



Memorandum

Date: February 1, 2013
To: West Linn City Council
From: Zach Pelz, Associate Planner
Subject: AP-12-02 and AP-12-03 – Additional testimony received since the close of testimony on January 22, 2013

Attached is public testimony received following the January 22, 2013, 10 am deadline for written testimony, regarding the Lake Oswego-Tigard Water Partnership appeal.

**Resolution No. 08-39
West Linn, Oregon**

**A RESOLUTION APPROVING AN UPDATE TO THE "IMAGINE
WEST LINN" VISION DOCUMENT**

WHEREAS, on February 28, 1994, the City of West Linn City Council formally approved the "IMAGINE WEST LINN" vision document;

WHEREAS, there have been no amendments or updates to the vision document since its adoption;

WHEREAS, the City Council requested that the City Staff, the Citizens Advisory Boards and the community at large review the document and recommend any updates;

WHEREAS, based on the input received from these parties, the City Council finds that the "IMAGINE WEST LINN" document still accurately states the City's vision for the future, but would benefit from minor updates;

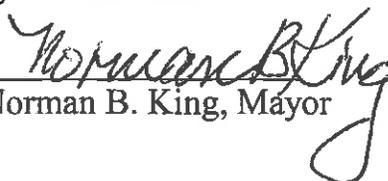
WHEREAS, based on these recommendations and under the guidance of an outside professional consultant, the "IMAGINE WEST LINN" vision document has been updated for 2008, such that it remains an accurate depiction of the City's vision for the future as attached in Exhibit "A";

**NOW, THEREFORE, BE IT RESOLVED BY THE WEST
LINN CITY COUNCIL THAT:**

Section 1: This vision document will serve as an important guide and reference for the City's decision makers when determining goals and policies for the City, particularly as they relate to the Comprehensive Plan.

Section 2: This Resolution shall be effective immediately upon adoption.

This Resolution adopted by the West Linn City Council this
8th day of September, 2008.


Norman B. King, Mayor

Attest:

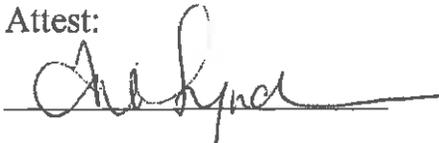
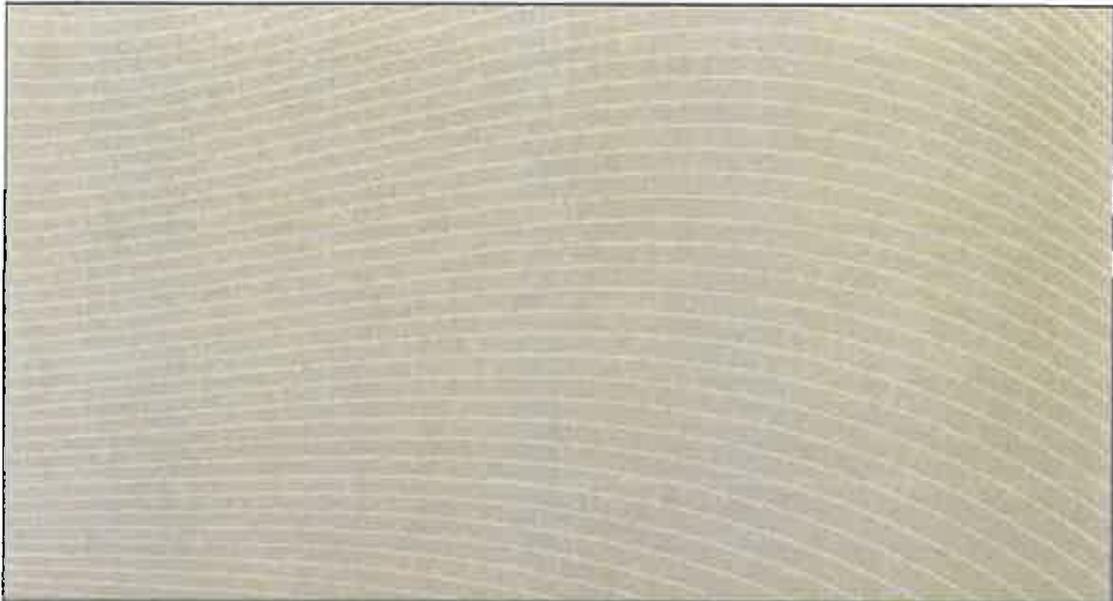


Exhibit “A”



CITY OF
**West
Linn**

Imagine West Linn

Updated 9/08/08

WEST LINN CITY COUNCIL (2008)

Norm King, Mayor
Scott Burgess
Jody Carson
Michele Eberle
Mike Jones

ORIGINAL VISION TEAM MEMBERS (1994)

Lori Faha, Chairperson; Lynn McFadden, Charles & Diane Awalt, Sally McLarty, Pam Black, Beth McNamara, Sue Brady, David W. Mehl, Jody Carson, Charlotte Morris, Mimi Chitty, John L. Moss, Tom D'Amour, Jerry & Ruth Offer, Betty Dargis, Paddy Pynch, Kate Dickson, Rockey Sagers, Pat & Suzanne Feeney, Primus St. John, Duane Funk, Jack & Julia Simpson, Jill Sherman, David Goodman-Farley, Don Stuart, Robert Grace, Rod Swanson, Jean Green, Bob Thomas, Nancy Hopkins, Marilyn Torsen, Jeff Kraus, Jim Waddell, Bob Krahn, Deb Zackman, Gary Madson, Leslie Marsh, John L. Moss (Council Liaison)

STAFF SUPPORT FOR 2008 UPDATE

Bryan Brown, Planning Director
Chris Kerr, Senior Planner
Scot Siegel, Consultant

CITIZEN INVOLVEMENT FOR 2008 UPDATE:

The City Council implemented a comprehensive public outreach program for the 2008 Imagine West Linn Update to solicit input and encourage recommendations to be made to the 1994 Imagine West Linn document. Specific components of the City's outreach efforts for the 2008 Update included:

- **Media** – Two detailed articles were included in the Tidings newspaper describing the project, with quotes from Councilors including specific requests for public input. Additionally, a formal notice of the item was included in the Tidings Public Notice section.
- **Advisory Boards** – the City's Citizen Advisory Committees (e.g. Parks & Recreation Board, Historic Resources Advisory Board, Transportation Advisory Board) were provided the 1994 Imagine document with a questionnaire to provide their recommendations back to the Council. The project was included as a separate agenda item by these Committees at their public meetings.
- **Planning Commission** – the Commission and City Council held two joint worksessions on the matter. Also, the Planning Commission has held two additional public hearings reviewing and editing the document.

- **City Council** – The Council held numerous public meetings on the update and received progress reports from the Staff as well as the consultant.
- **Neighborhood Associations** – The Associations were notified of the project from its initial stages with a specific request to provide input. They were sent the numerous agendas complete with background packages for review, via email and in hard copy format.
- **Direct citizen involvement** - An announcement was placed on the first page of the City's website with a link to the document and a specific request for comments from any resident on recommended changes. Additionally, numerous postings of the project that included a means to provide feedback to the City was provided at various City buildings including the City Library and City Hall.

If you have any questions about this document or would like to request copies, please contact the City of West Linn Planning Department at 656-4211 or visit the City's website <http://westlinnoregon.gov/>

PROJECT TITLE: *Imagine West Linn Update*

PROJECT DESCRIPTION:

Imagine West Linn (2008) defines West Linn's future vision in a proactive and constructive manner. Building on the good work of West Linn's citizens, the updated vision reaffirms our commitment to a sustainable future, embracing West Linn's unique community spirit and sense of place.

PROJECT OBJECTIVES:

1. To reaffirm our commitment to a unified West Linn vision.
2. To clarify the challenges and opportunities that lie ahead.
3. To establish guiding principles for decision making.
4. To further develop the leadership and organizational capacity necessary to reach our goals.
5. To develop an action plan that will enable us to arrive at our vision.

GUIDING PRINCIPLES

- Sense of Community
- Land Use and Quality of Life
- Sustainability
- Community Institutions
- Cultural Diversity, Education, and the Arts

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APPENDIX: Accomplishments Since Original Adoption of Imagine West Linn in 1994

INTRODUCTION

Imagine West Linn in the year 2040. What will it be like? What could it be like? When we first asked this question in the early 1990s, the world was a different place. In 1994, the City of West Linn had a population of 18,860, now the population is estimated to be 24,771 people. Fifteen years ago, our region was in the throes of a major development boom; growth pressures have since stabilized. There has been a demographic trend toward an aging society locally and nationwide. Our lifestyles have changed as well, with more dual-income households, smaller families on average, more home-based businesses, and far more awareness of the environmental problems our planet faces.

These changes have both negative and positive implications. In the 1990s, the internet was gaining traction. Today, it is a principal form of personal communication and commerce. This is a good development in light of our ever-increasing energy costs, global warming, and the region's extensive backlog of transportation and other infrastructure needs. In such a rapidly changing world, the questions – "*What will West Linn be like? What could it be like, in the year 2040?*" – are impossible to answer with any degree of certainty; so what are we to do? We can choose to cower under the weight of uncertainty, or embrace it. West Linn citizens are adventurous and brave. We are not ones to sit idly by and wait for change to wash over us. We are proactive.

This "vision statement" is an outline of what may happen to West Linn if we do nothing, what *could* happen to West Linn with some planning and foresight, and *how* we might get there. It is an evolving product. *Imagine West Linn* was chartered in 1992 and led by committed group of our fellow citizens who worked with each other, their neighbors, and City staff. Their goal, and our ongoing commitment, is to plan a future for West Linn that we can be proud to leave as a legacy for our children. The original Visioning Committee collected information through community workshops, interviews with citizens young and old, and from city and state data sources. Their work has been updated in this document to reflect some of the challenges, opportunities, and new realities of the first part of the 21st Century.

It is intended that *Imagine West Linn* continue to serve as an instrument guiding City decision making. The vision statement is not a new vision. It is an update to the vision that has served West Linn so well for two decades. It is significant because it will be used for drafting new City policy for the 21st Century, including needed updates to the West Linn Comprehensive Plan, as well as planning, community partnerships, and budgeting for future projects. Without a vision, the City would be like a ship without a compass and rudder, carried by the currents of change, unable to steer away from hazards; no true direction. History confirms that our actions can make a difference. (For examples of what we have accomplished since 1994, please refer to the Appendix.) We are in gratitude to West Linn's citizens for defining a vision that, at its core, remains sound after all these years. The updated vision ensures that we will be prepared for the changes ahead. We have a rudder and reliable compass for our future.

TRENDS

The following trends have been identified as significant forces affecting West Linn that will impact its future.

Growth Trends

- Although the City is projected to run out of vacant buildable land (i.e., lands that are not constrained by steep slopes, floodplains, etc.) by the year 2020, regionally required “minimum” density and potential expansion of the Urban Growth Boundary could cause West Linn to reach a population of about 40,000 by the year 2040.
- West Linn is likely to continue growing at about one percent (1%) annually. Under the City’s state-acknowledged Comprehensive Plan, a maximum population of about 30,000 could be accommodated within the City’s Urban Growth Boundary.
- By 2040, the four-county Metro area will likely increase from 1.5 million to 2.7 million persons for an annual growth rate of about one percent (1%).
- The growing population is expected to be more ethnically and culturally diverse. This diversity will enrich our region but also increase the demand and need for a wider variety of services.

Traffic Trends

- The private automobile (not necessarily powered by the internal combustion engine) will continue to be the dominant mode of transportation within the metropolitan area.
- With increasing population and a diversifying employment base, there will be phenomenal growth in traffic throughout the metropolitan area.
- Twenty-four hour traffic volumes on Highway 43 will continue to increase. This will force people to find alternate modes of travel and routes resulting in greatly increased use of the City’s arterial and collector road network.
- By 2010, traffic volumes on I-205 are expected to increase substantially, with significant delays at the Highway 43 and 10th Street interchanges. Beyond 2010, traffic volumes on I-205 remain relatively constant due to major facility limitations.
- As roadway congestion increases and the cost of automobile use rises, more trips will be made by alternative modes such as walking, bicycling and transit; however, the vast majority of intercity trips will be made by automobile. We are already seeing a reversal in the size of personal automobiles from SUVs and trucks to smaller, more fuel efficient vehicles and vehicles using alternative fuels. Whether these trends will continue is unknown at this time.

Environmental Trends

- Global climate change, including rising temperatures and limitations on water, energy, and other resources, will require a more sustainable approach to land use planning, development, and resource management.
- As the effects of climate change and resource limitations become more severe, intergovernmental cooperation will become critical in solving regional problems and

meeting the needs of our citizens.

- Concerns about diminished potable water supplies and degraded water quality may require alternative forms of resource management, including conservation and higher levels of treatment for municipal waste water systems and storm water runoff.
- There will be an increased effort to further define the value of natural areas and assure their protection as the metropolitan area becomes more densely populated.
- The provision of open space for both active and passive recreational use will become even more important than it is today as the region becomes more densely populated.
- Local food production may become more important as fuel prices continue to rise and dietary preferences shift toward healthier foods.
- All parks within the City will experience greatly increased use which could result in their overuse if not properly managed.
- The relationship between the natural and built environments will become increasingly important as new technologies in sustainable planning and green development emerge. The City has already taken steps toward becoming more sustainable by adopting the *Sustainable West Linn Strategic Plan*.
- The trends described above necessitate action by the City, for example, through policy-making, adoption of new or updated development standards, and other public or public-private projects and programs.

Trends in Government

- New state and federal laws, and court decisions of all types, will continue to erode the home rule powers of local elected officials and limit local discretion in many areas.
- Tax limitation measures such as Measure 50 have resulted in less revenue for local taxing districts and their ability to provide public services. In conjunction with these limitations on revenue, less federal financial support is provided for local services. With gasoline prices continuing to rise, and if the federal fuel tax remains unchanged, local and state governments could receive less gas tax revenue (per capita) in the future.
- As the scale of environmental and social problems becomes larger geographically and more severe, different types of governmental institutions may be needed requiring more intergovernmental cooperation. The move towards regional coordination, consolidation, and provision of some services will accelerate.
- Demands on the Willamette and Tualatin rivers for recreational and domestic water uses will increase as the urban area continues to develop.
- Due to the limitations on local revenues and increasing demand for a more diverse range of services, there may continue to be a shift from government provided services to the private sector and volunteers; however, the shift may be slowed due to growing concerns about the quality and equitable distribution of public services.

Education Trends

- With an increasingly diverse population, there will be a demand for greater flexibility in educational opportunities serving more people at all ages and income levels.
- Schools will provide “life-long learning” opportunities, both on-site and through online technology, to meet changing occupational and career needs.
- As land within the Urban Growth Boundary becomes more expensive, educational institutions may find it difficult to acquire suitable land for building new facilities.
- Some schools may experience declining enrollment as the general population becomes older and individual neighborhoods change in their demographic makeup.

Community Development Trends

- As urban land values continue to increase, West Linn’s neighborhoods and town centers will experience significant redevelopment pressure. West Linn is already transitioning from a developing city to a redeveloping city.
- National and regional development trends indicate a shift away from suburban forms of development – i.e., neighborhoods primarily consisting of automobile-oriented subdivisions with large single-family homes – to more mixed use neighborhoods with a variety of housing types and lot sizes within walking distance of parks, schools, and neighborhood-oriented commercial services. The concept of the mixed-use neighborhood is no longer “a vision”; it is a reality in the marketplace. West Linn’s planning program will be called upon to find better ways to interconnect the town’s older subdivisions, while guiding new development and redevelopment.
- With the regional trend towards mega-stores subsiding, and more shopping occurring online or in small specialty stores, retail activity will become more neighborhood focused. This trend favors the layout of West Linn with its small neighborhood centers arrayed within walking distance of most residents.
- While convenience sales and services will continue to dominate West Linn’s commercial centers, rising transportation costs and congestion will drive these uses to locate near the highest concentration of residents, preferably within walking distance of neighborhoods.
- The market shift toward infill and redevelopment will place pressure on existing neighborhoods to accept residential development at higher densities, and it may lead to more frequent zone change requests in established neighborhoods; e.g., from single family residential to commercial or mixed-use.

Arts and Cultural Trends

- Portland will continue to serve as the regional hub for major arts and cultural activities; however, sub-regional programs may become more important as events in downtown Portland become ever more crowded.
- Overall, participation in arts and cultural activities will increase, but with greater diversity due to a variety of interests.
- The planning of sub-regional events will require more coordination and cooperation

among local arts and cultural organizations, and between West Linn and its neighboring communities.

- The library will experience greatly increased use as a diversified arts and cultural information source. The continued development of on-line user services, including interlibrary loans and transfer of materials throughout Clackamas County, will allow the West Linn library to serve an even wider customer base.
- Both governmental and corporate financial support of arts and cultural activities may decrease, making it difficult to find stable funding sources for maintaining cultural and arts programs.
- Non-governmental, religious and private businesses are increasingly relied upon to provide services historically provided by the government. As these non-governmental institutions are called upon to deliver community services, their associated infrastructure needs and land use impacts will require special consideration.

PROBABLE FUTURE IF NO ACTION IS TAKEN

Given the current and future trends, we can foresee what our city might become if we sit back and let life take its course.

In the year 2040, West Linn is still characterized as a bedroom community and remains a collection of neighborhoods with limited commercial services. Its population has grown to nearly 40,000 with its boundaries extending to the Stafford Road area on the west and along Rosemont Road to Carriage Way on the north. The complete, albeit low-density, build-out of this area (i.e., all vacant land developed) has prompted City officials to consider a proposal to expand the Urban Growth Boundary (UGB) to include the Pete's Mountain area and the area southwest of the Tualatin River known as the Tualatin loop. Low-density development on this terrain makes the extension of utilities difficult and costly.

West Linn continues to draw new residents searching for a safe and quiet haven from the crime and clamor of the inner city. These newcomers put upward pressure on housing costs and inevitably add to the congestion of our streets, a problem which has defied a solution. Most citizens still commute to jobs outside the city, and the public transportation system fails to serve West Linn's needs. Consequently, local service workers cannot afford to live in West Linn and our residents must drive farther to attend to daily needs, such as shopping, school, day care, and recreation, due to the sprawl development pattern.

Nearly all of the land within the City's UGB has been developed to capacity featuring upscale homes and some condominiums. Many trees within the City have fallen to make room for additional homes. Some development has occurred in the established neighborhoods. There is no plan for the West Linn Paper Mill site, a "missed opportunity" in terms of creating a more sustainable city.

The overriding issue impacting all aspects of life in West Linn is growth. Mandated housing densities have eroded the natural beauty and rural character praised by long-term West Linn residents and newcomers alike. Growth has outpaced the ability of institutions to meet human service and infrastructure needs. Growth has also reduced green spaces which could have served as gathering places and enhanced the community's sense of place and identity. Continued reliance on the automobile has guaranteed gridlock on the five-lane Highway 43 and six-lane I-205. People who once considered West Linn home feel that the community has lost its sense of place and community identity.

Families choose to alleviate the stress of modern life and the increased crime rate by "cocooning" (withdrawing socially) rather than becoming involved in community events. Their changing lifestyles, including financial demands, two-parent incomes, longer work hours, and in-home offices, have all taken away from the social interaction that is the foundation for community spirit and support. Small businesses are reluctant to locate here because of the town's diminished quality of life, shortage of affordable housing, and the apparent lack of planning and foresight.

The highly regarded West Linn schools have continued to be a magnet drawing families to relocate here. As a consequence to limited funding, however, the already supportive parents have had to keep increasing their contribution of time and money for sports, arts, culture, music, clubs, and other activities. The lack of cooperation between the City and School Board to be proactive in land use planning has left the Board with limited land for building new schools to accommodate the increased population. Agencies and other potential partners that could pool their financial and volunteer resources to help the schools have not stepped forward.

Governmental agencies have continued to be pressured by special interest groups who have little concern for the quality of life of future generations in West Linn. Tax limitation measures remain in effect which stymie the City's ability to provide anything beyond the most basic services such as police, fire and public works; and even those services are quickly eroded by inflation. The same limitations have forced even basic services to be funded through bonds and fees; which are not supported by tax weary citizens. West Linn is burgeoning with empty-nesters and families alike, but community services are inadequate, unable to adapt and meet the needs of our citizens.

The 11 neighborhood associations, historically adversarial to public institutions, are now adversarial with each other and compete for the limited public services. Neighborhood associations are threatening to use block voting to get services and concessions without regard for city-wide concerns. City codes have been amended to allow gated subdivisions and neighborhoods are patrolled by private security services.

West Linn has experienced a continued fragmentation of the arts and culture, both in terms of interest and finances. West Linn and other metro area suburban communities have been called upon more and more to share in the expense of providing major regional arts and cultural opportunities. In short, without a vision, West Linn is adrift and unable to sustain a high quality of life.

PREFERRED FUTURE WITH A VISION

The following describes what West Linn could look like in forty years if we choose to accept a different course and guide future growth based on a more sustainable vision.

In 2040, West Linn has evolved into a full-service city of nearly 40,000 population. Our town is a beautiful, safe, and peaceful place where individuals and families of all types feel a sense of belonging and connectedness with their neighbors and their city government. It is a place where people live in an environment that nurtures and respects both individuality and diversity. West Linn is a community where growth has been thoughtfully managed through citizen-developed guidelines and a policy of consensus. A balance has been established between responsible growth and preservation of the city's history and rural identity.

West Linn is a place people choose as “home” for a variety of reasons: outstanding educational opportunities for all ages; cooperation between community institutions; respect for green spaces and natural beauty, including parks, wild spaces, and a river walkway or esplanade; healthy lifestyles nourished by a healthy environment; the City’s commitment to sustainability; a flourishing arts scene; and opportunities for citizens to participate in and to influence the government at the neighborhood, city, and regional levels.

Many have made West Linn their home because the citizens and the government have made a commitment to value community spirit and cooperation. City government sets policy and takes action based on one question: *Will this policy or action foster or hinder the vision we have for West Linn?*

The heart and spirit of the community are readily apparent. The network of sidewalks, pathways, public meeting places, community gardens, and accessible public transportation connect people within and between neighborhoods. Ongoing community events and service projects encourage citizens to contribute to the betterment of each other and the city.

Adamant that there should be a definable edge between urban and rural areas, West Linn has rejected any overtures to the extension of services across the Tualatin River toward Pete’s Mountain and the Tualatin Loop area. As evidenced by the City of West Linn Comprehensive Plan, the City has taken a proactive stance in managing growth and ensuring land use decisions are made based on locally defined sustainability principles. Likewise, West Linn plays a constructive role as a regional partner in guiding regional transportation and Urban Growth Boundary decisions, and has earned the respect and gratitude of neighboring communities, both urban and rural.

Through a participatory process that includes the property owners, the surrounding neighbors and the City, a master plan was created for the mill site that supports the existing business and provides for effective transitions to the surrounding uses. As a result, the site is now a successful gathering place with offices, civic facilities, commercial buildings and multifamily housing, known as the “Willamette Falls Center.” The Center houses City Hall, several large meeting spaces and exhibit halls and a large public plaza, opening out to the activities and beauty of the river. The Center also features river taxis which link Portland and Salem via the Willamette River. Trailheads radiate out from the center and along the river. The new center coincides with the old West Linn downtown that existed before the I-205 construction.

The notion that there should be some singular core commercial area that would provide for all the needs of the City was quickly put aside out of deference to the distances involved and, in particular, the varied topography of West Linn. Consequently, the mixed-use commercial centers of Willamette, Robinwood, Bolton and Tanner Basin provide neighborhood services at a “village-scale” that is compatible with the adjacent neighborhoods. A variety of housing is provided to meet the full range of housing needs in the community, with higher density housing clustered around the village centers. In recognition of the value of having seniors remain in the City, close to their families, the community provides housing opportunities for the elderly and those on fixed incomes.

The increased commercial development and employment in the Wilsonville 1-5 corridor has rerouted a large portion of traffic away from Highway 43. To maintain the livability of West Linn, Highway 43 is improved only to three lanes its entire length through the City, consistent with the Oregon Highway 43 Conceptual Design Plan. Tri-Met bus service is complimented by an inter city jitney service which links West Linn with the regional bus and rail lines, including connections to rail transit in Milwaukie, Oregon City and Lake Oswego. An improved West Linn web site connects citizens to City Hall, as well as to one another, and delivers educational and civic services to home-bound residents and the large number of in-home businesses in the City.

West Linn continues to earn the most livable city award, in part due to its commitment to sustainable city operations and development practices. The area of the paper mill reflection ponds has been redeveloped, if no longer needed for industrial operations, into a riverfront park, plaza, and high-end office center, with easy access to I-205. Waterfront public places abound and a network of multi-use pathways and trails provide linkages between the City's neighborhood centers and the Willamette Falls Center.

While some services traditionally offered by the City are now being provided by regional governments, West Linn and other metropolitan jurisdictions have adopted the philosophy that services provided by those closest to the citizens (i.e., city government) are the most effective and responsive. Through a series of cooperative agreements with other community institutions, new partnerships have been formed, creating new options for mutual support and the benefit of the community. The City government, school district, businesses, neighborhood associations, land trusts, community supported agriculture, churches, and other institutions have joined efforts to help identify the needs and desires of the community, and are working cooperatively to meet them. These institutions accept the responsibility of their inter-dependency and consistently use the "big picture" approach to problem solving.

The City Council continues to be comprised of members elected at large. Councilors act as local representatives to other community and regional service boards. These positions provide enhanced cooperation and networking within the current system of elected boards and commissions and connect West Linn citizens to all that the Portland region has to offer. They have also become actively involved in the state legislature, serving as effective advocates for the citizens of West Linn.

The City government operates under a Code of Public Involvement (CDC 98 and 99), whereby government officials, staff, community groups and citizens participate under adopted principles of behavior. The previous 'win/lose' product of the public hearing process that lacked flexibility has been replaced by a more inclusive roundtable negotiations process earlier in the process where 'win/win' solutions are commonplace. Here differing values and points of view are considered through a give-and-take process that balances the concerns of project proponents and neighborhood advocates, with the government serving as the prime facilitator and protector of the public good. This approach is reflected in the approach the City uses for making plans, reviewing development proposals, and establishing new policy. "Task forces" are appointed, whereby the City Council taps into the knowledge, experience, and skills of its citizens in making plans and developing policy.

The City supports its eleven neighborhood associations by providing timely information, opportunities for citizen involvement, and technical expertise for addressing local issues. Public meeting rooms are provided in each of the neighborhood community centers, and a civic center has opened in the Bolton area citywide forums. Neighborhood-level planning is promoted to create plans and regulations unique to the respective neighborhoods while serving the community as a whole. A League of Neighborhood Associations has been formed to address citywide issues from the grassroots level. Neighborhood associations must meet similar tests for public notice and inclusive citizen involvement as is in place for city government. Neighborhood associations are no longer just watchdogs of public institutions; through partnerships, they identify needs of the community and develop and implement plans to meet those needs. Neighborhood associations take an active role in emergency response planning and crime prevention through programs like 'Neighborhood Watch.'

Local centers catering to all age groups have been established in each neighborhood as well as at the civic center complex to facilitate this new partnership for the common good. Each local center provides services such as education, recreation, childcare, volunteer services, and other opportunities, based on identified needs and resources. Senior citizens serve as mentors and role models for adolescents, and our teen population is supported by and engaged in various community service activities. Through volunteerism, human service needs are being met, in part, without increased cost and in ways that mutually support the participants. These centers foster a spirit of openness and cooperation, and enhance feelings of security within the community.

Both public and private schools draw nationwide respect for quality and affordable education. The school district has redefined the role of schools as lifelong learning institutions. Schools also serve as vital neighborhood centers that complement local community centers and provide ample areas for recreation, culture, and the arts for all ages.

Strong demand for the arts and cultural activities and facilities has resulted in the development of alternative sources of financial support. This has led to the formation of a comprehensive network of multi-interest 'partnerships.' Single source financial support has become a thing of the past. Corporations, recognizing the role that culture and the arts play in local quality of life, have taken a greater role in providing financial support for continued growth in arts and cultural activities. West Linn's partners for arts and culture recognize that cultural activities are based on the concept that 'to get a say, we must join together and pay.'

The library continues to play a greatly expanded role in arts and cultural activities by providing a vast array of interactive opportunities. Through a more entrepreneurial approach in providing these services and opportunities (e.g., renting meeting and exhibit halls for private weddings, parties, etc.), the library system has developed a coordinated approach to reliable, ongoing funding.

Home access to arts and culture has become virtually unlimited through a wide array of internet and other digital technology. High-speed, worldwide access is the norm and wireless access is available throughout much of the community. Coverage of local city events has expanded with a greater diversity and quality of programming, and more national and international coverage is provided. At times, local viewership of such events exceeds that of

the commercial networks.

Public art projects and exhibits are a permanent element of the community's public facilities such as at the schools, parks, library, and neighborhood and community centers. Reflecting the diverse arts and cultural interests of the City, a number of mini-festivals celebrating a wide variety of cultural and arts activities has become a highlight of the community. These mini-festivals culminate in a grand festival during the fall.

GUIDING PRINCIPLES & ACTION ITEMS

Guiding Principles and Action Items have been developed in five significant areas to illustrate some possible steps to move West Linn toward its Preferred Future.

SENSE OF COMMUNITY

To create and sustain a spirit of community where there is a sense of caring, openness, inclusiveness, goodwill and connectedness to one another that ensures that present and future needs are met; where differences of opinion are welcome and there is an atmosphere of consensus; where disagreements can be aired and resolved respectfully; where cultural and ethnic diversity are embraced as community assets; where the focus is not on ourselves, but on giving something to the greater whole of our community, and giving more than we take; and where there is a deep appreciation for our natural and built environments and a strong commitment to sustainability.

Sense of Community Action Items

- 1 Assure that all decisions are weighed, among other considerations, as to whether or not the action will foster or hinder a sense of community and the social sustainability in West Linn.
- 2 Continue to build on the network of parks, natural areas, walkways and bike paths in the community, and create a river walkway or promenade, a town square, community center, a permanent farmer's market space, community gardens, an amphitheater and a multitude of parks connected by greenways.
- 3 Implement the City's Parks and Open Space Plan, and periodically review and update the plan to address demographic changes.
- 4 Implement the Comprehensive Pathway and Trails Master Plan to assure all eleven neighborhoods, schools, city parks, neighborhood centers and the Willamette Falls Center are all interconnected by safe pedestrian and bicycle pathways.
- 5 Establish programs for the celebration of community spirit. Organize monthly civic and cultural events for all ages, celebrating the diversity of cultures, talents and personalities in our community. Summer plays and concerts, parades, fun runs, gardening contests, and more all add to the City's festive atmosphere. The Summer Concert Series, Willamette Centennial Celebration, and Farmer's Market are exemplary of the types of programs that promote community spirit.
- 6 Consider developing wide sidewalks that are dotted with public benches, bright flowerpots, sculptures and fountains and banners proclaiming upcoming events that exist along tree-lined streets. The City should adopt a common design motif which will be visible at the City's gateways, along our major road and pathways,

and at public spaces. Trees, flowers, views, and our waterways should be the focus of our plans and designs.

- 7 Promote the Adult Community Center as a hub for community service. Engage “young-seniors” (e.g., 55+) as well as the elderly in community activities that promote lifelong learning, community service, and quality of life.
- 8 Continue to offer opportunities for the young, and young-at-heart, to participate in service projects such as organized sports, and volunteer work on trails and invasive plant removal.
- 9 Initiate new projects where there is a strong volunteer base. Project examples may include neighborhood beautification, neighborhood watch, constructing trails and public plazas, building neighborhood parks and centers, fish and wildlife habitat enhancement, greenway maintenance and enhancement, teen mentoring, meals on wheels, helping elderly citizens in home maintenance or transportation needs, and managing youth community projects. Neighborhood associations are a vital tool for initiating and completing these projects. They should be involved in all phases of this effort and should be encouraged and supported by the City.
- 10 Pursue establishing a local jitney transit system that maintains a 15-minute interval schedule, providing transportation to destinations within the City and connection to the regional transit systems. Encourage ridership through positive incentives such as free trips in exchange for two driver-issued or business-issued script. Jitney stop should be no farther than 1/4 mile from any resident. Jitneys may also be called by telephone, with the possibility of allowing riders to be picked up and dropped off as desired. Neighborhood associations could be called upon to assist in the education and ridership programs.
- 11 Encourage ride sharing and carpools by pairing up commuters. Similarly assist those in need of transportation to after-school events and senior programs.
- 12 Encourage and nurture the City’s neighborhood associations. The City should provide timely information about city business, as well as staff support and grant opportunities for neighborhood enhancement and special events.
- 13 Encourage and nurture the formation of a League of Neighborhood Associations to serve as a body to address issues of citywide concern.

LAND USE AND QUALITY OF LIFE

To shape the physical design of West Linn so that citizens feel a sense of pride and are rooted to the community; where the human scale, history, centers, edges, patterns, textures, styles and visual reference points define the uniqueness and magic of a special place; where the City’s heritage is strengthened and where the quality and abundance of its public spaces are the focus of the community.

Housing Action Items

- 1 Periodically update the City's Comprehensive Plan and Development Code to ensure an adequate supply of appropriately zoned land for needed housing.
- 2 Respond to increasing housing costs with proactive land use planning and regulatory tools, as well as incentives to meet the full range of housing needs in the community.
- 3 As the community transitions from a developing city to a redeveloping city, encourage the design of housing to be sympathetic to surrounding homes.
- 4 Adopt land use policies and regulations that allow for flexibility in housing types to meet the needs of the elderly with alternative lifestyle needs. These policies should provide for affordable housing, close to needed services and should encourage modes of transportation beyond the single occupancy vehicle.
- 5 Consider establishing form-based land use codes that respond to the scale and character of existing neighborhoods while adding predictability in the development review process for projects that achieve context-sensitive design requirements.
- 6 Adopt land use policies and regulations that support residential green building practices (e.g., energy efficiency, resource conservation, housing choices, pollution prevention, indoor environmental quality, innovation in design, etc.), consistent with the *Sustainable West Linn Strategic Plan*.
- 7 Consider adopting land use policy and code amendments supporting an incentive- or performance-based approach to housing density bonuses and affordable housing.
- 8 Continue to maintain and improve the City's tree preservation and permitting requirements in concert with other sustainability measures.

Commercial Development Action Items

- 1 Periodically update the City's Comprehensive Plan and Development Code to ensure an adequate supply of appropriately zoned land for employment uses.
- 2 Continue to plan for mixed use development and increased development densities along transit corridors.
- 3 Continually review and update its regulations, as needed, to help address the needs of home occupations while maintaining neighborhood compatibility.
- 4 Continue to enforce the special historic standards that apply to the Willamette District, and support the neighborhood's efforts to receive National Register designation of the area.
- 5 Continually review and update the City's design standards to ensure they are consistent with the Comprehensive Plan and promote green building practices. Adopt land use policies and regulations that support green building practices in commercial and mixed-use centers (e.g., energy efficiency, resource conservation, housing choices, pollution prevention, indoor environmental quality, innovation in design, etc.), consistent with the *Sustainable West Linn Strategic Plan*.

- 6 Enforce landscape standards for arterials and commercial centers, while promoting energy and water conservation goals (e.g., shade trees in parking lots and over sidewalks, and water-conservation landscaping and irrigation practices).
- 7 Implement the recommendations of the 10th Street Corridor Task Force.
- 8 Maintain a conservative sign code to protect community character and aesthetics.

Historic Resources Action Items

- 1 Maintain the City's eligibility as a Certified Local Government under the U.S. Department of Interior's Historic Preservation Guidelines.
- 2 Support the Historic Resources Advisory Board in its efforts to protect and enhance the city's historic resources. Encourage the adaptive reuse and preservation of historic structures.
- 3 Work jointly with Oregon City in promoting the Willamette Falls Heritage Site; pursue landmark status for the property.
- 4 Continue to support programs relating to the Willamette Historic District; support a National Register listing of the district and pursue the acquisition of a historic centerpiece for the Willamette Historic District to provide a focal point.
- 5 Provide appropriate training for staff and the Historic Review Board.
- 6 Investigate funding opportunities for documenting and protecting other historical districts and historic landmarks.
- 7 Pursue a permanent home for a West Linn Historic Museum.

Recreation Action Items

- 1 Continue to collect system development charges, as well as other funds, and acquire suitable open space and parklands ahead of development or concomitant with development.
- 2 Work with other jurisdictions (Lake Oswego and Tualatin) and school districts, to investigate the possibility of building an aquatics center.
- 3 Continue requiring dedication of trail corridors in an aggressive fashion. Developers should be required to construct the trails in those corridors and obtain UO easements from existing property owners. Trails along Willamette and Tualatin Rivers in the Master Plan should be a priority.
- 4 Plan landscaping projects in parks with drought-tolerate plant species and implement water-conserving irrigation systems (e.g., rain gardens, grey water reuse, etc.).
- 5 Continue City-School District cooperation in planning playfields, parks and scheduling uses of those facilities.

Public Facility Action Items

- 1 Assure that all public facilities and services can meet adopted level of service standards for water, sewer, storm water, police, fire, parks, and other City services; coordinate with other service providers (e.g., surface water management) and make sure that City plans, policies, development standards and administrative procedures support their efforts.
- 2 Promote water conservation to maximize the public investment in existing water and sewer infrastructure and to reduce the City's impact on the Clackamas River watershed.
- 3 Where it is in the City's interest, pursue local and/or regional partnerships for water treatment and delivery to meet the needs of a growing population.
- 4 Establish neighborhood centers featuring public plazas, meeting rooms, and more.
- 5 Continue to monitor the space needs for City office facilities and manage existing City assets to ensure the highest return on the public investment in such facilities.
- 6 Work with the School District to maintain the presence of neighborhood schools. Encourage any new schools to be built in the center of the population they are intended to serve, with access to collectors or arterial streets and, where possible, along transit lines.

Open Space Action Items

- 1 Periodically review the City's land use policies and codes and ensure that building setbacks around wetlands, drainage ways, heritage trees, and forested areas are protecting natural resource functions and values.
- 2 Implement the Parks and Open Space Plan, and periodically review and update the plan relative to acquisition and improvement of open spaces and trail corridors.
- 3 Identify additional means by which open space may be more readily dedicated as part of the development permit process.
- 4 Encourage the compatible development of vacant, past-over lots prior to expansion of the Urban Growth Boundary (UGB) as one way to protect open space outside the UGB.
- 5 Continue to pursue and maintain West Linn's status as a "Tree City USA." Develop plan to encourage conservation of urban forest resources.

Transportation Action Items

- 1 Review and update the City's street standards, consistent with sustainable development practices. Implement green street technology as a means of slowing stormwater runoff and improving water quality in area streams.
- 2 Continue to make improvements in the planning and design of streets, trails and buildings to promote alternative modes of transportation and to reduce the miles

traveled by automobile.

- 3 Coordinate with the Oregon Department of Transportation in implementing the Oregon Highway 43 Conceptual Design Plan.
- 4 Encourage the expansion of transit in the West Linn area and the development of links along the periphery of the City and metropolitan area. Advocate for West Linn's interest in transit connections to Milwaukie and Lake Oswego as those communities pursue enhanced bus, light rail and/or street car service.
- 5 Support a transit link with the proposed Willamette Valley high-speed rail line station in Oregon City.
- 6 Establish plans to provide for convenience services and public meeting places within easy walking distance of each residence.
- 7 Promote grid pattern street development with context-sensitive design standards to help interconnect City neighborhoods. Where hillsides preclude a grid pattern, obtain pathway connections between hillside neighborhoods.
- 8 Implement the transportation-related action items under Sense of Community.
- 9 Reduce vehicle miles traveled through mixed use development in planned centers and regulations that encourage home-based businesses that are compatible with residential areas.

SUSTAINABILITY

Meet the present needs of West Linn's citizens without compromising our ability to meet the needs of future generations. We recognize that there are multiple dimensions to community growth, which are both positive and negative. While citizens may view physical growth in negative terms, growth is likely to continue. How we manage it is key. There should be assurances that growth is in fact sustainable; that it does not do irreparable harm to the social fabric, environmental quality, and economic base of the community, and that it preserves and enhances West Linn's quality of life.

In addition to the action items described in preceding sections of the Vision, the action items recommended in *Sustainable West Linn* should guide the City in its decision making. The top three action items for each component of West Linn's sustainability action plan are summarized below. (For additional recommendations and detail, please refer to the full text.)

The following items should be reviewed and updated regularly to ensure consistency with regional and statewide initiatives and to reflect best practices with the emergence of new technologies.

Sustainability Action Items

In addition to the following items, the City should review and update its Comprehensive Plan and Development Code to implement sustainability. See also, “Land Use and Livability”.

- | | |
|---|---|
| City Government | <ul style="list-style-type: none">• Adopt a green building standard for all new City facilities.• Conduct an energy audit of all facilities and act on the findings.• Implement a green purchasing policy that includes environmental criteria along with such traditional criteria as quantity, price, performance, and convenience. |
| Local Businesses | <ul style="list-style-type: none">• Reduce energy associated with buildings and transportation.• Assess the sustainability of all practices, inventory existing green practices and promote your successes in the community; identify at least one sustainability area to improve.• Integrate sustainability elements into your business plan to improve your competitiveness and foresight. |
| Neighborhoods, Schools and other Civic Organizations | <ul style="list-style-type: none">• Make sustainability a standing agenda item when you meet.• Schools become more involved in the Oregon Green Schools program www.oregongreenschools.org and purchase local, organic food.• Neighborhood associations incorporate sustainability into neighborhood plans; create a vision for a sustainable neighborhood and identify goals to act on.• Chamber of Commerce: Promote West Linn as a “green marketplace,” i.e. create a niche market. |
| Citizens and Households | <ul style="list-style-type: none">• Reduce energy consumption in buildings by using alternative modes of transportation.• Use the power of purchases; buy local whenever possible, give preference to certified ‘green’ or organic products with minimal packaging.• Learn about sustainability (e.g., by attending community events, participating in Northwest Earth Institute discussion classes, reading, etc.). |

COMMUNITY INSTITUTIONS

To shape our city government, school district, and other West Linn institutions so that as a whole our community fosters trust, respect, courage and cooperation.

Community Institutions Action Items

- 1 Maintain inter-agency agreements between city government, school district, neighborhood associations, and other community institutions.
- 2 Continually review and improve the performance of West Linn's city government, including its departments, council, and volunteer boards and commissions.
- 3 Implement the 'Code of Public Involvement' (CDC 98 and 99) for all public meetings.
- 4 Establish a negotiation/mediation process for dispute resolution.
- 5 Maintain neighborhood plans and establish a Commission on Citizen Involvement charged with developing Citizen Involvement Guidelines and monitoring their implementation. Assist in the funding of neighborhood publications.
- 6 Establish a year-around community education program utilizing existing school facilities for all ages.
- 7 Promote resource conservation through waste-reduction and recycling programs, in cooperation with Metro, neighborhood associations, and area waste management companies.
- 8 Support a "West Linn Vision Alliance" composed of representatives from the City Council, School Board, Neighborhood Associations, Chamber of Commerce, churches, arts organization, and others to oversee and carry out the West Linn vision.
- 9 Update the West Linn Comprehensive Plan and Development Code to reflect and support the West Linn vision.

CULTURAL DIVERSITY, EDUCATION, AND THE ARTS

To celebrate the creative, innovative, and inspirational works of nature and humankind while exposing citizens to other cultures and viewpoints.

Cultural Diversity, Education, and Arts Action Items

- 1 Consider establishing an Arts Council to identify potential funding sources and coordinate fund raising activities for arts and cultural activities.
- 2 Encourage community education in the arts through community schools with an expanded program of artists and volunteers.

- 3 Identify corporations that would have an ongoing interest in West Linn arts and cultural activities.
- 4 Establish an entrepreneurial approach to funding library activities (e.g., renting meeting and exhibit halls for private weddings, parties, etc.).
- 5 Establish the role of arts in our community and determine how West Linn will participate at the regional level.
- 6 Maintain a city communications program (e.g., web site and West Linn public access programming) and create the position of Community Events Coordinator to promote local productions and events.
- 7 Build and establish facilities, or identify willing community partners with facilities, where cultural and art events and exhibits can be staged (e.g., Willamette Falls Market, Museum, venues for the arts, etc.).
- 8 Identify and establish partnerships with non-governmental institutions that provide important cultural, recreational, and educational services to the community (e.g. shared use of religious or private facilities).

APPENDIX: Specific Achievements to Recommended Action Measures from the Original *Imagine West Linn* document

1. City adopted Parks and Open Space Plan.
2. Summer Concert Series, Willamette Centennial Celebration, Farmers' Market, and addition of a Special Events Coordinator.
3. City-support of volunteer work on trails and invasive plant removal.
4. Adult Community Center open.
5. Community Development Code (CDC) Chapter 43 created to address design compatibility with surrounding homes.
6. CDC 85.200(J) amended to require minimum densities, per Metro.
7. CDC amended to allow reduced setback for front porches.
8. CDC amended to encourage garages built behind or on the side of and recessed behind dwellings.
9. CDC 19 allows mixed use, as does the Willamette Falls Historic Overlay Zone (CDC 58).
10. CDC 34 amended to permit and regulate accessory dwelling units (mother-in-law apartments).
11. CDC 55 amended to require pedestrian-friendly and accessible development with emphasis on designing at a human scale.
12. CDC 55.100 & 85.200 amended to strengthen tree protections.
13. 10th Street Corridor Task Force.
14. Home occupations are permitted by Code and are used extensively in the community.
15. CDC 58 contains Willamette Falls Drive Commercial District Design Standards.
16. New commercial center added to the Tanner Basin neighborhood, which includes the Willamette Corporate Plaza and River Falls Plaza.
17. Public Arts program (percent for arts) established.
18. Historic Resources Advisory Board, West Linn's status as a Certified Local Government, and efforts to obtain national register listing for the Willamette Historic District.
19. City administrative offices are now located in one building.
20. Required setbacks from wetlands revised from 25 feet to 57-65 feet.
21. Ongoing work to revise drainageway setbacks.
22. Parks and Open Space Plan updated.
23. City has strengthened the incentives for dedicating natural areas and open spaces to the City through development review.
24. Revised street widths forthcoming in Transportation System Plan (TSP).
25. TSP to include CDC changes required to ensure state rule (TPR) compliance.
26. Adoption of OR 43 Conceptual Design Plan.

27. Transit master plan and bus turnout areas required in new development through updated Design Review process.
28. CDC amendments limit the use of cul-de-sacs and requires stub streets where appropriate.
29. Inter-agency agreements exist between neighborhood associations and the school district which are continually updated.
30. The Code of Conduct for public meetings is found in CDC 98 & 99.

Pelz, Zach

From: Mollusky, Kathy
Sent: Friday, February 01, 2013 3:06 PM
To: Pelz, Zach
Subject: FW: Public Testimony on the Lake Oswego/Tigard Water Partnership Planning Hearing
Attachments: image001.png; West Linn Water.pdf

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: Ray Lister [mailto:ray@ibew48.com]
Sent: Tuesday, January 22, 2013 4:20 PM
To: City Manager
Subject: Public Testimony on the Lake Oswego/Tigard Water Partnership Planning Hearing

To whom it may concern,

I would like to submit written testimony on behalf of the Community Outreach and Workforce Development Department in support of the Lake Oswego/Tigard Water Partnership. I have attached my statement in .pdf format. Thank you for your time,

Ray Lister
Organizer, Community Outreach
IBEW Local 48
(503) 539-0065



I do not support the LOT Water Plant because of the damage it will do to an existing neighborhood, home values, disruption to business and travel along Hwy 43, and the less than "good citizen relationship" Lake Oswego has imposed on the Mapleton residents. Homeowners should not have to hire lawyers to fight powerful business and local government to keep their neighborhood livable.

I think when the initial plant was built there in the 60s, West Linn was a different community, and probably those streets did not have the number of homes there are today. It looks like many of the houses are on large lots. I drove down that street to look around, and honestly, I'm still not sure where the new plant could be built that wouldn't look like an monstrosity along the bank of a beautiful waterway. Why impose on our best natural resource, the Willamette River?

I also don't like the thought of disrupting the habitat and riverbank in Mary S Young Park.

Bottom line is that Lake Oswego should find some land bordering the railroad tracks in their community - where it is undeveloped! Offering a potential five million dollars to the City of West Linn is chump change in the long term.

I am hopeful that you will stay with your NO votes, in agreement with the Planning Commission. "Just say NO".

Sincerely,
Char Berkham

Misstep delays water plant decision

Created on Thursday, 31 January 2013 09:00 | Written by [Lori Hall](#) | 

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Hearings reopened for more testimony



Still dragging on, the hearings for a proposed Tigard-Lake Oswego water treatment plant and pipeline have been continued yet again because of a misstep by the mayor of West Linn.

The West Linn City Council was due to close the hearings and deliberate on the controversial project during its Monday meeting; however, a statement by the mayor introduced new evidence, causing the city to reopen public testimony and applicant rebuttal.

The city council conducted

two nights of public hearings Jan. 14 and 15 to collect community comment on the Lake Oswego-Tigard water treatment plant expansion and pipeline public hearings.

Back on Nov. 1, the West Linn Planning Commission unanimously voted to deny the two conditional-use permits, mainly due to lack of community benefit to West Linn. The Lake Oswego-Tigard Water Partnership appealed the decision last month to the city council.

Lake Oswego has operated a water treatment plant at 4260 Kenthorpe Way in West Linn's Robinwood neighborhood since 1968. In cooperation with the city of Tigard, Lake Oswego wants to expand the plant and run a new pipeline to address the future water needs of both cities.

The plant, which will hold up to 2 million stored gallons of water underground and handle up to 38 million gallons each day, also serves as an emergency backup water supply for West Linn.

Along with a new plant, the project involves the installation of a 4-foot-diameter pipeline from the Clackamas River through West Linn and into Lake Oswego. The pipeline, which will be broken into four construction phases, will extend 1.9 miles in West Linn, crossing through both residential and commercial areas.

Before entering deliberation, councilors asked city and Tigard and Lake Oswego staff about home access during construction, Highway 43 work, the intergovernmental agreement, emergency access and the monetary and nonmonetary benefits to West Linn.

As part of the proposed projects, West Linn could receive \$350,000 worth of asbestos pipes replaced in the Robinwood neighborhood, \$250,000 worth of road resurfacing along Mapleton and Kenthorpe, \$90,000 in improvements in Mary S. Young State Park and \$5 million for a license fee for the pipeline right of way. Associate Planner Zach Pelz also pointed out the benefit of having a completely redundant water supply.

'Long and difficult' process

Prior to the mayor's misstep, the council was heading toward a 2-2 decision on the permits. The council's fifth member, Thomas Frank, had recused himself from the hearings as he previously voted on the permits as a planning commissioner last year. If the vote is a tie, the planning commission's denial would become final.

The mayor and councilors spoke passionately about their determinations, with Mayor John Kovash speaking at length in favor of the project along with Councilor Jody Carson. Council President Mike Jones spoke strongly against it along with Councilor Jenni Tan.

Both Kovash and Jones talked about the definition of "community" and "community benefit," each with varying opinions.

"This is one of the most important and long-lasting decisions this council will make and will affect every person in the city," Kovash said. "The process has been long and difficult."

The mayor stressed the needs of the city's water infrastructure and how the projects will benefit the city in replacing pipes and the Bolton Reservoir as well as providing emergency backup water.

"Keep in mind that without the LOT intertie all water coming into West Linn comes through one 24-inch pipe hanging on the 205 bridge. If you have seen the videos of that pipe vibrating, you know the concern," he said.

Kovash and Carson said the applications met the city's conditions of approval and did indeed provide community benefit not only to West Linn but also to surrounding communities.

"It will cause a lot of difficulties for people in the neighborhood," Carson said. "I believe that the applicant has a plan that addresses those concerns."

She also cited the need for water supply redundancies and the \$5 million license fee that could go toward infrastructure.

Jones and Tan contended otherwise. Jones said the applications put an unfair greater burden on the Robinwood neighborhood for the benefit of the rest of the community.

"What is unique about these applications is that their primary benefit will not be to the citizens of West Linn," Jones said. "This is unlike any (conditional-use permit) with which I have been involved."

Jones also criticized Lake Oswego for its ongoing lawsuit against water plant neighbors condemning the area's covenants, conditions and restrictions.

"I am confident that Lake Oswego would not have used this bludgeon on its own citizens so early in the process," he said.

Tan said she would also uphold the planning commission's decision, saying that more work should have been done, and the burden the proposals implied could not be quantified.

In response to one of Jones' statements, Kovash declared he had spoken with two representatives from neighborhood associations, and they denied opposing the water plant applications. This admission by the mayor was considered new evidence and, in effect, invalidated the hearing.

Residents in the audience questioned whether Kovash purposely introduced new testimony, but in an interview after the meeting, Kovash asserted it was not his intention.

"It was a response to Mike, and I thought it was important to say that," he said.

Based on that concern, Carson moved to reopen the public record for written testimony. New testimony will be accepted until 5 p.m. Feb. 4, and then the water partnership will have until 5 p.m. Feb. 8 to respond. The council will reconvene for deliberations Feb. 11.

Delay costly for partners

If approved, the phased expansion of the plant is expected to begin this spring, and the entire project, including the pipeline, will be complete by early 2016. However, the extension of testimony may cause water partnership to miss its first in-water work date at the river, which will cost LOT \$500,000, according to Jane Heisler, the partnership's communications director.

"All of this delay equates to dollars for us," she said.

After resetting the meeting, Carson also moved to direct staff to draft a list of conditions of approval that LOT would need to agree with for the permits to be approved.

According to Heisler, the plan already addresses some of the conditions and there may be concerns about others. She said the condemnation process is a confidential and separate issue and should not be tied to the conditional-use permits, and there may be concern about reworking the intertie agreement.

Some residents questioned the merit of the added conditions of approval.



“How do any of the conditions of approval suggested last night correct the numerous code violations the planning commission cited?” asked West Linn resident Dave Froode, who is also the managing partner of STOP, a group opposing the permits. “Essentially for the right amount of money, the city of West Linn seems willing to allow code violations to be ignored.”

At this point, Heisler said she did not know if LOT would appeal to the Oregon Land Use Board of Appeals if the planning commission’s denial stands or if the council denies the applications.

“We’d have to look at the findings,” she said. “I just don’t know. At this point it is up to the city council.”



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Pelz, Zach

From: Jordan, Chris
Sent: Thursday, January 31, 2013 4:10 PM
To: Pelz, Zach
Subject: FW: water treatment plant
Attachments: image859035.gif@5e1359c6.7cfd4109; image001.jpg; image002.jpg; image003.jpg

Chris Jordan, City Manager
Administration, #1422

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

From: Carson, Jody
Sent: Thursday, January 31, 2013 4:03 PM
To: City Council
Subject: FW: water treatment plant

for the record



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

From: Robert Gowdy [pasupply@msn.com]
Sent: Tuesday, January 29, 2013 2:28 PM
To: Carson, Jody
Subject: water treatment plant

Councilor Carson,

My understanding is that you are in favor of the expansion of the Lot treatment plant in the Robinhood area of West Linn. I urge you to reconsider this position and follow the wishes of your constituents and vote against this project. This position places an undue burden on the people of the Robinhood area and West Linn. I understand we have infrastructure issues that need to be addressed but the LOT expansion is not the answer.

Thank you for your service.

Robert Gowdy
503.722-4686

Pelz, Zach

From: Jordan, Chris
Sent: Thursday, January 31, 2013 3:52 PM
To: City Council
Cc: Thornton, Megan; Pelz, Zach; Sonnen, John; Kerr, Chris; Wyatt, Kirsten; 'Chris Crean'; Pam Beery
Subject: Maple Grove CC&R's

The LO-Tigard partnership have reached a settlement with the property owners in the Maple Grove Plat that will lift the CC&R restrictions.

Here is the article that was just put on the Tidings website:

<http://portlandtribune.com/wlt/95-news/127549-lake-oswego-west-linn-residents-reach-settlement-in-condemnation-case>

Chris Jordan, City Manager
Administration, #1422

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Lake Oswego, West Linn residents reach settlement in condemnation case

Created on Thursday, 31 January 2013 10:00 | Written by [The Review](#) | 

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The city of Lake Oswego will be able to remove land-use restrictions from properties it owns around its water treatment plant in West Linn, allowing the Lake Oswego-Tigard Water Partnership to potentially use the lots for an expanded and upgraded drinking water facility.

Lake Oswego officials announced Thursday that the city reached a settlement agreement with 32 property owners in what is known as the "Maple Grove Plat" in West Linn's Robinwood neighborhood, thus ending condemnation proceedings that were under way.

The settlement enables Lake Oswego to use its properties on Mapleton Drive for an upgrade of its existing drinking water treatment facilities.

The city of Lake Oswego has had a treatment plant and pipelines in the city of West Linn for 45 years. The city moved to expand the plant after joining with Tigard to upgrade Lake Oswego's facilities to provide water to both communities. The water plant also provides a backup water supply to West Linn.

Lake Oswego owns four parcels on Mapleton Drive adjacent to its existing facilities but in a subdivision with plat restrictions. The plat conditions limit development to single-family homes and with fences no taller than 4 feet.

Lifting the plat restrictions from the four city-owned parcels will allow upgrading of the city's water treatment facilities to modern safety standards, provide pedestrian connection between Mapleton Drive and Kenthorpe Way and provide additional open space for neighborhood use.

The settlement, including attorney fees, was agreed to by property owners and city representatives and is subject to Lake Oswego City Council approval — as well as West Linn City Council approval of the conditional use permits for the treatment plant upgrade and new pipelines.

The West Linn City Council is set to make a final decision on the permits in February.



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NEWS RELEASE

4101 Kruse Way
PO Box 369
Lake Oswego, OR 97034

503-697-6502
www.ci.oswego.or.us

For Immediate Release
January 31, 2013

Contact: Jane Heisler, Communications Director
Lake Oswego Tigard Water Partnership
jheisler@ci.oswego.or.us 503-697-6573

City of Lake Oswego Reaches Settlement with Maple Grove Plat Property Owners

The City of Lake Oswego reached a settlement for removal of plat restrictions with the 32 remaining property owners in the Maple Grove Plat in West Linn, ending the condemnation proceeding. The settlement enables Lake Oswego to use its properties on Mapleton Drive for the upgrade of the existing drinking water treatment facilities.

The City of Lake Oswego has had a treatment plant and pipelines in the City of West Linn for 45 years. Lake Oswego and Tigard have joined together in a partnership to upgrade Lake Oswego's facilities to provide water to their communities and West Linn. Lake Oswego owns four parcels on Mapleton Drive adjacent to its existing facilities, but in a subdivision with plat restrictions. The plat conditions limit development to single family homes and fences no taller than four feet. Lifting the plat restrictions from the four city-owned parcels will allow upgrading of the city's water treatment facilities to modern safety standards, provide pedestrian connection between Mapleton Drive and Kenthorpe Way and provide additional open space for neighborhood use.

The settlement, including attorney fees, was agreed to by property owners and City representatives and is subject to Lake Oswego City Council approval as well as West Linn City Council approval of the conditional use permits for the treatment plant upgrade and new pipelines.

#

Pelz, Zach

From: Jordan, Chris
Sent: Thursday, January 31, 2013 3:48 PM
To: Pelz, Zach
Cc: Thornton, Megan; Mollusky, Kathy
Subject: FW: LOT
Attachments: imagebe8a49.gif@c7c8ea08.f14d4143; image001.jpg; image002.jpg; image003.jpg

Zach – if you don't have the Mayor's e-mail already, please include it in the record and for distribution this week.

Thanks.

Chris

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: Thornton, Megan
Sent: Thursday, January 31, 2013 3:38 PM
To: Jordan, Chris
Subject: FW: LOT

Chris,
I forwarded this to Kathy.
~Megan

Megan Thornton, Assistant City Attorney
Administration, #1663

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

From: Kovash, John
Sent: Thursday, January 31, 2013 2:27 PM
To: Thornton, Megan
Subject: LOT

Earlier this month I called two NA Presidents regarding any meetings their NA's may have had concerning LOT. The substance of these contacts was disclosed at the January 28, 2013 Council Meeting.

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



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

Pelz, Zach

From: Sonnen, John
Sent: Thursday, January 31, 2013 1:53 PM
To: Pelz, Zach
Subject: FW: LOT

John Sonnen, Planning Director
Planning and Building, #1524

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

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

From: Kovash, John
Sent: Thursday, January 31, 2013 1:52 PM
To: Sonnen, John
Subject: FW: LOT

LOT CONTACT,
John

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

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

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

From: Mark Hanson [<mailto:mark@accentonmusic.com>]
Sent: Wednesday, January 30, 2013 9:52 PM
To: Kovash, John
Subject: LOT

1-30-13

From: Mark Hanson, 19447 Wilderness Dr., West Linn, OR

Dear Mayor Kovash:

To reiterate my email from yesterday:

Please vote to uphold the Planning Commission's rejection of the LOT proposal. There are many, many of us residents/voters who feel this is a bad proposal. Thank you for your time and efforts.

Please give my regards to Zach Pelz, my former guitar student.

Mark

Mark Hanson

Guitarist, Author, Educator

Email: Mark@AccentOnMusic.com

Website: www.AccentOnMusic.com

Accent On Music LLC

PMB 252 . 19363 Willamette Dr.

West Linn, OR 97068

Grammy-Award Winner 2005

Pelz, Zach

From: Jordan, Chris
Sent: Thursday, January 31, 2013 1:44 PM
To: Pelz, Zach
Subject: FW: LOT

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.

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

From: Carson, Jody
Sent: Thursday, January 31, 2013 1:15 PM
To: City Council
Subject: FW: LOT

for the record

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.

From: Mark Hanson [mark@accentonmusic.com]
Sent: Wednesday, January 30, 2013 9:49 PM
To: Carson, Jody
Subject: LOT

From: Mark Hanson, 19447 Wilderness Dr., West Linn, OR

Dear Ms. Carlson:

To reiterate my email from yesterday:

Please vote to uphold the Planning Commission's rejection of the LOT proposal. There are many of us who feel this is a bad proposal. Thank you for your time and efforts.

Mark

Mark Hanson
Guitarist, Author, Educator
Email: Mark@AccentOnMusic.com
Website: www.AccentOnMusic.com
Accent On Music LLC
PMB 252 . 19363 Willamette Dr.
West Linn, OR 97068
Grammy-Award Winner 2005

Dear Mr. Jones.

To reiterate my email from yesterday:

Please vote to uphold the Planning Commission's rejection of the LOT proposal. There are many of us who feel this is a bad proposal. Thank you for your time and efforts.

Mark

Mark Hanson
Guitarist, Author, Educator Dear
Email: Mark@AccentOnMusic.com
Website: www.AccentOnMusic.com
Accent On Music LLC
PMB 252 . 19363 Willamette Dr.
West Linn, OR 97068
Grammy-Award Winner 2005

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

January 30, 2013

13 JAN 30 AM 10:44

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

Re: Lake Oswego-Tigard Water Partnership
AP 12-02; AP 12-03
City Files: CUP-12-02/DR-12-04, Water Treatment Plant
Water Partnership: CUP 12-04/DR-12-14: Water Transmission Line

Dear City Council Members:

At the January 28, 2013 Council meeting, it was expected that a decision on the appeal of the above applications would occur. Instead, the process was halted when Mayor Kovash announced that he had participated in conversations with two unnamed neighborhood groups about their positions on the pending appeals.

The Mayor's rendition of these conversations was deemed to be new evidence. The record was then left open for participants to assess and respond to the information described by the Mayor.

These conversations were clearly *ex parte*. Obviously, the Mayor attached significance to them and brought them to the Council's attention, for purposes of influencing the Council's deliberations.

It is regrettable that the Mayor participated in such discussions. Before participating in these contacts, he should have redirected any comments – as well as any of his recall of the conversations – all to the record. That would have allowed all participants in this process to concurrently receive this information. By having contact and then filtering the groups' comments through his re-telling of them, the Mayor's *ex parte* communications problem was compounded.

The Mayor's stated conclusion was that while the two unnamed groups were unhappy with the way the Robinwood neighborhood had been treated in this process, the unnamed neighborhood groups were not opposed to the water project's approval.

This whole series of events is inconsistent with a fair process. The Mayor should recuse himself from further participation in these appeals because he consciously engaged in *ex parte* discussions. He has failed to describe the specifics of such contacts. The Mayor's lack of objectivity about the appeals has clearly emerged and he received information he chose not to disclose, yet made a decision-critical assessment of it.

Now that the record has been supplemented with the Mayor's description of these *ex parte* discussions, we request the following information be provided as matters of minimal fairness:

1. With whom (by name) did these conversations occur?
2. When did the conversations occur, how and where?
3. Who initiated the conversations?
4. What confirmation existed indicating that those speaking with the Mayor represented a neighborhood group; what persons were included in any such group?
5. What were the specifics of the conversations – who said what? What was the sequence of questions, answers and comments?

6. At any point, did the Mayor inform the other participants that such conversations were *ex parte* contacts, improperly occurring while the Council was actively considering land use appeals on the very topic to which the conversations related?

7. Were the group representatives asked to submit their comments to the record in some documented form?

8. Were any written communications or emails provided to, or from, these groups or their representatives? If so, where are the copies available for public review?

By handling these conversations as he did at the January 28, 2013 Council session, the Mayor has now improperly assumed the dual role of witness and decision-maker. He cannot do both and maintain objectivity or fairly preside over this process. The Mayor made choices about what he did outside the hearing process as well as what he disclosed about it. He had no basis for doing either and has now attempted to influence the balance of the Council based on his narrative of these *ex parte* contacts. His reluctance to be specific is contrary to the supposed transparency of the land use appeal process.

This horse is out of the barn.

But it doesn't mean the horse (or the process) ought to be allowed to run amok.

The Mayor should recuse himself from further participation in these appeals. His actions have indelibly tainted his objectivity.

Because time is of the essence, we would very much appreciate it if you could please ask the Mayor to respond to the answers for our questions one through eight no later than Friday, February 1st by NOON by filing a copy in the record. It would also be greatly appreciated if a copy of his responses could also be sent to us at the email addresses below so that we will be able to timely file any response that we may have into the record.

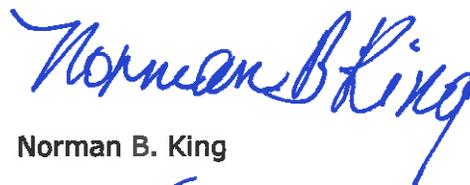
Norm King @ normbking@gmail.com

Kevin Bryck @ kevinbryck@comcast.net

David Froode @ dfroode@comcast.net

Additionally, please have a copy of the response sent to the City Attorney for the record.

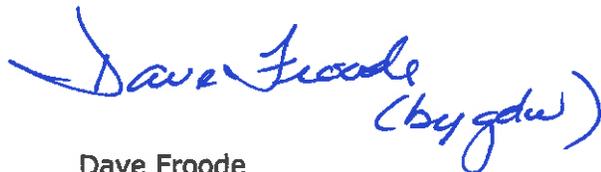
Very truly yours,



Norman B. King



Kevin Bryck



Dave Froode

Pelz, Zach

From: Walters, Rebecca [Rebecca.Walters@adp.com]
Sent: Wednesday, January 30, 2013 5:52 PM
To: Kovash, John
Cc: Jordan, Chris; Pelz, Zach; Jones, Michael; Tan, Jennifer; Carson, Jody
Subject: questions/answers

Follow Up Flag: Follow up
Flag Status: Completed

Mayor Kovash and Mr. Zach Pelz:

Since it is now public record that Mayor Kovash contacted two people that are members of neighborhood associations in West Linn with regard to the water treatment plant, would you please answer these questions:

1. What are the names of the people you contacted and their phone numbers?
2. What are the neighborhood associations that these two individuals are members of?
3. What date/time approximately did you contact these two people?

Since we have until February 4th to add testimony with regard to this new information, we would appreciate your answers to the above questions in a timely manner. We would like to help you understand what the neighborhood associations that supported the Robinwood Neighborhood Association voted on; and, we would like to dispel any misinformation.

Mr. Pelz, can you please add this email to the public record and confirm that you have done so?

Thanks,
Rebecca Walters

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the message and any attachments from your system.

Pelz, Zach

From: ericjones2009@aol.com
Sent: Wednesday, January 30, 2013 2:02 PM
To: Pelz, Zach; Ericjones2009@aol.com
Subject: Fwd: Testimony for AP-12-02 and AP-12-04 - Correction to AP-12-03
Attachments: CC_LO_67_Plant_Acceptance.jpg; Mom_12-25-2010.jpg; WL_CC_LOT_Appeal_Testimony_1-2013.docx

Here is the earlier email... Please confirm receipt and inclusion in the official record.

Eric Jones

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

From: ericjones2009 <ericjones2009@aol.com>
To: ZPELZ <ZPELZ@westlinnoregon.gov>; Ericjones2009 <Ericjones2009@aol.com>
Sent: Mon, Jan 7, 2013 4:24 pm
Subject: Fwd: Testimony for AP-12-02 and AP-12-04 - Correction to AP-12-03

Zach,

I noticed that the second appeal number is AP-12-03, not AP-12-04. Please use this corrected testimony along with the two JPEGs sent earlier and confirm back as requested below. Sorry for the confusion on the second number. It was not on the city page that you sent the link to earlier - only the AP-12-02 was so I erroneously assumed the second number would match the CUP numbers.

Thank you.

Eric Jones

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

From: ericjones2009 <ericjones2009@aol.com>
To: ZPELZ <ZPELZ@westlinnoregon.gov>; Ericjones2009 <Ericjones2009@aol.com>
Sent: Mon, Jan 7, 2013 2:04 pm
Subject: Testimony for AP-12-02 and AP-12-04 - Addition

Zach,

I realized that I did not show my name on page three so I have corrected this oversight and am resubmitting my testimony. I was originally going to submit it as a pdf with a signature but the quality was not acceptable. Please use this second testimony as my *official testimony* and confirm the same three points as requested below.

Thank you.

Eric Jones

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

From: ericjones2009 <ericjones2009@aol.com>
To: ZPELZ <ZPELZ@westlinnoregon.gov>; Ericjones2009 <Ericjones2009@aol.com>
Sent: Mon, Jan 7, 2013 1:52 pm
Subject: Testimony for AP-12-02 and AP-12-04

Zach,

Attached is my written testimony for AP-12-02 and AP-12-04. It is submitted as a Word document and two JPEGs. Please confirm receipt, that you can open them, and that this will all become part of the official record for these two appeals.

Thank you.

Eric Jones

Jay Eric Jones
4310 Mapleton Drive
West Linn, OR 97068
January 7, 2013

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

RE: AP-12-02 and AP-12-03

By reference here, I re-submit to the official record my previous written and verbal Planning Commission (PC) testimony concerning CUP-12-02/DR-12-04 & CUP-12-04/DR-12-14 (now before you as AP-12-02 and AP-12-03).

I begin by stating the obvious – the proposed project detailed in AP-12-02 and AP-12-03 does NOT meet the requirements of CDC 60.070 A-1, A-3, and A-7. There is NO real and permanent community benefit, the site is inadequate and inappropriate for fully-mitigated operation of an industrial size water plant in a residentially-zoned neighborhood *surrounded* by residences (from “any adverse effect” as the code requires), and the project is not in full compliance with CDC 55’s development requirements. The application is also inconsistent with the WL Comprehensive Plan and the area’s zoning (R-10). The public involvement process for these applications has been in *non-compliance* with the city council’s goal of promoting meaningful access for citizen involvement throughout the city’s land use process and with state law. Being unable to talk to our elected officials (or the city manager) for over a year (based in part on bogus legal advice from the city attorney – also Tigard’s attorney) left West Linn’s citizenry without any process representation. As it turns out, public involvement *is* allowed with appropriate disclosure by Oregon law. On all of these legally-binding code and process deficiencies alone, both appeals should be denied by this council.

As you know, on August 15, West Linn reaches its 100 year anniversary. We were in the top 100 places in America to live in 2011, according to CNN Money. We have *a lot* to be proud of in our community – *great* people, lots of trees, two rivers, hills, and being a peaceful place to live and raise families. We are in danger of losing this peace because of a project by two cities that have no stake or interest in *our* community’s livability. They are just interested in saving money for themselves, reducing the inconvenience for *their* citizens (not ours), and are fixated upon doing *whatever* it takes to put this project in exactly the place it does NOT belong – in a West Linn residential neighborhood on the most seismically dangerous soils existing in the State of Oregon. A specialist at the state commercial building codes division said “holy cow!” when I told him about the proposed project. He said that in his over 30 years of experience, he had not worked on such a project or even heard of one. Note from the Geotech report that the Class F soils ONLY

have Class E building standards available for a constructed plant; no Class F standards exist. And this does not address the shaking the first pipeline will encounter as it travels under the river and up Mapleton Drive to the plant site and the second one will experience as it traverses Mapleton and Highway 43. The 7.5 earthquake at the Juan de Fuca plate off Alaska this weekend and the September 6.4 British Columbia coast quake prove that the subduction zone is active and a large earthquake off the Oregon coast is very possible *at any time*. In recent months, there has been plate activity near the California border, to the north of Washington, and directly off the Oregon coast. The clock is ticking! The proposed project is NOT in a safe place – in an area surrounded entirely by family and elder-occupied homes.

My mother moved into her home 53 years ago in the spring of 1960, preceding the plant's existence. She was opposed to it in 1967 and still is today. She is now in her mid-80s and has specific health challenges. Much of her money is contained in her home's equity. Being sued by her "good neighbor" (Lake Oswego), she is unlikely to be able to sell her house anytime soon for any reasonable dollar value. And she will be at risk (with about 5 extra minutes of emergency response time) during all the construction on Mapleton. This construction period (3 years) may in fact be a "lifetime sentence" for her; her picture is attached. This is patently unfair for a project that never should have been built in the first place!

The plant doesn't belong in the Robinwood neighborhood and it never has. It was opposed by most living in the area in 1967. The Clackamas County CUP appeal approval by county commissioners was contingent upon Lake Oswego supplying water to Robinwood (see attachment). That has not occurred and is still not happening today. I negotiated with representatives of Lake Oswego and Tigard as part of the Robinwood Neighborhood Association's Great Neighbor Committee for over a year and as part of the Greg McKenzie facilitation process this past summer. I personally witnessed numerous attempts by public officials and their representatives to mislead, misdirect, and ignore the committee's and the neighborhood's efforts to reach reasonable mitigations for the project. A number of problems, errors, and omissions that we found and reported during the process were NOT corrected or updated by the Partnership. Some were addressed somewhat, but not completely. A number of promises were not kept. Although I diligently tried for nearly two years to work with them, I have reached the point where I do not trust the Partnership to be open, forthcoming, and honest. I do not believe that they will keep promises that they make or even follow any conditions of approval to their fullest intent. I am *hugely* disappointed to have reached this point! I never thought I would see collusion and deception by our local governments. We don't need this to be allowed or condoned in anyway in West Linn!! Our PC got it right!

The PC listened to exhaustive testimony from both sides in considering the project. They rendered a well-reasoned decision: the plant and two pipelines (for numerous reasons including a lack of community benefit) do not belong in our Robinwood neighborhood. From all that I saw of the PC members, they were a fair and unbiased group of citizen professionals who listened to all the evidence and then applied the applicable codes to come to a correct decision (7-0 against

both applications). There were no dissenters. As the body that delegates land use decisions to the PC for diligent and thoughtful consideration, you should affirm their well-reasoned and code-based rejections of the applicant's two CUP requests.

I respectfully ask that you reject the appeal for AP-12-02 and AP-12-03. The project is NOT good for West Linn and its citizens, does NOT provide a real and permanent community benefit, and it does NOT meet the relevant codes that we rely on to make our city livable and safe. And the process itself was flawed throughout, thus preventing West Linn's citizens from meaningful access to and involvement in the land use process. Please affirm West Linn's livability as we reach 100 years old and reject the applicant's two appeals. Mom and I are counting on you! Thank you for your consideration of this testimony and of our high quality of life.

Sincerely,

Jay Eric Jones

Graduate of WLHS, Class of 1978



BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

CLACKAMAS COUNTY
FILED

In the Matter of the Appeal of the CITY OF LAKE OSWEGO for a water treatment plant to be classified as a Conditional Use on property located on the south side of Kenthorpe Way at its westerly terminus, Robinwood Area

APR 27 1967
COUNTY CLERK
NO. 14910

This matter coming on regularly at this time to be heard, and it appearing to the Board of County Commissioners that Deane Seeger, representing the City of Lake Oswego, has made application to the County Planning Commission to construct a water treatment plant as a Conditional Use within an R-10 Single Family Residential District, on property located as stated above, and more particularly described as Tax Lots 11-11, 11-12, 11-16, 30, E, 32, and 33, George Walling D.L.C., Section 24, T2S, R1E, W.M., and

It further appearing to the Board that said application was heard at the regular meeting of the County Planning Commission on February 27, 1967, at which time the Commission denied the Conditional Use request, and

It further appearing to the Board that, subsequent to the Planning Commission's decision, Mr. Seeger, again representing the City of Lake Oswego, did, on the 9th day of March, 1967, file an appeal with the governing body of the County, and

It further appearing to the Board that said appeal application was heard by the Board of County Commissioners, after due notice, pursuant to the provisions of the Clackamas County Zoning Ordinance, at their regular session on Wednesday, April 5, 1967, at which time this matter was continued, and

It further appearing to the Board that subsequent to their aforementioned hearing, and after due consideration, the Board reached a decision on the appeal, now therefore,

IT IS HEREBY ORDERED that the appeal of the City of Lake Oswego for a water treatment plant as a Conditional Use on the above-described property be and the same is hereby approved subject to the regulations of the Clackamas County Zoning Ordinance and recommendations of the County Health Department, and (1) adequate landscaping and design so as not to detract from the residential character of the area; (2) and that said treatment plant will provide for the future needs of water users in Robinwood, Glenmorris, Marylhurst and Lake Oswego areas.

DATED this 17th day of April, 1967.

BOARD OF COUNTY COMMISSIONERS

Stanford
CHAIRMAN
Fred Stephens
Commissioner
[Signature]
Commissioner

Pelz, Zach

From: Stowell5050@aol.com
Sent: Wednesday, January 30, 2013 10:26 AM
To: Pelz, Zach
Subject: LOT WP

Follow Up Flag: Follow up
Flag Status: Flagged

I submit that if you must OK this project that you require as a conditional approval that Hwy 43 be brought up to our TSP. LO required the development of Marylhurst to provide and build the 7 lane monster for their section of 43. There is no reason for us not to request this. We require developers to upgrade streets and side walks all the time. This would go a long way to make up for what we must put up with.

What is going on here. The comments of Carson sounds like LOT is black mailing us. Has there been a threat to shut off the inter-tie if this project is not OKed. Remember the inter-tie will still be there no mater where this plant is built, as the pipes will still be in the ground.

Pelz, Zach

From: Stowell5050@aol.com
Sent: Wednesday, January 30, 2013 10:07 AM
To: Pelz, Zach
Subject: LOT WTP
Attachments: Letter to editor December.odt

Follow Up Flag: Follow up
Flag Status: Flagged

The one thing that has been left off the table. What about those of us who have our homes on or near 43. Not one thing has been said. See Attached

You have completely forgot those of us who live along Hiway 43. We will be subject to up to 22 hours a day of truck traffic. Not one word has been said to address our concerns. Many of us have our windows open at night. I request you require LOT install air conditioning in our homes, so we will have quite night while it is hot and unable to sleep with all the noise

The construction on Highway 43 will effect close to one mile from Mapleton to the north city limits. According to their application about 150 ft. will be done per night. I estimate this will take about 35 days. They estimate about 8 trucks per hour or about 78 per night for a total of 2886 for just West Linn. This doesn't include the pipe construction from the LO city limits to Laurel Dr. This could be another 5200 trucks at night. Noise levels that will be allowed with no attempt to lower will be the dumping of gravel on the pavement, in the trench or loading of material into trucks. There are many residence on 43 which includes at least 25 from Marylhurst Dr. to the city limits that either face or back up to 43. This includes two care facilities. Not much sleep for any of use on or near 43.

I hope they have and others read the findings of the Planning Commission. They would find their reasons were sound. CDC 60.070 A 3 talks about overall community need. CDC 60.70 A 7 uses the term "benefit". The Planning Commission found that it was reasonable to include the concept of "benefit" here and in the Robinwood Neighborhood plans addressing the overall needs of the community. The Planning Commission pointed out that community refers to West Linn only not the region. There is little value to West Linn.

The inter tie will work no mater where LOT built this new plant and it is a new plant. LO needs to supply water to the Marylhurst area and the 27" pipe is already there to the inter tie with West Linn. The water allotted to West Linn is only for a number of years then what? The benefit is gone! Greg writes about the short comings of our water system, however this project has little or nothing to do with that.

The RNA and GNC worked hard on a mitigation list to offer something of value to our neighborhood and West Linn with little to show for it from LOT or our planning staff.

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, January 30, 2013 9:07 AM
To: Pelz, Zach
Cc: Jordan, Chris
Subject: FW: water treatment plant
Attachments: imageb29f02.gif@a6c26e4d.b04e4230; image001.jpg; image002.jpg; image003.jpg

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: Wednesday, January 30, 2013 8:16 AM
To: Sonnen, John
Subject: FW: water treatment plant

LOT CONTACT. 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.

From: Robert Gowdy [<mailto:pasupply@msn.com>]
Sent: Tuesday, January 29, 2013 2:19 PM
To: Kovash, John
Subject: water treatment plant

Mayor Kovash,

My understanding is that you are in favor of the expansion of the Lot treatment plant in the Robinhood area of West Linn. I urge you to reconsider this position and follow the wishes of your constituents and do all you can to not allow this project to move forward.

This position places an undue burden on the people of the Robinhood area and West Linn. I understand we have infrastructure issues that need to be addressed but the LOT expansion is not the answer.

Thank you for your service.

Robert Gowdy
503.722-4686

Pelz, Zach

From: Dave Froode [dfroode@comcast.net]
Sent: Wednesday, January 30, 2013 8:45 AM
To: Pelz, Zach; Mollusky, Kathy
Subject: Liability Insurance Policy

Follow Up Flag: Follow up
Flag Status: Flagged

Please submit this to the record for

West Linn City Council

RE: AP-12-02 and AP-12-03

The Lake Oswego Tigard proposed water treatment facility developed in a residential area **will impose three risks** to neighboring properties plus expose the City of West Linn to potential claims.

1. Ground surface flood water in the event the four foot pipe or the 14 million gallon reservoir is damaged.

2. Underground water if any element of the facility leaks, or if any underground spring is altered by the project today or in the future.

3. Repeated seepage, similar to underground water but could create sink holes to be discovered in the future.

All three of these perils **are clearly excluded** from most standard homeowner insurance policies. In the State of Oregon, municipalities are exempt from liability claims unless there is gross negligence. Conclusion, property owners have **no protection** from these possible losses and could be wiped out by no fault of their own.

During the fruitless mediation process arranged by West Linn, LOT provided "an expert accounting of water losses in the State of Oregon" basically trying to convince themselves and property owners having exposure, they **really had nothing to worry about**. This report showed a number of water damage losses and the average amount of the loss was about \$3,200.00. What the report did not show was: a) Were the losses paid or denied? b) How many were caused by water mains, repeated seepage, flood surface water or ground water? c) How many were caused by four foot water mains? The report was very inadequate and served no purpose to appease any issue.

In a meeting with the West Linn City Manager, it was his opinion "**for LOT not to provide a liability insurance policy is stupid!**" We could not agree more.

In meetings with LOT representatives it was stated "why should we have liability insurance when **we do not need it?**" Or, "your city does not have extra insurance, **why should we?**"

Another means to refuse was "this type of insurance is **not available**", which is hardly correct. This kind of insurance is very available simply by being self insured. But to force these risks on to neighboring property owners by declaring **lame ignorant excuses** should not be allowed under any

circumstances.

To answer these frivolous excuses, obviously, West Linn is not installing a four foot pipe and a water treatment facility among residential homes, LOT is.

Lake Oswego also offered a single case to demonstrate they "do pay their claims when found to be at fault." Only problem with the example used is it took the Oswego homeowner ten years to resolve the claim with LO. During the time line, the owner had to pay out of pocket for damages LO was found to be at fault for and also had to pay legal fees to battle LO. Not a very good example to demonstrate good faith.

During mediation, LOT did present a fruitless liability insurance policy both the city of West Linn and property owners should take exception to.

1. The policy is considered secondary coverage, meaning it only applies after the owners insurance is exhausted or denied.

2. The aggregate limits are \$1.5 million. There are single homes worth more than that. It is hardly adequate limits to cover an accident involving multiple properties, or God forbid an injury or fatality.

3. The claim process is controlled by LOT. There is no independent, impartial third party to determine the claim.

4. The policy is only available for ten years. After that, the money set aside goes towards maintenance of the facility. One could assume, after ten years the risks escalate due to wear and tear, and life expectancy of equipment being used. The risk is not eliminated in ten years, it is actually greater.

It is understood the contractors and other vendors involved in this project would be exposed to third party liability claims as would LOT. But what also should be understood is the City of West Linn would have exposure in the event an injured party was not adequately made whole. West Linn's exposure exists due to the unorthodox nature of the project and it allowing the project to be installed knowing the project could cause harm to others. Whether this constitutes gross negligence would need to be determined by legal experts. But it is safe to assume, if an event were of significant proportion exceeding 1.5 million dollars, in all likelihood, West Linn would be named in a "shotgun lawsuit". Granted, it may be defensible, but that does not eliminate the costs to defend. Point here, the City of West Linn would be most prudent to demand LOT provide more than adequate liability insurance for the potential losses that could occur in an effort to protect the City of West Linn. Not only would this be smart for West Linn but it is the descent thing to do for neighboring property owners being forced to assume a risk.

Recommendations would be to:

1. Create an escrow account with a minimum of \$10 million dollars.

2. Declare an independent insurance adjusting firm who would have exclusive field authority to pay claims with out interference from LOT.

3. The policy remain effective while the facility is in West Linn, plus a reserve account be established if a loss is incurred after the facility is vacated.

4. The policy afford primary coverage similar to a first party loss provided by standard Homeowners policies. Same would provide replacement cost value based on like kind and quality

without any depreciation for age or condition.

5. There be **no deductibles** for any losses.

6. Name the **City of West Linn as co insureds** on the policy and provide West Linn with a Hold Harmless agreement for any and all losses due to the facility or use thereof in West Linn.

7. Any agreement is contingent on the review and approval of insurance experts like Mike Gates, et al, State Farm agent, former WL councilor.

Considering most property owners do not welcome this facility in close proximity and are being forced to assume risks they never thought imaginable, this matter needs to be reconciled in a spirit of good faith in order to safe guard the welfare of the good citizens of West Linn.

Respectfully,

David J. Froode

19340 Nixon Ave, West Linn Or.

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, January 30, 2013 8:09 AM
To: Pelz, Zach
Subject: FW: L O T water treatment plant
Attachments: image86a585.gif@17531977.f0c4561; image001.jpg; image002.jpg; image003.jpg

John Sonnen, Planning Director
Planning and Building, #1524

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

From: Kovash, John
Sent: Tuesday, January 29, 2013 1:22 PM
To: Sonnen, John
Subject: FW: L O T water treatment plant

LOT contact. John



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From: Leo CONKLE [<mailto:lconkle@msn.com>]
Sent: Wednesday, January 16, 2013 12:14 PM
To: Kovash, John
Subject: L O T water treatment plant

Mayor Kovash,

We have been West Linn residents for over 37 years, living at 4307 Kenthorpe Way, which is directly across the street from the Lake Oswego water treatment plant. My wife and I are both in our 80's, and are very concerned about the noise, (24hour/6), the extra traffic, the extra chemicals stored in our immediate neighborhood, the reduction in our property value that would be caused if the expansion is allowed. We implore you to consider all the testimony given, and come to the correct decision to not allow this to happen.

Considering the testimony heard on January 15th about the instability of the ground, we shudder to think what damage could be caused by the pounding of sinking nearly 1000 pilings required to support the plant & clearwell.

As mentioned above, we live directly across on Kenthorpe and are very nervous about what could happen to our

walls, including pictures on them and valuables on shelves; ceilings, and even house foundation, resulting from this almost "earthquake-like activity".

It is unhealthy to not get enough rest/sleep, and with development of this plant, our entire lives will be disrupted for nearly three years. Who will pay our medical costs? Constant noise for an extended period may cause tinnitus and/or hearing loss according to medical experts.

Respectfully requesting you to uphold the Planning Commissions 7 to 0 vote, we are

Maria and Leo Conkle
4307 Kenthorpe Way
West Linn, OR 97068-2115
503 636-0181

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, January 30, 2013 8:08 AM
To: Pelz, Zach
Subject: FW: Please Read Before Today's Meeting. This is a way out.
Attachments: please read this today.docx; image9d18db.gif@5407d062.aea64386; image001.jpg; image002.jpg; image003.jpg

John Sonnen, Planning Director
Planning and Building, #1524

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From: Kovash, John
Sent: Tuesday, January 29, 2013 1:20 PM
To: Sonnen, John
Subject: FW: Please Read Before Today's Meeting. This is a way out.

LOT contact. John



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From: Jack and Karlene [<mailto:jnorb@comcast.net>]
Sent: Thursday, January 17, 2013 12:00 PM
To: Kovash, John; Carson, Jody; Frank, Thomas; Tan, Jennifer; Jones, Michael
Cc: Cc; Jenne Henderson; hawkey88@comcast.net; TreasurerRNA; Holder Thomas; Glenda Waddle; King Lamont; King Norm; Bedard Pete; Edwards Carl; Vroman Shanon; ericjones2009; rebecca walters; William J.; Dave Froode; Vicky and Pat; gwen sieben
Subject: Please Read Before Today's Meeting. This is a way out.

Thank you.
Jack Norby

To the Mayors and City Council of Lake Oswego, Tigard, and West Linn:

This letter offers a way out of your different predicaments.

The situation is this. In 1990-94 the water use of LO at peak, was the capacity of their plant. Building was booming etc. The engineer of LO, Joel Komarek realized that they had a serious looming water supply problem. Already in 1963 the city of LO had put in to exercise all of their water rights by 1985. He rightly picked up the ball and started to figure out where LO could get more water. Unfortunately, he focused on getting, not conserving. He thought that with the boom, bigger is better and the citizens in LO wouldn't balk at the price. He didn't really figure what was coming in the future. He was going off of data from Portland State that the population would grow and he needed to find more water. The seeds of conservation that had been planted years before with the teaching of conservation to our kids in schools, the low flow toilet, sink, shower, appliances etc., began to bear fruit. At the same time a new ethic arose, especially in the Northwest. The planet was better served by conserving precious resources. Recycling was becoming a habit. In 1963 not many were predicting separate bins for our trash. Remember the 5 min shower suction cup hourglass things...meant for teens. Well it really helped. In fact it helped so much that the average daily use in LO currently is more than 50% less than in 1993. There is a new ethic in the world and I don't think it is going away.

Our kids have a different mindset on the world's limited resources and I think this is a worldwide phenomena. We need to get the cue from them. We don't need to have a huge water infrastructure that bankrupts our kids and forces all but the rich out of communities like ours. It is time for the LOWTP big wigs to get a grip. They might have had good intentions when they started but they didn't change when the world changed around them. Even in the face of new data, changing needs and habits, environmental concerns and a very different economy, they continued with an outdated solution. The answers provided by the experts addressed the symptoms not the issue of what had changed since the first assumptions. When they saw a sea change in their water data that conservation was working, they should have jumped on that, fixed their leaks, maybe update some interties to connect everyone up in case of disaster but not this solution. That is why they keep throwing costly experts whose conclusions are head scratching. Here are a few choice ones. For instance, the Carollo report had as its source of inflationary building costs in the future a single magazine article, no kidding, and a huge underestimating of conservation, only .5%. The reported geotech drilling results from everywhere but on the site, the 4 second traffic delay on Mapleton, I mean...come, on. I remember the first time I asked Joel Komakek, if he knew that Willamette Week put out a list of the 10 largest water wasters and LO had 9 or 10 every year. I suggested he charge the wasters more. He acted startled.

Things have changed. We need to move forward responsibly, all the cities involved. I talked to the Portland Water Bureau info person today. I asked him that if Tigard wanted to continue using water, would that be a problem? He said no not at all that they had plenty of water. I asked him if the rates would go up if the reservoirs were covered and he said that Tigard doesn't get water from the Mt. Tabor system and wouldn't be charged for that. He said Powell Butte was already under construction. The first option for Tigard in the Carollo Report was the Bull Run, it still is. Portland wants to have Tigard as a customer. They aren't going to rip them off. So why does Tigard want to pile huge rate increases on the backs of their citizens? Come on, the world has changed, even in LO and Tigard. Let's scrap the grandiose plans. Why bankrupt our children for no need? They get it, listen to them.

To the West Linn City Council:

If you uphold your planning commission's decision, I feel that you should go ahead with the ballot measure. I have heard that you conducted a poll and the increase was very unpopular. I think you were being sent a message by the people about the LOTWP plant.

I believe that if you uphold your planning commission's decision you have a real shot at getting this bond measure to pass. STOP would be very motivated to help you. We have already discussed this and everyone was on board instantly and with a lot of enthusiasm. We have 1000 on our mailing list. We believe that WL needs to fix their own pipes. We have looked at our water rates vs. other towns in the area and we know we are at the bottom of cost. To us, it is being shortsighted and putting it on our kids again. Let's get the money and really do it, not divert the money like what happened with the street fund. If we could get some kind of trust going it could work wonders. I always think back to the Frank Ivancie-Bud Clark race a long time ago. Everyone probably knows this but Bud was an eccentric ex-Marine tavern owner, the Goose Hollow Inn, who had the distinction of serving more Bud per sq. ft than any bar in the U.S. or something like that. The election was Tuesday. On Sunday the Oregonian poll had Ivancie 7 or 8 points ahead (don't hold me to the exact details, it's been a while). The Oregonian also had both candidates' last interviews before the election. Ivancie came out with the quote, "I don't see how any body could vote for a man who doesn't believe in God". He got creamed 2 days later. I remember a 13 point swing in 2 days! People are smart, they get it. Together we can pass the increase if there is true partnership. No more of the back door stuff, we mean it. You have been on the brink of betraying many of your citizens and breaking your own campaign promises for 5 million dollars, which won't be coming, and doesn't fix our problems anyway. We do understand that you were looking for a quick fix and ready to swallow a bitter pill. However, if you uphold you planning commission, LO won't go to LUBA, the mayor already said it publicly. Tigard can't sue because of the lack of permits, and their rates will be much lower with Bull Run water anyway, and you will have your citizens back on your side...this is really a no brainer isn't it? Please let us work together.

Jack Norby, 4040 Kenthorpe Way 503 720-4733 email; jnorb@comcast.net

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, January 30, 2013 8:07 AM
To: Pelz, Zach
Subject: FW: AP-12-02 NA's
Attachments: imagea888e3.gif@2d40962c.65d04bcb; image001.jpg; image002.jpg; image003.jpg

John Sonnen, Planning Director
Planning and Building, #1524

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From: Kovash, John
Sent: Tuesday, January 29, 2013 1:17 PM
To: Sonnen, John
Subject: FW: AP-12-02 NA's

LOT contact. John



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From: Gary Hitesman [<mailto:ghitesman@gmail.com>]
Sent: Monday, January 28, 2013 8:10 PM
To: Kovash, John; CWL Council; Pelz, Zach
Subject: AP-12-02 NA's

What were the two NA's you referred to?

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, January 30, 2013 8:07 AM
To: Pelz, Zach
Subject: FW: Last nights meeting
Attachments: image8c49e0.gif@2b0bd54d.28f1411f; image001.jpg; image002.jpg; image003.jpg

John Sonnen, Planning Director
Planning and Building, #1524

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From: Kovash, John
Sent: Tuesday, January 29, 2013 1:16 PM
To: Sonnen, John
Subject: FW: Last nights meeting

LOT contact.
John



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From: lamontking@comcast.net [<mailto:lamontking@comcast.net>]
Sent: Tuesday, January 29, 2013 10:18 AM
To: Kovash, John
Cc: Tan, Jennifer; Carson, Jody; Jones, Michael
Subject: Last nights meeting

Hi John,

We may not have agreed on some issues in the past but I have always respected you in your role as mayor. Last night, you lied about exparte contacts and seemingly purposely put the council decision on hold with new testimony to give LOT additional time to deal with an adverse decision that was pending. Actions like these give politicians a bad name when the vast majority play by the rules. You said this decision would not be about politics and rely on the code but when your interpretation of the code did not prevail you reverted to crude politics. I do agree with you that this is the most important decision your council will reach and will impact West Linn for years to come but now it will be forever remembered as one where the mayor behaved poorly. I ask that you consider resigning from council or at the least, recuse yourself from future hearings on this matter.

Respectfully submitted,

Lamont King

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, January 30, 2013 8:06 AM
To: Pelz, Zach
Subject: FW: LOT discussion

Follow Up Flag: Follow up
Flag Status: Flagged

John Sonnen, Planning Director
Planning and Building, #1524

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

From: Kovash, John
Sent: Tuesday, January 29, 2013 1:14 PM
To: Sonnen, John
Subject: FW: LOT discussion

LOT contact. John

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

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

From: Mark Hanson [<mailto:mark@accentonmusic.com>]
Sent: Tuesday, January 29, 2013 12:08 PM
To: Kovash, John
Cc: Carson, Jody; Tan, Jennifer; Frank, Thomas
Subject: LOT discussion

January 29, 2013

Re: LOT

Dear Mayor Kovash and councilors:

I am Mark Hanson, 19447 Wilderness Drive in West Linn.

In my business - book authoring and publishing - it is usually a bad decision to take a one-time fee for work. The owner makes money off the product in perpetuity, while the author has no control or income after the initial payment. In my opinion, this pertains to the \$5 million one-time payment reportedly offered by Lake Oswego.

If West Linn truly is considering accepting a one-time payment from Lake Oswego (I believe we should not), demand enough money so that we can put it in the bank and use the interest from the principal to fund needed infrastructure projects in the future. Something like \$20 million might be enough. Buying out the affected Robinwood residents and compensating affected businesses should be included in discussions.

On a lighter note: since Lake Oswego wants West Linn water, perhaps part of any deal could be an agreement that all current and future West Linn residents have free, unlimited access to Lake Oswego's water: Oswego Lake!

Thank you for your time.

Mark Hanson

Mark Hanson
Guitarist, Author, Educator
Email: Mark@AccentOnMusic.com
Website: www.AccentOnMusic.com
Accent On Music LLC
PMB 252 . 19363 Willamette Dr.
West Linn, OR 97068
Grammy-Award Winner 2005

Pelz, Zach

From: Sonnen, John
Sent: Wednesday, January 30, 2013 8:06 AM
To: Pelz, Zach
Subject: FW: Costs Unknown In Lake Oswego Tigard Water Plant Proposal
Attachments: Costs Unknown in Lake Oswego Tigard Water Plant Proposal.docx; imageaa36a1.gif@8c3db850.490d4b59; image001.jpg; image002.jpg; image003.jpg

John Sonnen, Planning Director
Planning and Building, #1524

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From: Kovash, John
Sent: Tuesday, January 29, 2013 9:31 AM
To: Sonnen, John
Subject: FW: Costs Unknown In Lake Oswego Tigard Water Plant Proposal

Lot contact. 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.

From: LOTWP
Sent: Tuesday, January 29, 2013 8:55 AM
To: City Council
Cc: Pelz, Zach
Subject: FW: Costs Unknown In Lake Oswego Tigard Water Plant Proposal

From: alison-henderson@comcast.net [<mailto:alison-henderson@comcast.net>]
Sent: Tuesday, January 22, 2013 9:44 AM
To: Kovash, John; Tan, Jennifer; Carson, Jody; Jones, Michael; Frank, Thomas
Cc: CWL Council
Subject: Costs Unknown In Lake Oswego Tigard Water Plant Proposal

Dear West Linn City Councilors,

Please find attached our response regarding the LOT Water Plant Proposal. Please respond back to me so I know that you received this email and were able to open the attachment. Thank you for your time and consideration. Please let me know if you have any questions.

Sincerely yours,
Alison Henderson
and Jan Palmer

Dear West Linn City Councilors,

Costs unknown in Lake Oswego Tigard Water plant proposal. Definitely not a plus for West Linn.

The Planning Commission was correct in their decision. Now it is the turn of the West Linn City Council to make a decision for the benefit of the residents who elected them not Lake Oswego or Tigard. The City Council should only consider community as the people who elected them.

LOT has never explored any alternative sites for their new water plant or reservoir.

This is a new plant not an expansion and it now includes a 2 million gallon reservoir and more toxic chemicals to be located in a residential neighborhood. That is 14 million pounds of water being stored underground in a seismically unsafe region. 1 gallon of water weighs 7 pounds! The LOT Representative compared this with a library or a church. I do not know of many towns that put their library in another town or their church away from their parishioners. Not many of these facilities require 1000 pilings to hold them up. The original plant was built before the geology of this area was fully understood and there are real life consequences to the unstable ground that LOT wants to build on.

Hidden Costs to West Linn:

This project benefits Lake Oswego and Tigard and does not address the costs to West Linn. It does however save Lake Oswego a lot of money. West Linn would have 4 million gallons of water available when they work on their own Bolton reservoir (which is located in West Linn) but the cost is unknown as to the actual availability of water.

a) The price of the new intertie agreement has not been determined. The agreement would only last 26 years (less than the warranty of most roofs)

b) We would pay for the water if available at the wholesale rate which might differ if the water comes from LO or Portland via Tigard.

c) The new plant and pipe is proposed on a geologically unstable area. LOT is only setting aside \$1.5 million over 10 years to cover damages to homeowners. Recently a 6 inch pipe in West Linn caused \$12,000 damage. Imagine what damage a 48 inch pipe carrying 38 million gallons of water per day could do.

d) The \$90,000 of work in MSY is not a benefit to West Linn. It is the cost of doing business on state owned land. A mistake or miscalculation in drilling under the Willamette could cause hydrofracturing - A problem for the wetlands and nearby residences.

e) The large pipeline on an unstable residential street might cause Mapleton to fail, particularly around the hairpin turn in the wetlands area near Nixon Avenue.

f) LOT is only replacing 1/2 the waterline up Mapleton - because their pipe is so large the West Linn line has to be moved in order to fit and meet code. The remainder of the Mapleton water pipe line will be paid for by West Linn.

g) The increase in traffic on Nixon and Elmran will necessitate their repaving or replacement - This expensive detail is not even addressed in the applicant's request and they have no intention of repairing the roadway which is already in disrepair. New

pipes laid by West Linn this past year will also be in jeopardy due to increased traffic.

h) Highway 43 will need to be repaved after hundreds of dump trucks loaded with heavy dirt (mud/water/rock combinations) transport it out of the area.

i) City workers will probably have to work over time to monitor night time work or traffic. All of this overtime will be paid for by West Linn and NOT Lake Oswego.

The above items do not even address the real life problems for nearby homeowners which include:

- 48 hours of "intolerable" sound when they pull up the pipe under the Willamette - they will have to be moved to a motel/hotel.
- Emergency personnel having to take longer routes and walking the last part to a home during an emergency situation. Lengthening response times for emergency workers.
- Inconvenience for 3 years
- Legal costs associated with being sued by our "Good Neighbor" Lake Oswego.
- Trying to find homeowners insurance to cover landslide and industrial size pipes breaking (damage to foundations).

The LOT intake pipe is below West Linn's intake pipe, so in a low water year, water might not be available, and with LOT taking 38 million gallons instead of 16 million gallons of water today, there will be more demand on a snow dependent river source.

In summary, our city planners need another water source but there is absolutely no idea of the cost of the present proposal by LOT to the City of West Linn. With no clear vision of an absolute back up water source being available this is not a good plan for West Linn. Also, if something were to happen to the LOT new water treatment facility where would their back-up water supply come from then? If this new plant fails for some reason, seismically or not, they do not have water either. This is not a secure location. The reservoir at least should be located in a safer location.

The means all along the way to convince West Linn have been ethically challenged. Had Lake Oswego and Tigard come to the table with a real intention to negotiate for the best interest of all three communities other alternatives could have been considered.

Such as:

- locating the reservoir in a seismically stable location;
- coming up with actual costs before asking for approval where true costs are all hidden and obscured;

- the Intertie agreement would have already been renegotiated and left indefinitely not to expire in 26 years;
- have been honest and upfront rather than acting like a bully suing people, calling names, and being downright rude.

Please do not honor the LOT proposal by granting this new water treatment plant in a residential neighborhood NOT an industrial zone. The costs are not clear, the process has been mired by unethical behavior, and if you are considering allowing this plant to be rebuilt here in West Linn the process needs to start over and with honest negotiations for the true and actual benefits for all three communities outlined in an open forum for approval for all who are affected.

Sincerely yours,
Jan Palmer and Alison Henderson
West Linn Residents

Pelz, Zach

From: vickieide@comcast.net
Sent: Tuesday, January 29, 2013 6:37 PM
To: Pelz, Zach; Pelz, Zach
Subject: Fwd: West Linn/Lake Oswego/Tigard Water Pipeline Project
Attachments: Zack Pelz.docx

Please re-submit this letter to the West Linn City Council.

Thank you

Vickie Eide

From: vickieide@comcast.net
To: zpelz@westlinnoregon.gov
Sent: Wednesday, January 23, 2013 12:00:56 PM
Subject: West Linn/Lake Oswego/Tigard Water Pipeline Project

Mr. Pelz,

Attached is a letter regarding the Waste Linn/ Lake Oswego/ Tigard project.

Thank you for your time,

Vicki Eide

January 22, 2013

Vicki Eide
3280 Top View Ct.
West Linn, OR 97068

RE: West Linn/Lake Oswego/Tigard water pipeline

Attention: Zach Pelz

As another West Linn resident to oppose this pipeline project, I would like to express my view of the impact this project would have on Lake Oswego businesses as well as an extreme inconvenience to West Linn residents with absolutely no benefits. \$5,000,000.00, are you kidding me? That is absolutely nothing and who gets that money? Certainly not the citizens that will experience this horrific disruption.

I am a Cosmetologist at salon in Lake Oswego that staffs eight of the same profession. Of those eight Cosmetologists four of them travel Hwy 43 on a daily basis to serve their clients of which many clients also travel Hwy 43. The practicality that the professional and clients relationship could diminish due to this inconvenience over a 2-3 year project.

My business is certainly not the only Lake Oswego business that will suffer due to this 2-3 year project.

I have yet to understand or see the logic of this project when Lake Oswego does not need the additional water plus, Tigard is so far removed, geographically, from the water source they are seeking – Why is West Linn paying the price when Tigard has other options?

I don't believe our elected City Council of West Linn has their citizen's best interest as a priority.

Sincerely,

Vicki Eide

Pelz, Zach

From: Dave Froode [dfroode@comcast.net]
Sent: Tuesday, January 29, 2013 5:27 PM
To: Pelz, Zach; Mollusky, Kathy
Subject: Fwd: Community Comment Jan 28, 2013

Please submit this to the record for

West Linn City Council

RE: AP-12-02 and AP-12-03

West Linn City Council

Mayor Kovash and West Linn City Councilors:

You are about to make a decision that will impact three cities for years to come. What is amazing, the current councils have not communicated with each other. This project has been driven by a few from the past. The new councilors have new ideas that do not mesh with their predecessors. All really need to have a round table discussion to enable the best decision to be made.

If any of you have kept informed by the media, you must know many in Lake Oswego are not receptive to this project given it's size and costs.

We had meetings with three members of the Oswego council. We were told "no matter what happens in West Linn, the project will not be done in it's current form because it is too big and too expensive. "

On Jan 5, 2013, the newly elected Mayor of LO told a group of citizens in LO "if West Linn denies the application, LO will not file an appeal with LUBA." That was publicly stated and heard by many.

We have also been told the 5 million dollar fee was concocted by the former LO council and was not an offer supported by the new LO council.

We were told they would examine the partnership with Tigard. People in Oswego have discovered this project in its current size is not necessary except to provide water to Tigard. No Tigard, no major upgrade. It is that simple.

If there are no permits by West Linn, the partnership will likely collapse under its own political weight. They have spent \$20,000,000.00 to this point and people are taking note.

Tigard has options too. They are not being deprived of water, just Clackamas River water. They can go to Wilsonville or back to Bull Run. Or Tigard and Oswego can tap the Willamette River. The Clackamas was over allocated by 200%, why risk our water resources when Tigard could just as easily obtain their water from more abundant sources?

The best decision the West Linn Council could make is to deny this application with the caveat of Tigard and LO to return with a new proposal that represents their new council's perspectives. We are willing to work with them. But this nightmare is not going to work for any one.

By denying, the West Linn Council will:

- unite the West Linn community to solve our water infra structure problems with long term solutions and with our own resources,
- it will allow our city to maintain control over future projects proposed by Tigard and or Lake Oswego,
- in the future, West Linn will be provided their "best offer" with similar benefits when the new application is reviewed by the West Linn Planning Commission. No more last minute deals.

The small fraction of people still driving this project know if they can slip this by now, it works to their advantage. They have caused this community great hardship and division. They have cost our city time and money. They have disparaged our citizens and Planning Commission. They have cast a negative issue on the council by foolishly making a low ball offer of a 5 million dollar fee in the 12th hour. We owe them nothing! But most important, if you allow this project to continue it will put three cities in serious jeopardy.

Just say no and let Tigard and Oswego figure out what they want to really do. This project is D. O. A..

Respectively,
David J. Froode
19340 Nixon Ave
West Linn Or.

Pelz, Zach

From: Yvonne Davis [yvonne.davis00@gmail.com]
Sent: Tuesday, January 29, 2013 1:36 PM
To: Kovash, John; Carson, Jody; Frank, Thomas; Tan, Jennifer; Jones, Michael
Cc: Pelz, Zach
Subject: LOT Conditions

Follow Up Flag: Follow up
Flag Status: Flagged

Councilors,

Although my opposition to the LOT project has not wavered, please consider this for inclusion as a condition for approving the LOT Plant and Pipeline applications.

In early documents from the LOT partnership, there was a mention that they might offer a shuttle service to get affected children to school safely. If such a service were to be available, it would be one less hardship imposed on the neighborhood. However, any such service must be provided by a professional, background checked driver - preferably a female. I'm not going to put my kids in a vehicle with just anyone, and I am sure my neighbors feel similarly.

Thank you for your time.
Yvonne Davis

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Tuesday, January 29, 2013 10:59 AM
To: Pelz, Zach
Subject: AP-12-02 et al

Zach,

Will the meeting notes the mayor referenced be posted to the project planning folder?

Personally, IMO, the city should just throw the towel in right now. Not only did the mayor add another \$30 k to the process, he undermined the intent, clarity of proceedings, and has proven to be too inconsistent to trust that they guy knows what he claims to know.

Gary Hitesman

Pelz, Zach

From: konica@ci.west-linn.or.us
Sent: Tuesday, January 29, 2013 1:52 AM
To: Pelz, Zach
Subject: Message from KMBT_C550
Attachments: SKMBT_C55013012909520.pdf



I wish to speak during Community Comments (limited to three minutes).

Please specify topic (required): _____

I wish to speak during a Public Hearing (limited to three minutes).

Please specify agenda bill number or topic (required): _____

I do not wish to speak however, I would like to have standing on this item.

Please specify agenda bill number or topic (required): LOT Application

Please print:

Name: KAZI ARAJED Date: 1-28-2012

Phonetic spelling, if difficult to pronounce: KAZI

Address (Optional): _____ Phone (Optional): _____

Email address (Optional): _____

Mayor Kovash and West Linn City Councilors:

You are about to make a decision that will impact three cities for years to come. What is amazing, the current councils have not communicated with each other. This project has been driven by a few from the past. The new councilors have new ideas that do not mesh with their predecessors. All really need to have a round table discussion to enable the best decision to be made.

If any of you have kept informed by the media, you must know many in Lake Oswego are not receptive to this project given it's size and costs.

We had meetings with three members of the Oswego council. We were told "no matter what happens in West Linn, the project will not be done in it's current form because it is too big and too expensive. "

On Jan 5, 2013, the newly elected Mayor of LO told a group of citizens in LO "if West Linn denies the application, LO will not file an appeal with LUBA." That was publicly stated and heard by many.

We have also been told the 5 million dollar fee was concocted by the former LO council and was not an offer supported by the new LO council.

We were told they would examine the partnership with Tigard. People in Oswego have discovered this project in its current size is not necessary except to provide water to Tigard. No Tigard, no major upgrade. It is that simple.

If there are no permits by West Linn, the partnership will likely collapse under its own political weight. They have spent \$20,000,000.00 to this point and people are taking note.

Tigard has options too. They are not being deprived of water, just Clackamas River water. They can go to Wilsonville or back to Bull Run. Or Tigard and Oswego can tap the Willamette River. The Clackamas was over allocated by 200%, why risk our water resources when Tigard could just as easily obtain their water from more abundant sources?

The best decision the West Linn Council could make is to deny this application with the caveat of Tigard and LO to return with a new proposal that represents their new council's perspectives. We are willing to work with them. But this nightmare is not going to work for any one.

By denying, the West Linn Council will:

- unite the West Linn community to solve our water infra structure problems with long term solutions and with our own resources,
- it will allow our city to maintain control over future projects proposed by Tigard and or Lake Oswego,
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Just say no and let Tigard and Oswego figure out what they want to really do. This project is D. O. A..

Respectively,
David J. Froode
19340 Nixon Ave
West Linn Or.

Pelz, Zach

From: LOTWP
Sent: Tuesday, January 29, 2013 9:02 AM
To: Pelz, Zach
Subject: FW: Community Comment Jan 28, 2013

From: Dave Froode [mailto:dfroode@comcast.net]
Sent: Monday, January 28, 2013 8:07 AM
To: Kovash, John; Tan, Jennifer; Jones, Michael; Carson, Jody; Frank, Thomas
Subject: Community Comment Jan 28, 2013

West Linn City Council
Community Comments Jan 28, 2013

Mayor Kovash and West Linn City Councilors:

You are about to make a decision that will impact three cities for years to come. What is amazing, the current councils have not communicated with each other. This project has been driven by a few from the past. The new councilors have new ideas that do not mesh with their predecessors. All really need to have a round table discussion to enable the best decision to be made.

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Respectively,
David J. Froode
19340 Nixon Ave
West Linn Or.

Pelz, Zach

From: LOTWP
Sent: Tuesday, January 29, 2013 9:02 AM
To: Pelz, Zach
Subject: FW: A LOT

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

From: knotical1@juno.com [mailto:knotical1@juno.com]
Sent: Thursday, January 24, 2013 11:51 AM
To: Kovash, John
Subject: A LOT

Dear Mr. Kovash,

As a newer resident in the West Linn Community I can respect the complexity of the decisions you and your council must carry forth in dealing with the turbulent Lake Oswego-Tigard Water Treatment Proposal. I understand the urgency you feel to improve West Linn's water pipe situation in general, and I am myself grappling with all of the details of our city's situation.

At this point though, I remain most challenged by the fact of Lake Oswego partnering with Tigard instead of West Linn. We are obviously the community most directly involved and at risk in this project. It is still not clear to me how this proposal is a normal course of action at all. -Could you please explain?

It appears that your five million dollar one-time payment request of LOT is most generous on your part. Lake Oswego is bullying hard and West Linn is caving in. Our community will at least become a noisy congested construction zone, and at most a black sheep extension to Lake Oswego. The reality is that you could lose your power to protect the future of this community as well, which would be disastrous for us all. -There is too much money and too many lawyers in Lake Oswego.

But if you and your council should decide to move forward, at least strengthen your terms, especially in regards to work quality, payment for future repairs, and hard completion dates for the current work. If you have no term limit to which construction must be finished and complete, the work LOT proposes will continue as long as they want it to, and the debate for cost and completion will get uglier. -Also, five million dollars is nothing to these people involved, and it will not suffice our own community long-term needs as I am sure you are aware.

Some West Linn Citizens would be willing to pay higher taxes in order to find a more solid solution for us all. I am one of them. -This LOT proposal seems more criminal than acceptable between two adjoining cities. This proposed band-aid over our gushing water pipes may not get us very far in the long run either. Please continue to stand up for our community and make wise decisions for us all.

Thank you, and Best Regards,

Dana Turreau
6820 Apollo Rd
West Linn, 97068

Pelz, Zach

From: LOTWP
Sent: Tuesday, January 29, 2013 9:02 AM
To: Pelz, Zach
Subject: FW: thoughts
Attachments: LETS WIN ONE FOR WEST LINN.docx

From: mikewts@comcast.net [mailto:mikewts@comcast.net]
Sent: Tuesday, January 22, 2013 5:06 PM
To: Frank, Thomas
Subject: thoughts

I have pulled together a few ideas for council now that the time has closed for hearing communication MIKE TAYLOR

LET'S WIN ONE FOR WEST LINN

The West Linn City Council recently sprung the news of a potential 5 million dollar payment negotiated from LOT water project officials. It is hoped the Council and their negotiator took the following facts into account in their dealings:

- 1) With the LOT project approved, Lake Oswego will more than likely control the Stafford area development; their available water supply and excess school capacity will seal West Linn's fate as loser in any Stafford land use decision. Incidentally LO will pick up at least 5 million dollars in revenue from that areas tax base and subsequent system development fees.**
- 2) Pages ES10 and 11 of the 2007 LOT consultants report state LO residents will save 63 million dollars should the LOT project be implemented and their water bills "are forecasted to increase cumulatively 56% over the next 25 years". This is less than 3% annually, a lot lower than the WL rate projections of over 5%.**
- 3) The LOT project will create over 50% forecasted capacity for Tigard and LO. There is nothing preventing Lake Oswego from selling a portion of this excess water to a number of jurisdictions; the project becomes a cash cow for LO.**

If I were negotiating for the City this is the MINIMUM I would ask for:

1)As a former LO resident, planning commissioner and city councilor, I have a reasonable historical perspective of where they(LO) are heading. A seven million dollar "up front" payment to West Linn is reasonable. For example, if the City of West Linn does not hold up the project in State Supreme court, the LOT construction cost savings are at least 3%; (this does not preclude neighborhood suits at LUBA level). Incidentally 40% of the "up front" West Linn payment could be given as credits to future tax revenues for home and business owners adversely affected by the project.

2) For the first 25 years of the project, \$0.75 per month of every LOT metered customer monthly bill would be due WL. Trying to determine how many meters currently exist in the LOT service boundary was near impossible (that is a story in itself) but using 34,000 meters would net WL \$306,000 annually (\$7.65 million over the contract). This revenue and "up front" payment would be enough to rehabilitate our ageing water system.

3) Lastly on any new customers where LOT water leaves the current LOT service boundary once the project is completed as currently proposed, WL would receive a 7% surcharge on each water unit sold. This protects WL from being the unknowing partner in a LO maneuver to sell excess capacity at a profit.

I am not taking a position on the merits of the legal challenges wrapped up in the current LOT hearing. However the West Linn City Council MUST take every conceivable issue into consideration when dealing with the LOT project. Negotiate well or do not negotiate at all!

Pelz, Zach

From: LOTWP
Sent: Tuesday, January 29, 2013 9:01 AM
To: Pelz, Zach
Subject: FW: Public Testimony on the Lake Oswego/Tigard Water Partnership Planning Hearing
Attachments: image001.png; West Linn Water.pdf

From: Ray Lister [mailto:ray@ibew48.com]
Sent: Tuesday, January 22, 2013 4:20 PM
To: City Manager
Subject: Public Testimony on the Lake Oswego/Tigard Water Partnership Planning Hearing

To whom it may concern,

I would like to submit written testimony on behalf of the Community Outreach and Workforce Development Department in support of the Lake Oswego/Tigard Water Partnership. I have attached my statement in .pdf format. Thank you for your time,

Ray Lister
Organizer, Community Outreach
IBEW Local 48
(503) 539-0065



West Linn City Council
Attn: City Manager Chris Jordan
citymanager@westlinnoregon.gov
22500 Salamo Road
West Linn, Oregon 97068

Thank you for your time. My name is Ray Lister and I am an organizer for the International Brotherhood of Electrical Workers Local 48. I am writing to commend your city. Many councils do what is best for their community and try to balance what the community wants and what it needs. History is rife with examples of elected leaders who, while well-meaning, overreach and in the process betray the trust of those who elected them. The process you have gone through with the Lake Oswego-Tigard Water Partnership permit, however, is an example of a city that has learned from the missteps of others and corrected. Congratulations to the council, the planning commission, and to your great citizens for being so committed, active, and involved. You have created a transparent, cooperative system that has given you a large volume of information to consider. I realize that your decision is difficult. However, I believe that your choice is clear.

If we had just come out of a booming economy, instead of attempting to claw our way back from a deep recession, you might have the luxury of the politically safe choice of denying this permit. Unfortunately, overall unemployment is still high and unemployment in the construction industry is even higher. Even those who are back to work remain in a very tenuous situation. We need projects like this to continue our comeback. 30 members of IBEW Local 48 are residents of West Linn and another 400 live in neighboring cities. One of our members has what might be the closest address to the project. When these members work, they have disposable income that they spend in the local businesses. When they don't work, they draw on unemployment, public health plans, and they have no money to spend in your community. The math is simple. Good jobs building municipal projects means money in your community.

Not all projects are the right projects, and it is obvious that this one has some temporary discomfort built into it for some of your most active residents. However, with all due respect those residents, I disagree that their short-term discomfort is less palatable than the soul-crushing permanent damage that long-term unemployment can bring. Please vote to approve this project and let us build your city while rebuilding our lives.

Ray Lister
Community Outreach and Workforce Coordinator
International Brotherhood of Electrical Workers Local 48
15937 SW Airport Way
Portland, Oregon 97230

Good morning, Mr. King –

All new testimony will be posted to the web today, after the close of the written testimony period. As always, you are welcome to review the record anytime at City Hall at your convenience.

Thank you,

Zach



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

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

From: Norman King [<mailto:normbking@gmail.com>]

Sent: Monday, January 21, 2013 3:12 PM

To: Jones, Mike

Cc: Pelz, Zach

Subject: Record

Mike, the record is held open so people can respond to testimony just prior to the City Council meeting and during the council meeting.

Unfortunately, none of this is available on line. In fact, it looks like the last testimony available on line is January 7th.

What's the deal? How can anybody respond to something they can't read?

Norm

Pelz, Zach

From: LOTWP
Sent: Tuesday, January 29, 2013 9:00 AM
To: Pelz, Zach
Subject: FW: The expanded water plant

From: Paul Spindel [mailto:pspindel@msn.com]
Sent: Tuesday, January 22, 2013 1:04 PM
To: Carson, Jody
Subject: The expanded water plant

Hi Jodi,
I have been traveling a bit lately and just found out I missed this morning's deadline for comment about the LO/Tigard water plant expansion.
So I figured it couldn't hurt to send an email and try...

I confess to not knowing all the details ... not a detail guy.
My concern is about overall philosophy about the whole thing.
I read about the next World War starting over water... and it seems like we are beginning that right here in West Linn. I am tired of self-interest... When will we learn to live in Community? The signs that say "West Linn First" make me sad.

Cannot we figure out a way to work with our neighboring communities in a collaborative way that works for everyone?

Our country and the world are full of examples of bickering... can we be a better example?

Thanks for reading.
Hang in there

Make it a great day.
PS - Tonia McConnell (my sweetie) sends her regards.
Paul
Paul Spindel LLC
pspindel@msn.com
503-636-8489
Cell 503-522-0179
www.PaulSpindel.com

"Touch hearts, Challenge minds, Incite laughter"

Pelz, Zach

From: LOTWP
Sent: Tuesday, January 29, 2013 9:00 AM
To: Pelz, Zach
Subject: FW: CUP Record Stafford

From: chuck landskronercrm [<mailto:chucklandskronercrm@hotmail.com>]
Sent: Tuesday, January 22, 2013 10:49 AM
To: Dave Froode; Pelz, Zach; Mollusky, Kathy
Subject: Re: CUP Record Stafford

I would like to add my name to this letter.

From: [Dave Froode](#)
Sent: Monday, January 21, 2013 7:09 AM
To: zpelz@westlinnoregon.gov ; [Kathy Mollusky](#)
Subject: Re: CUP Record Stafford

Please submit this to the record for

West Linn City Council

RE: AP-12-02 and AP-12-03

The LOT project is required to comply with the West Linn Comprehensive Plan WL CDC 60.070 (A)(3) **"The use will comply with the applicable policies of the comprehensive plan. "**

"Preservation of the Stafford Triangle is adopted City Policy , Council Goal # 9 of the comprehensive plan: Oppose urbanization of Stafford Triangle and pursue policies that would permanently retain that area as a rural buffer, between West Linn and neighboring communities."

Repeatedly in the Carollo Report and the application to Dept of State Lands, LOT made it clear the water from the Clackamas River is needed to serve the Stafford area in Oswego's build out. This is no red herring and in direct conflict with Goal #9.

Further, during the Planning Commission hearings, Dr Bob Martin questioned the attorney representing the LOT Partnership as to whether the water from the Clackamas River could be restricted from being used to serve the Stafford Triangle. Dr. Martin asked if Stafford could be

served by other sources of water available to LOT Water Partnership thereby avoiding the use of the Clackamas River water to serve Stafford. The attorney's answer "that would be very difficult and unlikely."

LOT's Atty Ed Sullivan and several others tried spin the Stafford Triangle issue by calling it a "red herring." LOT made a fundamental strategic error. Simply, their reports do not agree. Again, the LOT Water Partnership made numerous statements in writing one of the main purposes and needs for increasing it's taking from the Clackamas River is to serve the Stafford Triangle. There can be no denying this. One need not be a lawyer or an engineer to read and understand the English language. This obviously conflicts with the West Linn Comprehensive Plan.

Unfortunately the West Linn staff dismissed the goals as "aspirational declarations". However the Comprehensive Plan clearly states "The goals and policies contained within this plan have the force of law and the city is obligated to adhere to them in implementing the plan. "

Through out the years, substantial efforts have been by many across our community creating the blue prints for our city. This is certainly no time to abandon it, given the magnitude this project could have on our community. Now is the time to allow the Comprehensive Plan to perform it's very purpose and to be our guiding influence for our community. The West Linn Comprehensive Plan best describes what the community believes to be it's goals and benefits. Who better to determine this than West Linn people from yesterday, today and tomorrow?

This project is non complying to a major proportion that can not be corrected by any condition of approval. Not only do we request the West Linn City Council honor the Planning Commission's decision, it is paramount, we as a united community abide by our Comprehensive Plan. It provides the absolutes we agreed to and are bound by.

Respectively,
David J. Froode
19340 Nixon Ave. West Linn

Pelz, Zach

From: LOTWP
Sent: Tuesday, January 29, 2013 8:59 AM
To: Pelz, Zach
Subject: FW: For the record CUP -12-02, CUP 12-04

From: teric518@comcast.net [mailto:teric518@comcast.net]
Sent: Tuesday, January 22, 2013 10:13 AM
To: Mollusky, Kathy
Subject: For the record CUP -12-02, CUP 12-04

Regarding CUP -12-02, CUP 12-04 Lake Oswego Tigard water treatment plant and pipeline proposal;

This application contains multiple water resource areas within project boundaries and therefore should demonstrate ability to meet criteria of Chapter 32. According to Chapter 32.020 Applicability A. B. and C. and D. the provisions of this chapter apply and should be met without exception regardless of whether proposed use is above or below ground. Because this has not been address it fails to meet approval criteria.

Chapter 32.020 APPLICABILITY.

- A. This section applies to properties upon which a natural drainageway, wetland, riparian corridor, and/or associated transition and setback area, is located. For example, the subject property may be defined as one property that contains a wetland or creek plus an adjacent property of different ownership that includes the transition area or setback area.
- B. The provisions of this chapter apply to all zones and uses within the City limits. No person, unless excepted by subsection C or D of this section, may clear, fill, build in, or alter existing water resource areas without having obtained a permit from the decision-making authority.
- C. The provisions of this chapter shall apply to development proposals that have water resource areas within their project boundary. Therefore, the actual wetland, creek, open channel, or stream does not have to be on the subject property under review. This chapter shall not apply to designated enclosed storm drains that appear in the most recently adopted West Linn Surface Water Management Plan, unless the enclosed storm drain is opened as a result of the proposed development. The provisions shall also not apply to small manmade open roadside drainage swales in residential areas, even if such roadside swales are identified as open channels by the most recently adopted West Linn Surface Water Management Plan. The provisions of this chapter also do not apply to drainage ditches and open channel improvements created in the interior of individual residential lots that are not identified on the Surface Water Management Plan Map.

Thank you for your consideration,
Teri Cummings

Pelz, Zach

From: LOTWP
Sent: Tuesday, January 29, 2013 8:55 AM
To: City Council
Cc: Pelz, Zach
Subject: FW: Costs Unknown In Lake Oswego Tigard Water Plant Proposal
Attachments: Costs Unknown in Lake Oswego Tigard Water Plant Proposal.docx

Follow Up Flag: Follow up
Flag Status: Completed

From: alison-henderson@comcast.net [mailto:alison-henderson@comcast.net]
Sent: Tuesday, January 22, 2013 9:44 AM
To: Kovash, John; Tan, Jennifer; Carson, Jody; Jones, Michael; Frank, Thomas
Cc: CWL Council
Subject: Costs Unknown In Lake Oswego Tigard Water Plant Proposal

Dear West Linn City Councilors,

Please find attached our response regarding the LOT Water Plant Proposal. Please respond back to me so I know that you received this email and were able to open the attachment. Thank you for your time and consideration. Please let me know if you have any questions.

Sincerely yours,
Alison Henderson
and Jan Palmer

Dear West Linn City Councilors,

Costs unknown in Lake Oswego Tigard Water plant proposal. Definitely not a plus for West Linn.

The Planning Commission was correct in their decision. Now it is the turn of the West Linn City Council to make a decision for the benefit of the residents who elected them not Lake Oswego or Tigard. The City Council should only consider community as the people who elected them.

LOT has never explored any alternative sites for their new water plant or reservoir.

This is a new plant not an expansion and it now includes a 2 million gallon reservoir and more toxic chemicals to be located in a residential neighborhood. That is 14 million pounds of water being stored underground in a seismically unsafe region. 1 gallon of water weighs 7 pounds! The LOT Representative compared this with a library or a church. I do not know of many towns that put their library in another town or their church away from their parishioners. Not many of these facilities require 1000 pilings to hold them up. The original plant was built before the geology of this area was fully understood and there are real life consequences to the unstable ground that LOT wants to build on.

Hidden Costs to West Linn:

This project benefits Lake Oswego and Tigard and does not address the costs to West Linn. It does however save Lake Oswego a lot of money. West Linn would have 4 million gallons of water available when they work on their own Bolton reservoir (which is located in West Linn) but the cost is unknown as to the actual availability of water.

a) The price of the new intertie agreement has not been determined. The agreement would only last 26 years (less than the warranty of most roofs)

b) We would pay for the water if available at the wholesale rate which might differ if the water comes from LO or Portland via Tigard.

c) The new plant and pipe is proposed on a geologically unstable area. LOT is only setting aside \$1.5 million over 10 years to cover damages to homeowners. Recently a 6 inch pipe in West Linn caused \$12,000 damage. Imagine what damage a 48 inch pipe carrying 38 million gallons of water per day could do.

d) The \$90,000 of work in MSY is not a benefit to West Linn. It is the cost of doing business on state owned land. A mistake or miscalculation in drilling under the Willamette could cause hydrofracturing - A problem for the wetlands and nearby residences.

e) The large pipeline on an unstable residential street might cause Mapleton to fail, particularly around the hairpin turn in the wetlands area near Nixon Avenue.

f) LOT is only replacing 1/2 the waterline up Mapleton - because their pipe is so large the West Linn line has to be moved in order to fit and meet code. The remainder of the Mapleton water pipe line will be paid for by West Linn.

g) The increase in traffic on Nixon and Elmran will necessitate their repaving or replacement - This expensive detail is not even addressed in the applicant's request and they have no intention of repairing the roadway which is already in disrepair. New

pipes laid by West Linn this past year will also be in jeopardy due to increased traffic.

h) Highway 43 will need to be repaved after hundreds of dump trucks loaded with heavy dirt (mud/water/rock combinations) transport it out of the area.

i) City workers will probably have to work over time to monitor night time work or traffic. All of this overtime will be paid for by West Linn and NOT Lake Oswego.

The above items do not even address the real life problems for nearby homeowners which include:

- 48 hours of "intolerable" sound when they pull up the pipe under the Willamette - they will have to be moved to a motel/hotel.
- Emergency personnel having to take longer routes and walking the last part to a home during an emergency situation. Lengthening response times for emergency workers.
- Inconvenience for 3 years
- Legal costs associated with being sued by our "Good Neighbor" Lake Oswego.
- Trying to find homeowners insurance to cover landslide and industrial size pipes breaking (damage to foundations).

The LOT intake pipe is below West Linn's intake pipe, so in a low water year, water might not be available, and with LOT taking 38 million gallons instead of 16 million gallons of water today, there will be more demand on a snow dependent river source.

In summary, our city planners need another water source but there is absolutely no idea of the cost of the present proposal by LOT to the City of West Linn. With no clear vision of an absolute back up water source being available this is not a good plan for West Linn. Also, if something were to happen to the LOT new water treatment facility where would their back-up water supply come from then? If this new plant fails for some reason, seismically or not, they do not have water either. This is not a secure location. The reservoir at least should be located in a safer location.

The means all along the way to convince West Linn have been ethically challenged. Had Lake Oswego and Tigard come to the table with a real intention to negotiate for the best interest of all three communities other alternatives could have been considered. Such as:

- locating the reservoir in a seismically stable location;
- coming up with actual costs before asking for approval where true costs are all hidden and obscured;

- the Intertie agreement would have already been renegotiated and left indefinitely not to expire in 26 years;
- have been honest and upfront rather than acting like a bully suing people, calling names, and being downright rude.

Please do not honor the LOT proposal by granting this new water treatment plant in a residential neighborhood NOT an industrial zone. The costs are not clear, the process has been mired by unethical behavior, and if you are considering allowing this plant to be rebuilt here in West Linn the process needs to start over and with honest negotiations for the true and actual benefits for all three communities outlined in an open forum for approval for all who are affected.

Sincerely yours,
Jan Palmer and Alison Henderson
West Linn Residents

Pelz, Zach

From: Gary Hitesman [ghitesman@gmail.com]
Sent: Monday, January 28, 2013 8:10 PM
To: Kovash, John; CWL Council; Pelz, Zach
Subject: AP-12-02 NA's

What were the two NA's you referred to?

Pelz, Zach

From: GARY [hitesman@q.com]
Sent: Saturday, January 26, 2013 12:22 PM
To: Pelz, Zach
Cc: Shroyer, Shauna; Sonnen, John; Mollusky, Kathy
Subject: Re: AP-12-02 and AP-12-03 new documents
Attachments: imagea7d3bd.gif@c79a9585.79a14eaf; image9687ee.jpg@2c509f12.481449ed; imagebb7469.jpg@2ed00777.9cb5487a; imageb201c5.jpg@1c134e51.5602430b

Follow Up Flag: Follow up
Flag Status: Completed

Zach,

Thanks for the effort. I appreciated reading the posted information.

It appears there is going to need to be an exhaustive public records search after the Monday Council session. The timing and release of some of the record, along with documents that may still be withheld, is going to take hours and hours to pour through.

How much has this botched process cost West Linn, Tigard, and L.O.? This project will become a great case study in bad planning. Certainly, this will be a black eye for Oregon Planning no matter what the outcome.

Two comments;

- 1.) The Code is broken beyond providing worth or meeting intent. Unless all the gaping holes that hand the work over to lawyers to fight over is the real intent.
- 2.) There is no appreciation, understanding, or proper stewardship over aesthetics anymore. I have attempted to craft a literary record that is as equally ugly as the water treatment plant. I achieved my objective and look forward to honing my experiences further whether it goes to LUBA, is remanded, or sent back to LO for repackaging. This has not been a fight over water. LO will get their water when they follow the process and don't get greedy. In the interim, please, fix the code.

Start by taking back the process! Treat the Oregon Revised Statute on coordinated planning with respect and go back to the Comprehensive Plan. There is still some good there.

If it means Recalling councilors who have lost the faith . . . then so be it.

Gary

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

From: Pelz, Zach
To: Pelz, Zach
Cc: Shroyer, Shauna ; Sonnen, John ; Mollusky, Kathy
Sent: Friday, January 25, 2013 5:03 PM
Subject: AP-12-02 and AP-12-03 new documents

Good afternoon,

The City's project pages for [AP-12-02](#) and [AP-12-03](#) have been updated to reflect new documents received today -- Staff responses to questions from the City Council and Staff responses to select arguments raised during public testimony, and the Applicant's Case Summary. You can access these documents on the City's website at the above links.

Have a great weekend,

Zach



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



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

Pelz, Zach

From: Mollusky, Kathy
Sent: Thursday, January 24, 2013 1:53 PM
To: Pelz, Zach; Shroyer, Shauna
Subject: 1-14-12 Council Testimony
Attachments: Ken Henschel.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Ken Henschel submitted what he read at the Council meeting for the record.

Kathy

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.

- My name is Ken Henschel, and I am the Chairman of the Board of Commissioners of the Tigard Water District, PO Box 970281, Portland 97281.
 - We are a Special Service District serving the unincorporated area on and around Bull Mountain, supplying approx. 3500 residential customers with water.
- I am also a Board member to the Intergovernmental Water Board, consisting of representatives from Tigard, King City, Durham, and the Tigard Water District. You may not realize that the Lake Oswego/Tigard Water Partnership doesn't just supply water to those two cities. In fact, the cities of King City, Durham, and our Tigard Water District also receive water from Tigard through Intergovernmental Agreements. So the water plant expansion directly serves five municipalities, plus West Linn.
- I have been following these proceeding closely.
- I understand that some of our opponents have attempted to vilify and discredit the Lake Oswego/Tigard Water Partnership's staff and its elected officials. In my view, the partnership's staff has been extremely courteous to the opponents, and have gone out of their way to offer constructive and innovative solutions to those opposed to the expansion. From the elected officials, I have seen only professionalism as they attempt to work with their neighbors to find solutions to our common water problems.
- I understand that some of our opponents openly hold your staff in contempt and challenge their professionalism, however, I have seen only professionalism from the City of West Linn staff throughout this process.
- I understand that some of our opponents have attempted to intimidate you by rumors of recall, and that is unfortunate, especially as elected officials are simply implementing policy that was often created by previous councilors. As an elected official myself, I understand that sometimes we are caught between a rock and a hard place, and that we all do our jobs as volunteers, or for very minimal pay. Threats of recalls help nobody, and I am sad to see you having to listen to those recall rumors for just doing your job.
- What I can't understand is why we must all tolerate such bad behavior. Whether we are for or against this plant expansion, I implore everyone to keep a cool head, and to recognize that none of the elected officials involved here are enemies. They are our neighbors; just trying to do the job that they were elected to do. Please everyone, treat them with respect and courtesy as they attempt to work through this and other challenging decisions.
- I want to remind all parties that we are not some out-of-state corporation attempting to force itself on your community. **WE ARE YOUR NEIGHBORS!** We live just down the road in Tigard, Durham, King

City, Lake Oswego, and on Bull Mountain, and we are simply trying to secure a dependable water supply, just like you. The City of West Linn receives much of your water from sources outside of your city boundaries because those communities have been nice enough to grant West Linn access to receive that water. We are only asking our West Linn neighbors to do the same as your neighbors have done for you.

- As a fellow volunteer elected official I appreciate the work you do, and ask that you concur with your professional staff that our applications have not merely met, but have wholly exceeded the decision criteria, and that you overturn the Planning Commission decision. Thank you!

Pelz, Zach

From: vickieide@comcast.net
Sent: Wednesday, January 23, 2013 12:01 PM
To: Pelz, Zach
Subject: West Linn/Lake Oswego/Tigard Water Pipeline Project
Attachments: Zack Pelz.docx

Mr. Pelz,

Attached is a letter regarding the Waste Linn/ Lake Oswego/ Tigard project.

Thank you for your time,

Vicki Eide

January 22, 2013

Vicki Eide
3280 Top View Ct.
West Linn, OR 97068

RE: West Linn/Lake Oswego/Tigard water pipeline

Attention: Zach Pelz

As another West Linn resident to oppose this pipeline project, I would like to express my view of the impact this project would have on Lake Oswego businesses as well as an extreme inconvenience to West Linn residents with absolutely no benefits. \$5,000,000.00, are you kidding me? That is absolutely nothing and who gets that money? Certainly not the citizens that will experience this horrific disruption.

I am a Cosmetologist at salon in Lake Oswego that staffs eight of the same profession. Of those eight Cosmetologists four of them travel Hwy 43 on a daily basis to serve their clients of which many clients also travel Hwy 43. The practicality that the professional and clients relationship could diminish due to this inconvenience over a 2-3 year project.

My business is certainly not the only Lake Oswego business that will suffer due to this 2-3 year project.

I have yet to understand or see the logic of this project when Lake Oswego does not need the additional water plus, Tigard is so far removed, geographically, from the water source they are seeking – Why is West Linn paying the price when Tigard has other options?

I don't believe our elected City Council of West Linn has their citizen's best interest as a priority.

Sincerely,

Vicki Eide

Pelz, Zach

From: Mark Hanson [mark@accentonmusic.com]
Sent: Tuesday, January 22, 2013 6:10 PM
To: Pelz, Zach
Subject: Re: Comments to Council

Dang. Didn't see this till 6 p.m. Thanks for trying, Zach.

Well, my thought, for what it's worth: in my business it is *bad* business to accept a one-time payment for work - or, in WL's case, for allowing the construction. The buyer continues to make money on the project permanently, while the writer/seller has nothing after the initial payment. (No need to argue here about WL's perceived benefits.)

If WL really is considering this one-time payment, then it should be for enough money so that the city can use it as an endowment and work off the interest. Something like \$20 million instead of five.

Or, if Lake Oswego wants WL water so badly, they can grant all current and future West Linn residents free, unlimited access to their water: Oswego Lake! (That would go over well, huh!)

I have other opinions as well - partly pertaining to the attitudes on both sides - but I will keep them to myself, since it is past time. I suspect whichever way the decision goes, WL may have new council members come the next election.

Thanks, Zach.

Mark

On Jan 22, 2013, at:38 AM, "Pelz, Zach" <ZPELZ@westlinnoregon.gov> wrote:

Hi Mark,

I left a message on your phone but I wanted to send you a note to let you know that you can forward your comments to me before 10am today to be included in the record and sent to the City Council. The record closes, for written testimony today at 10 am, and therefore any comments must be received prior to then. Please feel free to give me a call.

Thanks,

Zach

<<image861505.gif@1f2e9092.b023434f>>

<imageb83a68.jpg@6946ee32.5e1c4b76><image825741.jpg@44ce6c54.347140d9><image9c394d.jpg@f975e04f.6>

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.

Mark Hanson
Guitarist, Author, Educator
Email: Mark@AccentOnMusic.com
Website: www.AccentOnMusic.com
Accent On Music LLC
PMB 252 • 19363 Willamette Dr.
West Linn, OR 97068
Grammy-Award Winner 2005

Pelz, Zach

From: Stephens, Samuel I. [SISstephe@GAPAC.com]
Sent: Tuesday, January 22, 2013 12:13 PM
To: Pelz, Zach
Subject: AP 12-02/AP 12-03

Mr. Pelz,

I apologize for missing the 12:00 deadline. I could not find your email address on the website. You certainly ought to make it easier to find out how to submit written comments on City proposals.

West Linn City Council,

I am opposed to the granting of these conditional use permits and urge you to uphold the Planning Commission's unanimous decision to deny these permits.

Having sat through the public hearings, there are several points that stood out that I would like to address (in no particular order):

- 1) The applicant's attorney claimed in his rebuttal that the PC erred in construing the word "community" in the West Linn Community Development Code as referring only to West Linn. He stated that the PC has never taken this position before. This claim may be technically true, but the implication is false. I submit to you that, in fact, the PC has always considered the word community to be restricted to West Linn. In most cases that have come before the PC, the definition of "community" has not been an issue. The instant case is nearly, if not completely, unique in that the proposed project is to be built to serve citizens of Lake Oswego and Tigard. It simply cannot be argued that any benefit that might accrue to West Linn as a result of this proposal is anything other than a side effect. In nearly every other application to the PC, the primary benefactors have been West Linn as a whole, or certain citizens of West Linn. In such cases, the scope of the word "community" has not been disputed and so it has not had to be addressed. LOT would have you believe that this means the PC has reversed a long-standing position on the perceived definition of the word "community." But this is NOT TRUE.
- 2) The applicant's attorney also stated in his rebuttal that the opposition has produced no experts and no new information in the appeal hearings, while they have submitted additional expert testimony to support their previous documentation. In fact, the opposition did produce an economic expert to testify to the damage that will be suffered by local businesses during construction. I urge you to read this report.
- 3) LOT stated in opening arguments that no damage would be done to the neighborhood on Mapleton during the pipeline construction because all work would be done within the 50-foot right-of-way. In fact, the road bed is less than 20-feet wide and is abutted by drainage swales, utility poles, mailboxes landscaping and some very large trees. There project would cut a 50-foot swath through the neighborhood which will completely change its character. This is contrary to the stated purpose of the CDC.

Thanks,

Sam Stephens
3990 Mapleton Dr.
West Linn, OR 97068

Pelz, Zach

From: Mollusky, Kathy
Sent: Tuesday, January 22, 2013 11:05 AM
To: 'Dave Froode'
Cc: Pelz, Zach
Subject: RE: CUP Record Stafford
Attachments: image001.gif; image003.jpg; image005.jpg; image007.jpg

Dave,

You are correct, this email is in response to Chuck regarding including his name on the statement (he copied you so I copied you also). Your statement was submitted on time and is included in the record.

Kathy

Kathy Mollusky, City Recorder
Administration, #1430

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

From: Dave Froode [mailto:dfroode@comcast.net]
Sent: Tuesday, January 22, 2013 11:01 AM
To: Mollusky, Kathy
Cc: Pelz, Zach
Subject: Re: CUP Record Stafford

Karen

I am assuming you are referring to not including Chuck's name on the statement. The statement was sent in yesterday and I trust it was submitted to the record. If you or Zach could confirm, would appreciate it.

Thanks, Dave

On 1/22/2013 10:39 AM, Mollusky, Kathy wrote:

Thank you for your e-mail to the City Council regarding the Lake Oswego-Tigard project. The record is closed, and the Council is making every effort to prevent ex parte communications; therefore, the Council cannot receive additional information about the project at this time. However, please be assured that the Council will receive your e-mail after it issues its final decision on the project.



Kathy Mollusky
KMOLLUSKY@westlinnoregon.gov
City Recorder
22500 Salamo Rd
West Linn, OR 97068
P: (503) 722-3430
F: (503)650-9041
Web: westlinnoregon.gov

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From: chuck landskronercrm [<mailto:chucklandskronercrm@hotmail.com>]

Sent: Tuesday, January 22, 2013 10:49 AM

To: Dave Froode; Pelz, Zach; Mollusky, Kathy

Subject: Re: CUP Record Stafford

I would like to add my name to this letter.

From: [Dave Froode](#)

Sent: Monday, January 21, 2013 7:09 AM

To: zpelz@westlinnoregon.gov ; [Kathy Mollusky](#)

Subject: Re: CUP Record Stafford

Please submit this to the record for

West Linn City Council

RE: AP-12-02 and AP-12-03

The LOT project is required to comply with the West Linn Comprehensive Plan WL CDC 60.070 (A)(3) **"The use will comply with the applicable policies of the comprehensive plan. "**

"Preservation of the Stafford Triangle is adopted City Policy , Council Goal # 9 of the comprehensive plan: Oppose urbanization of Stafford Triangle and pursue policies that would permanently retain that area as a rural buffer, between West Linn and neighboring communities."

Repeatedly in the Carollo Report and the application to Dept of State Lands, LOT made it clear the water from the Clackamas River is needed to serve the Stafford area in Oswego's build out. This is no red herring and in direct conflict with Goal #9.

Further, during the Planning Commission hearings, Dr Bob Martin questioned the attorney representing the LOT Partnership as to whether the water from the Clackamas River could be restricted from being used to serve the Stafford Triangle. Dr. Martin asked if Stafford could be served by other sources of water available to LOT Water Partnership thereby avoiding the use of the Clackamas River water to serve Stafford. The attorney's answer "that would be very difficult and unlikely."

LOT's Atty Ed Sullivan and several others tried spin the Stafford Triangle issue by calling it a "red herring." LOT made a fundamental strategic error. Simply, their reports do not agree. Again, the LOT Water Partnership made numerous statements in writing one of the main purposes and needs for increasing it's taking from the Clackamas River is to serve the

Stafford Triangle. There can be no denying this. One need not be a lawyer or an engineer to read and understand the English language. This obviously conflicts with the West Linn

Comprehensive Plan.

Unfortunately the West Linn staff dismissed the goals as "aspirational declarations". However the Comprehensive Plan clearly states "The goals and policies contained within this plan have the **force of law and the city is obligated to adhere to them** in implementing the plan. "

Through out the years, substantial efforts have been by many across our community creating the blue prints for our city. This is certainly no time to abandon it, given the magnitude this project could have on our community. Now is the time to allow the Comprehensive Plan to perform it's very purpose and to be our guiding influence for our community. The West Linn Comprehensive Plan best describes what the community believes to be it's goals and benefits. **Who better to determine this than West Linn people from yesterday, today and tomorrow?**

This project is non complying to a major proportion that can not be corrected by any condition of approval. Not only do we request the West Linn City Council honor the Planning Commission's decision, it is paramount, we as a united community abide by our Comprehensive Plan. It provides the absolutes we agreed to and are bound by.

Respectively,

David J. Froode

19340 Nixon Ave. West Linn

Pelz, Zach

From: Dave Froode [dfroode@comcast.net]
Sent: Tuesday, January 22, 2013 11:01 AM
To: Mollusky, Kathy
Cc: Pelz, Zach
Subject: Re: CUP Record Stafford
Attachments: ATT00001.gif; ATT00002.jpg; ATT00003.jpg; ATT00004.jpg

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19340 Nixon Ave. West Linn

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Respectively,

David J. Froode

19340 Nixon Ave. West Linn

Handed
on
Tuesday
January 22^d 2013

Dear West Linn Mayor Kovash - and -
West Linn Councilors.

In regards to L.O.T. water plant in West Linn city :

We all heard the President of the United States stating from his inaugural ORAL speech: "He Listens to all the U.S.A voters "we the people!" with all due respect and attentiveness!"

West Linn Mayor and his Councilors can do no less in respecting their West Linn citizens "we the people!"

from a long time resident;

I trust upon your integrities and loyalties and honesties will be driven for "we the people" of West Linn City.

I have enough faith that you will stand-by your people in the City of West Linn in denying the L.O.T appeal. Thank you!

God bless the U.S.A and West Linn City -
respectfully

Alice Richmond (since Dec. 1958.)

3939 Parker Rd -

West Linn 97068 -

Phone 503-723 0101 -

copies to all W.L. Councilors.



CLACKAMAS COUNTY

Property Account Summary
As Of 1/22/2013 Status: Active

Account No.: 00373198 Alternate Property Number: 21E24BD00300
Account Type: Real Property
TCA: 003-002
Situs Address: NO SITUS ADDRESS OR
Legal: Section 24 Township 2S Range 1E Quarter BD TAX LOT 00300

Parties:

| Role | Name & Address |
|----------|---|
| Owner | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |
| Taxpayer | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |

Property Values:

| Value Name | 2012 | 2011 | 2010 |
|----------------|-------------|-------------|-------------|
| AVR Total | \$4,811,812 | \$5,116,136 | \$4,984,669 |
| TVR Total | \$0 | \$0 | \$0 |
| Real Mkt Land | \$640,532 | \$680,016 | \$732,660 |
| Real Mkt Bldg | \$4,171,280 | \$4,436,120 | \$4,767,180 |
| Real Mkt Total | \$4,811,812 | \$5,116,136 | \$5,499,840 |

Property Characteristics:

| Tax Year | Characteristic | Value |
|----------|-----------------------|--------------------------------------|
| 2012 | Neighborhood | 15844: Calaroga/Cedar Oaks all other |
| | Land Class Category | 401: Tract Land Improved |
| | Acreage | 5.44 |
| | Change property ratio | 9XX |

Exemptions:

| Tax Year | Description | Count | Amount | Assessment Basis |
|----------|------------------|-------|-------------|------------------|
| 2012 | Cities and Towns | 1 | \$4,811,812 | AVR Total |
| 2011 | Cities and Towns | 1 | \$5,116,136 | AVR Total |
| 2010 | Cities and Towns | 1 | \$4,984,669 | AVR Total |

(End of Report)

*FY1
Council Info - follow-up*

by: Alice Keelmond



CLACKAMAS COUNTY

Property Account Summary

As Of 1/22/2013 Status: Active

Account No.: 00373214 Alternate Property Number: 21E24BD00401
 Account Type: Real Property
 TCA: 003-002
 Situs Address: NO SITUS
 ADDRESS OR
 Legal: Section 24 Township 2S Range 1E Quarter BD TAX LOT 00401

Parties:

| Role | Name & Address |
|----------|---|
| Owner | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |
| Taxpayer | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |

Property Values:

| Value Name | 2012 | 2011 | 2010 |
|----------------|-----------|-----------|-----------|
| AVR Total | \$90,854 | \$88,208 | \$85,639 |
| TVR Total | \$0 | \$0 | \$0 |
| Real Mkt Land | \$124,950 | \$132,652 | \$142,921 |
| Real Mkt Bldg | \$0 | \$0 | \$0 |
| Real Mkt Total | \$124,950 | \$132,652 | \$142,921 |

Property Characteristics:

| Tax Year | Characteristic | Value |
|----------|-----------------------|-------------------------------------|
| 2012 | Neighborhood | 15841: Calaroga/Cedar Oaks 100, 101 |
| | Land Class Category | 100: Residential land, vacant |
| | Acreage | 0.61 |
| | Change property ratio | 9XX |

Exemptions:

| Tax Year | Description | Count | Amount | Assessment Basis |
|----------|------------------|-------|----------|------------------|
| 2012 | Cities and Towns | 1 | \$90,854 | AVR Total |
| 2011 | Cities and Towns | 1 | \$88,208 | AVR Total |
| 2010 | Cities and Towns | 1 | \$85,639 | AVR Total |

(End of Report)



CLACKAMAS COUNTY

3

Property Account Summary
As Of 1/22/2013 Status: Active

Account No.: 00373303 Alternate Property Number: 21E24BD01200
Account Type: Real Property
TCA: 003-002
Situation Address: 4245 MAPLETON DR
WEST LINN OR 97068
Legal: 639 MAPLE GROVE LT 12

Parties:

| Role | Name & Address |
|----------|---|
| Owner | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |
| Taxpayer | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |

Property Values:

| Value Name | 2012 | 2011 | 2010 |
|----------------|-----------|-----------|-----------|
| AVR Total | \$218,298 | \$211,940 | \$205,767 |
| TVR Total | \$0 | \$211,940 | \$205,767 |
| Real Mkt Land | \$243,882 | \$258,916 | \$278,962 |
| Real Mkt Bldg | \$77,720 | \$83,680 | \$90,450 |
| Real Mkt Total | \$321,602 | \$342,596 | \$369,412 |

Property Characteristics:

| Tax Year | Characteristic | Value |
|----------|-------------------------|-------------------------------------|
| 2012 | Neighborhood | 15841: Calaroga/Cedar Oaks 100, 101 |
| | Land Class Category | 101: Residential land improved |
| | Building Class Category | 13: Single family res, class 3 |
| | Year Built | 1948 |
| | Change property ratio | 1XX |

Exemptions:

| Tax Year | Description | Count | Amount | Assessment Basis |
|----------|------------------|-------|-----------|------------------|
| 2012 | Cities and Towns | 1 | \$218,298 | AVR Total |

(End of Report)



CLACKAMAS COUNTY

Property Account Summary

As Of 1/22/2013 Status: Active

Account No.: 00373312 Alternate Property Number: 21E24BD01300
 Account Type: Real Property
 TCA: 003-002
 Situs Address: 4305 MAPLETON DR
 WEST LINN OR 97068
 Legal: 639 MAPLE GROVE LT 13

Parties:

| Role | Name & Address |
|----------|---|
| Owner | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |
| Taxpayer | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |

Property Values:

| Value Name | 2012 | 2011 | 2010 |
|----------------|-----------|-----------|-----------|
| AVR Total | \$205,558 | \$199,571 | \$193,758 |
| TVR Total | \$0 | \$0 | \$0 |
| Real Mkt Land | \$243,882 | \$258,916 | \$278,962 |
| Real Mkt Bldg | \$0 | \$0 | \$0 |
| Real Mkt Total | \$243,882 | \$258,916 | \$278,962 |

Property Characteristics:

| Tax Year | Characteristic | Value |
|----------|-----------------------|-------------------------------------|
| 2012 | Neighborhood | 15841: Calaroga/Cedar Oaks 100, 101 |
| | Land Class Category | 100: Residential land, vacant |
| | Change property ratio | 9XX |

Exemptions:

| Tax Year | Description | Count | Amount | Assessment Basis |
|----------|------------------|-------|-----------|------------------|
| 2012 | Cities and Towns | 1 | \$205,558 | AVR Total |
| 2011 | Cities and Towns | 1 | \$199,571 | AVR Total |
| 2010 | Cities and Towns | 1 | \$193,758 | AVR Total |

(End of Report)



CLACKAMAS COUNTY

Property Account Summary

As Of 1/22/2013 Status: Active

Account No.: 00373321 Alternate Property Number: 21E24BD01400
 Account Type: Real Property
 TCA: 003-002
 Situs Address: 4315 MAPLETON DR
 WEST LINN OR 97068
 Legal: 639 MAPLE GROVE LT 14

Parties:

| Role | Name & Address |
|----------|---|
| Owner | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |
| Taxpayer | CITY OF LAKE OSWEGO PO BOX 369 LAKE OSWEGO OR 97034 |

Property Values:

| Value Name | 2012 | 2011 | 2010 |
|----------------|-----------|-----------|-----------|
| AVR Total | \$275,483 | \$267,459 | \$259,669 |
| TVR Total | \$0 | \$0 | \$0 |
| Real Mkt Land | \$243,882 | \$258,916 | \$278,962 |
| Real Mkt Bldg | \$122,290 | \$129,670 | \$140,900 |
| Real Mkt Total | \$366,172 | \$388,586 | \$419,862 |

Property Characteristics:

| Tax Year | Characteristic | Value |
|----------|-------------------------|-------------------------------------|
| 2012 | Neighborhood | 15841: Calaroga/Cedar Oaks 100, 101 |
| | Land Class Category | 101: Residential land improved |
| | Building Class Category | 14: Single family res, class 4 |
| | Year Built | 1978 |
| | Change property ratio | 9XX |

Exemptions:

| Tax Year | Description | Count | Amount | Assessment Basis |
|----------|------------------|-------|-----------|------------------|
| 2012 | Cities and Towns | 1 | \$275,483 | AVR Total |
| 2011 | Cities and Towns | 1 | \$267,459 | AVR Total |
| 2010 | Cities and Towns | 1 | \$259,669 | AVR Total |

(End of Report)



CLACKAMAS COUNTY

Property Account Summary

As Of 1/22/2013 Status: Active

Account No.: 00373330 Alternate Property Number: 21E24BD01500
Account Type: Real Property
TCA: 003-002
Situs Address: NO SITUS ADDRESS OR
Legal: 639 MAPLE GROVE PT LT 15

Parties:

Table with 2 columns: Role, Name & Address. Rows include Owner (CITY OF LAKE OSWEGO) and Taxpayer (CITY OF LAKE OSWEGO).

Property Values:

Table with 4 columns: Value Name, 2012, 2011, 2010. Rows include AVR Total, TVR Total, Real Mkt Land, Real Mkt Bldg, Real Mkt Total.

Property Characteristics:

Table with 3 columns: Tax Year, Characteristic, Value. Rows include Neighborhood (15841: Calaroga/Cedar Oaks 100, 101), Land Class Category (101: Residential land improved), Change property ratio (9XX).

Exemptions:

Table with 4 columns: Tax Year, Description, Count, Amount, Assessment Basis. Rows show exemptions for Cities and Towns for years 2012, 2011, and 2010.

(End of Report)

Pelz, Zach

From: Wyatt, Kirsten
Sent: Tuesday, January 22, 2013 9:04 AM
To: Pelz, Zach
Subject: FW: CUP 12-02 and CUP 12-04

Importance: High

Kirsten Wyatt, Assistant City Manager
Administration, #1428

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: Terry L Pennington, CBC [mailto:tpenn@teleport.com]
Sent: Tuesday, January 22, 2013 9:04 AM
To: Wyatt, Kirsten
Subject: CUP 12-02 and CUP 12-04
Importance: High

I concur with the findings of the West Linn Planning Commission that the application and the Staff Report regarding CUP 12-02 and CUP 12-04 failed to meet the burden of proof that's required in CDC 60.070.

I feel that for the reasons stated in Norm King's written testimony submitted for this hearing that the permit should be denied.

Terry and Karyn Pennington

19065 Trillium Drive

West Linn, OR 97068-1675

Pelz, Zach

From: Jones, Michael
Sent: Monday, January 21, 2013 3:37 PM
To: normbking@gmail.com
Cc: City Council; Wyatt, Kirsten; Pelz, Zach
Subject: FW: Record
Attachments: imageafa928.gif@8c3eb3f0.67f74bec; imagebc6b2e.jpg@59235c74.38a3411b; imageba0fa9.jpg@b9d3998b.8c874c1a; imageade55f.jpg@57960f09.cfdb4bfa

Follow Up Flag: Follow up
Flag Status: Flagged

Norm-

Don't have an answer to your question and City Hall is closed today. I will make sure you have a response tomorrow.

All best-Mike

mjones@westlinnoregon.gov
503.344.4683

><(')>. . . ><(')>. . . ><(')>. . . ><(')>. . . ><(')>. . . ><(')>. . . ><(')>. . . ><(')>. . .

Save the Salmon

Before you print, think about the ENVIRONMENT 

From: Norman King [mailto:normbking@gmail.com]
Sent: Monday, January 21, 2013 3:12 PM
To: Mike Jones
Cc: 'Pelz, Zach'
Subject: Record

Mike, the record is held open so people can respond to testimony just prior to the City Council meeting and during the council meeting.

Unfortunately, none of this is available on line. In fact, it looks like the last testimony available on line is January 7th.

What's the deal? How can anybody respond to something they can't read?

Norm

**Councilor Michael Jones**
mjones@westlinnoregon.gov
West Linn City Councilor
22500 Salamo Rd
West Linn, Oregon 97068
P: (503) 657-0331
F:
Web:

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: Norman King [normbking@gmail.com]
Sent: Monday, January 21, 2013 3:12 PM
To: Jones, Mike
Cc: Pelz, Zach
Subject: Record

Follow Up Flag: Follow up
Flag Status: Flagged

Mike, the record is held open so people can respond to testimony just prior to the City Council meeting and during the council meeting.

Unfortunately, none of this is available on line. In fact, it looks like the last testimony available on line is January 7th.

What's the deal? How can anybody respond to something they can't read?

Norm

Pelz, Zach

From: Tan, Jennifer
Sent: Sunday, January 20, 2013 5:28 AM
To: Pelz, Zach
Cc: Jordan, Chris
Subject: Fwd: Concerns
Attachments: image94720b.gif@b0ef92f5.0c41475f; image8f9437.jpg@dfc7665f.26c14c45; image95ae25.jpg@172db47a.cfd247e5; image9c893c.jpg@76f51d0a.611545d8

Follow Up Flag: Follow up
Flag Status: Completed

Hi Zach,

Can you please include this in the record and send the appropriate response? Thank you.

Jenni

Sent from my iPad

Begin forwarded message:

From: Scott Gerber <jumpin@cmn.net>
Date: January 18, 2013 1:01:55 PM PST
To: "Tan, Jennifer" <jt看@westlinnoregon.gov>
Subject: Concerns
Reply-To: Scott Gerber <jumpin@cmn.net>

Councilor Tan,

Since you actually received votes from this household in the last election, I am addressing this specifically to you, but it is an all inclusive message. There have been some recent actions on the part of the council that are disturbing to me. Just prior to the LOT appeal, the council chose to draft an IGA for LOT's right of way use and take the water rate increase off the ballot. I do not understand why these issues were acted upon before the hearing even began. Quite frankly it gives the impression that you as a group had already decided the direction this thing was going to go. It seems it would have been more prudent to wait until you had made a decision. If your decision is to deny, then the IGA will be moot, and the rate increase might play a different role going into the future.

I certainly don't think it would have hurt to wait to address these issues until the project was actually approved if that were to be the decision.

I hope that you can understand why this concerns me as an opponent to this project. To a person, the council claimed no bias, and we did not challenge that. What is done is done, but I would certainly appreciate it if you would discuss this with the rest of the council and offer some basis for what seems to be poor timing if not inappropriate action. In the event of a PC overturn and a LUBA appeal, there will be some explanation needed.

Respectfully

Scott Gerber
West Linn, OR
503-744-0817



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



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