

To: Oregon City Planning Commission
From: Ken Baysinger
Date: November 21, 2018
Reference: Planning File NR 18-08/US 18-02

ENTERED INTO THE RECORD
DATE RECEIVED: Nov 26, 2018
SUBMITTED BY: Baysinger
SUBJECT: Cremish Dock

I believe that the plant mitigation requirements as stated in the proposed conditions of approval in the Planning Department Staff Report place an onerous and unreasonable burden on the applicants, based on the following:

1. All of the exposed ground on the portion of Lot 200 lying between Paquet Street and Miller Street, including the applicant's easement, consists of rock fill. This fill consists of heavy material blasted from the Oregon City Bluffs during the construction of roadway and railroad rights of way beginning in the 1860s. The initial fill raised the level of the property by approximately twelve feet, corresponding with the level of the concrete slab that is part of the current application. Subsequent rock fill has raised the railroad right of way an additional eleven feet, and Union Pacific continues to add aggregate to the railbed as a matter of routine maintenance. All of the natural land lying between the fill and the river's edge was permanently flooded with the construction of the Portland General Electric dam at Willamette Falls in the 1880s. There is no natural land on Lot 200 between Paquet Street and Miller Street.
2. The only soil that exists within the filled area consists of river-borne silt brought in by high-water events over the years or accumulated wind-blown dust on the portions of the property above the highest water levels. The silt carries very sparse amounts of organic material suitable for sustaining natural plant growth, so only the very hardiest of plants have been able to grow there. The dominant natural plant life on the property is Oregon Ash and Maple trees, Blackberries, and Butterfly Bush. The native plants proposed in the conditions of approval will require the introduction of a large volume of suitable planting soil in order to have any chance of survival.
3. The railroad's deliberate compaction of the rock fill on this property over the past 150 years has rendered it largely impervious and extremely difficult to cultivate.
4. The Ash and Maple trees on the property at the time the improvements were made (2012) are still there, though some heavy pruning was done on the Maple to remove a fallen but living portion of the tree, which compromised the overall health of the tree. The butterfly bush grows at the water's edge and drowns in prolonged high-water events. Much of the invasive blackberry growth had been killed by herbicide sprayed by Union Pacific.
5. The portion of the property lying between the concrete slab and the normal water level is subject to frequent flooding during winters. It has been completely covered about a dozen times in the past twenty years, and is at least partially covered several times every year. The proposed native plants will almost certainly die as a result of these high-water events.

6. The portion of the property lying between the railroad grade and the concrete slab is covered to an unknown depth by 2" aggregate with little or no soil capable of sustaining plant growth. Beneath the aggregate, it is assumed that the ground consists of large (up to 3-foot) stone fill. Whatever grows there is subject to herbicide spraying by Union Pacific at least annually. Control of the spray has been erratic over the years, and on occasion the herbicide has killed vegetation on the slope, and can be expected to do so in the future.
7. There is no water available for irrigating the plants, and they will not survive the dry months without it. This places on the applicant the unreasonable burden of hand-carrying water across the railroad tracks from their house or up from the river. This is both difficult and hazardous, as the slopes involved make for extremely poor footing.
8. The combined effect of these factors is that most of the proposed plants will die within a few months, and the conditions of approval require that the applicant replace them. That is neither reasonable nor realistic.

All of this leads me to question the appropriateness of the Natural Resource Overlay having been applied to this area where there has been no natural land since 1889. That said, I do understand that this is not the topic of this discussion.

But in consideration of the nature of this property, I suggest that the plant mitigation be removed as a condition of approval for this application. It is my opinion that given the circumstances stated here, the requirement is unnecessary and unwarranted.

Ken Baysinger
Canemah

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

11/26/2018

Item Number From Agenda

— 3.1.1

NAME:

Dona Meeley

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street:

11614 Parrish Road

City, State, Zip:

Oregon City, Oregon 97045

PHONE NUMBER:

503-407-2178

E-MAIL ADDRESS:

mtstats10@sbccg.local.net

SIGNATURE:

Dona Meeley

COMMENT FORM



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Date of Meeting 26 November 2018

Item Number From Agenda

1

POPMA

NAME:

LEONARD A. RYDELL

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street: 601 Pinckney Drive

City, State, Zip: Newberg, OR 97132-1625

PHONE NUMBER:

(503) 538-5700

E-MAIL ADDRESS:

h.A.Rydell@Teleport.com

SIGNATURE:

Leonard A. Rydell

COMMENT FORM



PLEASE PRINT CLEARLY

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- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting Nov. 26, 2018

Item Number From Agenda E 3 A

NAME:

Rick Givens

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street: 18680 Sunblaze Dr.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

503-351-8204

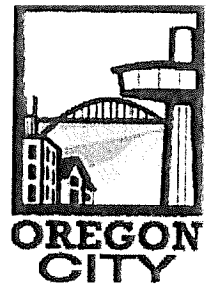
E-MAIL ADDRESS:

rickgivens@gmail.com

SIGNATURE:

Rick Givens

COMMENT FORM



✓
PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting

11/26/18

Item Number From Agenda

3A

NAME:

Brant Popma

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street:

510 1st Ave

City, State, Zip:

OR City

PHONE NUMBER:

503-997-6755

E-MAIL ADDRESS:

bepopma@gmail.com

SIGNATURE:

COMMENT FORM



✓
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- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

11/26/18

Item Number From Agenda

— 3A

NAME:

Carolyn Popma

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street:

516 1st Ave

City, State, Zip:

Oregon City OR 97045

PHONE NUMBER:

503-473-1614

E-MAIL ADDRESS:

bcpopma@gmail

SIGNATURE:

Carolyn Popma

COMMENT FORM



PLEASE PRINT CLEARLY

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- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

Nov 26 2018

Item Number From Agenda

- NR18-08/US 18-02

NAME:

KEN BAYSINGER

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street: 516 1st AVE

City, State, Zip: OREGON CITY 97045

PHONE NUMBER:

503.502-5557

E-MAIL ADDRESS:

k.baysinger@comcast.net

SIGNATURE:

Ken Baysinger

NR 18-08 / US 18-02

Natural Resources Overlay District & Geologic Hazard Overlay Review
For Patio and Access Stairs in Canemah

Planning Commission Hearing
November 26, 2018

Clackamas County Map 2-1E-36DD, Tax Lot 200



Project Description

- The Applicant has river access through an easement that is located on Tax Lot 200, Map No. 2-1E-36DD. The property is owned by the Canemah Club.
- The boat dock, access stairs and patio were constructed starting in 2013. The applicant wishes to retain the existing improvements.
- The easement contains a permitted dock, and easement improvements including a concrete block stairway for pedestrian access, low concrete block retaining walls, a rock retaining wall, a graded fine gravel patio with 352 square feet, and a block fire pit and approximately 316 square feet of a concrete patio.
- Additional site work included grading, removal of existing vegetation (mostly invasive) and new landscaping



Code Criteria

Oregon City Municipal Code

- *Administration and Procedures are set forth in Chapter 17.50*
- ***Natural Resource Overlay District in Chapter 17.49;***
- *Geologic Hazards in Chapter 17.44;*
- *Flood Management Overlay District in Chapter 17.42,*
- *Willamette River Greenway in Chapter 17.48; and*
- *R-6 Dwelling District in Chapter 17.08*

The City Code Book is available on-line at www.oregoncity.org

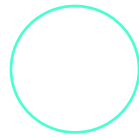


Project Description

- Note: The development is located below the “top of bank”. The site is small and consists of a steep rocky bank
- Current owners purchased the home with easement rights to the dock in 2015
- On-land improvements trigger certain permitting requirements (however, floating docks are exempt from city planning requirements)
- To remedy the project impacts and assure code is met, the owners have applied for the applicable Land Use approvals

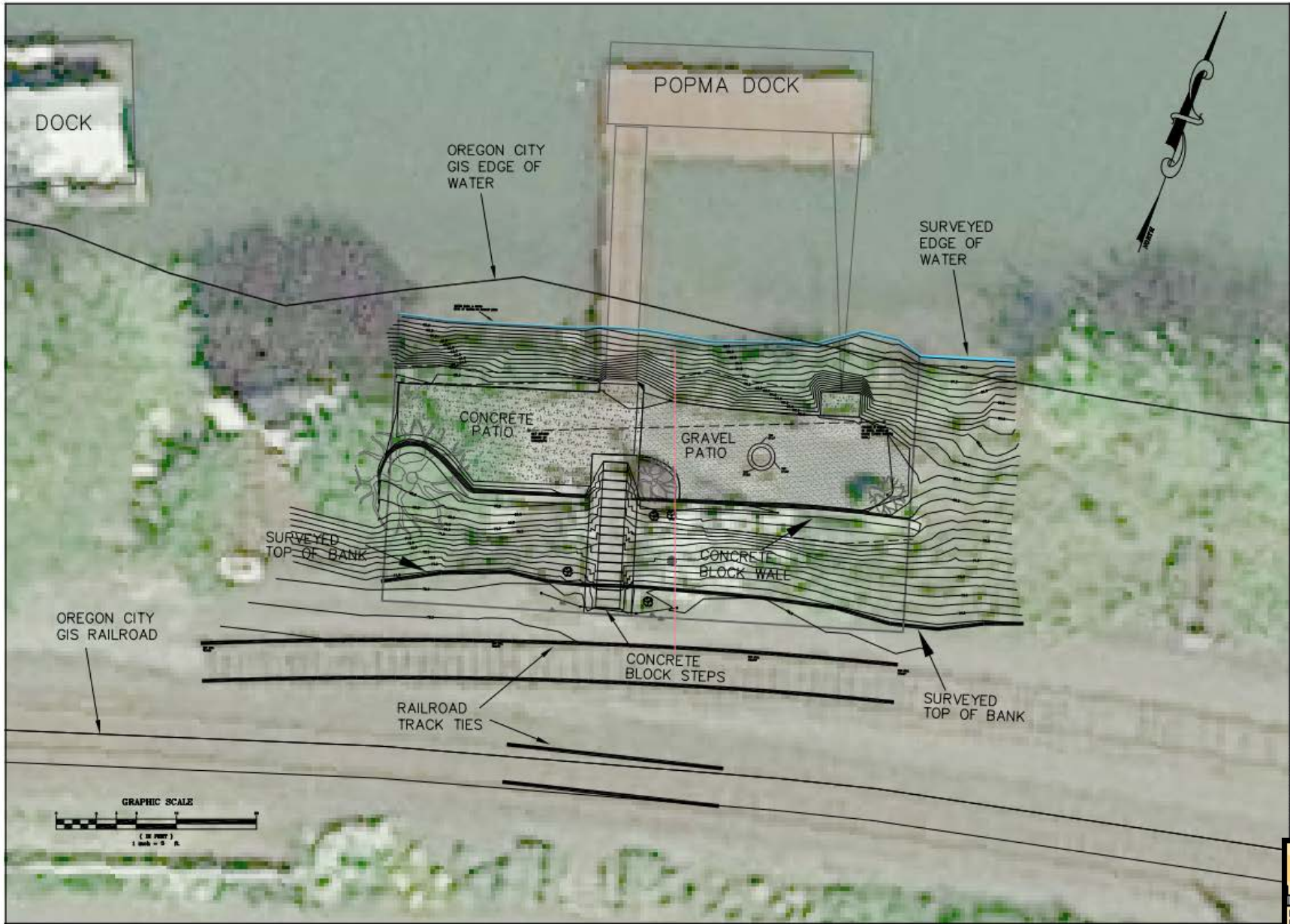


Vicinity



Site - Aerial Photo







EAST GRAVEL PATIO AND WALL



RIVER BANK AND DOCK LOOKING NORTHEAST TOWARDS FALLS



RIVER BANK FROM DOCK LOOKING DOWNSTREAM



PATIO LOOKING UPSTREAM



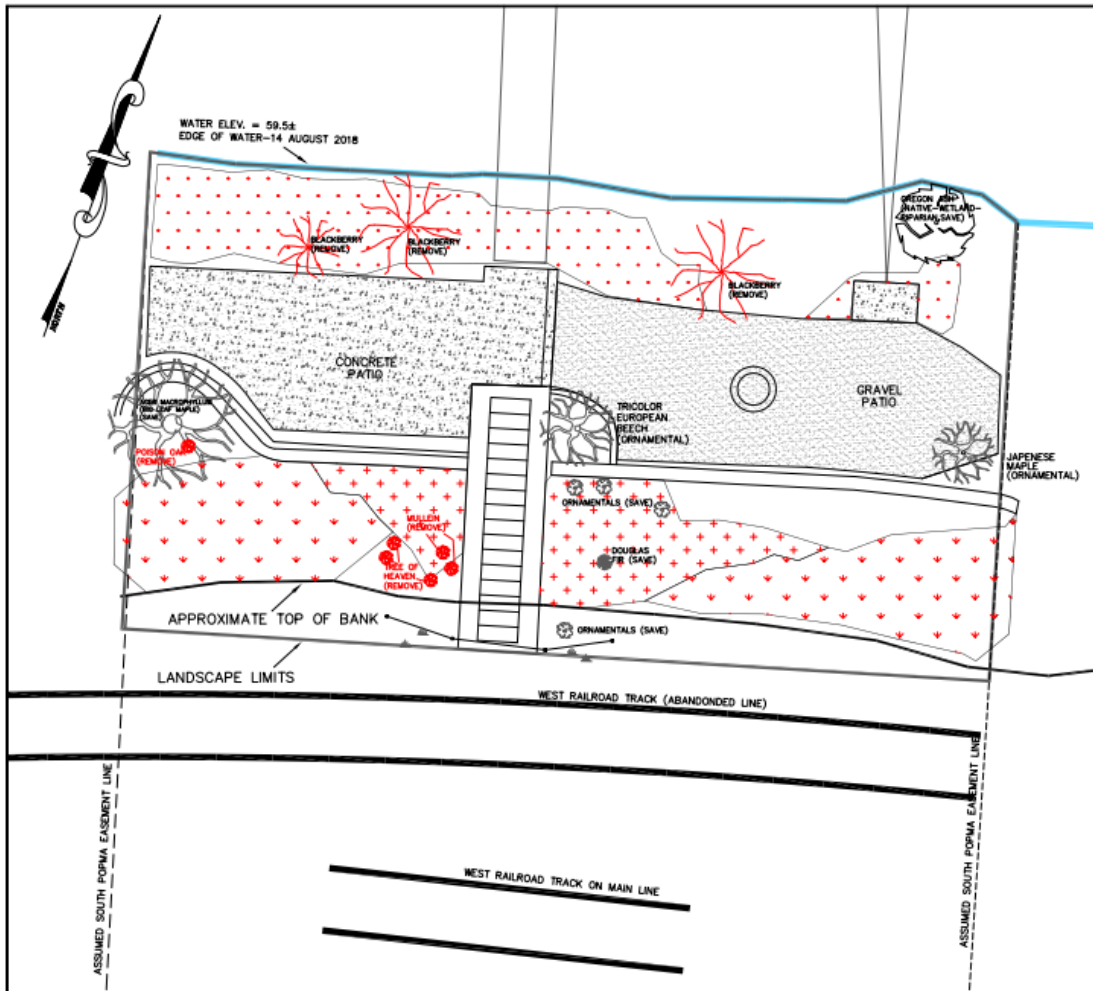
PATIO DURING FLOODING

Exhibit 7D
Looking Downstream





Exhibit 7E
Looking Upstream



VEGETATION REMOVAL AREAS

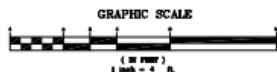
- Remove Noxious Weed
Canary Grass
- Remove Noxious
Ox-eye Daisy
- Remove Noxious, Invasive
or Non Native Annuals or
Perennials
- Remove Blackberry
- Remove Invasive Shrubs

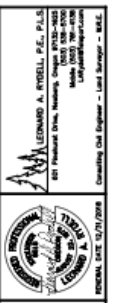
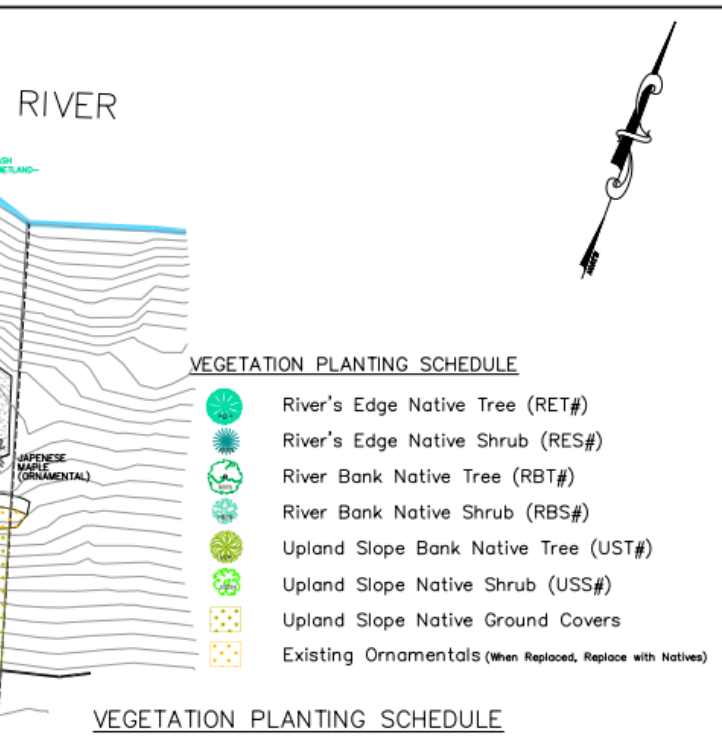
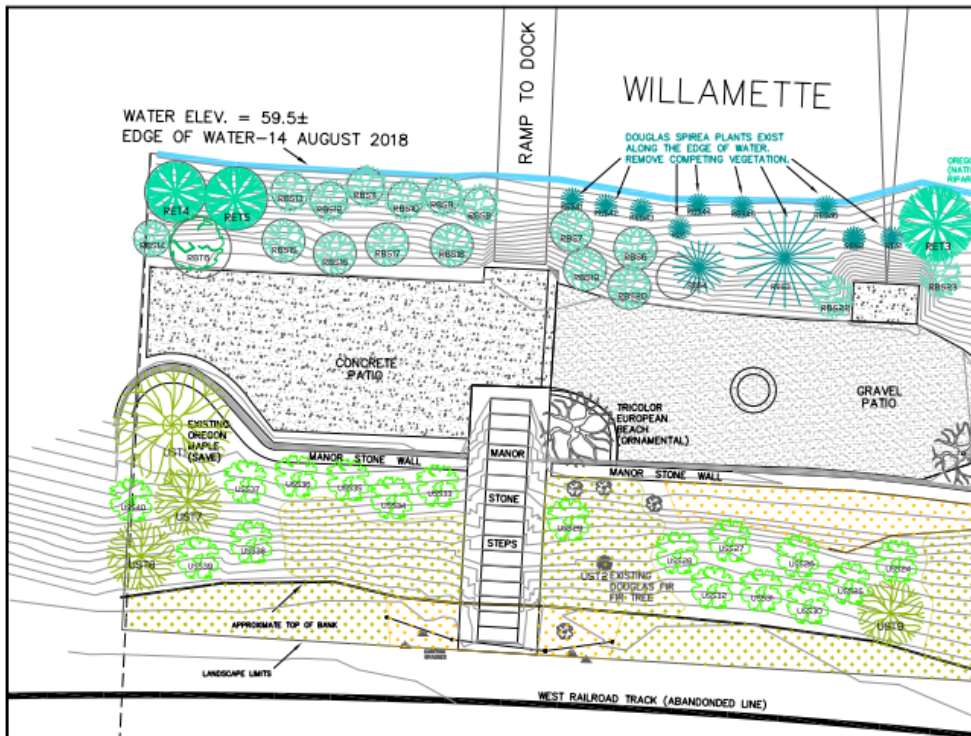
VEGETATION REMOVAL NOTES

- River's Edge Noxious/Invasive/Non-Native Plant Species to Remove**
- Purple Loosestrife *Lythrum Salicaria* (perennial; seeds/stem fragments)
 - Reed Canary Grass *Phalaris arundinacea* (perennial; seeds/rhizomes/stem fragments)
 - Yellow Water Iris *Iris pseudacorus* (perennial; stem fragments detach/float, seeds; all parts toxic)
- River Bank Noxious/Invasive/Non-Native Plant Species to Remove**
- Himalayan Blackberry *Rubus discolor*
 - Reed Canary Grass *Phalaris arundinacea*
- Upland Slope Noxious/Invasive/Non-Native Plant Species to Remove**
- Ox-eye Daisy *Leucanthemum vulgare*
 - Tree Of Heaven *Ailanthus altissima* (noxious, allelopathic, suckering by root sprouts, winged seeds)
 - Himalayan Blackberry *Rubus discolor* (noxious, long runner roots)
 - Poison Oak *Toxicodendron diversilobum* (hazardous)
- Prickly Lettuce** *Lactuca scariola* (by seed annual and/or biennial)
- Taraxacum officinale** *Serratula pinnatifida* (biennial)
- Robert Geranium** *Geranium robertianum* (annual, or biennial)
- Mullein** *Verbascum thapsus* (biennial herb)
- Common Field Horsetail** *Equisetum arvense* (nuisance in Oregon, rhizomes)
- Queen Anne's Lace** *Daucus carota* (lg biennial/first growth/long taproot)
- Yellow Hawkweed** *Hieracium barbatum* (spread vegetatively from stolons, seeds)

VEGETATION RETENTION NOTES

- River's Edge Native Plant Species to Retain (Neutral or Increase)**
- Douglas Spruce *Picea douglasii* (increase)
 - Oregon Ash *Fraxinus latifolia*
- River Bank Native Plant Species to Retain (Neutral or Increase)**
- Douglas Spruce *Picea douglasii* (increase)
 - Oregon Ash *Fraxinus latifolia*
- Upland Slope Native Plant Species to Retain (Neutral or Increase)**
- Big Leaf Maple *Acer macrophyllum*
 - Douglas Fir *Pseudotsuga menziesii* (seedling, make free-to-grow)
 - Fogwren (naturalized) *Digitaria purpurea*
 - Common Evening Primrose *Oenothera biennis*





LANDSCAPE PLANTING PLAN
POPMA DOCK EASEMENT
 Located in the Southeast Quarter of the Southeast Quarter Section 36
 Township 2 South, Range 1 East of the Willamette Meridian
 City of Oregon City, Clackamas County, Oregon

Prepared for:
 Brent and Carolyn Popma
 510 First Avenue
 Oregon City, Oregon 97045
 Phone: (503) 997-6755
 E-Mail: BCPopma@gmail.com

W.D. No. 1772
 Design: 10/12/24
 Date: 10/12/24
 Draw: 10/12/24
 Check: 10/12/24
 Sheet 7 of 7



OREGON CITY DEVELOPMENT CODE REQUIREMENTS

At trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than 12 inches in height.

Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Plant Spacing: Trees shall be planted at average intervals of seven (7) feet on center. Shrubs may be planted in single-species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.

Plant Diversity: Shrubs shall consist of at least three (3) different species. If 30 trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetland mitigation plan that has been approved by the DSE or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

Monitoring and Maintenance: The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, design, or designer, who shall submit said annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year monitoring and maintenance period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end of the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

VEGETATION PLANTING SCHEDULE

River's Edge Native Tree Species (Moist or Wet Soil; Full Sun or Part Shade)

- Red Alder: *Alnus rubra* (large deciduous tree 80R tall, 30-40R wide; tolerate seasonal flooding)
- Oregon Ash: *Fraxinus latifolia* (large deciduous tree 70R tall, 20R wide; great wetland/riparian tree)
- Bitter Cherry: *Prunus emarginata* (small deciduous tree 30R tall, 20R wide)
- Snowy's Wince: *Salix acuticarpa* (small deciduous tree 30R tall, 30R wide)

River's Edge Native Shrub Species (Moist or Wet Soil; Full Sun or Part Shade)

- Pacific Highbush: *Physocarpus opulifolius* (deciduous shrub 8-12R tall, 4-7R wide)
- Swamp Rose: *Rosa pratincola* (deciduous shrub 6R tall, 2-3R wide)
- Red Tied Dogwood: *Cornus sericea* (deciduous shrub 15R tall, 6-9R wide)
- Douglas Spiraea: *Spiraea douglasii* (deciduous shrub 6R tall, 3-7R wide; exsicc. increase)

Riverbank Native Tree Species (Dry or Moist Soil; Full Sun or Part Shade)

- Vine Maple: *Acer circinnatum* (small deciduous tree 20-25R tall, 15-20R wide)
- Servicberry: *Amelanchier alnifolia* (deciduous shrub 6-18R tall, 10R wide)

Riverbank Native Shrub Species (Dry or Moist Soil; Full Sun or Part Shade)

- Moriche Rose: *Rosa nutkana* var. *nutkana* (deciduous shrub 6-10R tall, 3-4R wide)
- Thimbleberry: *Rubus parviflorus* (deciduous shrub 4-6R tall, 2-3R wide)
- Red-flowering Currant: *Ribes sanguineum* var. *sanguineum* (deciduous shrub 4-10R tall, 3-10R wide)
- Pacific Rush: *Juncus effusus* ssp. *spicatus* (evergreen perennial, grass-like 1-3R tall, 3-4 R wide)
- Dogwood-leaved Rush: *Juncus ensiformis* (perennial, iris-like 1-3R tall, 3-4 R wide)

Upland Slope Native Tree Species (Dry or Moist Soil; Full Sun)

- Douglas Fir: *Pseudotsuga menziesii* (120-240R tall, 30R wide; fast growing conifer)
- Bighorn Maple: *Acer macrophyllum* (large deciduous tree 90R tall, 70R wide)

Upland Slope Native Shrub Species (Dry or Moist Soil; Full Sun)

- Baldpate Rose: *Rosa pratincola* (small deciduous shrub 5R tall, 2-8R wide)
- Common Snowberry: *Symphoricarpos albus* (small deciduous shrub 3-6R tall, 6-13R wide)

Upland Slope Native Groundcover Species (Dry or Moist Soil; Full Sun)

- Kiwifruit: *Actinidia chinensis* (small evergreen groundcover 5-8 inches tall, 2-15R wide)
- Yarrow: *Achillea millefolium* (perennial 1-2R tall, 2R wide)
- Shrubby Milkwort: *Asclepias speciosa* (perennial 3R tall, 1-2R wide)
- Common Camass: *Camassia quamash* (perennial 2-2R tall, 0.5-1 R wide; needs dry summer soil)
- Woodland Strawberry: *Fragaria virginiana* ssp. *platyphylla* (semi-evergreen perennial ground cover 0.2R, 1R)
- Oregon Redwood Sedge: *Scirpus olneyi* (perennial ground cover, dry shade under Maple 0.5R tall, 2-3 R wide)
- Oregon Stemsedge: *Sedum oregonum* (evergreen perennial succulent groundcover 0.6R tall, 1.5 R wide)
- Broadleaf Stemsedge: *Sedum acutifolium* (evergreen perennial succulent groundcover 0.6R tall, 1.5 R wide)

Plant native plants in the area that is being controlled after the bulk of the invasive plants are removed. This will help to regenerate the area with desired species and prevent new and recurring invasions. Monitor the site. It is crucial to recheck every 6-12 months to assess the area and to pull the inevitable regrowth that has sprouted from vegetative below-ground reproduction and before new seed heads form. This will effectively prevent re-infestation.

Upland Slope Non-native Ornamental Plant Species to Possibly Retain (Neutral impact on natives)

- Japanese Maple: *Acer palmatum* (Asian)
- Stonewort: *Sedum app. L.* (rapid spreading, not invasive)
- Excelsior 'Pink Princess': *Prunus virginiana* (excelsior 'Princess' (Excelsior spp. are native to N. and S.America)
- Tricolor European Beach: *Fagus sylvatica* (Europe)
- Blue Fescue: *Festuca ovina glauca* (Spain and S.France)
- Stella de Oro Dogfily: *Helianthus Stella D'Oro*

WATER ELEV. = 59.5±
EDGE OF WATER-14 AUGUST 2018

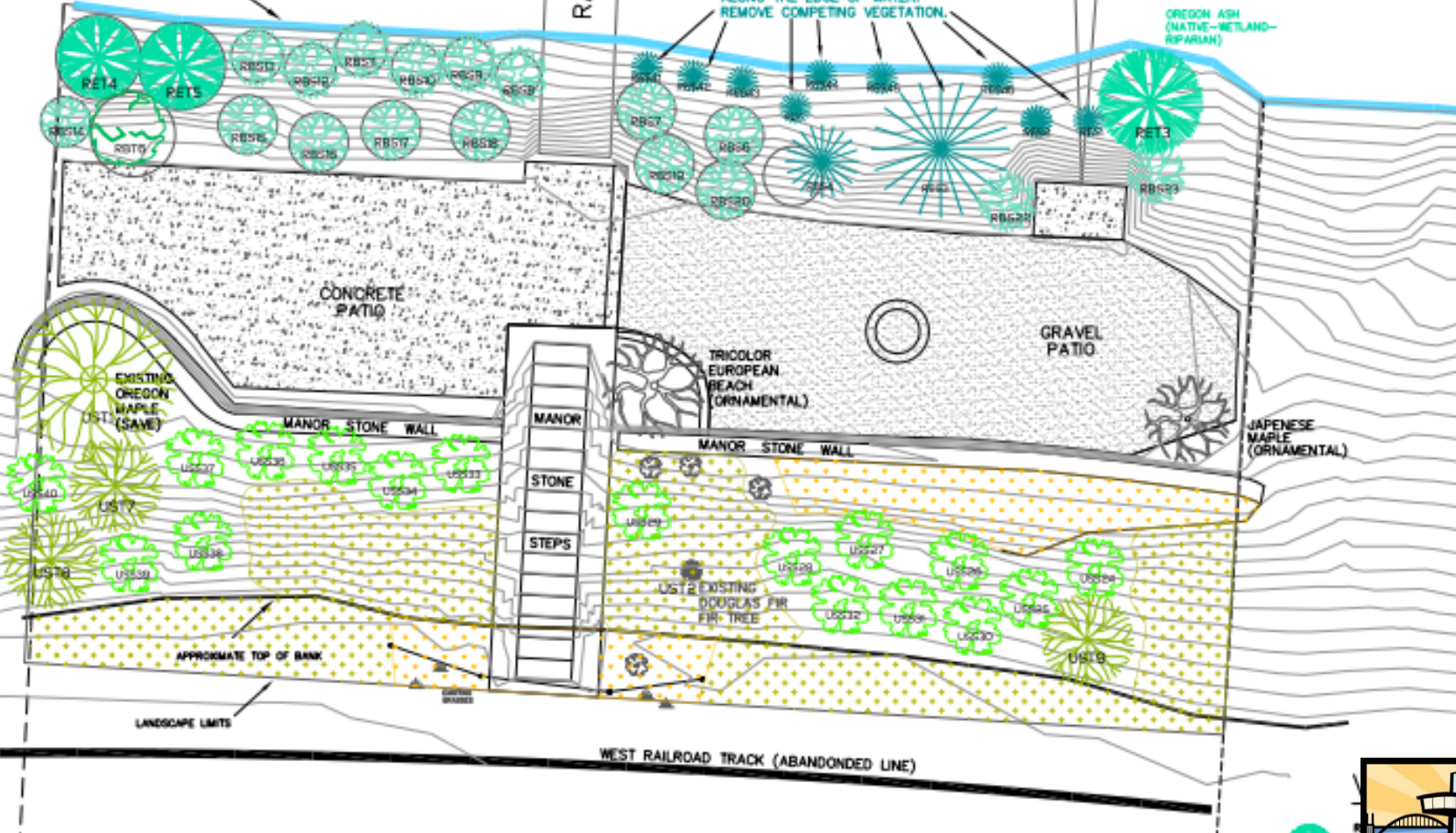
RAMP TO DOCK

WILLAMETTE

RIVER

DOUGLAS SPIREA PLANTS EXIST
ALONG THE EDGE OF WATER.
REMOVE COMPETING VEGETATION.

OREGON ASH
(NATIVE-WETLAND-
RIPARIAN)



NROD Mitigation

- Proposed removal of non-native invasive vegetation from the easement area's frontage on the river.
- Proposed planting of appropriate native plant materials to enhance the resource values of the property's frontage on the river.
- Applicant has requested adjustment to reduce mitigation area and use existing native plants to count as mitigation. Applicant is short 232 square feet of mitigation area
- Staff recommends no reduction in mitigation area, no counting of existing plants



NROD Mitigation

- Staff suggests giving the applicant four options to meet mitigation area requirements:
 - Add 232 square feet of area within subject property
 - Add 1928 square feet of additional invasive plant removal in NROD
 - Add 232 square feet of area off site
 - Provide enhanced mitigation within easement area (more plants, rare species, etc)



Revised Conditions of Approval

OLD

15. The applicant shall submit a grading plan to balance cut and fill within the flood management areas per section 17.42.160 of the Oregon City Municipal Code.

New

15. The applicant shall submit a grading plan to document and calculate the existing site grading and any new balance cut and fill within the flood management areas per section 17.42.160 of the Oregon City Municipal Code.

(DS)

Revised Conditions of Approval

OLD

16. The applicant shall obtain an Erosion control permit prior to commencement of any construction activities. The applicant shall also obtain all permits required by other regulatory agencies. (DS)

17. The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. (DS)The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit.

NEW (combined)

16. The applicant shall obtain an Erosion Control Permit and submit an Erosion Prevention and Sedimentation Control Plan to document the existing erosion control measures onsite and prior to commencement of any new construction activities. The applicant shall also obtain all permits required by other regulatory agencies. (DS)

17. Remove

Flood Overlay

- 12 cubic yards of fill estimated
- Staff recommends condition of approval to balance cut and fill
- Excavation may not occur in applicant's easement area because it is below bankfull stage
- Existing code does not allow a waiver to cut and fill for small fill conditions

National Flood Insurance Program – Community Rating System- Rated Class 8 = 10% reduction in flood insurance rates citywide.



OREGON CITY PLANNING COMMISSION

Tally of Votes

Planning Commission Hearing Date: Nov. 26, 2018

Board Members Present

Staff Present

Geil, Mabee,
Espe, Mahoney,
Johnson, McGriff.

Robertson - Gardner
Terway
Walter
Richter

Agenda Item: 3a. NR 18-08 / US 18-02 - Canemah Dock

Decision: Approve with Conditions

Approve

Deny

Continue to Dec 10, 2018
with Record Open

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil		<u>2</u>	<u>✓</u>			
Commissioner Mabee			<u>✓</u>			
Commissioner Henkin						
Commissioner Espe	<u>1</u>		<u>✓</u>			<u>Supports Doug Nealeys comments</u>
Commissioner Mahoney			<u>✓</u>			
Commissioner Johnson			<u>✓</u>			
Chair McGriff			<u>✓</u>			<u>Would not support off-site mitigation and use of native established plant species per Doug Nealey comments</u>

Agenda Item: _____

Decision: Approve with Conditions

Approve

Deny

Continue to

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil						
Commissioner Mabee						
Commissioner Henkin						
Commissioner Espe						
Commissioner Mahoney						
Commissioner Johnson						
Chair McGriff						