



Natural Resources Committee Recommendations to the City Commission for the 2019-2021 Biennium

In the 2019-2021 goal setting and associated budgeting process, the City Commission must prioritize a wide variety of needs for the community due to financial and staffing limitations. In addition to the needs identified by staff and the Commission themselves, separate requests have been submitted by both the Planning Commission and Natural Resources Committee. This memorandum is intended to provide additional background on each of the Natural Resource Committee (NRC) requests for implementation and/or associated funding.

Staff intends to discuss each of the items at the January 9th NRC meeting and seek some prioritization to assist the City Commission with their consideration.

Wetland Overlays

NRC Request:

In our 2017 report to the City Commission, the Natural Resource Committee (NRC) pointed out that our wetland natural resource overlays haven't been updated since 1999, when the Local Wetland Inventory was made part of the City's Comprehensive Plan. The NRC noted that the Oregon Department of State Lands had made a new wetland delineation in Canemah. City Code Chapter 17.49 provides that such newly discovered wetlands are not regulated by the City if they are wholly outside of the established Natural Resources Overlay District (NROD). The Planning Department has sought grant opportunities to review and to update our NROD overlays but has not yet been successful. The NRC still desires code changes that would permit the establishment of a temporary wetland-area overlay when a new delineation is made or a previous overlay was found to be in error. A permanent overlay could be established later when resources are available to determine its appropriate boundaries.

Staff Notes on Proposed Project:

- The Natural Resources Overlay District (NROD) protects streams and wetlands by implementing a vegetated corridor buffer between the feature and development. While the City regulates this vegetative corridor and impacts to it, it does not regulate wetlands or streams themselves, but coordinates with other agencies which do.
- The City adopted a map with an associated buffer around the streams and wetlands which varies in width depending on the type of feature, size of drainage basin, and topography. This map allows the NROD regulations to be applied when development occurs within the boundary. When properties within the overlay boundary develop, a review process is typically initiated to delineate on-site the exact location of the required vegetated corridor, minimize the impact of development on the corridor, and mitigate for any impacts to it.
- Due to legal requirements the overlay district map may only be amended through a Type IV

land use process including Planning Commission and City Commission review. If a feature is found outside of the overlay district, the City does not always have the authority to regulate the vegetated corridor surrounding the feature until a process to adopt the feature within the NROD is completed.

- Though the City's adopted wetland and stream inventory is from 1999, the NROD overlay has been updated with additional resources and mapping specified in the code, such as LIDAR data from Oregon Department of Geology and Mineral Industries (DOGAMI).
- Staff reviewed all wetlands reported to the Department of State Lands and identified a single wetland which was outside of the scope of the NROD overlay in Canemah. The Natural Resources Committee previously asked the City Commission to direct staff to add the vegetated corridor around the feature. With the direction from the City Commission, staff is currently working to add the wetland and associated buffer to the NROD boundary.
- The City Commission may initiate an update to the Comprehensive Plan with the 2019-2021 goals and budget process. As a part of this process, the City Commission could consider updating the NROD inventory when considering updates to Statewide Planning Goal 5 of the Comprehensive Plan. Identifying the need to update the NROD inventory could be a product of the Comprehensive Plan which could be prioritized among other follow-up projects.
- Staff researched the Natural Resources Committee request to update the stream and wetland inventory and identified an approximate project cost of \$300,000. In addition to utilizing digital data, this project requires investigation of resources on private properties throughout the City (with owner consent) by biologists or scientists. This significantly adds to the cost and length of time needed to complete the project. Staff investigated potential grant opportunities with Metro, Department of State Lands, Department of Land Conservations and Development, and other sources, but was unable to identify a source or multiple sources which can be combined to finance this project.
- The project is anticipated to be time-intensive for Planning Division staff, even with the aid of a paid consultant. Given the constraints of a four-person Planning Division, the obligation to process development applications in a timely manner, and the implementation of other long-range projects, there is no anticipated capacity to implement this project in the biennium.
- *Staff Recommendation is to continue to move forward adding the specific Canemah wetland identified outside of the NROD to the overlay district, monitor grants for future funding sources, and revisit this request with the 2021-2023 goals and budget cycle.*

Heritage Tree Designation

NRC Request:

The NRC still wishes to determine if funds can be identified to off-set the expensive arborist costs a land owner must incur for an arborist to determine whether a tree qualifies for the designation, not only in terms of the age of the tree, but also whether the tree is disease free and is not a potential safety threat to property, infrastructure, or people. The NRC still requests in the upcoming budget cycle that the City Commission consider funding a part-time arborist position to assist in this effort as well as to deal with other tree issues on City property and public rights-of-way.

To offset the cost of a part-time arborist, consideration should also be given to revise our code so as to not require such a detailed arborist study because the owner of the property owner having a diseased or unsafe heritage tree is permitted to remove the heritage tree under the current code.

Staff Notes on Proposed Project:

- Chapter 12.32 of the Oregon City Municipal Code allows trees to be designated as Heritage Trees to recognize, foster appreciation and provide for voluntary protection of certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city.
- A certified arborist, forester, or ecologist is required to produce a report that the tree or stand trees is not irreparably damaged, diseased, hazardous or unsafe. In addition, an arborist is required to determine if a tree may be removed due to poor health or a hazard.
- Though a request was made by the NRC, the Planning Commission decided not to amend the Heritage Tree requirements in the draft code amendments currently before the City Commission. One alternative could be to strike the arborist requirement under the current process, and instead place any determination of hazard on the owner, and keep the remaining criteria.
- The City does not currently employ a certified arborist. Currently, the Public Works and Community Services departments contract with arborists on an as-needed basis. The average cost of an arborist is approximately \$100 for a basic report.
- Staff could dedicate a limited amount of existing funds, for example up to \$200 per year for the NRC to dedicate towards a contract arborist. With this funding, additional staff resources would be required to secure arborists, meet them onsite, and manage the products.
- *Staff Recommendation is to consider a broad update to the tree regulations city wide (including heritage trees) after the Comprehensive Plan is updated. In the meantime, \$200 per year may be allocated to NRC to hire an arborist to assist with Heritage tree nominations and removal requests.*

Stream Naming

NRC Request:

In last year's report it was mentioned that the City was installing stream-crossing signs provided by the Greater Oregon City Watershed Council. Most streams in Oregon City are not named and NRC wishes to work with the Watershed Council to set up a procedure by which these streams can be named. We suggest that this procedure include public participation, perhaps through neighborhood associations, with the selection of names going through a process similar to the naming of parks.

Staff Notes on Proposed Project:

- The NRC and Public Works Department worked with the Greater Watershed Council to place signs identifying the location of a major stream crossing and the stream name around the community.
- Though many major streams throughout Oregon City are named, many other smaller streams and tributaries are not. Oregon City does not have a stream naming convention like the U.S. Geological Survey (USGS).
- The City could not identify an adopted stream naming convention. Staff would like to research this project to have a greater understanding of the entities which regulate stream names and the process by which stream naming occurs.
- The project is anticipated to be time intensive for the Planning Division staff. Given the constraints of a four person Planning Division, obligation to process development applications in a timely manner, and implementation of other long-range projects, there is

no anticipated capacity to implement this project in the biennium.

- The NRC has many projects on their work plan and it is unclear the cost and time associated with this project. Given the constraints of a four-person Planning Division, the obligation to process development applications in a timely manner, and the implementation of other long-range projects, there is no anticipated capacity to implement this project in the biennium.
- *Recommendation to study the process and gain a better understanding of the requirements, constraints, and process associated with creating and implementing a stream naming system. The scope of this project may not rise to the City Commission Goals, but may be appropriate for the Planning and Public Works Divisions.*

Geological Designation of Water Board Park as a Geologically Significant Area

NRC Request:

Professor Burns, Portland State University Professor Emeritus and former Director of the PSU's Department of Geology, has recommended contacting the state geologist responsible for the states geological survey (DOGAMI) and to the Ice Age Flood Institute's Portland section to seek such a designation, and we are requesting from the City Commission the right to do so with the goal of having such a designation considered by the Parks and Recreation Advisory Committee and considered and proposed by the City Commission.

Staff Notes on Proposed Project:

- Staff researched the "Geologically Significant" question and any whether there is a designation process with Dr. Scott Burns of Portland State University and also with Bill Burns of the Oregon Department of Geology and Mineral Industries (DOGAMI), as well as online and was unable to identify an official designation process for "Geologically Significant Areas". Such areas are typically associated with points of geologic interest along State highways and roads under the jurisdiction of the Oregon Department of Transportation (ODOT).
- The City may create our own local designation for geologically significant areas as an honorary designation or for tourism purposes. The designation would need to be defined and include criteria for designation as well as identify any benefits or constraints that come with the designation. This is anticipated to be a time-intensive process which would also require moderate financial support for notifications, advertising, printing, consulting geologists, etc.
- Once the designation is created, the process of applying the designation should be conducted with public input.
- There are many interesting geologic areas within Oregon City and therefore likely potential to designate additional properties.
- The City Commission may want to identify what to do with the Public Works Upper Yard property referenced as Water Board Park prior to placing any designations upon it.
- *Staff Recommendation is to reassess this project after the City Commission has identified a use for the Public Works Upper Yard property referenced as Water Board Park.*

Clearing of Trees prior to Annexation

NRC Request:

We understand that the Planning Commission will be recommending developing code amendments dealing with tree removal prior to annexation and development proposals. The NRC supports such a recommendation.

Staff Notes on Proposed Project:

- The proposed amendments before the City Commission include an additional annexation factor which allows the Planning and City Commission to consider if significant tree removal has occurred on properties that have submitted an annexation request during the annexation process.
- *Staff Recommendation to include the NRC request in the record for the code amendments and allow the City Commission to review the proposal in the associated process. In addition, staff recommends considering a broad update to the tree regulations city wide (including tree removal during annexation) after the Comprehensive Plan is updated.*

Exhibits:

- A. Natural Resources Committee Request
- B. Planning Commission Request