

FEB 3 10:28AM

February 3, 2020

TO: Oregon City Planning Commission

FROM: Karen Lytle Blaha, Property Owner

SUBJECT: NROD Proposal for 514 4th Avenue/ File # LEG 19-00006

The City is proposing to retroactively and unfairly take from me the use of my land as purchased and allowed 25 years ago (May 26, 1995, see attached deed). This proposal amounts to unnecessarily restricting nearly 5,000 square feet, the size of a Canemah platted lot—most of my backyard. It creates a financial hardship and negatively affects my property value. This action essentially targets one homeowner to remedy the City's own errors in land use, natural resource identification, and permitting.

In your capacity as a quasi-judicial body, I ask that you apply discretion to achieve parity among adjacent properties in Canemah: The Cottage Development east and contiguous to mine and 606 4th Avenue (Martinez) to the west. I request that you apply discretion by grandfathering-in my property, as allowed for the Cottage Development, or install a culvert and connect to the existing one on the 606 4th Avenue property, or reduce the proposed buffer to 1,250 square feet.

The citywide wetlands inventory was conducted in 1999, and the Cottage Development property was missed, although a prior planning director told the Canemah Neighborhood Association (09/2019) that this area was long known to the City, and nothing was done about it. The City must bear the responsibility for creating a condition where very dense development was allowed in a wetlands, and I am now caught in a trap apparently set by State Land Use Goal 5 and Metro Titles 3 & 13. Is this the true intent of those goals? For 25 years I and my family have been doing a darn good job of eradicating blackberry bushes and ivy while planting riparian-friendly species. In the dry summer the tall grass and foliage are a clear fire danger and must be managed. We have been doing what the City would now legally require us to do, but with onerous effects.

My vision of adding on to my home or building an ADU for my aging years will be foreclosed by this City action. If I even touch the buffer (mind you The Buffer, *not* The Wetlands) I could not afford to hire the required hydrologist, biologist, and other experts to satisfy this higher-order permitting. I lived here during the 1996 flood—the water extended about one foot beyond the stream, but came nowhere near the size of this buffer. The State's 50-foot standard from each stream side is a one-size fits all standard. Perhaps the Commission would consider asking the State to take a look at this property.

Here are my proposals for equitable remedy:

Grandfather-In My Property. This would be my preferred solution. The City's argument against grandfathering my property, as was done for the Cottage Development, is that the developer had submitted a proposal while I had not. Had I been told a year prior that I would be swept into this wetlands debacle, I would have had a chance to develop and submit a plan. By grandfathering my property, the state goal would be accommodated with the occasional small stream freely flowing as it has done for many years. Much of the time the "stream" is really a ditch, and in summer a dry bed.

Reduce Buffer Size. Because my main objection is the resulting gross size of the proposed buffer that takes almost one full lot without compensation, reducing the buffer to 1,250 square feet helps mitigate this taking.

Install a Culvert. A prior owner of 606 4th Avenue installed non-permitted piping to direct any water off his property. I would accept a similar solution with the City installing and connecting piping to the existing piping. It would be wise for the City to inspect the condition of the existing piping, and with the recent sale of developable property contiguous to 606 4th Avenue, create a much larger solution and plan as that new owner intends to build two to four houses on that property. It appears on the City graphic that the stream ends at my property line. It does not.

Respectfully, I again ask the Commission in its quasi-judicial capacity to apply humane discretion in this proposed taking of my backyard.

Sincerely,



Karen Lytle Blaha
514 4th Avenue, Canemah 97045
Cell Phone: 503-989-8905



Figure 1 Partial view of proposed buffer at 514 4th Ave. backyard



Figure 2/ View from patio of backyard proposed buffer

NOTICE OF PUBLIC HEARING

THIS IS TO NOTIFY YOU THAT THE CITY OF OREGON CITY HAS PROPOSED CHANGES TO THE OREGON CITY NATURAL RESOURCES OVERLAY DISTRICT MAP THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY, AND OTHER PROPERTIES, AND MAY CHANGE THE VALUE OF YOUR PROPERTY. PLANNING COMMISSION FIRST HEARING DATE: **FEBRUARY 10TH, 2020**

On **February 10th, 2020** the City of Oregon City - Planning Commission will conduct a public hearing at 7:00 p.m. in the City Hall Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 to consider the following legislative proposal:

FILE NUMBER: LEG 19-00006

REQUEST: Amendments to the Oregon City Natural Resources Overlay District Map, which is an Ancillary Document to the Oregon City Comprehensive Plan. The proposal will add a wetland and its associated vegetative corridor to the NROD map. Adding the wetland to the NROD will assure that the wetland is protected in accordance with Oregon City Municipal Code Chapter 17.49 and Metro Titles 3 and 13.

AFFECTED AREA: Clackamas Map and Tax Lots 3-1E-01AA-02300, 3-1E-01AA-02100, 3-1E-01AA-02200, 3-1E-01AA-03600, 3-1E-01AA-03700 and abutting Rights of Way (see enclosed map).

CONTACT PERSON: Pete Walter, AICP, Senior Planner (503) 496-1568 or pwalter@orccity.org

CITY NEIGHBORHOOD ASSN: Canemah

On **February 10th, 2020**, the City of Oregon City Planning Commission will hold its first public hearing regarding the adoption of Ordinance Number 19-1021 (Planning File LEG 19-00006) to consider the proposed amendment. The City Commission will hold public hearings to considering the adoption of Ordinance Number 19-1021 once the Planning Commission has made a recommendation. All meetings will be held at Oregon City, City Hall, 625 Center Street, Oregon City at 7:00 pm unless otherwise noticed. Any interested party may testify at the hearings or submit written comments at or prior to the public hearings while the record is open.

All hearing materials are available at www.orccity.org seven days prior to the public hearings. The Ordinance and map amendments are available at the Oregon City Planning Division (698 Warner Parrott Rd). Note that these documents are drafts and may be revised during the review process until final adoption by the Oregon City City Commission.



Recorded by TICOR TITLE

20.00
5.00

632820

STATUTORY WARRANTY DEED

EMMITTE M. GILMORE AND DIXIE L. GILMORE Grantor, conveys and warrants to KAREN C. LYTTLE-BLAHA, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in CLACKAMAS County, Oregon, to wit:

LOTS 4 AND 5, BLOCK 15, CANEMAH, in the City of Oregon City, County of Clackamas and State of Oregon.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.0930. The said property is free from encumbrances except CONDITIONS, RESTRICTIONS, EASEMENTS AND POWERS OF SPECIAL DISTRICTS, IF ANY.

The true consideration for this conveyance is \$110,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 26 day of May, 1995

Emmitte M. Gilmore
EMMITTE M. GILMORE
Dixie L. Gilmore
DIXIE L. GILMORE

State of Oregon, County of Clackamas
The foregoing instrument was acknowledged before me
this 26 day of May, 1995
by
Emmitte M. Gilmore and
Dixie L. Gilmore

State of Oregon, County of _____
The foregoing instrument was acknowledged before me
this _____ day of _____, 19____
by _____, President
and _____, Secretary
of _____
a _____
corporation, on behalf of the corporation.

Kathy Jensen
Notary Public for Oregon
My commission expires: _____



Notary Public for Oregon
My commission expires: _____

WARRANTY DEED

GRANTOR: EMMITTE M. GILMORE
GRANTEE: KAREN C. LYTTLE BLAHA

Until a change is requested, all tax statements shall be sent to the following address:
KAREN C. LYTTLE BLAHA
P. O. Box 626
OREGON CITY, OREGON 97045

Escrow No. C632820KJ Title No. C632820

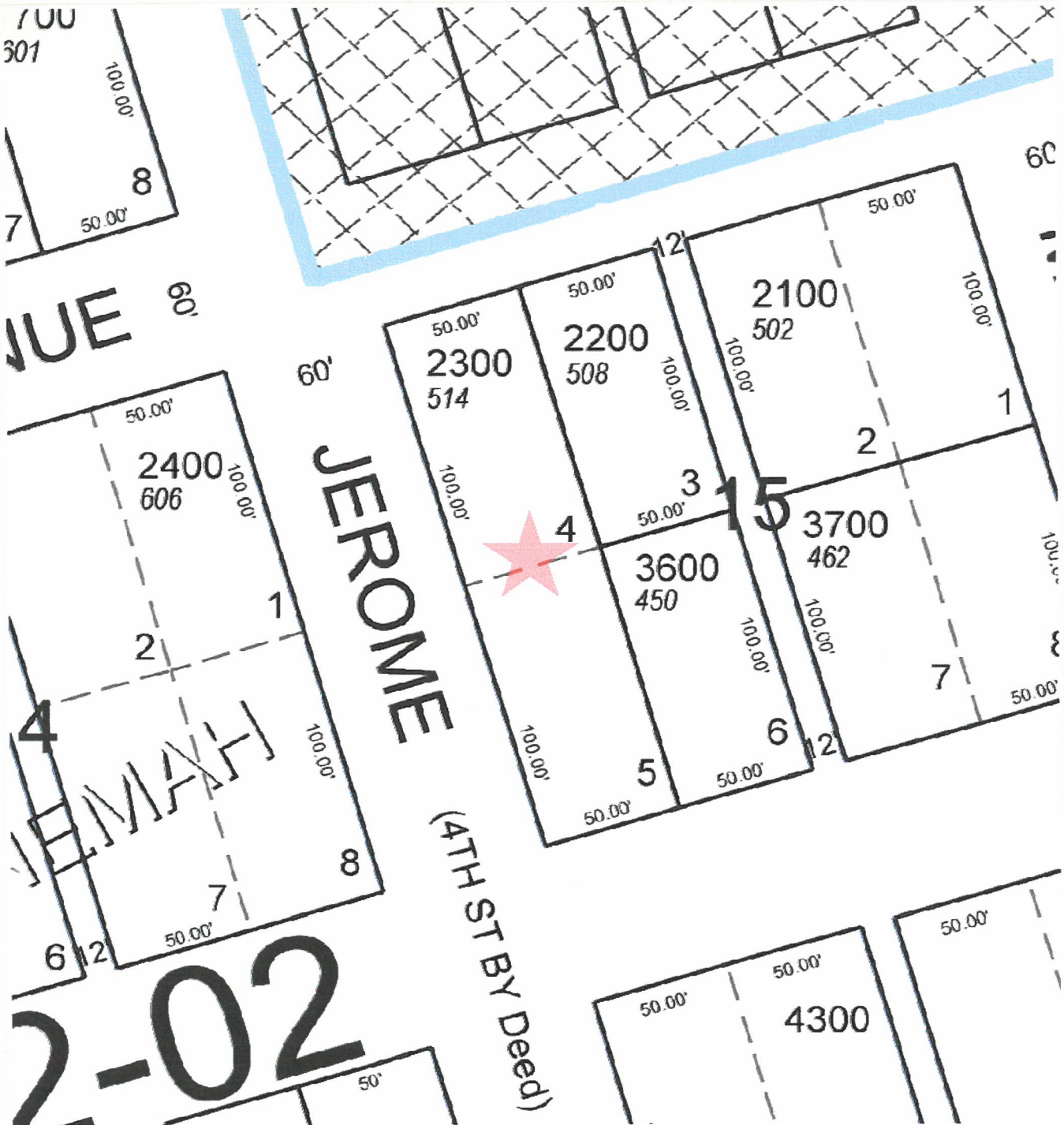
After recording return to:
KAREN C. LYTTLE BLAHA
P. O. Box 626
OREGON CITY, OREGON 97045

This Space Reserved for Recorder's Use

STATE OF OREGON 95-031487
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 20188 \$25.00
DATE AND TIME: 05/31/95 03:47 PM
JOHN KAUFFMAN, COUNTY CLERK

95-031487

FEB 3 10:38AM



WFG National Title Company
a Williston Financial Group Company

Parcel ID: 00743137

Site Address: 514 4th Ave

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

FEB 3 10:39AM