



December 10, 2018

Ms. Denyse McGriff, Chair
Oregon City Planning Commission
C/O Ms. Kelly Reid, AICP
Oregon City Planning Division
698 Warner Parrott Road
Oregon City, OR 97045

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

RE: NR 18-08/US 18-02: Natural Resources Overlay District Review and Geologic Hazard Overlay Review

Dear Ms. McGriff and Members of the Oregon City Planning Commission:

Since the initial hearing on the above-referenced application, we have been working diligently with Oregon City staff to come up with solutions to the concerns we had regarding certain of the proposed conditions of approval. Specifically, we have looked at ways to address mitigation measures and balancing cut and fill relating to the development within the NROD that occurred under the prior owner of the Popmas' easement on the Canemah Club property.

Regarding balancing cut and fill, we have reached an agreement in concept with City Public Works staff to allow for the excavation of approximately 12 cubic yards of material within the 1st Street right-of-way between the existing pavement and the railroad tracks. This will require an application for a grading permit, including preparation of a grading plan and an as-built drawing to verify the quantity of material removed.

We have discussed two options with staff to resolve the mitigation plan issues:

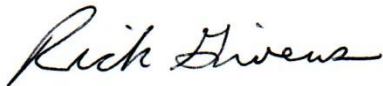
1. The first option is reflected in Condition 13e in the revised staff report. This would involve doing additional removal of invasive plants in an area to the north of the applicants' easement on the Canemah Club property as a means of augmenting mitigation associated with the plantings within the applicants' easement.
2. The second option would be to pay a fee-in-lieu of doing the required on-site mitigation to the City of Oregon City Parks Department. This money would be used to provide for off-site mitigation in the planned project in conjunction with the Watershed Council to improve water resource quality at the headwaters of Newell Creek. Specifically, the money would be used to help remove blackberries and provide appropriate new plantings in the drainageways that originate on the City's Mountain View Cemetery site. We are requesting that Condition of Approval 13 be modified to allow a sixth option, as follows:
 - f. The applicant's environmental professional shall assess whether the functional values of the NROD would be equally or better served by providing the on-site plantings and invasive vegetation removal for the 1,696 sq. ft. mitigation area as described above, or by providing a fee-in-lieu of these measures, paid to the City Parks Department, for

use in the planned Newell Creek watershed improvements project at the Mountain View Cemetery site. If the off-site mitigation is deemed appropriate, the environmental professional shall submit to the City a cost estimate for the purchase and installation of the planting materials listed in Condition 4 plus the cost of invasive vegetation removal for the 1,696 sq. ft. mitigation site. This cost estimate shall be used to determine the fee-in-lieu of amount that will be paid to the Oregon City Parks Department. The applicant also agrees to provide a planting plan for the immediate river bank along the easement to provide additional native plantings of the varieties currently found along the river front on the Canemah Club site. The emphasis shall be on choosing materials that are likely to survive in this environment. If this option is used, then the following Conditions of Approval shall no longer apply: 3 and 5 through 11. The report required in Condition 12 shall be limited to the issues described here in Condition 13f.

We would also request that Condition 2 be revised to reflect the particular circumstances of the Canemah Club property. A restrictive covenant would only go on the deed of the Canemah Club itself and not be of particular note to individual property owners holding easements on the site. We would suggest instead that Condition 2 be reworded to require that the Club notify its members on an annual basis that all trees on the property must be retained unless the Club's permission is granted and applicable tree-cutting and NROD permits are obtained from the City.

Thank you for your consideration of this option. We look forward to discussing it with you at the continued public hearing.

Sincerely yours,

A handwritten signature in cursive script that reads "Rick Givens".

Rick Givens

Cc: Brant & Carolyn Popma, Leonard Rydell, P.E.