

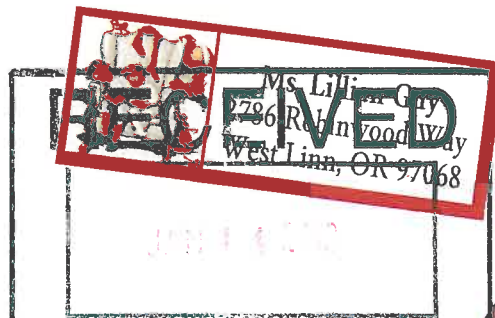
ATTACHMENT 11 PUBLIC TESTIMONY

FILE NO.: AP-12-02 and AP-12-03

REQUEST: Appeal of Planning Commission decision in CUP-12-02 and CUP-12-04 denying application to expand Water Treatment Plant and install new Raw- and Finished-water transmission line

Ms. Lillian J. Guy

To whom in charge
I do not approve
of Lot's plant expansion
and transmission lines
in West Linn.
Lillian Guy.



PLANNING & BUILDING
CITY OF WEST LINN

It starts with a gift. It leads to
lives transformed by Christ.



ANGEL TREE
Program of Prison Fellowship

Pelz, Zach

From: Sonnen, John
Sent: Monday, January 14, 2013 1:59 PM
To: Pelz, Zach
Subject: FW: Citizen Request 18032 - Water treatment plant

For the record (I responded)

John Sonnen, Planning Director
Planning and Building, #1524

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

From: webmaster@westlinnoregon.gov [mailto:webmaster@westlinnoregon.gov]
Sent: Monday, January 14, 2013 1:24 PM
To: Sonnen, John
Subject: Citizen Request 18032 - Water treatment plant

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

Original Request			
Summary	Date: 01/14/2013	Reference Number:	18032
Name:	Pam Vestal	Status:	Assigned
Email:	<u>pvestal3@comcast.net</u>	Source:	online
Phone:	503-699-0450	Assigned To:	jsonnen
		Assigned Group:	Planning
Topic	<u>Water treatment plant</u>		
Request Details:	If you are keeping a list of opponents to the water treatment plant, please add my name. Thank you, Pam Vestal 19758 Wildwood Drive		
Comment:			

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

Pelz, Zach

From: Birdshill CPO/NA [birdshill.cpo.na@gmail.com]
Sent: Monday, January 14, 2013 3:04 PM
To: Pelz, Zach
Cc: birdshillcpona@gmail.com; sentinelskip@gmail.com
Subject: Uphold WLPC Decisions for CUP-12-02 and CUP-12-04
Attachments: PTPK_BHCN_Uphold_WL_CUPs_L3P_2013_01Jan_13Su_1400U.pdf;
REPT_Norb_Carollo_Synopsis_2013_01Jan_07Mo_1225U.pdf; WBPG_BHCN_mt08jan_38ltwp_2013_01Jan_14Mo_1400U.pdf

Petition by email response from Birdshill CPO / NA residents to 2013 – 2014 West Linn City Council (WLCC); petitioners seek to uphold 2012 Nov decision made by West Linn Planning Commission (WLPC) to deny Lake Oswego Tigard Water Partnership (LTWP) permission to construct facilities in West Linn. Support West Linn neighborhood of Robinwood defense upholding WLPC decisions on Conditional Use Permit(s) [CUP(s)] CUP-12-02 and CUP-12-04. Due to detrimental effects of LTWP projects upon City of West Linn and environs, both physically and financially.

2013 Jan 14 Monday 14:50 U (2:50 PM PT)

Charles B. Ormsby (Skip)
Chair 2012 – 2013
Birdshill CPO / NA
A Joint Clackamas County Community Planning Organization (CPO) and
City of Lake Oswego Oregon Neighborhood Association (NA)

Zach Pelz,
City Planner
City of West Linn Oregon
22500 Salamo Rd
West Linn OR 97068-8270
Phn: 503.657.0331
Web: <http://westlinnoregon.gov/>
Email: Zpelz@westlinnoregon.gov

Copies:

1. Birdshill CPO / NA Board 2012-2013
2. and parties in Robinwood NA of West Linn OR

Subject: Uphold WLPC Decisions for CUP-12-02 and CUP-12-04

Abbreviations:

CUP – Conditional Use Permit for City of West Linn
LTWP – Lake Oswego Tigard Water Partnership
WLCC – West Linn City Council (2013 – 2014)
WLPC – West Linn Planning Commission

Mr. Zach Pelz:

I am the Birdshill CPO / NA Chair 2012 – 2013, and author of our communities petition 2013.08.01 Attachment 01 <AT01>

Please accept and file this and all attachments as testimony for this evening's hearing before the West Linn City Council with respect Lake Oswego Tigard Water Partnership (LTWP) appeal in regards to City of West Linn Conditional Use Permits [CUP(s)] 12-02 and 12-04.

Petition:

ID: 2013.08.01 [Birdshill CPO / NA (Meeting Year, Month), Petition within month]
Title: **Uphold WLPC Decisions wrt CUP(s) Against LTWP**
Gist: Uphold West Linn Planning Commission (WLPC) decisions wrt Conditional Use Permit(s) CUP-12-02 and CUP-12-04 denying Lake Oswego Tigard Water Partnership (LTWP) appeal to West Linn City Council (WLCC) on 2013 Jan 14 Monday 18:00 U (6:00 PM PT).

Abstract:

Petition to 2013-2014 West Linn City Council (WLCC) for meeting on 2013 Jan 14 Monday 18:00 U (6:00 PM PT) to vote to uphold West Linn Planning Commission (WLPC) decisions on Conditional Use Permit(s) [CUP(s)] CUP-12-02 and CUP-12-04 made on 2012 Nov 01 Thursday. These decisions denied Lake Oswego Tigard Water Partnership (LTWP) and primary managing entity – City of Lake Oswego, the required CUP(s) above necessary to construct infrastructure within the city limits of West Linn that primarily affects Robinwood Neighborhood Association (NA); by significant expansion of an existing City of Lake Oswego water treatment (filtration) facility. This planned upgrade from 16 Mg/d to 38 Mg/d would substantially affect neighborhood character and result in significant fee increases for water service to Lake Oswego residents and contracted customers including residents of the Birdshill CPO / NA east of OR Hwy 43 centerline on Elk Rock Rd, Riverside Dr (aka OR Hwy 43), Briarwood Rd, Fielding Rd, and Stampher Road.

Requested Actions:

1. Uphold City of West Linn Planning Commission (WLPC) Final Decision made 2012 Nov 01 Thur 19:00 U (7:00 PM PT) effective 2012 Dec 11 Thur 17:00 U (5:00 PM PT) in Conditional Use Permit (CUP) CUP-12-02, for expansion of water treatment (water filtration) plant at 4260 Kenthorpe Way, West Linn OR 97068-2126, (GE: 45°23'9.24"N, 122°37'55.75"W) thereby denying LTWP appeal to West Linn City Council (WLCC); and
2. Uphold City of West Linn Planning Commission (WLPC) Final Decision made 2012 Nov 01 Thur 19:00 U (7:00 PM PT) effective 2012 Dec 11 Thur 17:00 U (5:00 PM PT) in Conditional Use Permit (CUP) CUP-12-04, for water transmission pipes within the City limits of West Linn Oregon, thereby denying LTWP appeal to West Linn City Council (WLCC); and
3. Send current proposals for LTWP project(s) within City of West Linn back to both Cities of Lake Oswego and Tigard and affected citizens and contracted entities and persons therein for reevaluation as to project scope, costs and any future potential effects and impacts upon the City of West Linn and neighborhoods, including but not limited to Robinwood NA and others within West Linn city limits.

Please note petition 2013.08.01 may be refilled as a resolution from the Birdshill CPO / NA after our meeting on 2013 Jan 23 Wednesday 18:00 U (6:00 PM PT). Please keep the record open until 2013 Jan 25 Friday 12:00 U (12:00 PM PT) for this eventuality.

Sincerely,
Thanks

Skip

Charles B. Ormsby (Skip)
Birdshill CPO / NA, Chair 2012 - 2013
A Joint Clackamas County Community Planning Organization (CPO) and City of Lake Oswego Oregon Neighborhood Association (NA)
Google Earth GPS Coordinates: 45°25'46.48"N, 122°39'40.02"W
Clackamas County

170 SW Birdshill Road
Portland Oregon 97219-8502
Phn: 503.636.4483 Residence
E-mail: birdshillcpona@gmail.com
Web: <http://birdshillcpona.shutterfly.com/> (Not Open Yet)

Attachments (ATnn) Three (3) total:
AT01

Title: PETITION 2013.08.01 From Residents of the Birdshill CPO / NA to WLCC
File: PTPK_BHCN_Uphold_WL_CUPs_L3P_2013_01Jan_13Su_1400U.pdf

AT02

Title: Birdshill CPO / NA Jan Meeting 2013.08 page 38ltwp
Issue: Lake Oswego Tigard Water Partnership (LTWP)
Site: <https://sites.google.com/site/mt08jan/home/38ltwp>
File: WBPG_BHCN_mt08jan_38ltwp_2013_01Jan_14Mo_1400U.pdf

AT03

Title: A Carollo Report Synopsis and Follow-up
File: REPT_Norb_Carollo_Synopsis_2013_01Jan_07Mo_1225U.pdf

Home

- 01Agenda
- 02Locale
- 03execsm
- 04minutes
- 05Rsltns
- 21govtstm
- 22govrqst
- 31islorvd
- 32islobgd
- 33iax2005
- 34itbgs
- 35itcwp
- 36itraf
- 37ioprp
- 38ltwp**

Sitemap

[Home >](#)

38ltwp

Lake Oswego Tigard Water Partnership

Abbreviated LTWP or LOT

Proponent Websites:

[Lake Oswego Tigard Water Partnership](#)

Opposition: Websites:

[Water Watch](#)

[WL STOP](#)

Resource Websites:

OWRD - [Oregon Water Resources Department](#)

ODOGMI - [Oregon Department of Geology and Mineral Industries](#)

Earthquake : [GMS-091 - Lake Oswego Quad](#)

Geology: [GMS-059 - Lake Oswego Quad](#)

Key Documents:

1. Carollo Report Synopsis and Follow-up
File: REPT_Norb_Carollo_Synopsis_2013_01Jan_07Mo_1225U.pdf
2. Carollo Report DRAFT (20 Mb – request by e-mail)
File: Please request by email to birdshillcpona@gmail.com
3. Lake Oswego Tigard Water Partnership (LTWP) Agreement
File: REPT_Norb_Carollo_Synopsis_2013_01Jan_07Mo_1225U.pdf
4. Water Watch presentation to LONAC
File: PPDP_WWTC_LNAC_Clackamas_Rv_Diver_2011_05May_07Sa_0900U.pdf
5. Hydrologic impacts of climate change Clackamas River
File: REPT_CLRS_Clackamas_Rv_Basin_Chg_2007_02Feb_22Th_1700U.pdf

Page Revised: 2013 Jan 13 Sunday 18:00 U (6:00 PMPT)

	PPDP_WWTC_LNA... Birds Hill, ...	v.1	↓
	REPT_CLRS_Clack... Birds Hill, ...	v.1	↓
	REPT_Norb_Carollo... Birds Hill, ...	v.1	↓

Comments

You have no permission to add comments.

[Sign in](#) | [Report Abuse](#) | [Print Page](#) | [Remove Access](#) | Powered By [Google Sites](#)

A Carollo Report Synopsis and Follow up

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 treatment 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 12MGD.

LO's initial water conservation program has been very successful, achieving 36% water consumption reduction, with estimated ultimate conservation of 50%. This threshold requires metering the remainder of customers and stopping more of their 10% water loss through leakage.

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 at 50% conservation, 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 water from Portland which hasn't raised rates as the Carollo Report predicts.

According to current LOT discussions, up to 20MGD of Clackamas River water would be pumped to Tigard in Washington County.

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 costs 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 climate change, in the future, this snowpack will melt more quickly and won't be able to 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.

Despite the strident arguments from LOT attorneys and others that this has nothing to do with Stafford development, the report shows this project has everything to do with Stafford urban expansion.

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 economic development and growth. LOT and Washington County will have the permits and the massive pipeline to withdraw the available water, regardless of who holds senior water rights.

The real reason for the Carollo Report is that in 2007 L.O. decided to maximize their water rights on the Clackamas River and squeeze everyone else out and reversed engineered the report to build the plant. Their 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 38MGD 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 development.

PETITION 2013.08.01 From Residents of the Birdshill CPO / NA to WLCC

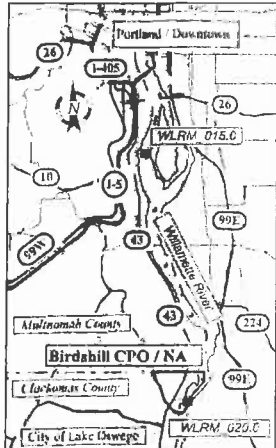
2013 Jan 13 Sunday 14:00 U [2:00 PM PT]



Approved By:
Membership of the
Birdshill CPO / NA

Birdshill CPO / NA
of Clackamas County and
City of Lake Oswego Oregon

2011 – 2012 Officers
Chair: Charles Ormsby (Skip)
Vice-Chair: Amir Mehrabi
Sec / Treas: John Hedlund



Location:
The Birdshill CPO / NA (area) is a joint county and city community located on the west bank of the Willamette River between river miles 019.4 south to 020.2. This is about seven miles south of central Portland Oregon and immediately north of the City of Lake Oswego Oregon in Clackamas County.

Google Earth Coordinates
Intersect: Midvale / Underhill Rds
045° 25' 46 65" N, 122° 39' 39.90" W

Contact Birdshill CPO / NA:

Phone: 503.636.4483 Charles Ormsby (Skip)
Mail: Clackamas County – Birdshill Area
170 SW Birdshill Road
Portland OR 97219-8052

Internet Presence – Birdshill CPO / NA

E-mail: birdshillcpona@gmail.com
Website: <http://birdshillcpona.shutterfly.com/>
Facebook: <http://www.facebook.com/birdshillcpona>
Twitter: <http://twitter.com/#!/birdshillcpona>
YouTube: <http://www.youtube.com/birdshillcpona>

Attached Files / Cross Referenced Files:

08 – Endnotes and Access Hyperlinks, Page <10>.

Detail levels, pages, document files and disk space:

Detail Level	No Pages	No Files	Cum Disk Spc [kb-kilobytes]
L1 – Abstract ¹ :	0	0	0 kb
L2– Summary ² :	0	0	0 kb
L4 – Key Docs ³ :	0	0	0 kb
L5 – Total Outline ⁴ :	0	0	0 kb
L6 – World of Docs ⁵ :	0	0	0 kb

Notes on referenced documents:

- Files referenced have been posted to website below for download.
 - Downloaded files require name change to enable hyperlinks.**
 - Files available for at least 30 days from date at top of column.
 - Files also available upon request by email to above address(es).
- GLOSSARY & Terms** – See spreadsheet (SPSH) at website below.
<https://sites.google.com/site/rsltbirdshill/home/00index>

Edition: L5 – Total Outline

**Edition Access: L1 – Abstract, L2 – Summary, L3 – Resolution
L4 – Key Documents, and L5 – Total Outline**

Website for editions: <https://sites.google.com/site/m08jan/home/38ltwp>

Note: Navigate between most headers by Ctrl + mouse click, to follow most links.
Note: CR = Cross Reference – Linked jump to Outline Section & then to endnotes.

Petition No.: 2013.08.01

[Birdshill Year (End) • Meeting Month Number • Petition Number within month]

Dates Canvassed: 2013 Jan 12 - 14 (Saturday - Monday)

Status: DRAFT

Title:

Uphold WLPC Decisions wrt CUP(s) Against LTWP

Gist:

Uphold West Linn Planning Commission (WLPC) decisions wrt Conditional Use Permit(s) CUP-12-02 and CUP-12-04 denying Lake Oswego Tigard Water Partnership (LTWP) appeal to West Linn City Council (WLCC) on 2013 Jan 14 Monday 18:00 U (6:00 PM PT).

Sponsor(s):

Charles B. Ormsby (Skip), Birdshill CPO / NA Chair 2012 – 2013.

Respondent(s): [Affected Parties(s)]:

West Linn City Council 2013 - 2014

01 – Abstract of Petition

Petition to 2013-2014 West Linn City Council (WLCC) for meeting on 2013 Jan 14 Monday 18:00 U (6:00 PM PT) to vote to uphold West Linn Planning Commission (WLPC) decisions on Conditional Use Permit(s) [CUP(s)] CUP-12-02 and CUP-12-04 made on 2012 Nov 01 Thursday. These decisions denied Lake Oswego Tigard Water Partnership (LTWP) and primary managing entity – City of Lake Oswego, the required CUP(s) above necessary to construct infrastructure within the city limits of West Linn that primarily affects Robinwood Neighborhood Association (NA); by significant expansion of an existing City of Lake Oswego water treatment (filtration) facility. This planned upgrade from 16 Mg/d to 38 Mg/d would substantially affect neighborhood character and result in significant fee increases for water service to Lake Oswego residents and contracted customers including residents of the Birdshill CPO / NA east of OR Hwy 43 centerline on Elk Rock Rd, Riverside Dr (aka OR Hwy 43), Briarwood Rd, Fielding Rd, and Stampher Road.

02 – Summary.

Title, Gist, Question, Substance, Explanatory Statement

03 – Petition

Petition No., Title., Gist: Organization., Sponsor(s);

Respondent(s);, Preamble.; Body: Resolution:

04 – Key Documents

- 04.01.01 – A Carollo Report Synopsis and Follow-up
- 04.01.02 – Carollo Report DRAFT (20 Mb – request by e-mail)
- 04.01.03 – Lake Oswego Tigard Water Partnership (LTWP) Agreement
- 04.01.04 – Water Watch presentation to LONAC
- 04.01.05 – Hydrologic impacts of climate change Clackamas River

05 – Total Outline of Documents

None at L1A – Abstract to L4K – Key Document levels of document detail.

06 – Resolution Contacts

None at L1A – Abstract to L4K – Key Document levels of document detail.

07 – Locales Referenced

None at L1A – Abstract to L4K – Key Document levels of document detail.

08 – Endnotes and Access Hyperlinks

None at L1A – Abstract to L4K – Key Document levels of document detail.

PETITION 2013.08.01 From Residents of the Birdshill CPO / NA to WLCC

Approved By: Canvassing Birdshill CPO / NA residents who primarily receive water from City of Lake Oswego

03 – Petition

Petition No.: 2013.08.01 Status: **DRAFT**

Title: Uphold WLPC Decisions wrt CUP(s) Against LTWP

Gist: Uphold West Linn Planning Commission (WLPC) decisions wrt Conditional Use Permit(s) CUP-12-02 and CUP-12-04 denying Lake Oswego Tigard Water Partnership (LTWP) appeal to West Linn City Council (WLCC) on 2013 Jan 14 Monday 18:00 U (6:00 PM PT).

Organization: Birdshill Community Planning Organization / Neighborhood Association hereafter Birdshill CPO / NA. A Joint Clackamas County Community Planning Organization / City of Lake Oswego Neighborhood Association in the State of Oregon.

Sponsor(s): Charles B. Ormsby (Skip), Birdshill CPO / NA Chair 2012 – 2013.

Respondent(s): West Linn City Council 2013 - 2014

Preamble:

- Whereas: 1. **A portion of Birdshill CPO / NA residents served by Lake Oswego Water,**
Birdshill CPO / NA residents are served by public water with sources on Mt Hood in the Bull Run Watershed and Cascade Range in Clackamas River Watershed. Bull Run water is prepared for residents by City Portland Bureau of Water (PTWB) facilities and delivered by Palatine Hill Water District (PHWD). Clackamas River water is prepared and delivered by City of Lake Oswego Public Works. (LOPW); and
- Whereas: 2. **Questionable assumptions wrt water source amount and filtration plant locale,**
Questionable assumptions were made in 2007 Jul 11 Monday Carollo Report (DRAFT) Title: *City of Lake Oswego and Tigard Water Service Area. Joint Water Supply System Analysis DRAFT REPPORT* that lead to subsequent adoption of resolutions by City of Lake Oswego (08-61) and Tigard (08-39) to form the LTWP. Which include water amount that can be drawn from Clackamas River Watershed at Clackamas River mile, CLRM_00.85 (est), by intake pump station at approx 13305 Clackamas River Dr, Oregon City OR 97045, Google Earth coordinates (GE: 45°22'45.66"N, 122°34'40.55"W) (est) under current water rights and geologic stability for significantly expanded existing Lake Oswego water filtration facility located at 4260 Kenthorpe Way, West Linn OR 97068-2126, (GE: 45°23'9.24"N, 122°37'55.75"W); and
- Whereas: 3. **Lake Oswego Tigard Water Partnership (LTWP),**
City of Lake Oswego, by resolution 08-61, (2008 Aug 05 Tue Agenda Item 7.1) and City of Tigard by resolution 08-39, (2008 Aug 05 Tue, Agenda Item 2) entered into a partnership in 2008 Aug 06 Wednesday labeled the Lake Oswego Tigard Water Partnership (LTWP). With purpose(s) including: (1) fully utilize City of Lake Oswego Clackamas River Watershed water rights and (2) cost effectively deliver water sourced from the Clackamas River Watershed; and
- Whereas: 4. **Cost escalation of LTWP and resultant encumbrances,**
LTWP project scope and resultant costs have increased in following series of estimates: 2007 – \$75 M, 2009 – \$200 M, 2011 – \$230 M, 2012 – \$250 M. This latest amount at about 50% project engineering level will result in significant Lake Oswego water fee increases of a similar magnitude to those imposed, without voter referral upon customers, for finance and construction sums of \$120 M; encumbered for the Lake Oswego Interceptor Sewer (LOIS). Which have further been guaranteed for payment by "full faith and credit clauses" (FFCC) placed upon both Lake Oswego residents and contracted service recipients including those within area of the Birdshill CPO/NA, in long term credit bonding finance instruments and;
- Whereas: 5. **Detrimental effects upon Robinwood NA of City of West Linn Oregon,**
Birdshill CPO / NA Chair – Charles B. Ormsby (Skip) has read, observed and agrees with assertions put forth by STOP LLC in: *A Carollo Report Synopsis and Follow-up*, and substantiated by WLPC decisions on Conditional Use Permit(s) [CUP(s)] CUP-12-02 and CUP-12-04, that there will be severe detrimental neighborhood impacts imposed upon the Robinwood Neighborhood Association (NA) and others within the city limits of West Linn by significant expansion of existing City of Lake Oswego infrastructure facilities including but not limited to those of (1) water filtration facility, (2) transmission pipes for raw water supply from Clackamas River and (3) finished water product to City of Lake Oswego and environs.

Body: Therefore, be it in the name of,

Unit: **Membership of the Birdshill CPO / NA, and,**

Area: **Residents who primarily receive water from City of Lake Oswego,**

Dates Canvassed: 2013 Jan 12 - 14 (Saturday - Monday)

Resolution: **We Petition** for the consideration of following Action(s), That

- Action: 1. Uphold City of West Linn Planning Commission (WLPC) Final Decision made 2012 Nov 01 Thur 19:00 U (7:00 PM PT) effective 2012 Dec 11 Thursday 17:00 U (5:00 PM PT) in Conditional Use Permit (CUP) CUP-12-02, for expansion of water treatment (water filtration) plant at 4260 Kenthorpe Way [see Whereas 2 above], thereby denying LTWP appeal; and
- Action: 2. Uphold City of West Linn Planning Commission (WLPC) Final Decision made 2012 Nov 01 Thur 19:00 U (7:00 PM PT) effective 2012 Dec 11 Thursday 17:00 U (5:00 PM PT) in Conditional Use Permit (CUP) CUP-12-04, for water transmission pipes within the City limits of West Linn Oregon, thereby denying LTWP appeal; and
- Action: 3. Send current proposals for LTWP project(s) within City of West Linn back to both Cities of Lake Oswego and Tigard and affected citizens and contracted entities and persons therein for reevaluation as to project scope, costs and any future potential effects and impacts upon the City of West Linn and neighborhoods, including but not limited to Robinwood NA and others within West Linn city limits.

TERM SHEET
IGA FOR RIGHT OF WAY USE
BETWEEN THE
LAKE OSWEGO TIGARD WATER PARTNERSHIP AND THE CITY OF WEST LINN

1. **PURPOSE.** The purpose of the Agreement is to authorize the Partnership to place facilities to transmit water from the Partnership's treatment plant to the City of Lake Oswego's distribution system within the City's public rights of way.
2. **DURATION.** The term of this Agreement commences upon execution by all Parties. The Agreement is perpetual and shall not expire without the written consent of both parties.
3. **PAYMENT.** The Partnership will pay the City a single lump sum payment of five million dollars (\$5,000,000.00) for use of its public right of way by Partnership pipelines constructed after June 1, 2013. Payment shall be made to the City within sixty (60) days after the City issues building permits and the Partnership begins construction in the City's right of way. The payment shall be used to make:
 - a. Capital improvements to West Linn's water system, such as replacement of the Bolton Reservoir or other such improvements, in accordance with the West Linn Water System Master Plan, or
 - b. Improvements to Highway 43, as identified in the Highway 43 Concept Plan.
4. **ADDITIONAL FEES AND CHARGES.** The Parties agree that the payment in Section 2 is a one-time fee for use of the right of way and precludes the City from charging the Partnership a franchise or other similar fee for water transmission structures and pipelines in existence prior to December 31, 2012, and located within the same rights-of-way. However, to the extent authorized by law, this Agreement is subject to the Charter of the City of West Linn and all general ordinance provisions, including the applicable provisions of the West Linn Community Development Code and the West Linn Public Works Standards, and any other applicable regulations, state statutes, or federal provisions. Nothing in this Agreement shall be deemed to waive the requirements of the various City codes and ordinances regarding permits, licenses, permit fees, business licenses, building, public works, or other fees to be paid that are generally applicable to other similar businesses operating within the City, or that apply to similar types of construction.
5. **RIGHT TO OCCUPY PUBLIC RIGHT OF WAY.** The City grants the Partnership the right to occupy its public right of way for the purpose of construction, use, operation, maintenance, repair, and replacement of the Partnership's facilities to provide municipal water service to the Partnership, and to provide emergency municipal water service to the City. [Consider listing the specific rights-of-way.]
6. **PRE-CONSTRUCTION APPROVAL.** Prior to the commencement of any construction, relocation or repair of Partnership's facilities upon, over, under or across any right of way of the City, the Partnership will provide not less than 72 hours written notice to the City Engineer of the proposed location and nature of the work. The Partnership shall obtain written approval from the City Engineer prior to the commencement of such work. The approval of the City Engineer shall not be unreasonably withheld.
7. **WORK WITHIN RIGHT OF WAY.** Before the Partnership conducts work involving excavation in the right of way, the Partnership shall apply for a permit and shall comply with any and all special conditions relating to scheduling, coordination, permitting, locating of facilities, restoration, and public safety as determined by the City, unless emergency conditions exist. After obtaining any permits required by the City, as well as complying with ORS 757.542 et seq. (Oregon Utility Notification Center) as those statutes may be amended from time to time, the Partnership may make all necessary excavations within the right of way for the purpose of installing, repairing, or maintaining the Partnership's facilities, except that in the case of an

Emergency, no permit shall be required prior to excavation. All of the Partnership's work under this Section shall be completed in strict compliance with all applicable rules, regulations and ordinances of the City.

- a. **Emergency Repairs.** In the event emergency repairs to Partnership's facilities are necessary, the Partnership may conduct emergency work at any time and must provide the City Engineer with written or oral notice of emergency work as soon as reasonably possible, no later than five (5) business days after the emergency work has commenced. If permits are required by City, the Partnership shall apply for appropriate permits the next business day or as soon as reasonably possible following discovery of the Emergency. In any event, within thirty (30) days of beginning emergency repairs or construction, the Partnership shall provide the City Engineer with a map in electronic, read-only format of the general location of excavations, repaving, and any new facilities.
 - b. **Reasonable Care.** All excavations made by the Partnership in the right of way shall be properly safeguarded for the prevention of accidents. All work completed by the Partnership shall be conducted with reasonable care to minimize risks to those using the right of way and minimize damage to public and third party property. Any work completed by the Partnership within the right of way may be inspected by the City to determine whether it has been placed in its approved location and in accordance with City requirements and standards according to the Partnership's permit issued by the City. Non-conforming work will be corrected with work conforming to the applicable standards at no cost to the City. If emergency work has been completed by the Partnership in the right of way and the City determines such work was not completed in a City approved location or in accordance with City requirements and standards, the City shall notify the Partnership and provide the Partnership with sixty (60) days after the emergency has passed to correct the deficiencies.
8. **RESTORATION OF RIGHT OF WAY.** The Partnership shall restore the right of way disturbed by any excavation by the Partnership to at least the same condition that it was in prior to excavation, in accordance with generally applicable City standards. If the Partnership fails to restore the right of way to at least the same condition that it was in prior to the excavation, the City shall give the Partnership written notice and provide the Partnership a reasonable period of time, not to exceed thirty (30) days, to restore the right of way. If the work of the Partnership creates a public safety hazard as determined by the City Engineer, the Partnership may be required to repair or restore the right of way within twenty-four (24) hours notice from the City, or such time as agreed between the City Engineer and the Partnership, taking into consideration weather and other relevant factors. Should the Partnership fail to make such repairs or restorations within the aforementioned time frames, the City may, after providing notice to the Partnership and a reasonable opportunity to cure, refill or repave (as applicable) any opening made by the Partnership in the right of way and the associated expense shall be paid by the Partnership. The City reserves the right, after providing notice to the Partnership, to remove or repair any work completed by the Partnership, which, in the determination of the City Engineer is inadequate. The City's cost of repair, including the cost of inspection, management, and supervision, shall be paid by the Partnership. In the event that the Partnership's work is coordinated with other construction work in the right of way, the City Engineer may excuse the Partnership from restoring the right of way, provided that as part of the coordinated work, the right of way is restored to good order and condition in accordance with City standards.
9. **CITY IMPROVEMENTS.** Nothing in this Agreement shall be construed in any way to prevent the City from excavating, grading, paving, planking, repairing, widening, altering, or completing any work that may be needed or convenient in the right of way that is consistent with applicable codes. The City shall coordinate any such work with the Partnership by providing the Partnership not less than 72 hours advance written notice of any work the City will undertake

over, under, or within 7.5 feet of the centerline of the Partnership's facilities. The City shall confer with the Partnership to determine methods to avoid or minimize, to the extent reasonably foreseeable, any obstruction, injury or restrictions on the Partnership's use of its facilities. The City shall only bear responsibility for damages to the Partnership's facilities to the extent the damage or loss is the direct and proximate result of willful, intentionally tortious, negligent or malicious acts and/or omissions by the City, its employees, or agents. In such case, the City shall indemnify and hold the Partnership harmless against any and all claims, damages, costs and expenses, including attorney's fees and costs, arising from such acts and/or omissions, subject to any applicable limitations in the Oregon Constitution and the Oregon Tort Claims Act.

10. THIRD PARTY IMPROVEMENTS. The City shall notify the Partnership by providing the Partnership not less than 72 hours advance written notice of any planned improvements that will be undertaken by a third party over, under, or within 7.5 feet of the centerline of the Partnership's facilities. The City shall notify a third party that proposes work within 7.5 feet of the centerline of the Partnership's facilities of the existence and type of facility in that location. The Partnership will be notified and given the option to attend project application meetings for projects that may affect its facilities. The City shall not be required to provide notice for any emergency repairs undertaken by a third party. In the event that a relocation, extension, or alteration of the Partnership's facilities is requested by or for the benefit of a third party, Partnership shall seek reimbursement from the third party and not from the City.

11. MISCELLANEOUS PROVISIONS.

- a. **As-Built Drawings; Confidential.** The Partnership will furnish the City with record drawings in electronic, read-only format showing the location of all the Partnership's facilities within sixty (60) days of the completion of construction, relocation, repair, or replacement. In the interests of public safety, and pursuant to ORS 192.501(22), these "as-built" drawings shall be confidential records exempt from disclosure.
- b. **No Waiver.** By signing this Agreement, the Partnership is not waiving its rights to challenge, or otherwise dispute the legality, validity, or enforceability of any changes to ordinances, resolutions, rules or orders the City enacts after the effective date of this Agreement. The failure by any party to enforce any provision of this Agreement shall not constitute a waiver by that party of that provision or of any other provision of this Agreement.
- c. **Non-exclusive Use.** This Agreement is not exclusive and shall not be construed to limit the City from granting rights, privileges and authority to other persons similar to, or different from, those set forth in this Agreement.
- d. **Amendment Provisions.** The terms of this Agreement may be amended by mutual agreement of the Parties. Any amendments shall be in writing, shall refer specifically to this Agreement, and shall be executed by the Parties.
- e. **Written Notices.** All written notices required under this agreement shall be sent to:

Lake Oswego Tigard
Water Partnership:

General Manager
1st Line Address
City, Oregon

City of Lake Oswego:

City Manager
City of Lake Oswego
P.O. Box 369
Lake Oswego, Oregon 97034

City of West Linn: City Manager
City of West Linn
22500 Salamo Road
West Linn, Oregon 97068

City of Tigard: City Manager
City of Tigard
13125 SW Hall Blvd
Tigard, Oregon 97223

- f. **Indemnification.** To the fullest extent permitted by law, the Partnership shall indemnify and hold harmless the City against any and all claims, damages, costs and expenses, including attorney's fees and costs, to which the City may be subjected as a result of any willful, intentionally tortious, negligent, or malicious acts and/or omissions of the Partnership, or its affiliates, officers, employees, agents, contractors or subcontractors, arising out of the rights and privileges granted by this Franchise.
- g. **Severability.** Should any provision or provisions of this Agreement be construed by a court of competent jurisdiction to be void, invalid or unenforceable, such construction shall affect only the provision or provisions so construed, and shall not affect, impair or invalidate any of the other provisions of this Agreement which shall remain in full force and effect.
- h. **Attorney Fees.** In the event an action, lawsuit or proceeding, including appeal there from, is brought for failure to fulfill or comply with any of the terms of this agreement, each party shall be responsible for their own attorney fees, expenses, costs and disbursements for said action, lawsuit, proceeding or appeal.
- i. **Headings.** The headings of this Agreement are for convenience only and shall not be used to construe or interpret any provisions of this Agreement.
- j. **Merger.** This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties.
- k. **Binding Effect.** The terms of this Agreement shall be binding upon and inure to the benefit of each of the parties and each of their respective administrators, agents, representatives, successors and assigns.
- l. **Termination?**
- m. **Dispute Resolution.**

Norman B. King

**Former Mayor of West Linn
19363 Willamette Drive, #332
West Linn, Oregon 97068**

Fellow West Linn Citizen:

I am writing to you because of my deep concern about the huge new water treatment plant proposed for construction east of Hwy 43 in Robinwood. A partnership composed of the water departments of Lake Oswego and Tigard (LOT) wants to shoehorn an industrial facility the size of a Home Depot into an established residential neighborhood, replacing an older, smaller treatment plant. To supply Clackamas River water to the plant, LOT plans to tunnel a 42" pipe under the Willamette River from Gladstone and dig an 8' trench for the water transmission line in Mapleton Drive to the plant and then dig another 8' ditch to hold the 4' diameter pipe (yes, 4'! – which is a circumference of 12.56 feet) from the treatment plant then up Mapleton to Hwy 43, then north up the middle of Hwy 43 to Lake Oswego, under Lake Oswego and then on to Tigard. My friends, the "civic contract" between neighboring cities for responsibility and cooperation that has existed here is being torn asunder by Lake Oswego and Tigard. While showing plans to neighbors, LOT sued approximately 86 Mapleton residents to condemn their CC&Rs so they could build a non-residential facility causing them to hire attorneys to represent them at a cost of tens of thousands of dollars. I would like to share the following facts:

- The proposed water plant will treat/move 38 million gallons of water each day to Lake Oswego and Tigard. It is water they do not need now or in the future.
- Approval of the plant and pipelines is being sought now, even though design work is only 60% complete.
- An estimated 89,000 vehicles which include construction traffic, dump trucks and large equipment transport will be added to West Linn's streets without LOT paying any street use fees.
- 700 to 800 truckloads are generated by the Willamette tunnel alone. Hundreds more by digging the hole for the 2 million gallon storage tank. Hundreds more to haul out the soil and debris removed from the 8' ditch running from the Willamette to Lake Oswego. Hundreds of truck loads from drilling holes for nearly 1,000 pilings to stabilize the plant being built on liquefying soil. Hundreds of truck loads of cement and building materials removed from the old plant. Hundreds more from loads of construction supplies to the plant and pipeline projects.
- In short, our neighborhoods and Hwy 43 will suffer enormous impact. This impact will extend as transport will run through Bolton and Lake Oswego. Our children won't be safe walking the streets and already fragile businesses will be facing yet another economic impediment.
- The City of West Linn's administration has refused to help its citizens defend their property rights and quality of life, and as a result is supporting its destruction. Based upon the actions of certain members of our city administration, it appears that they have not only given the Lake Oswego-Tigard application a free ride, but have also crossed the line from assistance or neutrality to actually work against its own citizens. This is not what a professional city staff should be doing to its citizens or be all about.
- The new plant treats more than double the water than the existing plant and uses more toxic chemicals. The chemical storage and loading building is visible from the front porch of Cedar Oak School. Most of the chemical trucks will also drive by Bolton School and shopping center, the City Library and within 3 blocks from the High School.
- LOT does not and will not pay taxes on their property and buildings like other residents. The reduction of any tax revenue deprives our schools and city of much needed funding. This funding must be made up by increased taxes or reduced services from taxpayers like you and me.
- West Linn's Comprehensive Plan requires recovery of all development costs from the applicant, yet the City Council has not shown any indication they will require LOT to sign cost recovery agreements with City Police, Permitting, Engineering, Parks or TVFR. If they do not, the LOT project will move the City closer to bankruptcy.

- Seven West Linn Neighborhoods have voted to oppose LOT's large plant expansion and large transmission lines in West Linn.

Even though the city's administration's planning department recommended approval of the application, on November 1, 2012 the West Linn Planning Commission voted unanimously to deny the application for the following reasons:

- The facility is not intended "to meet the overall needs of West Linn residents".
- The facility is a regional facility and will not meet the water needs of West Linn residents.
- The facility's benefits do not offset negative impacts to the immediate neighborhood and business community.
- The offer to provide emergency water to West Linn provides "no certainty that water will be available in the event of an emergency".
- Construction "would generate noise, cause disruption, diminish the livability of the area, pose a safety risk for children walking through a construction zone", potentially diminish the ability to sell property and depress property values and be detrimental to business located in the area.
- The location of the plant "in a seismically hazardous area of the City outweighed the temporary benefits that would accrue to West Linn residents...."
- The partnership's offer of an insurance fund of \$1.5 million was inadequate; the duration too limited and had "no certainty that the applicant would pay legitimate claims".
- The location of the plant was not suitable "given the potential for seismically induced liquefaction and lateral spreading of soils" north and east of the plant, evidenced "by a pre-historic deep seated landslide" east of the proposed plant and thus is not consistent with the Comprehensive Plan.
- Buffering and setbacks are inadequate.
- Potentially hazardous chemicals in amounts greater than presently used puts neighbors at risk.
- The increased size of the plant presents an increased risk of significant property damage in the event of a major earthquake event and/or landslide.
- The proposed project violates the Comprehensive plan because water produced by the plant is planned for use in the development of the Stafford Triangle.
- It fails to protect residents' quality of life and livability by closing Mapleton daily for long periods of time and creating potentially hazardous conditions and safety risks.
- The Commission found that proposed night-time work on Hwy 43 would have adverse effects to residences upslope from Hwy 43. In addition, they found that the HDD operation would generate high noise levels.
- The proposed pipeline alignment is not adequate for the large replacement water transmission line.

Friends, the construction of this water plant and pipeline is a catastrophe for West Linn. LOT has appealed the well considered decision of the Planning Commission to the West Linn City Council. The opposition to the project needs your help. Those in opposition have been suppressed, denied assistance and access to the City Council and staff. The opposition is fighting three City halls. You can learn more about this at the web site www.westlinnfirst.com.

If you oppose the LOT project, we welcome your oral or written testimony at the City Council hearing January 14th at 6:00PM at City Hall, or written testimony or other documents may be presented to Council for consideration to the City Manager's office by 5:00PM on January 7, 2013. Related files and documents are available at the West Linn Library, City Hall the City's website.

Norman B. King

Norman B. King

Former Mayor of West Linn

Pelz, Zach

From: Jordan, Chris
Sent: Monday, January 14, 2013 8:52 AM
To: Pelz, Zach
Subject: FW: Please vote NO on LO-Tigard Water Plant proposal

For the record

Chris Jordan, City Manager
Administration, #1422

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

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

From: Frank, Thomas
Sent: Sunday, January 13, 2013 9:33 PM
To: Jordan, Chris
Subject: Fwd: Please vote NO on LO-Tigard Water Plant proposal

Begin forwarded message:

From: MC Ryan <cassryan@yahoo.com>
Subject: Please vote NO on LO-Tigard Water Plant proposal
Date: January 13, 2013 9:15:30 PM PST
To: "Kovash, John" <jkovash@westlinnoregon.gov>, "Carson, Jody" <jcarson@westlinnoregon.gov>, "Frank, Thomas" <tfrank@westlinnoregon.gov>, "Tan, Jennifer" <jtan@westlinnoregon.gov>, "Jones, Michael" <mjones@westlinnoregon.gov>
Reply-To: MC Ryan <cassryan@yahoo.com>

Hello,

As a 10 year Robinwood resident at Fairview Way, just down the street from successful Hwy 43 mainstays Bugatti's and Thai Orchid, we know how difficult it has been sustaining business to our neck of the woods. Not all businesses have held on like these two. We've seen small businesses come and go, from Kasch's to 1st Choice Market to the West Linn Dance Studio and all kinds of small boutique shops. Many storefronts still stand empty though they're very clean and their lease rates are rock bottom.

When Highway 43 is torn up, for the benefit of our neighbors, for a scant and quickly spent \$5 million, how many existing business will suffer or have to fold because of diminished traffic? How many businesses will be discouraged from opening up shop here? Where is the benefit to West Linn and Robinwood? It is a primary interest of our citizens that businesses prosper along this corridor.

Unless there is a vastly more substantial and on-going benefit to the project, I encourage you to DENY the appeal of water departments of LO and Tigard.

Thank you,

Michael Ryan
3505 Fairview Way
West Linn, OR 97068



Councilor Thomas Frank
tfrank@westlinnoregon.gov
West Linn City Councilor
22500 Salamo Rd
West Linn, OR 97068
P: (503) 657-0331
F: (503) 650-9041
Web: westlinnoregon.gov



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

Pelz, Zach

From: Sonnen, John
Sent: Monday, January 14, 2013 8:21 AM
To: Pelz, Zach; Pam Beery
Subject: FW: Message Sent From West Linn Web Site

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Norman King [mailto:normbking@gmail.com]
Sent: Monday, January 14, 2013 1:14 AM
To: CWL Council
Cc: 'Jody Carson'; Jones, Mike; Jordan, Chris; Sonnen, John; normking@gmail.com
Subject: Message Sent From West Linn Web Site

This email will be sent to the West Linn Mayor and Councilors, Chris, John: On Friday afternoon, after I got my computer back from the shop, I was able to review a copy of the draft schedule or protocol for the Council meeting Monday evening and beyond. After reviewing the protocol guidelines in the council rules as well as the draft, I'd like to recommend some changes in the time allocations.

1. I agree that it is appropriate for the appellant to go first and receive 20 min (although this is a complicated set of applications and they might need more). The opposition is not the neighborhood, but an organized opposition independent of the neighborhood and I believe they should receive an amount of time equal to the Appellant. If not equal, considerably more than 10 minutes. Again this is a big complicated application with a lot of issues and I recommend they get more time to make their case.
2. In looking at the council rules, I recommend the Opposition receive a few minutes for rebuttal. I do agree that the Applicant should have the opportunity to be last.
3. The 3 minute limit for public testimony is awfully brief for two complicated applications. The Planning Commission allowed something like 7 minutes. If you can't repeat that time limit, I'd recommend you allow 5 or 6 minutes. Not everyone will need it, but I think the Council should hear as much information as possible before making this important decision.

I'm not sure this will be needed, but if there are expert witnesses testifying, they probably will need a few more minutes than the public to be understood.

However this turns out, I want to thank you for your time and effort to review all the record. All 20 tons of it!

Sincerely,

Norm King

Pelz, Zach

From: Mollusky, Kathy
Sent: Monday, January 14, 2013 8:28 AM
To: Pelz, Zach
Subject: FW: Get the message- stop the water plant!!!!

Kathy Mollusky, City Recorder
Administration, #1430

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

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

From: Carson, Jody
Sent: Sunday, January 13, 2013 4:11 PM
To: Jordan, Chris; Mollusky, Kathy
Subject: Fwd: Get the message- stop the water plant!!!!

For the record

Begin forwarded message:

From: Pat <emerykelly@comcast.net>
Date: January 13, 2013, 3:12:45 PM PST
To: "Carson, Jody" <jcarson@westlinnoregon.gov>
Subject: Get the message- stop the water plant!!!!

Sent from my iPad



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

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

Pelz, Zach

From: debby duly [dmduly7@yahoo.com]
Sent: Sunday, January 13, 2013 11:07 PM
To: Pelz, Zach
Subject: LOT

I hope this doesn't get to you too late to be reviewed before the Council meetings.

I live in the Cedaroak area and have a small home-based business and operate 24/7/365 and therefore, unfortunately unable to attend meetings, so it is my hope that this will serve as my voice on this issue.

Words cannot express my anger towards this proposition. None of it makes any sense -
How does it benefit the City of West Linn (as a government)?
How does it benefit the residents of West Linn?
How does it benefit the businesses in West Linn?
How does it benefit the schools in West Linn?

The answer to all the above - IT DOESN'T!!! Yet we would be the ones to bear the burden!

I am baffled that approval of this proposal would even be considered!

If approved, it would disrupt the lives of our entire community which we all work so hard to live in because we love it here. Now, our home values, our businesses and our nice quiet community could be in peril. If this were to pass, not only I, but many, many local businesses could lose their businesses due to all the traffic and congestion along Hwy 43. Hwy 43 is already a mess during peak hours with long delays. When they were re-paving the road between Hidden Springs and Hood Street, traffic was at a stand-still or a crawl for 30-45 minutes for commuters. I personally lost clients due to the wait times as I'm sure many other businesses did. What would happen if this proposal went through also tearing up the roads to LO? What about our kids going to Bolton and Cedaroak? Do they matter at all to you? What about the individuals on Mapleton who are being sued individually by the City of LO!!!!

You have been elected to represent the citizens of West Linn - NOT the citizens of Lake Oswego or Tigard!!!! If you want to represent them - MOVE! In the meantime, while you represent us, do the job you were hired for.

As was said about our Senate and Congress with regard to the "fiscal cliff", were anyone in the private sector assigned to do a job and didn't get it done - they would be fired!!!!

DO YOUR JOB and protect our citizens, our children, our home values, our businesses... LET LAKE OSWEGO AND TIGARD TAKE CARE OF THEMSELVES!

Thank you for your time....

SIGNED,

OUTRAGED IN WEST LINN

Pelz, Zach

From: Howell Cobb [hbboc@northpacificmillwork.com]
Sent: Saturday, January 12, 2013 6:24 PM
To: Pelz, Zach
Subject: Another LOT email

Zach

I was told you are a city point man for the LOT situation (which I do not favor)

If this project is pushed through, I do hope that the city would insist on more than the \$5 million fish tossed at us by LO

I suggest that our city insist on an irrevocable assessment on every gallon of water the flows from the proposed plant, indexed to any future water rate increase LO / Tigard would approve.

For example:

A one cent assessment by the City of West Linn on every 100 gallons pumped, at the advertised flow rate of 38 million gallons / day, would generate revenue of \$1,387,000 / year for our coffers. The real reward would come in the out years as the result of compounding from future water rate increases.

Lake Oswego has been clear that they would be selling water to Tigard. If this a revenue producing venture for LO, why would West Linn not be part of the take - particularly since our citizens will be the ones who suffer the most?

This approach may well be under consideration, but if it isn't, it certainly should be.

Howell Cobb
6623 Palomino Circle
503-655-6815

Pelz, Zach

From: judygrace@comcast.net
Sent: Saturday, January 12, 2013 5:05 PM
To: Pelz, Zach
Cc: Morton, Jim
Subject: January 14th city council meeting
Attachments: LOT water treatment plant letter 1-9-13.docx

Hello Zach Pelz,

Please submit the attached letter for us at the January 14th city council meeting regarding the Lake Oswego Tigard water treatment plant. We are unable to attend that night.

Thank you. Judy & Jim Morton

January 9, 2013

Respectfully submitted to: West Linn City Council

Sincerely from: Judy & Jim Morton, 6280 Geer Street, West Linn

We have lived at our home in the Bolton neighborhood for 38 years. For many months we have been reading about the Lake Oswego-Tigard water treatment plant expansion proposed for Robinwood. Our perspective has been elementary: West Linn should be a cooperative neighbor to Lake Oswego while primarily caretaking the needs of West Linn. Our conclusions are unequivocal.

The project is too disruptive for all of West Linn.

The plant is too massive and industrial for ANY residential neighborhood.

The benefits to West Linn residents are not significant.

Our emergency water plans should not hinge on an agreement where West Linn is not an equal partner.

Please preserve our city and our sovereignty – graciously advise Lake Oswego and Tigard to find a commercial location “closer to home” for their 21st century water plant.

Pelz, Zach

From: Jordan, Chris
Sent: Saturday, January 12, 2013 12:17 PM
To: D%20Blanchard; CWL Council
Cc: Pelz, Zach
Subject: RE: CUP-12-02 / -04 appeal - public testimony

Thank you for your e-mail to the City Council regarding the Lake Oswego-Tigard project. Because this is a land use hearing scheduled before the City Council beginning on January 14, the Council is not in a position to engage in ex parte' communications. In accordance with the adopted City Council Rules governing the procedures for land use hearings such as this, all written arguments or other documents presented to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. seven calendar days prior to the date of the hearing. All other written materials must be presented in person at the hearing. However, please be assured that the Council will receive a copy of your e-mail at the hearing on January 14.

Chris Jordan, City Manager
Administration, #1422

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

From: D%20Blanchard [d_ale@comcast.net]
Sent: Saturday, January 12, 2013 11:30 AM
To: CWL Council
Subject: CUP-12-02 / -04 appeal - public testimony

Hello, I am writing in support of the Planning Commission decision on CUP-12-02 and CUP-12-04. Their decision is correct for the reasons clearly delineated in their findings.

Reversing this decision will demonstrate utter disregard for the citizens you claim to represent. It will reinforce the long-standing appearance of corruption in our city government.

Do what you think is right.

Dale Blanchard
19683 Sun Circle
West Linn, OR 97068

Pelz, Zach

From: Sonnen, John
Sent: Monday, January 14, 2013 8:18 AM
To: Pelz, Zach
Subject: FW: Ex parte contacts

For the record

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Carson, Jody
Sent: Sunday, January 13, 2013 1:25 PM
To: Sonnen, John; Mollusky, Kathy
Cc: Jordan, Chris
Subject: Ex parte contacts

Since receiving Norm King's letter I have had two people ask me about it. I have told them it has been added to the record and the information considered with other information submitted to the record.

After the announcement regarding the \$5 m offered by Lake Oswego I had two individuals ask if that would change anything and I told them it would be considered with the rest of the submittals by the council.

I did not learn anything that would affect my ability to make an impartial decision -

Councilor Jody Carson
<mailto:jcarson@westlinnoregon.gov>
West Linn City Councilor
22500 Salamo Rd
West Linn, Oregon 97068
P: (503) 657-0331
F: (503) 650-9041
Web: <http://westlinnoregon.gov>

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

Pelz, Zach

From: Sonnen, John
Sent: Monday, January 14, 2013 8:19 AM
To: Pelz, Zach
Subject: FW: lot

For the record

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Kovash, John
Sent: Sunday, January 13, 2013 2:18 PM
To: Sonnen, John
Subject: lot

I talked with two neighbors today about LOT and answered some questions for them. John



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

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

Pelz, Zach

From: Sonnen, John
Sent: Monday, January 14, 2013 8:19 AM
To: Pelz, Zach
Subject: FW: Follow citizen pleas to stop the water plant.

For the record

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Frank, Thomas
Sent: Sunday, January 13, 2013 3:25 PM
To: Jordan, Chris; Sonnen, John
Subject: Fwd: Follow citizen pleas to stop the water plant.

Thomas A. Frank


Sent from my iPhone

Begin forwarded message:

From: Pat <emerykelly@comcast.net>
Date: January 13, 2013, 3:13:12 PM PST
To: "Frank, Thomas" <tfrank@westlinnoregon.gov>
Subject: Follow citizen pleas to stop the water plant.

Sent from my iPad

City of West Linn
Councilor Thomas Frank
tfrank@westlinnoregon.gov
West Linn City Councilor
22500 Salamo Rd
West Linn, OR 97068
P: (503) 657-0331
F: (503) 650-9041
Web: westlinnoregon.gov



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

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

To the WL City Council

The rancorous partisan wrangling we witness in Washington, D.C. disgusts many Americans. Unfortunately, it seems to be an infection that has spread to West Linn.

The City faces a challenging issue of whether to approve expansion of a water treatment plan in its city limits that is owned by Lake Oswego and their partner Tigard. Questions range from mitigating construction impacts on neighbors to giving West Linn a back-up water supply and delaying costly reservoir construction.

What perplexes me is the increasingly shrill tenor of the discussion of this project. Business owners have been threatened, neighbors who favor the project intimidated and supporters characterized as dupes. Project opponents even produced a YouTube movie comparing the water plant expansion to Adolf Hitler's Nazi Germany.

Emotions understandably run high on projects with significant local impacts. If I lived near the existing water plant, I would be concerned, too. But I also would be curious about what is proposed, its benefits, its dangers and efforts to take the sting out of negative impacts.

After reviewing the facts, reasonable people can come down both for and against any project. People have every right to support their positions forcefully, yet they have a responsibility to do so respectfully and in the appropriate public forums.

When we corrode our public processes by tossing facts to the wind and use opinion as a battering ram, we destroy the very communities we say we are trying to protect. When demagoguery and fear-mongering dominate, rational dialogue disappears – and, along with it, rational decision-making.

In our hyper media age it is easy to slip into a destructive pattern of demonizing a person or a project. It is temptation we must resist because it degrades us all.

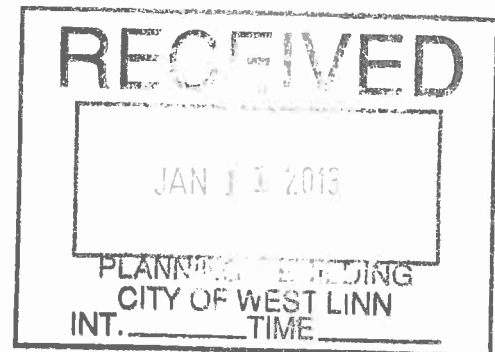
Lake Oswego-Tigard water project should be decided by weighing the facts presented by both sides, not by who has the loudest voice.

Regards,



Warren Okuns

3424 Chelan Drive, West Linn, OR 97068



Dear City Council

I support reversing what was a narrow and poorly reasoned decision by our planning commission to deny the application to expand the Lake Oswego water plant.

The Planning Commission's job is to adhere to our adopted civic plans – not ignore them and certainly not to invent new criteria on the fly. The proposed plant expansion is an explicit element in our 2008 city's master water plan.

What does it matter that the plant is owned and operated by another city?

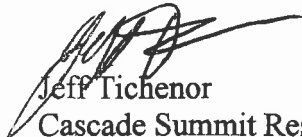
Does anyone see a sewer treatment plant in West Linn? Does anyone see a West Linn fire department? Does the water coming from our taps come from water plant located in West Linn serving only West Linn? Is there a West Linn system of public transit? How about a West Linn electrical utility or power plant? Last time I checked our children attended the West Linn-Wilsonville schools? As hard as I've looked, I cannot find West Linn's hospital, our own ambulance service, or phone company.

My point is simple. West Linn is thoroughly integrated with the region and we are connected for a very good reason. Sharing assets in partnership with other communities gives us first world service at the lowest possible cost.

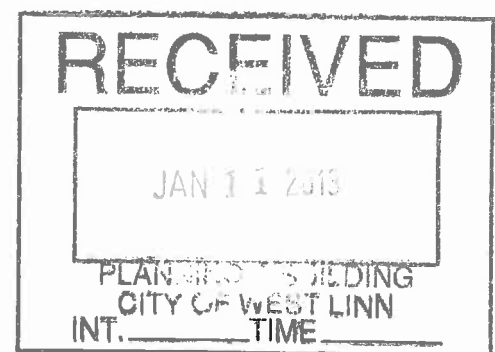
The Planning Commission and opponents say they could not find benefit in the proposed plant expansion for West Linn. Since when is saving millions of dollars and improving the safety and reliability of our water system for free not a very big benefit?

I urge the Council to make the right decision for West Linn and approve the plant.

Sincerely,



Jeff Tichenor
Cascade Summit Resident
3438 Chelan Drive, West Linn



Dear City Council

I am writing regarding the proposed expansion of the Lake Oswego/Tigard water plant.

It appears to me that the overwhelming majority of those voices criticizing the planned expansion of the water treatment plant are those in the actual neighborhood of the plant. While I empathize with them, they are not speaking on behalf of the city of West Linn.

We've seen this type of resistance to change in multiple projects in the past. Fights over wastewater, police stations, solar highways, parks and nearly everything else over the past 20 years are many times demonized or worse, perpetuated as conspiracies hatched within our city hall or by our neighboring cities.

I urge the Council to stand up to this whirlwind and focus on facts.

When it considers the water plant expansion here are the real questions that should be asked:

- Do the proposed water plant expansion and its pipeline meet the requirements of our city's land use code and comprehensive plan?
- Do the proposed water plant expansion and its pipeline help us achieve our own water master plan?
- Do the proposed water plant expansion and its pipeline provide public benefits that improve our quality of life, from public safety, cost savings and new amenities?
- Does the applicant have a reasonable plan to mitigate short-term construction impacts on neighbors and the surrounding community?

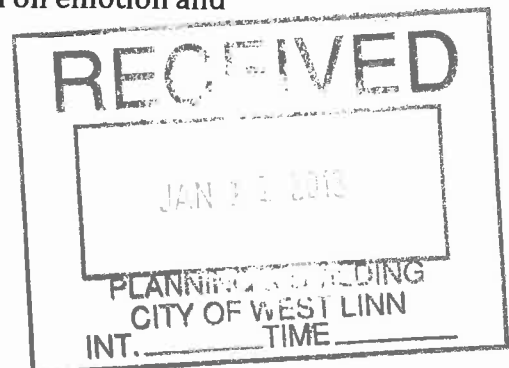
Then there is one last question our council must ask.

- What are the consequences for everyone else in West Linn if we send Lake Oswego and Tigard packing?

I have confidence in you, our city council. You are more than capable of asking the right questions while ignoring the arguments based on emotion and shortsightedness.

Sincerely,


Mark Weierich
West Linn Resident



Jim and Sandi Fletcher
2750 York, WL
503 656 0251

January 2013

13 JAN 10 AM 10:44

In the thirty plus years we've lived in West Linn we've seen a lot of positive changes along with anguish and growing pains. We want to go on record to say that the proposed Lake Oswego – Tigard water project is intolerable.

We are unable to glean any positive factors out of this proposed project -- not for the West Linn community, its neighborhoods, tax bases, or physical and service infrastructures.

We are aware that Lake Oswego has a long history of arrogance. . . (Spend your money here but don't go near our lake.) If Tigard wants to join Lake Oswego in "bullying" someone, that's fine if they kindly confine it to their own neighborhoods.

Respectfully,

A handwritten signature in black ink that reads "Jim W. Fletcher". The signature is written in a cursive style with a large, looping initial "J".A handwritten signature in black ink that reads "Sandi Fletcher". The signature is written in a cursive style with a large, looping initial "S".

Mollusky, Kathy

From: Mollusky, Kathy
Sent: Friday, January 11, 2013 2:42 PM
To: City Council
Cc: Pelz, Zach
Subject: NA Information
Attachments: SKMBT_C55013011115050.pdf

Council,

Per your request - attached are the neighborhood association minutes, resolutions, etc. regarding the LOT project that the City has. Bolton, Parker Crest, Rosemont Summit (inactive since November 2011) and Skyline have not submitted any.

Please let me know if you require any additional information.

Kathy

Dear Neighbors:

It has been a while since we have convened an NA meeting. We MUST have one in order to elect/re-elect officers. We will also conduct some more business, see agenda. Please RSVP to this email if you can or cannot attend. Thank you.

DATE: May 23rd at 7 pm for 60 minutes.

LOCATION: Senior Center in WL, 1180 Rosemont Road.

AGENDA:

1. Elect Officers: President, Vice President and Secretary (or re-elect same).
2. Update on Solar Power Plant.
3. Update on Solar Trail & an Alternate Location we prefer.
4. Update on Lake Oswego/Tigard Water Treatment Plant to be built in WL.

Best regards,

Steve Garner, President

Barrington Heights, Hidden Creek Estates & Tanner Woods Neighborhood Association (BHTNA)

Nothing after this agenda (no minutes)



Hidden Springs Neighborhood Association
City of West Linn

Hidden Springs Neighborhood Association

March 20, 2012

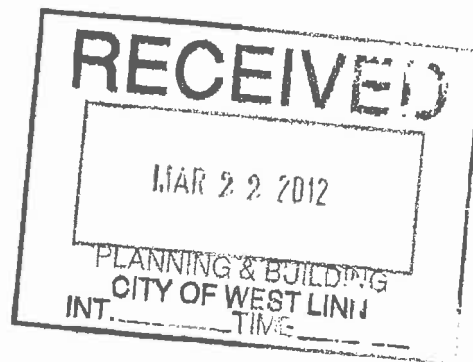
RE: RESOLUTION 2012-01

RESOLVED, the Hidden Springs Neighborhood Association opposes the expansion of the Lake Oswego Water Treatment Plant in the City of West Linn.

A handwritten signature in black ink, appearing to read 'Alex Kachinsky', is written over the printed name.

Alex Kachinsky

President, Hidden Springs Neighborhood Association



DRAFT MINUTES March 20, 2012
HIDDEN SPRINGS NEIGHBORHOOD ASSOCIATION
Rosemont Ridge Middle School

ALL TO ORDER: The meeting was called to order at 7:05 PM by President, Alex Kachirisky. Other officers in attendance: Scott Howard, Vice President; Susan Van de Water, Secretary/Treasurer.

QUORUM DATA: There were 17 members and eight guests signed in attendance. Quorum was established.

Susan Van de Water read the Secretary/Treasurer's report.

OLD BUSINESS:

PLANNED LAKE OSWEGO WATER TREATMENT PLANT

The following individuals gave presentations:

- Joel Komarek with City of Lake Oswego.
- Jane Hiesler with city of Lake Oswego
- West Linn residents:
 - Jack Norby
 - Charles Landskroner
 - Robert Stowell
 - Kevin Bryck
 - Dave Froode

After a period of Q&A and some discussion, Pat Corcoran offered a motion "that the HSNA oppose the expansion of Lake Oswego Water Treatment Plant in the City of West Linn" and it was seconded. A roll call vote was taken and the resolution passed (15 yes/ 0 no/ 2 abstain).

The meeting was adjourned.



Susan Van de Water, Secretary/Treasurer

West Linn Hidden Springs Neighborhood Association Meeting Sign In Sheet

Meeting Date: 3 120 120 12

2 of 2

	Name	Address	Guest? (Y/n)	VOFE
1	Frank Heusackel	on file	N	Y
2	Lynne Greenberg	19760 Derby	N	Y
3	Steve Freiling	6128 Churchill Downs Dr	N	Y
4	KEVIN BEYER	10040 NIXON AV	Y	
5	Jane Heister	P.O. Bx 369, LD 97034	Y	
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

Marylhurst NA meeting minutes, 7:00 p.m., Tuesday, June 26, 2012

Minutes submitted by Secretary, Doanne Brown

Budget submitted by Treasurer, Jim Koll

Current Balance	\$4813.06
Latest Deposit	\$409.09
Last Check	\$358.55
Proposed Expenses	
Gathering Tree	
Meeting Signs	
Replacing entrance sign on Marylhurst Drive	
Small signs on street signs to identify MNA	

Neighborhood Association Presidents Group, President, Jef Treece

Ad hoc group with plans to connect and inform
Minimum requirements for qualifying as a NA

Volunteer Opportunities

Summer Activity at the new park
Review Neighborhood Plan
Assist with new signs
Election of Officers will be held in October

Informational Items

New lending library on Marylhurst Drive
West Linn will celebrate it's Centennial in 2013, forming committees
Gather more resident e-mail addresses for monthly meeting notification
Two land use pre-app conference summaries that affect MNA

Lake Oswego Water Treatment and Pipeline Presentation

Charles Landskroner –Robinwood resident opposed to development
Jane Heisler – Communications Director for Lake Oswego, pro development
Questions and answers followed presentations
There were seven attendees, shy of a quorum, so we were unable to make any motions or vote. There were also six visitors and presenters.

Meeting adjourned at 9:05 p.m.

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

Jordan, Chris

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

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

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

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

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

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

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

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

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

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

Kevin Bryck, Chair

RNA Great Neighbor Committee

RNAGNC@gmail.com

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

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

3	Green construction practices, including: all construction vehicle using Ultra Low Sulphur Diesel, limited vehicle idling and limited use of generators.		2,4	4	X	
4	Fund to offset hardship residential sales during construction phase with defined circumstances in which this could be applied, e.g. when a person is unable to delay the home sale until after construction is completed due to death, health crisis, mandatory job relocation, etc.		5	4,5	X	
5	Separate the pathway, landscaping and perimeter screening/buffer contract from the plant construction contract to ensure these improvements are not dropped as a result of cost overruns.		3,4,7	6	X	
6	Construction workers may not park on local streets. Workers must park on-site or at designated off-street parking sites and bussed to the worksite. Delivery trucks may not park or wait on residential streets. They must either enter the construction site or wall in designated off-site staging areas. Access to adjacent residential properties shall be maintained at all times.		2,4	4	X	

Residential Streets - Design & Improvement

1	Hazard impact and response scenario for a pipeline break along the residential route to be developed and approved by the neighborhood.		1,5	5		
2	Permeable path without swale or slightly wider pavement cross section with multiuse lane striped & signed on one side of Mapleton. Fee-in-lieu for Half Street Improvement to be applied to an alternative amenity / cross-section on Mapleton, or to be applied elsewhere in Robinwood Neighborhood.		0,1,3,5,8	5,6		
3	Given that construction activity will likely compromise the entire street section, the entire width of the current street pavement section, including the subgrade, shall be rebuilt to the current City Public Works standards.		0,1,5,8	5,6		
4	City ROW marked (survey stakes) ASAP to assist in design of final ROW.		3,8	4		
5	Concrete Asbestos water lines replaced on Mapleton and Kenthorpe in cooperation with City of West Linn.		0,8	5,6		

Residential Street Mitigations - Construction

1	Maintain daily access to all driveways / residences by vehicle with access closures limited to (DEFENSIBLE TIME HERE). Requires the contractor to inform residents about all planned access closures by telephone, email and in writing at least 10 work days prior to a closure. Maintain one traffic lane open at all times on residential streets for emergency vehicle access.		2	4,5		
2	Off-street staging area required. No loading, unloading or staging of equipment or materials on residential streets, except materials (pipe and fill) for immediate placement into excavation. No equipment or materials in ROW after work hours, except construction safety and warning devices.		2	4		

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

FORS Board Meeting March 12, 2012

Call to Order 7:07

Board Members Present: Hill, Norby, Bryck, Phillips, Bracco, Fastabend

Guests: Gordon Bryck, Becky Burken and her two children

Announcements: Kevin's sick....don't touch him.

Minute: Jack moved and Mary Second approving the previous minutes to the Feb Meeting. Passed by voice vote

Treasurers report: Postponed as our treasurer was unable to attend. It will be sent via e-mail.

Committee Reports

Building Development: Carpets are hung by the chimney so neat. Cost: \$470 carpets and hardware.

Needs list is updated. Kevin wants a bulletin board for Robinwood Nabe Planning. Jack moved and Mary seconded to allow the RNA to use one of the Bulletin Boards at the Station.

Kevin would like to test lighting options in the Garage Bay. Jack moved that Kevin be allowed to spend upto \$500 for purchasing and testing lighting option. Mary 2nd. Discussion. Voice Vote: Passed unanimously.

Heater: We need to keep looking for a contractor. Kevin will speak to Mr. Rahlston; the sheet metal contractor about getting the ducting donated. Summer time is a great time for us to acquire a heater

Gardens and Ground: lots of work happening. Beds are full, chips abound, lock on the shed, and planting happened on Friday and Sat afternoon March 9 & 10.

Operations: Garage Sale this weekend with a guarantee of 10% of proceeds going to the Station. At the Station: Cedaroak Brownies (every other Friday) & Bolton Brownies first Monday of the Month.

Old Business

LOTWP at Station March 15. Currently, Randall has told LOTWP there is no fee. Board questioned this offer. It was moved by Kevin "any agency that want to use the Station that are not within COWL, pay the out of City rate of \$40/hour. 2nd by Jack Norby. 5 ayes, no No's, 1 abstention. Passed. Randall will inform and bill LOTWP.

Community Grant submission-Jack spoke to Charlie Mcgeehan and they will have a meeting to discuss music at the Station. Mary moved that Jack and Randall put a budget and proposal together for the Community grants deadline March 31. 2nd Tony. Passed unanimously. No abstentions.

New Business

Kevin asked if someone will call PGE and Energy Trust and inquire about options for the Station. RF will to this. Next meeting is April 9

Adjournment at 8:07 by virtue of all FORS Board members leaving the room.

Resolutions of the Robinwood Neighborhood Association December 11, 2012

1. The Robinwood Neighborhood Association resolves that the proposed Lake Oswego-Tigard Water Partnership transmission pipeline through Robinwood is a transportation project, and therefore, the public right-of-way along the entire length of any transmission pipeline project must be upgraded to the current standard as outlined in the Transportation System Plan and the Hwy 43 Conceptual Design Plan.

We find this to be in accordance with the deliberations of Planning Commissioner Bob Martin and as agreed to by acting City Attorney by Pam Beery at the November 1st, 2012 Planning Commission hearing.

Any Planning approvals must be contingent upon this condition.

2. The Robinwood Neighborhood Association formed the Great Neighbor Committee to work with Lake Oswego-Tigard Water Partnership in a rational and respectful manner to negotiate a package of mitigations and community benefits that might be acceptable to the community.

We thank the West Linn City Council for the financial support for the consultant who helped the committee and Robinwood Neighborhood Association draft and approve a comprehensive mitigation plan that reflected the values of the community.

We regret that the West Linn Planning staff did not utilize the Robinwood Neighborhood Association Mitigation plan as a framework for negotiating a mutually acceptable solution.

The Robinwood Neighborhood Association therefore resolves that the temporary Great Neighbor Committee has completed the mission plan, that we disband the temporary Great Neighbor Committee and that any unfinished and future matters may be handled by the standing Robinwood Neighborhood Association Planning Committee.

Pelz, Zach

From: Dave Froode [dfroode@comcast.net]
Sent: Wednesday, December 12, 2012 12:44 PM
To: pam@gov-law.com; Sonnen, John; Jordan, Chris; Pelz, Zach
Subject: Fwd: Resolutions at RNA meeting 12/11/12
Attachments: 1212 RNA Resolutions.doc

FYI. Fresh off the RNA press. Trust this will be dealt with along with the Franchise Fee Agreement.

Thanks, Dave

Savannah Oaks Neighborhood Association Meeting

July 3, 2012

7:00 PM

Minutes

Old Business:

1. Minutes from the June 7 meeting were approved.
2. A motion was made and seconded for the SONA to oppose the zoning change for the apartments Mr. Jeff Parker wants to build on the Tannler West site. After a brief discussion, the motion was unanimously approved by a vote of 16 to 0.

New Business

1. A presentation by a water engineer and representatives from the Robinwood NA showed the potential danger of the pipeline involved in the LO/Tigard water project. A motion was made and seconded for the SONA to oppose the LO/Tigard water project and after a vigorous discussion the motion was passed by a vote of 16 to 0.
2. There was a discussion of the ballot measure to require a public vote on all rail passenger transportation projects.
3. There was a request for volunteers for the July 14 work party on the Savannah Oaks and a discussion of the rock laying work day that will require a lot of volunteers for an all day work party.
4. Roberta Schwarz provided an update on the Bland Circle pump station.
5. President Rittenhouse discussed that he will be leaving West Linn this Fall and that a new President for SONA will be needed.
6. Nominations for officers will be accepted at the August meeting.
7. The position of Treasurer is open and we hope to have a nomination to fill that position as well.

Meeting was adjourned *at 8:30 PM*

Sunset Neighborhood Association Meeting Minutes
April 24, 2012

Location: West Linn City Hall, Council Chambers

CALL TO ORDER

Troy Bowers, President of the Sunset Neighborhood Association (SNA), called the meeting to order at 7:02 p.m.

PRESENT

11 members and 4 guests present.

The meeting attendance sign-in sheet is in our files and is available upon request.

SECRETARY'S REPORT

Minutes of the previous meeting January 24, 2012 were available and approved as posted on web site.

TREASURER'S REPORT

City of West Linn – NA Stipend Account 2011-12

Opening balance

07/01/11	carry over from '10-'11	606.54
07/01/11	'11 – '12 Fiscal Year Budget	500.00
09/28/11	Balance discrepancy with the city	1,383.71
03/05/12	remaining NA Grant Funds – per Ms. Wyatt	409.09
03/05/12	Balance	<u>\$ 2,899.34</u>

SNA – Discretionary Funds

Opening balance

07/01/11	carry over from '10-'11	\$401.98
01/24/12	Balance since last meeting	<u>\$401.98</u>

ANNOUNCEMENTS

GUEST PRESENTATIONS

1. **Police Officer Huntsman:** He briefed us on the new reverse 911 system for public alerts. This system is used for sending emergency messages out to the public en mass. Those who have their phone through Comcast or those who primary use a cell phone need to go to www.publicalerts.org to register. The city has a new city-wide Crime Maps that can be accessed via www.crimealerts.com. The purpose of the Crime Maps is to allow a resident to drill down in a specific locale in order to find out crime details.

2. **Lake Oswego/Tigard Water Partnership Project:** The partnership project will upgrade, upsize, and expand the following facilities: water pipes, the treatment plant in the Robinwood neighborhood, the Waluga reservoir, and the Tigard Bonita Road pump station. Because of this project, a new water treatment plant needs to be built on a piece of property owned by the City of Lake Oswego in the Robinwood neighborhood near the existing water treatment plant. This lot has CC&Rs that prohibit this type of development; therefore, the City of Lake Oswego is asking that the CC&Rs be condemned. This has caused much consternation amongst the neighbors. For more information:

www.lotigardwater.org .

The Robinwood Neighborhood Association created a separate committee to handle the water partnership project. Shanon Vroman was a guest speaker representing the Robinwood Neighborhood Assoc. Great Neighbor Committee (RNA GNC). The purpose of this committee is to ensure that the neighborhood is fairly represented in this development process, and to gather a broad range of mitigation and enhancement ideas. The committee has identified a total of 28 issues that need to be successfully mitigated in order for this project to be adopted by the Robinwood Neighborhood. We passed the following resolution: *The Sunset Neighborhood Association joins our fellow NA's in supporting the Robinwood Neighborhood Association, and we oppose the expansion of the Lake Oswego Water Treatment Plant in West Linn until there are good faith efforts between both parties.* 8 – yes, 3 – abstain, 0 – no. To review their current works: <http://rnagreatneighbors.blogspot.com/> for comments or questions: RNAGNC@gmail.com .

OLD BUSINESS

1. **High School Parking Lot Improvements:** Randall Jahson attended the February 2nd pre-app site meeting.
2. **Sunset Neighborhood Plan Implementation:**
 - **Increasing Involvement by our neighbors:** We decided to have another picnic this summer – Sunday, June 24th 1-4pm at Sunset Park. Music and food provided. Come and meet your neighbors.
 - **Sunset School:** The city has vacated the right-of-way which will allow the school to access Sunset Park property. *No update.*
 - **Preserving our natural resources – survey of trees and vistas:** Rob Cozzi and Troy Bowers met with the city.
 - **Preservation of historic resources:** Shawn Hughes and Roman Himmer have volunteered to head this up.
 - **Assessing safety needs – survey of sidewalks, pathways, and trails:** Doug Vokes met with Jeff Randall, City of West Linn Transportation Supervisor, to discuss options regarding improving the public walkways on Summit Street between Oxford and Ridge Lane. The plan is to formalize a communiqué to deliver to the affected residents along Summit

Street explaining our thoughts, and to invite them to a future SNA meeting to engage in further discussions.

- **Enhancing the SN identity – intersection signs:** Troy Bowers and Tony Breault are working on this.

3. 2010/2011 Goals Update:

- Rezoning of properties at Sunset and Cornwall from general commercial to neighborhood commercial. *No update.*
- Work with City and Transportation Advisory Board (TAB) to determine how to best manage overall Sunset/Cornwall/Lancaster/Parker alignment. *No update.*

NEW BUSINESS

1. **Take Care of West Linn Day:** Saturday, May 19th at 9am – meet at Wilderness Park - ivy pulling
2. **Dumpster Day – Fall 2012 :** TBD
3. **SNA Work Party at Sunset Park:** Planning a date to paint the shelter and picnic tables prior to our June picnic – volunteers are welcomed.
4. **Emergency Planning:** The idea is to learn what you can do to protect yourself against disasters such as: hurricanes, tornados, earthquakes, act of terrorism, etc. Handouts will be available at the June picnic, as well as a future SNA meeting. Thanks to Shawn and Grant Hughes for heading this up.

ADJOURNMENT

With no further business before the SNA, the President adjourned the meeting at 8:36pm.

**** Next meeting – SNA Picnic Sunday, June 24, 2012 @ 1:00pm ****

Respectfully submitted by Doreen Vokes, Secretary of the SNA.

SNA OFFICERS

President,	Troy Bowers	503-703-7303	bowerst@msa-ep.com
Vice President,	Randall Jahnson	503-806-5197	randalljahnson@comcast.net
Secretary/Treasurer,	Doreen Vokes	503-650-2072	dsekov@msn.com

For association info and meeting minutes, or for general city information, visit

www.westlinnoregon.gov ***please note new web site address***

Willamette Neighborhood Association

Willamette Neighborhood Association

Pacific West Bank

Date: January 11, 2012

Call to order at 7:05PM

Attendance:

Beth Smolens (formerly Kieres), Jim Milne, Elizabeth Rocchia, Elizabeth Hall, Shannen Knight, Julia Simpson, Travis Butler, Remo Douglas, Kevin Bryck

Minutes from November 9, 2011 reviewed and accepted.

Treasurer's Report (Elizabeth Rocchia)

1. US Bank balance: \$2,901.28
 1. Checks Written
 - a. WLWSD for Yoga: \$163.87
 - b. Lindsey George, Yoga Instructor: \$200.00
 2. b. Pacific West Bank balance: \$250.89

Speakers:

Willamette Primary School, West Linn - Wilsonville School District presented Class 1 Design review for new proposed learning garden.

Motion:

WNA approves the proposed capital improvements to the school and outdoor learning garden center. Motion Passed; unanimously.

Speakers:

Robinwood Neighborhood Association member Kevin Bryck presented current activity addressing the Lake Oswego Water Treatment Facility proposed in the neighborhood.

Motion:

WNA urges the West Linn City Council to support the efforts of the RNA- GNC- in addressing the mitigation proposals presented to the LOTWP- Lake Oswego Tigard Water Partnership. Motion Passed; unanimously.

Old Business:

Mailbox/Postbox Placement

Follow up on earlier discussions regarding mailbox/post box placement in Willamette on 12th and WFD. No options for the post box to be moved to accommodate drive-up mail deposits.

Willamette Neighborhood Association

New Business:

Letter of Support to Willamette Falls Heritage Coalition

Motion:

Elizabeth Smolens is to write a letter of support for Willamette Falls Heritage Coalition. Motion Passed; unanimously.

Elizabeth Rocchia presents photos of paper boxes/advertising bins in Willamette

Motion:

The WNA represented by Elizabeth Rocchia will address the proliferation of advertising, real estate, and newspaper containers. They are cluttering sidewalks and storefronts. There are clusters of them on every block between 12th and 15th. They are not aesthetically pleasing and detract from the historic appeal of the main street business district. Motion Passed; unanimously.

Meeting Adjourned 9:00 PM

Respectfully Submitted by,

Elizabeth Hall, Secretary

Willamette Neighborhood Association

Willamette Neighborhood Association (WNA)
Willamette Falls Drive Fire Station
Date: April 11, 2012

Call to order: 7:14pm

Attendance: Beth Smolens – WNA Chair; Elizabeth Hall – WNA co-Secretary; Kathi Haugen – WNA co-Secretary; Shannen Knight, Mike Murr, Daniel Cowdin, Chas Landskrocker, Jane Heisler, Steve Hopkins, Kevin Bryce, Jim Markevies, Dave Froode, Shanon Vroman, Carl Edwards, John McMath, Bob Stewell, Becky Smith, Dennis Koellermeier, Jane Heisler

Minutes from March accepted.

Treasurer's Report

- a. US Bank balance: \$3,853.28
 1. Deposits: \$592
 2. Withdrawals: \$300

- b. Pacific West Bank balance: \$197
 1. Deposits
 2. Withdrawals:

AGENDA

Guest Speakers:

1. Chuck Landskroner with Robinwood neighborhood spoke about a petition against the LO/Tigard Water Treatment Partnership project. 20 minutes with Q&A(10 min.)

Chuck shared with group that as a Robinwood resident the Lake Oswego plant expansion in a West Linn neighborhood and excavation of Highway 43 is strongly opposed. A half page flyer was passed out listing 9 points of further concern referencing a "Good Neighbor Plan".

Previous motion was made in support of measures/accommodations (such as sidewalks) to compensate West Linn for LO/Tigard Water Treatment Partnership project.

2. LO Water project personnel Jane Heisler and Dennis Koellermeier addressed the Water Treatment Facility project review. 20 minutes with Q&A (10 min).

3. Amy Kyle and Dan Henniger spoke about update on Blue Heron property acquisition. 20 minutes with Q&A (10 min)

ImagineWillamette.com is a resource for sharing and getting involved in 'reconnecting the community to its landscape'. Website tabs include regional viewpoints, history, news and updates, etc.

Willamette Neighborhood Association

New Business

(Discuss again at next meeting as time allows)

West Linn Centennial Looking for photos...

The West Linn Centennial Committee is looking for historic photos (up to 1970) of West Linn families, buildings, streets and landmarks. The Committee is planning to collect the photos and the stories they tell for a traveling museum to be enjoyed at many venues and functions during 2013. The display will also be part of the Centennial celebration in August 2013. This is a unique opportunity for families, community organizations, and businesses to share their West Linn history for all to enjoy.

To share your photos and stories, please visit our website and fill out your contact information: www.wl100.org or call Roger Shepherd at 503-557-8905.

West Linn Centennial Committee was formed in 2010 by the City of West Linn to organize the one hundred year anniversary of West Linn. The City of West Linn was incorporated in 1913.

Contact: Beth Smolens

503-680-6141

smolense@gmail.com

*Respectfully Submitted with Assistance,
Elizabeth Hall*

January 9, 2013

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

Dear Mayor Kovash,

We would like to add our objections to the majority of West Linn residents opposing the proposed Lake Oswego/Tigard water plant project. As elected officials, the council members have an obligation to support, and act, in the best interests of the residents of West Linn, and not Lake Oswego, or Tigard. We would find it difficult to continue to support any member of the current city council voting affirmative for this proposal.

The data and information regarding this project clearly defines the magnitude of work proposed and the total disruption of the daily lives of many West Linn residents especially those living on Mapleton Drive.


We have lived in West Linn for over 20 years. Our neighborhood, as all West Linn neighborhoods, have a set of covenants and CC&R's to protect the integrity and value of our properties. It is most disturbing to see that LOT sued 86 residents on Mapleton to condemn and dismiss their CC&R's so they can build this facility. That is unbelievable. What could stop Lake Oswego from condemning the properties in Hidden Springs neighborhood for their benefit? Is every neighborhood in West Linn subject to the whims of Lake Oswego?

Clearly, this LOT project is of no value to West Linn, and we encourage the council to uphold the unanimous vote of the Planning commission to dismiss this request by Lake Oswego and Tigard at the meeting on January 14.

Robert G. Wade
Kathryn Wade

Robert and Kathryn Wade
19603 Derby Court

Water plant designed to serve Stafford

Created on Thursday, 10 January 2013 03:00 | Written by [Jack Norby](#) | 

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 its daily treatment capacity from 16 to 24 MGD when its average daily use for 2011 was only 4.7 MGD and peak daily demand was 12 MGD.

LO's initial water conservation program has been very successful, achieving 36 percent water consumption reduction, with estimated ultimate conservation of 50 percent. This threshold requires metering the remainder of customers and stopping more of their 10 percent leakage water loss.

The Carollo Report only estimates a 0.5 percent water savings, not 36 percent or 50 percent. Using the Carollo charts, at 36 percent conservation LO will never need the additional capacity for their current water users.

The Carollo Report states that the proposed project is Tigard's third best option. The best option for Tigard is continuing to buy wholesale water from Portland, which hasn't raised the rates as the Carollo Report predicts.

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 percent growth in the service area when the entire LO build-out is calculated at 5 percent.

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 liquefiable soils under the proposed treatment plant site, are discovered. These additional costs will drive the water prices in LO and Tigard dramatically upward, at least four 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 6,000 and 8,000 feet. With climate change, in the future, this snowpack will melt more quickly and won't be able to be available in July through 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.

Despite the strident arguments from LOT attorneys and others that this has nothing to do with Stafford development, the report shows this project has everything to do with Stafford urban expansion ... it is even on their future service map in the report.

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 economic development and growth. LOT and Washington County will have the permits and the massive pipeline to withdraw the available water, regardless of who holds senior water rights.

The real reason for the Carollo Report is that in 2007 LO decided to maximize their water rights on the Clackamas River and squeeze everyone else out and reversed engineered the report to build the plant. Their citizens get caught footing the huge bill.

Please join me at the West Linn City Council meeting on Jan. 14 to oppose this new mega-plant.

Jack Norby is a resident of West Linn.



Add a comment...

Comment using...

Facebook social plugin

Share 0 Send Like 0

Pelz, Zach

From: Jordan, Chris
Sent: Thursday, January 10, 2013 11:21 AM
To: 'Gary Hitesman'; Pelz, Zach; Sonnen, John; CWL Council
Subject: RE: AP-12-02 CDC 55.100 and CDC 60.0760 not met

Thank you for your e-mail to the City Council regarding the Lake Oswego-Tigard project. Because this is a land use hearing scheduled before the City Council beginning on January 14, the Council is not in a position to engage in ex parte' communications. In accordance with the adopted City Council Rules governing the procedures for land use hearings such as this, all written arguments or other documents presented to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. seven calendar days prior to the date of the hearing. All other written materials must be presented in person at the hearing. However, please be assured that the Council will receive a copy of your e-mail at the hearing on January 14.

Chris Jordan, City Manager
Administration, #1422

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

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

From: Gary Hitesman [mailto:ghitesman@gmail.com]
Sent: Thursday, January 10, 2013 11:18 AM
To: Pelz, Zach; Sonnen, John; CWL Council
Subject: AP-12-02 CDC 55.100 and CDC 60.0760 not met

City Councilors,

The application has significantly changed with the removal of the existing building.

#1.) They applicant cites a reduction in footprint. But CDC 55.100 remains unmet. "footprint" is not a condition that warrants approval. The application, with the building removed, exceeds the massing, surrounding heights, and character of the neighborhood. And as Ms. Jane Hiesler questioned what manifest superiority meant, it is obvious that the applicant has not met that requirement either. Staff never even addressed the issue. The buildings, as proposed to be demolished, could only be allowed because of feigned ignorance and omissions.

#2.) Is there asbestos in the existing facility to be demolished? See <http://www.epa.gov/asbestos/owners-managers.html#renovations>. Is the building being demolished because renovation costs have become too prohibitive? How much is the self delay in the project causing the project to fall further away from code?

#3.) What does the demolition do to the LEED certification advertised?

#4.) The heart of the Industrial plant, and in particular it's night time lighting, are now only separated from homes by a 14 foot tall wall and parking lot. The glare from the lights will be an eyesore and nocturnal hazard.

#5.) The 14 foot wall is a perfect reason why the use should not have been allowed in the neighborhood. Issues regarding security have changed due to 9/11 and the use is no longer appropriate in a residential zone. NO where else in the City are 14 foot tall fences permitted and the setbacks are not only insufficient for some but a blight for residences and schools beyond the project boundaries. (Look at the laws of perspective and your own CDC 55.) The applicant requests a waiver based on security needs without mitigating the impact to the

neighbors or positively offsetting the poor precedent. Instead, the 14 foot tall fence is the first code that should be used as a basis for denial. CDC 42, fences, and CDC 44, are not met.

#6.) The applicant never made a formal presentation of the project. Instead, they complimented staff. This did two things. It prevented them from having to say anything about their own project. However, they "passed" on providing the "burden of proof". Since the hearing is De Novo, I strongly encourage the decision makers cite code and enforce procedures to the letter. "Following precedent and procedure" is not a strong suit of the Mayor and it should be the council president that presides over the hearing, if it does indeed continue under an expedited, and nontransparent, schedule.

#7.) It would take me two additional weeks to render my observations and submit it for the record if I rush it. I need 6 weeks really. The hearing needs to be postponed along a more reasonable schedule that allows better transparency, complete analysis of the submission, and public participation. (The fact that staff no longer have budget to do, or pay for, their job is not an excuse to expedite the application through the process. (Since staff has complained in public that city budgets thwart sufficient time allotments to do the work, the staff work needs to be either a.) removed, or b.) disqualified. I will let the council decide which one.

How does a large change in the application occur? Is it even allowed?

#7a.) The council shall ask City staff how budget limitations have affected their own work.

#8.) The applicant has mismanaged the process and is cutting components of the program and code to slow its rising costs. The costs of the project are only going up, up, and up. It is not likely that the applicant will succeed without cutting further into the program and facility objectives. Any elements needed to mitigate the massing or added because of Conditions of Approval can no longer be afforded because they have been removed from the budget. The money has not been proven to be there to accomplish the bare minimum of what the code requires. The City of West Linn knows this but will not ask because the city manager says the city will pay out \$12 million if the City is found to be at fault. This is a pecuniary interest that must be addressed if the council proceeds.

#9.) Local jurisdictions have absolutely corrupted the planning process and undermined the integrity and trust bestowed upon them by state oversight authorities.

Gary Hitesman

Pelz, Zach

From: Jordan, Chris
Sent: Wednesday, January 09, 2013 9:16 PM
To: Pelz, Zach; Sonnen, John
Subject: Fwd: Insufficiency of Notice of Hearing; Protest of City's Deprivation of Rights; Demand for Relief and Remedy by New Publication of Notice and Rescheduling of Hearing

Please check on this in the morning. Thanks

Sent from my iPhone

Begin forwarded message:

From: Ray Taylor <67sooner76duck@gmail.com>
Date: January 9, 2013, 5:29:40 PM PST
To: CWL Council <cwl_council@westlinnoregon.gov>
Subject: Insufficiency of Notice of Hearing; Protest of City's Deprivation of Rights; Demand for Relief and Remedy by New Publication of Notice and Rescheduling of Hearing

City Council of West Linn, Oregon:

This is my notification, protest, and demand for relief and remedy to you, collectively and individually as my elected representatives, of the insufficiency of the city's notice, published via newspaper, for your hearing of January 14, 2013, on the AP 12-02 and AP 12-03 Appeal of Planning Commission decisions denying the Lake Oswego-Tigard Water Partnership application to expand a water treatment facility and new water pipeline projects. The published notice does not contain three items of information required by West Linn Community Development Code 99.270, with the result that the three (3) insufficiencies detailed below deprive me of my right to understand the scope of the review, as well as the information I would need to know in order to present testimony at this hearing before the council, as follows:

99.270 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;

99.270 E. State that the hearing shall be *de novo*:

99.270 G. State that the application and record are available at no cost, and copies at a reasonable cost.

The applicant lists three (3) issues as grounds for appeal, none of which appear in the published notice. Although the published notice states that the applications for AP 12-02 and AP 12-03 are available for inspection at no cost and copies at a reasonable cost, that notice fails to make the same statement about the record of each application; and the applications are not the records.

Specifically, the records for the appeals are far more expansive because the Planning Commission records are made a part thereof. The City of West Linn should continue its past practice of making the published notice identical in information to the mailed notice, which I did not receive. The city's failures to provide such information deprives me of my right to know and understand the scope of appeals or review so that I can present testimony before the council.

As a result of the city's deprivation of my rights pursuant to the above sections of the West Linn Community Development Code, I hereby make formal protest of your deprivation of my rights, along with demand for relief by city council action to remedy fully the insufficiencies of information in a new published notice of hearing and by rescheduling the hearing on AP 2-02 and AP 12-03 Appeal of Planning Commission to a later date that complies fully with the requirements of the West Linn Community Development Code.

Thank you for your attention to this matter.

Ray D Taylor
20120 Larkspur Lane, Unit 84
West Linn, OR 97068-2363

Chris Jordan, City Manager
Administration, #1422

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

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

Pelz, Zach

From: Carson, Jody
Sent: Wednesday, January 09, 2013 6:12 PM
To: Dale Fossati
Cc: Jordan, Chris; Pelz, Zach; City Council
Subject: Re: Lake Oswego Tigard water treatment expansion

Thank you for your input, I will forward it to be added to the record- Jody

On Jan 9, 2013, at 3:46 PM, "Dale Fossati" <fossatid@teleport.com> wrote:

Councilor Carson,

My wife and I strongly oppose the Lake Oswego Tigard water treatment plant expansion. The harm from this project far out way the benefit.


Dale and Jennifer Fossati



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

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

Water project is a 'lose-lose-lose deal' for all

Created on Thursday, 10 January 2013 03:00 | Written by [Dave Froode](#) | 

On Jan. 14-15, the West Linn City Council would be wise to consider the new political climate in Lake Oswego. Those in West Linn opposed to the Lake Oswego-Tigard project are labeled a small noisy group.

If seven neighborhood associations, the West Linn Riverfront Association, the West Linn Planning Commission, coupled with over 1,000 signatures on a petition is a small noisy group, then yes, we are a small noisy group.

But set aside the groups in West Linn and focus on another a group to the north called the new Lake Oswego City Council.

Slowly but surely people in Lake Oswego are connecting the dots and realizing this Titanic of a project is a lose-lose-lose deal for the citizens in Oswego, Tigard and West Linn. Fact is, there are lots of small noisy groups opposed to this project.

People in West Linn totally understand Oswego's need to update their water system. West Linn has similar issues. Eventually, whatever project is done will no doubt benefit the communities involved. But this proposal is not the best answer.

We have always been willing to work through issues amicably in our neighborhood. With respect and good faith we are confident we can create a win-win for all. ^ ^ ^

The Carollo Report was a feasibility study done by the partnership in 2007. Today, Oswego's average water use is 6 million gallons per day with a capacity of 16 MGD. According to this report, the average daily water consumption has been reduced by 36 percent due to a successful conservation effort by the citizens of Oswego. Nicely done.

However, even with a build-out into the Stafford area, Oswego should not ever need the capacity. A lot of things have been said. But no one's water rights are at stake. No one will be without water, ever.

Tigard has multiple options for water besides the Clackamas River. West Linn should know this project and the benefits offered by Oswego will not fix all our water problems. In fact, some fixes are temporary at best.

Lake Oswego's new political climate will not allow the Titanic to leave the dock. All cities have better options that will cost less and create a far better long-term solution for everyone.

The smart play is to listen to the new politics being broadcasted from Oswego. They are quick to point out their water rates have jumped 30 percent, do not want to continue with this partnership with Tigard and, no matter what happens in West Linn, this project will not be done because it is way too expensive.

By upholding the West Linn Planning Commission's decision, the West Linn City Council would be making the best decision for the citizens of Oswego, Tigard and West Linn. People from all three cities can rethink their needs.

Once the more efficient and less expensive alternatives are evaluated, we, as regional partners, can come to an amicable decision that is a win-win-win. No doubt the same benefits offered today will exist for all three communities.

There are far better options available to all three cities. With that, we can all be "good neighbors."

David J. Froode is the managing partner of STOP LLC (westlinnfirst.com) and a resident of West Linn.



Add a comment...

Comment using...

Facebook social plugin

Share { 0 } | Send | Like { 0 }

Dear Neighbor:

The City Planning Commission's seven experienced members got it right when they unanimously denied the applications submitted by the Lake Oswego Tigard Water Partnership for a Water Treatment Plant expansion and Pipeline Construction along Highway 43 because these projects were not in West Linn's best interest and were not in conformity with our Community Development Code (CDC).

Please read the Final Decision on the city's website below.

<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, Savannah Oaks, and Barrington Heights have all opposed 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 also strongly against these projects due to the financial and personal harm that it will cause. Hundreds have spoken out against this project as the project would severely impinge on West Linn's residents and businesses with no real benefits being provided to the community. Additionally, the project is not in conformity with our Community Development Code (CDC).

The City Planning Commission clearly understood and wisely and unanimously denied these applications.

For more information on what Lake Oswego is trying to do, please visit the web site www.westlinnfirst.com

Any developer that would have proposed this idea would have been "run out of town". And we should not let Lake Oswego do to us what we would not let anyone else do to us.

Also, on the back of this letter, please see the lawsuit that was filed by Lake Oswego against eighty-six of our neighbors that Lake Oswego has used to try to bully and intimidate them and which has cost our neighbors tens of thousands of dollars to defend against.

We urge you to please show up at the City Council Meeting on Monday January 14th and January 15th at 6 P.M. in the Council Chambers in City Hall, 22500 Salamo Road, West Linn to speak against this project.

Please urge our City Council to listen to their experts on the City Planning Commission and the voices of our neighborhood associations and all of the other groups and citizens who are against this by unanimously rejecting this proposal.

Sincerely,

West Linn Businesses Against Lake Oswego Tigard Project

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF CLACKAMAS

CITY OF LAKE OSWEGO, an Oregon municipal organization

Plaintiff,

v.

Steven C. Blake and Julie N. Blake; Derek N. Tippner and Diane M. Tippner; Brandt L. Vroman and Shanon M. Vroman; Darryl L. Walters and Rebecca L. Walters; Brian M. Wheeler and Anna Marie Wheeler; Michael W. Cooper and Natalie J. Cooper; Alvin Benjamin Cora and Yvonne Faye Davis; Raymond L. Cozby and Kim D. Cozby; Casey P. Davidson and Amanda Davidson; Carl L. Edwards and Linda S. Edwards; Carol B. Ellsworth, Trustee under the Carol B. Ellsworth Revocable Living Trust Trust; Shaun Gavin and Georgia L. Gavin; Kenichi Hanawa and Rachel Yeoh Hanawa; Robert J. Henderson and Jenne R. Henderson; Jeane M. Jones, Trustee under the Jones Living Trust; Donald R. Kauffman, Jr. and Cindy L. Kauffman; Robert M. Knutson and Sharon A. Kramer; Michael McCarthy and Lisa McCarthy; Shane M. Medbery and Natascha L. Medbery; Angela Jennifer Niedermeyer; Michael B. Ragan and Donna C. Fausner-Ragan as Co-Trustees of the Fausner Ragan Family 1996 Trust; Neal F. Rea and Jana Jo Rea; David P. Robinson and Mary E. Robinson; Robert E. Rowning, Jr and Muriel I Rowning; Valerie Ann Sabo; Thomas J. Sieben and Gwen L. Seiben, Trustees under the Sieben Living Trust; Patrick Smith and Victoria Smith; Samuel I. Stephens; Dove Bar Properties, LLC and Cary K. Tamura and Denise J. Tamura; Anastasia Boudoures; C.S. Christensen, Jr. and Nathalie Christensen; Richard A. Constantino and Patricia C. Riner-Constantino; Brian A. Coons and Faviola P. Coons; Amy E. Cox; Ujahn B. Davisson and Tara T. Davisson; Thomas Holder; Stephen F. Hopkins and Nancy A. Hopkins; Charles K. Lansroner, Trustee of The Charles K. Landsroner Revocable Trust; Timothy J. McAdams and Julie C. McAdams; Marilyn R. McComb; Raymond E. Nodurft and Viki L. Nodurft; Mukesh Patel; Scott W. Reid and Anna B. Reid; Ruth Emily Ruhnke, Trustee under Declaration of Revocable Trust; Liselotte Scheu; C.K. Siu, Trustee of the C.R Siu Revocable Living Trust; Ronald R. Sloan and Diane R. Sloan, Trustees of the Ronald and Diane Sloan Family Trust; Joan Swartz; Francisco Varela and Traci Lea Varela; and Victoriya Yatsula.

Defendants.

Case No. CV12010184

COMPLAINT

(Proceedings in Eminent Domain)

(Claim Not Subject to Mandatory Arbitration)

This is a copy of the caption of the lawsuit that Lake Oswego filed against eighty-six of the residents of West Linn.

The goal of this lawsuit is condemnation of the entire neighborhood's covenants which protects their peace, quiet and property values by limiting use of platted lots to residential.

Lake Oswego speaks of neighbors working together and of regional co-operation.

Yet Lake Oswego never showed good faith and filed this lawsuit against eighty-six of our West Linn residents many who are elderly and have limited resources.

Intimidation and bullying with lawsuits that costs your West Linn neighbors tens of thousands of dollars to defend is not what one would call "neighbors working together or regional co-operation."

MINUSES OF LAKE OSWEGO TIGARD WATER PROJECT:

1. CDC, City Charter, and City Comprehensive Plan Non Compliance and other Plan Problems

- The Two Lake Oswego-Tigard proposals for the water plant and the pipeline do not comply with the requirements of the West Linn Community Development Code.
- The proposals do not comply with the goals of the City's Comprehensive Plan.
- Construction activity above ground eliminates user parking at Mary S. Young Park, which requires approval of the voters per the City Charter.
- The 48" pipeline is a transportation project and as such the entire length of Hwy 43 used for the pipeline must be upgraded to current standards per the West Linn Transportation System Plan and the Hwy 43 Conceptual Design Plan.
- There are better alternative sites for this project which were never fully explored such as the industrially zoned Foothills district in Lake Oswego.
- Loss of tax revenue for West Linn due to tax exempt status while LO expands its tax base.
- Supports the development of the Stafford area with new water supply.
- The Carollo Report demonstrates this project and water taking is unnecessary and not a benefit to citizens of Lake Oswego or Tigard.
- In 1967 the Clackamas County Planning Commission found that the plant was not in the community's benefit.
- In 1967, without public deliberation or vote, the County Commissioners overturned the County Planning Commissions denial, but required a condition that Lake Oswego would provide water to Marylhurst, Glenmorrie and Robinwood. Lake Oswego never connected their water facility to any residences in Robinwood, failing to live up the conditions.
- A waste of time and money as it appears that new Lake Oswego Council sees this project as too expensive and unnecessary.
- It appears the new Lake Oswego Council wants out of the partnership with Tigard.

2. Severe Traffic and Commuter Problems

- Creates havoc for minimum of three years with constant noise, congestion and disruption.
- Massive traffic congestion due to a minimum of 60,000 slow moving mud hauling trucks on Highway 43 not counting additional vehicular traffic from the project.
- Exacerbates Highway 43 clogging during peak periods of day and now at night.
- Unbearable congestion at the intersections of Highway 43 and Cedar Oaks.
- Unbearable congestion at the intersection of Highway 43 and Hidden Springs.
- Causes drivers to find alternative routes.
- Creates four miles of Highway 43 road construction.
- Road construction causes further traffic congestion irrespective of when work done.
- Ancillary debris and equipment everywhere for several years.
- Lack of accessibility to homes during construction.
- Large trucks rumbling down narrow residential streets all day/every day.
- Traffic flow and safety in school zones seriously compromised.
- Nixon will be used heavily, but this road is not being resurfaced although it will be needed.

3. Severe Economic and Personal Harm to West Linn Businesses

- West Linn's businesses receive no benefits while incurring all of the problems.
- The traffic congestion from Congestion from 60,000 of slow moving mud hauling trucks to and from the site will create bottleneck traffic causing alternative routes to be used.
- As a result businesses will suffer losses for several years that will cause serious financial losses.
- Jobs will be lost.
- Business values will be lowered.
- Existing commercial and residential property values will fall.
- Bankruptcy likely for some West Linn businesses and individuals.
- Destroys quality of life for all West Linn citizens who live and/or work in those areas.

4. Substantial Negatives for the City of West Linn in the proposed Inter-tie "benefit"

- The proposed LOT inter-tie agreement is a rewrite of the existing 2003 emergency water inter-tie agreement with no new substantial benefits.
- Terminates in 29 years with emergency water only being supplied if available.
- Water only supplied if available. Therefore, there is no guaranteed access to emergency water.

- Does not solve long term water treatment and storage problems for West Linn.
- Distracts from meaningful solutions of water problems.
- No guarantee of any renewal.
- West Linn's residents and businesses get no meaningful benefits.
- West Linn's residents and businesses get all of the problems.
- Undermines harmonious, homogenous and neighborly atmosphere of our entire community by creating conflicts.
- Liability to community in thirty or forty years when new standards are employed.
- Takes away time from volunteers and staff that could be contributing to positive benefits.
- Hwy 43 though disrupted is not being improved to a level that complies with city standards for other developers
- No tax revenue from LOT
- Lake Oswego and Tigard receive all of the benefits.
- Loss of Tax revenue for West Linn due to tax exempt status while LO expands tax base.
- Construction activity above ground for pipeline staging area interferes with use of city parks.
- Existing six inch water main on Mapleton blocks the path of the proposed four foot pipe, requiring replacement with a new eight inch pipe, with West Linn paying 50% of the cost to install the new eight inch pipe.
- Millions of dollars made by somebody on the backs of residents of West Linn.
- Causes considerable loss of staff time dealing with applications and process.

5. Negatives for Residents

- West Linn's residents get no meaningful benefits and all of the problems.
- Emotional/financial pain to 86 West Linn residents due to lawsuits filed against them individually and personally.
- West Linn residential neighborhoods not appropriate for industrial plants.
- Yet, remains in West Linn residential neighborhood with or without I/G/A.
- Lowers existing home values.
- Millions of dollars made by somebody on the backs of residents of West Linn.
- In 1967 property owners in West Linn opposed installation of the water treatment facility.
- The amount of insurance that the Lake Oswego Tigard Partnership is providing is insufficient and the insurance is secondary, meaning that a home owner's insurance policy would be primary and kick in first if there was a claim due to the Lake Oswego Tigard Project.
- Lake Oswego has control over what is paid or not paid by the insurance fund that they control, so parties making claims cannot be assured of an objective analysis of what should be paid. The fund expires in a few years as the the money is used for maintenance.

6. Significant Environmental Concerns

- Lake Oswego cannot guarantee pipe to be seismic proof today or in the future.
- Yet, earthquake will be encountered per Lake Oswego's admission
- Mary S Young Park negatively impacted with noise and accessibility issues.
- Negative impact on Clackamas River (currently being fought by Water Watch).
- Negatively impacts recreational users of the Clackamas River.
- Potential safety issues due to areas of unstable geological site.
- Potential contamination of water system from the splicing of the asbestos pipes.
- Asbestos pipes to be spliced in the open causing potential environmental hazards to our children who play in the area.
- Construction management lacks protection of interior surface waters during winter months.
- Potential alteration of underground aquifers throughout the area that could change springs and ponds and cause property and environmental damage.
- Design and/or environmental/safety plans incomplete to ensure the safety of residents
- Auguring the pilings, trenching, the installing four foot in diameter water pipes and a reservoir could have a negative impact on underground springs and our underground water shed.
- Many mature trees are being sacrificed and replaced with saplings.
- Degradation of air quality.

Alleged Pluses of LAKE OSWEGO TIGARD WATER PROJECT as presented by LOT:

- Lake Oswego's water treatment plant serves as West Linn's sole emergency and backup water source.

Fact- Two other Clackamas River water plants inter-tie to our South Fork system and have provided water to West Linn in the past.

Portable emergency water systems such as Tempest Environmental units can be used for emergency water.

- The water treatment plant cannot deliver emergency supply year-round unless it is expanded through the partnership with Tigard.

Fact-The Corollo Report and a recent report submitted by Oswego to Water Resource Board stated that Lake Oswego has reduced its consumption by 36% since 2007 and using less water in 2012 than they were in 2007. It is apparent the expansion is not necessary for Lake Oswego, except for Lake Oswego to sell our Clackamas River water to Tigard.

- West Linn ratepayers would save millions of dollars by avoiding construction of a new 8.4 million gallon water storage reservoir in West Linn and relying on LO to store water for us.

Fact- The inter-tie agreement with Lake Oswego is subject to water being available. If water is not available, the LO storage is not available. Also, the agreement is for a limited period of time. (It is like saving money when buying a car only to find out that the car can be taken back whenever the seller needs it. That is not saving money, that is wasting money and not planning for the future.)

- A larger underground reservoir for treated water (a clear-well) at the plant will allow water to be fully treated before it leaves the treatment plant – a key to providing high quality potable water to West Linn residents when needed.

Fact-If we cannot be guaranteed the water as stated above, not being able to drink cleaner water does us no good. There is no generator to pump LO water into the West Linn system in the event of a power outage. So much for 'emergency' water.

- West Linn's Water Master Plan (2008) explains West Linn does not currently have adequate storage to meet system-wide needs under emergency conditions.

Fact-What Lake Oswego is proposing does not solve West Linn problems since it is totally based upon the water being available. Additionally, the agreement with Lake Oswego, if the water is available, is for a limited duration. West Linn residents should be looking for a long term, permanent solution that will always be accessible for all of us for an indefinite amount of time.

- Improving the inter-tie with Lake Oswego is identified as the least expensive option to meet storage supply needs.

Fact-We cannot have guaranteed water when needed, since it is solely based upon the water being available. Therefore the cost factor is misleading. We are not really getting anything that we can count on for our money. We need to permanently solve the water problem, not wait and find ourselves without water. Additionally, since this proposed agreement with Lake Oswego is for a limited amount of time anyway, it really cannot be guaranteed as meeting our storage needs long term.

SOLUTION---

West Linn, as a united community, needs to permanently and intelligently solve our water issues on a quality, long term basis, and not look for a deceptively attractive and specious fix which truly does nothing for us other than to lull us into a state of complacency.

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Thursday, January 10, 2013 11:59 AM
To: Jordan, Chris; CWL Planning Commission; Pelz, Zach
Subject: AP-12-02 Public participation not met

Thanks. According to you, my bad.

I disagree with your process and that is the point I am trying to make. Your staff, and you, appear to have made some serious errors and I seek a way of helping the city out of the predicament you have put us all into.

The 7-day censure is both unprecedented, not transparent, and outside of code, regardless of the council rules. If it is one thing land use does not like is inconsistency. And it is another to infringe on my right to speak to my local jurisdictions representative.

It is almost funny how you have councilors running away from constituents instead of allowing them to address the issues that affect our community. But also sad how it was you that created an unprecedented situation.

With all due respect,

Regards, Gary Hitesman

On Thu, Jan 10, 2013 at 11:21 AM, Jordan, Chris <cjordan@westlinnoregon.gov> wrote:

Thank you for your e-mail to the City Council regarding the Lake Oswego-Tigard project. Because this is a land use hearing scheduled before the City Council beginning on January 14, the Council is not in a position to engage in ex parte' communications. In accordance with the adopted City Council Rules governing the procedures for land use hearings such as this, all written arguments or other documents presented to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. seven calendar days prior to the date of the hearing. All other written materials must be presented in person at the hearing. However, please be assured that the Council will receive a copy of your e-mail at the hearing on January 14.



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

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

From: Gary Hitesman [mailto:ghitesman@gmail.com]
Sent: Thursday, January 10, 2013 11:18 AM
To: Pelz, Zach; Sonnen, John; CWL Council
Subject: AP-12-02 CDC 55.100 and CDC 60.0760 not met

City Councilors,

The application has significantly changed with the removal of the existing building.

#1.) They applicant cites a reduction in footprint. But CDC 55.100 remains unmet. "footprint" is not a condition that warrants approval. The application, with the building removed, exceeds the massing, surrounding heights, and character of the neighborhood. And as Ms. Jane Hiesler questioned what manifest superiority meant, it is obvious that the applicant has not met that requirement either. Staff never even addressed the issue. The buildings, as proposed to be demolished, could only be allowed because of feigned ignorance and omissions.

#2.) Is there asbestos in the existing facility to be demolished? See <http://www.epa.gov/asbestos/owners-managers.html#renovations>. Is the building being demolished because renovation costs have become too prohibitive? How much is the self delay in the project causing the project to fall further away from code?

#3.) What does the demolition do to the LEED certification advertised?

#4.) The heart of the Industrial plant, and in particular it's night time lighting, are now only separated from homes by a 14 foot tall wall and parking lot. The glare from the lights will be an eyesore and nocturnal hazard.

#5.) The 14 foot wall is a perfect reason why the use should not have been allowed in the neighborhood. Issues regarding security have changed due to 9/11 and the use is no longer appropriate in a residential zone. NO where else in the City are 14 foot tall fences permitted and the setbacks are not only insufficient for some but a blight for residences and schools beyond the project boundaries. (Look at the laws of perspective and your own CDC 55.) The applicant requests a waiver based on security needs without mitigating the impact to the neighbors or positively offsetting the poor precedent. Instead, the 14 foot tall fence is the first code that should be used as a basis for denial. CDC 42, fences, and CDC 44, are not met.

#6.) The applicant never made a formal presentation of the project. Instead, they complimented staff. This did two things. It prevented them from having to say anything about their own project. However, they "passed" on providing the "burden of proof". Since the hearing is De Novo, I strongly encourage the decision makers cite code and enforce procedures to the letter. "Following precedent and procedure" is not a strong suit of the Mayor and it should be the council president that presides over the hearing, if it does indeed continue under an expedited, and nontransparent, schedule.

#7.) It would take me two additional weeks to render my observations and submit it for the record if I rush it. I need 6 weeks really. The hearing needs to be postponed along a more reasonable schedule that allows better transparency, complete analysis of the submission, and public participation. (The fact that staff no longer have budget to do, or pay for, their job is not an excuse to expedite the application through the process. (Since staff has complained in public that city budgets thwart sufficient time allotments to do the work, the staff work needs to be either a.) removed, or b.) disqualified. I will let the council decide which one.

How does a large change in the application occur? Is it even allowed?

#7a.) The council shall ask City staff how budget limitations have affected their own work.

#8.) The applicant has mismanaged the process and is cutting components of the program and code to slow its rising costs. The costs of the project are only going up, up, and up. It is not likely that the applicant will succeed without cutting further into the program and facility objectives. Any elements needed to mitigate the massing or added because of Conditions of Approval can no longer be afforded because they have been removed from the budget. The money has not been proven to be there to accomplish the bare minimum of what the code requires. The City of West Linn knows this but will not ask because the city manager says the city will pay out \$12 million if the City is found to be at fault. This is a pecuniary interest that must be addressed if the council proceeds.

#9.) Local jurisdictions have absolutely corrupted the planning process and undermined the integrity and trust bestowed upon them by state oversight authorities.

Gary Hitesman

January 9, 2013

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

Dear Mayor Kovash,

We would like to add our objections to the majority of West Linn residents opposing the proposed Lake Oswego/Tigard water plant project. As elected officials, the council members have an obligation to support, and act, in the best interests of the residents of West Linn, and not Lake Oswego, or Tigard. We would find it difficult to continue to support any member of the current city council voting affirmative for this proposal.

The data and information regarding this project clearly defines the magnitude of work proposed and the total disruption of the daily lives of many West Linn residents especially those living on Mapleton Drive.

We have lived in West Linn for over 20 years. Our neighborhood, as all West Linn neighborhoods, have a set of covenants and CC&R's to protect the integrity and value of our properties. It is most disturbing to see that LOT sued 86 residents on Mapleton to condemn and dismiss their CC&R's so they can build this facility. That is unbelievable. What could stop Lake Oswego from condemning the properties in Hidden Springs neighborhood for their benefit? Is every neighborhood in West Linn subject to the whims of Lake Oswego?

Clearly, this LOT project is of no value to West Linn, and we encourage the council to uphold the unanimous vote of the Planning commission to dismiss this request by Lake Oswego and Tigard at the meeting on January 14.

Robert G. Wade
Kathryn Wade

Robert and Kathryn Wade
19603 Derby Court

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Thursday, January 10, 2013 10:14 AM
To: Pelz, Zach
Subject: Reschedule AP-12-02/AP-12-04. OR recuse and uphold PC decision.

I support the effort for more time because this is a bad planning application. And "win" is not the proper wording. No one is going to win for we have all lost something in this terrible debacle.

More time is needed to have volunteers analyze the code. There are so many inconsistencies with past submittals that is difficult, if not impossible, to objectively present information supporting "the burden of persuasion". The whole process has boiled down into a "he said-she said" brawl. And the current scheduled hearing is neither consistent or transparent enough for anyone with standing to respond to.


There are like, over 3000 pages of stuff to pour through from the client alone(which is chalk full of inconsistencies and commissions) that any future enforcement of this project will be pointless.

I will not be able to attend because there is simply not enough time to do a proper evaluation under de novo. The city council members, wisely, know this and this is another reason why the hearing is being rushed.

Yet, there is apparently no one anyone can talk to on either side. Kovash sends out emails to staff telling them to ignore people. Others provide stern advice on what is proper for public dissemination. (IT is their right as private citizens and those with skin in the game; I abhor the practice.) Actions such as these destroy the intended planning process and have undermined the credibility of this entire application. Sadly, the worst culprit of all is our West Linn City Manager who has created an atmosphere of mistrust, disloyalty, and an almost wanton, purposeful dismantling of the Oregon State planning process.

This whole issue is more farcical and absurd than any Fellini masterpiece.
Gary Hitesman

Water treatment plant is a community benefit

Created on Thursday, 10 January 2013 03:00 | Written by [John Goodrich](#) | 

I am a drinking water professional of 33 years and a past member of the utility advisory board for West Linn during the water master planning process. I pay property taxes in the cities of Oregon City, West Linn and Lake Oswego. I am also a public works manager in Tigard, and have worked with the project team for the Lake Oswego-Tigard water treatment plant upgrades. My residence is in West Linn, and my wife and I live in the Robinwood neighborhood. This makes me uniquely aware of drinking water issues in all of these neighboring cities.

West Linn City Council has the opportunity to plan for a responsible water future by voting “yes” on the conditional land use for the LO-Tigard water treatment plant permits. Serving on the UAB made me aware of various problems within West Linn’s water system, especially the lack of adequate storage capacity. Under the adopted water master plan, West Linn is relying on the capacity of the LO-Tigard water treatment plant to meet its emergency water needs.

With undersized storage, inadequate redundancy in supply piping and continued deferred system maintenance, West Linn needs to provide adequate water for peak demand periods and firefighting. This is especially true should there be a disruption of water supply from its water treatment plant in Oregon City. While West Linn and Lake Oswego have relied on each other during past water supply disruptions over the last 10 years, West Linn’s limited system storage allows only hours of emergency water supply during summer conditions. The combined system storage of Lake Oswego and Tigard is more than 50 million gallons. West Linn has about 6 million gallons of storage.

Our community leaders made a choice to slow growth by limiting access to water storage decades ago. By purposely limiting the size of water storage, we must now rely on our neighboring cities to provide emergency supply. Currently there are three options West Linn can take to reduce its risk during water supply outages. We can construct millions more gallons in water storage. Secondly, we can build a redundant large-capacity pipeline crossing the Willamette River. Preferably this pipeline would be crossing under the river instead of attached to a bridge. Or, we can continue to depend on our neighbors Lake Oswego and Tigard to provide emergency water via their water treatment plant in West Linn. To ensure this emergency water supply is adequate at all times, we need to support the upgrading of the water treatment plant capacity.

The UAB members chose to support the water treatment plant upgrades and made this recommendation to council in 2008. This recommendation has no financial cost to West Linn. The project team for LO-Tigard water treatment plant has taken every opportunity to discuss and listen to neighbors regarding these upgrades. The team has taken important steps to resolve or mitigate neighbors’ concerns regarding plant operation and construction. This project provides direct and indirect benefits to those living in Oregon City, West Linn, Lake Oswego and Tigard.

West Linn City Council needs to make an informed choice. Is council concerned about West Linn’s emergency water supply vulnerabilities? Does the LO-Tigard water treatment plant upgrade help ensure that West Linn has emergency water supply during outages? Is this land use request a direct community benefit to West Linn based on the facts?

John Goodrich is a resident of West Linn.



Add a comment...

Comment using...



David Rittenhouse


Conflict of Interest big time.

Reply · Like · 7 hours ago

Facebook social plugin

Share { 1 } Send Like { 1 }

Council should honor commission's decision

Created on Thursday, 10 January 2013 03:00 | Written by [Dianne Froode](#) | 

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

To the West Linn City Council: What a good leader should not do is abandon the flock. But more importantly, do not leave the gate open so the predators can attack the flock. This has happened over the past three years and Lake Oswego and Tigard have taken full advantage of West Linn's ineptness to protect its citizens and the interests of this community. High-performance leaders are trustworthy.

Trust is a basis for all the relationships in our lives. Without trust, it's impossible to create healthy and productive environments. Be aware that others are watching you — assessing your values system and integrity. People want to be assured that their trust, followed closely by their respect, is being placed in a safe place — your hands — and that they are indeed wise to follow where you lead.

A good leader gets work done through others. When delegating the responsibility to do the task, it is good to include the authority to perform the task. The city council appointed seven solid citizens who live in West Linn and are willing to lend their resources for the betterment of West Linn.

These seven people serving on the West Linn Planning Commission had no vested interests in this project and were totally objective as they were thorough in their evaluation of the merits of the project. It is obvious this project does not meet the city code in a variety of ways as clearly pointed out by the planning commission.

It is equally apparent the project is not a benefit to this community but would instead impose substantial hardships. There was overwhelming evidence that served as the basis for the planning commission's unanimous decision to deny the permits. The city council should honor this decision. To do anything less would undermine the planning commission and this community.

Dianne Froode is a resident of West Linn.



Add a comment...

Comment using...

Facebook social plugin

Share { 0 } | Send | Like { 0 }

Pelz, Zach

From: Jordan, Chris
Sent: Thursday, January 10, 2013 10:22 AM
To: Pelz, Zach; Sonnen, John
Subject: FW: Robinwood water dispute w/ LOswego/Tigard

This went to the Council.

Chris Jordan, City Manager
Administration, #1422

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

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

From: Jordan, Chris
Sent: Thursday, January 10, 2013 10:22 AM
To: 'Chris Ling'; CWL Council
Cc: Carson, Jody
Subject: RE: Robinwood water dispute w/ LOswego/Tigard

Thank you for your e-mail to the City Council regarding the Lake Oswego-Tigard project. Because this is a land use hearing scheduled before the City Council beginning on January 14, the Council is not in a position to engage in ex parte' communications. In accordance with the adopted City Council Rules governing the procedures for land use hearings such as this, all written arguments or other documents presented to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. seven calendar days prior to the date of the hearing. All other written materials must be presented in person at the hearing. However, please be assured that the Council will receive a copy of your e-mail at the hearing on January 14.

From: Chris Ling [mailto:cling@easystreet.net]
Sent: Thursday, January 10, 2013 10:11 AM
To: CWL Council
Cc: Carson, Jody
Subject: Robinwood water dispute w/ LOswego/Tigard

Though I've been a long time resident of West Linn and have briefly met Ms. Tan and Mr. Kovash, the only councillor I am acquainted with is Jody Carson. So, I am largely unknown to the current council and I hope my invisibility does not reduce the weight of my words and opinions. My participation in civic affairs in recent years is scant but I do observe and care about what our Council, Planning Commission and City staff are doing. In most cases, I am confident that the due diligence and resulting decisions of our governing bodies and volunteers are well measured and made with the intent of furthering the welfare of our city.

- The Robinwood water matter is complex and involves huge monetary and lifestyle sacrifices for our city. Our Planning Commission has weighed the evidence and arguments and ruled against LOT and Tigard.
- I have read Mr. Norman King's letter and though am not acquainted with this former mayor, respect his judgment and honor his motives in presenting his views. LOT and Tigard have appealed the Planning Commission's decision.
- I support the Planning Commission's decision and unless there are facts and figures new to the case, recommend that the City Council also support the denial of the water treatment plant.

Very simply, please cut through the outcry and media influences and just consider the basics.

- First, I have heard, read of, and observed few demonstrations in favor of the plant's construction and plans.

- Second, there must be alternative solutions available to LOT and Tigard for the accomplishment of the water transmission and amenities that are sought from the Robinwood project. Given the scale of the opposition by residents immediately affected by the project, perhaps an alternative, despite additional cost, would be preferable and feasible?
- Third, if the plant's construction were to move forward, what commensurate, equivalent compensation and amenities would ameliorate the disruption and cost to West Linn as the project is built? There are benefits and costs to every decision and perhaps the Robinwood residents and the City of West Linn could be compensated enough to make the project's fruition possible? Or, are the proponents unwilling to shoulder that burden? If the proponents are not willing or able to compensate the affected residents and city in general for this plant's construction and operation, then another alternative must be sought by LOT and Tigard.

Every proposal cannot be prudent or necessary as planned. People do not always get what they want, no matter how hard they argue. The cost of an idea is often prohibitive. Democracy is always messy.

Chris Ling, homeowner - 24 years
25315 Swift Shore Drive, West Linn, OR 97068
voice 503.6578433
fax 503.6570390

Pelz, Zach

From: Jordan, Chris
Sent: Thursday, January 10, 2013 10:17 AM
To: 'doug willison'
Cc: City Council; Pelz, Zach; Sonnen, John
Subject: RE: LOT Water Treatment Plant

Thank you for your e-mail to the City Council regarding the Lake Oswego-Tigard project. Because this is a land use hearing scheduled before the City Council beginning on January 14, the Council is not in a position to engage in ex parte' communications. In accordance with the adopted City Council Rules governing the procedures for land use hearings such as this, all written arguments or other documents presented to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. seven calendar days prior to the date of the hearing. All other written materials must be presented in person at the hearing. However, please be assured that the Council will receive a copy of your e-mail at the hearing on January 14.

Chris Jordan, City Manager
Administration, #1422

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

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

From: doug willison [mailto:dougalice@comcast.net]
Sent: Thursday, January 10, 2013 10:11 AM
To: CWL Council
Subject: LOT Water Treatment Plant

This email will be sent to the West Linn Mayor and Councilors: January 10, 2013

Mayor and Councilors:

You may consider this letter as opposition to the proposed LOT treatment plant. We are senior citizens and have been residents of West Linn for over 41 years and reside in the Robinwood district. It would appear that construction of this proposed plant would be harmful to the city of West Linn and its residents and businesses with no advantage to the city at all. In fact, it would be extremely detrimental to all of us.

I am not an expert but I do have a geography degree from Northwestern University and feel that a water plant of this nature built in an earthquake zone subject to liquefaction would be a horrible mistake. Also consider the fact that the city would lose revenue, real estate values would drop, reimbursement from L.O. and Tigard is almost non-existent and there is minimal benefit to West Linn. Thanks for your consideration and please deny the LOT application and protect our fine city.

Sincerely,

Douglas S. Willison & Alice L. Willison

4625 Calaroga Dr., West Linn, OR 97068

Pelz, Zach

From: Sonnen, John
Sent: Thursday, January 10, 2013 8:39 AM
To: Pelz, Zach
Subject: FW: LOT ex parte

For the record

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Kovash, John
Sent: Thursday, January 10, 2013 7:52 AM
To: Sonnen, John
Subject: LOT ex parte

On January 9 I had a conversation with Ms. Evans at the ACC concerning the LOT. She talked about the opposing lawyers working to get the project approved and it was on tape. I told her my opinion they were doing their job of moving the process forward. John

 Mayor John Kovash
jkovash@westlinnoregon.gov
West Linn Mayor
22500 Salamo Rd
West Linn, OR 97068
P: (503) 657-0331
F: (503) 650-9041
Web: westlinnoregon.gov

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

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

Pelz, Zach

From: Sonnen, John
Sent: Thursday, January 10, 2013 8:17 AM
To: Pelz, Zach
Subject: FW: LOT letter from Mayor King
Attachments: LOT NOTICE FROM FROM MAYOR KING.pdf; ATT00001.txt

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Tan, Jennifer
Sent: Wednesday, January 09, 2013 9:37 PM
To: Sonnen, John
Cc: City Council
Subject: FW: LOT letter from Mayor King

Hi John,
Can you please include this e-mail and attachment in the record? The attachment was also sent to me through USPS mail.
Thank you.
Jenni



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

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

From: Dennis and Jennifer Tan [jennifer_dennis1996@yahoo.com]
Sent: Wednesday, January 09, 2013 9:39 PM
To: corneliaseigneur@comcast.net
Cc: Tan, Jennifer
Subject: Fwd: LOT letter from Mayor King

Hi Cornelia,
It was nice to see you this past Monday. Thank you for your e-mail. Please forgive me, but because this is a land use hearing I cannot express my opinion until I have heard the case at the official hearing. Also, I am required to report correspondence and any discussions regarding this case as ex-parte contact.

Here is our official response to any correspondence we receive related to the LOT project.
?Thank you for your e-mail to the City Council regarding the Lake Oswego-Tigard project. Because this is a land use

hearing scheduled before the City Council beginning on January 14, the Council is not in a position to engage in ex parte communications. In accordance with the adopted City Council Rules governing the procedures for land use hearings such as this, all written arguments or other documents presented to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. seven calendar days prior to the date of the hearing. All other written materials must be presented in person at the hearing. However, please be assured that the Council will receive a copy of your e-mail at the hearing on January 14.?

Warm regards,
Jenni Tan

X-Apparently-To: jennifer_dennis1996@yahoo.com via 98.139.220.145; Wed, 09 Jan 2013 20:52:36 -0800

X-YMailISG: IHfuOk8WLDsXyrV_I066wsEE8wFMv1ggB1H7fSJmZO_akcng
KH3gzPk_002DItdQWd7FTxq5_X2yvYAeuwRixl8oDb8ecSrSJjx8s2VY7LYO
EZSxnmjX6fboT15qHDAI7wHrrr1cRi3xNKUqCqaun3KX4skLvUtVQIs9L4S
eqo1uL4K479_nIm13LzA0tMJYhMLAmxw2plODNXXRnOx1dzzW6mgdvVBpngk
hl0mKbrS7pzgHDVBpDCTRCllpB1KZ_wCJsOYJYGzhcs1Nps4xbWh989seHm5
JsUV.qs1E3d3df6Mc6g16wXeVuGE7rt8Mv.QSx9tKhIxX0L8cRRBQUkOii8q
VAVABq4rzDmT.V.RB6FcjQqTP5iQWeMZqmdqrKr_1PukjXhdivOUmrkFK06i
EkN2t3Fr2ASwFPBaEYQ_5FBx.7jtC2NmR5aEQnmNHv9rj6dBwwEMJhJybxqY
vqfAf7M._J9C1Dj0J9NyU5F3gK7ZvLCek_WVgGUlu4l8SGjYSGBBObtyNwY9
vZ6vu0xIsmITs9DWeOv6KTzXVjni0q3SD1xcmASKB5vcNXpZ.u6F9UJeoUfL
YvRArml0GT28jmOHE76tVGIa9kMkwX76mf6yOT8DpwLDtUbIEpWJHDH9t.Qc
TIPA_LQVnSqodRAa2S6.BU__2eOylihq_jUuYJ.9koO2MObt.slsfay.OI4
5i8dl9gtU.Y9OUzWgVSPmDtl5H6hwkv1OSfrmkTGGicZJIWzX0KssuvR0yR
zyMgqIsVbIgyWUUI58HKS3fZBEOT1avWn2QdZcEgDe9jaGE72x7VwbqDr7IK0
7q_3yzpdTk05_IEO1Ih1G1g4wPOIr2u3IRW8x4x.woFp6s01y7daRFMc7bk7
jEGj.ENqc9UIu9LJhaEH1VZxg5_G_h8Ru.DTst_BLeR2uEF1o5G8xPuwteUc
DJQmdTNb1vFART_SKSgyEFFh9JiBrR29KeEEa_HnZNvHJ0IZEHUgK56umnza
5SNAr92UJ7K4gW9Ae1TgZFn.EN.1st8MNB3olhKk_mknoQSxEshNpS8auQIt
MU5AfOZCk9TMZakx7Ge0S.EvQEoD.MryG2WjH68T8og1Hn8TGgj0dxuTfeXO
bh8B.M35qIyN7OF.lk_pFvSvV4M3ub1Xkdde9iBMcPioqV8siJtRMN2IHkOI
96IcnposGcJcWqhxmw2TNhtP4frIt0GYe5.SwYm4BImRQ19p0zuNUHWEhrX
.PeDmv9.VLyDXJgJpNsAw41PR96RYxLN8GUbPrbOGf.YHd6nxoLTzE-

X-Originating-IP: [76.96.30.48]

Authentication-Results: mta1266.mail.bf1.yahoo.com from=comcast.net; domainkeys=neutral (no sig);
from=comcast.net; dkim=pass (ok)

Date: Thu, 10 Jan 2013 04:52:30 +0000 (UTC)

From: Cornelia Seigneur <corneliaseigneur@comcast.net>

To: Jenni and Tan <jennifer_dennis1996@yahoo.com>

Subject: LOT letter from Mayor King

X-Originating-IP: [::ffff:71.193.225.203]

X-Mailer: Zimbra 6.0.13_GA_2944 (ZimbraWebClient - FF3.0 (Mac)/6.0.13_GA_2944)

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=comcast.net;

s=q20121106; t=1357793551;

bh=FJK1h6qzcQPRkVEO/Dg6zSMJT8k9A3OhHw09rj2sQjM=;

h=Received:Received:Date:From:To:Message-ID:Subject:MIME-Version:

Content-Type;

b=aUQZ400JGybCTOe7U4UznSdDNVe27BpMzxFj7IKurIHPuFgPUK+TMj2XDu5ZjvrT9

v70b63mgmrrpDNntw7OUvpFQbKglMgZD6ZPJ8ryV5zhHckuZfq/XihMHFjfIhD0VG4s

eiobEEwjYtYtNKAmgzByGig4AurcbDJZ16kO8KDRXMS0I5hop0lxXBA4ADcXHTQkc5

2YRzds9oilWlCoQYXbcWfaZDbAxY1LjQWBHkplBg6n/Gq3pwfcef/PcxbGlbLwn9d

9NhLyrSJRrCNCHSQtupible1qGKSc7M/h3q2gR5M6x9uCttYGIJmnH2ji6ME7ZvzRx

/AfLR+vossbrjg==

Hi Jenni

What are your thoughts on this? This is outrageous - Hope we vote for West Linn-

Thanks, Cornelia

Cornelia Becker Seigneur
Writer/Teacher/Speaker/Connector/Mentor
Author, Writer Mom Tales
Author, Images of America: WEST LINN
<http://www.corneliaseigneur.com/>
h.503.697.7268/c.503.318.3480
cornelia@corneliaseigneur.com
<https://twitter.com/CorneliSeigneur>

From: "Hidden Springs Nbrhd Associates" <wlhsna@msn.com>
To: "Test Test" <wlhsna@msn.com>
Sent: Wednesday, January 9, 2013 8:15:19 PM
Subject: LOT letter from Mayor King

Hello Friends and Neighbors,
Unfortunately, we received the attached letter on January 9, 2013, two days too late for you to send your thoughts to your elected Council members. Fortunately, you will be able to submit oral or written testimony at the West Linn City Council meeting on January 14, 2013 at 6:00 PM.

This information has been forwarded in the hope that it will increase informed citizen participation in this very important issue.

Thank you all so much for the information you forward to us. Please let us know if you no longer wish to receive emails from us and we will be happy to remove you from this list. There are many people in West Linn who do not use the internet and we hope you will share this information with your neighbors who do not have access to email.

We hope the new year finds you and yours happy and healthy,

Your friends and neighbors in Hidden Springs

Pelz, Zach

From: Jordan, Chris
Sent: Wednesday, January 09, 2013 1:14 PM
To: 'Steve Hopkins'
Cc: CWL Council; Pelz, Zach; Mollusky, Kathy
Subject: RE: Water Treatment Plant approval?

Thank you for your e-mail to the City Council regarding the Lake Oswego-Tigard project. Because this is a land use hearing scheduled before the City Council beginning on January 14, the Council is not in a position to engage in ex parte' communications. In accordance with the adopted City Council Rules governing the procedures for land use hearings such as this, all written arguments or other documents presented to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. seven calendar days prior to the date of the hearing. All other written materials must be presented in person at the hearing. However, please be assured that the Council will receive a copy of your e-mail at the hearing on January 14.

Chris Jordan, City Manager
Administration, #1422

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

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

From: Steve Hopkins [mailto:sfhopkins9@aol.com]
Sent: Wednesday, January 09, 2013 11:46 AM
To: CWL Council
Subject: Water Treatment Plant approval?

Councilors:

Today we learned that your notice to us about your January 14th meeting agenda didn't meet the West Linn code 99.270. Yesterday, we learned that you had voted to accept a Lake Oswego/Tigard bribe to approve their applications for increasing their water treatment capacity in our neighborhood and that you have hired someone to "negotiate the terms" of the bribe.

What's going on here?

It looks like you have already decided to approve their applications despite your Planning Commission's unanimous rejection of them--even before your public hearings on their applications. It looks like callous disregard for the commissioners' careful consideration and your constituents' two-year battle to prevent three years of industrial construction and the installation of a potentially dangerous pipe in our neighborhood. If that's what's going on, it's totally unacceptable.

Why have you hired someone, presumably at taxpayer expense, to negotiate the terms of a \$5,000,000 bribe before even hearing the public's current concerns during a meeting advertised to consider them? Have you predetermined you're going to approve the applications?

Is \$5,000,000 the current price for ignoring city codes, supporting another city's desecration of residential property values and business revenue, subjecting your constituents to two years of lying, bribing, mediating

and meetings; three more years of construction and thousands of heavy truckloads down our narrow street to the endangerment of our children? It's outrageous that you would even consider it--and if you're going to play that game, it's nowhere near enough.

Why are you approving another city's applications to start a new business selling water to other entities, including the Stafford Triangle, at the expense of our neighborhood, a neighborhood which has a covenant banning industrial activity? Are you representing Lake Oswego and Tigard or West Linn?

What are you going to do with the \$5,000,000? If you're going to sell out our neighborhood, approving a project for which our neighborhood will have to bear the burden, shouldn't you split the bribe with us? If so, \$5,000,000 isn't nearly enough to compensate us for the grief and worry we've already endured, property devaluation, three years of construction and concern about the security of the monstrous pipe and potential flooding in the years to come.

Represent West Linn residents. Reject the \$5,000,000. Reject the applications.

Steve and Nancy Hopkins
3910 Mapleton Drive

Pelz, Zach

From: Mark & Fariba Mutschler [drs.mutschler@gmail.com]
Sent: Wednesday, January 09, 2013 11:47 AM
To: Pelz, Zach
Subject: Re: Draft LOT Hearing Protocol

Hi Zach,

I was pleased to see the City of Lake Oswego offer franchise fees to the City of West Linn for use of the right-of-way.

I am disappointed that my neighbors do not feel that this is sufficient community benefit for approval of the water plant expansion. My opinion is that it IS sufficient.

I would also like to see a sidewalk put in on one side of Mapleton, especially in the curve area that has no street light and is very dangerous for walkers during the dark.

Just wanted you to hear a minority opinion.

Mark Mutschler.

On Wed, Jan 9, 2013 at 10:46 AM, Pelz, Zach <ZPELZ@westlinnoregon.gov> wrote:

Good morning,

Attached is a draft meeting protocol to help you prepare for the upcoming City Council hearing regarding the Lake Oswego-Tigard Water Partnership appeal (AP-12-02 and AP-12-03) scheduled for Monday, January 14, 2013, at 6pm at West Linn City Hall. Please be aware that the protocol is subject to change at any time at the discretion of the City Council. If you are planning to use a PowerPoint presentation, or have other special audio/video needs, we request that you contact us 48 hours in advance to make arrangements. For the latest project information, please visit the [City's agenda page for this hearing here](#) (many of the files are rather large and may take some time to download). Material submitted to the Council on January 7, 2013, is in Attachment 10.

Thank you,

Zach



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

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

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, January 09, 2013 9:27 AM
To: Pelz, Zach
Subject: FW: Resolved by the Robinwood Neighborhood Association on January 8th, 2013.

For the record

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Tan, Jennifer
Sent: Wednesday, January 09, 2013 9:23 AM
To: Jones, Michael; Carson, Jody; Kovash, John; tfrank@westlinnoregon.com
Cc: Sonnen, John; Jordan, Chris
Subject: RE: Resolved by the Robinwood Neighborhood Association on January 8th, 2013.

Hi John,
Can you please include this in the LOT record? Thank you.
Warm regards,
Jenni



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

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

From: TreasurerRNA [treasurerrna@gmail.com]
Sent: Tuesday, January 08, 2013 11:41 PM
To: Jones, Michael; Carson, Jody; Tan, Jennifer; Kovash, John; tfrank@westlinnoregon.com
Subject: Resolved by the Robinwood Neighborhood Association on January 8th, 2013.

Resolved by the Robinwood Neighborhood Association on January 8th, 2013.

To the West Linn City Council:

Consideration of a lump sum franchise fee from the Lake Oswego-Tigard Water Partnership (LOTWP) is premature and creates the appearance of a conflict of interest and impropriety and fails to reflect good faith.

Any discussion of a franchise fee should be separate and distinct from the land use decision process.

Accepting a one time, lump sum franchise fee is not consistent with other City of West Linn franchise fees and privilege taxes, which should be recurring, renewable and renegotiable.
This lump sum purchase of a permanent franchise right sets a dangerous precedent.

A franchise fee is rental for right-of-way and does not constitute a community benefit.

Treasurer RNA
treasurerRNA@gmail.com



REGIONAL WATER PROVIDERS CONSORTIUM BOARD EXECUTIVE COMMITTEE

Notes of January 2, 2013

Consortium Board Chair Jody Carson called the meeting of the Executive Committee (EC) to order at 5:47 p.m. Introductions were made. Executive Committee members present at the meeting included Councilor Victoria Lowe from the City of Forest Grove, Councilor Jody Carson from South Fork Water Board, and Commissioner Jim Duggan from Tualatin Valley Water District.

Other meeting participants included Mayor Denny Doyle from the City of Beaverton and John Collins from South Fork Water Board.

Consortium staff included Rebecca Geisen, Lindsey Berman, and Patty Burk.

Approval of the April 4 and September 5, 2012 Meeting Summary: Chair Jody Carson asked for clarification and correction in the April 4, 2012 Executive Committee meeting summary. The April 4 meeting summary states “After Executive Committee discussion, Commissioner Jim Duggan moved to recommend to the Board that they approve the letter of support for the Lake Oswego/Tigard Partnership. Commissioner Don McCarthy seconded the motion. The Executive Committee unanimously approved to recommend to the Board that they approve the letter of support for the Lake Oswego/Tigard Partnership. (5:0:0)” Chair Carson recalled that the motion made by the Executive Committee was to forward the letter to the Consortium Board for their consideration not that the EC recommended the Board approve the letter of support.

Commissioner Duggan concurred that the motion was simply to forward the letter on for full Board consideration at their next meeting.

The April 4, 2012 Executive Committee meeting summary was corrected to read “Commissioner Jim Duggan moved to forward the letter of support for the Lake Oswego/Tigard Partnership to the full Consortium Board for their consideration. Commissioner Don McCarthy seconded the motion. The Executive Committee unanimously approved to forward the letter of support for the Lake Oswego/Tigard Partnership to the full Consortium Board for their consideration. (5:0:0)”

The April 4 and September 5, 2012 Executive Committee meeting minutes were not considered for approval at this meeting as the Executive Committee did not meet quorum requirements. The April and September minutes will be held over for approval at the next Executive Committee meeting.

Emergency Planning Committee Report: Rebecca Geisen reported that the Emergency Planning Committee (EPC) met on October 29, 2012. She advised that the meeting focused on the After Action Report for the Emergency Water Distribution System (EWDS) Drill that took place in August. Ms. Geisen reminded EC members that an overview and outcomes of the EWDS drill was presented to the Consortium Board at their October meeting.

Ms. Geisen reported that she and Mark Knudson from Tualatin Valley Water District (TVWD) gave a presentation at the Citizen Corps Conference on November 2, 2012 at which approximately 100 people attended. She noted that the presentation focused on the work being done as part of the Oregon Resilience Plan and also on what water providers are doing to prepare for emergencies. Ms. Geisen said Mr. Knudson discussed the impacts to water system infrastructure from a Cascadia earthquake while her presentation focused on the tools the Consortium has or will acquire to provide emergency water supplies.

Ms. Geisen advised that water providers received nine portable water treatment systems with 2010 reprogrammed Urban Area Security Initiative (UASI) grant funds. The nine systems from Global Pure Water were distributed to the City of Tigard, Vernonia, Scappoose, Clackamas River Water, the City of Oregon City, the City of Hillsboro, the City of Gresham, the City of Tualatin, and the Portland Water Bureau. She noted that the systems can treat up to 130 gallons per hour using silver infused ceramic filters.

Ms. Geisen commented that the City of Lake Oswego received their portable water treatment system which can treat up to 30,000 gallons of water per day. Ms. Geisen said Lake Oswego hosted a training for water providers to learn how to operate the system. Clackamas River Water has received UASI funding to purchase a second system.

Ms. Geisen concluded that she participates on the Regional Disaster Preparedness Organization (RDPO) Policy Steering Committee and is Vice-Chair of the RDPO Public Works Committee. She noted that the Public Works Committee is currently working on developing standard operating procedures.

Conservation Committee Report: Lindsey Berman reported that the Consortium Conservation Committee (CCC) recently went out to bid for a new media partner. Request for Proposals (RFP) were sent to KATU Channel 2, KOIN Channel 6, and KGW Channel 8. Lindsey advised that the CCC selected KOIN Channel 6. Ms. Berman said since the Consortium has not worked with KOIN Channel 6 before it is a great opportunity to reach a new viewing market. Ms. Berman advised that the indoor conservation PSA was completed and will begin showing in February. She noted that KOIN has committed to three water conservation news stories this summer during the evening new hours and will cover the Children's Clean Water Festival in March. Ms. Berman advised that the Consortium will again work with KUNP Univision- Spanish television during the summer months. KUNP has committed to two water conservation news stories and will also cover the Children's Clean Water Festival.

Ms. Berman mentioned that staff has begun working on developing a new radio ad spot for the summer campaign.

Ms. Berman advised that a RFP was sent out for a new Conservation Education School Assembly Program for students grades K-2. Mad Science was selected and has begun working on developing a new program.

Ms. Berman reported that the CCC again participated in the Oregon Landscape Contractors Association (OLCA) Exposition in December. She noted that the CCC partnered with Ewing Irrigation to put on a water efficiency presentation in Spanish.

Ms. Berman concluded that staff is working with Metro Multifamily Housing Association (MMHA), Portland General Electric (PGE), and Energy Trust of Oregon to develop a Water and Energy Symposium for the month of March. The symposium will target property managers, maintenance managers, and portfolio managers of multi-family properties throughout the metro region. The goal is to deliver four water conservation and efficiency presentations/workshops to property managers during the month long symposium. Ms. Berman noted that this targeted outreach is designed to leverage our resource partners in reaching out and providing water and energy information, resources, and services to property managers throughout the region.

Chair Carson asked if Consortium Board members will be invited or could attend the Children's Clean Water Festival. Ms. Berman said she would send an invitation out to the Consortium Board.

FY 2013/14 Budget Concepts Discussion: Ms. Geisen advised that included in the meeting materials packet was the proposed work plan and budget for FY 2013/14. Ms. Geisen advised that a draft dues spreadsheet was also included using last year's customer accounts and water demand numbers to give EC members an idea of what their dues potentially could be. Ms. Geisen noted that the Consortium Technical Committee (CTC) met earlier today during which they discussed the FY 2013/14 work plan and budget and recommended forwarding the budget materials as presented to the Executive Committee for their consideration.

Ms. Geisen noted that the FY 13/14 budget and work plan includes all of the same tasks as the current year in addition to the following new work tasks:

- Develop scope of work and budget for update of the Regional Water Supply Plan (no budget impact)
- Develop program proposal for value of water messaging (no budget impact)
- Portland State University (PSU) population and household estimate development project (\$46,300)

Ms. Geisen reported that the Regional Population Forecast Project is a multi-year contract with Portland State University's Population Research Center and will provide all Consortium members with updated population and household estimates and long-range forecasts on a regular basis.

She said the benefit of the agreement with PSU is to achieve economies of scale by consolidating all of the regional population forecasting into one agreement as well as having all providers use one source of population data. The cost for FY 13/14 is \$46,300 and will be much less in subsequent years (\$8000-\$9000/yr). The scope of work includes an updated service area boundary map, historic, current and future population and household estimates and forecasts. Updates of the population and household estimates will occur annually and updated forecasts and boundary maps every five years.

Ms. Geisen advised that the Consortium has a staff of four people, two are full time and two are funded part time for a total of 3.4 FTE. Staff costs increase each year to cover cost of living increases as well as merit increases. These costs are assigned by the City of Portland under terms and conditions that apply city wide. Total personnel costs for FY13/14 are \$465,604 – an increase of \$27,458.

Ms. Geisen report that an overhead fee of 29.5% is collected by the City of Portland for administrative and support functions such as payroll, space rental, phone, computers, technical support, etc. The overhead fee has remained the same for the past 5 years. This charge is applied only to personnel hours charged to the Consortium. Carry-over from previous years is often attributed to un-used personnel hours and subsequent overhead charges. Overhead charges for FY13/14 are \$137,353 – an increase of \$8,108. The increase covers the additional personnel costs.

Ms. Geisen noted that the materials and services budget includes all of the material and services costs for the administration of the Consortium and its programs such as printing, postage, meeting notices, refreshments, recording equipment and services, space rental, equipment rental, advertising, professional services for conservation program implementation (as outlined in the budget spreadsheet) and PSU population and household forecasting. Material and services for FY 13/14 are \$326,990 – an increase of \$37,290 which is attributable to the PSU forecasting project. Materials and services budget was reduced \$7,700 for administration and public involvement.

Ms. Geisen explained that unexpended funds from the previous budget year are calculated and may be carried over to a future budget. The Board has discretion as to how to spend the carryover. Traditionally the carryover amount is used to off-set future dues. The carryover amount from FY11/12 is \$88,674. The carryover amount is attributable to several factors:

- No contingency was used - \$10,000
- M&S was under-expended by \$16,459
- Personnel hours were under-expended which also causes a carryover in overhead charges. Some hours were uncharged in regional coordination and administration. Total under-expenditure was \$62,215.

Ms. Geisen concluded that at the February Board meeting, the Board will need to make a recommendation to approve the budget as presented or propose changes. The Board also needs to make a recommendation for how to disperse the carryover amount of \$88,674. If no action is taken by the Board for the carryover amount, the carryover will be credited to the participant dues for FY 13/14. If the carryover amount is applied to FY 13/14 budget, the total dues will be \$851,273.

EC members discussed the FY 2013/14 work plan and budget and by consensus recommended to forward the materials as presented to the full Board for their consideration at the February Consortium Board meeting.

Chair Carson commented that she supports the PSU work and suggested that the scope of work for the project could be included in the Board meeting materials packet.

February Consortium Board Meeting Draft Agenda: Ms. Geisen pointed out that included in the meeting materials was the February Consortium Board meeting draft agenda. Agenda items

included approval of the October 2012 Board minutes, consideration of the City of Fairview resolution, the adoption of the FY 2013/14 Consortium work plan and budget, a Conservation and Emergency Planning Committee report, a legislative update and a placeholder discussion item.

Ms. Geisen advised that the Consortium Technical Committee discussed possible topics for the placeholder discussion and recommended an update of the Oregon Resilience Plan. Ms. Geisen reminded EC members that in April 2011, the Oregon House of Representatives unanimously passed House Resolution 3 which directs the Oregon Seismic Safety Policy Advisory Commission to “lead and coordinate preparations of an Oregon Resilience Plan that...makes recommendations on policy direction to protect lives and keep commerce following during and after a Cascadia (megathrust) earthquake and tsunami.” The Plan and recommendations are due to be delivered to the Oregon Legislative Assembly by February 28, 2013. Ms. Geisen noted that other proposed discussion items included member roundtable updates, Project Manager update from member visits, and an update from the Water Resources Department (WRD) on the Integrated Water Resources Strategy (IWRS) and work of WRD.

The Executive Committee approved the February Consortium Board meeting agenda as presented and supported the CTC recommendation to have an update on the Oregon Resilience Plan.

Overview of Consortium Technical Committee (CTC) Member Visits: Ms. Geisen reported that she has been meeting with individual Consortium members to hear their perspective on the Consortium and how members would like to see the organization grow to better meet their needs. Ms. Geisen advised that she has five more members to visit and has enjoyed the opportunity to discuss future opportunities and direction for the Consortium.

State and Local Updates: Ms. Geisen pointed out that a handout that outlines the Oregon Water Resources Department's 2013 legislative concepts was included in the meeting materials packet.

Ms. Geisen noted that the Oregon Water Utilities Council (OWUC) Legislative Symposium is Wednesday, January 9, 2013 from 8:00 a.m. to 5:00 p.m. at the Salem Convention Center. The goal of the conference is to inform water providers throughout Oregon of water related issues that will likely be addressed during the 2013 legislative session.

Ms. Geisen mentioned that Kevin Hanway from the City of Hillsboro has been nominated to be reappointed as the water/wastewater representative on the Metro Technical Advisory Committee (MTAC).

The meeting was adjourned at 7:05 p.m. The next meeting of the Executive Committee is April 3, 2013 in the 5th floor, Bull Run Conference Room, Portland Building, 1120 SW 5th Avenue, Portland.

Submitted by Patty Burk, Consortium Staff.