



DAVID EVANS  
AND ASSOCIATES INC.

MEMORANDUM

**DATE:** May 4, 2015

**TO:** Kelly Moosbrugger  
City of Oregon City  
221 Molalla Avenue  
Oregon City, OR

**FROM:** Anneke Van der Mast

**SUBJECT:** DRAFT Chapter 17.49 NROD Type III Review

**PROJECT:** Oregon City School District  
Proposed Transportation Maintenance Facility

**CC:** file

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 are complete and meet Oregon City zoning code criteria. This memorandum provides DEA's findings related to the Applicant's development application. This review is based on the materials provided and a site visit conducted by an ecologist on April 23, 2015. The proposed project includes construction of a new Transportation Maintenance Facility and associated vehicle parking and sitework.

Impacts to the NROD for the proposed project result from grading for the western detention pond, the installation of sub-surface storm facility piping, and the installation of a stormwater outfall with scour protection/rip rap. Grading associated with the western pond encroaches into the NROD, affecting an area of approximately 27 square feet and removing four Oregon white oak trees within the NROD area. The proposed stormwater outfall would consist of a rip-rap pad that provides scour protection from stormwater discharge that would be piped from both detention ponds. It would be located partially within the NROD and is situated in the lowest area north of the western pond. This permanent feature would affect 25 square feet of NROD and would result in the removal of one Oregon white oak tree. The area will not be re-vegetated as the rip-rap substrate precludes plant establishment.

### General

#### *17.49.[0]40 NROD Permit*

Because the project could not avoid removing a portion of the forest canopy, the applicant has requested an adjustment from standards in section 17.49.155 and addressed the standards of 17.49.200; therefore the application is a Type III review.

#### *17.49.[0]50 –Emergencies. (Do not apply to project.)*

#### *17.49.[0]60 – Consistency and relationship to other regulations.*



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The DSL concurred with the findings of the wetland delineation in December 2014. No jurisdictional wetland would be affected as part of the proposed project. The applicant will submit the DEQ 1200-C NPDES Stormwater Discharge Permit once the City provides Conditions of Approval for the Land Use application.

*17.49.[0]70 – Prohibited uses. (Do not apply to project.)*

*17.49.[0]80 – Uses allowed outright (Exempted). (Do not apply to project.)*

## **Prohibited, exempted, and regulated uses**

*17.49.[0]90 – Uses allowed under prescribed conditions.*

The proposed project is categorized as a stormwater facility (I.) and therefore is subject to Section 17.49.155.

## **Development standards**

*17.49.100 – General development standards.*

The proposed project complies with the general development standards. Native trees are only being removed when they are within 10 feet of the stormwater facility (A.). All vegetation planting identified in the mitigation plan are on the Oregon City Native Plant List (C.) except for slender rye (which is also not on the Metro and City of Portland native plant lists). However, a DEA licensed landscape architect has agreed that it is native to the area and a good addition to the identified seed mix. A grading plan has been provided for review as required (D.). The applicant is requesting neither a reduction (E.) nor an increase (F.) in setbacks. A fence will be installed along the edge of the stormwater facility both inside and along the edge of the disturbance, but will not further introduce on the NROD (G.). No lighting is proposed near the NROD area (H.). There is no 100-year floodplain on site (I.). A mitigation plan has been provided for impacts to the regulated buffer (J.).

*17.49.110 – Width of Vegetated Corridor.*

The slope adjacent to the wetland was determined by Pacific Habitat Services, Inc. (PHS) to be less than 25 percent, resulting in a 50-foot wide vegetated corridor according to Table 17.49.110 of the Oregon City NROD code. This was confirmed by a DEA ecologist on April 23, 2015

*17.49.120-17.49.150 (Do not apply to the project.)*

*17.49.155 – Standards for Stormwater Facilities*

Grading for the western detention pond, the installation of sub-surface storm facility piping, and the installation of a stormwater outfall with scour protection/rip rap will result in disturbance of the forest canopy within the dripline of existing trees (A.) See response to 17.49.180 regarding native plants (B.). An adjustment to standards is requested for this reason. There will be 325 square feet of permanent and temporary impacts (E.). The proposed stormwater facility will not encroach greater than one-half the distance of the NROD corridor (D.). A mitigation plan has been submitted and is reviewed in more detail in the response to Section 17.49.180 (C.).



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*17.49.160 – Standards for land divisions (Do not apply to the project.)*

*17.49.170 – Standards for trails (Do not apply to the project.)*

*17.49.180 – Mitigation Standards*

The proposed disturbance area is 325 square feet. The area is heavily vegetated. Therefore, the total proposed mitigation planting area is 43,964 square feet because the plantings will be infilled into existing canopy openings. The areas that will be planted are expected to cumulatively exceed the required two-to-one planting ratio (A.) in the NROD area (C.) of the site (B.). Option 1 (E.) was used to determine mitigation plantings because it resulted in the greatest number of trees and shrubs to be planted: Sixteen (16) replacement trees and thirty (30) replacement shrubs will be planted according to size, spacing, and diversity standards in the NROD area. The plants and shrubs are on the Oregon City Native Plant List. Invasive species will be removed to the maximum extent practicable and bare ground will be planted or seeded with native grasses and ground cover species. The mitigation plan includes a 5-year maintenance and monitoring plan (F.) that includes annual progress reports including survival rates and remedial actions if necessary, submitted to the City's planning division. The applicant will record a restrictive covenant or conservation easement (G.) including a financial guarantee (H.) in the form provided by the city, that will require owners and assigns of the property to comply with the applicable mitigation. This will be included as a Condition of Approval for the application.

*17.49.190 – Alternative Mitigation Standards*

Due to the existing canopy, the total proposed mitigation planting area is 43,964 square feet because the plantings will be infilled into existing canopy openings. Therefore it exceeds the required two-to-one ratio of mitigation area to proposed disturbance area but meets the requirement (b) by meeting the minimum two-to-one ratio of mitigation area A mitigation plan is included with the application.

*17.49.200 – Adjustment from Standards*

The proposed detention pond grading, storm drainpipe, and stormwater outfall impact areas within the NROD have been minimized to the greatest extent possible while still providing adequate capacity for the stormwater facility (C.). The proposed project largely avoids adverse impacts to NROD resources and their functions within the parcel by minimizing impacts within the NROD (B.). As the affected NROD has dense canopy coverage, completely avoiding forest canopy impacts was not possible (A.). The wetland complex/tributary to Caufield Creek that flows through the project area is not mapped as providing habitat for migratory fish (StreamNet 20151). ODFW field verified that fish do not occur in the wetland complex/tributary (ODFW-ODF 19942) (D.). All other NROD standards can be met (E.) An adequate mitigation plan has been submitted for the project (F.).

The trees that the applicant specified to be planted are large and would require frequent watering during establishment. The reviewing landscape architect and ecologist concur that this size of tree is rarely successfully established because of the intensive watering needs. Instead, the proposed project should include an adjustment from the tree size to plant smaller, and less demanding trees that are more likely to establish successfully.

*17.49.210 – 17.49.230.* The applicant was deemed complete.



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## Recommended Conditions of Approval

DEA recommends the following conditions of approval for the project:

1. Provide a weed/invasive species removal plan.
2. Personnel hired to remove invasive species must be licensed and trained to use herbicides in the vicinity of water bodies, if such chemicals are to be used.
3. Provide a detailed stormwater detention pond plan that shows and labels:
  - a. The permanent and temporary features designed for the flow between the pond outfall and the wetland.
  - b. The method of accommodating the flow.
  - c. The flow control measures in the vegetated corridor.
  - d. Contour lines between the outfall and the wetland.
  - e. The trees downslope of the outfall.
  - f. A planting plan for the detention pond side slopes, outside of the berm, and the pond bottoms.

The stormwater plan must ensure that:

- a. The discharge from the outfall into the wetlands occurs at multiple points to slowly recharge the groundwater.
  - b. The oak trees will not be negatively affected by increased hydrology at their roots.
4. All undisturbed areas, including remaining trees and their root systems, should be identified and protected from grading and vehicle damage by flags, fencing, or a combination of both.
5. Submit a final planting plan that specifies smaller trees than in the original application and includes a temporary irrigation plan prior to the grading permit and ensure frequent watering during establishment.
6. If additional trees are removed additional mitigation will be required in accordance with section 17.49.180, Mitigation Standards if the.
7. Submit the DEQ 1200-C NPDES Stormwater Discharge Permit prior to grading permit.
8. Record a restrictive covenant or conservation easement that requires the owners to implement and comply with mitigation and monitoring and includes a financial guarantee in the form provided by the city.
9. Clearing of vegetation (trees and shrubs) shall occur outside of the nesting season in accordance with the Migratory Bird Treaty Act.