Schwabe
WILLIAMSON & WYATT®

August 6, 2019

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Kim Travis, Chair
Milwaukie Planning Commission
Milwaukie City Hall
6101 SE Johnson Creek Boulevard
Milwaukie, OR 972

RE: City of Milwaukie File No. NR-2018-005 (master); Application by Gillis Properties, LLC (the "Application")

Dear Chair Travis and Members of the Milwaukie Planning Commission:

This office represents the Applicant. This letter and its exhibits are the Applicant's first open record period submittal ending on August 6, 2019 at 4:00 p.m. This letter responds to argument and evidence submitted to the Milwaukie Planning Commission (the "Planning Commission") through the close of the public hearing on July 23, 2019. The Applicant reserves the right to submit additional rebuttal evidence and argument prior to the close of the second open record period and additional argument in the Applicant's final written argument.

1. Milwaukie Municipal Code ("MMC") 19.402.12.A – General Discretionary Review.

The Applicant explained in its July 23rd letter that, under the Needed Housing Statutes in ORS 197.303, 197.307, 197.522, and 227.175(4), the City must provide an option to proceed under clear and objective standards and criteria, but the City has not done so here. MMC 14.402.12.A is a discretionary review procedure for development proposals in mapped Water Quality Resources ("WQRs") and Habitat Conservation Areas ("HCAs"). Subsection A requires an "impact evaluation" and "alternatives analysis." The Applicant reasserts its argument regarding the effect of the Needed Housing statutes on the City's lawful authority to apply discretionary standards to this needed housing application.

Notwithstanding the above, the Staff Report at Page 12 argues that the Applicant failed to satisfy Subsection A because the Application, as submitted, does not include an alternative that avoids impacts to the mapped natural resource areas. However, doing so is impossible because WQRs and HCAs cover most of the property: MMC Section 19.402 applies to all properties that contain, or are within one hundred feet of a WQR or HCA. MMC 19.402.3.A. Combined, the WQR and the HCA cover all but the upland area near 19th Street. *See* Staff Report at Page 4, Figure 3, "Natural Resource Overlay Zones." **Exhibit 1** is an analysis prepared by the Applicant that explains in detail why avoiding impacts to the WQRs and HCAs is not feasible. In summary, the Applicant disagrees with the Staff Report's conclusion because the Applicant has

demonstrated that no practicable alternatives exist that would avoid disturbance of the WQR or HCA, as required by MMC 19.402.12.A.4.a.

Substantial evidence in the whole record demonstrates that impacts to natural resources can be adequately mitigated. The proposed plan minimizes loss of views, maximizes mitigation of a now poorly landscaped island, minimizes access ways and roadways, and properly addresses applicable approval criteria. Mr. McConnaughey, the Applicant's environmental consultant, testified to the Planning Commission that it was both appropriate and feasible to provide mitigation on Elk Rock Island, that the mitigation would not require plowing the island but instead would involve using mulch and compost, and that the island could be easily accessed in the summer by using the existing pathway.

Additionally, the Applicant's substantial evidence on mitigation, buttressed by the oral testimony of the Applicant's landscape architect in the July 23, 2019 initial evidentiary hearing, demonstrates that proposed mitigation plantings are feasible and likely to survive. Consequently, the Applicant has no objection to proposed condition 2.b.iv, requiring an extended mitigation monitoring program for ten years.

For these reasons, the Planning Commission can find that the requirements of MMC 19.402 are satisfied.

2. MMC 19.401, "Willamette Greenway Zone."

Statewide Planning Goal 15 (the "Willamette Greenway Goal"), defines "lands committed to urban uses" as "lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate." The Milwaukie Comprehensive Plan shows the subject property as committed to urban uses.

Milwaukie Comprehensive Plan Chapter 4, "Land Use," "Residential Land Use and Housing Element," "Objective #1-Buildable Lands," notes that "only about thirty-four total acres remain buildable for residential purposes outside of the Town Center." Comprehensive Plan Map 6, "Buildable Lands," shows unbuilt lands in green. **Exhibit 2**. This site is not shown as unbuilt land; therefore, the Planning Commission can find that this site is committed to urban use.

The Planning Commission was also concerned about views to and from the river because of the proposed development. The Staff Report at Pages 19 and 20 conclude that the views "do not appear significant enough to preclude approval of the WG Conditional Use application." Moreover, were the Applicant to avoid disturbance of the HCA area by moving all of the proposed dwellings (the minimum number of dwellings allowed under the MMC is 12) to abut 19th Street, whatever views exist would be further precluded. As the Applicant explained at the July 23, 2019 public hearing, the preservation of views in MMC Section 19.401 implement Statewide Planning Goal 15, "Willamette Greenway." However, Goal 15 is concerned with views of the river itself and not the greenway.

3. Variances.

The Staff Report at Pages 20-23 discusses the requested variances. The Staff Report notes that the variance requested to allow three-story homes meets the relevant MMC provisions (Staff Report at Page 21) and concludes that the height variance request is reasonable "given the proposed home design." (Staff Report at Page 22.) The Applicant has submitted in an attached exhibit additional narrative addressing the relevant standards to allow an additional access way less than one hundred fifty feet from another driveway approach. **Exhibit 1**.

Finally, the Staff Report at Page 23 concludes that the remaining requested variances do not result in significant impacts.

4. Recommended conditions of approval.

The Applicant agrees with all recommended conditions of approval on Staff Report Pages 26-29.

5. Response to selected questions from Planning Commission Members.

A. Question regarding responsibilities for continued monitoring of mitigation plantings.

The Applicant agrees with recommended condition of approval 2.b.v. The approval and conditions run with the land so any property owner, including a future homeowners association, is required to comply with the conditions of approval.

B. Public access.

A Planning Commission member asked about alternative to provide public access via path to the river. No public access currently exists on this property and the Applicant has not proposed any public access. However, public access is provided in the form of an unimproved right-of-way adjacent to the Applicant's property.

C. Active eagle's nest.

One Planning Commission member asked about the existence of an active eagle's nest close to the property. The evidence presented to the Planning Commission is that HHPR's expert looked at the nest and determined it was not an eagle's nest nor was it an active nest. The HHPR raptor specialist made this determination because the nest was too small for eagles.

6. Response to flood plain issues.

Exhibit 3 is a memorandum from Mr. Ken Valentine addressing the flood plain issues.

7. Conclusion.

For the reasons contained in this letter and the Applicant's prior oral and written argument and evidence, the Applicant respectfully requests that the Milwaukie Planning Commission find that the Applicant has met its legal burden of proof, and approve the Application with the Staff-recommended conditions of approval.

I have asked Ms. Kolias to place this letter before the Planning Commission and in the official Planning Commission file for these Applications.

Very truly yours,

Michael C. Robinson

MCR:jmhi

Cc Mr. Matt Gillis *(via email) (w/enclosures)*
Mr. Ken Valentine *(via email) (w/enclosures)*
Mr. Todd Iselin *(via email) (w/enclosures)*
Mr. John McConnaughey *(via email) (w/enclosures)*
Mr. Denny Egner *(via email) (w/enclosures)*
Ms. Vera Kolias *(via email) (w/enclosures)*

PDX\134393\246818\MCR\25920565.2

Honorable Planning Commission,

Natural resources-

Our proposed plan is the most practicable option to balance all the code requirements and planning requests which is detailed in the extensive documentation already provided.

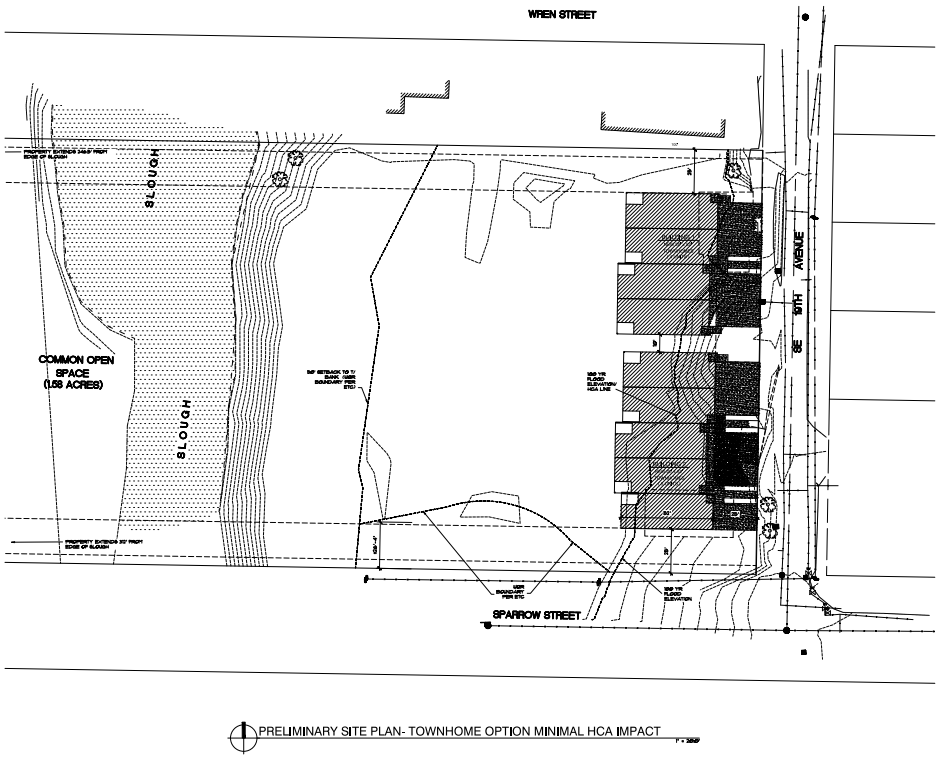
In our alternatives analysis it shows there is no way to avoid the HCA to the extent practicable because it covers approximately 80% of the site. The proposal by ESA of clustering 9 units at the street, was revised to meet setback requirements and is shown below. It would require tearing down 2 houses, 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. This alternative would go against the comprehensive plan for desirable living spaces and maintain existing housing stock. It would not meet the greenway code, because it would block almost all the views. It would make the parking situation on 19th worse. The Staff report also mentioned the code only allows one access way per lot. We had to adjust our site plan to meet the criteria with only 3 access ways on our previous submittal. Doing this option does not meet the access way criteria.

To meet the code for density on the alternative proposal by ESA, we would need 12-18 access ways on 19th to make this concept even work, which does not meet the access way criteria per MCC. If you did 18 attached units per this concept they would only be 9 ft wide units. The whole length of the lot, would have 8 ft wide driveways separated by 1 ft of dirt. This does not meet the code and would be the worst option for the neighborhood. It is not a practicable option. This would create a wall of units at the street and would not fit into the single family neighborhood. It would block all the views.

The Below Site plan shows nine units at the street suggested by ESA, Milwaukie's Environmental Consultant. In theory, less disturbance would be a great idea, but the reality of this site is there is no way to avoid HCA disturbance and meet the Code. Per MCC garages need to be setback a minimum of 20 ft. Even doing that would disturb over 6,000 sq ft of HCA, but the reality is the houses are impracticable and would need a tandem driveway to fit enough parking for guests which would push these houses even further into the HCA and disturb another 3,800 sq ft of permanent disturbance for the additional parking beyond what is shown in the site plan below. Any design over 9 units would also need to be pushed further into the HCA to get enough sq ft. with such skinny townhomes. It would require more fill, so the cut would add even more to that disturbance area. All of these reasons prove why this concept in not practicable and it does not meet MCC criteria. This would be the *worst* option for the neighborhood.

Due to the cut and fill requirements to meet the code, any other option with a lower access way would require disturbing the same 38,500 sq ft as our proposed plan. There is no way to move it closer to 19th and meet grading criteria. This shows that our proposed plan is the best alternative to meet the code criteria. **Any options clustering on 19th would NOT meet the**

Milwaukie Municipal Code, and would not be in the best interests of the neighborhood.



PRELIMINARY SITE PLAN- TOWNHOME OPTION MINIMAL HCA IMPACT

ISELIN ARCHITECTS P.C.
1307 Seventh Street
Oregon City, OR 97045
503-655-1932 ph
503-655-0932 fax
www.iselinarchitects.com

NOT FOR PRELIMINARY CONSTRUCTION

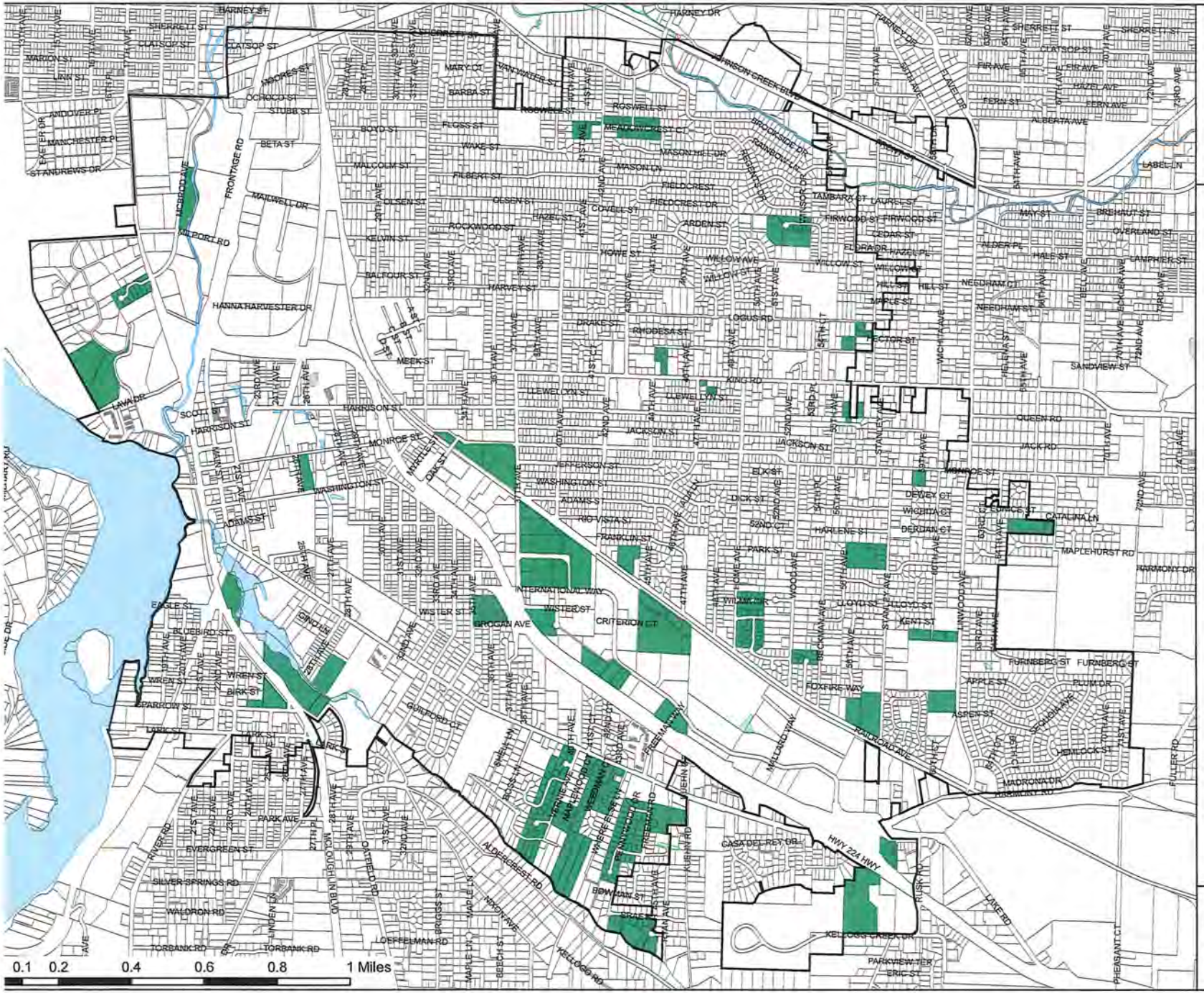
GILLIS PROPERTIES
ELK ROCK ESTATES
12225/ 12205 SE 19TH
Milwaukie, OR

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

SHEET #
A0
SITE PLAN

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. **We have clustered the buildings on 2 acres to avoid disturbance 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.

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 1900 native scrubs. Going from a weedy dirt lot, to adding 40,000 sq feet of mitigation dramatically improves the environment.



BUILDABL LANDS

Milwaukie Comprehensiv Map 6

Unbuilt Lands
City Boundary
Water Body

N

Revised Ord. #1987 October 21

Data Sources: City of Milwaukie GIS
Clackamas County GIS
Metro Data Resource Center

Job No.: MSC-221

Date: August 5, 2019

To: Vera Kolias, AICP
City of Milwaukie

From: Ken Valentine, PE

Harper Houf Peterson Righellis Inc.
ENGINEERS ◆ PLANNERS
LANDSCAPE ARCHITECTS ◆ SURVEYORS

Project/Subject: Elk Rock Estates – Planning Commission Hearing

Vera,

During the planning commission hearing several issues and comments were made that I would like to respond to. There are also several code issues that we feel should be addressed for clarity.

1. MC 18.04.150 (F) states that any excavation below bankfull stage shall not be counted toward compensating fill. The MC does not define "bankfull"; however, during the hearing staff stated that Metro defines bankfull as the 2-year event.

Response: The applicant team respectfully disputes staff's findings that water quality facility earthwork cannot be included in the cut/fill calculations. These improvements are perceived by staff as below the bankfull elevation. However, based on the definitions provided in the Metro Code and OAR, the applicant believes the earthwork associated with these facilities is not below the bankfull elevation.

Metro Title 10 (fff) states that "top of bank" means the same thing as "bankfull stage" defined in OAR 141-085-0510(5). OAR 141-085-0510(5) states "bankfull stage" means the two-year recurrence flood elevation. The 2-year flow in the Willamette River is approximately 329,000 cfs. The bank full stage was determined to be approximately elevation 29 (NAVD 88) by routing the event through a HECRAS hydraulic model. This number will be confirmed during the final stage of design. The lowest cut elevation as proposed in the preliminary design is at elevation 31 (NAVD 88). Therefore all of the proposed cut is above the bank full stage and should be counted toward the balanced cut/fill calculations. We request the following condition of approval: "The applicant shall show that the cut/fill calculations meet the intentions of MC 18.04.150(F)."

2. 100-year event vs 1996 flood. The comp plan objective #1 (3) states that the finished elevations of the lowest floor of buildings and streets will be a minimum of 1.0 foot above the 100 year flood event. The base flood as designated on maps always includes the letter A. Section 18.04.030 states "base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Section 18.04.160 (A) states, "New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above "base flood elevation"."

Response: The MC and comp plan provide clear language referencing the base flood elevation relates to the FEMA base flood elevation. The comp plan nor the MC list the 1996 flood elevation

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when referring to the finish floor elevations or roads. The preliminary design, as previously submitted, met the standard of one foot above the base flood elevation. The City indicated just before the hearing that the buildings should be designed to be one foot above the 1996 flood contrary to all code flood references related to finish floor elevations. The 1996 flood is not the base flood and was somewhere between the base flood and the 500 year flood. The base flood has a discharge rate of 375,000 cubic feet per second (cfs), the 500-year event has a discharge rate of 450,000 cfs and the 1996 event had a peak discharge of 459,000 cfs. The developer has agreed to adjust the finish floor elevations of the homes to one foot above the 34.5 (NGVD) 1929 in an effort to address the concerns for mitigation flood impacts, despite the code inconsistencies. However, the driveway that provides access to the homes is designed to be one foot above the 100-year base flood elevation, as stated in the comp plan and the definition of "base flood" in the MC. Since Comprehensive Plan objective #1 identifies only streets and the lowest floors of buildings are subject to this requirement, more discretion and flexibility can be used in the requirement for the base flood elevation of the driveway. The design team requests that the City approve the project with a condition that the grading meets the language referencing the 100-year flood plain base flood elevation defined in the MC and comprehensive plan.

3. Balanced Cut/Fill. 18.04150 (F) provides language providing direction for placement of fill or structures that displaces greater than 10 cubic yards of flood storage area. The codes states that no NET fill in any floodplain is allowed. Section 18.04.050(F)(2)(d)(1) states that the proposed excavation fill not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

Response: The preliminary plans have demonstrated that the project will not have a NET increase of fill in the floodplain. During the final design process a "no rise" analysis will be prepared in accordance with FEMA's procedures for "No-Rise" Certification process. The developer requests that the project be approved with the condition to certify a "No-Rise" in accordance with standard engineering practice and that the encroachment will not increase flood levels within the community during the occurrence of the base 100-year flood discharge.

We have included a cut/fill exhibit to assist staff in understanding the proposed grading plan and how the proposed grading plan meets the cut/fill requirements.

4. Foundations and crawlspaces. MC 18.04.030 defines a basement as any areas of the building having its floor subgrade below grade on all sides. This section also states "lowest floor" means the lowest floor of the lowest enclosed area (including basement and any crawlspace that is below grade). The code seems to indicate that the crawlspace floor is the lowest floor and must be elevated one foot above the base flood elevation. However, MC 18.04.150 (G) states that below grade crawlspaces are allowed subject to FEMA Technical Bulletin 1101. Section 18.04.150 (G)(2) states the crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of flood waters. The MC states that crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second UNLESS the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. The code does not outright prohibit crawlspaces below the BFE or in areas with flood velocities greater than 5 feet per second. The code requires that the foundations and crawlspaces are designed to resist hydrostatic pressures.

Response: The project intends to utilize traditional stem wall foundations with crawlspaces where feasible. The foundations will be designed in accordance with FEMA Technical bulletin 1101.

The crawl spaces below the BFE will not be more than two feet below the adjacent exterior grade and the interior grade of the crawlspace will not exceed four feet at any point. If, for any reason, the final design finds these conditions cannot be met, alternate foundations will be proposed in accordance with FEMA guidelines. The exact type of foundation and crawlspace should not be considered for this land use submittal. The design team requests approval of the project with a condition to meet the MC foundation requirements.

5. General Floodplain Standards

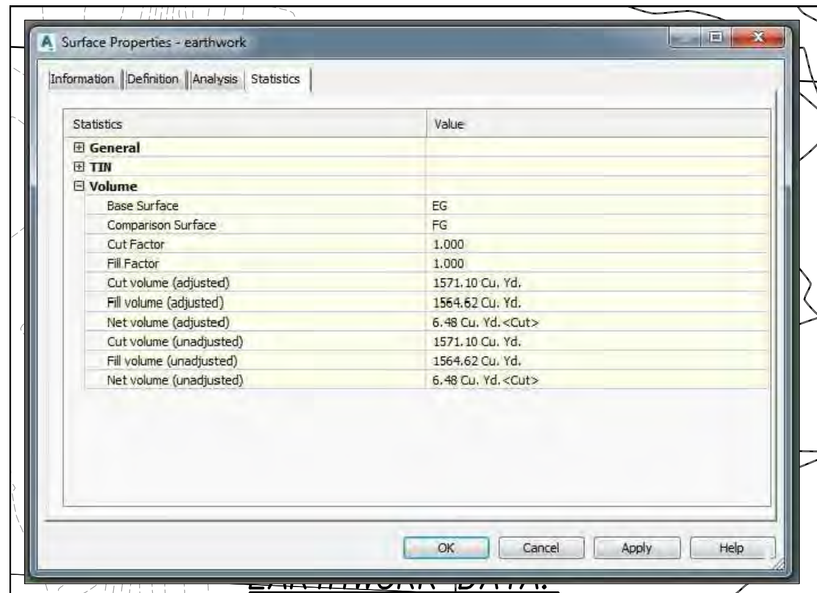
The project has proposed improvements within the regulated floodplain and has demonstrated that it can be constructed to comply with all requirements. The access has been designed to be one foot above the 100-year base flood elevation (BFE) and the proposed structures will be set one foot above the 1996 flood elevation of 38 msl NAVD 1988. These standards are higher than any other jurisdiction in the metro area. Typically roadways are not required to meet this standard and driveways are never required to unless they include a bridge over a regulated floodplain. Bridges are required to have the bottom chord one foot above the BFE. Buildings are required to have their lowest habitable floor elevation to be one foot above the BFE. In this case the finish floors are proposed to be set higher than the highest flood event ever recorded for the Willamette River. The proposed design exceeds regional and national standards. The proposed river model has already been approved by FEMA for a Trimet project. The model will be further refined and will be submitted to FEMA during the Letter of Map Revision process.

The design team has provided a preliminary design with ample evidence to prove that the project can be designed to meet the municipal code and comprehensive plan. We request that the City approve the application with conditions of approval.

Sincerely,

Kenneth K Valentine

Ken Valentine, PE



PROPOSED LEGEND:

- SAN — SANITARY LINE
- W — WATER LINE
- STORM LINE
- ATRIUM INLET
- PEDESTRIAN PATH
- MAJOR CONTOUR – 5' INTERVALS
- MINOR CONTOUR – 1' INTERVALS
- RIP RAP

ELEVATIONS TABLE

NUMBER	MINIMUM CUT (FT)	MAXIMUM FILL (FT)	AREA	COLOR
1	–4.82	–4.00	2086.53	
2	–4.00	–3.00	3251.62	
3	–3.00	–2.00	3036.54	
4	–2.00	–1.00	7974.17	
5	–1.00	0.00	7524.37	
6	0.00	1.00	6568.76	
7	1.00	2.00	3115.28	
8	2.00	3.00	4645.19	
9	3.00	4.00	4700.24	
10	4.00	5.00	1037.92	
11	5.00	6.00	344.67	
12	6.00	6.70	88.90	

0 10 20 40
SCALE: 1" = 20'

EARTHWORK EXHIBIT
ELK ISLAND ESTATES
MILWAUKIE, OREGON

Harper Houf Peterson Righellis Inc.
ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

REGISTERED PROFESSIONAL ENGINEER
OREGON JULY 13, 1979
KENNETH K. VALENTINE
EXPIRES: 06/30/20

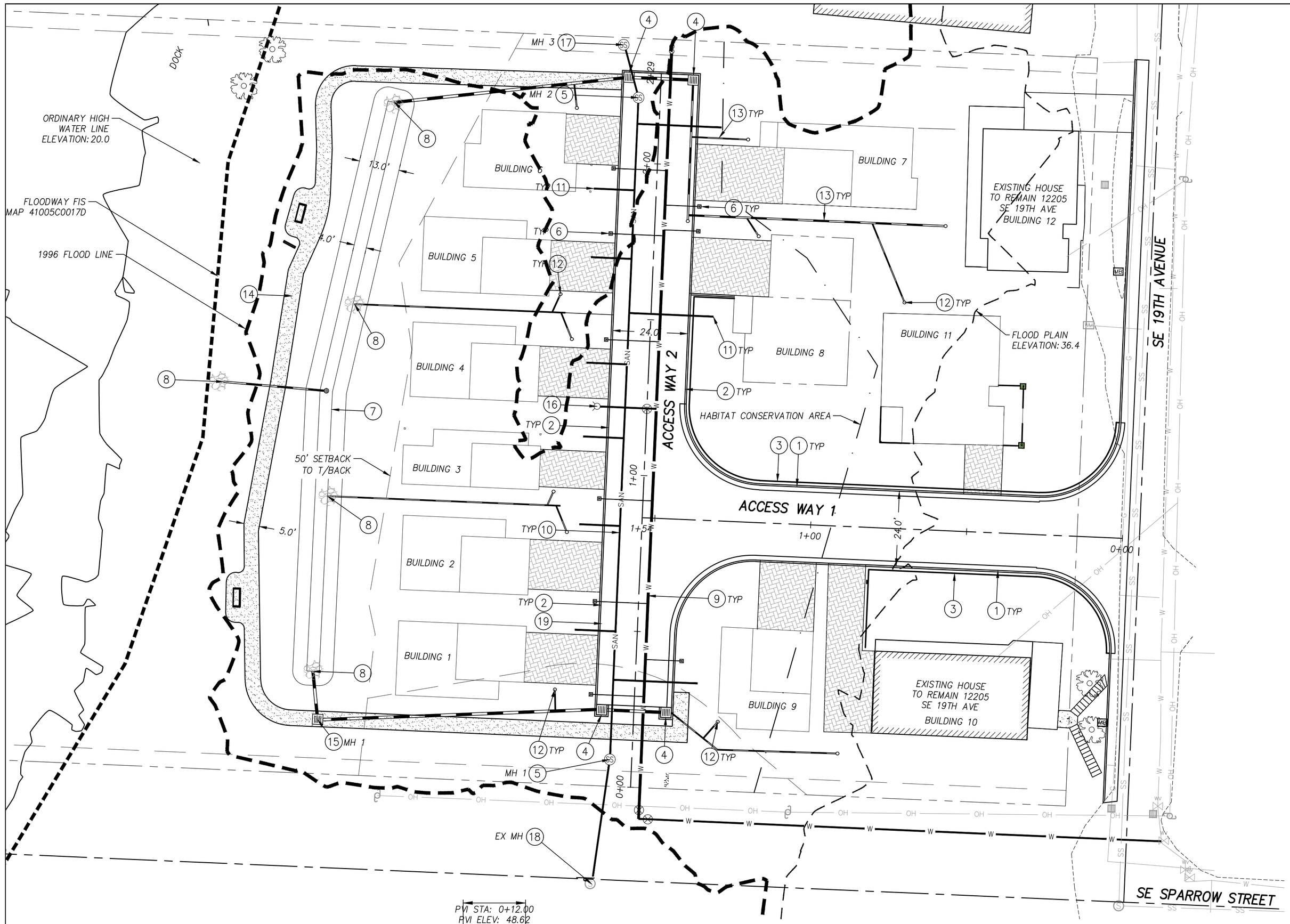
DESIGNED:	KKV
DRAWN:	HHPR TEAM
CHECKED:	KKV
DATE:	JUNE 2019

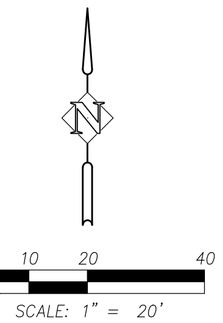
REVISIONS

NO.	DESCRIPTION	DATE
1	REVISED GRADING	APRIL 2019
2	GRADING MODIFICATION	8/5/2019

SHEET NO.
EX

JOB NO.
MSC-221



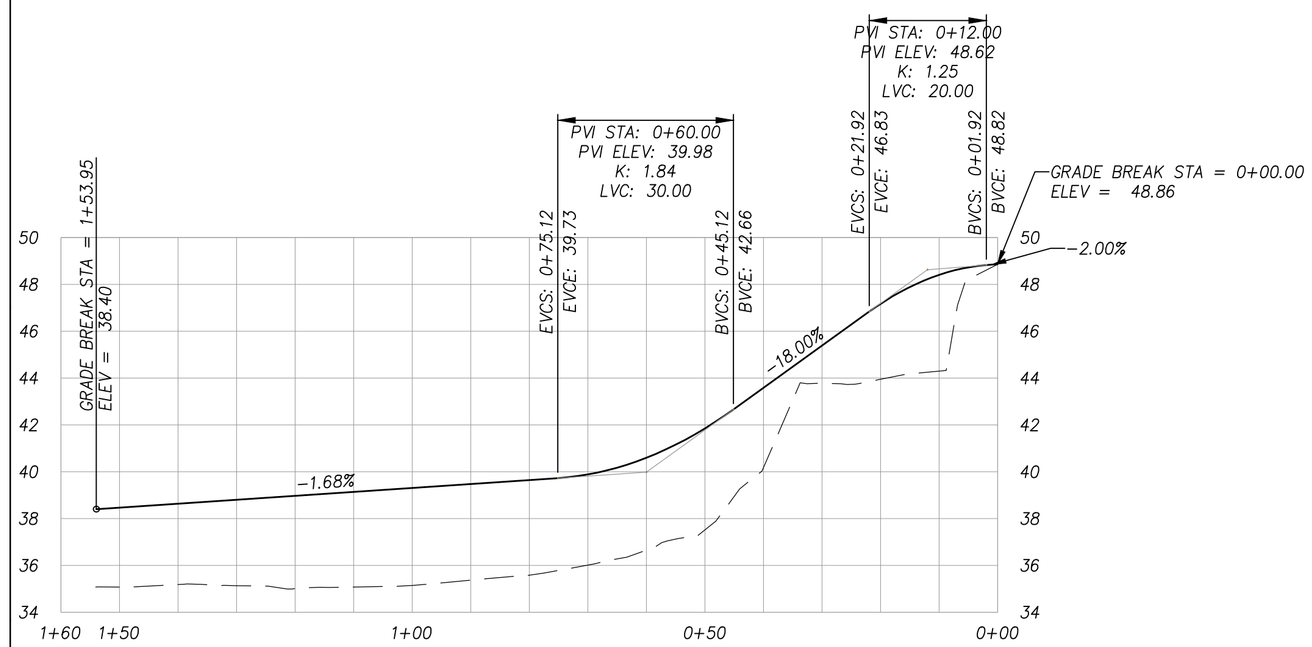


CONSTRUCTION NOTES:

1. INSTALL STANDARD CURB AND GUTTER.
2. INSTALL MOUNTABLE CURB.
3. INSTALL MODULAR BLOCK RETAINING WALL.
4. INSTALL STANDARD CATCH BASIN.
5. INSTALL 48" STANDARD SANITARY MANHOLE
6. INSTALL WATER METER
7. CONSTRUCT WATER QUALITY SWALE. SEE SHEET 6 FOR DETAIL.
8. CONSTRUCT STORM WATER OUTFALL WITH RIPRAP
9. INSTALL 8" WATER LINE
10. INSTALL 8" SANITARY SEWER LINE
11. INSTALL SANITARY SEWER LATERAL
12. INSTALL STORM CLEANOUT
13. INSTALL STORM SEWER LATERAL
14. CONSTRUCT PEDESTRIAN TRAIL
15. INSTALL 48" STANDARD STORM MANHOLE
16. INSTALL FIRE HYDRANT
17. INSTALL STANDARD 48" SANITARY MANHOLE OVER EXTG. 8" SANITARY LINE. PLUG AND ABANDON EXTG. SANITARY PIPE TO THE SOUTH. CONTRACTOR TO POTHOLE AND VERIFY LOCATION AND ELEVATION PRIOR TO CONSTRUCTION.
18. CONNECT TO EXTG. SANITARY MANHOLE. PLUG AND ABANDON EXTG. SANITARY PIPE TO THE NORTH.
19. ABANDON EXTG. SANITARY SEWER IN PLACE. REMOVE PORTIONS OF PIPE THAT ARE IN CONFLICT WITH PROPOSED FACILITIES.

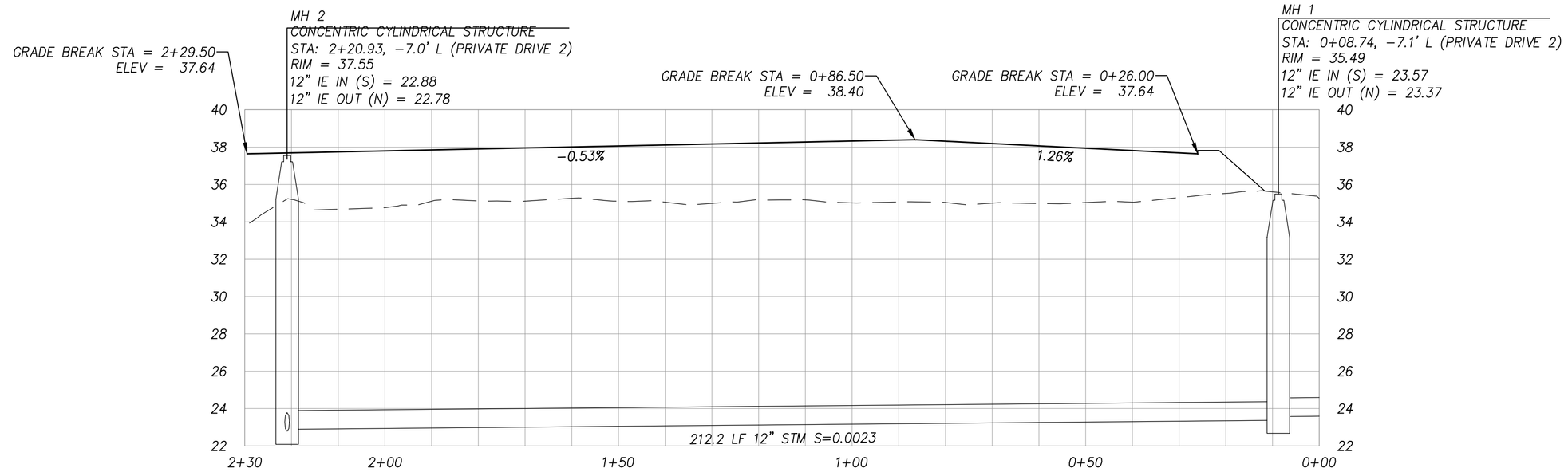
PROPOSED LEGEND:

- SAN — SANITARY LINE
- W — WATER LINE
- STORM LINE
- CURB
- ATRIUM INLET
- PEDESTRIAN PATH
- MAJOR CONTOUR – 5' INTERVALS
- MINOR CONTOUR – 1' INTERVALS
- SD — STORM MANHOLE
- SS — SANITARY MANHOLE
- CLEANOUT
- CATCH BASIN
- FIRE HYDRANT



ACCESS WAY 1

SCALE: 1" = 20' (HORIZ.)
1" = 5' (VERT.)



ACCESS WAY 2

SCALE: 1" = 20' (HORIZ.)
1" = 5' (VERT.)

SITE AND UTILITY PLAN

ELK ISLAND ESTATES

MILWAUKIE, OREGON

Harper Houf Peterson Righellis Inc.
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LANDSCAPE ARCHITECTS • SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

REGISTERED PROFESSIONAL ENGINEER
OREGON JULY 15, 1989 KENNETH K. WALENTINE
EXPIRES: 06/30/20

DESIGNED:	KKV
DRAWN:	HHPR TEAM
CHECKED:	KKV
DATE:	JUNE 2019

REVISIONS

NO.	DESCRIPTION	DATE
1	REVISED GRADING	APRIL 2019
2	GRADING MODIFICATION	8/5/2019

SHEET NO.
3

JOB NO.
MSC-221

EARTHWORK DATA:

Surface Properties - earthwork

Information | Definition | Analysis | Statistics

Statistics	Value
General	
TIN	
Volume	
Base Surface	EG
Comparison Surface	FG
Cut Factor	1.000
Fill Factor	1.000
Cut volume (adjusted)	1571.10 Cu. Yd.
Fill volume (adjusted)	1564.62 Cu. Yd.
Net volume (adjusted)	6.48 Cu. Yd. <Cut>
Cut volume (unadjusted)	1571.10 Cu. Yd.
Fill volume (unadjusted)	1564.62 Cu. Yd.
Net volume (unadjusted)	6.48 Cu. Yd. <Cut>

OK | Cancel | Apply | Help

ORDINARY HIGH WATER LINE ELEVATION: 20.0

FLOODWAY FIS MAP 41005C0017D

DOCK

PRIVATE DRIVE 2

PRIVATE DRIVE 1

HCA LINE

FLOOD PLAIN ELEVATION: 36.4

FFE 39.00

FFE 35.50

FFE 36.67

EXISTING HOUSE TO REMAIN 12205 SE 19TH AVE

EXISTING HOUSE TO REMAIN 12205 SE 19TH AVE

SE WREN STREET

SE SPARROW STREET

SE 19TH AVENUE

0+00 1+00 1+54 2+00 2+29

PROPOSED LEGEND:

SANITARY LINE
WATER LINE
STORM LINE
ATRIUM INLET
PEDESTRIAN PATH
MAJOR CONTOUR – 5' INTERVALS
MINOR CONTOUR – 1' INTERVALS
RIP RAP

SCALE: 1" = 20'

JOB NO.	SHEET NO.
MSC-221	4

DATE	NO.	DESCRIPTION
APRIL 2019	1	REVISED GRADING
8/5/2019	2	GRADING MODIFICATION

R E V I S I O N S

DESIGNED: KKV
DRAWN: HHPR TEAM
CHECKED: KKV
DATE: JUNE 2019

REGISTERED PROFESSIONAL ENGINEER 50,102 OREGON JULY 13, 1999 KENNETH K. VALENTINE
EXPIRES: 06/30/20

Harper Houf Peterson Righellis Inc.
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LANDSCAPE ARCHITECTS♦SURVEYORS
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phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

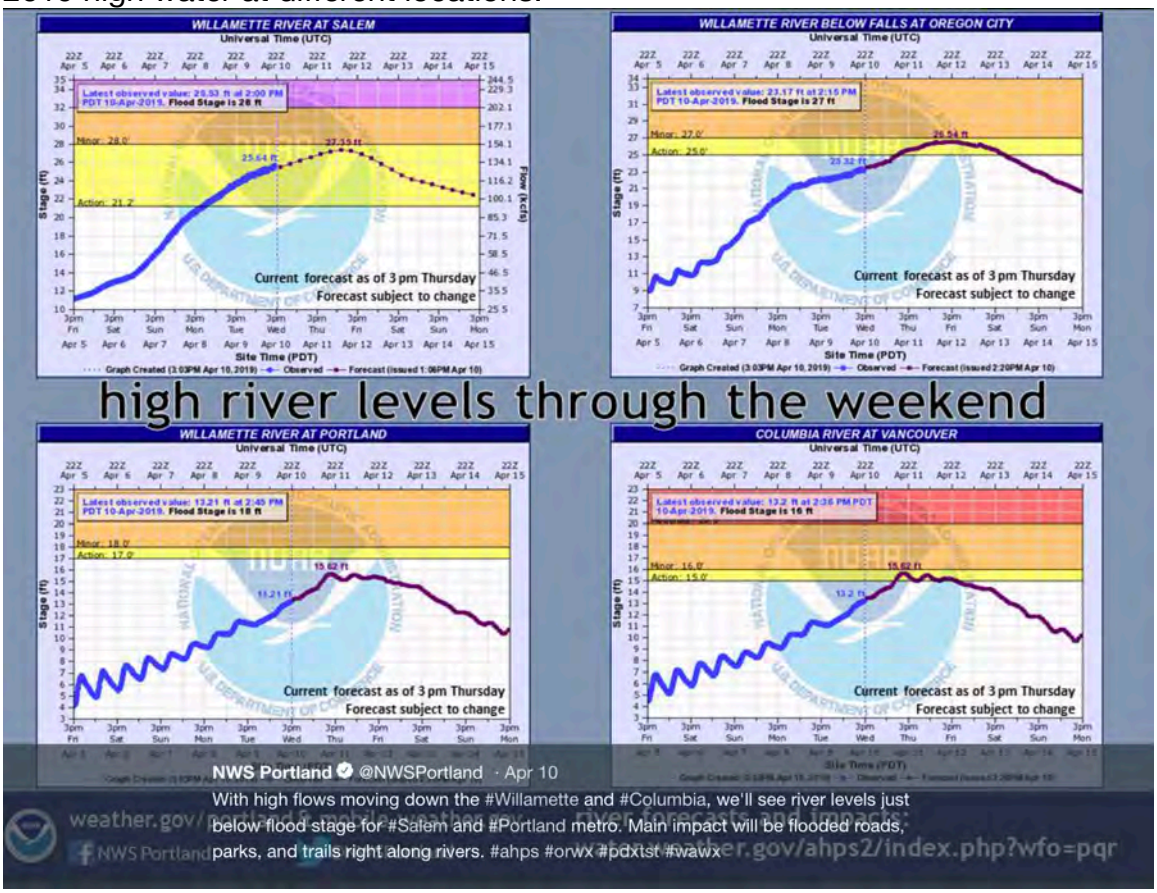
GRADING PLAN
ELK ISLAND ESTATES
MILWAUKIE, OREGON

Planning Commission Questions and Responses.

How often would the storm water facility be inundated by flood waters?
The only time we know that area was flooded was in the 1996 flood. The 96' flood was estimated to be around the flow volume of a 500-year flood event. The site where bio swell is to be located has not been flooding since 1996. The bio swell is designed per the Milwaukie municipal code.

Flooding of mitigation site. - It was stated at the planning commission that the mitigation site was under water half the year. This is not correct; our site was still above water in April 2019 high water as seen in the photos below. This data shows that mitigation site would rarely flood. It would probably only flood once every 5-10 years based off the cresting data from the National Weather Service.

There is no direct data to the flooding of the mitigation site. There is only data from Oregon City below the falls and downtown Portland. Based on the Data found from the national weather service; I believe there is only 2-3 events in the last 20 years (possibly 4-5 events since 1996) that may have possibly flooded the mitigation site , based on Aprils photos of the mitigation site, and recent cresting data from National Weather Service. This graph represents the April 2019 high water at different locations.



The pictures below show our mitigation site still above water during the April High Water event.

April 2019

Oregon City Data

Recent Crests
(1) 29.00 ft on 01/22/2012
(2) 28.34 ft on 01/14/2006
(3) 27.65 ft on 01/11/2006
(4) 27.52 ft on 01/02/2006
(5) 23.06 ft on 11/27/1999
(6) 29.56 ft on 12/30/1998
(7) 36.79 ft on 01/02/1997
(8) 46.04 ft on 02/09/1996
(9) 29.30 ft on 02/26/1986

Portland Cresting Data

Question from staff report- What Remodeling will be done to existing houses?

We have already done a cosmetic remodel to 12225 se 19th ave. We fixed the electrical and cleaned it up so it is nice and livable. We currently have no plan to do any additional remodeling at this time. If we decided to do a remodel we would only be putting a staircase in to the lower level. Approximately 10K of cost. And do some cosmetic upgrades.

12205- We will eventually remodel this house, but it will only be to put a staircase in between the levels (approximately 10k) and do some minor cosmetic upgrades. It's already in great condition inside.

I would expect less than 40K to be put into each house if we decided to remodel them in the future.

Views from Elk Rock Island and the Spring Water Park?

Although the city stated they interpreted the view criteria to be from 19th, we will have little to no view impact from Elk Rock Island and the Spring Water Park Trail. This was actually taken the day before the planning commission hearing by John from ETC Environmental. This question was asked at the planning commission, and this photo shows the private island would block views of the

development from Elk Rock. You can only see houses that are a few lots north of the site. So there should be little to no impact to views from Elk Rock Island.

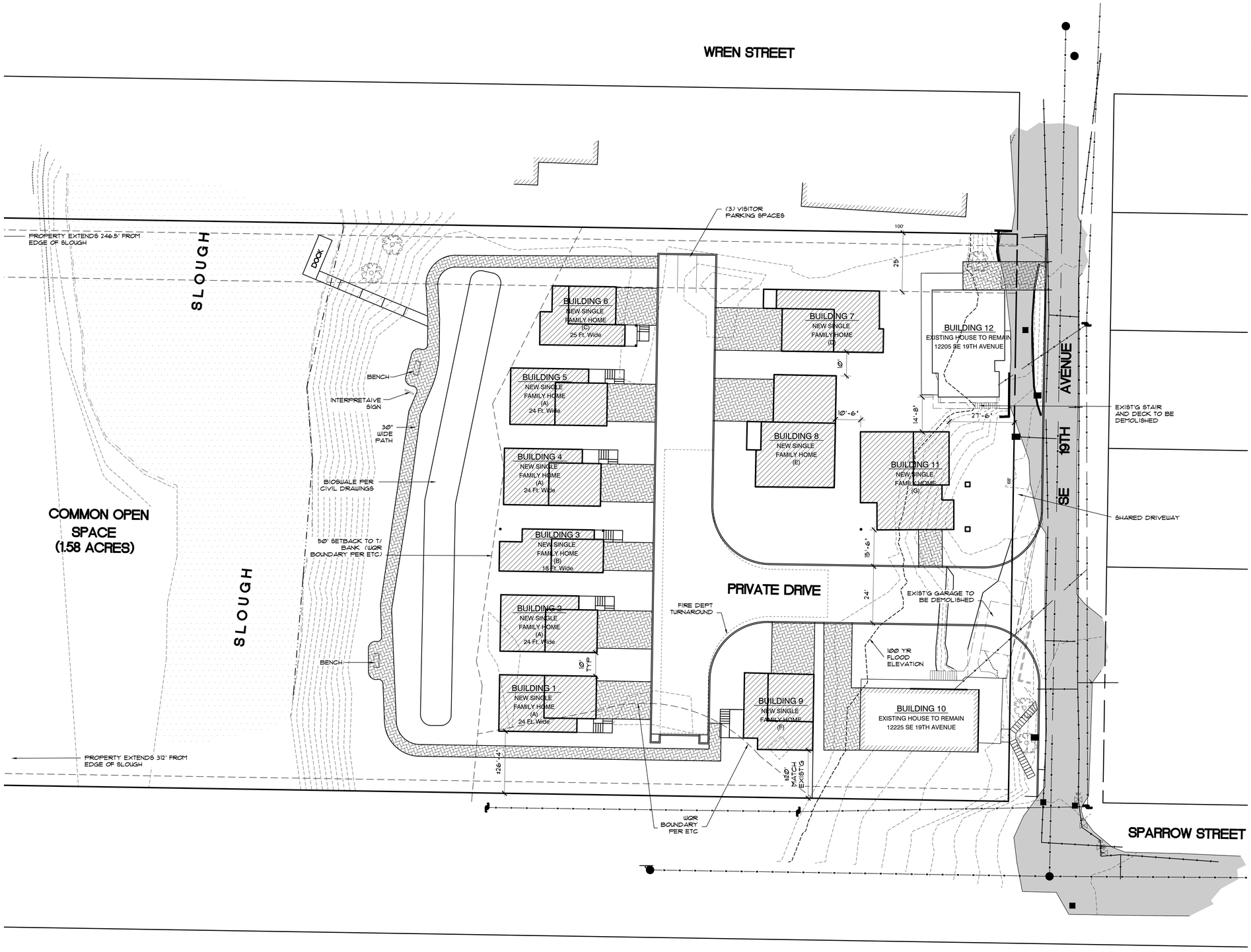
Views From the Springwater Park Trail?

There will be very little to no impact to views from Springwater Park Trail. The photos below taken from the closest two view points from the trail and show that the trees and foliage already block the views of the proposed development site.

Dear Honorable Planning Commission,

We have been working on this project for the past 2 years to create a beautiful development that blends with the neighborhood and meets all the code criteria. I have spent over $200,000 in engineering and associated costs to create the best possible project for the neighborhood, while meeting the code criteria. We have submitted hundreds of pages of documentation, and engineering reports. We have continuously adjusted the plans to work with the city and make sure we meet all the code criteria. Our documentation is very thorough, but it is meant for planning approval and we will have final engineering completed per Milwaukie Municipal Code prior to issuance of building permits. Our documentation has proven we can meet all the code criteria. I ask that you would please approve this this project with conditions.

Thanks
Matt Gillis



PRELIMINARY SITE PLAN

1" = 20'-0"

PROJECT INFORMATION

PROJECT DESCRIPTION	RESIDENTIAL CLUSTER DEVELOPMENT W/ 12 DETACHED SINGLE FAMILY HOMES (10 NEW AND 2 EXISTING)
PROPERTY LOCATION	TAX LOTS 3200/ 3300 TAX MAP 1 1E, 35DD)
ADDRESS	12205/ 12225 SE 19TH AVE MILWAUKIE, OR 97206
ZONE	R-5
SITE AREA	3.66 ACRES
COMMON AREA	1.58 ACRES
NET BUILDABLE AREA	2.08 ACRES
MAXIMUM DENSITY	90,605/ 5,000 = 18.12 DWELLINGS
PROPOSED DEVELOPMENT	12 DWELLING UNITS
BUILDING COVERAGE	8.02%
VEGETATIVE COVERAGE	83.15%
PARKING	
REQUIRED	12 SPACES
PROVIDED	37 SPACES (19 IN PRIVATE GARAGES, 15 AT DRIVEWAYS, 3 VISITOR SPACES)

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NOT FOR PRELIMINARY CONSTRUCTION

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

PROJ. NO. :	1738
FILE :	A-SIT
DATE :	8/05/19

SHEET #

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SITE PLAN