

Letter of Appeal for Case # 23 101404 00 PLN

The appellants are submitting an appeal with regard to the following condition:

*Condition 9: Construct a minimum 8-inch public water main from 13th Street SE to serve the development site and submit information that demonstrates the new main provides sufficient fire flow to serve the proposed development pursuant to the Public Works Design Standards (PWDS).*

The appellants had previous conversations with Public Works staff regarding this particular project being in conflict with the existing Public Works Design Standards. We were advised by PW staff that the main concern for PW was to meet the necessary fire flow in order to meet life safety requirements. We were told that, if fire flow could be proven, that an alternate design standard could be arranged.

In good faith, we paid the fee to conduct a hydrant test and, using this information, hired and paid a third party engineering consultant to evaluate the data from this test to determine if fire flow could be achieved. The results were positive - the fire flow could be achieved.

Now, over a year later, and imposing this condition at the 11th hour, we find ourselves discussing the same water line issue and are being told by PW staff that there is another PWDS that now matters. We are being told that life safety is no longer the only relevant PWDS and that we must install a mainline that will be larger, in a location that requires the involvement of ODOT, and the length of the line will be somewhere between 2-3 times the length of what we were planning to install.

The appellants are being burdened with a more costly system that likely would have altered the decisions made in which the applicants went through the design for this project. We also would not have consolidated three separate legal lots into one.

The appellants request that Condition 9 be removed from this decision and would like to discuss alternate options with staff that deviate from the PWDS.