

**TYPE II LAND USE DECISION  
STAFF REPORT AND NOTICE OF DECISION**

**FILE NO.:** NR 14-04: Natural Resources Overlay District

**Submitted: 4/15/2014**

**Complete: 5/07/2014**

**Comment Deadline: 5/21/2014**

**NOD: 5/29/2014**

<b>OWNER(S):</b>	Tax Lot 2-2E-20 -01100 No Situs Address	Urban Renewal Agency of Oregon City PO Box 3040 Oregon City, OR 97045
	Tax Lot 2-2E-20 -00503 15941 Agnes Ave Oregon City, OR 97045	Tri-City Services District 150 Beavercreek Road Oregon City, OR 97045
<b>APPLICANT:</b>	Union Pacific Rail Road	Steve Sand, Dir. Of Aquisitions 1400 Douglas St, Stop 1690 Omaha, NE 68179
<b>REQUEST:</b>	Approval of Union Pacific Railroad Gladstone Trolley Bridge Removal Site Restoration and Upland Re-vegetation Plan within the Oregon City Natural Resources Overlay District (NROD).	
<b>LOCATION:</b>	Tax Lot 2-2E-20 -01100, No Situs Address Tax Lot 2-2E-20 -00503, 15941 Agnes Ave, Oregon City, OR 97045 (See Exhibit 2).	
<b>REVIEWERS:</b>	Pete Walter, AICP, Associate Planner Martin Montalvo, Public Works Operations Manager Alex Dupey, AICP, Sr. Planner, David Evans & Associates (NROD reviewer)	
<b>DECISION:</b>	Approval with Conditions (Exhibit 1).	

**PROCESS:** Pursuant to OCMC 17.50. B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The community development director accepts comments for a minimum of fourteen days and renders a decision. The community development director's decision is appealable to the city commission with notice to the planning commission, by any party with standing under ORS 227.175(10)(a)(c). The city commission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final. Only persons who commented in writing to the Community Development Director may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

## I. BACKGROUND:

This staff report contains the City of Oregon City's findings related to the Applicant's restoration and mitigation plan (NR 14-04). The proposed project includes restoration and mitigation of the slope and upland areas disturbed during Union Pacific Railroad's (UPRR) emergency removal of the Gladstone Trolley Bridge across the Clackamas River between Oregon City and Gladstone, Oregon. To facilitate the removal of the bridge, a "notch" approximately 30 feet wide was excavated into the south riverbank above the ordinary high water mark (OHWM) to facilitate removal of the bridge structure and the south pier footing.

The project is unique in that the City and the applicant were responding to an emergency situation with knowledge that upland mitigation would be required once the immediate threat of the destabilized bridge to public safety and welfare was addressed. Oregon City code recognizes that such situations occur and requires that once an emergency has been addressed, restoration needs to occur in order to maintain good habitat and water resource conditions. This staff report addresses only the mitigation and monitoring requirements of the Natural Resources Overlay District (OCMC 17.49) for the project as no permanent structures are proposed. The following documents were reviewed.

1. Gladstone Bridge Bank Restoration Issued for Construction (plans) (CH2MHill, 2014)
2. Tree Inventory, UPRR Gladstone Trolley Bridge, Oregon (CH2MHill, 2014)
3. Union Pacific Railroad, Gladstone Trolley Bridge Removal, Oregon Restoration and Upland Revegetation Plan (CH2MHill, 2014)
4. Union Pacific Bridge NROD Restoration/Mitigation (NR 14-04), Memorandum from Alex Dupey and Ethan Rosenthal, DEA, May 1, 2014.

The City of Oregon City (the City) has contracted with David Evans and Associates, Inc. (DEA), to review permit applications located within the Natural Resource Overlay District (NROD) and mitigation plans, as applicable, to ensure they meet Oregon City land development code criteria.

## II. BASIC FACTS:

1. **Zoning/Permitted Use:** The zoning and land uses on the property are as follows:

Parcel	Zoning	Land Use
2-2E-20 -01100	MUD – Mixed Use Downtown	Vacant
2-2E-20 -00503	GI – General Industrial	Sewer Plant

2. **Public Notice and Comments:** Notice of the project requesting comments was mailed to property owners within 300 feet of the project area, emailed to the Two Rivers Neighborhood Association, the Natural Resources Committee, and area services providers and agencies May 7, 2014, and details of the project were posted on the City website [www.orcity.org/planning/landuse](http://www.orcity.org/planning/landuse). The project area was posted with Notice of Land Use Action signs from May 7, 2014 until May 21, 2014.

The following comments were received:

### *Natural Resources Committee*

Staff presented details of the project to the Natural Resources Committee at the NRC regular meeting on May 14, 2014. The NRC had several comments and recommendations.

- Concern about animal herbivory (beavers, voles and other herbivores eating the new plantings). **Recommendation: use of Plantskydd animal repellent <http://www.plantskydd.com/> which can be applied in spray and granular forms. Beavers in particular will enter the site from the water so it is important to apply it all the way down to the OHWM.**
- **Staff concurs with the recommendation – See Condition of Approval #3.**
- Concern that the City not over-extend city staff, money and resources for the maintenance and monitoring period.
- Comment that the Dogwood that is planted is an Eastern species., and not a native, with recommendation that the plant be replaced if it is not a native. According to the plant list provided by the nursery it is Red-Osier Dogwood, *Cornus sericea*, which is a native species according to the OSU website <http://oregonstate.edu/dept/ldplants/1plants.htm#cornus>.
- Concerns about folks trampling the mitigation area.
- Question as to whether the bank area below the waterline was cleaned up and trash removed. Another member confirmed that they had divers down there and this was indeed done.
- Comment that the alders would grow tall fairly quickly and that views of the power plant should be a concern that could be mitigated over time.

*Debra Mathews (Property Owner across River)*

Ms. Mathews contacted city staff at numerous points in the project. Three emails were received by planning staff during the public comment period (Exhibits 5a-c). Ms. Mathews primary concerns, among others, is that the removal of large trees that was necessary during the bridge removal has significantly impacted the value of their views and property values, and that the mitigation plantings do not fully restore her views to the pre-existing stream bank vegetation that existed from their property.

The criteria within OCMC 17.49 provide clear and objectives standards for restoring and maintaining good ecological function, and stream and habitat protection. Visual screening and aesthetics are not part of the approval criteria in the overlay district.

The city is making separate efforts to address Ms. Mathews concerns regarding views and ways to plant larger trees irrespective of the land use approval criteria, however, the comments received do not indicate that an approval criterion has not been met nor cannot be met through the attached conditions of approval.

No other public comments were received.

3. **City Department Comments:** The application was transmitted to the public works Department. The City of Oregon City Development Services Division Manager and Public Works Operations Manager indicated no conflicts with this application.
4. **Department of State Lands / US Army Corps of Engineers / Marine Board.** The applicant obtained separate approval from the listed agencies for work below the field-delineated ordinary high water mark.
5. **Other agency comments.** Clackamas Fire District had no comments or conflicts with the proposal.

### **III. COMPLIANCE WITH APPROVAL CRITERIA**

The following determination of compliance with the applicable approval criteria was made by the City's Wetlands and Water Resources consultant David Evans and Associates, whose report is provided in Exhibit 7.

## **DECISION-MAKING CRITERIA:**

The following Municipal Code Standards and Requirements apply to this application:

### **Title 17, Zoning:**

- Chapter 17.50, Administration and Procedures
- Chapter 17.49, Natural Resource Overlay District
- Chapter 17.42, Floodplain Management Overlay District
- Chapter 17.44 Geologic Hazard Overlay District

## ***CHAPTER 17.50 ADMINISTRATION AND PROCEDURES***

*This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this Code.*

**Finding: Complies.** This application was reviewed pursuant to the relevant procedures required by Chapter 17.50, including staff and consultant review of the overlay district requirements, public notice and comment, and conditions of approval. Any appeal, request for reconsideration, or modification of this application shall be processed in accordance with the applicable procedures required by Chapter 17.50.

### ***17.50.030 - Summary of the city's decision-making processes.***

*The following decision-making processes shall control the City's review of the indicated permits:*

*B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The community development director accepts comments for a minimum of fourteen days and renders a decision. The community development director's decision is appealable to the city commission with notice to the planning commission, by any party with standing (i.e., applicant and any party who submitted comments during the comment period). The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.*

**Finding: Complies.** The applicant applied for a Type II review, due to nature of the emergency project involving significant anticipated impacts within three Oregon City Overlay Districts as discussed in this report. The City expedited review of the project so that restoration could occur immediately following stabilization of the emergency situation. Notice of the application was provided according to the appropriate procedure for a Type II limited land use decision.

### ***17.50.050 - Preapplication conference and neighborhood meeting.***

**Finding: Complies.** The applicant attended a pre-application conference PA-14-008 with city staff on March 21, 2014 to discuss the project.

### ***17.50.090 - Public notices.***

*A. Notice of Type II Applications. Once the planning manager has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. Pursuant to Section 17.50.080G., the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with Section 17.50.100. The city's Type II notice shall include the following information:*

- 1. Street address or other easily understood location of the subject property and city-assigned planning file number;*

2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;
3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal must be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.
7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to Section 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

**Finding: Complies.** Notice of the project requesting comments was mailed to property owners within 300 feet of the project area, emailed to the Two Rivers Neighborhood Association, the Natural Resources Committee, and area services providers and agencies May 7, 2014, and details of the project were posted on the City website [www.orcity.org/planning/landuse](http://www.orcity.org/planning/landuse). The project area was posted with Notice of Land Use Action signs from May 7, 2014 until May 21, 2014.

## **CHAPTER 17.49 - NATURAL RESOURCE OVERLAY DISTRICT**

The findings in this section document the proposed project's compliance with the OCMC Municipal Code 17.49 – Natural Resource Overlay District (NROD).

The applicant prepared and submitted an application narrative, code responses, technical memorandum detailing the ecological benefits and mitigation plan and maps indicating conformance with the floodplain and natural resource overlay district standards (Exhibit 6). The consulting firm CH2MHill prepared the technical memoranda, maps and reports.

The applicant's report and mitigation plan were independently reviewed for concurrence with OCMC 17.49 by the city's wetland and NROD consultant firm David Evans and Associates (Exhibit 7).

### **17.49.050 Emergencies**

**Finding: Complies.** The project is required because of the failure of the Gladstone Trolley Bridge footings, necessitating and emergency removal of the structure to prevent injury. This standard is met.

### **17.49.060-17.49.100**

**Finding: Not applicable.** Given the nature of the project and because no permanent structures are proposed, these code sections are not applicable

### **17.49.110: Width of Vegetated Corridor**

**Finding: Complies.** The project, as described above, includes restoration of the entire project corridor within the project area from ordinary high water (OHW) to the vegetated corridor limits. Within this area, the width of the vegetated corridor is 200 feet because the Clackamas River is an anadromous fish bearing stream. The Applicant does not propose any work below ordinary high water and therefore, does not require approval of the of the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers. The applicant has provided documentation that coordination has occurred with these agencies prior to beginning work and is included as Attachment A to the DEA report in Exhibit 7.

### **17.49.120 Maximum Disturbance Allowed for Highly Constrained Lots of Record**

**Finding: Not applicable.** This criterion identifies the conditions for how a parcel can develop if significant portions of the parcel are covered by the NROD. No development is proposed on this lot; therefore this criterion is not applicable.

#### *17.49.130 Existing Development Standards*

**Finding: Complies.** No permanent development is proposed and the site is currently vacant. As addressed in the Union Pacific Railroad, Gladstone Trolley Bridge Removal, Oregon Restoration and Upland Revegetation Plan, nearly the entire project area is covered with ivy. The project will improve the area by removing invasive species within the NROD boundary. Earthwork necessary for the emergency repair is permitted under 17.49.050 Emergencies, and when completed, the area within the NROD boundary will be restored to pre-project conditions. Applicable mitigation requirements are addressed in response to 17.49.190-Alternative Mitigation Standards.

#### *17.49.140-17.49.170*

**Finding: Not applicable.** Sections 17.49.140-17.49.170 are not applicable to this project because:

- No utilities are proposed (17.49.140)
- No permanent vehicular or pedestrian paths are proposed (17.49.150)
- No stormwater facilities are proposed (17.49.155)
- No land divisions are proposed (17.49.160)
- No trails are proposed (17.49.170)

#### *17.49.180 Mitigation Standards*

**Finding: Not applicable.** The Applicant has elected to pursue development of the mitigation plan under 17.49.190, Alternative Mitigation Standards, described below.

#### *17.49.190 Alternative Mitigation Standards*

**Finding: Complies.** The Applicant's mitigation plan addresses impacts within the NROD. Impacts to the NROD buffer include vegetation removal and excavation above OHW to permit removal of the trolley bridge to an upland location. This project does not propose any permanent structures, utilities, or other improvements within the NROD boundary, and as the Applicant has stated, the affected area within the NROD boundary will be restored to pre-project conditions. As part of the project 36 trees were removed along with invasive species such as English ivy and Himalayan blackberry. A tree inventory was completed that documents the species, size, and number of trees to be removed. The Applicant has also noted that more than 90 percent of the project area was covered in English Ivy.

#### *17.49.190(A).*

**Finding: Complies.** The Applicant's site visit documents the project area as a "Degraded Existing Vegetated Corridor." DEA was not able to verify this determination because site work had already begun to remove the bridge and grade the site, but we have visited the general location for other projects and concur with the Applicant's determination. Additionally, the Applicant has provided several pre-project photos that show the area as the Applicant has described. 17.49.190(A) appears to be met, but cannot be verified other than with what information the Applicant has provided.

#### *17.49.190(B).*

**Finding: Complies.** The Applicant proposes removing 36 trees and invasive vegetation within and outside of the NROD. The Applicant proposes planting 100 trees and 500 shrubs. While 17.49.190(B) requires a minimum mitigation ratio of 2:1 for the size of the disturbance area, the unique nature of the project, given that no permanent development is proposed and that invasive species will be removed from the entirety of the NROD area, and that the number of plantings meets the spacing requirement, the applicant's proposal meets the intent of this section.

17.49.190(C).

**Finding: Complies.** The Applicant has not provided the total amount of disturbance area within the NROD boundary; however, it has identified the total disturbance area of 10,235 square feet, which also includes areas outside of the NROD. As shown in Table 3 of the Union Pacific Railroad, Gladstone Trolley Bridge Removal, Oregon Restoration and Upland Revegetation Plan (below), the Applicant proposes mitigating for all areas both within and outside of the NROD. It appears that the applicant is using the mitigation standards set forth 17.49.180(E)(2)-Mitigation Option 2, which is more prescriptive than the alternative mitigation standards identified in 17.49.190. Based on the Applicant's submittal,

**TABLE 3**  
**Mitigation Planting Ratios**

Area of Disturbance	Units of 500 sq ft (rounded to nearest whole number)	Number of trees to be planted for each disturbance unit	Number of shrubs to be planted for each disturbance unit	Number of trees to be planted	Number of shrubs to be planted
10,235 sq ft (0.23 ac)	20	5	25	100	500

the mitigation plan ratios meet the mitigation ratios under Option 2. From a mitigation standpoint, it appears that the prescribed mitigation standards under 17.49.180(E)(2) will result in improving the project area from a Degraded Existing Vegetate Corridor to a Good Existing Vegetated Corridor, as required under 17.49.190(C). This condition is met.

17.49.190(D).

**Finding: Complies.** This section requires that there will be no detrimental impacts to areas left undisturbed. The entire project area will be disturbed due to the nature of the project, but the applicant can meet this standard after the mitigation is completed because the entire site will be replanted with native species, provided the monitoring plan is sufficient to improve plant survival. Additionally, erosion control measures must be properly installed and maintained until the completion of the project and vegetation is established. This standard is met provided the monitoring plan is adequate to ensure plant survival.

17.49.190(E).

**Finding: Not applicable.** The Applicant does not propose any work below OHW. This criterion does not apply.

17.49.190(F).

**Finding: Complies with Condition.** This section requires that mitigation occur for the site of disturbance to the extent practicable. As described above, the Applicant proposes to mitigate onsite. This standard is met. 17.49.180(F) requires a five-year maintenance and monitoring period for mitigation planting. The Applicant has proposed that maintenance and monitoring will be the responsibility of the City. The Applicant has not developed a maintenance and monitoring plan that specifically addresses this standard. This standard is not met.

17.49.200 Adjustment to Standards

**Finding: Complies.** The Applicant requires an adjustment because nearly the entire parcel is located within the NROD boundary and there is no feasible alternative for not developing within the NROD boundary and the Applicant cannot meet the 2:1 disturbance area requirements described in 17.49.190(B). The Applicant meets the requirements of 17.49.200 because:

17.49.200(A). No feasible alternatives exist to locate outside of the NROD. As the bridge was located in the NROD and temporary access to the bridge is required to remove the bridge, the project must be located within the NROD boundary.

17.49.200(B). When completed the project will provide an improved NROD area by removing invasive species and improving the area from a Degraded Existing Corridor to a Good Existing Corridor;

17.49.200(C). The project minimizes impacts to the NROD. The applicant has minimized, to the greatest extent practicable, impacts within the NROD boundary. When the project is completed, it will be replanted with native species after invasive species are removed from the site.

17.49.200(D). No in-water work is proposed and no streams or other waterways will be affected.

17.49.200(E). All other mitigation requirements have been met, as described in this memorandum. The only exception is requiring a 2:1 site area for mitigation and the need for a five-year maintenance and monitoring plan. UP proposes a two-year plan.

#### *17.49.220 Required Site Plans*

**Finding: Complies.** The Applicant has submitted the necessary site plans through its original submittal, with the exception of identifying the NROD boundary. The applicant accepts the city's adopted boundary as officially mapped.

#### *17.49.230 Mitigation Plan Report*

**Finding: Complies.** The Union Pacific Railroad, Gladstone Trolley Bridge Removal, Oregon Restoration and Upland Revegetation Plan contains the majority of information required under this criterion, but does not provide construction timetables or a monitoring and maintenance plan as described in 17.49.230(D-E). The Applicant should provide a detailed monitoring and maintenance plan report as a condition of approval.

### **Recommended Conditions of Approval for NROD Compliance**

DEA recommends the following conditions of approval for the project:

1. Provide a maintenance and monitoring plan for the mitigation area, including how the area will be watered until the plantings are established. The maintenance and monitoring plan should include:
  - Success criteria (i.e. what percent of original plant numbers need to have survived at the end of two years? 80 percent is a reasonable criteria if not specified.)
  - Monitoring protocols (i.e. total count of planted species)
  - Site photos from fixed photo points
  - Specify the annual monitoring report submittal date (typically end of calendar year).

**Condition of Approval #1. The applicant Union Pacific shall provide the above details of the monitoring and maintenance plan to the Planning Division within 30 days of the Notice of Decision.**

### ***Chapter 17.42 - FLOOD MANAGEMENT OVERLAY DISTRICT***

#### ***17.42.020 - Applicability.***

*A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this Code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.*

*B. The flood management areas which have been mapped include the following locations:*

*1. Land contained within the one-hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and*

*2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.*

*C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.*

**17.42.160 - Flood management area standards. - D. Site Development Standards.**

*All development in the floodplain shall conform to the following balanced cut and fill standards:*

1. This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

**Finding: Complies with Conditions.** The project was necessary in order to respond to an emergency. The City Engineer has determined that the project does not violate the "no-net fill" requirements of the floodplain section. **The City Engineer shall confirm the specific amount of fill placement and calculations as Condition of Approval #2.**

**Chapter 17.44 - UNSTABLE SLOPE - GEOLOGIC HAZARD OVERLAY DISTRICT**

A portion of the application falls within the Geologic Hazard Overlay District steep slope area adjacent to Clackamas River (Exhibit 9).

**7.44.035 Exemptions.**

*The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter*

*E. The removal or control of noxious vegetation;*

*F. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director or on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.*

**Finding: Complies.** The applicants are conducting required stream bank restoration, restoring floodplain connectivity and riparian habitats in response to an emergency. The applicant has restored the stream bank and re-graded the topography as far as practical to match pre-existing conditions of the site. This standard is met.

**IV. CONCLUSION AND DECISION:**

In conclusion, the applicant's request for approval of a Natural Resource Overlay District (NROD) review with balance cut and fill for the restoration project, based on the applicant's submitted proposal as documented in this report and subject to the Conditions of Approval herein, can meet the applicable requirements of Oregon City Municipal Code. Therefore, the Community Development Director approves Planning File NR 14-04 with Conditions (Exhibit 1).

## V. EXHIBITS

1. Conditions of Approval
2. Vicinity Map (On File)
3. 300' Mailing Labels Area (On File)
4. Mailed Notice (On File)
5. Public Comments (On File)
  - a. Debra Mathews – Email 1
  - b. Debra Mathews – Email 2
  - c. Debra Mathews – Email 3
  - d. Email from Pete Walter, Staff Liaison to the Natural Resources Committee, summarizing comments made at the NRC regular meeting of May 14, 2014.
6. Application (On File)
  - a. Land Use Application Form (On File).
  - b. Gladstone Bridge Bank Restoration Issued for Construction (plans) (CH2MHill, 2014) (On File).
  - c. Tree Inventory, UPRR Gladstone Trolley Bridge, Oregon (CH2MHill, 2014) (On File).
  - d. Union Pacific Railroad, Gladstone Trolley Bridge Removal, Oregon Restoration and Upland Revegetation Plan (CH2MHill, 2014) (On File).
  - e. Oregon City Pre-application Conference Summary PA-14-008, 3/21/2014
7. Union Pacific Bridge NROD Restoration/Mitigation (NR 14-04), Memorandum from Alex Dupey and Ethan Rosenthal, DEA, May 1, 2014 (On File).
8. Staff Email Communications (On File).
9. Geologic Hazard Overlay District Map (On File).

\* Items listed “**On File**” are part of the complete Land Use File and may be reviewed upon request.

## **CONDITIONS OF APPROVAL**

### **NR 14-04 Union Pacific Trolley Bridge Restoration Project**

**Notice of Decision: May 29, 2014**

1. The applicant Union Pacific shall provide the details of the monitoring and maintenance plan to the Planning Division within 30 days of issuance of the Notice of Decision. This shall include a maintenance and monitoring plan for the mitigation area, including how the area will be watered until the plantings are established. Additionally, the maintenance and monitoring plan should include:
  - a. Success criteria (i.e. what percent of original plant numbers need to have survived at the end of two years? 80 percent is a reasonable criteria if not specified.)
  - b. Monitoring protocols (i.e. total count of planted species)
  - c. Site photos from fixed photo points
  - d. Specify the annual monitoring report submittal date (typically end of calendar year).
2. The applicant Union Pacific shall provide the City Engineer with calculations for the specific amount of fill placement, if any, and the City Engineer shall review the calculations to assure that the "no net fill" requirements for the floodplain management overlay district have been met.
3. To repel animals during the monitoring and maintenance period, use of Plantskydd" animal repellent <http://www.plantskydd.com/> which can be applied in spray and granular forms shall be applied as directed, or other suitable city approved mechanical or biological control method to ensure that animal damage to plantings is minimized.