to Lake Oswego Review, Zach Pelz, Eric Day, J Heisler, copied to West Linn PC, Hidden Springs NA and John Sonnen dated March 22, 2012.

**Partnership response in the record**

- Water production will eventually rise to 38 MGD. The total building coverage will increase by 9% and total lot coverage will increase by 19%. See Rebuttal narrative November 2012.

**Assertion – The plant is not safe**

**Authority for the assertion in the record**

- “Just as in the case of the Qamat Ali water treatment plant, negligence of failure to take reasonable precautions to avoid injury to persons or property in the Lake Oswego water treatment plant case may result in serious physical and financial damage in the future." Steve and Nancy Hopkins December 26, 2012

### **Partnership response in the record**

- The operators of the Qarmat Ali Water treatment plant were found negligent for contamination caused by sodium dichromate. This chemical is not present at the existing plant and will not be used at the proposed upgraded water plant.

## **6. Central Topic - Big Pipes**

### **Assertion – The pipeline is dangerous**

#### **Authority for the assertion in the record**

- "Citizens exposed to the possibility of reduced property values and irreparable damage to their homes because of pipeline." Oct. 8, 17 and 18, petitions signed by multiple parties.
- "Who will be available during such an event [earthquake] to stop the flow of so much water when it takes up to ten minutes to turn the valve, once someone is in place placement and possible pipe breakage." Gwen Seiben, Oct. 19 submittals p. 97.
- "This pipeline is a monstrous danger to life and property in West Linn....Water from a leak can flood the street and take out landscaping, trees, other utilities and even houses as it rushes downhill to the river" Steve Hopkins and Carl Edwards, October 17-18, 2012, West Linn PC meeting testimony.

### **Partnership response in the record**

- There is no basis in the record to support the claim that proximity to the pipeline will result in a reduction of property values.
- The design team employed a thorough, conservative, peer-reviewed design process. This considered seismic hazards and risk, corrosion potential, thorough inspection and testing, asset management, maintenance and regular condition assessment. Professional engineers have certified that the potential for catastrophic pipe breakage is minimal. In addition isolation valves at 2,000 foot intervals along the entire alignment will allow plant staff to close any damaged section within minutes. See RWP/FWP application, Section 9, Safe Operations Plan.

### **Assertion – The pipeline is unique and unprecedented**

#### **Authority for the assertion in the record**

- "My neighbor Carl Edwards, who has held licenses to work on underground transmission lines in six states including Oregon, researched the security of four-foot-in-diameter pipelines. He couldn't find any evidence of four-foot-wide pipes in residential neighborhoods, undoubtedly because prudent municipalizes wouldn't allow them. Hopkins and Edwards, Oct. 19 submittal p. 126.

### **Partnership response in the record**

- Numerous examples to large water pipes in residential neighborhoods exist in the area, including: a 48-inch pipe in Baker Rd in Sherwood; a 54-inch pipe in SW 109<sup>th</sup> and 110<sup>th</sup> Ave in Beaverton; a 60-inch pipe in SE Ellis, SE Rex, SE 49<sup>th</sup>, SE Raymond, SE 59<sup>th</sup> in Portland; and many 48- to 72-inch pipelines in residential streets in Washington, Utah, and Colorado. See, Rebuttal materials, November 2012. Additionally, South Fork Water Board is planning on upsizing their own water pipeline to 42-inches per their Water Master Plan.

## 7. Central Topic – Site Stability

### Assertion – The site is unstable

#### Authority for the assertion in the record

- “If it takes 1000 pilings to stabilize the buildings doesn't that indicate that there is probably a better location for the Water Treatment Plant?” Steve Blake, Oct. 19 submittal p. 120.
- "Engineers now know that the site is not stable due to a high liquefaction factor." Norm King, dated Oct. 18 and Oct. 26 petitions p. 106 and elsewhere.
- "The soils were the worst in the state" Eric Jones, P.C minutes, April 18, 2012, p. 13 of 17.

#### Partnership response in the record

- Seismic hazards have been identified and can be fully mitigated through conventional design and construction methods. The use of auger-cast piles is an industry standard method of mitigating risks to foundations from liquefiable soils, weak soils and buoyant forces on foundations. Auger cast piles and driven piles are being installed for the new Sellwood Bridge.
- The partnership conducted an extensive seismic hazards analysis including third party peer review. This concluded that the proposed construction methodologies are suitable for the level of risk posed.

## 8. Central Topic - Parks

### Assertion – the proposal conflicts with the City Charter

#### Authority for the assertion in the record

- "If the improvements benefit the citizens of West Linn, then shouldn't the citizens of West Linn be able to vote on the crossing of the park." Oct. 25 petitions p. 107 and elsewhere.
- "If WL does not own the park and there is no adverse impact, why did OSP, LOT, and WL enter in to such an agreement? Are they all recognizing some form of ownership?" Dave Froode, Oct. 25 p. 110 and Norm King, dated Oct. 18 and included within the Oct. 26 petitions.

#### Partnership response in the record

- Mary S. Young is not owned by the city of West Linn rather by the State of Oregon. The City of West Linn has a lease and management agreement with OPRD. Therefore, Mary S. Young Park and the two residential lots to the north are not subject to Title XI of the West Linn City Charter.
- OPRD and the Partnership entered into an agreement. In this, OPRD granted permission to cross state-owned lands in exchange for improvements to the park. The proposed improvements are not mitigation needed to correct any environmental impacts. The City of West Linn Parks Department will implement the improvements

## 9. Central Topic – The role of experts

### Assertion - Outside technical experts & staff not trustworthy

#### Authority for the assertion in the record

- "I have read staff's interpretation of this and can only say I am appalled at how they have twisted the obvious intent of the plan into a plethora of benefits that are to be realized from this project. Did we read the same

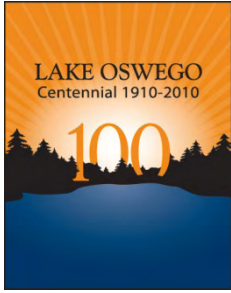
Comprehensive Plan?" "The statement by staff that this project complies with [the benefits] goal is nothing short of ludicrous." "Just because a project follows the rules, that does not determine it[s] appropriateness." Scott Gerber, Oct. 19 submittal, p. 106-107

- "When it leaks as all pipes ultimately do or bursts and pressurized pipes can, the potential damage can be catastrophic. Carl calculates that this pipe will carry 38 million gallons of water a day under a pressure of 150 static pounds per square inch. Imagine the erosion millions of gallons of pressurized water can cause...Even without a leak in the pipe, the eight-foot wide, eight-foot deep trench to house it will invite Trillium Creek cutting under Mapleton Drive to carve a new courses past residents' front doors, dropping power poles and lines in the process. Lake Oswego officials will tell you that this pipeline - the Titanic of Mapleton Drive -- will never leak or burst and you need not worry about it" Hopkins and Edwards, Oct. 19 submittal p. 126.
- "...time after time the WL demonstrated bias towards the applicant circumventing our rules to their mutual advantage. This compounded by WL negligence has created a very precarious environment for many citizens in West Linn." Dave Froode, Oct. 25 pgs. 110-111.
- "Where is our West Linn government? Aren't they watching out for our best interests?" Norm King, dated Oct. 18 and Oct. 26 .
- "Given the negative impact LO's water system places on THIS jurisdiction, I would be correct in saying that our own city manager negotiated, corralled, contrived, cajoled, fixed, managed, bullied, and SOLD us all, down the river!..."get a better working staff" Gary Hitesman, Oct. 26 submittal.

#### **Partnership response in the record**

- The Oregon land use system is very simple - if an application meets the code (follows the law) it shall be approved.
- The applicant provided expert testimony in support of proposal. Many of its reports were peer-reviewed by independent third party experts.
- The city's professional staff reviewed and commented on the application and found that it meets the West Linn code. Opponents have not submitted any expert testimony into the record that controverts the opinions of outside experts or the city's professional staff.





## MEMORANDUM

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**TO:** Zach Pelz, Associate Planner

**FROM:** Eric Day, Senior Planner, Lake Oswego Tigard Water Partnership,

**SUBJECT:** Appeal CUP 12-02/DR12-04 and CUP-12-04/DR 12-14: Community Need Comparison

**DATE:** January 7, 2013

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The West Linn Planning Commission (Commission) found that the proposed water treatment plant (WTP) and raw water/finished water pipelines (WP/FWP) projects failed to satisfy CDC 60.070(A)(3)- “The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.” The Commission determined that this CDC approval criterion was ambiguous and required re-interpretation. The applicant believes that this interpretation led this Commission to set a new standard that is inconsistent with past interpretations of the West Linn Development Code and the inconsistency is not explained.

For more than forty years the Oregon land use system has rested upon the foundational principle that a local government and those who choose to develop property within that jurisdiction have a right to certainty. Under the Oregon land use system, everyone has a right to know exactly what rules are in play and, once adopted, those rules are not to be changed during the development review process. A city or county creates certainty through the adoption of a comprehensive plan, development regulations, engineering standards, and supporting plans, such as a Water System Master Plan. The Commission’s decision to allow the sentiment of the citizens engaged in the quasi-judicial land use hearing to override recommendations made in adopted West Linn documents turns the principle of certainty on its head.

The Commission’s new interpretation of “overall community need” rests on four unique concepts:

- A. The term “community” refers to only the City of West Linn and for a facility to serve the needs of the community it must be designed and sized to serve only the residents and land use needs of the citizens of West Linn.
- B. The benefit the community derives from the facility cannot be temporary (i.e., even a benefit that lasts for 30 years was defined as temporary by the Commission).
- C. The need/benefit calculus can only be determined by weighing the significance of the need being fulfilled against the potential impacts the proposal might have upon the community. In this case the Commission weighed the benefit of providing access to a nearly 30-year emergency water supply against the short term construction impacts and minimal potential risks to property within the Robinwood Neighborhood and along Highway 43. Additionally, the Planning Commission incorrectly weighed the benefits and impacts.
- D. Finally, the Commission decided that “community need” was to be determined by considering the opinions of those persons who testify at a land use hearing instead of recommendations contained in adopted West Linn planning documents, such as the 2008 West Linn Water System Master Plan or the Robinwood Neighborhood Plan and the city’s professional planning staff report.

The Commission’s bold interpretation of the term “community need” creates a four part test for future conditional use analysis. Future conditional use proposals must now demonstrate that:

- the proposal serves only, or perhaps a mere majority (this was unclear in the final PC decision), of the residents of West Linn;
- the proposal provides a permanent benefit to West Linn residents, meaning the use (structure) can never be torn down or done away with;
- the long term benefits of the proposal are required to “outweigh” (an arbitrary measurement) the short term construction impacts on a neighborhood; and
- the “*sentiment of the citizens engaged in the quasi-judicial land use hearing*” may override the recommendations made in adopted West Linn documents. (See West Linn Planning Commission Final Decision Notice CUP 12-04/DR-12-14, Finding 1, pages 2-4.)

The question arises naturally, “How would past conditional use applications fare under the Commission’s new community need test?” To gain some insight into this question, the Partnership evaluated recent Planning Commission conditional use decisions for four public projects: the Failing Street Fire Station, the Willamette Falls Drive Fire Station, the Bland Circle Pump Station, and the Trillium Creek Elementary School. Each of these projects fails to meet at least one leg, and in most cases multiple legs, of the Commission’s new test.

<u>Development/Project</u>	Fire Station 58 (Failing Street) CUP08-02/DR08/09
<u>Site Size (Ac)</u>	0.59 Ac.
<u>Sq. Ft/Development</u>	12,760 sq. ft.
<u>Adjacent Zoning</u>	Residential
<u>Community Need/Benefit Finding</u>	“It should go without saying that emergency services are perhaps the most critically needed services any community can provide.”
<u>New CUP Test Results:</u>	Fail. Tualatin Valley Fire District (TVF&R) provides services beyond West Linn city limits. There is no discussion of the impact of short term construction impacts on the residential neighborhood or the transportation system.

<u>Development/Project</u>	Fire Station 59 (Willamette Falls Dr.) CUP08-01/DR08-08
<u>Site Size (Ac)</u>	0.5 Ac.
<u>Sq. Ft/Development</u>	11,955 sq. ft.
<u>Adjacent Zoning</u>	Commercial/MU
<u>Community Need/Benefit Finding</u>	"A larger fire station provides better response times."
<u>New CUP Test Results:</u>	Fail. Tualatin Valley Fire District (TVF&R) provides services beyond West Linn city limits. There is no discussion of the impact of short term construction impacts on nearby commercial uses or the transportation system.

<u>Development/Project</u>	Trillium Creek Elementary School CUP10-03/DR10-06
<u>Site Size (Ac)</u>	15.98 Ac.
<u>Sq. Ft/Development</u>	67,000 sq. ft.
<u>Adjacent Zoning</u>	Residential
<u>Community Need/Benefit Finding</u>	A school in this area is "long overdue and welcome." (No data is offered.)
<u>New CUP Test Results:</u>	Fail. The West Linn-Wilsonville School District map shows that the Trillium Creek Elementary School service area includes land outside of the West Linn Urban Growth Boundary, west of Rosemont Road toward South Wisteria Road and includes land in the Stafford area. There is no discussion of short term construction impacts on nearby residential uses or

the transportation system.

Development/Project	Bland Cir. Pump Station CUP12-01/DR12-03
Site Size (Ac)	1.0 Ac.
Sq. Ft/Development	N.A.
Adjacent Zoning	Residential
Community Need/Benefit	“A booster pump station is needed in this zone for appropriate water pressure.”
<u>New CUP Test Results:</u>	Fail. A pump station, like a water inter-tie, has a limited life cycle. There is no discussion of the impact of short term construction impacts on nearby residential uses or the transportation system.

On November 9, 2012, the City of West Linn accepted a conditional use application for the proposed new Public Safety Facility (police station) in an R-10 zone. CU-12-06/DR-12-20. The applicant’s response to CDC 60.070(A)(3), in total, is “As identified in this narrative, the proposed public facility is needed to protect the West Linn community including its future.” This answer is hardly responsive to the Commission’s new community needs test. Additionally, as the Police Station will serve an area larger than the West Linn city limits it fails on this newly defined standard as well.

The City of West Linn has never before imposed a “community need” analysis and obligation on other conditional uses seeking to locate in residential zones within the City as it has on the Partnership’s request. Short term construction impacts in residential zones or even providing elementary school service to Stafford did not deter the Commission from approving conditional use requests. The West Linn Planning Commission has never imposed such an encompassing interpretation on previous conditional use applications as it has for the WTP application.

In the applicant’s opinion, the Commission’s new community needs test, if it stands, will set a precedent for all future conditional use applications to be required to meet.

Thank you for your consideration of these materials.

Sincerely,

Eric Day,  
Senior Planner  
Lake Oswego Tigard Water Partnership



**Community Banking**  
West Coast Division  
19181 Willamette Drive  
West Linn, OR 97068  
503-699-5600



January 7, 2013

Mayor John Kovash  
West Linn City Council  
22500 Salamo Road  
West Linn, OR 97068

Dear Mayor Kovash:

Wells Fargo Bank has a bank branch at 19181 Willamette Drive in West Linn. As a company, we do not take positions on public policy matters and therefore, we do not oppose or support the Lake Oswego Tigard Water Partnership's (the "Partnership") proposed water pipeline through a portion of Hwy 43 in West Linn.

In various communications with the Partnership staff we understand that the construction impacts to our operations will be minimal because work will occur at night. Jeff Selby, a Partnership representative, indicated that customers and employees will have access to the branch at all times, and that branded signs will let customers know we are open during construction.

We feel that the construction impacts will be minimal and that the Partnership will address any of our concerns or questions.

Sincerely,

Sonya Brinkerhoff  
Branch Manager

Wells Fargo Bank, N.A.





12/12/12

West Linn Planning Commission,

Representatives from our property management team and West Linn Burgerville met recently with staff from the Lake Oswego-Tigard Water Partnership to discuss the construction that is proposed to occur along Highway 43 in front of our business.

It was brought to our attention that employees of our West Linn Burgerville had signed and submitted petitions regarding the Conditional Use Permits required for the Water Treatment Plant currently under consideration for the Partnership project. I am writing to state that:

- these employees are not owners of the organization;
- they have not been granted authority by our Board of Directors to represent us in any such matters; and
- our position is to neither oppose nor support any Conditional Use Permits or this project as a whole.

It is our understanding that the work will be conducted during the night only, minimizing impact to businesses. We were told the hours of construction would be 8 pm to 5 am.

We have been and continue to be a stand for thriving, sustainable communities in which we live and work.

If we can assist in this matter in any other way, please contact Jennifer Mears, our Property Manager and Corporate Secretary, at [jenniferme@burgerville.com](mailto:jenniferme@burgerville.com).

Sincerely,

Thomas W. Mears

Chairman of the Board

The Holland, Inc.

jm/TM



Greentree Enterprises, Inc.  
8655 SW Citizens Drive  
Suite 201  
Wilsonville, Oregon 97070  
(503) 685-5002  
Fax: (503) 682-5998

West Linn City Council  
22500 Salamo Road  
West Linn, OR 97068

December 13, 2012

Dear West Linn City Council:

Greentree Enterprises, Inc. owns and operates the McDonald's franchise at 18850 Willamette Drive in West Linn. As a company, we do not take positions on public policy matters. Our company, therefore, does not oppose or support the Lake Oswego Tigard Water Partnership's proposal to install a water pipeline through a portion of HWY 43 in West Linn.

It was brought to our attention that an employee of our store signed and submitted a petition regarding the Conditional Use Permits under consideration for the Partnership project. I am writing to state that:

- this employee is not an owner of the organization;
- he was not granted authority to represent Greentree or McDonald's in any such matters; and
- our position is to neither oppose nor support Conditional Use Permits or this project as a whole.

After meeting with Partnership staff on November 28, 2012, I do not feel that night time construction will have a significant impact on our business.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared H. Ray".

Jared H. Ray  
Chief Financial Officer

West Linn City Council  
22500 Salamo Road  
West Linn, OR 97068

December 7, 2012

Dear Council:

A representative from the Lake Oswego Tigard Water Partnership, Jeff Selby, met with me this week to share information about pipeline construction in 2014. The Partnership plan calls for construction at night (between 8:00 p.m. and 5:00 a.m.) and open access to businesses on HWY 43.

If the Partnership conducts its pipeline construction on HWY 43 as planned, I believe the project will have minimal impact on my business.

I am confident that I have a point of contact with the Partnership and know who to call or email if I have concerns or questions.

Sincerely,

A handwritten signature in cursive script that reads "Ann S. Woods".

Ann S. Woods, OD  
Owner, Modern 'Eyez Vision Clinic  
18750 Willamette Dr. West Linn, OR 97068

## Public Affairs & Government Relations

Jennifer Spall, Director, Oregon & Washington

November 29, 2012

Honorable John Kovash  
Mayor  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

Dear Mayor Kovash:

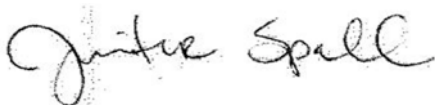
I am contacting you regarding the planned construction of a water pipeline by the Lake Oswego Tigard Water Partnership (LOTWP). The pipeline will run from the Partnership's water treatment plant to Lake Oswego, along Highway 43. The Walmart Neighborhood Market is located on Highway 43.

We understand LOTWP has a traffic mitigation plan to help minimize impacts by scheduling construction between 8pm and 5am, outside of normal operating hours for most businesses along the highway. Unfortunately, our store is one of a few that operates 24 hours a day. So, the impacts will be felt despite this fact. We have reviewed the Partnership's construction management plan and understand that they intend to accommodate our needs for unimpeded customer access by ensuring that only one access point into our store from Highway 43 will be impacted at any time. Side street access points to our store will not be impacted by the pipeline construction. These are positive steps to ensuring full customer access.

At the same time, any construction that takes place in front of our store has the potential to make access difficult for our customers. We would appreciate if you could identify for us a point of contact within the City of West Linn, ODOT and LOTWP who we could work with to ensure proper access and the least disruption to Walmart's business, and if any problems arise that require immediate attention.

Thank you for your consideration, and we welcome any questions you may have.

Sincerely,



Jennifer Spall, Director  
Walmart Public Affairs and Government Relations





All of **us** serving you®

West Linn City Council  
22500 Salamo Road  
West Linn, OR 97068

November 29, 2012

Dear West Linn City Council:

I am writing on behalf of the Usbank branch at 19060 Willamette Drive in West Linn. As a company, we do not take positions on public policy matters. Our company, therefore, does not oppose or support the Lake Oswego Tigard Water Partnership's proposal to install a water pipeline through a portion of HWY 43 in West Linn.

I have met with the Partnership staff and was assured that the impact to the branch business would be minimal. I was told that the construction would be after we are closed and prior to our opening. I was also told that our ATM would be accessible during the project.

I am confident that construction impacts will be minimal and that I have a point of contact with the Partnership if I have any concerns or questions.

Sincerely,

Lee Evans  
Branch Manager  
West Linn Office  
503-534-0180



**OregonLive.com**

Everything Oregon

## My Turn: West Linn resident not sold on Lake Oswego's plan to expand water facility

Published: Thursday, February 02, 2012, 5:41 AM



**Special to The Oregonian**

By

**Lake Oswego's expansion of its water facility in a West Linn neighborhood is a problem for many.**

This project is posing multiple threats to wildlife, sensitive environmental areas and natural resources.

Mayors from Lake Oswego and Tigard promised a "Great Neighbor Plan." In spite of considerable efforts by many, all affected wait patiently for Lake Oswego and Tigard to mediate in good faith. But now that **Lake Oswego has abandoned the streetcar project**, Lake Oswego could use the Foothills area to have its industrial facility in its industrial area. Lake Oswego could also team up with West Linn to save both cities' ratepayers a lot of money. Tigard could do what Wilsonville did and tap in to the Willamette River.

But Lake Oswego has publicly stated it is less expensive for the city to build the facility in West Linn. Of course it is. By doing so Lake Oswego will exempt residential tax lots from the West Linn tax base while maintaining the Foothills area for urban development, which improves Lake Oswego's tax base. Sounds great ... for Lake Oswego.

The 4-foot-wide pipeline's path, as we understand, passes through sensitive environmental zones that should be protected by law. The exceptions being requested do not seem justified. This is obvious construction activity in a West Linn public park. I am advised it requires a citywide vote according to the West Linn city charter. Whether this happens remains to be seen.

Another concern is water rights for the Clackamas River. Those responsible for the distribution of water rights long ago managed to distribute more rights than there is water available. We are advised the rights granted total 200 percent of the supply. In other words, if all holding water rights maximized theirs to 100 percent, the river could obviously not sustain the demand. The Clackamas River is now over-allocated, causing added difficulties to a fishery in jeopardy. Yet Lake Oswego wants to double its capacity to sell water to Tigard, no doubt at a profit to Lake Oswego.

Lake Oswego is currently drawing 16 million gallons per day which is 50 percent of its allowance. Increasing the amount to 100 percent will remove 32 million gallons per day. The primary reason given by the representatives of Lake Oswego for maximizing this taking is that Tigard's charter prohibits use of the Willamette River as a source, even though it is the closest, most available and least expensive alternative.

In the past, Tigard purchased its water from Portland but chose to switch to Lake Oswego. A single stroke of the pen could change this unfounded and indefensible position.

A conversation I had with a senior Lake Oswego water bureau employee gave me a new understanding of the matter. I asked the Lake Oswego employee, "Does the Oswego water department operate in the black?" He said, "Oh yeah, in fact its revenues support several other city departments." I was also advised by our former mayor, "Water and sewage are cash cows for the city and county."

No one contests any community's right to water. That is a given. How they go about it is another issue. Lake Oswego and Tigard both have options that would not have an adverse impact on neighboring cities and our shared environment. It would be good and quite neighborly if Lake Oswego and Tigard would examine these options, not putting their interests first but safeguarding the interests of all. That is the Great Neighbor Plan we expect.

*David J. Froode lives in West Linn.*

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GUEST OPINION

## Safeguard the interests of all affected by plant

BY DAVID FROODE

, Feb 9, 2012

**Lake Oswego's expansion of their water facility in a West Linn neighborhood is a problem for many. This project is posing multiple threats to wildlife, sensitive environmental areas and natural resources.**

Mayors from Lake Oswego and Tigard promised a "great neighbor plan." In spite of considerable efforts by many, all affected wait patiently for Lake Oswego and Tigard to mediate in good faith. But now that Lake Oswego has abandoned the streetcar project, Lake Oswego could use the Foothills area to have their industrial facility in their industrial area. Lake Oswego (city officials have) publicly stated, "It is less expensive for them to build the facility in West Linn."

Of course it is.

By doing so, Lake Oswego will exempt residential tax lots from the West Linn tax base while maintaining the Foothills area for urban development which improves Lake Oswego's tax base. Sounds great, for Lake Oswego.

The four-foot pipeline's path, as we understand, passes through sensitive environmental zones that should be protected by law. The exceptions being requested do not seem justified. This is obvious construction activity in a West Linn public park. I am advised it requires a citywide vote according to the West Linn city charter. Whether this happens remains to be seen.

Another concern is water rights for the Clackamas River. Those responsible for the distribution of water rights, long ago managed to distribute more rights than there is water available. We are advised the rights granted total 200 percent of the supply.

In other words, if all holding water rights maximized theirs to 100 percent, the river could obviously not sustain the demand. The Clackamas River is now over-allocated, causing added difficulties to a fishery in jeopardy. Yet Lake Oswego wants to double their capacity to sell water to Tigard, no doubt at a profit to Lake Oswego.

Lake Oswego is currently drawing 16 million gallons per day, which is 50 percent of their allowance. Increasing the amount to 100 percent will remove 32 million gallons per day. The primary reason given by the representatives of Oswego for maximizing this taking, is Tigard's charter prohibits use of the Willamette River as a source, even though it is the closest, most available, and least expensive alternative.

In the past, Tigard purchased their water from Portland but chose to switch to Lake Oswego. A single stroke of the pen could change this unfounded and indefensible position.

A conversation I had with a senior Lake Oswego water bureau employee gave me a new understanding of the matter. I asked: "does the Oswego water department operate in the black?" He said, "Oh yea, in fact its revenues support several other city departments." I was also advised by our former mayor: "water and sewage are cash cows for the city and county."

Water Watch Oregon is contesting the amount of water Lake Oswego is asking for. No one contests any community's right to water. That is a given.

How they go about it is another issue.

Lake Oswego and Tigard both have options that would not have an adverse impact on neighboring cities and our shared environment. It would be good and quite neighborly if Lake Oswego and Tigard would examine these options, not putting their interests first but safeguarding the interests of all.

That is the "great neighbor plan" we expect.

David Froode

West Linn

(Editor's note: West Linn's Assistant City Manager Chris Kerr offered this response:

"The city has not yet received an application for the transmission line. Once submitted, the application will be subject to all city codes and ordinances and will require approval at a public hearing. It should be noted however, that the city charter provision referred to in the letter is only applicable to city-owned parks and open spaces and would not be applicable to Mary S. Young park, which is owned by the State of Oregon.")

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Everything Oregon

## West Linn is being Conditionally Used

Published: Tuesday, March 06, 2012, 9:08 PM Updated: Wednesday, March 07, 2012, 3:46 PM

By **Kevin Bryck**

West Linn is being Conditionally Used because we are cheap and easy.

You can thank West Linn's lax, antiquated, contradictory, developer friendly codes. You can thank the big Welcome mat that West Linn city hall puts out for regional initiatives that hurt our own citizens. But you can't fault the rich kids in Lake O for trying to take advantage.

Many question why the new Lake Oswego-Tigard Water Partnership (LOTWP) treatment plant and pipelines, proposed in Robinwood, can't actually be built in LO or Tigard. The reality is, we are being used because we are the cheapest alternative and it's easier to build in West Linn than to impose on their own citizens. Saves 10 acres of their industrial land and pays no taxes to West Linn.

A double benefit for them.

LOTWP reps like to say that all roads, as in pipelines, lead to this site, but the all new 48" pipelines could be built to any site. The current LO water treatment plant was built under county jurisdiction in the unincorporated Robinwood neighborhood in 1968 and has undergone 2 upgrades, most recently in 1996.

LOTWP expects West Linn to roll over and grant a Conditional Use Permit (CUP) to completely rebuild a new water plant to double the capacity and another CUP to double the diameter of their water transmission lines through MS Young Park, under our homes and narrow streets and through our business district on Hwy 43. To sell water to Tigard, a completely new use.

According to the definition in our West Linn Comprehensive Plan, a Conditional Use requires a Community Benefit. Where is the benefit to West Linn?

Lately the LOTWP publicity team, at public meetings in West Linn, is selling the concept that their industrial water treatment plant in our neighborhood is a benefit for all of West Linn.

Their story is: At peak summer usage, when LO residents are watering lawns and washing cars, LO doesn't have any extra water to share with West Linn through our 2-way inter-tie, even in a real emergency.

Despite our mutually beneficial inter-tie and IGA (Inter-governmental Agreement) to share water in time of need, their threat is that the current IGA does not require LO to invoke temporary rationing (the technical term is 'curtailment'), to provide water to West Linn. Our taps and toilets run dry because LO won't ask their citizens to cut back a bit on watering and washing.

LOTWP can only justify drawing 32 MGD (million gallons per day) from the Clackamas, out of LO's permitted 38 MGD maximum.

The LOTWP is angling to jump to the head of the line, using West Linn as a place-holder, a shill, to vest their water permits now, ahead of all potential future Clackamas watershed users, like Boring, Clackamas, Damascus, Estacada and Happy Valley.

West Linn would get very temporary (10-13 years) emergency only access to up to 6 MGD of 'excess' LOTWP water, until LOT growth gobbles it all up.

It is apparent in the public meeting records, that if West Linn won't buy into their scheme, they will look for another partner to tie up that 6 MGD.

If West Linn needs more water storage, we should build it in West Linn, now, while bond and construction costs are historically low. If LOTWP paid toward an upgrade to Bolton reservoir, that would be a real benefit to West Linn, and by LOTWP's own inter-tie logic, it would also benefit them.

If we suffer a major regional disaster preventing South Fork water from crossing the 205 bridge to our Bolton reservoir, will a new LOTWP plant have the power and people to purify and pump 6 million gallons per day to West Linn, after serving LOT needs?

Given their recent threat to not help us under the current IGA, why would we trust them?

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**Please Help Stop Lake Oswego from Draining the Clackamas River**

Welcome, **Jane Heisler**.  
You last fished here: 03-22-2012 at 11:05 AM

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post reply

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03-20-2012, 04:50 PM #1

**waterlover**  
Fry

Join Date: Mar 2012  
Posts: 1

**Please Help Stop Lake Oswego from Draining the Clackamas River**

To the ifish Community,  
The City of Lake Oswego entered into a silent partnership financing with the City of Tigard in 2007 to expand their drinking water treatment plant in order to use their water rights on the Clackamas River to supply drinking water to Tigard, which is not in Clackamas County, and currently buys water from Portland. They are planning on sucking 38 million gallons per day from the Clackamas River during the peak summer watering season, when the river is at its lowest. They will be installing a 48 inch pipe to replace their current 26 inch pipe. This pipe is not twice as big; it is 3.4 times as big. The surface area formula is Pi R squared.  
Lake Oswego's water rights are in third place behind South Fork (Oregon City, West Linn) and Clackamas River Water. They have rights to 16 million gallons a day and are going after a permit to draw as much as 38 million gallons. Water rights are a complicated issue and are difficult to simplify. It is clear however that if Lake Oswego is permitted to draw 38 million gallons to water Tigard's and their lawns, the other water districts will be hard pressed to exercise theirs. They can expect summer rationing while Lake Oswego keeps their lawns green.  
We are currently in a battle to stop this from happening and without help we will lose. Lake Oswego has been very quiet about this so it will happen before the wider region knows. I live in West Linn near the plant which is the only reason I know about it. The West Linn city manager was the former assistant manager of Lake Oswego and lives there. Most of the City Council seems to grant his every request; the deck is stacked against us in our own town.  
The ramifications to the Highway 43 corridor where they plan on running the pipeline and in my neighborhood are tough enough but I have rafted and fished the Clackamas for 35 years and can't imagine a 48 inch pipe could even be filled. In 2007 the Lake Oswego Review ran this article in which Joel Komarek, the city engineer at the time and director of this project now makes statements that refute the whole project. Here is an excerpt from the article:  
On the Clackamas River, water providers are nervous.  
On the river's path from the rain-filled Timothy Lake near Mount Hood to the Willamette River, four utilities tap water serving 250,000 customers.  
With growth projections forecasting another 500,000 to 700,000 people in Clackamas County by 2040, the demand for drinking water on the Clackamas will exceed the river's ability to support fish in the next two decades, according to Joel Komarek, city engineer for Lake Oswego who oversees the city's water utility.  
Under a new law, approved by the Oregon Legislature in 2005, the Oregon Department of Fish and Wildlife now gives advice on how to "maintain persistence," or protect, fish species on rivers before water rights for utilities are approved. The Oregon Water Resources Department, which used to renew water rights by postcard, can restrict water rights based on ODFW's advice.  
On the Clackamas River, "They're going to be pushing for higher flows than what has been thought of as necessary to support fish. Those increased flows are going to create conflict between sensitive species and drinking water supplies," Komarek said.  
A review of applications for new water rights on the Clackamas recently caused ODFW to recommend a 62 percent increase in flows needed to support fish during the summer. A 25 percent increase was suggested for winter. County utilities, when they heard the news, put pending applications for water on hold.  
They sought a model of the recommended flows from Portland State University, which predicts problems.  
The model shows that the water required to support fish, particularly during migration periods, has already fallen shy of targets on some hot weather days. If the new flow targets are implemented, the study shows, water customers will be forced to save water for fish.  
"We're going to potentially have to restrict access for up to 16 percent, potentially for

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43 days," Komarek said, if the suggested flows become conditions. Some call the new regulations "a catastrophe." Others say there is no impact to drinking water, just a question as to whether peak summer uses like lawn watering should trump a species' right to survival.

<http://www.lakeoswegoreview.com/news...31077478594100>

I urge the ifish community to help us fight this. The fish don't vote but we do. They only raise hell at the end of a line, but we can.

For more information you can contact me at [jnorb@comcast.net](mailto:jnorb@comcast.net).

Thank you,  
Jack Norby, West Linn

03-20-2012, 05:10 PM

#2

**Lou**

Ifish Nate

Join Date: Aug 2004  
Location: Oregon City, Or  
closer to Viola  
Posts: 2,738

**Re: Please Help Stop Lake Oswego from Draining the Clackamas River**

The problem I see, in the summer, that water is very yellow 🙄

Zipper club survivor.  
Team Arima  
Join CCA I did!  
Support your Veterans!  
😊

03-20-2012, 06:37 PM

#3

**Pete**

Administrator



Join Date: Apr 2000  
Location: Portland, OR  
Posts: 38,341

**Re: Please Help Stop Lake Oswego from Draining the Clackamas River**

Jack, welcome to Ifish!

The situation you detail sounds very dire for efforts to restore quality fish runs to a very popular river. I can't imagine how they can get away with dewatering the Clackamas, but it sounds like a very real threat. Let me know how I can help!

*Report Game Violations!*  
*Washington: 1 800 477-6224*  
*Oregon: 1 800 452-7888*

03-20-2012, 07:04 PM

#4

**gpt**

Chromer

Join Date: May 2011  
Posts: 723

**Re: Please Help Stop Lake Oswego from Draining the Clackamas River**

is there a minimum stream flow and temperature established for the clackamas r.????

03-20-2012, 07:29 PM

#5

**Rykat**

Coho

Join Date: Nov 2009  
Posts: 85

**Re: Please Help Stop Lake Oswego from Draining the Clackamas River**

Wow, what an "intro" story you have. This sneaky bs goes on every day, everywhere. They get away with it because there are developers and regional planning departments and directors employed by entities with big money interests involved. These political big shots leave govt jobs and become consultants to the firms pushing development over a 10-20 year plan. If you want to know the truth about anything . . . follow the money. It's always about money. Back door deals and little news coverage.

This isn't really about providing citizens drinking water, but that's what they say to be pc. It's about someone getting rich at public expense and resources. Rant over.

03-20-2012, 08:27 PM

#6

**mini-e**

Cutthroat

Join Date: Aug 2008  
Posts: 32

**Re: Please Help Stop Lake Oswego from Draining the Clackamas River**

Wow. That is just incredible. Lake Oswego is going to drain the Clackamas River! It is unclear to me just exactly how you drain a river, but I am sure they will, and that aint right. 🇺🇸

**City may listen if voiced loudly**

To the Editor:

I am writing this to once more bring attention to the Lake Oswego/Tigard water project. Many West Linn citizens may think this doesn't affect them and will only impact those living in the area of the plant. I would encourage folks to think again.

This project affects all of us who live in West Linn. Highway 43 will be a mess from Mapleton to Lake Oswego for who knows how long. This will include night construction, which creates another impact for those whose homes are on the 43 corridor.

Then there is the issue of the violation of Mary S. Young Park. The proposed conditional permit would mean machines, noise and chaos in what is normally a peaceful and much-used sanctuary.

Consider also that West Linn is taking the brunt of the negative effects with virtually no positive return from the project. Lake Oswego will be minimally affected and Tigard just gets the gravy.

Do we in West Linn really want to subsidize these other entities?

I'm not sure what can be done to stop this, but I would encourage all neighborhood associations to make public comment in opposition to this project. Maybe the West Linn City Council and planning commission will listen if the voice is loud enough.

Scott Gerber

West Linn

# WestLinnFirst Saving West Linn from th...

Sidebar [Home](#)

The PR Response - fro...

When Shove comes to...



And LO is freaking out a...



Treatment Plant Applica...

Help save Robinwood fr...

So what's the problem?

Please read here for mo...



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## The PR Response - from the LOTWP site

Our responses in red. Click that blue part to link to their original without the responses.

### Opinion: Why We Asked for a Pause

We believe the proposal to expand Lake Oswego's existing water treatment plant, located in West Linn, will be approved.



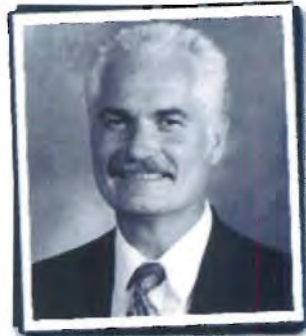
**Mayor Hoffman**

We are a "challenge" that they "have a path to overcome" - stated at LO-Tigard joint city council work session 5/22

Still, nearly eight hours of public testimony and tough questioning before the Planning Commission convinced us we could do more to address the remaining legitimate concerns about our joint water project proposal. Why not respect the citizens and neighborhood in the first place?

Because addressing the legitimate concerns would cost too much?

Because they thought they could steamroll us and get away with it?



**Mayor Dirksen**

This was the right thing and we are pleased commissioners agreed – with a 7-0 vote.

The Commissioners were instructed by Attorney Beery to allow the potential losers to 'push' the proceeding. LOT did not 'win' any 7-0 vote on merit. Fake claim of victory.

Their action gives us the time we need to more completely demonstrate how the Partnership's efforts not only benefit the 100,000 citizens of the Lake

# WestLinnFirst saving Oswego/Tigard service area but also the citizens of West Linn from th...

Sidebar [Home](#)

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Treatment Plant Applica...

Help save Robinwood fr...

So what's the problem?

Please read here for mo...



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Oswego/Tigard service area but also the citizens of West Linn. We are still waiting to hear about those benefits. In proportion to the \$180 million construction project proposed in West Linn.

We know the most vocal opponents may never be convinced of the merits of bringing more high quality drinking water into our three cities.

This is pure PR BS, a straw man, a classic Red Herring. Nobody here opposes clean drinking water.

Just build your huge new water plant and pipeline project in your own city, not in our residential neighborhood!

One of the first lessons a mayor learns is that issues must be decided based on the needs of the majority, not the wants of a vocal minority.

Denigrating the neighborhood again. This is not a want.

This is the right to enjoy the peace and quiet of our residential zone free from industrial scale intrusion by outside interests motivated by self interest.

Yes we are vocal, but we are the majority of West Linn.

Our communities – West Linn, Lake Oswego, and Tigard – are neighbors and regional partners. We may disagree at times but we know that good will and shared values matter in all three of our cities.

The shared value of going into a different jurisdiction and suing those citizens to have your way with their neighborhood, rather than imposing the burden on your own citizens?

This has made our corner of the metro region one of the world's most attractive places to live, work and play.

Except apparently for the Robinwood Neighborhood of West Linn, sacrificed to profit LOTWP.

A brief pause in a public hearing seems a small price to pay to demonstrate we know how to use respect, reasoned argument, and yes, compromise, to meet our region's most fundamental needs.

By all means, please take the time to find a suitable site in one of your own cities.

May 21, 2012

# Letters: City should champion for citizens

■ From page A4

## Neighbors of West Linn should look out for each other

As time moves on, more well-heeled young people are moving into West Linn replacing the newly retired baby boomers. Unlike my generation, in order to live in West Linn, you now pay a deep pocket price tag.

So, most of the young people work long hours in order to afford this signature neighborhood address. As you know, the medium salary to live here is \$90,000 a year, which is steep compared to the past generations.

It is now up to the present West Linn mayor/city council and social services to be the watchdog for all 2012 West Linn

residents while at work every-day to afford this present signature lifestyle.

**Norm Fetzer**  
West Linn

## Residents have spent time and effort on water plant

The Tidings was too quick to judge some West Linn residents in last week's paper. While this writer agrees that more West Linn residents should become involved in and be more knowledgeable about their governmental processes, the Tidings jumped to the conclusion that residents working on the Lake Oswego-Tigard (LOT) Water Partnership treatment plant expansion opposition are ill-informed, under-informed or not interested in learning about the process.

This is quite inaccurate.

Many residents have put countless unpaid hours into researching this complex issue, contacting representatives and staff and working with and asking questions of LOT. Many meetings have been attended and held in the neighborhood and beyond.

Faulting the many citizens who have already taken a large chunk of time out of their daily lives over the past two years to work on this issue seems unfair. Trying to use personal time effectively by not sitting through one more city council meeting seems prudent.

Remember the meeting may

also be viewed on cable. It appears the Tidings has little knowledge of how much time and effort West Linn citizens have spent on this multifaceted issue.

Remember that we have dealt with the Beery memo stating that councilors could talk to citizens if an application had not been filed, only to have the city manager deny us access.

This leaves some feeling like they have no voice in the process. Yet we have all continued to stay engaged with the city and LOT.

**Eric Jones**  
West Linn

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# Being a policymaker and

## READERS' LETTERS

### Do not gag WL citizens

I had an eye-opening experience June 11 when I went to my first-ever West Linn City Council meeting. Expecting a dose of participatory democracy, I got just the opposite.

Apparently West Linn's legal counsel has confused the concept of persuasive argument with that of unfair bias. During the public comment portion of the proceedings, one person after another was cut off from delivering their prepared remarks relating to the LOT water plant and 48-inch pipeline on the grounds that they were attempting to bias the council members.

It's outrageous that WL citizens are effectively shut out of discussing a topic of such importance in a council meeting. And further, it is an insult to the city council's integrity that the legal

team thinks that, by merely hearing opposing viewpoints, the council can be unfairly biased. When we elected the council, as constituents we were endorsing their ability to evaluate arguments and decide an issue based on its merits.

Gagging West Linn citizens deprives the council of its opportunity to make informed decisions for the betterment of our community. And, in this case, it also creates the perception that the LOT project is a done deal, no citizen involvement necessary.

**Yvonne Davis**  
West Linn

*(Editor's note: This is a response from West Linn city attorney Tim Ramis: The Lake Oswego project is a land use case, and state law requires council*

*to set a date and time to hear the case and give advance notice of this hearing date. This gives supporters and opponents of a project advance notice of when they can be heard by council and an equal opportunity to hear what each other has to say. Were council to receive testimony on a land use case without public notice that the subject will be addressed, it is possible that people testifying on the proper date could feel ambushed; they would have a concern that councilors may have made up their minds without the benefit of hearing from everyone. Based on our advice, the council has requested that citizens wait to provide commentary until the appointed hearing, in order to promote equal access to council.)*

See LETTERS / Page A12

# Tidings

*Proudly serving as the official hometown newspaper for West Linn*



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West Linn Tidings

6.21.12

## Lake Oswego-Tigard water plant needs to be stopped

Published on Wednesday, July 04, 2012 | Written by [Jack Norby](#) | 

No one in their right mind would oppose drinking water for people. However, the massive Lake Oswego water treatment plant belongs in Lake Oswego, not in one of our (West Linn) neighborhoods. More than 70 residents testified at the planning commission meetings against the LOTWP expansion. Many of these people would never get involved unless they saw a glaring problem. During the testimony, it became obvious that LOTWP was trying to persuade using half-truths, deliberate deceptions and outright lies. Here are just a few.

Half-truths: 1. The intertie is a benefit to WL. The intertie already exists and was used as the basis for the last plant expansion. 2. Tigard needs the water. Tigard gets its water from Portland - award-winning Bull Run water.

Deliberate deceptions: 1. The LOTWP artist rendering of the plant was half the real, huge size. 2. Trying to obtain the plant permit without getting a pipeline permit to split the opposition. 3. Having our city attorney, who also works for Tigard, advise that residents couldn't speak about the project until the application had been filed, although Lake Oswego has been lobbying our leaders for more than a year.

Outright lies: LOTWP said they had two property assessments showing no change in the value of surrounding properties, and that they had a hydrologist report that showed their 48-inch pipe would only lower the Clackamas in mid-summer by 2 inches. Copies of these reports were requested almost two months ago, with no results. They don't exist.

Why would LOTWP stoop to such lows? They know this plant is the lynchpin that will control development in Washington and Clackamas counties. When Lake Oswego gets the keys to the water, it will decide the development patterns of the entire region. Clackamas County will not be able to grow without water. Because the pipe it wants to install will draw 3.4 times more that the existing one. It will have a lot of excess capacity. Water for Stafford has been mentioned several times.

In our code, to be approved, an expansion of this plant must provide benefit to West Linn. The intertie already exists, therefore there is no benefit. The goals the council has adopted say that no support is to be given to the development of Stafford.

The planning commission was about to turn down the proposal when LOTWP withdrew its application. However, we have a city manager, Chris Jordan, who was the LO assistant manager and lives in LO, and an assistant city manager, Kirsten Wyatt, who is married to an employee of Tigard. Chris Jordan is now their point man to work his magic behind the scenes to get the plant moving forward, ignoring the codes and nullifying the wishes of residents and neighborhood associations. If he succeeds, will he be the Lake Oswego manager?

This needs to be stopped. The area around the plant will be involved in heavy construction for two-three years, and our commuters will have to put up with lots of delays and big trucks while they dig their new pipeline down Highway 43 into Lake Oswego. Would Lake Oswego allow us to do this huge project in its city? I think not. I urge you to contact Mayor Kovash and councilors Jones, Tan, Carson and Cummings to let them know your concerns.

Jack Norby is a 16-year resident of West Linn and former president of the Robinwood Neighborhood Association.

## READERS' LETTERS

From Page A6

The honest carrot deserves our trust.  
It's solid orange clear through  
And maintains its equanimity  
Even while in a stew.

**James Fleming**  
*Lake Oswego*

### **City again ignores citizen input, pursues own agenda**

Last Friday, our mail carrier delivered the July issue of "Hello LO," the official newsletter of the city of Lake Oswego.

Two items caught my attention:

1) The first item tells us that a new library, to be built at First and B in downtown LO, is getting closer to reality. The property has already been purchased ...

To kick off the project, the city council has approved a \$14 million bond measure for the November ballot.

There is no question LO needs a larger library. While there has been considerable support for utilizing the centrally located West End Building, there has been little support for the First and B location — except from those determined to proceed with construction of the "North Anchor (read Foothills) development."

The West End Building was never seriously considered by the mayor or city council before they plunged ahead with their preferred site.

2) A flyer enclosed with the Hello LO mailing describes the virtues and benefits of the Lake Oswego-Tigard Water Partnership. When completed, the system will increase capacity from 16 million gallons/day (MGD) to 32 million, with the capacity

to expand to 38 million gallons. But nowhere in the four-page brochure is there mention of the cost to taxpayers, which in 2010 was estimated at \$230 million "plus a number of additional costs that weren't originally anticipated."

Granted many LO pipes are in need of replacement. But that's totally different issue than more than doubling the current capacity — from 16 MGD to 32 MGD or more — in a city that is virtually built out.

These two projects are typical of the kind of "sky's-the-limit" thinking that's been going on in our once-frugal city. Before taxpayers vote this November, they also need to remember who pushed the ill-fated streetcar, the as-yet-purposeless West End Building and the proposed Foothills development.

**Barbara Eden**  
*Lake Oswego*



West Linn Tidings, West Linn, OR October 4, 2012

# LOT may have the money,

# but West Linn

# has the voice of its citizenry

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

During the upcoming hearings, citizens are asked to keep their comments focused on specific elements of the city land use code. The question that really

## CITIZEN'S VIEW

Scott Gerber

begs to be asked, however, is whether it is conceivable that there would ever be any intent in the city's planning design to allow for the placement of large industrial projects right in the middle of a residential zone. Most certainly there is no city in the world that would promote this type of land use planning. It is simply contrary to common sense.

LOT would have us believe that this

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

This project entails massive drilling under the Willamette and Mary S. Young State Park. In the course of this three-year project, Highway 43 will be torn up resulting in noise throughout the night and innumerable traffic is-

issues; the folks who live in the immediate neighborhood will be subjected to thousands of trucks, the endless sounds of industrial construction and a terrible invasion on their way of life. The area in and around Cedaroak Park Primary school will be subject to traffic and construction-related issues. If you live in West Linn, you will be affected. West Linn is being asked to take the hit while LOT receives all the benefit.

LOT has money, lawyers and engineers lined up to push this project through. All we have is the voice of the citizenry. This can be stopped if the

people speak up. I would urge concerned citizens to attend the upcoming meetings on Oct. 17 and 18 and to speak in opposition to this project. If you don't want to attend or speak, at the very least send an email or letter to your planning commission to express your opposition. We can stop this, but only through the voice of the people.

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

*Scott Gerber is a resident of West Linn.*

A6 OPINION

## City will benefit from water plan

West Linn citizens are once again arguing over our past without regard to our common future. This time it's the controversial Lake Oswego-Tigard partnership's water treatment plant. Yes, Yogi Berra had it right: "It's *déjà vu* all over again."

Despite the emotion shown at the public hearing by some Robinwood neighbors, the facts of the matter are not hard to see. It's true, expansion of the water plant and the new pipeline is critical to our neighbors. But the proposed project is no less important to all of West Linn.

It's no secret portions of our water system are falling apart. West Linn needs millions in new investment just to repair what we have. It will take more millions to make sure that our water system is safe and secure. Ratepayer dollars, yours and mine, will have to pay the freight in the form of higher water utility bills.

Our citizens' utility advisory board has spent countless hours documenting the deficiencies of our water system. West Linn's own engineering consulting firm and the city's finance director have made it clear our rates will climb by

### CITIZEN'S VIEW

by Larry McIntyre

30 percent on top of an already expected 25 percent if we cannot take advantage the new water plant and pipeline.

There are three concepts from which I look at the issues and they are the same ones that I applied before making decisions during my service to the people of West Linn:

■ Does the proposal fulfill the responsibility to plan for the future of our community, just as those years ago, planned for us? Prior long-term planning has brought us many good things in West Linn including excellent parks and neighborhoods.

It has also brought us a backup water supply that is now in need of upgrading. We should seize this opportunity as it may not come around again.

■ Does a proposal create attractive economies-of-scale to lower the cost of long-term capital assets for each ratepayer? Capital assets intended for decades-long service cost millions of dollars. Low-

er ratepayer costs come sharing the expense with as many ratepayers as possible. Investments in our emergency water supply, which is an important part of our water system will surely cost more in the future. We should seize this opportunity now.

■ Does a proposal meet the West Linn's Comprehensive Plan and Development Code? Our code is designed to protect the city, allow the orderly development of private property and achieve our planning goals as a city. The city's staff report indicates that the proposal meets all plan and code requirements. I think that it's a matter of civic responsibility that we support it.

I believe the LO-Tigard project meets all three of these concepts.

It gives us a leg up on West Linn's Water Master Plan. It costs us less than if we plowed ahead on our own. And, it's a compatible use broadly recognized in our city's code, comprehensive plan and even the most recent Robinwood Neighborhood Plan.

*Larry McIntyre is a resident of West Linn and former mayor.*

## Council: Uphold water plant decision

**T**he West Linn Planning Commission on Nov. 1 voted unanimously to deny the water treatment plant expansion and pipeline proposed by the cities of Lake Oswego and Tigard.

After several meetings and multiple hours of testimony and questions, the planning commission found that the proposal did not provide sufficient benefit to the city of West Linn. In addition, they called upon the city to deal head on with its water issues and not put our water fate in the hands of this questionable project.

I applaud this decision as it was not an easy one, and the commissioners stood up to pressure from their own staff and the applicants and voted in favor of the best interests of the people of West Linn. They truly heard the voice of the people, but also through their ques-

### CITIZEN'S VIEW

by Scott Gerber

tions and intelligent study of the issues clearly interpreted that this proposal did not meet the applicable codes required for this permit.

While Lake Oswego and Tigard feel that they did meet the codes, it really is about intent and interpretation of those codes. I would suggest that the West Linn Planning Commission might have a better handle on how those codes are relevant to our city than LOT does. LOT's next move will be to appeal this to our city council. In doing so, they will try to discredit the planning commission's 7-0 vote against them and to convince our council to override that decision.

The planning commission approached its decision with thought

and foresight. Now I would ask our city council to do the same. In fact, this project does little to benefit the city of West Linn and does a great deal to harm it. Yes, we have water issues, but we need to solve them in a more proactive way as opposed to the temporary and conditional Band-Aid that LOT is offering as a so-called "benefit." The planning commission and the citizens of West Linn have stated loud and clear that this project is inappropriate and should not be used as a convenient "fix" for West Linn's water future.

I urge the city council to follow the lead of our planning commission and support the decision to deny this project. Furthermore I call upon the citizens of West Linn to contact our council members and mandate that they stand behind the commission's decision.

*Scott Gerber is a resident of West Linn.*

### ***Pipeline construction can be well managed***

A small band of West Linn citizens is in overdrive putting a scare into us about what the Lake Oswego and Tigard water project means for Highway 43 motorists and businesses. You'd think that, reading those anonymous mailings, the world will end when this large but perfectly ordinary project moves its first shovel of dirt.

The truth is that unless you make a steady habit of driving the Highway 43 between 8 at night and 5 in the morning, you may not notice much of a difference once pipeline construction begins. If your business is open during those hours, the construction crews will make sure customers have access to your property at all times. And let's not forget that this is pipeline construction. The pipe will be laid at a rate of 50 feet or more per night.

In addition to nighttime construction, ODOT requires that all equipment and supplies be stored off the road during the day. This means that all lanes will be unobstructed during the day.

So how about daytime traffic from the water plant construction itself?


Yes, over the life of the project thousands of trips will be made, but during the most intensive few months of construction, traffic will add only one third of 1 percent to existing traffic loads on the state highway.

We should not kid ourselves. Pipeline construction will be a temporary inconvenience for residents. Construction of the water treatment plant will be a headache for the closest neighbors. This is why we should insist that the city of West Linn enforce every promise made by the LO Tigard Water Partnership in its construction management plan.

The doomsday language used by opponents is irresponsible and simply out of proportion with the facts.

**Brian Hawkins**  
*West Linn*

# 'I support the Lake Oswego-Tigard project'

Created on Thursday, 13 December 2012 06:00 | Written by [Greg DiLoreto](#) | 

I am a 27-year resident of West Linn, a licensed professional engineer, the current national president of the American Society of Civil Engineers, the chief executive officer of Oregon's second largest water utility and a former member of the West Linn Utility Advisory Board, and I was greatly disappointed in the recent planning commission decision regarding the expansion of the Lake Oswego water treatment plant and the finding that it would not provide a community benefit to West Linn residents.

West Linn's water system is in trouble and its reliability in question. With the 24-inch pipeline across the I-205 bridge as our only water supply connection we are at risk of having no water. A recent engineering study points out that our 100-year-old Bolton Reservoir sits atop an ancient landslide and several faults. The study also calls attention to evidence of recent slope movement and so this key asset, that holds almost 50 percent of our total water storage, will not likely survive even a moderate earthquake. Our 2008 water master plan called attention to the seismic vulnerability of these key assets and provided three options to increase our reliability, the least expensive of which is to partner with our neighbors Lake Oswego and Tigard in the expansion of their water treatment plant, saving \$11.6 million in needed capital spending.

In 2008, the city council at that time, directed our staff to pursue this lowest cost option. Without this option West Linn residents would need a 30 percent rate increase (based on the city's chief financial officer's analysis) to provide the reliability and improvements our system needs, as opposed to the 18 percent increase we will be asked to vote on next year. If either of our key supply assets is out of service, where will we get water for fire protection, sanitation and drinking water?

Yes, with construction of vital public infrastructure comes inconvenience and temporary disruption of our daily lives, so I can understand why neighbors of the treatment facility and proposed new pipelines are concerned. But, in my opinion, a project that corrects our supply reliability problem at the lowest cost for our community outweighs the temporary inconvenience.

West Linn is not an island but is part of the Portland metro region and we will need regional partnerships if we are to afford the necessary infrastructure we need to maintain our quality of life. The Lake Oswego-Tigard project, if approved, will result in a water supply more resilient to earthquakes, floods, source contamination events and potential terrorist attack than exists for any other supply today. This is a great deal for our community and the region. I support the Lake Oswego-Tigard project and hope that as the appeal of this decision comes before the city council they will overturn the planning commission's decision recognizing that this project provides a communitywide benefit and is necessary to the long-term health and safety of all West Linn residents.

*Greg DiLoreto, professional engineer and Diplome, Water Resources Engineer, is a West Linn resident.*



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# Pipeline construction can be well-managed

Created on Thursday, 13 December 2012 10:00 | Written by [Brian Hawkins](#) | 

A small band of West Linn citizens is in overdrive putting a scare into us about what the Lake Oswego and Tigard water project means for Highway 43 motorists and businesses. You'd think that, reading those anonymous mailings, the world will end when this large but perfectly ordinary project moves its first shovel of dirt.

The truth is that unless you make a steady habit of driving the Highway 43 between 8 at night and 5 in the morning, you may not notice much of a difference once pipeline construction begins. If your business is open during those hours, the construction crews will make sure customers have access to your property at all times. And let's not forget that this is pipeline construction. The pipe will be laid at a rate of 50 feet or more per night.

In addition to nighttime construction, ODOT requires that all equipment and supplies be stored off the road during the day. This means that all lanes will be unobstructed during the day.

So how about daytime traffic from the water plant construction itself?

Yes, over the life of the project thousands of trips will be made, but during the most intensive few months of construction, traffic will add only one-third of one percent to existing traffic loads on the state highway.

We should not kid ourselves. Pipeline construction will be a temporary inconvenience for residents. Construction of the water treatment plant will be a headache for the closest neighbors. This is why we should insist that the city of West Linn enforce every promise made by the LO Tigard Water Partnership in its construction management plan.

The doomsday language used by opponents is irresponsible and simply out of proportion with the facts.

**Brian Hawkins**

*West Linn*



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# WestLinn Tidings

GUEST OPINION

## Plant expansion is a land use issue

BY ROBERT STOWELL

, Dec 15, 2011

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**After reading the article in last week's Tidings on the Lake Oswego Tigard water treatment plant expansion, I felt it is time to respond.**

First, no one has suggested the project be put to a vote, although that is not a bad idea even if it were possible. The issue was the pipeline going through land owned by the city must be put to a vote.

I do understand that city codes must be followed. However, let me quote from our CDC, chapter 60, on conditional use permits, "The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to the following..." I will not list those. My point is that they can impose other requirements not in the code.

Chris Kerr and Chris Jordan compare this to the police station. I do not agree. The police station will serve West Linn. The expansion of the water treatment plant will not offer anything new to West Linn. We already have the intertie, so no improvement there.

I understand a conditional use usually offers something of value to the neighborhood and city. By the way, interties are all over the metro area. We will have no more storage with this expansion.

The comment was made about West Linn's water from the plant in Oregon City.

The jointly owned plant in Oregon City supplies water to both communities. We have a very unique situation because we were unable to locate any place where a shared treatment plant was placed in a community that did not receive water from it.

Jordan states all the help the city has given. First, there were two meetings with a city planner and a presentation on conditional use permits at the Robinwood Neighborhood Association meeting. The RNA requested an outside planner. We were told any further help from the planning department would compromise the city on this issue. If it weren't for some city council members, we wouldn't have planners on the 19th. Is this fair?

This project should be a land use issue. It should go through hearings for a zone change not a conditional use. This plant was built when this area was in the county. From my understanding, the Robinwood area would have annexed to Lake Oswego in the future. Marylhurst stood in the way and we were annexed to West Linn.

Don't you think West Linn is being asked to give up enough to Lake Oswego considering they didn't have the courtesy to ask us to the table on the streetcar and wanting to take over the highway for their benefit and nothing for us?


West Linn doesn't have the money to maintain our streets the way they need to be, let alone take care of Highway 43.

Lake Oswego has the space in the Foothills area to place this plant. The problem, it doesn't fit their grandiose plans for that area.

Come on West Linn elected council; stand up for us, the ones who pay the bills.

Robert Stowell is a West Linn resident.

# Water project has overwhelming opposition

Created on Thursday, 20 December 2012 03:00 | Written by [Chuck Landskronercrm](#) | 

The West Linn Planning Commision final decision notice states, in part, as follows: "Community need" as set forth in CDC 60.070 (a) and (b) concludes that criterion is not satisfied both based on the analysis above and because of the significant (emphasis added) opposition expressed by the residents and local business owners throughout the hearing process."

Add to this the overwhelming opposition of the neighborhood associations in West Linn, to this industrial expansion on residential property, then you will know that Mr. Hawking's letter to the editor, and Mr. DiLoreto's Citizen's View of Dec. 13 are both factually incorrect, in that (1) there is not a small band of West Linn citizens and (2) Mr. Diloreto has absolutely no understanding of why neighbors of the treatment facility and proposed pipeline are concerned.

**Chuck Landskronercrm**

*West Linn*




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# Water rate increase should be limited

Created on Thursday, 20 December 2012 03:00 | Written by [Mike Gates](#) | 

*(Editor's note: The following is an open letter to the West Linn City Council and mayor.)*

Councilors and mayor:

I must first apologize for not offering an opinion sooner and perhaps helping to avoid what is likely to be a debacle. I just read a news article summarizing the ballot measure for a water rate increase going to voters in March.

It is likely to fail on many levels but I will address just a couple. The constant use of the phrase "one time water rate increase" is a sham and voters will be deeply offended by its use. It is a permanent rate increase (though the technicality is that the city is asking voters in a single vote to exceed the allowable 5 percent annual increase, but it will be every year forever).

Further, we have an educated populace that will quickly recognize the total 23 percent increase means an additional full percentage point the following year and building on that every year going forward (5 percent of 23 percent = 1.15 percent). Not to get too deep into the numbers, but it creates a defacto 6 percent annual rate increase going forward, 20 percent more than currently required to receive voter approval.

There is no debate that the water infrastructure needs attention. What would at least have a chance of passage would be a ballot measure that had a fixed period of time in which the rate increase would exist, perhaps in the form of a temporary surcharge, to fix a specific list of projects. When the projects are done, the "surcharge" should go away.

I am a strong proponent of an excellent water system. I am not in favor of a permanent slush fund.

It is with regret I will add my voice to what is likely to be a strong opposing movement. Back to the drawing board folks.

**Mike Gates**

*Former West Linn city councilor*

*West Linn*



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# LO appeals water project denial

*West Linn council likely to hear case in January*

The Lake Oswego-Tigard Water Partnership has filed an appeal of the West Linn Planning Commission's denial of its proposed water treatment plant and pipeline upgrades.

"We believe our proposal is fully consistent with West Linn's Water Master Plan, Comprehensive Land Use Plan and the Robinwood Neighborhood Plan," said Edward Sullivan, an attorney for the partnership. "In every instance our proj-

ect advances these, bringing significant benefits to every West Linn citizen."

Lake Oswego, the managing partner in an agreement to share drinking water facilities with Tigard, needs conditional use permits to expand and enhance its treatment plant and install a bigger pipeline. The project will help Lake Oswego meet evolving water needs and requirements and provide the capacity to serve Tigard.

Lake Oswego officials say the projects will also benefit West Linn, which has a connection to Lake Oswego's system for an emergency water supply.

"West Linn has water problems. We

have water problems," Lake Oswego Mayor Jack Hoffman said. "Our project helps all three cities solve their problems in the most cost-effective way."

Lake Oswego's treatment plant and pipelines have been located in West Linn for 45 years, according to the city of Lake Oswego.

"Regional cooperation through partnerships is an asset," Tigard Mayor Craig Dirksen said. "Without it, none of us could afford the quality, basic services essential for our quality of life and job growth."

The West Linn City Council is slated to consider the appeal in January.

## Residents' concerns misplaced about water plant

I would like to support and comment on the Lake Oswego-Tigard water treatment plant project from several perspectives.

I have been a resident of the Robinwood neighborhood since 1974, and for the first eight years I owned a home on Kenthorpe Way directly opposite the water treatment plant. I have a great bunch of neighbors in the area and one of the best was the treatment plant itself. It was quiet, friendly, attractive and a great place for my daughters to play. The all-hours attendant and lighting gave us a sense of security.

The planned enlargement should continue those qualities as well as improving the park-like area and perhaps providing much needed public

access from Kenthorpe to Mapleton for pedestrians.

It dismays me to see so much negativity from the neighborhood about the project to enlarge the capacity to serve neighboring cities. The provi-

sion of potable water is one of the most important functions of local government. I am a professional civil engineer with a career in water resources, and a MBA with studies in real estate.

One of the reasons we initially moved to Kenthorpe Way was because of the plant (once I learned this "industrial" facility was merely a fresh water treatment plant and not a sewerage plant). I believe residents' concern about property values are misplaced.

I believe the opposition is well intended but misinformed about the true effects of the project. For example, I now live on Ridgewood Way, and not long ago, the city of West Linn replaced the main waterline in front of my house. I never lost access to my driveway and the impact on us was minimal, as will be the larger pipeline the city wants to build for the enlarged plant.


The best thing the neighborhood could do to improve immediate impact on property values is to remove the ugly signs of opposition. Remember, construction is temporary and the real estate is long term. And it would not hurt to improve relationships with our city neighbors. We may need their reciprocal cooperation some day.

*Jack Smith is a resident of West Linn.*

### CITIZEN'S VIEW

*by Jack Smith*

# Water plant project needs an alternative plan

Created on Thursday, 27 December 2012 03:00 | Written by [Jan Gerber](#) | 

I would like to address some of the relevant issues of the Lake Oswego-Tigard water treatment plant project proposed for West Linn.

Most people can agree with the goal of cooperation to enhance regional partnerships that foster the best management of our water and other resources. The disagreement is with the “only solution” the Lake Oswego-Tigard Partnership has considered. The “only solution” is not the least cost either short term or long term, nor is it the most sustainable or environmentally sensitive.

If it does not meet these basic criteria ... who does it benefit?

It does not benefit the ratepayers in Lake Oswego or Tigard whose water bills will continue to climb to pay for this expensive solution. It does not benefit the residents of West Linn who are impacted for three years while LOT builds this ill-placed treatment plant and constructs three miles of large pipe it does not need. It certainly does not benefit the larger regional community. We all expect a higher level of accountability when it comes to our natural resources.

A “solution” that was acceptable 50 years ago, does not guarantee it is the best solution today. The simple fact that the site now requires approximately 1,000 auger cast piles to mitigate significantly unstable soils should raise the question: “Is this the best site for an \$80 million dollar water treatment plant?”

By considering an alternative solution that includes a new water intake structure close to the Willamette River and a treatment plant in Lake Oswego (e.g., Foothills or the 12-acre West End Building site), the tangible and immediate benefits far outweigh any that have been identified with the current project.

The alternative solution:

- n Eliminates more than three miles of 42-inch and 48-inch pipe. Instantly reducing the bottom line by several million dollars, reduces carbon emissions to create and install the pipe and significantly reduces the overall lifecycle costs, simply by having less system to monitor and maintain.

- n Increases environmental stewardship of our regional water resources by reducing the stress on the Clackamas, simply by using the more abundant Willamette River just like Wilsonville and Dasani Bottling Company have done in the past few years.

- n Maintains the regional partnership and intertie by simply preserving the existing 24-inch transmission line in Highway 43 that serves Lake Oswego residents all the way to Marylhurst and is already connected with West Linn’s water system.

The benefits are obvious and the choice is simple.

*Jan Gerber is a resident of West Linn.*



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# Planning commission put WL first

Created on Thursday, 27 December 2012 03:00 | Written by [Robert Stowell](#) | 

I found the letter interesting from Brian Hawkins and the Citizen's View by Greg DiLoreto supporting the LOT water project. In checking, neither one of them live anywhere near the proposed project. I also take exception to Brian's comment a small band, we are many from all over West Linn. They will experience little or no disruption in their lives for up to three years.

Greg talks about the night work on Highway 43 not being a bother. The construction on 43 will affect about one mile from Mapleton to the north city limits. According to their application, about 150 feet will be done per night. I estimate this will take about 35 nights. They estimate about eight trucks an hour or about 78 per night for a total of 2,886 just for West Linn. This doesn't include the pipe construction from our city limits to Laurel Drive in LO. This could be another 5,200 trucks on 43. Noise levels that will be allowed with no attempt to lower will be dumping of gravel on the pavement, in the trench or loading of material into trucks. There are many residence on 43, which includes at least 25 from Marylhurst Drive to the city limits that either face or back up to 43. This includes two care facilities. Not much sleep for any of us on or near 43.

I hope they and others read the findings of the planning commission. They would find their reasons were sound. CDC 60.070 A3 talks about overall community need. CDC60.060 A 7 uses the term "benefit." The planning commission found it reasonable to include the concept of "benefit" here and in the Robinwood plans addressing the overall needs of the community.

The planning commission pointed out that community refers to West Linn only not the region.

The intertie that exists will work no matter where LOT builds this new plant, and it is a new plant. LO needs to supply water to the Marylhurst area and the 27" pipe is already there to the intertie with West Linn. The water allotted to West Linn is only for a number of years, then what? The benefit is gone! Where is the value to West Linn?

Greg writes about the shortcomings of our water system, however this project will not solve any of those issues.

The Robinwood Neighborhood Association and the Great Neighbors Committee worked hard on a mitigation list to offer something of value to our neighborhood and West Linn with little to show for it from LOT or our planning staff. In closing I want to thank our planning commission for listening to us here in West Linn and putting us first.

*Robert Stowell is a resident of West Linn.*



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# Council must deny water plant project

Created on Thursday, 27 December 2012 03:00 | Written by [Tom Sieben](#) | 

The West Linn City Council will soon be voting on permits for a Lake Oswego-Tigard (LOT) water plant to be built in the Robinwood neighborhood. An unseen consequence of approval of this very complicated project would be allowing LOT to provide water for development in Stafford.

References to needing water for Stafford can be found on 13 pages of the Carollo report, the foundational engineering study which justifies the need for increasing Lake Oswego's take from the Clackamas from 16 million gallons a day to 38 million gallons a day. More recently, LOT's application to the Oregon Water Resources Board also mentions water for Stafford. Finally, they admitted in testimony before the West Linn Planning Commission that two million gallons a day of water from their new plant would go to development in Stafford. This was one reason the planning commission voted 7-0 to deny the project application.

In West Linn's comprehensive plan, council goal nine clearly states opposition to urbanization of the Stafford triangle and promotes policies retaining that area as a rural buffer between West Linn and its neighbors.

The choice is obvious: West Linn's City Council must vote to deny the LOT water plant project.

**Tom Sieben**

*Mapleton Drive*




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# Council should listen to planning commission

Created on Thursday, 27 December 2012 03:00 | Written by [William More](#) | 

The West Linn Planning Commission's seven experienced members got it right when they unanimously denied the applications submitted by the LOT Water Partnership for a water treatment plant expansion and pipeline construction along Highway 43. The commission rightly decided that these projects are not in West Linn's best interest and are not in conformity with our community development code.

Please read the final decision on the city's website below.

[westlinnoregon.gov/planning/construct-water-pipeline-mary-s-young-park-lake-oswego-water-treatment-plant-kenthorpe-way-](http://westlinnoregon.gov/planning/construct-water-pipeline-mary-s-young-park-lake-oswego-water-treatment-plant-kenthorpe-way-)

Additionally, seven West Linn neighborhood associations, specifically

Sunset, Parker Crest, Robinwood, Bolton, Hidden Springs, Savanna Oaks and Barrington Heights, all oppose this project along with the West Linn Riverfront Association.

The environmental group Waterwatch Oregon is litigating against Lake Oswego, and local members of Coastal Conservation Association and the Trout Unlimited have also expressed opposition due to the negative environmental impact to the Clackamas River.

Businesses along Highway 43 and many West Linn residents are strongly against these projects due to the financial and personal harm that it will cause. Hundreds have spoken out.


These projects will severely impinge on West Linn's residents and businesses with no real benefits being provided to the community, in addition to not being in conformity with our community development code.

The city planning commission clearly understood and wisely and unanimously denied these applications.

We urge the city council to listen to their experts on the planning commission and also the voices of our neighborhood associations, other groups and our citizens by unanimously rejecting this proposal.


**William More**

*West Linn*



Facebook social plugin

# We need a reliable water system

Created on Thursday, 27 December 2012 03:00 | Written by [Warren Okuns](#) | 

If anyone in West Linn wonders why we must solve our water problems by voting “yes” to replace our rusty pipes and expanding Lake Oswego’s water plant – just think about the October fire at West Linn High. The \$2.5 million fire was put out by Tualatin Valley Fire & Rescue using water drawn from our water system. It’s not enough to have water. Firefighters need water pressure to put out fires. Without it, our firefighters would have had to put out the call for a volunteer bucket brigade. The high school fire drew water from the 100-year-old Bolton Reservoir through our leaky and rusty pipes. We depended on Lake Oswego’s water plant to provide us with backup supply and pressure if our own system proved inadequate. We need its update just as much as we need new pipes. There are those trying to convince us we can just limp along with the status quo. Taking their advice puts property at risk, likely raises insurance rates and costs all of us more money when we do tomorrow what we should do today.

**Warren Okuns**

*West Linn*



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# WestLinn Tidings

LETTERS

## Letters - Dec. 29, 2011

, Dec 29, 2011

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### **D'Haeze's help appreciated**

To the Editor:

Just a short note of thanks to Dawn d'Haeze and Neighbors Helping Neighbors this fall.

My husband has a little memory situation and isn't in a place that he can help in anyway so when Dawn came along we were so thankful for her concern and help for people with our circumstances.

So at this time we thank Dawn and all the wonderful men and women who came to our rescue and made our yard look so great!

Jackie Mathie

Lake Oswego

### **West Linn officials 'in bed with LOT'**

To the Editor:

Given the coverage that the Tidings has published regarding the Lake Oswego Tigard water treatment plant project (LOT), it is apparent to me that only one side is being presented to your readers.

The Dec. 22 headline on the topic mentioned both boon and bust. But the content seemed only to promote the project, with barely a cursory mention of the concerns of the Robinwood neighbors.

Did your reporter actually attend the work session on the 19th? Or did they just call city officials and take dictation?

Had they attended the meeting and actually spoken with some of the concerned citizens who attended, I have to think that the tenor of the article would have been more balanced.

Homeowners in West Linn in general, and Robinwood specifically, are at risk of an egregious taking of their property rights by an outside agency.

As the proposed project has unfolded, I've watched as Lake Oswego has tried first to sweet talk, then bribe and now strong arm their way into getting what they want. And what they want is to expand an industrial facility into a sleepy neighborhood and run a four foot pipe through Mary S. Young Park, up a narrow residential road and all the way up Highway 43 to Lake Oswego — and all with no direct benefit to the citizens of West Linn. But think about it. It's not just Mapleton Drive residents who will bear the brunt of this project. If you use Highway 43 you will be affected — and you have no say in it.

And here's the thing that most burns about this situation: all along, I thought that my city officials would back up my neighborhood. How could it be that West Linn would allow Lake Oswego to take action that would so negatively impact West Linn's residents?

Well, time for me to think again. Now that LOT is playing hardball with its implicit threat to the city intertie, West Linn officials are nowhere to be found.

Oh, I stand corrected. They can be found. They are right there, in bed with LOT.

And the West Linn Tidings is breathlessly reporting their pillow talk.

Yvonne Davis





# WestLinnFirst

Help Save West Linn from the Lake Oswego-Tigard Water Partnership and our own city government.

Sign our petition and help gather signatures. Go to [www.stoplot.org](http://www.stoplot.org)

Educate yourself regarding West Linn water issues. Tell your friends and neighbors.

Attend the City Council and testify against the LOT proposal on January 14th and 15th.

Make a donation to STOP LLC, our grassroots organization, paying for legal and technical advice, because the West Linn city attorney and planning staff are working for LOT interests.

Phone: 503 675-5001

email: [stoplotnow@gmail.com](mailto:stoplotnow@gmail.com)

mail: STOP, LLC, 19363 Willamette Dr., #332, West Linn, OR 97068

## 1. Where we are today

**In 2007 Lake Oswego teamed up with Tigard to form the Lake Oswego-Tigard Water Partnership (LOT).**

**LOT is proposing a new regional Water Treatment Plant in the middle of the Robinwood R-10 residential zone to treat up to 38 million gallons per day (MGD) of Clackamas River water. Up to 20 million gallons per day of Clackamas River water will be exported to Tigard, way over in Washington County. (West Linn uses 8MGD from the Clackamas on the hottest peak day)**

**This entire project is based on the Carollo Report, commissioned during the peak of the recent real estate bubble. The goal of the Carollo Report was to allow LO to vest all of their water permits on the Clackamas and become a major regional**

## POSTS

- [1. Where we are today](#)
- [2. What's the Problem with LOT? The Short List](#)
- [2B. What's the Problem? More Details...](#)
- [3. How the LO WTP was permitted in Robinwood. A bit of history.](#)
- [4. Truth in Siting](#)
- [4b. The Carollo Report - the Tale that Wags the Dog](#)
- [5. Acquiescence](#)
- [6. Boutique Water for Sale](#)
- [7. As the Water Lies. The LOT offer.](#)
- [8. Who Profits and Who Pays. The \\$10 million solution.](#)
- [9. The LOTWP PR Response May 2012](#)
- [10. Support Help Save West Linn!](#)

player in the water market.

**FOLLOW BY EMAIL**

To create the numbers to vest the permits, the Carollo Report presumed annual 3.5% population growth in LO and Tigard through 2040, even though LO population has actually been falling, right through the bubble.

That still doesn't create enough usage for LO to grab all their permitted water, so they need 4 MGD of additional usage, from West Linn or from Stafford triangle development. That is why LOT is so frantic to have West Linn approve a new water agreement, when the one that we have in place is sufficient and valid.

This is not about clean water for super attractive smiling cherubs pictured on a glossy publicity piece, it is about an LO-Tigard power grab for resources.

The LOT project requires a new intake structure in the Clackamas River and a new 42" Raw Water Pipeline (RWP) through Gladstone, bored under the Willamette River and under Mary S Young State Park, to the two state owned lots at the northeast entrance to the park. From there the RWP is trenched up Mapleton Avenue to the proposed plant site.

The new 48" Fresh Water Pipeline (FWP) will be trenched, 8-10 feet wide and as deep as necessary, up Mapleton to Hwy43 and then north, through the entire Robinwood business district, all the way to downtown LO, where it will again be bored underground to spare the LO business district any disruption.

At the West Linn Planning Commission hearing on Thursday, November 1st, the 7 Commissioners voted unanimously to reject both LOT applications, for the water treatment plant and the pipeline.

LOT has appealed the unanimous rejection to the West Linn City Council, where LOT will try to use a carrot and stick combination of threats, bullying, favors and their special relationships with West Linn staff, to subvert the interests and the will of the citizens of West Linn.

The City Council hearing is currently penciled in to start January 14th and run for at least 3 evenings, depending on how many turn out to testify. The City of West Linn must complete the Planning process by early February to comply with the state 120 day rule, otherwise Lake Oswego can automatically get their permits via lawsuit.

LOT and their contractors, whose personal profits are on the line, have started an quiet campaign to get anyone from West Linn to testify in their favor at the council hearings. The tactic is again to denigrate the concerned citizen opposition in West Linn as a small group of misinformed fanatics and to gloss over the disruption caused by their massive 3 year long construction project.

So far, this campaign amounts to couple a letters to the editor by the contractors, who don't reveal their vested interest in the project, and an invitation only catered wine party at a private clubhouse up on the summit.

With millions of dollars of engineering and construction profits on the line, expect more LOT propaganda leading up to the council hearings.

Posted by Doc at 11:06 AM No comments: 



Recommend this on Google

## 2. What's the Problem with LOT? The Short List

Here is the Lake Oswego-Tigard Water Partnership (LOT) program:

1. Taking 38 million gallons per day from the Clackamas River.
2. Exporting Clackamas River water over to Tigard (and Beaverton and Hillsboro) in Washington County.
3. Developing the Stafford area with LOT water, as stated in their state water permit application.
4. Suing Mapleton homeowners' association members in West Linn to condemn their protective covenants so that LOT can build the project. Subpoenaing Mapleton homeowners' emails, just because they can.
5. Expanding upon an old industrial use, granted by Clackamas County way back in 1966, in the middle of an existing West Linn residential neighborhood.
6. Imposing a regional industrial scale project, with massive, square, metal sided structures, that are totally out of character, in the middle of an R10 residential neighborhood.
7. Destroying the peace and quiet of the neighborhood and impacting all the businesses in the Robinwood business district with 3 years of heavy industrial construction, generating over 50,000 heavy truck trips and tens of thousands of other vehicle trips past our homes, schools and businesses.

Using the lots adjacent to Mary S Young State Park as the staging area for the Horizontal Directional Drilling operation under the river, blocking park access

and disturbing the peace of our urban refuge.

8. Exposing the entire neighborhood to the severe limits to LOT liability for any damages caused by construction or operation of the plant and pipeline.

No insurance for 'acts of god' like earthquake or landslide, that may cause catastrophic damage from the 2 million gallon reservoir and the 48" pipeline through the neighborhood and business district.

9. Subverting our West Linn City Hall, with our own city employees bending all the rules to help LOT and hurt our West Linn citizens and businesses.

10. Cheating our city out of any proportional community benefit per our Comprehensive Plan. This project is not consistent with the overall needs of the community, per Community Development Code 60.070.

11. Appealing their unanimous defeat at our Planning Commission to our West Linn City Council.


Betting that their undue influence in City Hall might buy a reversal, just like LO got on appeal on 1967, or a split decision that aids the LOT case for further appeals.




Pursuing permits to impose their will and their project on West Linn.

Our fellow citizens on the Planning Commission voted 7-0 against this proposal TWICE, once for the plant and again for the pipeline.

Seven West Linn Neighborhood Associations voted against this proposal.

Help Save West Linn and Stop the LOT Water Project!

Posted by [Doc](#) at 11:11 PM No comments: 

   Recommend this on Google

## 2B. What's the Problem? More Details...

The Lake Oswego-Tigard Water Partnership (LOT) project has numerous problems,

from the new intake tower in the middle of the Clackamas River to the huge Water Treatment Plant in a Robinwood residential neighborhood to the massive 48" Clean Water Pipeline to Tigard, way over in Washington County.

### **1 & 2. Sending Clackamas River Water to Washington County.**

Decades hence, future Clackamas County residents will be shaking their heads, wondering what we were thinking, who was asleep, when the LOT partners were allowed to dip their big straw into the Clackamas River and pump it to Washington County, to Tigard, to Beaverton, to Hillsboro. At peak, LOT will pump 38 million gallons per day of water out of the Clackamas during the hottest summer days when river flow is lowest. At least 20 million is slated for Tigard and other Washington County cities.

This is the Oregon version of Los Angeles stealing the waters of the Owens Valley in California, over a hundred years ago, to fuel their explosive growth.

### **3. Providing water for Stafford Development.**

Almost 80% of West Linn citizens oppose Stafford urbanization, because it would put overwhelming burden on our already crowded school classrooms and our failing local roads. West Linn has adopted city policy opposing Stafford urbanization. In their state water permit application and in the Carollo Report used to justify the project, LOT wants to provide water for thousands of new homes in Stafford.

### **4. Suing West Linn homeowners to condemn their covenants.**

The residents of Mapleton Avenue in Robinwood have covenants, protecting their quiet neighborhood by restricting lots to residential use.

To build the new plant and pipeline, greedy LOT is suing these residents to condemn the deed restrictions, again threatening the senior citizens, clouding titles, lowering home values and costing these homeowners for legal defense.

### **5. Expanding upon an old industrial use in a residential zone - Rezoning versus CUP.**

This is not another minor remodel to serve LO.  
This is a new major regional infrastructure project.

It is a complete re-design and expansion of the facility, for a new use, to provide water to another city.

This new industrial use should require a zoning change to General Industrial Zoning. As part of that process, the LOTWP should show an exhaustive alternative site analysis, showing that no other site was feasible, especially in their own cities.

This is a gross mis-use of the CUP provisions in our code and opens the door for any

entity to use residential land in West Linn for any utility that benefits another jurisdiction.

**6. The scale and scope of the project and the size of structures is totally out of character with the R-10 residential zone.**

All of the pretty wide angle fantasy renderings in the application, showing the trees and landscaping as they will appear decades in the future, can't hide the huge industrial scale of the Water Treatment Plant in the middle of a residential neighborhood. Their artistic renderings presented to the Planning Commission hardly showed the buildings at all, behind the trees, as if they were applying for a permit to build an arboretum.

Huge blocky flat roofed buildings, cheap metal siding and bright intrusive security lighting are not compatible with a wooded street of mostly single story homes.

**7. 3 years of heavy industrial construction in the middle of our R10 residential neighborhood and through the Robinwood business district.**

12 hours a day, 7 days a week, of blasting, jack-hammering, core-drilling, excavating and pile-driving with beeping back-up alarms and diesels revving.

Periods of 24 hour a day construction, requiring only a sign off by the West Linn City Manager, who lives in Lake Oswego.

Per the application, at least 7700 heavy truck trips down Highway 43 and onto our 20 foot wide streets, just to build the water treatment plant.

Thousands more to excavate and install the massive 48" pipeline through our neighborhood and then the Highway 43 business district.

Estimates are up to 80,000 one way heavy truck trips, with tens of thousands more for smaller vehicles.

Imagine the untold hours of West Linn citizens lives wasted, waiting for flaggers, waiting behind convoys of heavy equipment, 48" pipe segments and grinding, double dump-trucks, so LO and Tigard don't have to inconvenience their own citizens. What is your time worth?

**8. There are severe limits to LOTWP liability for any damages caused by construction or operation of the plant and pipeline.**

ORS 30.273 limits LOTWP liability for injury or death to \$500,000 for a single claimant and \$1 million for multiple claimants.

The liability limit for property damage is \$100,000 for a single claimant and \$500,000 for multiple claimants.

That's correct, \$500,000 total for all property damage, in a neighborhood where that may not cover a single home!

This is nowhere close to replacement value for homes and yards washed away by a huge overflow or undermined by slow leaks and seepage. These events are not covered by homeowners policies!

LOT is boring ONE THOUSAND piling foundations 60 feet deep to build the new treatment plant and a 2 million gallon water reservoir on liquifiable soils, over a slide zone, looming on a bluff above our homes. Soil under the plant site is type F, the worst type. The geologists' reports were utterly discredited at the Planning Commission hearings.

## **9. Undue influence and deference of West Linn City Hall**

The project has no inherent benefit to West Linn or to the Robinwood neighborhood.

This is not a school or park or fire station or police station or part of our own local utility distribution. These facilities all have an inherent community benefit, which is why they are allowed in a residential zone under a CUP.

The West Linn Planning Director, who does not live in West Linn, found that LOT could apply for this project under our CUP process. Ever since, the entire West Linn city staff has bent over backwards and jumped through hoops in deference to LOT, sifting through our community plans for every shred of language that might help LOT, while completely ignoring code and plan language opposing it.

The degree of collusion between the people whose salaries and benefits we pay with our tax dollars and the LO representatives is astounding and infuriating.

It took a Planning Commissioner to politely point out from the dais that the huge 48" transmission pipeline is a Transportation project, and therefore **LOT IS REQUIRED BY OUR CODE TO UPGRADE THE ENTIRE LENGTH OF THE HWY 43 CONSTRUCTION ZONE TO THE CURRENT CITY STANDARD, AS ADOPTED IN OUR CURRENT TRANSPORTATION SYSTEM PLAN.**

**THIS IS NOT A BENEFIT, IT IS A REQUIREMENT. IT IS NOT WITHIN THE DISCRETION OF THE PLANNING STAFF TO WAIVE THIS REQUIREMENT.**

**THE WEST LINN PLANNING STAFF COMPLETELY IGNORED THIS REQUIREMENT AND HOPED NO ONE WOULD NOTICE.**

**WHEN PRESSED BY THE COMMISSION, THE ATTORNEY WHO IS SUPPOSED TO BE REPRESENTING US, BEGRUDGINGLY ADMITTED THAT THE CITY OF WEST LINN COULD REQUIRE THIS FROM LOT.**

## **10. The only community benefit proffered for this permit is the water inter-tie.**

Your fellow citizens on the Planning Commission voted 7-0 against both applications, for

the treatment plant and the pipeline. The Commissioners found that the LOT project was not consistent with the overall needs of the community, as required by our West Linn codes, CDC 60.070.

All 7 of our West Linn Neighborhood Associations that are currently meeting voted to oppose the LOT project in West Linn.

The water inter-tie and inter-governmental agreement that allows LO and West Linn to provide emergency water to each other has been in place since the 1990's and was used by LO as the community benefit for a water plant remodel at that time. The creation of these inter-ties are a matter of public policy.

**How many times does the same existing, mutually beneficial water inter-tie and inter-governmental agreement get to be reused as a benefit to justify a new CUP?**

**There is no new tangible community benefit for permitting this industrial treatment plant and transmission pipeline project in our city.**

**LO pays no taxes to West Linn for all the emergency services and wear and tear on our streets. Ever.**

**LO has industrial zoned land near the Willamette River in their Foothills District where this plant could be built.**

#### **11. The last gasp for LOT is an appeal to West Linn City Council.**

LUBA and the courts don't overturn local authorities on findings of facts, like the finding that the entire LOT proposal does not meet our West Linn codes.

These bodies limit oversight to procedural and legal errors to overturn and remand land use cases back to the original jurisdiction for re-hearing.

LOT's only hope is to use their moles at West Linn City Hall to convince some of our elected City Councillors that the LOT proposal meets our West Linn codes.

Posted by [Doc](#) at 5:00 PM No comments: 



Recommend this on Google



### 3. How the LO WTP was permitted in Robinwood. A bit of history.

**For almost 50 years, Lake Oswego has colonized the Robinwood Neighborhood in West Linn.**

In 1966 the Robinwood Neighborhood was unincorporated Clackamas County. The area was all platted for residential lots and mostly built up with homes.

The City of Lake Oswego threatened condemnation and bullied elderly citizens into selling their Robinwood residential lots and then got a Conditional Use Permit, granted on a shady appeal by Clackamas County, to build their Water Treatment Plant in the middle of an existing residential neighborhood.

The Robinwood Neighborhood had it's own water company at the time, and vigorously opposed the permit, but was powerless to stop it in the face of LO's political clout.

**On Monday, February 27th, 1967, the Clackamas County Planning Commission concurred with their Planning staff finding, that the Lake Oswego Water Treatment Plant did not belong in the middle of the Robinwood residential neighborhood.**

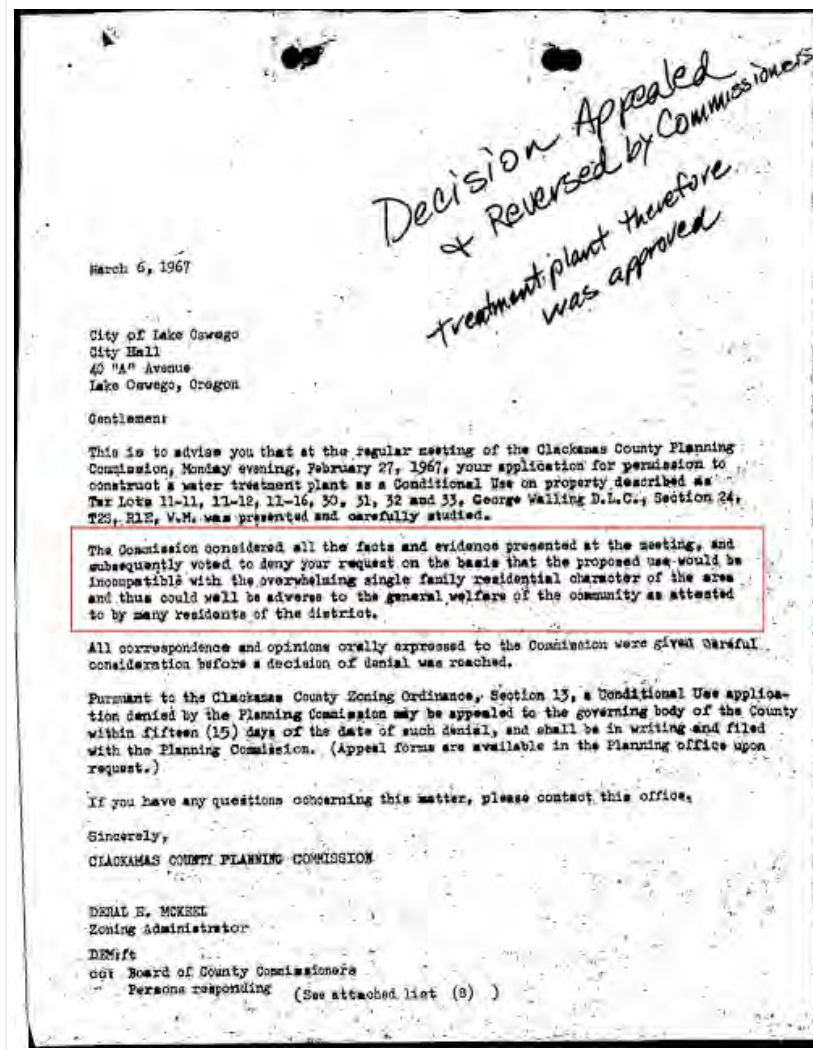
Lake Oswego appealed to Clackamas County Board of Commissioners. That hearing before the 3 elected Commissioners was held on April 5th, 1967. The Board agreed to take the matter under advisement.

**The minutes of April 19th Clackamas County Board of Commissioners contain NO reference to the matter. NO public discussion. NO public vote.**

But on April 19th, the Clackamas County Board of Commissioners issued a written finding, filed with the Clerk the next day, overturning the Clackamas County Planning Commission in Lake Oswego's favor.


Just a good old fashioned, slimy back room deal, snuck out the back door.


That's how the Lake Oswego Water Treatment got built in Robinwood.



There is no reason for this industrial use to remain in the midst of our residential zone. Granting this CUP will grandfather this misuse for another 50 years, and set the stage for further exceptions and expansions in our West Linn residential zones.

**We are under no obligation to repeat Clackamas County's 1960's planning error.**

Posted by Doc at 6:13 PM No comments: 

 Recommend this on Google

## 4. Truth in Siting

The LOT Project Manager was quite clear.

**From the very beginning, the Robinwood residential area was the only site considered for the huge new LOT water plant because "it is the cheapest." According to an LOT application, West Linn is LOT's "lowest cost option."**

Land in LO and Tigard is too precious to be squandered on a site to process their own drinking water. LO and Tigard citizens' sensibilities are too fragile to endure the 3 years of industrial construction in their midst.

Why bother wasting a single LOT tax dollar examining alternative sites when cheap and easy West Linn is right next door, with your special friends ensconced in West Linn City Hall to grease the skids and pull the levers so that your project can roll over the Robinwood neighborhood without any pretense of official opposition.

Sure, when a meeting got sticky, there were a few quick convenient lies about alternative site analysis, but those lies evaporated under close questioning, and to date, no paperwork or other evidence of any kind has surfaced. Just like those phantom appraisals that showed no depreciation of Mapleton home values.

The pipeline engineering contractor did examine a couple dozen potential pipeline routes across the Willamette, but every single one terminated in the Robinwood neighborhood, none in LO.

There was even the laughably ridiculous assertion that there was no site in all of LO at the correct elevation for water pumping purposes, as if a \$250 million engineering and construction budget couldn't fix that.

**No City worthy of its name would allow this project: expansion of an old grandfathered non-conforming industrial use in the middle of a built out residential neighborhood.**

Posted by [Doc](#) at 1:16 PM No comments: 



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## 4b. The Carollo Report - the Tale that Wags the Dog

**The Carollo Report, completed in 2007, is the blueprint for the Lake Oswego-Tigard Water Partnership (LOT) proposal for a new 38 million gallons per day(MGD) water treatment plant and transmission pipeline.**

The City of Lake Oswego proposes to increase daily water capacity from 16 to 24 million gallons per day(MGD) when their average daily use for 2011 was only 4.7 MGD and peak daily demand was 12 MGD.

Lake Oswego's initial water conservation program has been very successful, achieving a 36% water consumption reduction. To reach their ultimate goal of 50% conservation will require metering all of their customers and stopping some of their 10% water leakage loss.

The Carollo Report only estimates a .5% water savings, not 36% or 50%. Using the Carollo charts, at 36% conservation LO will never need the additional capacity for their current water users and for build out within current boundaries. At 50% conservation, LO will be able to develop newly annexed land in the Stafford basin without the additional water capacity.

The Carollo Report states that the proposed project is Tigard's **third** best option. The best option for Tigard is continuing to buy wholesale Bull Run water from Portland, which hasn't raised rates as the Carollo Report predicts.

In current LOT discussions, up to 20 MGD of Clackamas River water would be pumped to Tigard in Washington County.

According to Tigard's aggressive expansion plans, this 20 MGD will still not be enough water decades in the future. Where will that extra water come from?

**The Carollo Report includes the Stafford Triangle in the proposed service area. It is mentioned numerous times in the report and is shown on the service area map. LO expansion into Stafford is one of the justifications for the new plant and capacity increase. The Carollo Report estimates 50% growth in the service area when the entire LO build out is calculated at 5%.**

The original cost estimate of the plant has grown from \$128 million to \$250 million and will probably rise as new challenges, such as the liquifiable soils under the proposed treatment plant site, are discovered. These additional cost will drive the water prices in L.O. and Tigard dramatically upwards, at least 4 times more in Tigard.

Summer flows on the Clackamas River are currently at the mandated minimum limit BEFORE the new LOT intake structure begins pumping.

Timothy Lake feeds the Clackamas River and relies on the snowpack between 6000 and 8000 feet. With predicted climate change, this snowpack will melt ~~more~~ quickly and won't

be available in July thru October to augment river flows as it is now. The Clackamas River watershed will be hard pressed to maintain summer demand and levels, before the new LOT withdrawals.

**The real motive for the Carollo Report is that LO decided to squeeze everyone else out to maximize their water rights on the Clackamas River and needed a reverse engineered solution to justify this water grab.**

Regarding water rights, the Carollo Report says 'use them or lose them.' If the LOT project is approved, West Linn and all of Clackamas County won't be able to increase water usage for future economic development and growth.

LOT and Washington County will have the permits and the massive pipeline to withdraw the available Clackamas River water, regardless of who holds senior water rights.

Despite the strident denials from LOT representatives that this project has nothing to do with Stafford, the Carollo Report shows that Stafford annexation and urban development is a major driver for this project. LO and Tigard citizens get caught footing the huge bill.

**It is apparent that the Carollo Report was written to justify 3 predetermined conclusions:**

- 1. To immediately fully vest all of LO's 38 MGD in water permits as permanent water rights, ahead of other potential Clackamas River water users.**
- 2. To get Tigard and Washington county access to the Clackamas River water resource.**
- 3. To provide a supply of water for Stafford Basin annexation and urban development.**

Posted by Doc at 1:00 PM No comments: 



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## 5. Aquiescence

ac·qui·es·cence [ak-wee-es-uhns] noun

1. the act or condition of [acquiescing](#) or giving tacit assent; agreement or consent by silence or without objection; compliance.

2. Law - such neglect to take legal proceedings for such a long time as to imply the abandonment of a right.

In October 2010, the Lake Oswego-Tigard Water Partnership strode into Robinwood and commenced to treated us all as if we owed them something and it was time to pay up.

Intially, the countenance was all polite, but at the second meeting it was readily apparent that it was all for show. Our role was to air our silly little concerns and then step aside and witness the juggernaut roll through.

Of course, the groundwork for the grand conspiracy had been laid years earlier. Why, look what our intrepid planning staff found: A provision inserted in drafts of the 2008 West Linn Water Master Plan that is a perfect match, hand in glove, with the LOT expansion. How did the drafters and approvers of the 2008 Water Master Plan know to insert such a provision before LO and Tigard had even approved their Inter-governmental Agreement to form their water partnership?

What is more surprising and disturbing is what the planning staff were incapable of finding: a single example of any provisional of any West Linn Code or Plan that has any jurisdiction whatsoever to stop any phase of the LOTWP application, or even to require any mitigation or compensation.

It is the official opinion of the West Linn Planning staff, rendered in the Staff Report, that the citizens of West Linn are rendered moot and mute, without recourse.

Who is in charge of updating and maintaining our city codes and community plans to protect our homes, our neighborhoods, our peaceful lifestyle, our investment in this community? The West Linn Planning staff?

**This is the lesson that all those new folks up on top of the hill need to learn:**

The West Linn Development Code is written to protect the prerogatives and profits of predatory developers like the LOT Project Partnership, not you.

**You will be next, as soon as all that new water is available for Stafford basin development.**

Posted by [Doc](#) at 5:28 PM No comments: 



Recommend this on Google

## 6. Boutique Water for Sale

When large public works projects reach this point in the proceedings, 60% design, the controlling interests commission a [Value Engineering Study](#).

A panel of wizened experts pour over the plans, questioning assumptions and solutions, to find potential efficiencies and savings in the project before the final plans are drafted and sent out to bid.


**A Value Engineering Study will never happen on LOT water project, because the first thing that would get thrown out would be the the entire piping water from the Clackamas River to Tigard presumption.**




Tigard ratepayers will be paying through the nose for a generation for fancy boutique Clackamas River water via LO, compared to the bargain rates they could get from the Wilsonville treatment plant, that was built for a fraction of what LOT is proposing in Robinwood.

LOT advocates will tell you that Tigard can't drink Willamette River water, based on a advisory vote taken years back when wildlife biologists were finding deformed fish in the stretch above the Falls. Subsequent studies revealed that the deformations were caused by naturally occurring viruses, not pollution.

The Wilsonville plant has been treating Willamette River water for 10 years now, and we haven't notice a proliferation of third eyeballs amongst our neighbors to the south. In fact, if you drink any Coke products, including Dasani, Full Throttle, Nestea and Powerade, you are probably drinking Willamette River water treated at the Wilsonville plant.

**Tigard ratepayers were never asked if they wanted to pay double or triple for the LOT boutique water. None of this would really be our concern, except that the feasibility of the entire project hinges on dumping the construction project on Robinwood.**

Posted by Doc at 2:27 PM No comments: 

   Recommend this on Google

## 7. As the Water Lies. The LOT offer.

**There is no doubt that West Linn has been a less than ideal steward of our collective municipal water infrastructure.**

**The Bolton Reservoir is ancient, of dubious stability and under** ~~is~~ **ed.**

**We have 100 year old pipes, water mains far beyond expected lifespans.**

It's high time that the current generation of West Linn taxpayers quit whining about a slight increase in the lowest taxes and fees in the Portland metro area, step up and pay forward an adequate water system for our future.

Soon, the lines on the graph will intersect and the cost of emergency repairs to patch the old reservoir and pipes will exceed the cost of a prudent replacement program.

The increase may be steep for a few on fixed incomes, but West Linn has an excellent hardship program for utility users.

We need adequate storage here in West Linn that will be available in real emergencies, including regional events resulting in power outages.

**Lately, LOT has been trying to sell their project using a ridiculous inflated figure for how much their project was going to save West Linn, based upon taking the Bolton Reservoir offline and never replacing it.**

Can't happen. Won't work. Yet another big LOT project lie!

**Tracking the current LOT propaganda:**

**1. The new LOT project will have an emergency inter-tie with West Linn.**

*We already have that.*

We got that in the permit process for LO's last 2 water plant remodels in the 80's and 90's.

**2. Their new LOT system will be capable of providing West Linn with 4 million gallons per day (MGD) of emergency water.**

*Their current system can already do that.*

During the hottest spell of 2012, LO was all in tizzy in a newspaper article because they exceeded their conservation quota, using slightly over 12MGD on the hottest day, out of a treatment capacity of 16MGD.

*On the hottest, highest usage day of 2012, LO could have spared almost 4MGD for West Linn USING THE CURRENT PLANT!*

*Read it here on LOT's own web site:*

<http://www.lotigardwater.org/?e=142#body-anchor>

**3. West Linn won't have to replace Bolton Reservoir, saving millions of dollars.**

*By LOT's own admission, that was an overreach.*



Turns out, we really do need a safe reservoir of our own treated South Fork water in West Linn. The question is how much? And when will West Linn Citizens step up and pay?

#### **4. LOT is our best emergency water source.**

*Storage up the hill is our best emergency source.*

The LOT plant is down by the river.

There is no emergency generator to make water or pump water uphill to the inter-tie if the grid is down.

There is no generator at the inter-tie to pump LO water into the West Linn system.

The plan for the new LOT plant only has a small generator to run electronics and emergency lights to shut their whole plant down if there is a PGE power outage.

*Our best realistic emergency storage is water in an elevated reservoir in West Linn.*

#### **5. Water demand in West Linn will rise and LO is our best, cheapest source.**

*First, conservation is always the cheapest source.* Per capita domestic water use has been falling all over the US for years as water saving fixtures spread and a new water user ethic emerges.

*Next, that whole 32,000 people in West Linn / 25% growth scenario is big lie and everyone in city hall knows it.* That number was ginned up by the planning staff back in the 90's to respond to Metro demands for urban density.

Most of the unbuilt land in West Linn is constrained by rivers and streams, steep slopes and slide zones. *There are very good practical reasons why nobody built on those lots!* In the last decade, additional legal constraints were imposed by the State and Metro.

Unless you're willing to throw out decades of land conservation progress, ignore municipal liability issues, and build housing on *all* of the residentially zoned parcels within city limits *including our schools and parks*, the only way West Linn is going to reach 32,000 population is:

**a>** Stafford / Borland Annexation, opposed by 80% of West Linn citizens and a violation of city policy,

**b>** Rezoning your neighborhoods' back yards into high density condos and apartments.

Everyone in favor, raise your hand. Don't be shy.

Remember, that's your neighborhoods' back yards, not mine

Posted by [Doc](#) at 5:13 PM No comments: 



Recommend this on Google

## 8. Who Profits and Who Pays. The \$10 million solution.

You can survey a broad swath of large public works projects across Portland, Oregon and the Northwest and one number is very consistent:

**Public Benefit, the amount paid to offset the intangible burdens imposed by projects upon their neighbors is around 5%.**

**If the LOT project is built in Robinwood, LOT owes the Robinwood neighborhood north of \$10 million in direct community benefit.**

**Not to the whole City of West Linn. To the Robinwood neighborhood.**

This doesn't include the construction mitigations to lessen the impact on the neighborhood.

This is for the impacts and inconveniences that LOT can't mitigate.

The noise, the dirt, the dust, the fumes, the traffic, the lost time, the lost sleep.

The LOT partnership figured that they could bums rush us past this step with their fast track tactics and use their special influence to shortchange the citizens of Robinwood.

At the latest meetings, they are still trying to cheap their way out, denying any obligation to compensate the community, beyond minimum code requirements.

**Its time to stop this sham proceeding until West Linn makes LOT step up.**

Reality is, most folks on top of the hill will never even know that this project is happening unless their daily commute takes them down the hill to Hwy 43 northbound. Those folks have alternatives; Salamo, Rosemont, Stafford and McVey in LO. Around all the construction impact.

**There has been a lot of talk about some sort of fee that the City of West Linn will impose on LOT to compensate the city.** And some vague promises about dedicating some portion of that fee to Robinwood. Begging for alms.

**The real number for the fee is \$600,000 to \$700,000 per year.**

Any less is a shameless sellout to LOT interest.

Seem steep to you?

The current population of LO and Tigard is around 85,000.

LOT claims over 100,000 water users in their own publicity.

Works out to only \$6 to 7 per year, per LOT water user,  
without factoring in all their big commercial and industrial water users.

Probably less than 50 cents per month with the big business water customers.  
A pittance.

The October '11 average bimonthly utility bill in LO was \$ 242

The October '11 average bimonthly utility bill in Tigard was \$175

Both are higher now and are slated for huge increases to pay for this project.


**Think that LOT water users will even notice a 50 cent per month increase?**




**This is what the LOT project management team has chosen to deny,  
to fight over, to sue our neighborhood residents over.  
50 cents per month.**

If the West Linn City Council approves revenue bonds based upon a \$6-700,000 annual income stream at current bond interest rates, that yields a community benefit fund of \$10 million. Available now, so the current Robinwood residents who endure the construction actually accrue the benefits.

Of course, LOT could bond the entire amount directly and simply cut us a check.

What would it cost LO and Tigard to buy a 10 acre industrial parcel in their own cities?

Posted by [Doc](#) at 3:57 PM No comments: 

   Recommend this on Google

## 9. The LOTWP PR Response May 2012

If you thought we already held Planning Commission hearings for the ~~136~~ Water

Treatment Plant, back last Spring, you are correct!

In April and May of 2012 we all attended hearings held over 4 nights.

At the fourth hearing, realizing that they were going to lose, LOT pulled a obscure legal maneuver, to suspend the hearing before the Commissioners could hold a vote to deny their application.

Hundreds of collective hours of West Linn citizens, Planning Commissioners and city staff wasted by LOT avarice!

The LOT Mayors posted this propaganda piece on their official web site and we thought it demanded a point by point response.

Our responses in red.

Click that blue part to link to their original without the responses.

[OPINION: WHY WE ASKED FOR A PAUSE](#)

We believe the proposal to expand Lake Oswego's existing water treatment plant, located in West Linn, will be approved.

We are a "challenge" that they "have a path to overcome" - stated at LO-Tigard joint city council work session 5/22

Still, nearly eight hours of public testimony and tough questioning before the Planning Commission convinced us we could do more to address the remaining legitimate concerns about our joint water project proposal.

Why not respect the citizens and neighborhood in the first place?  
Because addressing the legitimate concerns would cost too much?  
Because they thought they could steamroll us and get away with it?

This was the right thing and we are pleased commissioners agreed – with a 7-0 vote.

The West Linn Commissioners were instructed by Attorney Beery to allow the potential losers to 'push' the proceeding. LOT did not 'win' any 7-0 vote on merit. Fake claim of victory.

Their action gives us the time we need to more completely demonstrate how the Partnership's efforts not only benefit the 100,000 citizens of the Lake Oswego/Tigard service area but also the citizens of West Linn.

We are still waiting to hear about those benefits.  
In proportion to the burden of the 3 year long \$180 million construction project proposed in West Linn.

We know the most vocal opponents may never be convinced of the merits of bringing more high quality drinking water into our three cities.

This is pure PR BS, a straw man, a classic Red Herring.  
Nobody in West Linn opposes clean drinking water.  
Just build your huge new water plant and pipeline project in your own city, **139**  
not in our residential neighborhood!



Mayor Hoffman



Mayor Dirksen

One of the first lessons a mayor learns is that issues must be decided based on the needs of the majority, not the wants of a vocal minority.

Denigrating the neighborhood again. This is not a want. This is the right to enjoy the peace and quiet of our residential zone free from industrial scale intrusion by outside interests motivated by self interest.

Yes we are vocal, but we are the majority of West Linn.

Our communities – West Linn, Lake Oswego, and Tigard – are neighbors and regional partners. We may disagree at times but we know that good will and shared values matter in all three of our cities.

The shared value of going into a different jurisdiction and suing those citizens to have your way with their neighborhood, rather than imposing the burden on your own citizens?


This has made our corner of the metro region one of the world's most attractive places to live, work and play.






Except apparently for the Robinwood Neighborhood of West Linn, sacrificed to profit LOTWP.

A brief pause in a public hearing seems a small price to pay to demonstrate we know how to use respect, reasoned argument, and yes, compromise, to meet our region's most fundamental needs.

By all means, please take the time to find a suitable site in one of your own cities.

May 21, 2012

Posted by [Doc](#) at 2:51 PM [No comments:](#) 

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# CIVIC Tomfoolery

The subtlety of wisdom in the hands of a fool, must be made foolish, so that he can imagine that he understands.

[Home](#) | [ABOUT](#) | [Water Plant ~Video](#) | [The Perfect Metaphor](#) | [Ban the WP in WL](#) | [Development Codes](#)  
[Example: A BIG LIE](#) | [Architecture](#) | [PIPELINE](#) | [Comprehensive Plan](#) | [The SITE](#) | [In My Opinion](#)  
[Comments](#)

## BLOG ARCHIVE

- ▼ 2012 (61)
  - ▼ October (2)
    - Chemical Repository Building
    - This is one of the smaller buildings
  - ▶ September (8)
  - ▶ July (2)
  - ▶ June (2)
  - ▶ May (5)
  - ▶ March (29)
  - ▶ February (13)

FRIDAY, OCTOBER 26, 2012

## Chemical Repository Building



End Building off Kenthorpe

The applicant claims that this building "fits" within the community and is keeping in character with the neighborhood. Code requires that a Conditional Use be allowed if the design is Manifestly Superior to it's surroundings. I think the code needs to be rewritten because no one understands what that means. This building has metal siding like what you see on 82nd Street in unincorporated Clackamas or in parts of L.O. Except in L.O., the areas are industrial and don't reach this height. Here, the building is 35 feet tall at the ridgeline and can be seen from CedarOak Elementary School. Good Neighbor? What do you think?

Posted by Gary at 6:57 PM No comments:



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## This is one of the smaller buildings



Support Building Facing Mapleton

How can the Planning Commission approve such a thing?

Posted by Gary at 6:48 PM No comments:

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THURSDAY, SEPTEMBER 20, 2012

## Our Times

The Geography of Stuck

Posted by Gary at 12:30 AM No comments:

Recommend this on Google

MONDAY, SEPTEMBER 17, 2012

## Example of Early-Late Imperialism

***The West Linn Planning Department cannot be trusted; they have no enforcement abilities, do terrible work, lack credibility, and have no integrity.***

The drawing that showed the covered play structure is shown here:

LU3.06; [Sheet 17](#); Section F-F

<http://westlinnoregon.gov/sites/default/files/projects/Plan%20files%20resubmit.pdf>

**Relationship to the Water Plant?**

The City of Lake Oswego will do something like this, only worse, to West Linn and Hwy 43. LOTWP can, and should, provide a more appropriate response relative to it's context of a small, well-established, suburban neighborhood.

But they refuse!



Where are the trees that are shown in the Section F on sheet 17? The block wall is grossly out of proportion and lacks the detail of the surrounding context and the new school beyond. The Silver Lining? West Linn can now brag that it has an empty Costco waiting in the wings thanks to Peter Spir, a vested West Linn Planning Department city employee who is beyond reproach.





The structure is the West Linn Costco. The obscene folly? Notice the banding as suggested by Senior Planner Peter Spir? Welcome to [Spir's Folly](#).



The efflorescence on the play structure detracts from the neighborhood. The notion of 'white elephant' comes to mind.

Unmentioned is the reverberation and noise levels of the busses turning around less than 50 feet away from the Covered Play Structure.


Welcome to the Hindenberg, kids!



The block wall is 24 feet tall. A neighbor did a GPS elevation record and the ground is higher than what was documented. The foreground shows a reduced setback of an area that used to be a wetland, another violation that was changed so that it would conform.

The LOTWP is using the same strategy. Only the walls will be 35 feet tall, and in some areas, closer to homes than this structure is.


Posted by Gary at 7:39 AM No comments: 

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## Early\_Late Imperialism, Part 2

Another deciding factor in describing *Early-Late Imperialism* is the willful **discrimination** over design principals. The proposed design has no precedent in the State, let alone the country. But my criticism does not need to extend that far because conditional use requirements apply to local(West Linn) jurisdiction only. The design is discriminatory towards Robinwood in that this proposal would never fly in any other neighborhood. Imagine if West Linn had proposed something this ugly up in Cascade Summit? Think it can't happen? What about the proposed Aquatic Center? If this type of style is allowed, every other neighborhood in West Linn will suffer the consequences in one form or another; literally.

Posted by Gary at 7:07 AM No comments: 

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## Early-Late Imperialism

I started thinking about this horrendously ugly WTP that I have begun to render anew. This time, I will give myself plenty of time to document the incongruousness, proposed violations, and audacity of it all. I realized that what is being proposed is truly out-of-scale with the neighborhood and the whole of the application entirely without merit, not to mention lacking consideration for the adjacent property owners. My thoughts turned on how to frame the discussion and how to best communicate the abomination that Joel Komerack is stuffing down our throats. This project is so hideous that it defies any precedent and is quite blatant in manifesting it's industrial-based program.

What kind of municipality allows this type of development to go unchecked and then blame the affected residents because they are complaining about the inappropriateness? I really am asking myself if we live in a free society? Who on earth would freely choose to live next to this monstrosity? And who among us has been free to criticize or talk to our representatives on the pure ugliness of these proposed buildings? My thoughts transgressed towards George Lucas and his Star Wars franchise and I believe I understand the connection. George Lucas has produced a type of cultural acceptance of overbearing Imperialism that is "cool". The reality is anything 'but'. In cinema, the director has romanticized large overbearing structures and urban living units that expand beyond the horizon and stretch towards the heavens. The soft lighting of the sunsets and night shots with city lights blocking out the stars create a entertaining stupefaction that lulls the senses into an almost catatonic state. In a movie theater surrounded in THX, the image of the environment and the assault on "democracy" is deftly handled in the creativity of George Lucas.


Sadly, Joel Komerack is no George Lucas. In the light of day, the proposed buildings and gigantic security walls allude more to 'gitmo' than Robinwood. And dealt with the harsh reality of a fixed budget and confining residential fabric, Joel has misplaced his sense of humanity with a cheaper version of a Sith apprentice. It appears from looking at the construction drawings, tiny as they are, that not even Joel's architects have come close to approaching any of their previous design successes. It appears that the architects were not given a choice at all in participating at any level on forming the required symbiotic relationship asked in the conditional use process; blending industrial with residential that promotes the general welfare of the public and meets the aesthetic environment of West Linn, described primarily as a bedroom community. I think the outcome is exactly what one can expect to see come out of a dark republic vested in cosmic dominance. As we are in the nascent part of the 21st century, no doubt 100 years from now the battle for water will certainly be classified as one of the issues our society today had to overcome; especially if we are still here 100 years from now.

This is why the style of buildings proposed for the WTP in Robinwood have been called;

### *"Early-Late Imperialism"*.

West Linn cannot afford, let alone allow, this type of development to move forward. Luke Skywalker would be very, very unhappy.  
Deny CUP 12-02.

Posted by Gary at 6:41 AM No comments: 

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**SATURDAY, SEPTEMBER 15, 2012**

## Recommended Weekend Reads




My weekend long-form article readings:

- A Critic's Manifesto ( [New Yorker](#) )
- What Krugman & Stiglitz Can Tell Us ( [New York Review of Books](#) )
- [An idea for local politics](#)
- [Just a good story.](#)

The serious critic, as Richard Brody rightly pointed out, should first of all *self-criticize*: he should begin by examining his own reactions, when they are negative, and determine that they are legitimate—which is to say, should avoid writing about things or artists for whom he has a distaste that is not motivated by aesthetic considerations.

The reason, according to Stiglitz, is that the vaunted American market is broken. And the reason for that, he argues, is that our economy is being overwhelmed by politically engineered market advantages—special deals that Stiglitz labels with a term familiar to economists: “rent-seeking.” By this, he means economic returns above normal market levels that are derived from favorable political treatment. In the most powerful parts of *The Price of Inequality*, Stiglitz chronicles the blatant tax and spending giveaways to big agriculture, big energy, and countless other sectors. Yet he also pointedly argues that much of the rent-seeking that plagues our economy takes a more subtle form, also familiar to economists: “negative externalities,” or costs that economic producers impose on society for which they don’t pay.

Posted by Gary at 4:06 PM No comments: 

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THURSDAY, SEPTEMBER 13, 2012

## Retooling





*Thursday, September 13, 2012*

A retooled and revised Water Treatment Plant has been submitted for review along with a pipeline.

While some improvements have been made, the concept and proposed Industrial-scale use of the plant does not conform to acceptable neighborhood planning standards. The public process has also been further twisted and contorted to manipulate the public and approve this project despite the projects failures, megalomaniac visions, and poor leadership.

*To stay abreast with the progress of this terrible conditional use process, the blog has been reformatted to better demonstrate the violations of code and impacts of poor policy direction and improper public communications procedures from West Linn and Lake Oswego*

Posted by Gary at 10:38 AM No comments: 

    Recommend this on Google

WEDNESDAY, SEPTEMBER 12, 2012

## Where have all the liars gone?

Good Question.

This article bears reading. In submitting the pipeline and Water Treatment Facility, it appears that the Republican strategy for this election cycle is closely mimicked by the recent so-called facilitation meetings and revised application.

Posted by Gary at 12:59 PM No comments: 



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SUNDAY, SEPTEMBER 9, 2012

## Co-Opt vs. Cooperation

Lake Oswego's Communications Director and the City of West Linn like to make a big issue out of

*"civility"*

to turn the public consciousness away from the FACTS of the proposed Water Treatment Plant. The LO Communication Director will call for West Linn police back up and feign "a lack of civility" at public meetings solely for the purpose of distraction. When, in fact, LO's problem is the project lacks merit. For LO, Tigard, and West Linn, this Trojan Horse approach has no bearing or basis of fact when it comes to getting their project approved. But if enough people can be persuaded that poor lil' LO is being treated unfairly, then the LO Communications Director would have done her job!

Simply put, the water plant is too big for the site LO owns and LO creates unmitigated risks, depreciating property values, and the destruction of a well-established diverse neighborhood in a city where they have no jurisdiction! So to succeed, you need to co-opt the process. Because what city in Oregon would chop off it's own nose to spite it's face?

Answer? According to the WL cms' view of his own town, anyone who disagrees with his singular autocratic style of governance is called out as a "problem" and "uncivil". Worse yet, the project proposal would not have even been considered if it wasn't for the West Linn city manager who wouldn't know a proper conditional use process no matter how many attorneys he hires. To the West Linn city manager, a "community advocate" is a four-letter word and the planning process a bane to his very existence. And his disdain for public communications, neighborhoods, public access TV, public arts, etc. is a well-documented fact. Not to mention his losing percentage of conditional use projects that have occurred on his watch AND questionable engineering management practices.

Sadly, the perspective and actions of city directors is to parrot this mindset and cry "wolf" every time their very own incompetence and preconceived plans are thwarted. Instead of actually hiring trained engineering firms and architects to perform their jobs, the consultants do just what they are told to do by their "clients".

To maneuver around public participation and dispense with the time consuming effort of **cooperating** with affected residents, cities go trolling for situations that they can "co-opt". By manipulating a few well-intentioned souls (or not so well intentioned[or individually biased]) into the process, buy-in is gained by concession as opposed to meeting the intent of local planning regulations. The whole planning process is nothing but a charade to provide the perspective that Goal One has been met. And to LO, that is civility!

Because if you apply local planning regulations, the proposed plant will NEVER meet code. So no matter how much cooperation the cities could muster, even had

they decided to go that route, the plant would never meet the minimal standards of good neighborhood planning or design.

Posted by Gary at 1:53 PM No comments: 

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Karie Oakes  
1125 Marylhurst DR  
West Linn, OR 97068

13 JAN 27 AM 10:44

454  
leag  
pk. pw

City Council  
City of West Linn

January 7, 2013

Re: Notice Requirements not satisfied for AP 12-02 and AP 12-03 Appeal of Planning Commission decisions denying the Lake Oswego Tigard Water Partnership applications to expand a water treatment facility and new water pipeline projects.

Dear Councilors:

The notice mailed by the City to the parties and persons with standing in the above referenced applications does not satisfy the requirements of the West Linn Community Development Code (CDC). The notice does not include three pieces of information as required by

***99.270 Contents of Notice on Appeal or Review***

***Notice given to persons entitled to mailed notice under 99.260 shall:***

***D. List any grounds for appeal or review stated in the application for appeal or review, but state that the appeal or review is not limited to the stated grounds for appeal or review and that all relevant issues may be considered;***

***E. State that the hearing on appeal shall be de novo;***

***G. State that the application and record are available for inspection at no cost, and copies at a reasonable cost. (Ord. 1382, 1995; Ord. 1474, 2001; Ord. 1547, 2007; Ord. 1568, 2008)***

The applicant lists three issues as grounds for appeal in the application. The notice does not.

The hearing is de novo pursuant to 99.280, but the notice does not state the hearing is de novo.

The notice states that the complete applications for AP-12-02 and AP-12-03 are available for inspection at no cost and copies for a minimal charge per page, but it does not state the same about the record of each application. The applications are not the records. The records for the appeals are much more expansive because the Planning Commission records are made a part of them.

This information is paramount to understanding the scope of the review and the omission of the information unrightfully limits the scope of information a person would consider when providing testimony.

Furthermore, while 99.270 is specific to the notice mailed to persons with standing, it would be just to include the same information in the notice in the newspaper. This would be consistent with the City's past practices. The newspaper notice is identical to the mailed notice, so the general public is also deprived of the right to know the scope of the review.

The hearing scheduled for January 14, 2013 will have to be rescheduled in order to give sufficient notice pursuant to 99.080(A), which requires mailed notice at least 20 days prior to the hearing and at least 10 days prior for the newspaper notice.

Thank you for your consideration.

Sincerely,

Karie Oakes



Karie Oakes  
1125 Marylhurst DR  
West Linn, OR 97068

13 JAN 27 AM 10:44

454  
KOE  
OK PW

City of West Linn City Council

January 7, 2013

Re: City web site information for AP 12-02 and AP 12-03 Appeal of Planning Commission decisions denying the Lake Oswego Tigard Water Partnership applications to expand a water treatment facility and new water pipeline projects.

Dear Councilors:

The information posted on the City web site about the above referenced applications is incomplete and irregular to the point that it is confusing to the public. I know so because I have been contacted by members of the public questioning it and I have had my own trouble understanding it.

- The Projects page description of AP-12-03 as "Pipeline Project from Water Treatment Plant to LO" is incomplete as it omits the description of a large segment of the pipeline from Mary S. Young Park. A better AP project description would be congruent with the project description of the CUP application that it appeals: Construct Water Pipeline from Mary S. Young Park to the Lake Oswego Water Treatment Plant on Kenthorpe Way and on to Lake Oswego via Hwy 43. See attachment 1.
- The "Vicinity Map" for both AP-12-02 and AP-12-03 are not posted on the projects page like they are for all other AP applications. Coupled with the previous bullet point, this makes it impossible for someone to find the location of the pipeline without delving into hundreds of pages of the CUP record. See attachment 1.
- The most recent information submitted for the applications was posted by staff on January 4, 2012 as links on the "Agenda" page for the Council meeting on January 14, 2012. The information was not posted on the project pages for the applications as provided in the notices: <http://westlinnoregon.gov/planning/4260-kenthorpe-way-water-treatment-plant-expansion-appeal-planning-commission-decision> and <http://westlinnoregon.gov/planning/pipeline-project-water-treatment-plant-lo-appeal-planning-commission-decision>. The information is substantial and includes new evidence of a staff memo dated January 3, 2012 and 265 pages of new public testimony. See attachments 2, 3 and 4.
- The information provided in the links above includes only the "applicant submittal" which is the application for appeal and the "public hearing notice." See attachments 3 and 4.
- The parties and persons with standing and the general public would likely use the links provided in the notices and would not be aware of the new information thereby substantially affecting their rights.
- The project pages for the applications in bullet three do not provide information about the scope of the Council review, specifically that the hearing is de novo and that the records of the Planning Commission for the appealed applications is incorporated into the records of the appeal applications. While the project pages provide a link to the Planning Commission CUPs, a person would not know the significance without an explanation of the scope of review. See attachments 3 and 4.

- The Council Agenda for January 14, 2013 item 3 incorrectly lists these land use cases as CUP-12-02 and CUP-12-04, which are the previous applications to the Planning Commission. It should be listed as AP-12-02 and AP-12-03 for the Council review of the appeal.

I hope that the Council will review these discrepancies and short comings of information posted on the web site and consider directing the City Manager to correct them in a timely manner. It will support Council Goals and Comprehensive Plan Goals for citizen involvement.

Thank you for your consideration in this matter.

Sincerely,

Karie Oakes



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ID	Description/Detail	Type	Vicinity Map
ANX-08-01	20800 Hidden Springs Road 21 Acre Annexation	ANNEXATION (AN)	Map
ANX-09-01	3332 and 3151 Parker Road general location 7-Acre Annexation	ANNEXATION (AN)	Map
AP-07-07	Between Valley View & Carriage Way build Marylhurst Park Appeal of decision	APPEAL (AP)	Map
AP-08-01	LUBA Remand Office Building at 5750 Hood Street	APPEAL (AP)	Map
AP-08-04	3955 Cedaroak Drive build house City Council call up of Planning Director Decision	APPEAL (AP)	Map
AP-08-05	19122 Kantara Way LUBA appeal of 2-Lot Minor Partion	APPEAL (AP)	Map
AP-08-06	Appeal CC HRB condition of approval 1850 Buck Street House Demolition	APPEAL (AP)	Map
AP-09-01	LUBA Appeal of LUBA Remand of Office Building 5750 Hood Street	APPEAL (AP)	Map
AP-09-02	Review of Planning Commission Decision on Holiday Inn Express DR-08-01	APPEAL (AP)	Map
AP-09-05	19650 Suncrest Drive 6-Lot PUD Appeal of Planning Commission Decision	APPEAL (AP)	Map
AP-10-01	1215 9th Street Appeal of Planning Director Decision for Water Resources Area Permit	APPEAL (AP)	Map
AP-10-03	Appeal of Planning Commission decision to extend approval of a three build office complex at the corner of Tannler Drive and Blankenship Road	APPEAL (AP)	Map
AP-12-01	23120 Bland Circle Booster Pump Station Appeal of Planning Commission Decision	APPEAL (AP)	Map
AP-12-02	4260 Kenthorpe Way Water Treatment Plant Expansion Appeal of Planning Commission Decision	APPEAL (AP)	
AP-12-03	Pipeline Project from Water Treatment Plant to LO Appeal of Planning Commission Decision	APPEAL (AP)	
CDC-07-04	Tualatin & Willamette River protection CDC Amendment	COMMUNITY DEVELOPMENT CODE AMENDMENT (CDC)	
CDC-08-01	Transportation System Plan CDC Amendment	COMMUNITY DEVELOPMENT CODE AMENDMENT (CDC)	



CITY OF  
**West Linn**

22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

## CITY COUNCIL MEETING

Monday, January 14, 2013

6:00 p.m. - Public Hearing - Council Chambers

---

1. Call to Order & Pledge of Allegiance
2. Approval of Agenda
3. Water Treatment Plant (CUP-12-02) and Water Transmission Line (CUP-12-04)  
\*Public Hearing\*

[Click here to review the land use file for CUP-12-02](#)

[Click here to review the land use file for CUP-12-04](#)

[Agenda Bill and Staff Memo](#)

[Attachment 1 Dec 10 Memo from Partnership to CC](#)

[Attachment 2a PC Final Decision WTP](#)

Attachment 2b PC Final Decision RWP FWP

Attachment 3 WTP Staff Report

Attachment 4 New Testimony Nov 1

Attachment 5 October 26 Memo to PC

Attachment 6 Approved PC Minutes Oct 25

Attachment 7 Public Testimony as of 1-3-13

Attachment 8 Applicant Submittal

Attachment 9 Affidavit of Public Hearing Notice

#### 4. Adjourn

**Meeting Notes:**

*The Council Chambers is equipped with an induction loop and a limited number of neck loops for the hearing impaired. Please let the City know if you require any special assistance under the Americans with Disabilities Act, please call City Hall 48 hours prior to the meeting date, 503-657-0331.*

*Community Comments provide an opportunity for statements from citizens regarding issues related to City government, properly the subject of Council/Commission consideration and not issues on the agenda. Persons wishing to speak shall be allowed to do so only after completing forms provided in the foyer in advance of Community Comments. All remarks should be addressed to the governing body. The City Council/Planning Commission will not engage in discussion with those making comments. The time limit for each participant is three (3) minutes or will be set by the Mayor or Chair.*

*Consent Agenda items are routine and will not be allotted individual hearing time. The items may be passed in one blanket motion. Any member may remove an item for discussion or questions by requesting such action prior to consideration.*

*Persons wishing to speak on agenda items shall be allowed to do so only after completing the forms provided in the foyer and returning them to the Clerk prior to the item being called for discussion. A separate slip must be turned in for each item. The time limit for each participant is three (3) minutes, unless the Mayor decides prior to the item to allocate more or less time.*

*If the City Council goes into Executive Session pursuant to ORS 192.660, they may reconvene in a public session at the conclusion of the executive session.*

## 4260 Kenthorpe Way Water Treatment Plant Expansion Appeal of Planning Commission Decision

### Summary

The Lake Oswego - Tigard Water Partnership's Appeal of the Planning Commission denial of CUP-12-02/DR-12-04 for the expansion of the existing water treatment plant on Kenthorpe Way.

[Link to CUP-12-02 / DR-12-04 Project Page](#)

Attachment 3  
page 1

### Project Current Status

Appeal of Planning Commission Decision

### Project ID

AP-12-02

### Project Deadline Type

none

### Project Type

APPEAL (AP)



### Project Submission Date

2012-12-10

### Project Manager

Zach Pelz

**Project Files**

-  Applicant Submittal
-  Public Hearing Notice

Attachment 3  
page 2

**Related Public Meetings**

There have been no meetings related to this agenda item.

Online

**Disclaimer**

**Disclaimer notice regarding the project information on this site:** The City of West Linn Planning Department is pleased to provide as much information as possible on our website for the benefit of the public. This information is updated by staff on a periodic (not daily) basis. However, please be aware of the following: The information on this site is not the official file of record and there may be additional project information in the file of record that is not posted on this site. The information on this site may not include the latest submittals or changes to an application. Interested parties are encouraged to call the City project manager with any inquiries on a project. The official file of record is kept in the City Planning Department and is available for public review during regular office hours at the Planning & Building Department located at 22500 Salamo Road. Any questions related to any project should be directed to the project manager listed in the file, or by calling the Planning Department at (503) 656-4211.

## Pipeline Project from Water Treatment Plant to LO Appeal of Planning Commission Decision

### Summary

The Lake Oswego - Tigard Partnership's Appeal of the Planning Commission denial of CUP-12-04/DR-12-14/MISC-12-10/WA-12-03/WR-12-01 to construct new raw and finished pipeline from Gladstone, under the Willamette River, through a portion of Mary S. Young Park to the water treatment plant, along Mapleton and then Highway 43 to Lake Oswego.

[Link to CUP-12-04/DR-12-14/MISC-12-10/WA-12-03/WR-12-01 Project Page](#)

Attachment 4  
page 1

### Project Current Status

Appeal of Planning Commission Decision

### Project ID

AP-12-03

### Project Type

APPEAL (AP)

### Project Submission Date

2012-12-10

### Project Manager

Zach Pelz



**Applicant**



**Business**

**Popular Link**

**Online Services**

**Additional Info**

**Project Files**

-  Applicant Submittal
-  Public Hearing Notice

Attachment 4  
page 2

**Related Public Meetings**

There have been no meetings related to this agenda item.

7-

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**Pelz, Zach**

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**From:** Greg DiLoreto [gdiloreto@hotmail.com]  
**Sent:** Monday, January 07, 2013 4:52 PM  
**To:** Pelz, Zach  
**Subject:** Letter of Support for the Lake Oswego Water Treatment Plant and the Appeal of the Planning Commission's Decision  
**Attachments:** Lake Oswego Water Treatment Letter 1-7-12.doc

Attached is my letter of support for the expansion of the Lake Oswego Water Treatment Plant. Should you have any questions, please do not hesitate to contact me.

Greg DiLoreto

1900 Sunburst Terrace  
West Linn, OR 97068  
503-650-0770

Honorable John Kovash and the West Linn City Council  
22500 Salamo Road  
West Linn, OR 97068

January 7, 2013

**Re: Letter of Support: Appeal of the West Linn Planning Commission Decision  
Regarding the Conditional Use Permit for the Expansion of the Lake Oswego Water  
Treatment Plant**

Dear Mayor Kovash and the City Council:

I am a 27-year resident of West Linn, a licensed professional engineer, the current national president of the American Society of Civil Engineers, the chief executive officer of Oregon's second largest water utility and a former member of the West Linn Utility Advisory Board, and I was greatly disappointed in the recent planning commission decision regarding the expansion of the Lake Oswego water treatment plant and the finding that it would not provide a community benefit to West Linn residents.

West Linn's water system is in trouble and its reliability in question. With the 24-inch pipeline across the I-205 bridge as our only water supply connection we are at risk of having no water. A recent engineering study points out that our 100-year-old Bolton Reservoir sits atop an ancient landslide and several faults. The study also calls attention to evidence of recent slope movement and so this key asset, that holds almost 50 percent of our total water storage, will not likely survive even a moderate earthquake. Our 2008 water master plan called attention to the seismic vulnerability of these key assets and provided three options to increase our reliability, the least expensive of which is to partner with our neighbors Lake Oswego and Tigard in the expansion of their water treatment plant, saving \$11.6 million in needed capital spending.

The city council in 2008 directed our staff to pursue this lowest cost option. Without this option West Linn residents would need a 30 percent rate increase (based on the city's chief financial officer's analysis) to provide the reliability and improvements our system needs, as opposed to the 18 percent increase we will be asked to vote on next year. If either of our key supply assets is out of service, where will we get water for fire protection, sanitation and drinking water?

Yes, with construction of vital public infrastructure comes inconvenience and temporary disruption of our daily lives, so I can understand why neighbors of the treatment facility and proposed new pipelines are concerned. But, in my opinion, a project that corrects our supply reliability problem at the lowest cost for our community outweighs the temporary inconvenience.

West Linn is not an island but is part of the Portland metro region and we will need regional partnerships if we are to afford the necessary infrastructure we need to maintain our quality of life. The Lake Oswego-Tigard project, if approved, will result in a water supply more resilient to earthquakes, floods, source contamination events and potential terrorist attack than exists for any other supply today. This is a great deal for our community and the region. I support the Lake Oswego-Tigard project and ask that you overturn the planning commission's decision recognizing that this project provides a communitywide benefit and is necessary to the long-term health and safety of all West Linn residents.

Sincerely,

Gregory E. DiLoreto, P.W., P.L.S., D. WRE, F. ASCE