

CITY OF WEST LINN CITY COUNCIL  
**PUBLIC HEARING NOTICE**

**FILE NOs. AP-12-02 and AP-12-03**

REMAND PROCEEDING OF CITY COUNCIL DECISION TO APPROVE APPLICATIONS OF THE  
LAKE OSWEGO-TIGARD WATER PARTNERSHIP

On Monday, January 13, 2014, **starting at 6:00 p.m.** in the Council Chambers in City Hall, 22500 Salamo Road, West Linn, the West Linn City Council is scheduled to hold a public hearing for remand proceedings related to the Final Opinion and Order issued by the Land Use Board of Appeals (LUBA) on November 22, 2013. The decision that was remanded is the City Council's earlier decision to approve the Lake Oswego-Tigard Water Partnership applications for: 1) a Conditional Use and Class II Design Review for an expanded City of Lake Oswego Water Treatment Plant at 4260 Kenthorpe Way (Clackamas County Assessor's Map 2 1E 24BD tax lots 300, 401, 1200, 1300, 1400 and 1500) in AP-12-02; and 2) a Conditional Use, Class II Design Review, Class II Parks Design Review, Flood Management Area, Water Resources Area and Willamette River Greenway permits for water transmission lines proposed to extend from the Willamette River, through Mary S. Young Park, to the City's northern limit with Lake Oswego via Mapleton Drive and Highway 43 (Clackamas County Assessor's Map 2 1E 24AC tax lots 100, 200, 2900 and public right-of-way) in AP-12-03.

The City Council approved the applications on February 18, 2013, based upon the applicable criteria in the City Development Code. LUBA affirmed all of the City's findings of compliance with the criteria, with one exception that does not require additional evidence to resolve. Accordingly, the City Council will not consider evidence, testimony or argument regarding compliance with the criteria. **Therefore, the public hearing on remand is a limited hearing based solely on the issues identified in LUBA's Order as follows:**

- A. Provide a meaningful opportunity for rebuttal of the Mayor's ex parte disclosures regarding neighborhood association opposition, by having the Mayor provide additional information regarding the ex parte contacts. After the Mayor responds to certain requests for additional information in the record, the City must provide a reasonable opportunity for participants to rebut the substance of the disclosure.
- B. Conduct the proceedings required by CDC 99.180(B) and adopt appropriate findings.
- C. Adopt findings that either address the Wilkerson Report, or explain why no further consideration of the Wilkerson Report and economic impacts is necessary.

**Only one of these matters, Issue A, requires that the City open the evidentiary record and consider additional public testimony. As such, all written and oral testimony, including argument and evidence, must be directed specifically to the substance of the Mayor's responses to the questions as required by LUBA in its decision. All other matters will be determined based on the record. All testimony, evidence and argument that does not address Issue A will not be included in the record or considered by the City Council.**

The Mayor's additional responses to those questions reasonably necessary to allow the public to respond to the substance of the ex parte communication are included in the Staff Memo and available online at: <http://westlinnoregon.gov/planning/LOTremand>.

The complete application for AP-12-02 and AP-12-03 is available for inspection at no cost at City Hall or via the City of West Linn's website at <http://westlinnoregon.gov/planning/LOTremand>. Printed copies of these documents may be obtained at City Hall for a minimal charge per page.

A copy of the staff report is available for inspection at no cost or copies can be obtained for a minimal charge per page. For further information, please contact Zach Pelz, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, [zpelz@westlinnoregon.gov](mailto:zpelz@westlinnoregon.gov), or 503-723-2542.

The hearing will be conducted in accordance with state law. At the public hearing, the City Council will receive a staff presentation, and invite both oral and written testimony, subject to the limitations set out above. Anyone wishing to present written testimony may do so in writing prior to, or at the public hearing. All

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written testimony or other documents presented to Council for consideration must be submitted to the City Manager's office by 5:00 p.m. on January 8, 2013, or presented in person at the hearing. Oral testimony may be presented at the public hearing. The City Council may continue the public hearing to another meeting to obtain additional information or close the public hearing and take action on the application as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

SHAUNA SHROYER  
Planning Administrative Assistant