

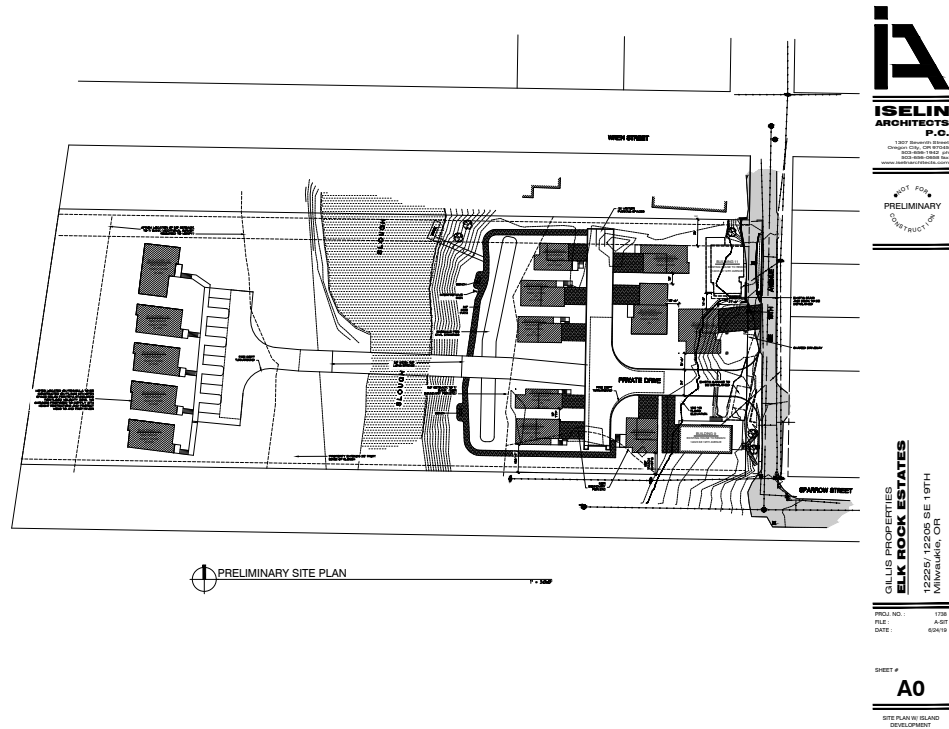
Elk Rock Estates – 7/19/2019 Response to Staff Report

Natural resources-:

- Our proposed plan is the most practicable option to balance all the code requirements and planning requests. *There is no way to avoid the HCA to the extent practicable because it covers approximately 80% of the site.* It would require tearing down 2 houses, which would be approximately 800K loss, and the result would be super tall super skinny houses that block almost all views and, that is not desirable or practicable. They would have to have a reduced bedroom and bathroom count (not practicable) and would not function as well. Attached Homes would not fit into the neighborhood. It would go against the comprehensive plan for desirable living spaces.
- **The final result of our proposed project is a beautiful community with desirable housing that encourages interaction with the river, it blends in with the neighborhood by matching the craftsman style across the street, and a natural modern character that blends with other houses on 19th.**
- We are talking about a mapped natural resources area, but the reality of this lot is it is dirt, weedy grasses, blackberries and thistle. It has little to no environmental or riparian value.
- **This project will benefit the habitat and natural resources.** We are building in an area that is currently weedy grasses and dirt, but we are mitigating by removing invasive species, Planting 385 trees, and planting over 1500 native scrubs. Going from a weedy dirt lot, to adding 40,000 sq feet of mitigation dramatically improves the environment.
- **We have met the standard to avoid, minimize, and mitigate.** The lot is 3.66 acres. Which allows 23-29 units. Our original pre-app application had 29 units on it. 29 units minus the calculations for Natural resources and Water Quality Resources we are allowed up to 18 units per code.
- *Here is an alternate viable plan that shows 15 units on the island. We could put 8 houses on the mainland and build 4 duplexes, road and parking on stilts over the island that would add very little fill. We could mitigate on the main site and the island to mitigate for the disturbance. I agree that this alternative would actually have an impact, but it has been done and mitigated in many areas in Oregon, Washington, and around the country. But we are not currently proposing this. We came in with a very reasonable proposal.*



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- **Our proposed project is beneficial to the environment. We are building in an area that is weedy grasses and dirt, but we are mitigating by removing invasive species, Planting 385 trees, and planting over 1500 native scrubs. Going from a weedy dirt lot, to adding 40,000 sq feet of mitigation dramatically improves the environment.**
- **We meet the avoid, minimize, and mitigate code by not proposing the allowed 18 units.** The site is 3.66 acres. We have avoided development to the extent practicable in 1.58 acres of the site. Clustered on 2 acres to avoid to the extent practicable. We proposed 12 units instead of 18 units to minimize impact to the weedy lot to the extent practicable. And we are dramatically improving the environment by mitigated the disturbance of the weedy lot.
- Staff Question-
- Moving Lower road- *There is no way to move the private drive closer to 19th.* Its already been moved as close to 19th as we can. It's the steepest grade possible per MCC. The clustering to the extent practicable has been done. This is outlined in the paragraph above. Any option with a lower road will have a similar impact as our proposed development due to cut needed to raise the road. We have raised our road to meet the comprehensive plan policy even though it is not criteria of MCC. With the grading requirements, it would not be possible or practical to move the road.
- Staff Question- "Is the proposed mitigation area appropriate given its propensity to flood and its current natural state?"

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- The mitigation site meets the criteria. There is not criteria for this. The mitigation site is above ordinary high water. This site mitigation side does not have a propensity to flood. The Statesman Journal stated April 2019's high waters were expected to be the highest water since 2012. These photos were taken April 10th around 12:30. The mitigation site was still above the water during this near flood level high water event. If an event happened with more water than this in the first 2 years which is extremely unlikely, we would replant per the code. After 2 years the plants should be deeply rooted and well established enough to survive.



Greenway

- Although this criteria is not clear and objective, the proposed development is compatible with the character of the river. We have used wood-looking or wood materials and stone siding to tie into the natural character of the river. This will be economically beneficial in tax revenue as well. They design encourages interaction with the river and recreation on the river through our proposed boat dock.
- **The proposed design is designed to maintain and protect views.** We designed the project with the access way opening in a similar location to protect views. The 90% of the new buildings are proposed on the main site to maintain views. Building on the lower area helps maintain and protect views.
- Our design to leaves the house currently numbered 12205 se 19th protects and maintains the views to the river to the *highest extent practicable* from the craftsman home across the street. By not tearing it down and building taller, the views are preserved over the roof from the craftsman house. *By detaching the houses we have left view corridors through the site.* Elk rock island and the private island block the majority of the views straight toward the river. Those 2 islands also block views from the river. The staff report states: The overall views

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from the public right of way toward the river are limited today and do not appear significant enough to preclude approval of the WG conditional use application.

- Public access along the river to greatest degree along the river by **appropriate legal means** has been established. Directly adjacent is sparrow right of way, and the city park. The public has lots of access to the river through the park and elk rock island. Wren is also a public right of way and could provide access.
- The project was designed to emphasized water orientated use through views, and the boat dock will provide residents recreational access to the river.
- The proposed project will not affect views between the river and downtown. It is set back and park trees and greenery block the views already.
- Protection of the natural environment has been talked about in the natural resources section, but the lot we are disturbing is dirt and weedy grasses. It has invasive species and has little environmental value. We will be improving this environment through landscaping of the site. And planting 375 trees and over 1500 native scrubs as well as removing invasive species and homeless camp trash. Overall this project would benefit the environment.

Conformance to comprehensive plan policies. The proposed site plan was well designed to conform with comprehensive plan policies. The comprehensive plan mentions maintaining and preserving existing housing stock, which he have done by leaving the existing houses. It talks about needed housing. We are adding density which is consistent with Milwaukies comprehensive plan. **The comprehensive plan states:**

“The most basic concept underlying residential land use policy in Milwaukie is that the City is and will continue to be composed primarily of single family neighborhoods. Housing types resulting in higher densities are to be concentrated in order to support public transportation services and major commercial centers, have close proximity to major streets, and to lessen the impact of through traffic on single family areas.”

Its also states:

“Within Moderate Density areas (R5), convenient walking distance to a transit stop or close proximity to major trip generators shall be considered.”

- Our proposed project is in the ideal location to support transit. It is approximately 8 block from the downtown max station and downtown Milwaukie once the walking path to pedestrian bridge is complete. This site is ideal for higher density and higher density than the proposed project should be considered to improve available housing stock.
- Alternatives to our design that have been proposed by others and staff do not meet the intent of the comprehensive plan. They are asking to tear down existing housing stock, which goes against the comprehensive plan. Reducing number of units go against the comprehensive plan. The other options would create a wall of house at the street that would block almost all

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views to the river. Plus attached units do not meet the character of the neighborhood which also goes against the comprehensive plan's policy.

- Our plan is the best balance to meet the comprehensive plan, create quality and desirable housing near transit areas, maintain views, meet the floodplain, greenway, environmental, engineering, and all other criteria in the code.
- The plan is consistent with Department of State Lands We have setback 50 ft and created a vegetation buffer plan.
- **The Staff report states that almost all of the site will be altered, but we are avoiding development on 1.58 acres of the site.** The staff report states our mitigation plan will plow the soil and bring in mulch. Our environmentalist does not know where that is stated, but he said we do not need to plow and that mulching is standard procedure and mulching or otherwise covering bare soils is required by most jurisdictions. If absolutely necessary to avoid importing mulch we can grind up invasive species and use that for mulch. Our environmentalist state blackberry won't re-sprout from the grindings.
- Are the characteristics of the lot suitable given its location in the 100-year floodplain? This is not a part of the criteria for approval, but I will respond anyway. The characteristics of the lot are suitable in the 100-year flood plain. There are many houses along the Willamette River in the floodplain. Many of those homes have been recently built to FEMA specifications. To build in the floodplain you need to have a balance cut and fill, which we will provide a no rise analysis. And build the structures per FEMA code, which should be a condition of approval. The foundations will be built so water can flow through to meet FEMA guidelines. This type of foundation has been done along the Willamette river in the floodplain as well as beachfront houses in the floodplain.
- The Staff Report appears to object to the proposed mitigation because it is in the floodplain. The MCC makes no requirement that mitigations be inside or outside of floodplains. Note that just about all stream and bank restoration, and fish habitat restoration projects are in floodplains or floodways. If being outside of the floodplains was a criteria then it would prohibit much of this important work. We have had a survey done to show the mitigation site is above ordinary high water. We have had a geotech do borings and analyze the soils, and the environmentalist says it would be suitable. This mitigation area was above water in April's high waters, which was the highest water level since 2012. We will be bonded and replant for 2 years. After 2 years the plants should be deeply rooted and well established enough to survive.
- Consideration of landscape aesthetic enhancement, open space, vegetation between the development and the slough. **This is not part of the criteria.** We need a vegetated buffer, which we have done. There is a 50 ft setback and vegetative buffer between the houses and the slough.

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- Variance- Allow 3 story homes. The staff report states that the height variance is reasonable. We are below the height requirements. And 18/12 roof pitch commonly seen in craftsman homes is another alternative that meets the code standard of 2 1/2 stories, but the way the height is measured to middle of the roof we could have a peak of 44 ft and still be within the code measurement of 35 ft to the middle of the roof without a variance. This style would have a similar floor space and meet all the code, but we are requesting a variance for this design because it would benefit the neighborhood and better preserve the views.
- Variance for accessway: We are adjusting our materials to meet this code requirement. This is a condition of approval at the end. *Please make this a condition of approval*, because we will comply with the code and are not requesting a variance at this time.
- Variance for size of garage doors. The variance is to have garage doors to be 16ft wide instead of 12 ft wide which is allowed in the code. This code was designed to keep houses from having a big white ugly garage door out front, and have houses with character. We are using wood looking garage doors to have a nice aesthetic and we are using them to add character. Plus our porch covers will stick out further and add dimension and character. This variance request would allow these to be nicer homes with a garage door of 16 ft wide instead of 12 which is allowed by code.