

"Creating Tomorrow's Environment - Today"

Environmental Technology Consultants

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July 11, 2019

TO: Mathew Gillis
4776 Carolina Avenue, NE
Salem, OR 97305

RE: Addendum #1 to "HCA Mitigation Proposal and Alternative's Analysis for Elk Rock Estates V7" City of Milwaukie ID #:L 18-004PA
Comments on the city proposed "9-Unit" Alternative Development Plan

Dear Mr. Gillis,

You asked ETC to comment on the city's proposed alternative development plan, we are calling the "9-Unit" plan for lack of a better name. Essentially this plan constructs a single row of dwelling units along SE 19th Avenue as close to the street as possible in order to reduce impacts to the HCA zone.

The response below incorporates comments from ETC, Harper Houf Peterson Righellis Inc, and your attorney Michael Robinson.

The Natural Resources code is not clear and objective per Oregon needed housing law. Therefore the criteria may not be applied to our application, but we have met the code with our alternatives analysis.

The attached townhome option reflects the option suggested by the City's environmental consultant. It is a modification of the townhome design we rejected in Nov 2018 eliminating the buildings on the lower portion of the site and turning the 19th St units from front load to rear load units. There are several reasons this design is not practicable.


Below are the reasons why the 9 unit proposal made by ESA's report is not practicable and does not meet the code:

- The 9 house option **does not meet the minimum Zoning code requirements** for a minimum of 12 units. It would remove 3 proposed units during a state declared housing emergency.
 - Attached houses would not fit into the neighborhood and would change the neighborhood character which goes against a goal in the comprehensive plan. The R5 zone is designed for residential detached units.
 - Building attached houses at the street would create a solid wall and would block all views to and from the river which would **not meet the greenway code.**
 - ESA's alternative is not practicable because it would require tearing down 2 existing single family houses in good condition with a rebuild cost of over \$800,000. While the cities comprehensive plan talks about maintaining current structures and avoid tearing them down for new construction. Preserving and remodeling these homes will have a smaller carbon footprint.
 - Building 9 houses at the street would eliminate potential for visitor parking spaces and create a larger parking problem close to the park.
 - It would not follow the Metro 2040 code and the cities comprehensive plan that encourages dense development close to the max and public transportation.
 - A 9 unit plan at the street would reduce needed housing. It does not meet the comprehensive plan goal of:
- Goal Statement: To provide for the maintenance of existing housing, the rehabilitation of older housing, and the development of sound adequate new housing to meet the needs of the current residents and the larger metropolitan housing market, while preserving and enhancing local neighborhood quality and identity.

- The “wall” of townhomes proposed by ESA will be 45’ high at the back side, since a tall crawl space will be necessitated by the driveway level relative to the street.
- Tall retaining walls at the garage will be required since cutting into the steep bank will be necessary. These will add significantly to the construction cost and along with the reduced number of units on the property may make the project economically infeasible.
 - This 9 house layout has a permanent encroachment of 6,395 s.f. into the HCA. This will require less mitigation than other options, but will still have a large area of unused field area that will require on-going maintenance and could continue to be a detriment for the neighborhood.
- The attached units would not meet the comprehensive plan policy to create desirable and attractive living environment. The lack of windows on the sides of units is not practicable for such a large lot.

On an environmental aside ETC notes that the HCA area in question contains only one natural resources element that qualifies it as HCA, that is the area is within the FEMA floodplain. Otherwise it is a area of fill material that has been used for decades for various uses, including vehicle parking, storage, farming, and lawn area. It meets the city’s definition of a developed property, and in our opinion qualifies as exempt from HCA regulations per Milwaukie’s Municipal Code. The area contains few criteria that would traditionally place it in a critical habitat classification.

Sincerely,



John McConnaughey, PWS
Wetland Scientist

To: Vera Kalias

Re: Response to questions raised in Natural Resource Review of Elk Rock Estates dated 7/8/2019.

I have tried to be both prompt and brief in order to provide you input prior to the issuance of your staff report. **We have avoided 1.58 acres of impact, we have minimized impact by proposing 12 units instead of 18 and not developing a plotted unimproved road, and we are mitigating the impact we may create.**

Our proposed plan is not impacting an environmental asset. Although the site is in the HCA due to matching the park next door, the proposed development site is a dirt lot with weedy grasses. We are not removing trees or large scrubs in the proposed development area, unless they are invasive. The building area is not an environmental asset.

This development will greatly improve the natural habitat through our mitigation of planting over 500 trees and thousands of scrubs, while removing invasive plants.

Our proposal minimizes the road surface by not developing sparrow even though it is a plotted road.

The proposed plan also helps the neighborhood by adding a fire truck turn around near the end of 19th so the fire trucks won't have to back up down 19th to turn around.

Our proposed development meets the comprehensive plan Goal as follows:

Goal Statement: To provide for the maintenance of existing housing, the rehabilitation of older housing, and the development of sound adequate new housing to meet the needs of the current residents and the larger metropolitan housing market, while preserving and enhancing local neighborhood quality and identity.

Our proposed development also meets the comprehensive plan goal to meet the recreational needs of residents by adding a boat dock for access to the river.

I wanted to comment on just a couple of the points made in the ESA report, as follows:

A. "The revised materials do not include an alternative with a significantly different layout emphasizing attached dwellings or multi family units clustered at the east end of the property. Is the applicant willing to reduce the number of units to 9 ? Would a 9 unit project still be a viable project.?" (Page 3)

Response - No, Nine units at the street is not a viable development option for the following reasons:

1. 9 units does not meet the minimum density requirements.
2. It is not practicable due to economic viability. Indeed we had considered the proposal as already clustered on the easternmost two acres of the 3.6 acre property.
3. it would cause economic hardship. City code allows 18 units for this site. (we already brought a reasonable and conservative plan) Email from staff mentions 29 would be allow minus deductions.

4. It would block all views from the street and neighbors which does not meet greenway code plus it's bad for the neighborhood and city.

5. Needed Housing and the Metro 2040 plan is the reason we need more density especially when this project qualifies in radius to max for metro orientated development. 9 units reduces housing with a state declared housing emergency.

New state law would soon allow duplexes on every 5k square foot lot which is much higher impact.

6. The code would allow developing "sparrow", which was the reason giving by staff and city manager to not mitigate in the sparrow right of way. Developing sparrow is planned in the future for park parking. This means developing sparrow is a viable option and by choosing our plan we are reducing environmental impacts.

*B. "The revised materials do not sufficiently demonstrate that the alternative design or method of development exists that would have a lesser impact on the WQR/HCA than the one proposed".
(Page 5)*

Response: There are multiple alternatives that meet the code that have much more environmental impact. (I would ideally develop the island because it is more lucrative. The current proposal we have made after discussions with the city is the ***minimal viable economic proposal already***. But we have already compromised from alternatives which have more impact than our current request and believe our current design is a very reasonable proposal that already IS the "lesser impact" proposal. Here are other options we considered:

10 units on main site and 4 duplexes on stilts on island meets the code.

10 units on main site and 6 detached on stilts on island meets the code.

18 units meets the code on the mainland and proposing 12 reduces environmental impact.

18 units and developing sparrow has more environmental impact which meets the code.

These are all viable options under the code, and my choosing a lesser impact to the HCA we meet the intent of the code. The natural resources code is not applicable per state needed housing law because it is not clear an objective. (Mike Robinson will submit a letter to address this)

Developing sparrow and adding lots on the island and the main site is how this property was zoned. **Not developing houses on stilts over the water meets the cluster development criteria.** It has been done in Mill Pond in Astoria, And many commercial buildings in Astoria. As well as all over the us and downtown Portland. We own over 3.66 acres and have clustered on 2 acres of the property which meets the intent of the code.

We have avoided 1.58 acres of impact, we have minimized impact by proposing 12 units instead of 18 and not developing a plotted unimproved road, and we are mitigating the impact we will create.

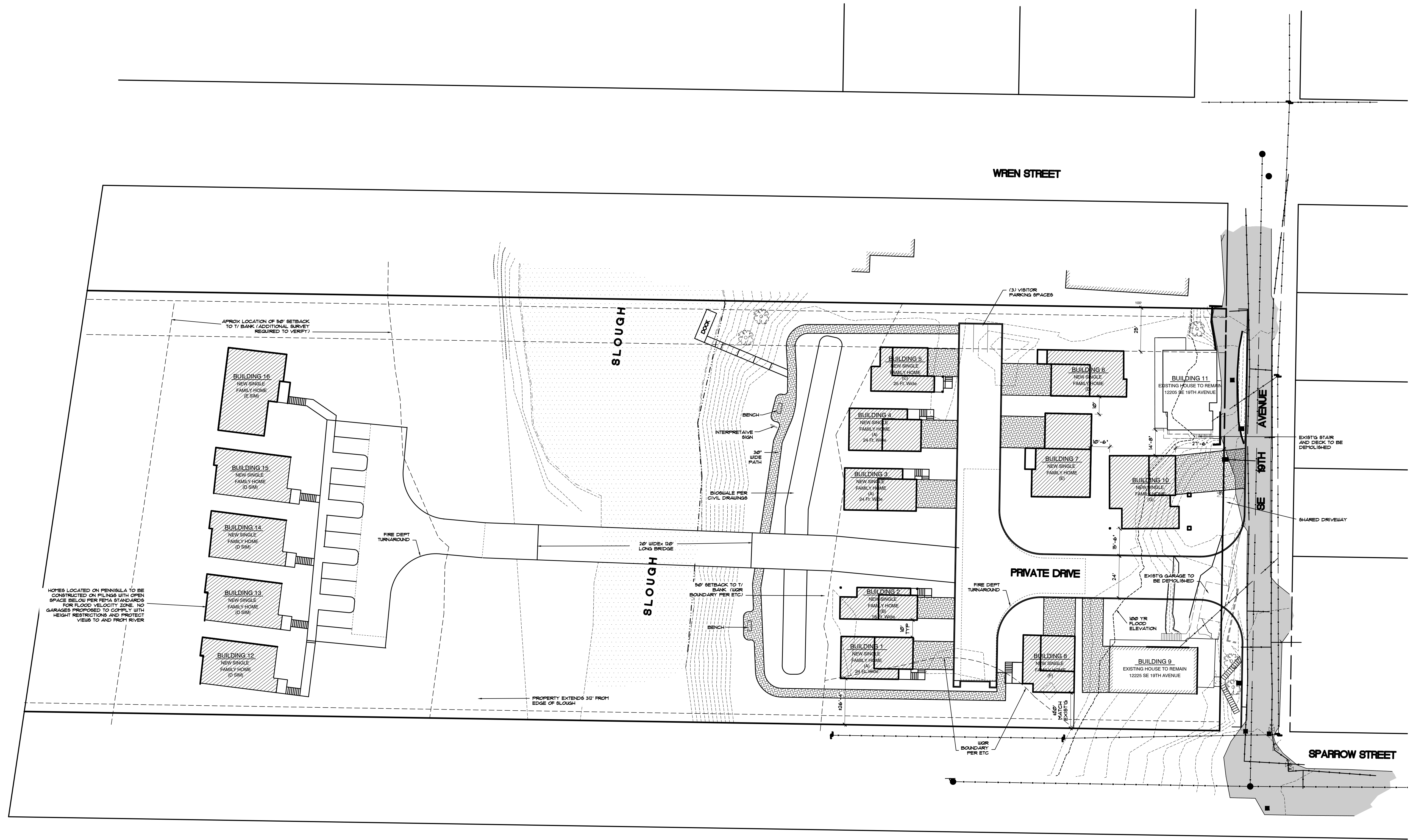
While we could resubmit with one of these other more lucrative proposals which ARE economically viable (showing that this proposal has a much lesser impact than the other economically viable alternatives available to us) The current proposal is already clustered and has a lesser impact than the other alternatives that use the majority of our 3.6 acre site.



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NOT FOR
PRELIMINARY
CONSTRUCTION



HOUSES LOCATED ON PENINSULA TO BE CONSTRUCTED ON PILING WITH OPEN SPACE BELOW PER FEMA STANDARDS FOR FLOOD VELOCITY ZONE. NO GARAGES PROPOSED TO COMPLY WITH HEIGHT RESTRICTIONS AND PROTECT VIEWS TO AND FROM RIVER

APPROX LOCATION OF 50' SETBACK TO T1 BANK (ADDITIONAL SURVEY REQUIRED TO VERIFY)

SLOUGH

SLOUGH

WREN STREET

PRIVATE DRIVE

SE 19TH AVENUE

SPARROW STREET

PRELIMINARY SITE PLAN

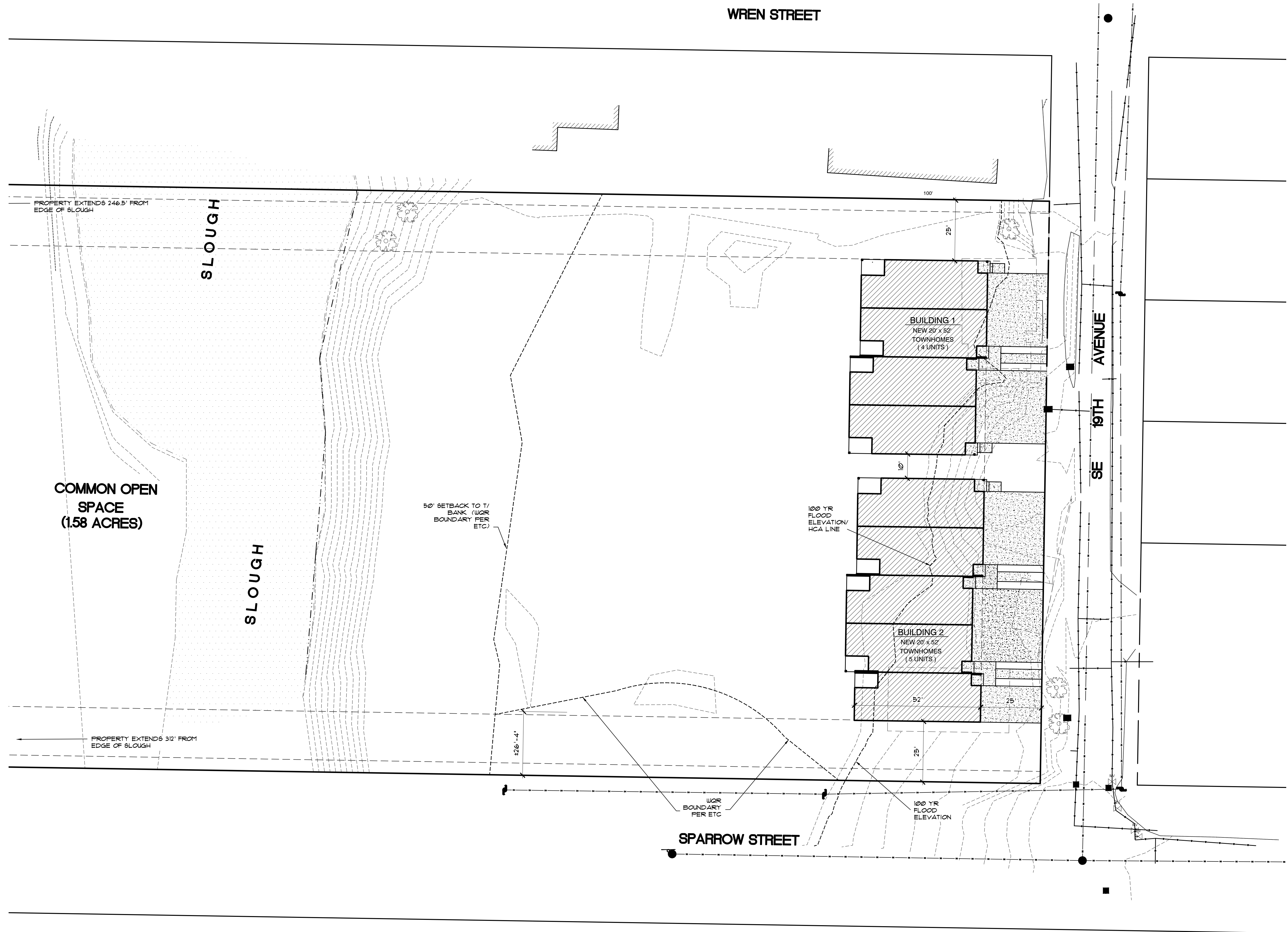
1" = 30'

GILLIS PROPERTIES
ELK ROCK ESTATES
12225/ 12205 SE 19TH
Milwaukie, OR

PROJ. NO. : 1738
FILE : A-SIT
DATE : 6/24/19

SHEET #
A0

SITE PLAN W/ ISLAND DEVELOPMENT



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SITE PLAN

PRELIMINARY SITE PLAN- TOWNHOME OPTION MINIMAL HCA IMPACT

1" = 200'