

**City of Oregon City**  
**Natural Resources Committee**  
Minutes  
**October 10, 2012, 7:00 p.m.**  
City Commission Chambers – City Hall

**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**Roll Call**

Bryon Boyce, Erik Carr, Bob Roth, Sha Spady, and Richard Craven were present, and Pete Walter represented staff.

**2. APPROVAL OF MINUTES**

No minutes to approve.

**3. PUBLIC COMMENT**

No public in attendance.

**4. OLD BUSINESS**

- a. 12-106 Election of Vice-Chair of the NRC. (Tabled at previous meeting.)**  
**Pete Walter, Sr. Planner, and Tony Konkol, City Manager**

Pete said that Committee Member Jerry Herrmann highly recommended Sha Spady for the position of Vice-Chair. Richard Craven moved and Bob Roth seconded the recommendation.

**The committee voted as follows:**

**Bryon Boyce aye**

**Erik Carr aye**

**Bob Roth aye**

**Richard Craven aye**

## 5. NEW BUSINESS / DISCUSSION ITEMS

### a. 12-169 Update on Heritage Tree and Grove Ordinance. Pete Walter

Pete - Presented staff report that discusses the **need to clarify the code, involves nominations for heritage trees/groves on public and private land**. When the code was initially written, the NRC had not yet been established. Issues coming along with nominations – need to clarify intent, criteria for approval, and definitions. Example – Criteria that might be considered by the committee is whether the tree/grove is viewable and accessible to the public. The code is part of Chapter 12 of the City Code re: public places; it can be adopted by ordinance by the City Commission, would send to Planning Commission first, then City Commission.

Pete said he feels that **the ordinance should not be used as a regulatory tool but as an incentive tool to celebrate trees/groves that are clearly worthy and able to be saved**. How well the property owner receives the designation has bearing on the survivability of the tree. Currently, if a tree/grove is on private property the owner has to consent to the designation. If the tree is on public property it can go to the City Commission upon recommendation by NCR. Certain trees growing in public space become controversial; last tree was one growing in an alley; property owners opposed one another, preserve vs cut it down; Pete would like to avoid this. It would help to improve the approval criteria in the code.

Bob - Individuals who take the time to nominate a tree – **is there good instruction for nomination**, explaining simply the criteria, costs, assessment, how can we help people participate more productively?

Pete - Application materials can be updated. **Some long-term ramification of designation** – additional incentives, monetary or technical resources, none are available by the City other than cost of administration; City does not charge any money to the property owner for designation of heritage trees but the owner continues to be responsible for maintenance of designated trees.

Richard and Pete – The latest tree was not accepted by City Commission as a heritage tree. Waiting for property owner to provide replacement tree, won't be approved for removal until then. Property owner is limited in where he can plant the eight replacement trees required.

Sha- **Is there a timeline as to when the group discusses this?** Pete was directed by the NRC to work on the code; he has not been able to work on it in the last month. Will review revisions Bryon and Richard have made soon and will send out the latest revisions via email.

Erik Carr - **Most important role of NRC is to help clarify City Code and the heritage tree code is the perfect example**. Erik agrees with Pete, that the heritage tree program should not be a regulatory avenue but a celebration of historical trees/groves. Must be careful not to over-expand the role of what the heritage code should be. Would like to see the ordinance focused more on historical aspects of the trees/groves not so much the ecological value/aspects.

Pete – **Discussion two years ago to enforce such a code, w/ NRC & Planning Commission - Should we regulate trees on private property throughout the city? Is this politically acceptable? How to enforce code if strictly relying on complaint basis, which is currently how OC is working, not a proactive way to enforce the code.** Ideally there must be some combination of incentive-based tools and reasonable regulation to ensure that tree canopy is maintained and increased throughout the city. Urbanization impact, planning calling for in-fill and density, etc. – These need to be fleshed out by Planning & City Commissions before comprehensive tree protection ordinance can be established.

**Pete presented information on what is involved in regulating trees:** Development Review Regulations (property development review), the Natural Resource Overlay (i.e. protecting streams), Geologic Hazard Overlay (i.e. cutting on steep slopes). Pete and Erik compared OC's regulations to LO's, saying OC's are not as comprehensive as LO's. OC codes were updated ~2.5 years ago, made more stringent. Gave examples of tree removal for housing development; must determine planting future for replacement of tree. He said these regulations/requirements are tracked and it's very difficult and complex to ensure that these codes are met.

Bob asked if there are **mapping tools for monitoring canopy**. Pete said **there is data back to 2009, aerial photography combined with other software products**. Must decide what canopy to monitor/inventory, public only? Public and private? Then make analysis of benchmark canopy. Audubon across Metro put out a tree canopy estimate of 26% based on aerial photos; LO's was ~40%. Avg of cities Pete has reviewed is ~24-26%. Portland set a goal at 40%; must have a fully-fledged program for that. OC is not there yet.

Pete explained for Sha some of the criteria for designation of heritage trees.

Richard – How is a regulatory tool used? Pete says if a tree is approved, a covenant is recorded which says the tree cannot be removed unless dead, diseased or hazardous; there will be a deed-restriction on the property, would need arborist reports, etc., to prove necessity of removal. Pete spoke about **how heritage tree designations can affect/restrict property owners' development and division of their property into parcels; City Code provides incentives for density transfer, parceling around heritage trees**.

Bryon asked **what is the intent of stating that the heritage code not be used as regulatory**. Pete said he would caution the NRC on this. **One way is to talk about the intent and another way is to clarify the criteria for review and what are follow-up provisions, what the covenant allows for a property**. Richard said **environmental issues already have a criteria in the code**. Erik said a discussion is warranted on this; ideally he wants to proactively acknowledge a tree rather than make a last-ditch effort to preserve a tree in a questionable situation without so many contentious possibilities and we need to educate the public about the value of trees. Bryon explained about heritage trees w/ and w/o native vegetation, which is more valuable; keeping native vegetation around a heritage tree would be more valuable than planting native vegetation around a heritage tree.

**Richard discussed some of the criteria for designation; he thinks somewhat like Erik thinks; consider this as heritage/historical w/o consideration of so many other issues**. Consideration of habitat of rare species seems like an afterthought, not sure of the intent. Pete says the code was cut-and-pasted from LO and it doesn't fit the OC community.

Bob - **What is it that we are celebrating about a nominated tree? Not every old tree has historical context.** It's alive? Big? Contributes to community re: habitat, etc? Don't want to be overly narrow that the tree is taken out of the context of community or the functions of its natural system. Pete says there's something to be said for identifying the intent of the code section, refers to the overlay districts again. Regulation pushed too far bumps up against property rights. Pete cautioned the NRC here and said that this warrants a work session with the Planning Commission, and should be suggested to Tony. Staff will work up a redline version. NRC directed Pete to move forward on this, will aim for Oct. 22 meeting. Bob requested work sheets for preparation; Pete said he hasn't worked up anything like this, usually just redlines the current document in Word.

Bryon - **Native Dogwood** needs to be added to the native tree list as it is the most ornamental of OR native trees; eligibility based on size. See 4<sup>th</sup> agenda item.

**b. 12-170      Deposition and erosion along Clackamas River.  
Pete Walter**

Pete has heard from John Lewis and Denise Kai. John provided Pete w/ some details regarding dredging permits for the cove. John said **the City obtained extension of the permit: year-to-year permit by DSL expires April 2013; Corps of Engineers five-year permit expires in 2014. Current permit is not anywhere nearly the amount of material that should be removed.** There is a significant amount of deposit at the cove (John took photos in late September).

**RE: dredging – They will get details of what permits allow for the volume that can be removed.** Bryon said those permits were obtained when the pile of gravel was much smaller; historical maps show an island used to be there and now it's coming back. Ingress to the cove slows the current.

Bob - **What standards are we trying to meet?** Bryon - **Originally it was to keep boat access to Clackamette Cove; agrees w/ John, not enough dredging allowed under permit to fix the problems.** Pete agreed that he has heard this in meetings.

Richard - He obtained the original permits ~ 10 years ago; new ones were obtained ~5 years ago and are in use now. **Amount of material that needs to be removed = the amount that will accomplish the goal that has been defined, not a set volume.** Original permit, 10-11 yrs ago, 1500 cubic yards of gravel, small area; new permit, shows extent that dredging would occur, possibly ~10,000 cubic yards. Intent of the removal is to gain width/depth for some boat access in summer/fall periods when water levels are low, not to try to get large barges through.

Sha asked if there is anything in dredging efforts that is designed to address fish passage. Richard says no, **it's about boat access, water quality; marine patrol had their facility there but it has been moved.**

Sha - Living within natural systems is a real challenge; it's like we are "moving thimblefuls around when the mass of planetary shifting is so much larger" so what is the goal? Richard - **The whole area needs to be studied from the trolley bridge to the mouth of the Willamette to get a better understanding before actually doing anything on the peninsula.**

Pete - **Tony previously mentioned \$15K to address stabilization of the cove and peninsula;** it has not been defined as to on what to spend that money, actual plantings or study. NRC has an opportunity here to provide recommendations. Hydrological forces are larger in scope than the mouth, as Richard said.

Bryon mentioned two landslides/slumps during the previous winter, a lot of erosion; an area was bull-dozed b/c of bike ramps and homeless camps, some of that fell; project at the top of the cove some years back about undercutting – can we do anything about it? **\$15K might not be enough even for a study.** Bob - **Dredging isn't designed to address stabilization of the peninsula; there are two different issues, need to understand the relationship of the two different goals.**

Sha - Look at Estacada – clear-cutting, logging, subdivisions going in, storm-water events impacting lower portion of the river, completely out of control of anything local, **it's much bigger than just what is happening in OC. As these storm events and subsequent erosion continue to happen and increase; there is a lot happening upstream.** What can we do with a thimbleful of money?

Bryon - The area was mined out. There was access of large barges to Clackamette Cove in the past and now look at it. There is ongoing erosion, normal along the river. **PGE is starting to dump large amounts of gravel as part of relicensing requirements, below Rivermill Dam, which will eventually make its way down to OC in the next big flood. Also have a major RR bridge abutment that is undercut; if it undercuts any further there will be big trouble.** Previous attempts to contain were inadequate; losing gravel very quickly.

Pete - **Public Works has tried to contact Union Pacific; bridge inspector is aware of the issue; there has been no response.** Would need a major 50-ft flood with current, says Bryon, but we might be surprised at what can move. Pete says \$15K doesn't buy a lot of study but maybe it would be one contribution to a larger, more comprehensive study. Bryon says Fish & Game, Army Corps, Div. of State Lands should all be called in. Pete says best person to talk with is John Lewis re: getting this to the City Commission as formal recommendation; also talk with Doug.

Bob - It would be important to have policy-makers on-site at the peninsula, to give them a presentation and tour. Pete – These are ongoing issues, Public Works is aware, John Lewis is in a new position, this is *one* agenda item; must have staff and resources working on it or it doesn't address the issue. **John told Pete that there is limited budget under the two current permits; nobody knows where the money will come from to reach the goals of those permits.**

Richard or Erik – How does cove development fit in? Pete - **Timeline for any development agreements has passed but Bryon said they agreed to extend it; they have good community support but the developer needs to produce something soon.** Pete - Land-use approvals aspect needs to be concrete. Bryon - Peninsula was originally part of the plan, Fish & Game wanted to set it aside for wildlife due to instability of the area. Pete – The planning dept hasn't reviewed anything in 3-4 years. Richard – **What are developer expectations for City implementing dredging permit?** Bryon - **Developer wants boat access, fair-sized private water craft.**

Pete – Tells about a couple of the planning activities status so far, nothing very substantial in development proposal. Bob – **Is the City under obligation to maintain water access to the cove? Don't think so, members respond.** Bryon - Cost of what it will take will prohibit it; not a one-time expense. Bryon talks about how requests were made to PGE in past years to dump certain amounts of gravel that would end up at Rivermill Dam.

**Pete will keep NRC updated about the bridge and pier fix and other related issues. Bryon - Decent study by coming together of agencies would be ideal. Richard - Don't be too optimistic at finding funding with State agencies; County & City would be major stake holders.** Tie it into wetlands, other environmental issues. Bob – After Johnson Creek flooding, FEMA provided funding; might be worth a try, maybe ask Union Pacific. Bryon responds that it *is* Union Pacific's bridge; should be turned into a footpath. Richard – There are property owners on the north side of river whose land is continuously being eroded. Bryon – There is also some erosion around Hwy 99 bridge; State Hwy Dept. "wait and see." Field trip would be great idea.

**c. 12-171      Boat ramp issues at Clackamette Park – variable flow due to tidal influence.  
Pete Walter**

Denise Kai (Assistant Parks & Rec Director) wrote to Pete about the **variable flow due to tidal influence affecting the boat ramp at Clackamette Park. At high tides, little or no current; at low tides, current makes boat operations difficult; City has no projects for the boat ramp on the horizon.** The State Marine Board is uncomfortable supporting improvements to the ramp's orientation to relatively new or post-deposit flow pattern. The current is perpendicular to the launch with fast current at end of ramp.

Bryon - People have nearly lost boats b/c they launched with no current as tide was coming in and when they came back in it was pretty rough. **Dangerous b/c at the ramp is at a right angle to fluctuating river current.** Sha - **How is the boat ramp an asset to the city?** Bob, Richard, Pete - Benefit for campers nearby, businesses, public access, fisherman supply, boat shops, kayak rentals. Sport craft marina operated by Parks has made significant improvements to their ramp but it parallels the river so no problem with current.

Bob - **Is the City responsible for signage around the ramp?** Pete - **Technically yes but they can't regulate content of signs, they are not enforcing a sign code.** Bob - **Extensive feeding of ducks and geese, led to E-Coli, caused problems in frequented areas.** Seems there should be better signage. Pete - Shared responsibility among agencies. Bob says **the public is not making the connection between bird waste & human foods and water quality & public health.** Pete - Usually done through Public Works and Community Services Dept. NRC members say the Public Health Dept. should be involved.

Pete was asked to put this on the agenda; this is informational, not necessarily asking for a recommendation.

Sha – In the larger context of demonstrating as human beings living in balance w/ environment this is a chance to **educate people about the impacts of their actions**; simple practice for everyone to help provide better habitat for everyone.

Pete - **Draft some sort of signage, there is probably money for this.** Bob volunteered his wife to translate in Spanish. Erik said **signs are the bare minimum if we really want to have an impact; people will still throw bread in the river; other outreach ideas?** Pete – In other areas with the same problems, signs help but can go farther. Opportunities in the area for presentations to the public, school systems, outreach and education about these issues. Sha suggested Gladstone High School, has good ecological program. Bryon said ask Jerry.

**Two aspects needs signage: Immediate safety issue with the fluctuating current and feeding of the ducks & geese which is a public health issue. Bob suggests a buoy to help make people aware of the current & tides.** Pete – Sheriff's patrol/marine patrol monitoring from safety perspective, possibly. Reorienting the ramp would take study and isn't so easy. Pete suggested asking Scott Archer about this. Bryon says there a dock sitting around in storage on Clackamette Cove development site not being used; Jerry knows the history.

**d. 12-172      Updates to Oregon City's tree, native and nuisance plant lists.  
Pete Walter**

Pete - **Efforts are being made regionally to update these lists throughout the Portland Metro area. Staff have deferred to the adopted lists. Sept 2011 Portland plant list is highly categorized and detailed, hierarchies of plants in Metro area and is a very useful list; he uses in daily practice and recommendation. OC has adopted native and nuisance plant lists. Nuisance plant list is from 1999, quite old. Street tree list – OC accepts ones listed on adjacent municipal street list provided they are appropriate for planting area. OC uses Portland list and the Gresham list. Members view the extensive Portland list on their desktop computers while discussion continues.**

Bob suggested taking into account robust plantings that take into account big temperature extremes; references a Chicago project that planted southern trees rather than native trees. Pete sees such value especially if Portland takes such an approach. **OC uses the accepted tree list or arborist recommendation for replacement trees. In OC, are dealing with tree replacements - subdivisions & residents are not happy b/c street trees are buckling sidewalks; previous policy had no tree list nor sufficient planting area; smaller trees are replacing removed ones but doesn't solve the problem of providing urban tree canopy. OC doesn't require trees to be replaced or removed but the sidewalk issues drive this issue; must meet ADA requirements to avoid tripping hazards; property owners can avoid removal for only so many years.**

The City would like to get to where there is **a sustainable forest canopy that property owners are happy to maintain and that new subdivisions have good adequate planting space, minimum 5.5 ft.** Also recommend root barrier placement adjacent to sidewalks. A healthy urban forest canopy in a hardscape right-of-way, yes, but it's important for all cities; keeps streets cleaner, keeps storm water cleaner and cooler, provides pedestrians with safety and buffering from the street.

Erik - **Solid street list to minimize problems but also standards to how to deal with sidewalks problems.** Pete - Described City policy for tree removal due to sidewalk buckling. Also have clearance specs in the code for placing trees as wells as pruning requirements, with respect to power lines, etc. Recently replacement tress are smaller, slower-growing trees, easier for replacement but were listed

under older standards. Erik – Is there an option that provides for not planting in a narrow planting strip but instead planting a larger tree elsewhere in the front yard? Pete says yes and describes the basics of the policy, and referred to big trees planted in front yard as public trees even though on private property.

Erik - LO released new street tree guidelines which is a good guide. Pete - Metro Trees for Green Streets list – big trees, 10-ft planting strip, lots of those are natives. **People are happier to replant when the City is more flexible but if we really want large trees along public right-of-ways we need better standards.** For the moment, promote yard-planting through alternative mechanisms like Arbor Day, Friends of Trees, etc., as in Gladstone. Bob - Does Parks have program/effort to increase canopy in city parks? Pete said no; there is a comprehensive plan (2004) but no funded action or strategy.

**Goal for this year is to submit Tree City USA application by mid-December which will gain some recognition for efforts made throughout the city.** David Frasher has promoted public planting of trees in parks & right-of-ways, \$50k in budget for planting big trees where the City can; negotiating with ODOT for planting in some gateway areas (Hwy 205, Hwy 213), some headway made but no success in convincing ODOT. ODOT is concerned about runoff, low-impact development; concerns about storm water runoff affecting tree planting areas.

Obvious areas for replanting are identified through City storm water management permitting as needing additional shading along streams, priority shading areas, i.e. Abernethy Creek, w/in natural resource overlay districts, budget is there for it. Pete tells about parks areas replanting programs that were successful.

**Pete will continue to work on amended street tree list and bring before the NRC soon, conglomeration of lists already being used regionally. Sha wants to see more native trees, some top priority, City goal to rebuild as much of its tree types as possible.** Pete said there are some native trees on the lists and agrees that it would be great to see the City plant native trees in parks. When the City passed the Natural Resource Overlay district, it required that if the district overlay abutted a park boundary the overlay had to expand to include the park; this affected End of the Oregon Trail, Clackamette Park and possibly Singer Park and one other. Bryon said there is some dependence on how “native” is defined, i.e. “grows naturally within a certain ecological types present in the city.” Pete lists the definitions provided in the Portland list.

Bryon mentioned a few trees that are not native to Oregon that are voluntarily growing here and on the coast and says it’s what would be expected with climate warming. Pete wonders if we **should adapt to the coming warming.** Bryon said **it can change how trees are defined as native.** Bob said vineyards are making plans to accommodate the climate change, to maintain their crops; we shouldn’t keep our head in the sand about climate change, it’s happening now. Bryon referred to Britain’s small vineyard movement in a wetter climate; changing processing standards.

Erik asked if **revisions for the tree lists are going through the planning office. Pete said he will add any other lists to the planning agenda.** Bryon requested to look at the LO list. Pete is keeping track of many neighboring lists, i.e. Tualatin (describes some of the regulations). Pete described some of the requirements, such as plant-by dates, certified arborists, tree removal by reputable companies, conscientious of abutting property owners, etc.

## **6. COMMUNICATIONS**

Pete – Regarding other planning staff:

- Bob has volunteered on the South End Concept Plan Community Advisory Team; first mtg Oct 18, kick-off for the project. Team is responsible for representing diverse group of people in the county & city area who are looking at the plan.
- Christina Robinson-Gardiner is heading up the transportation system plan update.
- Laura Terway is back from Maternity Leave.
- Planning Dept is hiring a planning technician w/ Master's Degree in Urban Planning from PSU, 32 hr/wk, will help with backlog of long-range & current planning.
- Blue Heron – Based on Tony's tour, NCR is probably up to date. Members say it was a nice tour, Tony has been very busy with it.

## **7. FUTURE AGENDA ITEMS**

- Pete – Will aim for a Planning Commission work session on Oct. 22, 2012, discussing heritage tree ordinance and revisions to street tree list.
- NRC member asked about (inaudible) sustainability presentation.
- Pete said they are a little behind on minutes so will ask Marlo about it and try to get website updated.
- Sha would like to consider looking at the lighting ordinance. She can get a copy of ordinance and background information. Pete is familiar with the "dark sky ids" and they did make revisions to lighting in the site plan review, end of Chapter 1762 "Outdoor Lighting." Pete described some of the requirements and Sha says it's a great start. Pete spoke about model lighting code compared to Planning Commission code, which one is a better measure. Sha suggests a presentation about aspects of good lighting, educating the public with photos and dialogue; put that out on public tv station, moderate the slide show to why a good lighting plan is important, can be effective, shifting some patterns about what we think about lighting. Pete said there are no photos in the code about good vs bad lighting. Sha mentioned that she/they have several photos.  
Bob – Some people have crime prevention concerns and Sha said the documents she has include those discussions.
- Erik asked if at the next meeting the agenda will include any update about the heritage tree ordinance from the work session. Pete says, yes, he thinks so.
- Discussion of when to have the next NRC meeting b/c of the winter holidays.

## **8. ADJOURNMENT**

**The Meeting was adjourned at 9:11 p.m.**