

Regarding Type 111 Land Use Application NR-08/US 18-02

To the City of Oregon City Planning Commission,

NOV13 12:46PM

We have owned the lot adjacent to the applicants (Brant and Carolyn Popma) since 1992 and have lived in our home here since 1996. The applicants are good neighbors and responsible citizens who want to be in compliance with any government regulations involving their land. It is unfortunate that they have been caused so much stress and expense trying to get into compliance due to issues raised retroactively by the City regarding improvements to their land that were made by a previous owner. We believe they are doing everything possible to come into compliance and to be responsible land owners, and we hope the commission will approve their land use application.

Regarding the Popma's river frontage and the improvements under review: It would be impossible to return the land to a 'natural condition' since the riverfront in this location and on neighboring lands is a pile of rock rubble. I've been told that the rock was dumped here during the blasting of Highway 99E through the nearby cliffs in the 1920s. When we bought our lot in 1992, the riverfront was entirely covered by blackberries growing in the thin layer of sediment deposited by the river on that rock rubble. The upper edge of the riverfront has been heavily shaped by the railroads since the 1870s, including the dumping of massive amounts of large gravel. The bottom edge has been altered by PGE's Willamette Fall's dams (since the 1890s?) which keep the high water line artificially high, especially through the summer when the river would have historically fallen to reveal multiple channels flowing around shoals and islands.

Our community of Canemah owes its existence to the proximity of the Willamette River. There was always access to and use of the river by the community, and the improvements on the Popma's land seem consistent with that.

November 10, 2018

Carl Koontz and Joanne Dutra

106 Miller Street, Oregon City

From: [HUNTER Zackary](#)
To: [Kelly Reid](#)
Subject: NR 18-08/US 18-02 land development application
Date: Wednesday, November 14, 2018 7:48:49 AM

Kelly,

I represent ODOT Rail & Public Transit Division. My position is to regulate all Public Rail Crossings in Oregon. My comments are as follows with the proposed development in Oregon City as shown in the subject notice:

- Currently there are no legal public crossings with in the devolvment area.
- After a visit to the site I see that there is a specific location for private pedestrian crossing with no signage.
- Does the landowner have a permit or some type of verbal agreement with the RR? If not I would recommend they contact Union Pacific RR

Zack Hunter
Crossing Compliance Specialist
(503) 986 6780
Zackary.hunter@odot.state.or.us



November 14, 2018

Oregon City Natural Resources Committee
C/O Mr. Pete Walter, AICP, Planner
698 Warner Parrott Rd
Oregon City, OR 97045

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

RE: Planning Files NR 18-08/US 18-02, Canemah Dock NROD & FMA Application

Dear Committee Members:

I am assisting Brant and Carolyn Popma in their efforts to resolve code enforcement actions relating to shoreline improvements on a portion of the Canemah Club property to which they have easement rights. It is our understanding that the Natural Resources Committee will be considering this matter at its meeting tonight and may make a recommendation to the Planning Commission for its scheduled hearing on November 26, 2018.

We wanted to take this opportunity to let you know that the Popmas had nothing to do with the construction of the steps, patio, dock and other shoreline improvements. They were unaware of any land use issues relating to these improvements when they purchased their home in 2015, thereby obtaining the easement rights to the subject property. The improvements were constructed by the previous owner of the property, Captain Paquet, LLC, Ryan Smith/Douglas Tiner, in 2013.

Even though the Popmas had no involvement in the creation of the code violations, they are working diligently in good faith and at great personal expense to rectify the problem by undertaking the required land use applications and preparing plans for mitigation of the relatively minor impacts associated with these improvements. The proposed mitigation plans call for removal of non-native invasive vegetation from the easement area's frontage on the river, and the planting of appropriate native plant materials to enhance the resource values of the property's frontage on the river. They would appreciate your support in limiting the required improvements to the landscaping only.

We thank you for your time in reviewing this letter and respectfully request that you lend your support to their efforts to resolve this matter by your positive recommendation for their land use application.

Sincerely yours,

Rick Givens, Planning Consultant

Cc: Brant & Carolyn Popma, Leonard Rydell, PE

For the Planning Commission hearing 11/26/18
Re: NR 18-08/US 18-02

My wife & I are the land use applicants and have the rights to the easement in question. The Canemah Club Association is the owner of the property and they are ultimately the responsible entity to resolve these issues. There are 10 easements on this property.

The builder, Captain Paquet LLC, carried out the easement improvements in front of 510 1st Ave, (our home), in 2013 and these improvements / disturbances are what make up the code violations. This was over a year prior to our purchase in December 2014. Our home was advertised as having a dock and river access and we were given the registration with the Departure of State Lands for the dock and believed everything was in order.

Eighteen months after we purchased the house the Canemah Club received a city violation notice regarding this property. The builders have taken no responsibility in resolving these issues and have continuously refused to go through the city pre-application process. We are in no way obligated to fix this mess since the responsible party is the Canemah Club.

My wife & I, not seeing a solution in the foreseeable future from either the Canemah Club or the builders, decided to follow the city's application process on our own. This whole episode in our life has been extremely frustrating and challenging and costly.

Carolyn & I have been working with our team of engineers, our landscape consultant and our experienced land use consultant Rick Givens. We believe we have created a mitigation plan that will satisfy the city's issues and improve the health of the river in the long run. Both of our engineers have concluded that the effects of the disturbances are minimal and we believe our mitigation & remediation plan will enhance the river bank and the easement area.

We have made a great deal of progress addressing the city planning department issues at great personal cost and effort. As of October we have spent over \$20,000.00, and untold sleepless nights and days of frustration.

My wife and I have been active in the Oregon City and surrounding communities. We are involved in the Oregon City Meals on Wheels Program at the adult senior center. My wife works with a group that facilitates a meal program called "Backpack Buddies" through the Christ Lutheran church in Aurora. These programs are important to my wife and I and our community. We believe in supporting the community around us.

We're hoping to right the wrong that has been left on our door step.

We hope you will see your way clear to accepting our proposal of remediation and take into consideration the time and effort we have put in, getting to this juncture.

Thank you,

Brant & Carolyn Popma
510 1st Ave.
Oregon City, OR 97045
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