

Parsons, Susan

From: James Brown <jim@jcbrownpc.com>
Sent: Tuesday, August 29, 2017 11:33 AM
To: Aebi, Andrew; Council Clerk – Testimony
Cc: Collier, Corky; 'Tony Lemon'; lconn@jbcpx.com; tim@kleenblast.com; craig@kleenblast.com; kevin@kleenblast.com; gbussey@q.com; david.r.gibson@lesschwab.com; ramona@wcttrucking.com; geraldbreunig@comcast.net; alecocq@recology.com; gmoore@recology.com; annecdebski@yahoo.com; billb@orco.biz; jcbrownpc@msn.com; devinastearns@gmail.com; kelly.bowen@eco-services.com; bryan.campbell@eco-services.com; frank@perlite.com; fcp@integra.net; nick@perlite.com; Glancy, Lise; scott.kilgo@portofportland.com; dsnessgto@gmail.com; admin@peninsulaterminal.com; 'Krista-Ann Staley'; Joe.Koscinski@pqcorp.com; 'Steve Taylor'; 'Ada Banasik'; 'Jacob Faust'; 'Allen Erickson'; jcbrownpc@msn.com; Glancy, Lise; Kilgo, Scott; Carr, Teresa; Healy, Philip; Bouillion, Tom; Bogue, Emerald; Jacob Faust; Steven Taylor (staylor@maulfoster.com)
Subject: FW: Proposed N Suttle Rd LID
Attachments: 20170823 JCB ltr to PDX City Council re N Suttled Rd LID.pdf

Andrew:

Thank you for calling me back regarding the concerns I raised in the email below. I agree with you that our discussions on Friday were fruitful, we both better understand one another's positions and it was apparent that we both are working towards the common objective of having North Suttle Road reconstructed in a manner that complies with the established standards and is completed by the most cost-effective means.

As I mentioned previously, because we have not worked together before on a project, I conferred with other knowledgeable persons in the community and they confirmed that you do enjoy a reputation for being very frugal with the City's funds and are known for bringing LID projects in on time and under budget. This confirmation was reassuring to me that the North Suttle Road property owners can expect the same conservativeness on this LID.

Based upon our discussions, I understand that with the City Council's August 23rd vote in favor of the establishing the LID, you are limited in what you can do to amend the LID Ordinance at this time. Notwithstanding the approved LID budget, I am confident that you fulfill your assurances to us that you will do your best to enable us to manage the stormwater via local infiltration at North Suttle Road. Doing so will eliminate the need for the stormwater outfall to the Columbia and significantly reduce costs.

If any environmental concerns arise, I am confident that we can work together to address those concerns to retain the ability to manage the stormwater via infiltration.

With the additional information you provided, I am comfortable with proceeding with the LID as passed by the City Council. Again thank you for openness and cooperative manner in proceeding with this project.

I have spoken with Maul Foster regarding the pending North Suttle Road Phase I Environmental Site Assessment and they working diligently on the Report. Given the importance of the north side of the roadway for infiltration, MFA is working to locate all available information regarding previous remedial work along that north side. I will also reach out to effected property owners facilitate receipt of that information.

Regards,
 Jim Brown

James C. Brown
 Attorney at Law

James C Brown & Associates, P. C.
P.O. Box 31
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From: James Brown

Sent: Thursday, August 24, 2017 6:16 PM

To: Andrew Aebi <Andrew.Aebi@portlandoregon.gov>; amanda@portlandoregon.gov; dan@portlandoregon.gov
Cc: James Brown <jim@jcbrownpc.com>; Collier, Corky <corky@columbiacorridor.org>; lconn@jbcpx.com; tim@kleenblast.com; craig@kleenblast.com; kevin@kleenblast.com; gbussey@q.com; david.r.gibson@lesschwab.com; ramona@wcttrucking.com; geraldbreunig@comcast.net; alecocq@recology.com; gmoore@recology.com; annecdebski@yahoo.com; billb@orco.biz; jcbrownpc@msn.com; devinastearns@gmail.com; kelly.bowen@eco-services.com; bryan.campbell@eco-services.com; frank@perlite.com; fcp@integra.net; nick@perlite.com; Glancy, Lise <lise.glancy@portofportland.com>; scott.kilgo@portofportland.com; dsnessgto@gmail.com; admin@peninsulaterminal.com; 'Krista-Ann Staley' <KStaley@babstcalland.com>; Joe.Koscinski@pqcorp.com; Allen Erickson <a.erickson@lacasmaslabs.com>; jcbrownpc@msn.com; Glancy, Lise <lise.glancy@portofportland.com>; Kilgo, Scott <Scott.Kilgo@portofportland.com>; Carr, Teresa <Teresa.Carr@portofportland.com>; Healy, Philip <Philip.Healy@portofportland.com>; Bouillion, Tom <Tom.Bouillion@portofportland.com>; Bogue, Emerald <Emerald.Bogue@portofportland.com>; Jacob Faust <jfaust@maulfoster.com>

Subject: Proposed N Suttle Rd LID

Andrew

Sorry I missed your call, I was out of the office much of the day. As requested, attached is copy of my 8/23/2017 testimony before the City Council.

I have been thinking about yesterday's City Council meeting on the N Suttle Rd LID and my post-meeting discussions with several property owners. As you know, the N Suttle Rd property owners were quite sensitive about the roadway's proposed cost and took hope in Commissioner Amanda Fritz's expressed concerns about the potential burden the proposed \$9.6 million LID imposes on the few adjoining property owners. Any steps that you or the City can take to further assure the property owners that you have heard their concerns and will do your best to control costs, will be beneficial. The adoption of the Maul Foster Alongi (MFA) Engineering Report and the City's assurance that the City would incorporate MFA's recommendation to the maximum extent practical, from a pragmatic standpoint, caused the

MFA budget recommendations to become a *de facto* project budget. We appreciate the Report's incorporation in the LID Ordinance, it helped to allay the fears of certain owners.

Although I truly believe that we both think the cost for the roadway is going to be reduced to well below that \$9.6 million amount, there still remains the genuine concern and perception among several owners that if a \$9.6 million budget is approved, the project will expand to consume it.

I am certain that in the long run it would be beneficial for all the parties, if you could find the flexibility within the LID adoption process to stay the final approval of the proposed LID's budget until after the Phase I and Phase II Environmental Assessment work is complete? Realistically, that work should be done by the end of September. You indicated on August 18 that BES is ready to perform the Phase II ESA once MFA completes the Phase I ESA. Will BES do that work in house or retain a third-party to do the work? If the latter is the case, would BES consider hiring MFA to do the Phase II work? MFA will have the most current knowledge about N Suttle Rd and it makes good sense to take advantage of that existing knowledge base and not spend money bringing someone else up to speed.

By delaying the approval of the final budget until after the Phase II ESA is complete, the City continues to show its good faith efforts to work cooperatively with the Property Owners to develop a more complete data set upon which to base the roadway's cost. The final approved LID budget would then be based upon an approximate 30% design estimate, rather than the current 0% design. More importantly, with the Phase II ESA work completed, we will know whether or not the proposed stormwater infiltration system will work and whether the roadway will cost closer to the \$4 million MFA proposes.

I realize that after 13 years you are anxious to get this project moving forward. But, I respectfully submit that anxiety is more specific to you than to others. The owners have turned the corner on working together and working with the City. Let's capitalize on that positive step forward. After 13 years and considering the \$58,868 the property owners will have spent for MFA Engineering Study and the Phase I ESA, and the critical data MFA's work provided, waiting an additional 30-45 days to make a more informed cost estimate decision that is based upon more solid and reliable facts is not too much to ask. In the unlikely event that 30% design estimate is significantly higher than the MFA estimate, it would then be appropriate to take that cost back to the Council to address Commissioner Fritz's concerns.

As you are aware, I am an environmental attorney and have been involved in numerous cleanups from large federal Superfund sites to local Mom & Pop gas stations for more than 30 years. In reviewing DEQ's Environmental Cleanup Site Information (ECSI) database, in none of the DEQ records I reviewed for seven N Suttle Rd properties which have DEQ No Further Action (NFA) needed determinations, was the cleaned-up contamination adjacent to or near N Suttle Rd. Based upon that review, I believe the probability of encountering residual contamination that would preclude the use of local infiltration is minimal.

Assuming local stormwater infiltration remains viable, which we believe it will, coupled with the reduced width of the roadway, the roadway's cost should be well below \$6 million. Even at that amount, you should still be able to meet your objectives of completing the roadway on time and significantly below budget. Frankly, coming in 10-20% under a \$6 million budget gives the LID program more credibility as to the accuracy and reliability of its proposed LID improvement budgets, than coming in 40+% under a \$9.6 million budget. Therefore, for the good will and credibility it will engender, I respectfully request that you reconsider bringing the final roadway budget back to the Council for approval at the 30% design estimate stage. By doing so, I believe the opposition to the LID expressed by the certain Property Owners yesterday will resolve itself.

I will call you tomorrow to discuss this further.

Regards,
Jim

James C. Brown
Attorney at Law

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James C. Brown & Associates, P.C.

Law Offices

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E-mail: jcbrownpc@msn.com

August 23, 2017

Mayor Ted Wheeler and City Council Members
City of Portland
1120 SW Fifth Avenue, Suite 800
Portland, OR 97204

RE: Portland City Council
August 23 Meeting, Item 928
North Suttle Road LID

Mr. Mayor – Members of the Council:

On behalf of our clients, Western Container Transport, Inc., Eco Services Operations, LLC and TriggCo Real Estate LLC and other N Suttle Rd property owners, I appreciate the opportunity to speak in support of the formation of the N Suttle RD LID as currently proposed with inclusion of the Maul Foster Alongi Engineering Report, Exhibit H.

We also want to thank City Staff and Mr. Aebi for their helpful efforts in bringing this proposal to the Council. They have listened earnestly to the Property Owners' concerns and worked with us to design a project that meets the needs of the City, the Property Owners and provides capacity for future development.

We are grateful for the City's proposed \$2.4 million funding contribution to this project. We recognize that municipal funds are always tight and applaud City's recognition of the need for North Suttle Rd to be reconstructed and its willingness to contribute significantly to this project. We appreciate the City formalizing these contingencies with their vote to form the LID.

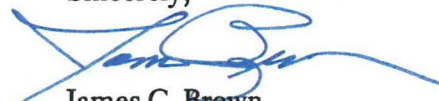
With respect to potential future development, we respectfully request that a provision be included prior to the final assessment stage of the LID that in any future development that may occur along N Suttle Rd, that the developing entity be solely responsible for providing any traffic controls measures that may become necessary along North Suttle Rd or at the N Suttle Rd/ Portland Rd. intersection because of the development.

Again, we appreciate the help of City Staff and Mr. Aebi and the transparency with which

August 23, 2017
Mayor Wheeler & City Council
Page 2

they have moved this project forward. We look forward to continuing to work with them in reaching the final design for the roadway and the stormwater infiltration system.

Sincerely,



James C. Brown

N SUTTLE RD LOCAL IMPROVEMENT DISTRICTIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (PRINT)

ADDRESS AND ZIP CODE (Optional)

Email (Optional)

✓ Tony Lemon	3625 N Suttle Rd Portland OR	t.Lemon@lacamaslabs.com
✓ STEVE TAYLOR	2001 NW 19TH PORTLAND, OR	S.taylor@maulfooster.com
✓ Mike Jenkins		
✓ JOPK CHOP		
✓ Mimi Gerner		
✓ Star Starke		
✓ Corky Collier		
✓ Tim Brown		
✓ Larry Conn		

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August 23, 2017

Mayor Ted Wheeler and City Council Members
City of Portland
1120 SW Fifth Avenue, Suite 800
Portland, OR 97204

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North Suttle Road LID

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August 23, 2017
Mayor Wheeler & City Council
Page 2

they have moved this project forward. We look forward to continuing to work with them in reaching the final design for the roadway and the stormwater infiltration system.

Sincerely,



James C. Brown

Aebi, Andrew

From: Aebi, Andrew
Sent: Tuesday, August 22, 2017 10:29 AM
To: 'James Brown'
Subject: RE: N. Suttle Rd. LID Continuation to 8/23/17: Proposed Amendments to Grant National Wetlands Inventory (NWI) Exemption & Add Exhibit H

Jim,

Thank you for your continued engagement on this project and for your e-mail. I look forward to your call, and the best time to reach me would be before 1 PM today.

Regarding item #1, the manner in which PBOT will provide HVUT funding to this project is via Pending Lien No. 160842 (this number not the description of a specific parcel of land per se); your summary double-counts this \$300K in HVUT funding so the total City funding is \$2,408,432.82 contingent upon no judicial writ of review and no need to file for condemnation for the smaller area needed for right-of-way acquisition. This simplifies the City funding in that all City funding of direct costs is provided via liens to City-owned properties financially participating in the LID.

Regarding items #2 and #3b, as we discussed at the August 7th meeting and as noted in my original e-mail below, local infiltration is contingent upon favorable results of the level 2 environmental analysis. The City looks forward to receiving the MFA level 1 environmental analysis as soon as possible after LID formation.

Regarding item #4, the lack of a Council PowerPoint presentation should not be construed that oral testimony will not be accepted to supplement the additional written testimony (which as noted below has already added to the Council record). MFA's testimony will be gladly accepted, and they just should sign in on the testimony sign-up sheet that will be just outside the Council Chambers.

Again, I look forward to your telephone call and MFA's testimony tomorrow.

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: James Brown [mailto:jim@jcbrownpnc.com]

Sent: Tuesday, August 22, 2017 9:50 AM

To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>

Cc: Collier, Corky <corky@columbiacorridor.org>; 'Tony Lemon' <T.Lemon@lacamaslabs.com>; lconn@jbcpx.com; tim@kleenblast.com; craig@kleenblast.com; kevin@kleenblast.com; gbussey@q.com; david.r.gibson@lesschwab.com; ramona@wcttrucking.com; geraldbreunig@comcast.net; alecocq@recology.com; gmoore@recology.com; annecdebski@yahoo.com; billb@orco.biz; jcbrownpnc@msn.com; devinastearns@gmail.com; kelly.bowen@eco-services.com; bryan.campbell@eco-services.com; frank@perlite.com; fcp@integra.net; nick@perlite.com; Glancy, Lise <lise.glancy@portofportland.com>; scott.kilgo@portofportland.com; dsnessgto@gmail.com; admin@peninsulaterminal.com; 'Krista-Ann Staley' <KStaley@babstcalland.com>; Joe.Koscinski@pqcorp.com; 'Steve

Taylor' <staylor@maulfoster.com>; 'Ada Banasik' <abanasik@maulfoster.com>; 'Jacob Faust' <jfaust@maulfoster.com>; 'Allen Erickson' <a.erickson@lacasmaslabs.com>; jcbrownpc@msn.com; Glancy, Lise <lise.glancy@portofportland.com>; Kilgo, Scott <Scott.Kilgo@portofportland.com>; Carr, Teresa <Teresa.Carr@portofportland.com>; Healy, Philip <Philip.Healy@portofportland.com>; Bouillion, Tom <Tom.Bouillion@portofportland.com>; Bogue, Emerald <Emerald.Bogue@portofportland.com>; Jacob Faust <jfaust@maulfoster.com>; Steven Taylor (staylor@maulfoster.com) <staylor@maulfoster.com>

Subject: RE: N. Suttle Rd. LID Continuation to 8/23/17: Proposed Amendments to Grant National Wetlands Inventory (NWI) Exemption & Add Exhibit H

Andrew:

Thank you for your August 18 email below. We appreciate the City Staff's cooperation with Maul; Foster Alongi (MFA) in obtaining the needed information to finalize their Engineering Study, your efforts to move this project forward in a positive manner and the inclusion of the MFA Study as an Exhibit to the in Proposed LID formation Ordinance.

I was pleased to see the letters/emails of support that were sent to you by the N Suttle Rd property owners on or before the afternoon of August 16, which you requested during the August 7 meeting. In reviewing them, we noted that each of those communiques expressly conditioned their approval of the proposed LID upon the City Council's acceptance of MFA's Engineering Study with its roadway cost estimate and requested that the approved LID amount be consistent with MFA's cost estimate.

In speaking with others and in reviewing your email, there appears to be no acknowledgement of the owners' conditional approval of the LID in the August 17 PBOT Proposed Amendments. In our opinion, it is important that the conditional approval be acknowledged before the Council and reassurances given in that public setting that the City will do its best to adhere to the MFA Engineering Study's recommendations.

After reviewing the email, the proposed LID Ordinance and recalling our previous conversations, several questions have arisen about which further clarification is needed.

1. Based upon the Draft Ordinance and the PBOT August 17, 2017 Proposed Amendments, we understand the proposed cost of the roadway improvements to be \$9,633,874.66, based upon the City original cost estimate in which the LID Administrator has a "Low" level of Confidence and the City has agreed to provide the following funding, from the noted source, for the roadway.
 - a. PBOT is contributing **\$1,108,423.82** towards overhead costs and the Heavy Vehicle Use Tax (HVUT) fund is contributing another **\$300,000**, see Draft Ordinance, Pg2, Item #10.
 - b. Resolution No 37282 further reduces the cost by **\$300,000**, see Draft Ordinance, Pg2, Item #10 and the August 17 Memo, Item #20 by assessing a Pending Lien on the City of Portland Parcel No 160842.
 - c. PBOT will contribute **\$500,000** from the Transport System Development Charge (TSDC) revenue, see August 17 Memo, Item #19.
 - d. BES will provide an additional **\$500,000** to defray stormwater infrastructure costs by assessment to the City of Portland's Parcel No. 160842 an additional \$500,000, see August 17 Memo, Item #20.
 - e. Based upon the above, it is our understanding the City will be contributing the following amounts toward the roadway:
 - i. \$1,108,423.82 from PBOT
 - ii. \$ 300,000 from HVUT
 - iii. \$ 300,000 by assessing a Pending Lien on the Parcel No 160842
 - iv. \$ 500,000 from the TSDC fund
 - v. \$ 500,000 by assessing Parcel No. 160842 an additional \$500,000.
 - vi. The Total City contribution for the roadway is **\$2,708,423.82**.

Presumably this amount will be the same whether the roadway cost \$9.6 million or the \$4 million MFA estimated.

Please confirm whether our understanding of the above City funding contributions is correct. If not, please provide us the City's understanding of the total amount to be contributed by the City.

2. The City originally asserted the roadway was necessary because the property owners could not build improvements on a piecemeal basis and "it is necessary to build a new stormwater management system with an outfall to the Columbia River." Based upon the stormwater infiltration results in the MFA Study and the City's August 7th tentative acceptance of those results, the proposed new stormwater management system with an outfall to the Columbia appears to be unnecessary.
3. As acknowledged by the City, the MFA Study as a practical matter brings the project to a 25% design stage rather than the 0% design stage upon which the original cost estimate was based. The MFA information significantly reduces the project costs by:
 - a. Reducing the street width from the originally proposed 36' 5" to 28";
 - b. Managing the stormwater by infiltration along the north side of the street;
 - c. Limiting the sidewalk to the north side of the street; and
 - d. Reducing the amount of land to be acquired as part of the roadway right-of-way.

These changes should save millions from the initially proposed cost of the project.

4. Your email below indicates "There will be no Council presentation next week; just a short and sweet overview of the amendments."

As you will recall, before the July 12 Council Meeting, we were assured that the Property Owners would be allowed to address the Council on August 23. We respectfully request that MFA be permitted to present to the Council a brief summary of their findings and the proposed cost. The property owners also request that a representative be permitted to speak in support of their conditional approval of the LID formation to the counsel.

I will call you later this morning to discuss this further. We look forward to continuing to work with you to bring this project to a successful and cost-effective end.

Regards,
Jim

James C. Brown
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From: Aebi, Andrew [<mailto:Andrew.Aebi@portlandoregon.gov>]

Sent: Friday, August 18, 2017 4:38 PM

To: James Brown <jim@jcbrownpc.com>

Cc: Collier, Corky <corky@columbiacorridor.org>; 'Tony Lemon' <T.Lemon@lacamaslabs.com>; lconn@jbcpx.com; tim@kleenblast.com; craig@kleenblast.com; kevin@kleenblast.com; gbussey@q.com; david.r.gibson@lesschwab.com; ramona@wcttrucking.com; geraldbreunig@comcast.net; alecocq@recology.com; gmoore@recology.com; annecdebski@yahoo.com; billb@orco.biz; jcbrownpc@msn.com; devinastearns@gmail.com; kelly.bowen@eco-services.com; bryan.campbell@eco-services.com; frank@perlite.com; fcp@integra.net; nick@perlite.com; Glancy, Lise <lise.glancy@portofportland.com>; scott.kilgo@portofportland.com; dsnessgto@gmail.com; admin@peninsulaterminal.com; 'Krista-Ann Staley' <KStaley@babstcalland.com>; Joe.Koscinski@pqcorp.com; 'Steve Taylor' <staylor@maulfoster.com>; 'Ada Banasik' <abanasik@maulfoster.com>; 'Jacob Faust' <jfaust@maulfoster.com>; 'Allen Erickson' <a.erickson@lacamaslabs.com>; jcbrownpc@msn.com; Glancy, Lise <lise.glancy@portofportland.com>; Kilgo, Scott <Scott.Kilgo@portofportland.com>; Carr, Teresa <Teresa.Carr@portofportland.com>; Healy, Philip <Philip.Healy@portofportland.com>; Bouillion, Tom <Tom.Bouillion@portofportland.com>; Bogue, Emerald <Emerald.Bogue@portofportland.com>; Jacob Faust <jfaust@maulfoster.com>; Steven Taylor <staylor@maulfoster.com>

Subject: N. Suttle Rd. LID Continuation to 8/23/17: Proposed Amendments to Grant National Wetlands Inventory (NWI) Exemption & Add Exhibit H

Jim, the continuation for next week has been posted as Council agenda item #928:

<https://www.portlandoregon.gov/auditor/26997>

Here is the memo to Council on the amendments. The final vote is anticipated to occur on 8/30. The correspondence of everyone who has e-mailed me the past few days is appreciated and has been forwarded to Council offices, and need not be resubmitted.

I greatly appreciate the work of MFA on their engineering study and everyone's collaboration. As a practical matter we are at a 25% design instead of 0%, thereby reducing the City's workload in finishing the design once the LID is approved.

BES confirmed yesterday that they will be ready to perform a level 2 Environmental Site Assessment (ESA) once MFA completes its level 1 ESA. Completion of the level 2 is on the critical path to achieving final confirmation of the feasibility of local infiltration. The narrowing of the street is feasible for PBOT, except for at the west end of the street where retaining of on-street parking has been requested.

There will be no Council presentation next week; just a short and sweet overview of the amendments. I am out of the office until Tuesday morning, but if you have any questions, please contact me at 503-823-5648.

Thanks,

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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Aebi, Andrew

From: Bill Briggs <billb@orrc.biz>
Sent: Tuesday, August 22, 2017 9:59 AM
To: James Brown
Cc: Aebi, Andrew; Collier, Corky; Tony Lemon; lconn@jbcpx.com; tim@kleenblast.com; craig@kleenblast.com; kevin@kleenblast.com; gbussey@q.com; david.r.gibson@lesschwab.com; ramona@wcttrucking.com; geraldbreunig@comcast.net; alecocq@recology.com; gmoore@recology.com; annecdebski@yahoo.com; jcbrownpc@msn.com; devinastearns@gmail.com; kelly.bowen@eco-services.com; bryan.campbell@eco-services.com; frank@perlite.com; fcp@integra.net; nick@perlite.com; Glancy, Lise; scott.kilgo@portofportland.com; dsnessgto@gmail.com; admin@peninsulaterminal.com; Krista-Ann Staley; Joe.Koscinski@pqcorp.com; Steve Taylor; Ada Banasik; Jacob Faust; Allen Erickson; Carr, Teresa; Healy, Philip; Bouillion, Tom; Bogue, Emerald
Subject: [User Approved] Re: N. Suttle Rd. LID Continuation to 8/23/17: Proposed Amendments to Grant National Wetlands Inventory (NWI) Exemption & Add Exhibit H

Nice . Thanks Jim.

Bill Briggs
 Senior Consultant



Oil Re-Refining Company
 4150 N. Suttle Rd
 Portland, OR 97217
 503-286-8352
billb@orrc.biz

On Aug 22, 2017, at 9:50 AM, James Brown <jim@jcbrownpc.com> wrote:

Andrew:

Thank you for your August 18 email below. We appreciate the City Staff's cooperation with Maul; Foster Alongi (MFA) in obtaining the needed information to finalize their Engineering Study, your efforts to move this project forward in a positive manner and the inclusion of the MFA Study as an Exhibit to the in Proposed LID formation Ordinance.

I was pleased to see the letters/emails of support that were sent to you by the N Suttle Rd property owners on or before the afternoon of August 16, which you requested during the August 7 meeting. In reviewing them, we noted that each of those communiques expressly conditioned their approval of the proposed LID upon the City Council's acceptance of MFA's Engineering Study with its roadway cost estimate and requested that the approved LID amount be consistent with MFA's cost estimate.

In speaking with others and in reviewing your email, there appears to be no acknowledgement of the owners' conditional approval of the LID in the August 17 PBOT Proposed Amendments. In our opinion, it is important that the conditional approval be acknowledged before the Council and reassurances given in that public setting that the City will do its best to adhere to the MFA Engineering Study's recommendations.

After reviewing the email, the proposed LID Ordinance and recalling our previous conversations, several questions have arisen about which further clarification is needed.

1. Based upon the Draft Ordinance and the PBOT August 17, 2017 Proposed Amendments, we understand the proposed cost of the roadway improvements to be \$9,633,874.66, based upon the City original cost estimate in which the LID Administrator has a "Low" level of Confidence and the City has agreed to provide the following funding, from the noted source, for the roadway.
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 - b. Resolution No 37282 further reduces the cost by **\$300,000**, see Draft Ordinance, Pg2, Item #10 and the August 17 Memo, Item #20 by assessing a Pending Lien on the City of Portland Parcel No 160842.
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 - vi. The Total City contribution for the roadway is **\$2,708,423.82**.

Presumably this amount will be the same whether the roadway cost \$9.6 million or the \$4 million MFA estimated.

Please confirm whether our understanding of the above City funding contributions is correct. If not, please provide us the City's understanding of the total amount to be contributed by the City.

2. The City originally asserted the roadway was necessary because the property owners could not build improvements on a piecemeal basis and "it is necessary to build a new stormwater management system with an outfall to the Columbia River." Based upon the stormwater infiltration results in the MFA Study and the City's August 7th tentative acceptance of those results, the proposed new stormwater management system with an outfall to the Columbia appears to be unnecessary.
3. As acknowledged by the City, the MFA Study as a practical matter brings the project to a 25% design stage rather than the 0% design stage upon which the original cost estimate was based. The MFA information significantly reduces the project costs by:
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These changes should save millions from the initially proposed cost of the project.

4. Your email below indicates "There will be no Council presentation next week; just a short and sweet overview of the amendments."

As you will recall, before the July 12 Council Meeting, we were assured that the Property Owners would be allowed to address the Council on August 23. We respectfully request that MFA be permitted to present to the Council a brief summary of their findings and the proposed cost. The property owners also request that a representative be permitted to speak in support of their conditional approval of the LID formation to the counsel.

I will call you later this morning to discuss this further. We look forward to continuing to work with you to bring this project to a successful and cost-effective end.

Regards,
Jim

James C. Brown
Attorney at Law
James C Brown & Associates, P. C.
P.O. Box 31
Marylhurst, Oregon 97036

Phone: 503-557-2245
Fax: 503-557-0377
Cell: 503-784-7844
Email: jcbrownpc@msn.com

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From: Aebi, Andrew [<mailto:Andrew.Aebi@portlandoregon.gov>]
Sent: Friday, August 18, 2017 4:38 PM
To: James Brown <jim@jcbrownpc.com>
Cc: Collier, Corky <corky@columbiacorridor.org>; 'Tony Lemon' <T.Lemon@lacasmaslabs.com>; lconn@jbcpx.com; tim@kleenblast.com; craig@kleenblast.com; kevin@kleenblast.com; gbussey@q.com; david.r.gibson@lesschwab.com; ramona@wcttrucking.com; geraldbreunig@comcast.net; alecocq@recology.com; gmoore@recology.com; annecdebski@yahoo.com; billb@orco.biz; jcbrownpc@msn.com; devinastearns@gmail.com; kelly.bowen@eco-services.com; bryan.campbell@eco-services.com; frank@perlite.com; fcp@integra.net; nick@perlite.com; Glancy, Lise <lise.glancy@portofportland.com>; scott.kilgo@portofportland.com; dsnessgto@gmail.com; admin@peninsulaterminal.com; 'Krista-Ann Staley' <KStaley@babstcalland.com>; Joe.Koscinski@pqcorp.com; 'Steve Taylor' <staylor@maulfoster.com>; 'Ada Banasik' <abanasik@maulfoster.com>; 'Jacob Faust' <jfaust@maulfoster.com>; 'Allen Erickson' <a.erickson@lacasmaslabs.com>; jcbrownpc@msn.com; Glancy, Lise <lise.glancy@portofportland.com>; Kilgo, Scott <Scott.Kilgo@portofportland.com>; Carr, Teresa <Teresa.Carr@portofportland.com>; Healy, Philip <Philip.Healy@portofportland.com>; Bouillion, Tom <Tom.Bouillion@portofportland.com>; Bogue, Emerald <Emerald.Bogue@portofportland.com>;

Jacob Faust <jfaust@maulfoster.com>; Steven Taylor (staylor@maulfoster.com)
<staylor@maulfoster.com>

Subject: N. Suttle Rd. LID Continuation to 8/23/17: Proposed Amendments to Grant National Wetlands Inventory (NWI) Exemption & Add Exhibit H

Jim, the continuation for next week has been posted as Council agenda item #928:
<https://www.portlandoregon.gov/auditor/26997>

Here is the memo to Council on the amendments. The final vote is anticipated to occur on 8/30. The correspondence of everyone who has e-mailed me the past few days is appreciated and has been forwarded to Council offices, and need not be resubmitted.

I greatly appreciate the work of MFA on their engineering study and everyone's collaboration. As a practical matter we are at a 25% design instead of 0%, thereby reducing the City's workload in finishing the design once the LID is approved.

BES confirmed yesterday that they will be ready to perform a level 2 Environmental Site Assessment (ESA) once MFA completes its level 1 ESA. Completion of the level 2 is on the critical path to achieving final confirmation of the feasibility of local infiltration. The narrowing of the street is feasible for PBOT, except for at the west end of the street where retaining of on-street parking has been requested.

There will be no Council presentation next week; just a short and sweet overview of the amendments. I am out of the office until Tuesday morning, but if you have any questions, please contact me at 503-823-5648.

Thanks,

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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Aebi, Andrew

From: Aebi, Andrew
Sent: Tuesday, August 22, 2017 10:29 AM
To: James Brown
Subject: RE: N. Suttle Rd. LID Continuation to 8/23/17: Proposed Amendments to Grant National Wetlands Inventory (NWI) Exemption & Add Exhibit H

Jim,

Thank you for your continued engagement on this project and for your e-mail. I look forward to your call, and the best time to reach me would be before 1 PM today.

Regarding item #1, the manner in which PBOT will provide HVUT funding to this project is via Pending Lien No. 160842 (this number not the description of a specific parcel of land per se); your summary double-counts this \$300K in HVUT funding so the total City funding is \$2,408,432.82 contingent upon no judicial writ of review and no need to file for condemnation for the smaller area needed for right-of-way acquisition. This simplifies the City funding in that all City funding of direct costs is provided via liens to City-owned properties financially participating in the LID.

Regarding items #2 and #3b, as we discussed at the August 7th meeting and as noted in my original e-mail below, local infiltration is contingent upon favorable results of the level 2 environmental analysis. The City looks forward to receiving the MFA level 1 environmental analysis as soon as possible after LID formation.

Regarding item #4, the lack of a Council PowerPoint presentation should not be construed that oral testimony will not be accepted to supplement the additional written testimony (which as noted below has already added to the Council record). MFA's testimony will be gladly accepted, and they just should sign in on the testimony sign-up sheet that will be just outside the Council Chambers.

Again, I look forward to your telephone call and MFA's testimony tomorrow.

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: James Brown [mailto:jim@jcbrownpc.com]

Sent: Tuesday, August 22, 2017 9:50 AM

To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>

Cc: Collier, Corky <corky@columbiacorridor.org>; 'Tony Lemon' <T.Lemon@lacaslabs.com>; lconn@jbcpx.com; tim@kleenblast.com; craig@kleenblast.com; kevin@kleenblast.com; gbussey@q.com; david.r.gibson@lesschwab.com; ramona@wcttrucking.com; geraldbreunig@comcast.net; alecocq@recology.com; gmoore@recology.com; annecdebski@yahoo.com; billb@orrc.co.biz; jcbrownpc@msn.com; devinastearns@gmail.com; kelly.bowen@eco-services.com; bryan.campbell@eco-services.com; frank@perlite.com; fcp@integra.net; nick@perlite.com; Glancy, Lise <lise.glancy@portofportland.com>; scott.kilgo@portofportland.com; dsnessgto@gmail.com; admin@peninsulaterminal.com; 'Krista-Ann Staley' <KStaley@babstcalland.com>; Joe.Koscinski@pqcorp.com; 'Steve

Taylor' <staylor@maulfoster.com>; 'Ada Banasik' <abanasik@maulfoster.com>; 'Jacob Faust' <jfaust@maulfoster.com>; 'Allen Erickson' <a.erickson@lacaslabs.com>; jcbrownpc@msn.com; Glancy, Lise <lise.glancy@portofportland.com>; Kilgo, Scott <Scott.Kilgo@portofportland.com>; Carr, Teresa <Teresa.Carr@portofportland.com>; Healy, Philip <Philip.Healy@portofportland.com>; Bouillion, Tom <Tom.Bouillion@portofportland.com>; Bogue, Emerald <Emerald.Bogue@portofportland.com>; Jacob Faust <jfaust@maulfoster.com>; Steven Taylor (staylor@maulfoster.com) <staylor@maulfoster.com>

Subject: RE: N. Suttle Rd. LID Continuation to 8/23/17: Proposed Amendments to Grant National Wetlands Inventory (NWI) Exemption & Add Exhibit H

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I will call you later this morning to discuss this further. We look forward to continuing to work with you to bring this project to a successful and cost-effective end.

Regards,
Jim

James C. Brown
Attorney at Law
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P.O. Box 31
Marylhurst, Oregon 97036

Phone: 503-557-2245
Fax: 503-557-0377
Cell: 503-784-7844
Email: jcbrownpc@msn.com

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From: Aebi, Andrew [<mailto:Andrew.Aebi@portlandoregon.gov>]

Sent: Friday, August 18, 2017 4:38 PM

To: James Brown <jim@jcbrownpc.com>

Cc: Collier, Corky <corky@columbiacorridor.org>; 'Tony Lemon' <T.Lemon@lacamaslabs.com>; lconn@jbcpx.com; tim@kleenblast.com; craig@kleenblast.com; kevin@kleenblast.com; gbussey@q.com; david.r.gibson@lesschwab.com; ramona@wcttrucking.com; geraldbreunig@comcast.net; alecocq@recology.com; gmoore@recology.com; annecdebski@yahoo.com; billb@orco.biz; jcbrownpc@msn.com; devinastearns@gmail.com; kelly.bowen@eco-services.com; bryan.campbell@eco-services.com; frank@perlite.com; fcp@integra.net; nick@perlite.com; Glancy, Lise <lise.glancy@portofportland.com>; scott.kilgo@portofportland.com; dsnessgto@gmail.com; admin@peninsulaterminal.com; 'Krista-Ann Staley' <KStaley@babstcalland.com>; Joe.Koscinski@pqcorp.com; 'Steve Taylor' <staylor@maulfoster.com>; 'Ada Banasik' <abanasik@maulfoster.com>; 'Jacob Faust' <jfaust@maulfoster.com>; 'Allen Erickson' <a.erickson@lacamaslabs.com>; jcbrownpc@msn.com; Glancy, Lise <lise.glancy@portofportland.com>; Kilgo, Scott <Scott.Kilgo@portofportland.com>; Carr, Teresa <Teresa.Carr@portofportland.com>; Healy, Philip <Philip.Healy@portofportland.com>; Bouillion, Tom <Tom.Bouillion@portofportland.com>; Bogue, Emerald <Emerald.Bogue@portofportland.com>; Jacob Faust <jfaust@maulfoster.com>; Steven Taylor <staylor@maulfoster.com>

Subject: N. Suttle Rd. LID Continuation to 8/23/17: Proposed Amendments to Grant National Wetlands Inventory (NWI) Exemption & Add Exhibit H

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<https://www.portlandoregon.gov/auditor/26997>

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Thanks,

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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Parsons, Susan

From: Aebi, Andrew
Sent: Thursday, August 17, 2017 1:53 PM
To: Commissioner Fish; Eudaly, Chloe; Fritz, Amanda; Saltzman, Dan; Wheeler, Ted; Brewster, Stacy; Broughal, Justine; Gates, Janine; Quitugua, Betsy; Washington, Mustafa; Barber, Josiah
Cc: Moore-Love, Karla; Parsons, Susan; Grumm, Matt; Williams, Millicent
Subject: FW: Suttle Road Proposed Project - Merit USA & Oil Rerefining Co.
Attachments: Suttle Rd Proposal Letter to Andrew Aebi.pdf

FYI; this LID is continued from July 12th (Item #787) and it is coming back to Council on August 23rd for amendments and a final vote on August 30th.

Thanks,

Andrew Aebi

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: Aebi, Andrew
Sent: Thursday, August 17, 2017 1:52 PM
To: Mike Baird <michaelb@orrcorecycles.com>
Cc: Bill Briggs (billb@orrco.biz) <billb@orrco.biz>
Subject: Re: Suttle Road Proposed Project

Mr. Baird,

Thank you for your letter, which I will enter into the Council record; this letter is helpful.

I did want to clarify that staff have been exploring options for additional City funding, which, when combined with potential cost savings, might result in property owners' assessments being 50% less than was originally proposed. If we do achieve 50% savings on property owners' assessments, it would not be due solely to additional City funding.

Thank you,

Andrew Aebi

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: Mike Baird [<mailto:michaelb@orrcorecycles.com>]

Sent: Wednesday, August 16, 2017 4:08 PM

To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>

Cc: Bill Briggs <billb@orrcorecycles.com>

Subject: Suttle Road Proposed Project

Dear Mr. Aebi,

I am sending the attached letter on behalf of Bill Briggs.

Kind Regards,

Mike Baird

(503) 286-8352





188576

August 16, 2017

Dear Mr. Aebi:

First, we extend a sincere Thank You to the City's staff and you for meeting with us and the other North Suttle Road Property Owners on August 7th to discuss the Maul Foster Alongi (MFA), North Suttle Road Engineering Study. We appreciate the cooperative manner in which all of you have worked with MFA and us to reach a better and more cost-effective design for North Suttle Road. We also appreciate the City's favorable acceptance of MFA's Engineering Study with its needed information and the vital clarifications it provides regarding fundamental construction aspects of North Suttle Road and the stormwater management system.

Second, we were pleased to learn the City will include a signed, PE stamped copy of MFA's Engineering Study in the proposed LID Formation Ordinance as an Exhibit. MFA has assured us that an electronic copy of the report will be provided to you on or before Wednesday, August 16th. It is our understanding the LID Ordinance will encourage PGOT and BES engineers to adopt the recommended scope of work changes. These changes include:

1. Using a 50-year design life for the roadway, which we believe to be equivalent to the "perpetual pavement" standard used currently by the City for street construction;
2. Utilizing infiltration galleries/bioswales along the north side of North Suttle Road to manage roadway stormwater rather than piping the stormwater across Marine Drive to the Columbia River. This would have worked well for over 100 years were they maintained;
3. Reducing the curb to curb width of the proposed roadway from 32' to 28' with a sidewalk and stormwater infiltration bioswales on the north side of the road. The roadway will be increased to a 32' width near the west end to accommodate on-street parking issues unique to Supreme Perlite.

Those proposed changes are expressly conditioned upon the Property Owners understanding and agreeing to no "on street" parking of automobile on the 28' wide portion of North Suttle Road. This restriction is acceptable to, Oil Re-refining Company, Inc. and Merit USA, Inc. Further, we hereby confirm that semi-tractor and trailers are used by both of our companies and we desire to retain all of our existing driveways when the roadway is reconstructed.

Third, we very much appreciate the City Council, as well as City Staff's efforts to search for additional ways to help find additional City funds to contribute toward the payment of the roadway. We were happy to hear that the City was willing to consider the project on a 50/50 basis of hard cost.

This would be very helpful and would go a long way of making up for the lack of maintenance on the stormwater using funds paid for by the Property Owners over the years. That was one of the main reasons rainwater flooded and remained on the paved areas all during the long wet season each year.

We are grateful the City's willingness to remove wetlands and/or stormwater management bioswales on the south side of the road from the GIS calculated square footage of the included proposed LID properties.



188576

It is our understanding that North Suttle Road is the boundary line for the FEMA 100-year flood plain. To the extent it is able, we respectfully request that the City grant a variance from its cut and fill requirements for the roadway construction within the 100-year flood plain. This request is to help minimize the burdensome cost the reconstruction of the roadway places on essentially nine landowners.

Further, if at some future time the present west dead end of North Suttle Road is developed, we request that the City require the entity responsible for the development to be responsible for paying for any traffic controls that may become necessary at the North Portland Road/North Suttle Road intersection.

We recognize the City Staff's desire to carry a "conservative" \$9.6 million budget recommendations to Council for approval, a budget that also assumes no road narrowing nor elimination of the stormwater outfall and that includes an approximately 45% contingency. However, as the entities who ultimately will pay for most of the roadway, we are deeply concerned about the potential for "budget creep" and the tendency for construction project to expand to us all the budgeted monies.

Following the August 7th meeting, we ask MFA to review its initial \$4.14 million roadway cost estimate, which was based upon their draft recommendations. We requested MFA to revise their estimate to incorporate an asphalt roadway surface with a 50-year life span. The associated increase cost is under review, however we understand it will be approximately an additional \$170,000, which also includes a 30% contingency. The revised total cost being \$4.3 - \$4.4 million.

Although we recognize the need to reconstruct North Suttle Road, as the ones responsible for it payment, we cannot support the formation of the Proposed LID at the City's proposed \$9.6 million amount. In order to obtain a more realistic cost we retained MFA to complete the Engineering Study and fill in several data gaps. Given the information provided by the MFA Engineering Study, their revised \$4.3- \$4.4 million cost estimate and the City's acknowledged changes to their initial proposal, we respectfully request the Mayor and City Council to limit their approval of the formation of the LID at a budgeted amount of \$6 million. This is a more reasonable cost for the roadway, it provides a reasonable contingency amount and is one that our companies would be willing to accept on the 50/50 basis.

Sincerely,

W.L. Briggs
Senior Consultant

From: Aebi, Andrew
Sent: Thursday, August 17, 2017 1:38 PM
To: Commissioner Fish; Eudaly, Chloe; Fritz, Amanda; Saltzman, Dan; Wheeler, Ted; Brewster, Stacy; Broughal, Justine; Gates, Janine; Quitugua, Betsy; Washington, Mustafa; Barber, Josiah
Cc: Moore-Love, Karla; Parsons, Susan; Grumm, Matt; Williams, Millicent
Subject: FW: Suttle Rd. LID - PMP Properties
Attachments: PMP - Andrew Aebi ltr 8-16-17.pdf

FYI; this LID is continued from July 12th (Item #787) and it is coming back to Council on August 23rd for amendments and a final vote on August 30th.

Thanks,

Andrew Aebi

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation
voice 503.823.5648 | fax 503.823.7371
e-mail: andrew.aebi@portlandoregon.gov
website: www.portlandoregon.gov/transportation/article/82647

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From: Aebi, Andrew
Sent: Thursday, August 17, 2017 1:37 PM
To: 'lconn@jbcpx.com' <lconn@jbcpx.com>
Subject: Re: Suttle Rd. LID

Thank you, Larry. I will get this entered into the Council record.

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation
voice 503.823.5648 | fax 503.823.7371
e-mail: andrew.aebi@portlandoregon.gov
website: www.portlandoregon.gov/transportation/article/82647

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From: Fletcher Conn [<mailto:lconn@jbcpdx.com>]
Sent: Wednesday, August 16, 2017 9:58 PM
To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>
Subject: Suttle Rd. LID

188576

Andrew,

See attached.

Larry Conn
Jackson, Beall and Conn, Inc.
lconn@jbcpdx.com
(503) 635-8668 office
(503) 891-4689 cell



JACKSON BEALL AND CONN INC

Commercial & Industrial Real Estate, Investment Counseling & Development Mgt.

18099 S. Greenbluff Dr.
Lake Oswego, OR 97034
(503) 635-8668

Fletcher L. Conn
Fletcher R. Conn

Mr. Andrew Aebi
Local Improvement District Administrator
Portland Bureau of Transportation
1120 S.W. 5th Ave., Suite 800
Portland, OR 97204

August 16, 2017

Re: Suttle Rd. Proposed LID

Dear Mr. Aebi,

Should the City of Portland force us to form the proposed LID, PMP Properties, LLC agrees to no "on street" parking of automobiles on the 28 ft. wide portion of N. Suttle Rd. This restriction is acceptable to PMP Properties, LLC. Further, we hereby confirm that semi-tractors and trailers are used at PMP Properties, LLC and we desire to retain all of our existing driveways when and if the roadway is reconstructed.

Sincerely,

Fletcher L. Conn, Pres.
Agent for
PMP Properties, LLC

From: Aebi, Andrew
Sent: Thursday, August 17, 2017 1:48 PM
To: Commissioner Fish; Eudaly, Chloe; Fritz, Amanda; Saltzman, Dan; Wheeler, Ted; Brewster, Stacy; Broughal, Justine; Gates, Janine; Quitugua, Betsy; Washington, Mustafa; Barber, Josiah
Cc: Moore-Love, Karla; Parsons, Susan; Grumm, Matt; Williams, Millicent
Subject: FW: North Suttle Road LID - Letter to City Council prior to August 23rd meeting - Supreme Perlite Additional Letter
Attachments: Proposed North Suttle Road LID formation.pdf

FYI; this LID is continued from July 12th (Item #787) and it is coming back to Council on August 23rd for amendments and a final vote on August 30th.

Thanks,

Andrew Aebi

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: Aebi, Andrew
Sent: Thursday, August 17, 2017 1:47 PM
To: Alan G. Kiraly (alan@perlite.com) <alan@perlite.com>
Subject: Re: North Suttle Road LID - Letter to City Council prior to August 23rd meeting

Thank you, Alan. I will get this additional letter entered into the Council record.

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: Alan Kiraly [<mailto:alan@perlite.com>]
Sent: Wednesday, August 16, 2017 4:39 PM
To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>
Subject: North Suttle Road LID - Letter to City Council prior to August 23rd meeting

Dear Andrew,

Please find attached a copy of an additional letter regarding LID formation incorporating the latest information from Maul Foster Alongi on constructing the improved road to a "perpetual asphalt" standard. This letter was crafted by Jim Brown for general use by the other property owners on the street, and as such, some of the comments we made in our previous letter sent August 14th are repeated. This new letter is intended to augment those arguments made previously, and will be copied to the offices of the Mayor, and other Council Members to raise awareness for this project in advance of the meeting at City Hall on August 23rd.

Additionally, we wish to bring your attention to two additional issues:

- 1) A street width of 32 feet has been suggested for the west end of the road adjacent to our property. But this leaves only a 4 foot strip for on street parking (in addition to the 28 feet for the main road width). We suggest either a 34 or 36 foot width would be more appropriate for the overall width at this end of the street. Just to give some perspective, there is currently 37 feet of width between the rail right of way on the south side of the road next to our property, and the fence across the street.
- 2) Frank Petterson proposes that since the road will be tipped downward to the north side and towards the location of the proposed swales on that side of the street, that the curbs on the south side be level with the pavement to allow Peninsula Rail Line the access it needs to replace railroad ties and maintain the rail line.

Thank you,

Alan Kiraly
Supreme Perlite Company
(503)286-4333



4600 North Suttle Road, Portland, OR 97217-7720
Ph 503.286.4333 · Fax 503.286.1068 info@perlite.com · www.perlite.com

August 15, 2017

Andrew Aebi
LID Administrator
City of Portland Department of Transportation

RE: N Suttle Road proposed LID formation.

Dear Mr. Aebi:

First, we extend a sincere Thank You to the City's Staff and you for meeting with us and the other N Suttle Road Property Owners on August 7 to discuss the Maul Foster Alongi (MFA), North Suttle Road Engineering Study. We appreciate the cooperative manner in which all of you have worked with MFA and us to reach a better and more cost-effective design for North Suttle Road. We also appreciate the City's favorable acceptance of MFA's Engineering Study with its needed information and the vital clarifications it provides regarding fundamental construction aspects of North Suttle Road and the stormwater management system.

Second, we were pleased to learn the City will include a signed, PE stamped copy of MFA's Engineering Study in the proposed LID Formation Ordinance as an Exhibit. MFA has assured us that an electronic copy of the report will be provided to you on or before Wednesday, August 16. It is our understanding the LID Ordinance will encourage PBOT and BES engineers to adopt the recommended scope of work changes. These changes include:

- 1) Using a 50-year design life for the roadway, which we believe to be equivalent to the "perpetual pavement" standard used currently by the City for street construction;
- 2) Utilizing infiltration galleries/bioswales along the north side of N Suttle Rd. to manage roadway stormwater rather than piping the stormwater across Martine Drive to the Columbia River;
- 3) Reducing the curb-to-curb width of the proposed roadway from 32' to 28' with a sidewalk and stormwater infiltration bioswales on the north side of the road. The roadway will be increased to a minimum 34' width near the west end to accommodate on-street parking issues unique to Supreme Perlite.

These proposed changes are expressly conditioned upon the Property Owners understanding and agreeing to no "on street" parking of automobiles on the 28' wide portion of N Suttle Rd. This restriction is acceptable to Supreme Perlite Company. Further, we hereby confirm that semi-tractors and trailers are used at Supreme Perlite, and we desire to retain all of our existing driveways when the roadway is reconstructed.

Serving the Northwest Since 1954

Perlite Aggregates for Horticulture, Construction & Industry
Member, Perlite Institute

Third, we very much appreciate City Council's, as well as City Staff's efforts to search for additional ways to help find additional City funds to contribute towards the payment of the roadway. We are grateful the City's willingness to remove wetlands and/or stormwater management bioswales on the south side of the road from the GIS calculated square footage of the included proposed LID properties.

It is our understanding that North Suttle Rd. is the boundary line for the FEMA 100-year flood plain. To the extent it is able, we respectfully request that the City grant a variance from its cut and fill requirements for the roadway construction within the 100-year flood plain. This request is to help minimize the burdensome costs the reconstruction of the roadway places on essentially nine landowners.

Further, if at some future time the west end of North Suttle Road is developed, we request that the City require the entity responsible for the development to be responsible for paying for any traffic controls that may become necessary at the North Portland Rd/North Suttle Rd intersection.

We recognize the City Staff's desire to carry a "conservative" \$9.6 million budget recommendation to Council for approval, a budget that also assumes no road narrowing, nor elimination of the stormwater outfall and that includes an approximate 45% contingency. However, as the entities who ultimately will pay for most of the roadway, we are deeply concerned about the potential for "budget creep" and the tendency for construction projects to expand to use all the budgeted monies.

Following the August 7 meeting, we asked MFA to review its initial \$4.14 million roadway cost estimate, which was based upon their draft recommendations. We requested MFA to revise their estimate to incorporate an perpetual asphalt roadway surface with a 50-year lifespan. On August 15, MFA provided us revised estimates for both a perpetual asphalt roadway at \$4,006,115 and a similar quality concrete roadway at \$3,883,382. Each of these estimates includes a 30% contingency.

Although we recognize the need to reconstruct N Suttle Rd, as the entities responsible for its payment, we cannot support the formation of the Proposed LID at the City's proposed \$9.6 million amount. In order to obtain a more realistic cost we retained MFA to complete the Engineering Study and fill in several data gaps. Given the information provided by the MFA Engineering Study, their revised \$3.88 million - \$4.00 million cost estimates and the City's acknowledged changes to their initial proposal; we respectfully request the Mayor and City Council to limit their approval of the formation of the LID to this amount, until it is shown that an increased amount is necessary. This is a more reasonable cost for the roadway, it provides a reasonable contingency amount and is one Supreme Perlite can support.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Frank Petterson', with a long horizontal stroke extending to the right.

Frank Petterson
Owner/President
Supreme Perlite Company

Parsons, Susan

From: Aebi, Andrew
Sent: Wednesday, August 16, 2017 11:31 AM
To: Commissioner Fish; Eudaly, Chloe; Fritz, Amanda; Saltzman, Dan; Wheeler, Ted; Brewster, Stacy; Broughal, Justine; Gates, Janine; Quitugua, Betsy; Washington, Mustafa; Barber, Josiah
Cc: Moore-Love, Karla; Parsons, Susan; Grumm, Matt; Williams, Millicent
Subject: FW: N Suttle Road LID - Eco Services

FYI; this LID is continued from July 12th (Item #787) and it is coming back to Council on August 23rd for amendments and a final vote on August 30th.

Thanks,

Andrew Aebi

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: Aebi, Andrew
Sent: Wednesday, August 16, 2017 11:28 AM
To: 'Joe Koscinski(VF)' <Joe.Koscinski@pqcorp.com>
Cc: Paul Ferrall(VF) <Paul.Ferrall@pqcorp.com>; Darrel Hodge <Darrel.Hodge@eco-services.com>; James Brown <jim@jcbrownpc.com>; Staley, Krista-Ann <KStaley@babstcalland.com>
Subject: RE: N Suttle Road LID

Thank you, Mr. Koscinski. I will forward your written testimony to the Council offices.

Andrew Aebi

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: Joe Koscinski(VF) [<mailto:Joe.Koscinski@pqcorp.com>]

Sent: Wednesday, August 16, 2017 11:27 AM

To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>

Cc: Paul Ferrall(VF) <Paul.Ferrall@pqcorp.com>; Darrel Hodge <Darrel.Hodge@eco-services.com>; James Brown <jim@jcbrownpc.com>; Staley, Krista-Ann <KStaley@babstcalland.com>

Subject: N Suttle Road LID

Dear Mr. Aebi:

I am the Vice President and General Counsel of Eco Services Operations Corp. (a wholly-owned subsidiary of PQ Corporation), which is one of the property owners located along the proposed N Suttle Road LID. I would like to thank you and the City's Staff for meeting with us and the other N Suttle Road Property Owners on August 7 to discuss the Maul Foster Alongi (MFA), North Suttle Road Engineering Study. We appreciate the cooperative manner in which all of you have worked with MFA and us to reach a better and more cost-effective design for North Suttle Road. We also appreciate the City's favorable acceptance of MFA's Engineering Study with its needed information and the vital clarifications it provides regarding fundamental construction aspects of North Suttle Road and the stormwater management system.

We were pleased to learn the City will include a signed, PE stamped copy of MFA's Engineering Study in the proposed LID Formation Ordinance as an Exhibit. MFA has assured us that an electronic copy of the report will be provided to you on or before Wednesday, August 16. It is our understanding the LID Ordinance will encourage PBOT and BES engineers to adopt the recommended scope of work changes. These changes include:

- 1) Using a 50-year design life for the roadway, which we believe to be equivalent to the "perpetual pavement" standard used currently by the City for street construction;
- 2) Utilizing infiltration galleries/bioswales along the north side of N Suttle Rd. to manage roadway stormwater rather than piping the stormwater across Martine Drive to the Columbia River;
- 3) Reducing the curb-to-curb width of the proposed roadway from 32' to 28' with a sidewalk and stormwater infiltration bioswales on the north side of the road. The roadway will be increased to a 32' width near the west end to accommodate on-street parking issues unique to Supreme Perlite.

These proposed changes are expressly conditioned upon the Property Owners understanding and agreeing to no "on street" parking of automobiles on the 28' wide portion of N Suttle Rd. This restriction is acceptable to Eco Services. Further, we hereby confirm that semi-tractors and trailers are used at Eco Services and we desire to retain all of our existing driveways when the roadway is reconstructed.

Third, we very much appreciate City Council's, as well as City Staff's, efforts to search for additional ways to help find additional City funds to contribute towards the payment of the roadway. We are grateful the City's willingness to remove wetlands and/or stormwater management bioswales on the south side of the road from the GIS calculated square footage of the included proposed LID properties.

It is our understanding that North Suttle Rd. is the boundary line for the FEMA 100-year flood plain. To the extent it is able, we respectfully request that the City grant a variance from its cut and fill requirements for the roadway construction within the 100-year flood plain. This request is to help minimize the burdensome costs the reconstruction of the roadway places on essentially nine landowners.

Further, if at some future time the west end of North Suttle Road is developed, we request that the City require the entity responsible for the development to be responsible for paying for any traffic controls that may become necessary at the North Portland Rd/North Suttle Rd intersection.

We recognize the City Staff's desire to carry a "conservative" \$9.6 million budget recommendation to Council for approval, a budget that also assumes no road narrowing nor elimination of the stormwater outfall and that includes an approximate 45% contingency. However, as the entities who ultimately will pay for most of the roadway, we are deeply concerned about the potential for "budget creep" and the tendency for construction projects to expand to use all the budgeted monies.

Following the August 7 meeting, we asked MFA to review its initial \$4.14 million roadway cost estimate, which was based upon their draft recommendations. We requested MFA to revise their estimate to incorporate a perpetual asphalt roadway surface with a 50-year lifespan. On August 15, MFA provided us revised estimates for both a perpetual asphalt roadway at \$4,006,115 and a similar quality concrete roadway at \$3,883,382. Each of these estimates includes a 30% contingency.

Although we recognize the need to reconstruct N Suttle Rd, as the entities responsible for its payment, we cannot support the formation of the Proposed LID at the City's proposed \$9.6 million amount. In order to obtain a more realistic cost we retained MFA to complete the Engineering Study and fill in several data gaps. Given the information provided by the MFA Engineering Study, their revised \$3.88 million - \$4.00 million cost estimates and the City's acknowledged changes to their initial proposal, we respectfully request the Mayor and City Council to limit their approval of the formation of the LID at a budgeted amount of \$5 million. This is a more reasonable cost for the roadway, it provides a reasonable contingency amount and is one Eco Services could support. Kindly note that nothing in this email should be construed as affecting the remonstrance that was previously filed by Eco Services with respect to this LID.

Thank you, and please contact me if you have any questions.

Best regards,

Joe Koscinski



Joseph S. Koscinski
Vice President and General Counsel
300 Lindenwood Drive
Malvern, PA 19355 USA
Direct: +1 610-651-4209
Fax: +1 610-651-4273
Email: Joe.Koscinski@pqcorp.com

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Parsons, Susan

From: Aebi, Andrew
Sent: Wednesday, August 16, 2017 11:02 AM
To: jim@jcbrownpc.com
Cc: Brewster, Stacy; Broughal, Justine; Gates, Janine; Quitugua, Betsy; Washington, Mustafa; Yohannes, Winta; Moore-Love, Karla; Grumm, Matt; Williams, Millicent; Parsons, Susan
Subject: Re: Proposed North Suttle Rd LID - Western Container Transport, TriggCo Real Estate LLC & James Brown

Dear James,

Thank you for additional testimony on this LID item being continued from July 12th (Item #787) and which is coming back to Council on August 23rd for amendments and a final vote on August 30th.

Thanks,

Andrew Aebi

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: James Brown [mailto:jim@jcbrownpc.com]

Sent: Wednesday, August 16, 2017 10:52 AM

To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>; Wheeler, Mayor <MayorWheeler@portlandoregon.gov>; Commissioner Fritz <amanda@portlandoregon.gov>; Commissioner Eudaly <chloe@portlandoregon.gov>; Commissioner Fish <nick@portlandoregon.gov>; Commissioner Saltzman <dan@portlandoregon.gov>

Cc: devinastearns@gmail.com; Gerald "Sonny" Breunig <geraldbreunig@comcast.net>; James C. Brown (jcbrownpc@msn.com) <jcbrownpc@msn.com>

Subject: Proposed North Suttle Rd LID

Dear Andrew:

On behalf of our clients, Western Container Transport Inc. and TriggCo Real Estate LLC, and myself, we extend a sincere Thank You to the City's Staff and you for meeting with us on August 7 to discuss the Maul Foster Alongi (MFA), North Suttle Road Engineering Study. We appreciate the cooperative manner in which all of the City Staff have worked with MFA and us to reach what we sincerely believe is a better and more cost-effective design for North Suttle Road. We also appreciate the City's favorable acceptance of MFA's Engineering Study with the its information and the vital clarifications it provides regarding fundamental construction aspects of North Suttle Road and its stormwater management system.

We trust that the cooperative working relationship that we have developed with the City over the past year and a half will continue throughout the design and implementation phases of this project. We appreciate the City's declared intent to provide the owners with an opportunity to review and provide feedback on the intermediate and final plans to

reconstruct North Suttle Road with the intent of the parties being to minimize the extent of the work to that absolutely necessary to provide an effective road for the property owners.

We were pleased to learn the City will include a signed, PE stamped copy of MFA's Engineering Study in the proposed LID Formation Ordinance as an Exhibit. MFA has assured us that an electronic copy of the report will be provided to you the afternoon.

It is our understanding the LID Ordinance will encourage PBOT and BES engineers to adopt the recommended scope of work changes. These changes include:

- 1) Using the "perpetual pavement" standard used currently by the City for street construction;
- 2) Utilizing infiltration galleries/bioswales along the north side of N Suttle Rd. to manage roadway stormwater rather than piping the stormwater across Martine Drive to the Columbia River;
- 3) Reducing the curb-to-curb width of the proposed roadway from 32' to 28' with a sidewalk and stormwater infiltration bioswales on the north side of the road. The roadway will be increased to a 32' width near the west end to accommodate on-street parking issues unique to Supreme Perlite.

We understand these proposed changes are expressly conditioned upon the Property Owners agreeing to no "on street" parking of automobiles on the 28' wide portion of N Suttle Rd. The no "on street" parking restriction is acceptable to Western Container Transport Inc. and TriggCo Real Estate LLC. Further, we confirm that semi-tractors and trailers are used at Western Container Transport Inc. and TriggCo Real Estate LLC and our clients desire to retain all of their existing driveways when the roadway is reconstructed.

We very much appreciate City Council's and City Staff's efforts to search for additional ways to help find additional City funds to contribute towards the payment of the roadway. We are grateful the City's willingness to remove wetlands and/or stormwater management bioswales on the south side of the road from the GIS calculated square footage of the included proposed LID properties.

It is our understanding that North Suttle Rd. is the boundary line for the FEMA 100-year flood plain. To the extent it is able to do so, we respectfully request that the City grant a variance from its cut and fill requirements for any roadway construction within the 100-year flood plain. This request is to help further minimize the burdensome costs the reconstruction of the roadway places on essentially nine landowners.

We request that the City impose a condition that the developer of any improvements that open up the west end of N. Suttle Road will be solely responsible for the cost of all traffic controls and related street improvements that may be necessary, including at the Portland Road intersection.

We recognize the City Staff's desire to carry a "conservative" \$9.6 million budget recommendation to Council for approval, a budget that also assumes no road narrowing nor elimination of the stormwater outfall and that includes an approximate 45% contingency. However, as the entities who ultimately will pay for most of the roadway's cost, we are deeply concerned about the potential for "budget creep" and the tendency for construction projects to expand to use all the budgeted monies.

Following the August 7 meeting, we asked MFA to review its initial \$4.14 million roadway cost estimate, which was based upon their draft recommendations. We requested MFA to revise their estimate to incorporate an perpetual asphalt roadway surface with a 50-year lifespan. On August 15, MFA provided us revised cost estimates for both a perpetual asphalt roadway of \$4,006,115 and a similar quality concrete roadway of \$3,883,382. Each of these estimates includes a 30% contingency.

While we recognize the need to reconstruct N Suttle Rd and acknowledge that formation of the LID with the City fronting the initial construction costs is the most practical means of completing the work; as the entities responsible for its payment, we cannot support the formation of the Proposed LID at the City's proposed \$9.6 million amount. In order

to obtain a more realistic cost we retained MFA to complete the Engineering Study and fill in several data gaps. Given the information provided by the MFA Engineering Study, their revised \$3.88 million - \$4.00 million cost estimates and the City's acknowledged changes to their initial proposal; we respectfully request the Mayor and City Council to limit their approval of the formation of the LID at a budgeted amount of \$5.5 million. This is a more reasonable cost for the roadway, it provides a reasonable contingency amount and is a budgeted amount Western Container Transport Inc. and TriggCo Real Estate LLC supports.

We thank you and your colleagues for your consideration and continued work on this project.

Respectfully,
Jim Brown

James C. Brown
Attorney at Law
James C Brown & Associates, P. C.
P.O. Box 31
Marylhurst, Oregon 97036

Phone: 503-557-2245
Fax: 503-557-0377
Cell: 503-784-7844
Email: jcbrownpc@msn.com

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Parsons, Susan

From: Aebi, Andrew
Sent: Wednesday, August 16, 2017 9:12 AM
To: david.r.gibson@lesschwab.com; Parsons, Susan
Cc: jim@jcbrownpc.com; ken.a.edwards@lesschwab.com
Subject: Re: Suttle Road Local Improvement District
Attachments: L - Aebi - 8 16 17.pdf

David, thank you for your kind words; I will forward your testimony to the Council offices. Just a minor clarification that should you send me additional correspondence via U.S. Postal mail, my mailing address is on South~~west~~ Fifth Avenue. Again, thank you for your participation in the meeting and for your follow-up letter.

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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From: David Gibson [mailto:david.r.gibson@lesschwab.com]
Sent: Wednesday, August 16, 2017 8:51 AM
To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>
Cc: James Brown <jim@jcbrownpc.com>; Ken A Edwards <Ken.A.Edwards@lesschwab.com>
Subject: Suttle Road Local Improvement District

Andrew - Thank you again for all of your efforts on this project. Our letter, to be submitted in lieu of oral testimony at the City Council hearing on August 23, is attached.

David Gibson
 Corporate Counsel
 Les Schwab Tire Centers
 541.416.5342
david.r.gibson@lesschwab.com

Delivery: 20900 Cooley Rd., Bend, OR 97701
 Mail: PO Box 5350, Bend, OR 97708

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LEGAL DEPARTMENT
TELEPHONE 541.416.5342
FAX 541.416.5454
david.r.gibson@lesschwab.com

LES SCHWAB TIRE CENTERS

P.O. Box 5350 - Bend, Oregon 97708-5350
20900 NE Cooley Rd. - Bend, Oregon 97701

August 15, 2017

Andrew Aebi
Local Improvement District Administrator
City of Portland
1120 SE Fifth Ave, Suite 800
Portland, OR 97204

Re: Proposed North Suttle Road Local Improvement District

Dear Andrew:

Thank you for meeting with the Suttle Road property owners on August 7 and reviewing with us the report we commissioned from Maul Foster Alongi ("Report"). I believe the meeting was very helpful to both the City staff and owners in attendance and hope that the spirit of cooperation evidenced at the meeting will continue.

Les Schwab supports moving forward with a local improvement district to improve Suttle Road. However, we condition our support on the following:

1. Implementation of the recommendations made in the Report, including using adjacent infiltration for storm water, not building a pedestrian access to Marine Drive, eliminating on street parking, and reducing the road width to 28 feet.
2. The LID assessment is made on a proportionate benefitting land basis after applying all governmental resources.
3. Maintaining the existing two points of access to our parcel in a width that will allow us to continue our historic use of moving over 70 double trailer (65" length) plus tractor cab loads into and out of our property on a daily basis. Please note that this was also the use of our property long before we purchased it. The width of access must accommodate for any infiltration ditches, landscaping, and sidewalk constructed by the City which sets the road back from our property.
4. A condition be imposed that the developer of any improvements that open up the west end of Suttle Road will be solely responsible for the cost of all traffic controls and related street improvements that may be necessary, including at the Portland Road intersection.
5. The City will provide the owners with an opportunity to review and provide feedback on plans developed for Suttle Road with the intent of all parties, including the City, being to minimize the extent of the work to that absolutely necessary to provide an effective road for the property owners.

Les Schwab thanks you and your colleagues for your consideration and continued work on this project.

Cordially,

LES SCHWAB TIRE CENTERS

A handwritten signature in cursive script, appearing to read "David R. Gibson".

**David R. Gibson
Corporate Counsel**

cc: Ken Edwards, Vice President

Parsons, Susan

From: Aebi, Andrew
Sent: Tuesday, August 15, 2017 3:41 PM
To: Parsons, Susan
Cc: Moore-Love, Karla; Grumm, Matt; Williams, Millicent; Scott Kilgo (Scott.Kilgo@portofportland.com); Emerald.Bogue@portofportland.com; Teresa.Carr@portofportland.com; Scott.Kilgo@portofportland.com; Philip Healy (Philip.Healy@portofportland.com); Tom Bouillion (Tom.Bouillion@portofportland.com); Glancy, Lise; Collier, Corky
Subject: FW: Proposed Suttle Road Local Improvement District Information - Port of Portland Testimony
Attachments: Suttle Road Local Improvement District letter to Andrew Aebi.pdf

Sue, please forward the attached letter to the appropriate Council office contacts for the continuation on 8/23.

Thanks,

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

website: www.portlandoregon.gov/transportation/article/82647

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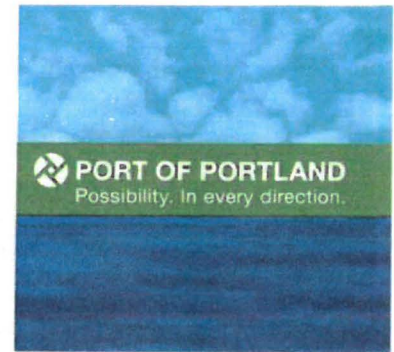
From: Kilgo, Scott [mailto:Scott.Kilgo@portofportland.com]
Sent: Tuesday, August 15, 2017 3:30 PM
To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>
Cc: Bogue, Emerald <Emerald.Bogue@portofportland.com>; Carr, Teresa <Teresa.Carr@portofportland.com>; Kilgo, Scott <Scott.Kilgo@portofportland.com>; Healy, Philip <Philip.Healy@portofportland.com>; Bouillion, Tom <Tom.Bouillion@portofportland.com>; Glancy, Lise <lise.glancy@portofportland.com>
Subject: Proposed Suttle Road Local Improvement District Information

Andrew,

The attached letter includes the additional information regarding the proposed LID at Suttle road that the Port committed to providing. A printed original is being sent in the mail to your attention.

Please give me a call if you have additional questions.

Thanks
 Scott Kilgo



August 15, 2017

Andrew Aebi
Local Improvement District Administrator
Portland Bureau of Transportation
1120 SW 5th Avenue #800
Portland OR 97204

RE: Council Proposed Suttle Road Local Improvement District

Dear Andrew:

The Port of Portland has been engaged in the property owner discussion regarding the Local Improvement District (LID) proposed for Suttle Road, and appreciates the extensive discussion between City staff and property owners over the last six months. The Port is a property owner on Suttle Road, but not an active user of the road. This is not expected to change in the future. Considering this, the Port has remained neutral regarding the proposed LID.

Conversations at a meeting with property owners on August 7, 2017 introduced some concepts that leave the Port with a need to provide additional information for context:

- The Port owns three tax lots on Suttle Road - two small parcels on the south side, and one on the west end (at the western terminus of Suttle Road).
- Almost 500 feet to the west of the end of Suttle Road, west of the Marine Drive overcrossing, lies the far eastern portion of Terminal 6. The eastern portion of Terminal 6 is located between the BPA high voltage transmission lines and the Marine Drive overcrossing. Because this area has a gated, rough gravel service road connecting to Suttle Road, some have suggested that this area should be included in the LID in the event that there be future development on this site.
- Over the 40 plus years that the Port has owned this site, the Port has had only one viable development proposal for this area and does not foresee any future development at this time that would impact the Suttle Road LID. The most recent use of the area has been for dredge disposal by river barge. Other potential uses are storage or uses that depend on rail and marine terminal access.
- Should there be interest in development, this area has a number of development challenges which make additional traffic to the existing Suttle Road unlikely. Specific challenges include:
 - A lack of basic utilities. For development on the eastern portion of Terminal 6 to occur, utilities would need to be extended from Marine Drive at considerable expense, including water, sanitary sewer, electricity, natural gas and telephone or fiber optic cable.
 - Access to Suttle Road. Construction of 1.25 miles of paved roadway from the end of the existing Suttle Road to the eastern portion of Terminal 6, at an estimated cost

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Box 3529 Portland OR 97208
503 415 6000

Andrew Aebi
Page 2
August 15, 2017

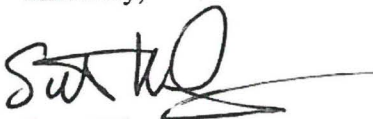
of \$5 million, would be required to support development of this area. Instead, road access to the eastern end of Terminal 6 is more likely to come from Marine Drive, which is designated as a Priority Truck Street in the City Transportation System Plan.

- Presence of the 100-year flood plain. The 100-year flood plain bisects the eastern end of Terminal 6. As a result, the site is subject to balanced cut and fill requirements and future habitat mitigation requirements, stemming from the pending FEMA Biological Opinion implementation process.
- Presence of the City environmental zone. The site has an environmental overlay zone that runs along the river bank. In addition, the most recent version of the City Natural Resources Inventory (NRI) designated almost the entire east end of Terminal 6 as a Special Habitat Area and high value combined Riparian and Wildlife habitat, suggesting substantially more environmental zoning in the future.
- The long, narrow configuration and varying depths of the site. This site footprint makes it inefficient and undesirable for other development uses found nearby such as warehousing and auto processing.

The Port remains committed to participating in the discussion for the LID proposal before Council for consideration at the current level of activity for our three vacant parcels on Suttle Road. Due to the challenges outlined above, this activity level is not expected to change in the foreseeable future. In the situation that the Port finds a development that can satisfy these challenging site conditions and absorb the high costs to develop, the Port is committed to satisfying the mitigations or other development obligations that are determined from review of the specific impacts at that time. This could include a signal at the intersection of Suttle Road and Portland Road (at the eastern end of Suttle Road), if tied to Port induced activity.

We trust this information clarifies questions that have been raised about the Port's property west of Suttle Road. We appreciate the hard work PBOT staff has put into finding a solution that works for all parties involved. We're happy to answer any questions about this matter and work in partnership toward the best result.

Sincerely,



Scott Kilgo
Marine and Industrial Real Estate, Senior Manager

cc: Emerald Bogue
Teresa Carr
Phil Healy
Tom Bouillion

Parsons, Susan

From: Aebi, Andrew
Sent: Monday, August 14, 2017 6:42 PM
To: Moore-Love, Karla
Cc: Parsons, Susan; Grumm, Matt; Williams, Millicent
Subject: Fw: N. Suttle Rd. LID: Supreme Perlite - on street parking
Attachments: Letter to Andrew Aebi - 08-10-2017 - on street parking.pdf

Karla, please send to the appropriate Council office contacts for the 8/23/17 continuation.

Thanks,

Andrew

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From: Aebi, Andrew <andrew.aebi@portlandoregon.gov>
 Sent: Monday, August 14, 2017 18:39
 Subject: Re: Supreme Perlite - on street parking
 To: Alan G. Kiraly <alan@perlite.com>

Thank you, Alan. This is the first letter received since the meeting and I will enter it into the Council record.

Andrew Aebi
 LID Administrator
 503-823-5648

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From: Alan Kiraly <alan@perlite.com>
 Sent: Monday, August 14, 2017 17:37
 Subject: Supreme Perlite - on street parking
 To: Aebi, Andrew <andrew.aebi@portlandoregon.gov>

Dear Andrew,

Please see attached letter with Supreme Perlite's response regarding on street parking for the proposed LID.

If you have any questions about our position on this matter, please call.

Thank you,

Alan Kiraly
 Supreme Perlite Company
 (503)286-4333



4600 North Suttle Road, Portland, OR 97217-7720
 Ph 503.286.4333 · Fax 503.286.1068 info@perlite.com · www.perlite.com

August 10, 2017

Andrew Aebi
 LID Administrator
 City of Portland Department of Transportation

RE: N Suttle Road "on street" parking as it pertains to potential LID formation

Dear Mr. Aebi,

At the August 7th meeting between representatives of the city and North Suttle Road property owners, you requested that we submit a written statement regarding the proposed removal of on street parking as a provision of the LID.

Supreme Perlite Co. receives an average of 11 truck visits to our site per weekday (3/4 loaded to less than half legal weight limit) over the course of the year, consisting mostly of full-length tractor-trailers (53 foot long high-cube dry vans and flatbeds, some with a set of doubles), and an average of 1 service vehicle. We support the finding in Maul Foster Alongi, Inc's Draft N Suttle Road Engineering Study that a 28 foot wide road would adequately meet the needs of our business with the following provisions:

- a) That an additional 6 to 8 foot strip of paving be provided for on street parking at the west end of the street and on the south side adjacent to our property.
- b) That we be able to maintain the existing 2 entries at either end of our property for truck access in and out of our business. Two access points are important to facilitate truck traffic in our lot because it is so narrow at certain points, and would be impractical to turn trucks around on the property itself.
- c) That the existing entry widths be wide enough to accommodate the turning radius of long trucks.

We are encouraged by the productive meeting and appreciate the City's flexibility on some of the issues at stake. Plus, we sincerely appreciate your efforts to procure additional funds. That said, we kindly ask that PBOT and the City Council re-consider the price tag of the overall project as proposed. Maul Foster Alongi, Inc has submitted a design that is almost half the cost, and meets the needs of the business community on the street. We are willing to support formation of the LID, but only if we receive adequate assurance of a significant reduction in the cost of the project.

Should you need further clarification or elaboration of the information provided here, please don't hesitate to get in touch with us.

Sincerely,



Frank Petterson
 President

Sincerely,



Alan Kiraly
 Corporate Secretary

Serving the Northwest Since 1954

Perlite Aggregates for Horticulture, Construction & Industry
 Member, Perlite Institute

Parsons, Susan

From: Aebi, Andrew
Sent: Friday, July 07, 2017 12:17 PM
To: Finn, Brendan
Cc: Grumm, Matt; Moore-Love, Karla; Parsons, Susan; Washington, Mustafa; Townsen, Steve; Ryan, Bill; Nunamaker, Dave; Knighton, Timothy; Lofgren, Todd; Schmanski, Sonia; Williams, Millicent
Subject: N. Suttle Rd. LID: Logistics for Council on 7/12 and Time Certain for 8/23

Brendan,

Per our discussion in Council execs today, please confirm a 30-minute Time Certain for the N. Suttle Rd. LID coming back to Council on 8/23.

7/12 Council

There are no planned amendments on 7/12. The plan is along the lines of the following:

- No presentation.
- No property owner testimony taken; this will be heard on 8/23; Mayor should announce this.
- Andrew introduces the Ordinance, announces the remonstrance level and explains our planned next steps, including a property owner meeting on 8/07.
- Steve Townsen explains in layperson's terms what a pavement study is and how we will use the information.
- Bill Ryan explains what steps BES would take to confirm whether it was appropriate to modify the project scope for stormwater infiltration in lieu of a stormwater outfall.
- We cover this all in 5 minutes, ahead of schedule. As a reminder, it will be most helpful if the Regular Agenda comes up before 10:00 AM, if the Mayor could skip to agenda item 801 so that the property owners aren't waiting for a couple of hours for agenda items 798 – 800; obviously that is the Mayor's call.

8/23 Council

We will have amendments to be determined on 8/23 and will add an emergency clause and vote it out the same day. Could you please confirm a 30-minute Time Certain for this date?

Thanks,

Andrew

Andrew Aebi MBA

Local Improvement District Administrator | City of Portland | Bureau of Transportation
 voice 503.823.5648 | fax 503.823.7371
 e-mail: andrew.aebi@portlandoregon.gov
 website: www.portlandoregon.gov/transportation/article/82647

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Moore-Love, Karla

From: Chris Hagerman <hagerman@bookinggroup.com>
Sent: Friday, July 07, 2017 9:08 PM
To: Council Clerk – Testimony
Cc: Aebi, Andrew; Steve.McInnis@rivercityusa.com
Subject: Testimony on NE 27th and Holland LID Ordinance
Attachments: NE 27TH & NE Holland LID TESTIMONY (Item 806).pdf

Attached is a memorandum I would like to submit to the City Commissioners on behalf of Steven McInnis, property owner within the proposed local improvement district (Item #806) scheduled for Wednesday July 12..

Thank you,

Chris Hagerman, PhD
The Bookin Group, LLC
812 SW Washington, Suite 600
Portland, OR 97205
hagerman@bookinggroup.com
503.502.8693



THE
BOOKIN
GROUP
LLC

Land Use &
Institutional
Planning

Policy Analysis

Project
Management

Group
Facilitation

MEMORANDUM

DATE: July 7, 2017

TO: Portland City Commissioners

FROM: Chris Hagerman, PhD, Principal, The Bookin Group LLC, on behalf of McInnis Investments LLC (River City Environmental)

SUBJECT: NE 27TH AVE AND HOLLAND ST LID (ITEM #806) AND STREET VACATIONS

This memorandum reiterates the support of McInnis Investments LLC for the establishment of a Local Improvement District (LID) for street improvements for NE 27th Ave and NE Holland St and outlines the intent to pursue a street vacation for portions of both streets outside the frontage improvements constructed by the LID.

The frontage improvements constructed via the LID process will facilitate the redevelopment of properties that Mr. McInnis, the president of River City Environmental and McInnis Investment LLC, owns with frontage on NE 27th Avenue. Tax Lots 2700 and 2600 are located north of NE Holland Street, while tax lot 2800 is south of NE Holland Street (Attachment A).

All of Mr. McInnis' three properties will take access from NE 27th Ave and lot consolidations will be pursued to create two properties, one north of NE Holland St and one south, that both will take access from NE 27th Ave. This will eliminate the possibility of a landlocked lot in the future.

Establishment of a 24-foot wide corridor on the north side of NE Holland St will provide for occasional use by 2706 NE Columbia Blvd. This limited improvement, instead of a full street and sidewalk corridors, will facilitate the retention of three large deciduous street trees on the northeast corner of the intersection (Attachment B).

Once preliminary design is complete for the improvements outlined in the LID ordinance, Mr. McInnis intends to work with adjacent property owners to pursue a street vacation for portions of unused right-of-way as shown on the accompanying figure (Attachment A). These include:

- NE 27th Ave south of the LID improvements – NE 27th Ave terminates at the railroad corridor.
- NE Holland St west of the LID improvements – NE Holland St is unlikely to be extended to the west and the adjacent property owner may be interested in joining the vacation.
- NE Holland St east of the LID improvements – NE Holland St terminates at the rear of a large property that has substantial frontage and takes primary access from NE Columbia Blvd. Continued secondary access on NE Holland St can be provided via an easement if this portion of NE Holland St is vacated.

While we recognize that the ordinance before Council does not approve any vacations of right-of-way, Mr. McInnis wanted to highlight that they will be pursued in the future and provide an opportunity for initial feedback.

812 SW Washington
Suite 600
Portland, Oregon
97205

Telephone
503.241.2423

Attachment A: LID Map with Future Street Vacation Areas

Attachment B: Photo of Right-of-Way Trees at Corner of NE 27th Ave and NE Holland St



PBOT
PORTLAND BUREAU OF TRANSPORTATION

NE 27th Avenue & Holland St LID Map



0 50 100 Feet

All properties 1N1E13

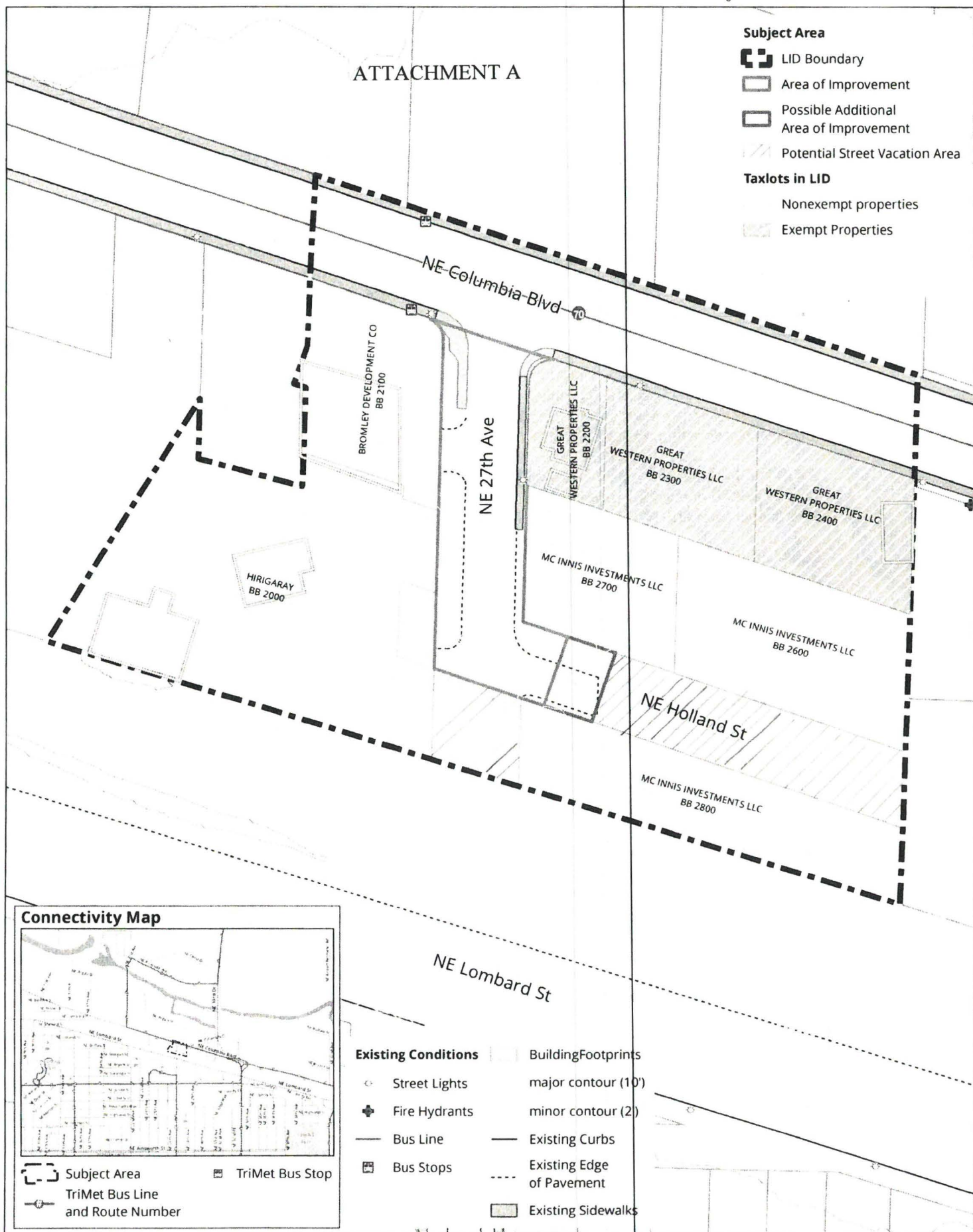
ATTACHMENT A

Subject Area

- LID Boundary
- Area of Improvement
- Possible Additional Area of Improvement
- Potential Street Vacation Area

Taxlots in LID

- Nonexempt properties
- Exempt Properties



Connectivity Map



- Subject Area
- TriMet Bus Stop
- TriMet Bus Line and Route Number

Existing Conditions

- Street Lights
- Fire Hydrants
- Bus Line
- Bus Stops
- BuildingFootprints
- major contour (10')
- minor contour (2')
- Existing Curbs
- Existing Edge of Pavement
- Existing Sidewalks

ATTCHMENT B

