



WASHINGTON COUNTY OREGON

PROPOSED A-ENGROSSED LAND USE ORDINANCE NOS. 901 and 902 *Individual and General Notice 2024-04* *Oct. 11, 2024*

Initial notice was provided to interested parties July 3, 2024 regarding proposed Ordinance Nos. **901 and 902**. After a public hearing for these ordinances, the Board of Commissioners ordered substantive amendments. These changes have been incorporated into proposed **A-Engrossed Ordinance Nos. 901 and 902**. As required by Chapter X of the County Charter, the Board has directed staff to prepare and provide you with notice of these amendments.

ORDINANCE PURPOSE AND SUMMARY:

Ordinance No. 901 would amend the Comprehensive Framework Plan for the Urban Area (CFP) Policy 10 regarding Significant Natural Resources (SNR) and Policy 41, Map B (Goal 5 Resources for Future Development Areas). It would also amend text, design elements, and the Significant Natural and Cultural Resources Maps in each of the community plans for the urban unincorporated area to reflect updates to the County's statewide planning Goal 5 SNR program.

Ordinance No. 902 would amend standards in the Community Development Code (CDC) related to Significant Natural Resources (SNRs) in the urban unincorporated area to ensure they are clear and objective and meet statewide planning Goal 5 and Metro Title 13 requirements. The standards will apply to properties with mapped SNRs as shown on updated maps in the community plans.

Who is Affected

Property owners with mapped Significant Habitat, as shown on the detailed online map at: <https://www.washingtoncountyor.gov/lut/planning/snr-focused-look>.

What Land is Affected

Land with mapped Significant Habitat.

PUBLIC HEARING INFORMATION:

Hearings are scheduled for the dates and times below. For information about the meetings and how to testify, please see the following webpage: <https://washingtoncounty.civicweb.net/Portal>

Board of Commissioners

6:30 p.m.

Oct. 22, 2024

10 a.m.

Nov. 5, 2024

Board meetings are hybrid (in person and virtually on Zoom).

In person hearings are in the auditorium of the
Charles D. Cameron Public Services Building, 155 N. First Ave., Hillsboro

The engrossed ordinances are available for review on the Land Use Ordinances webpage: [Land Use Ordinances in Progress | Washington County, OR \(washingtoncountyor.gov\)](#) Staff Reports will be available a week in advance of each hearing and will be posted on the ordinances in progress webpage.

At its Nov. 5, 2024, public hearing, the Board may choose to adopt the ordinances, make changes to them, continue the hearing to a future date, or reject the ordinances. If adopted Nov. 5, they would become effective Dec. 5, 2024.

SUMMARY OF ORDINANCE NOS. 901 and 902 AS ORIGINALLY FILED:

- Amends Washington County’s CFP, Policy 10 regarding Significant Natural Resources (SNR) and Policy 41, Map B (Goal 5 Resources for Future Development Areas).
- Amends each of the community plans to remove those design elements that are no longer applicable or that have been completed with development, revises those design elements that are not clear and objective and adds a general description of the 2024 Goal 5 update process.
- Updates the SNR maps in each community plan to reflect changes made through the County’s Goal 5 Inventory update process, removing mapped resources that are no longer significant, reflecting the reclassified and renamed natural resources and updating the location of the Significant Habitat boundary.
- Amends Section 422 of the CDC to implement the Goal 5 program decision, including:
 - Separating urban regulations from rural regulations. New sections are proposed for the urban unincorporated area, while the regulations for the rural area are unchanged.
 - Applying new Significant Habitat classifications of Riparian Wildlife Habitat and Upland Wildlife Habitat.
 - Exempting certain development activities from the standards and requirements of the section.
 - General provisions, including density transfer and adjustment process.
 - New Type I Tree Removal permit for certain sites with Significant Habitat.
 - Development standards for Riparian Wildlife Habitat.
 - A clear and objective path for tree retention and replacement within Upland Wildlife Habitat and two discretionary alternatives that address Upland Wildlife Habitat tree retention and replacement requirements.
 - Clarifying the requirements for Significant Natural Areas, a category of SNRs.
- Amends other CDC related sections to implement the Goal 5 program decision, including:
 - Refinement of definitions (Section 106).
 - Clarification of exclusions from development permit for certain tree cutting (Section 201).
 - Updates to the use provisions in all urban districts to provide for Type I, Type II and Type III tree removal.
 - Allows Upland Wildlife Habitat to count toward Planned Development open space (Section 404).
 - Provides an exception from additional requirements for Type II and III Development for certain SNR applications (Section 406).
 - Clarifies tree preservation and removal requirements (Section 407).
 - Updates references (multiple sections).

SUMMARY OF CHANGES TO ORDINANCE NOS. 901 & 902:

A-Engrossed Ordinance No. 901:

Amendments to portions of the SNR mapped areas found in the following maps. Amendments reflect map change requests received by Aug. 31, 2024, that met the criteria used to develop the inventory included in the Draft Habitat Inventory Report:

- Goal 5 Resources for Future Development Areas, Map B of Comprehensive Framework Plan Policy 41 (Urban Growth Boundary Expansions)
- Significant Natural and Cultural Resources maps for the following Community Plans:
 - Aloha-Reedville-Cooper Mountain
 - Bull Mountain
 - Cedar Hills – Cedar Mill

A-Engrossed Ordinance No. 902:

Amendments to the following provisions in Section 422:

- Minor changes to the exemptions from tree removal requirements for parks and transportation facilities within Upland Wildlife Habitat in proposed Section 422-4.3.
- Clarifications to proposed Section 422-7, Type I Tree Removal Permit Requirements, to expand the allowed disturbance area to 10,000 square feet of a site's buildable area, and to enlarge the perimeter distance where native trees can be removed to 20 feet from habitable buildings.
- Amendment to Section 422-9 to reduce the required Tree Value Point percentage for sites two acres or less within the pre-2006 UGB area from 50% to 30%.
- Clarifications to the Map Modification process in proposed Section 422-12 to better describe the process and provide a new map modification category.
- Minor changes in other sections to provide clarity and consistency.

AFFECTED LAND USE PLANNING DOCUMENTS:

A-Engrossed Ordinance No. 901:

Comprehensive Framework Plan for the Urban Area

- Policy 10 – Biological Resources and Natural Areas
- Policy 41– Map B (Goal 5 Resources for Future Development Areas)

The following Community Plans:

- Aloha-Reedville – Cooper Mountain
- Bethany, Ch. 1
- Bethany, Ch. 2 – North Bethany Subarea
- Bull Mountain
- Cedar Hills – Cedar Mill
- East Hillsboro
- Metzger – Progress
- Raleigh Hills – Garden Home
- Sherwood
- Sunset West
- West Tigard
- West Union

A-Engrossed Ordinance No. 902:

Community Development Code

- Section 106 – Definitions;
- Section 201 – Development Permit;
- Section 203 – Processing Type I, II and III Development Actions;

Continued to next page

-
- Section 300 – Introduction;
 - Section 302 – R-5 District (Residential 5 Units Per Acre);
 - Section 303 – R-6 District (Residential 6 Units Per Acre);
 - Section 304 – R-9 District (Residential 9 Units Per Acre);
 - Section 305 – R-15 District (Residential 15 Units Per Acre);
 - Section 306 – R-24 District (Residential 24 Units Per Acre);
 - Section 307 – R-25+ District (Residential 25 Units or More Per Acre);
 - Section 308 – Future Development 20- Acre District (FD20);
 - Section 309 – Future Development 10 Acre-District (FD-10)
 - Section 311 – Neighborhood Commercial District (NC);
 - Section 312 – Office Commercial District (OC);
 - Section 313 – Community Business District (CBD);
 - Section 314 – General Commercial (GC);
 - Section 320 – Industrial District (IND);
 - Section 330 – Institutional District (INST);
 - Section 375 – Transit-Oriented Districts;
 - Section 390 – North Bethany Overlay District, multiple sections;
 - Section 392 – Pedestrian-Oriented Mixed-Use Districts;
 - Section 404 – Master Planning;
 - Section 406 – Building, Siting and Architectural Design;
 - Section 407 – Landscape Design;
 - Section 410 – Grading and Drainage;
 - Section 415 – Lighting;
 - Section 420 – Creation of Lots Below 20,000 Square Feet in the R-9, R-15, R-24 and R-25+ Districts;
 - Section 421 – Floodplain and Drainage Hazard Area Development;
 - Section 422 – Significant Natural Resources;
 - Section 428 – Forest Structure Siting and Fire Safety Standards;
 - Section 430 – Special Use Standards;
 - Section 701 – Public Transportation Facilities; and
 - Section 707 – Alternative Analysis Review.
-

HOW TO SUBMIT COMMENTS:

Washington County is committed to broad community engagement and transparency of government. **Advance registration is recommended when providing testimony in person or via Zoom on agenda items or additional communication at designated times.**

For Board registration instructions and contact information, please visit the How to Testify webpage: [Board of County Commissioners \(BCC\) | Washington County, OR \(washingtoncountyor.gov\)](#)

Staff Contact

Michelle Miller, Senior Planner, michelle_miller@washingtoncountyor.gov, 503-846-8101

If you have general questions or would like more information, you can also contact Community Planning at 503-846-3519, select option 3, then option 2 or email at lutplan@washingtoncountyor.gov.

The ordinance is available for review on the Land Use Ordinances webpage: [Land Use Ordinances in Progress | Washington County, OR \(washingtoncountyor.gov\)](#) Staff Reports will be available a week in advance of each hearing and will be posted on the ordinances in progress webpage.

The ordinance will be available for review at the following locations:

- Department of Land Use & Transportation
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs), call 503-846-6288

FILED

OCT - 8 2024

**WASHINGTON COUNTY
COUNTY CLERK**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 902

An Ordinance Amending the Community
Development Code Relating to
Development in Areas Designated
Significant Natural Resources

The Board of County Commissioners of Washington County, Oregon ("Board") ordains
as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the
Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by
way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341,
356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423,
428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-
489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,
581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,
635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692,
694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-
758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820,
822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, 855-859, 864, 866-867, 877, 885,
and 889-890.

B. In 2017, the Oregon Legislature amended ORS 197.307(4) to require local
governments to apply only clear and objective standards, conditions, and procedures to the

1 development of needed housing. On June 1, 2020, the Land Conservation and Development
2 Commission (LCDC) issued an enforcement order requiring Washington County to amend its
3 comprehensive plan with regard to specific aspects of its Significant Natural Resource
4 regulations to comply with ORS 197.307(4) on or before May 1, 2021. In response to this, the
5 County filed proposed Ordinance No. 869 on July 15, 2020, and conducted public hearings. The
6 Board directed engrossment. A-Engrossed Ordinance No. 869 was filed October 8, 2020, and
7 adopted October 27, 2020. That ordinance was challenged at the Land Use Board of Appeals
8 (LUBA) and remanded to the County for further work. Subsequently a petition was filed with
9 LCDC for a second enforcement order. LCDC issued Enforcement Order No. 23-ENF-001933,
10 requiring the County to amend its subjective CDC standards that apply to protection of Goal 5
11 Significant Natural Resources that were invalidated by the LUBA decisions so that they comply
12 with ORS 197.307(4) on or before October 1, 2024, and imposing a stay of some housing
13 developments in the meantime. The Board recognizes that the County must comply with these
14 decisions of the Oregon Legislature, LUBA, and LCDC.

15 C. Under the provisions of Washington County Charter Chapter X, the Department
16 of Land Use and Transportation has carried out its responsibilities, including preparation of
17 notices, and the County Planning Commission has conducted one or more public hearings on the
18 proposed amendments and has submitted its recommendations to the Board. The Board finds
19 that this Ordinance is based on that recommendation and any modifications made by the Board
20 are a result of the public hearings process.

21 D. The Board finds and takes public notice that it is in receipt of all matters and
22 information necessary to consider this Ordinance in an adequate manner and finds that this

1 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption
2 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County
3 Charter, the Washington County Code, and the Washington County Comprehensive Plan.

4 SECTION 2

5 The following exhibits, attached hereto and incorporated herein by reference, are adopted
6 as amendments to the designated document as follows:

7 A. Exhibit 1 (32 pages), amends the following provisions of the Community
8 Development Code:

9 1. Section 422 – Significant Natural Resources

10 B. Exhibit 2 (44 pages), amends the following provisions of the Community
11 Development Code:

12 1. Section 106 – Definitions;

13 2. Section 201 – Development Permit;

14 3. Section 203 – Processing Type I, II and III Development Actions;

15 4. Section 300 – Introduction;

16 5. Section 302 – R-5 District (Residential 5 Units Per Acre);

17 6. Section 303 – R-6 District (Residential 6 Units Per Acre);

18 7. Section 304 – R-9 District (Residential 9 Units Per Acre);

19 8. Section 305 – R-15 District (Residential 15 Units Per Acre);

20 9. Section 306 – R-24 District (Residential 24 Units Per Acre);

21 10. Section 307 – R-25+ District (Residential 25 Units or More Per Acre);

22 11. Section 308 – Future Development 20-Acre District (FD-20);

- 1 12. Section 309 – Future Development 10-Acre District (FD-10);
- 2 13. Section 311 – Neighborhood Commercial District (NC);
- 3 14. Section 312 – Office Commercial District (OC);
- 4 15. Section 313 – Community Business District (CBD);
- 5 16. Section 314 – General Commercial (GC);
- 6 17. Section 320 – Industrial District (IND);
- 7 18. Section 330 – Institutional District (INST);
- 8 19. Section 375 – Transit-Oriented Districts;
- 9 20. Section 390-8 – R-6 North Bethany District (R-6 NB);
- 10 21. Section 390-9 – R-9 North Bethany District (R-9 NB);
- 11 22. Section 390-10 – R-15 North Bethany District (R-15 NB);
- 12 23. Section 390-11 – R-24 North Bethany District (R-24 NB);
- 13 24. Section 390-12 – R-25+ North Bethany District (R-25+ NB);
- 14 25. Section 390-13 – Neighborhood Corner Commercial District (NCC NB);
- 15 26. Section 390-14 – Neighborhood Commercial Mixed-Use District (NCMU NB);
- 16 27. Section 390-15 – Institutional North Bethany District (INST NB);
- 17 28. Section 390-18 – Density Restricted Lands;
- 18 29. Section 392 – Pedestrian-Oriented Mixed-Use Districts;
- 19 30. Section 404 – Master Planning;
- 20 31. Section 406 – Building, Siting and Architectural Design;
- 21 32. Section 407 – Landscape Design;
- 22 33. Section 410 – Grading and Drainage;

- 1 34. Section 415 – Lighting;
- 2 35. Section 420 – Creation of Lots Below 20,000 Square Feet in the R-9, R-15,
- 3 R-24 and R-25+ Districts;
- 4 36. Section 421 – Floodplain and Drainage Hazard Area Development;
- 5 37. Section 428 – Forest Structure Siting and Fire Safety Standards;
- 6 38. Section 430 – Special Use Standards;
- 7 39. Section 701 – Public Transportation Facilities; and
- 8 40. Section 707 – Alternative Analysis Review

9 SECTION 3

10 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
11 which are not expressly amended or repealed herein, shall remain in full force and effect.

12 SECTION 4

13 All applications received prior to the effective date shall be processed in accordance with
14 ORS 215.427.

15 SECTION 5

16 If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid
17 or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected
18 thereby and shall remain in full force and effect.

19 SECTION 6

20 The Office of County Counsel and Department of Land Use and Transportation are
21 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
22 Ordinance, including deleting and adding textual material and maps, renumbering pages

1 or sections, and making any technical changes not affecting the substance of these amendments
2 as necessary to conform to the Washington County Comprehensive Plan format.

3 SECTION 7

4 This Ordinance shall take effect thirty (30) days after adoption.

5 ENACTED this _____ day of _____, 2024, being the _____ reading and
6 _____ public hearing before the Board of County Commissioners of Washington County,
7 Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 _____
11 CHAIR KATHRYN HARRINGTON

12 _____
13 RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First _____
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

14 First _____
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

20 VOTE: *Aye*: _____

20 *Nay*: _____

21 Recording Secretary: _____ Date: _____

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 422 – SIGNIFICANT NATURAL RESOURCES

This Section applies to identified Significant Natural Resource Areas as follows:

A. The provisions in Sections 422-1 to 422-13 shall apply to areas within the regional Urban Growth Boundary (UGB).

B. The provisions in Sections 422-20 to 422-23 shall apply to the rural area.

422-1 Intent and Purpose of Significant Habitat Standards Inside the UGB

The intent and purpose of Sections 422-2 through 422-12 is to regulate development on properties with Significant Habitat within the regional UGB in compliance with Statewide Planning Goal 5, Oregon Administrative Rule (OAR) Chapter 660, Division 23, and the Metro Urban Growth Management Functional Plan (UGMFP) Title 13 (Nature in Neighborhoods).

The standards of these sections are established for the following purposes:

- A. Protect Significant Habitat, including streams, wetlands, riparian areas and priority forest and woodlands, for their ecological function, as an amenity for the community, and to promote improved hydrology, flood protection, aquifer recharge, and habitat functions.
- B. Maintain and enhance water quality and control erosion and sedimentation by placing limits on uses and impervious surfaces in proximity to streams and wetlands.
- C. Balance conservation of resources with economic use of the land and provide mitigation standards for the replacement of natural resource values lost through development of resource areas.
- D. Provide clear and objective standards as well as optional discretionary processes consistent with Statewide Land Use Planning Goal 5 and OARs.

422-2 Significant Habitat Classifications and Maps for Areas within the UGB

The requirements of Section 422-2 through 422-12 apply to properties within the regional UGB that contain Significant Habitat, as specified below. These lands contain habitat identified as significant by Washington County pursuant to Metro UGMFP Title 13 requirements and Statewide Planning Goal 5 procedures.

422-2.1 Significant Habitat provides important movement corridors and supports the life-cycle requirements of the fish and wildlife species that use it. It includes the following two categories:

A. **Riparian Wildlife Habitat**, which includes:

1. Water Areas including wetlands, rivers, streams, and open water habitats (e.g., lakes and ponds); and
2. An associated riparian buffer. The riparian buffer is the area within a specified distance of a Water Area. Riparian buffers are established and verified in accordance with the methodology in Section 422-8.1.

B. Upland Wildlife Habitat, which primarily includes forests and woodlands adjacent to the Riparian Wildlife Habitat. All Significant Habitat that is not otherwise classified as Riparian Wildlife Habitat pursuant to Section 422-2.1.A is classified as Upland Wildlife Habitat. This includes areas identified as Riparian Wildlife Habitat on the Significant Natural Resources Maps, but subsequently found to be outside the verified Riparian Wildlife Habitat boundary.

422-2.2 The general location of Significant Habitat is identified on the Significant Natural and Cultural Resources Maps in the Community Plans and Map B in Comprehensive Framework Plan for the Urban Area (CFP) Policy 41. Together these are referred to as the Significant Natural Resources Maps (SNR Maps). Those maps also distinguish between:

- A. Significant Habitat on lands that were inside the UGB on Dec. 28, 2005, referred to as "Pre-2006 UGB Significant Habitat."
- B. Significant Habitat on lands added to the UGB after Dec. 28, 2005, referred to as "Post-2005 UGB Significant Habitat"

Additional information about the location, attributes and values of the different habitat types are described in the adopted Washington County's Habitat Inventory and Goal 5 Reports contained in Volume IA of the County's Resource Document.

422-3 Definitions

As used in Sections 422-1 through 422-12, the words below have the following meaning:

422-3.1 **Diameter at breast height (DBH).** Tree diameter measured at breast height, which is 4.5 feet above ground. For multi-stemmed trees, the DBH is determined by measuring all the trunks, and then adding the total diameter of the largest trunk to one-half the diameter of each additional trunk.

422-3.2 **Diseased or Dying Trees.** Trees that are in an advanced state of decline because they are diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or are imminently likely to die or become a danger.

422-3.3 **Hazardous Trees.** Trees that have a structural weakness that present a foreseeable danger of inflicting injury to people or damage to vehicles, structures, or development, such as sidewalks or utilities.

422-3.4 **ISA.** International Society of Arboriculture.

422-3.5 **Qualified Natural Resource Professional.** Persons with a combination of relevant education and work experience at the minimum levels specified below are considered qualified for the purposes of complying with the technical standards in Sections 422-1 through 422-12 where the regulations require a Qualified Natural Resource Professional:

Relevant Expertise	Minimum Required Credentials			
<u>Accepted fields of study: Ecology, botany, wildlife biology, natural resource management, wetland science, environmental science or environmental planning.</u>	<u>Master’s or Ph.D.</u>	<u>Bachelor’s degree</u>	<u>Associate degree or minimum 90 hours of college level credit</u>	<u>None</u>
	<u>plus</u>	<u>plus</u>	<u>plus</u>	<u>plus</u>
<u>Relevant work experience: Technical or professional level work collecting and analyzing habitat-related data, conducting wildlife habitat investigations, following pertinent laws and regulations, and/or planning and monitoring habitat projects.</u>	<u>3 years</u>	<u>5 years</u>	<u>7 years</u>	<u>10 years</u>

422-4 Exemptions

The following are exempt from the standards and requirements applicable to Significant Habitat within the UGB (Sections 422-3 to 422-12):

422-4.1 Maintenance and repair of existing uses and improvements when all work occurs within the existing development footprint.

422-4.2 Removal of certain trees within Significant Habitat as follows:

- A. **Hazardous, Diseased or Dying Trees.** For removal of native trees 6 inches or greater DBH that are hazardous, diseased or dying, the property owner must obtain a determination of exemption from the County by submitting a written evaluation of each tree proposed for removal prepared by an ISA certified arborist declaring the tree(s) to be hazardous, diseased or dying and recommending removal. Trees that a property owner intentionally causes to become diseased or dying as determined by the arborist, do not qualify for this exemption.

- B. Trees that are removed as part of stream enhancement or ecological rehabilitation activities as directed and approved by Clean Water Services (CWS).

- C. Trees in commercial tree farms and nurseries where the farm use, as defined in Oregon Revised Statutes, is, or was formerly, recognized by the County Tax Assessor or where income tax or state business registry document is provided.

422-4.3 Removal of trees within Upland Wildlife Habitat in association with the following:

- A. Construction, maintenance and repair of public park improvements or projects within pre-2006 UGB areas.
- B. Construction, maintenance and repair of public transportation facilities and associated improvements.
- C. Installation, maintenance or construction of the following utilities: sanitary and storm sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.
- D. Mineral extraction operations within approved mineral and aggregate sites.

422-4.4 Uses and activities on lots that do not contain mapped Riparian Wildlife Habitat and meet at least one of the following criteria, with a determination of exemption:

- A. The lot contains less than 500 square feet of Upland Wildlife Habitat; and/or
- B. The lot was legally established on or before [insert adoption date of ordinance] and is 0.5 acres in size or smaller.

422-4.5 Upland Wildlife Habitat, including areas identified as Riparian Wildlife Habitat on the SNR Maps and subsequently found to be outside the verified Riparian Wildlife Habitat boundary, in the following land use districts: NC, OC, CBD, GC, IND, MAE, TO: R40-80, TO:R80-120, TO:RC, TO:EMP, TO:BUS, NCC NB, NCMU NB, CCMU and NMU.

422-5 General Provisions Applicable to Significant Habitat within the UGB

422-5.1 Compliance with Other Requirements

Development within Significant Habitat shall obtain all required local, state and federal permits.

422-5.2 Density Transfer

Areas designated as Significant Habitat are eligible for density transfer as specified in Section 300-3. The limitation on the density of the buildable portion of a site in Section 300-3.3 shall not apply.

422-5.3 Adjustments to CDC Standards to Address Significant Habitat

- A. Adjustments may be requested through a Type II discretionary process to the following development standards to facilitate the preservation of Significant Habitat identified in the SNR Maps:
1. Reduction of up to 30% from any dimensional standard (as defined by Section 106-61 and enumerated in each Land Use District), any development standard in Section 392 (Pedestrian-Oriented Mixed-Use Districts), and/or the required planting units and additional setbacks in Section 411-6 (Screening and Buffering Standards).
 2. Required landscaping and landscape area in Section 407-1 provided that reductions in required landscape area are not allowed if the amount of landscape area is also proposed to be reduced in accordance with Section 407-1.6.
 3. Infill fence requirements in Section 430-72 only where mature trees are present along the perimeter of the site and will be preserved.
- B. The Director shall grant an adjustment pursuant to Section 422-5.3.A only when the Director makes findings, based upon evidence in the record, that all of the following criteria have been met:
1. Existing native trees within the Significant Habitat boundary will be protected in a manner that meets or exceeds the minimum requirements of Section 422.
 2. The maximum density for the site will not exceed that specified in the land use district. Significant Habitat, including those resources that have been, or are proposed to be, placed in a separate tract or dedicated to a park and recreation provider, shall be included in the site area for the purposes of this calculation. The limitation on the density of the buildable portion of a site in Section 300-3.3 shall not apply.
 3. The proposed adjustment facilitates the preservation of Significant Habitat on the site.

422-6 Submittal Requirements for Properties with Significant Habitat within the UGB

At a minimum, an application for development on a site with Significant Habitat shall be processed as a Type II, except as specified in Section 422-6.3.B.3. or 422-7. Type II or III applications shall contain the following information:

422-6.1 For all sites with Significant Habitat, both a site plan prepared in accordance with Section 203-4.2.E and an aerial photo at the same scale showing the following:

- A. The extent of proposed development and the location of the verified Significant Habitat boundary on the site.
- B. The verified Riparian Wildlife Habitat boundary if applicable.

422-6.2 For proposed development within the Riparian Wildlife Habitat, materials demonstrating compliance with:

- A. The boundary verification requirements for the Riparian Wildlife Habitat. The boundary shown on the SNR Maps provides the general location of the Riparian Wildlife Habitat. If Riparian Wildlife Habitat is identified on the site, applicant must verify the location of the habitat boundary as provided in Section 422-8.1.
- B. The applicable standards in Sections 422-8.2 and 422-8.3 if development is proposed within the verified Riparian Wildlife Habitat.

422-6.3 For proposed development within the Upland Wildlife Habitat, materials demonstrating compliance with:

- A. The boundary verification requirements for the Upland Wildlife Habitat.
 - 1. If applicant believes the SNR Maps are accurate, applicant must verify this by submitting written acknowledgement of acceptance of the Upland Wildlife Habitat boundary.
 - 2. If applicant does not believe the County's SNR Maps are accurate, applicant must request a map modification in accordance with Section 422-12, including submittal of materials specified in that Section.
- B. The provisions of one of the following:
 - 1. The clear and objective Type II Tree Inventory and Retention Requirements in Section 422-9;
 - 2. The Type II Canopy Assessment and Protection Requirements in Section 422-10;
or

3. The Type III Detailed Environmental Report Requirements in Section 422-11.

422-7 Type I Tree Removal Permit Requirements for Certain Properties with Significant Habitat within the UGB

Trees may be removed within the Upland Wildlife Habitat with a Type I tree removal permit only as specified in this section. All other non-exempt tree removal shall be allowed only in conjunction with an approved development application following the requirements of Section 422-6.

As used in this Section, the words below have the following meanings:

- A. **Disturbance area.** One contiguous area on a site, identified by the applicant, in which existing and proposed structures, impervious areas, landscaping and tree removal are allowed.
- B. **Habitable building.** A building with at least two of the following: water, sewer, power, and a permanent heat source or equivalent services.

422-7.1 Trees may be removed within the Upland Wildlife Habitat with a Type I Tree Removal Permit only in the following circumstances. Applicants may choose to apply under Subsection A. or B. Both sections cannot be applied to the same property under any circumstances.

- A. Trees within a maximum disturbance area of 10,000 square feet provided the criteria below are met.
 - 1. The lot contains one or more dwellings that existed on or before *[insert adoption date of ordinance]*;
 - 2. The maximum disturbance area within Upland Wildlife Habitat is determined by subtracting all portions of the site outside the mapped Significant Habitat (Upland and Riparian) from 10,000 square feet (i.e., 10,000 SF - area outside the mapped Significant Habitat (Upland and Riparian) = maximum disturbance area within the Upland Wildlife Habitat);
 - 3. Existing structures, impervious areas and landscaping within Upland Wildlife Habitat must be included within the disturbance area. If the area needed to encompass existing structures, impervious areas and landscaping exceeds the maximum disturbance area within Upland Wildlife Habitat allowed pursuant to Subsection 2 above, no additional disturbance area is allowed within Upland Wildlife Habitat;
 - 4. The trees to be removed were not required to be preserved or planted to meet other requirements of the CDC.

- B. Trees that, at their base, are located within 20 horizontal feet from the walls of an existing habitable building.

422-7.2 Type I Tree Removal Permit Submittal requirements

Applications for a Type I Tree Removal Permit shall include a site plan prepared in accordance with Section 203-4.2.E showing the Significant Habitat boundary and Riparian Wildlife Habitat on the site, if applicable, and either:

- A. The footprint of existing and proposed structures, impervious areas, and landscaped areas; trees over 6 inches DBH where the trunk of the tree at its base is within 20 horizontal feet of the walls of existing habitable buildings; the proposed disturbance area, and the proposed disturbance area calculations, if applying under Subsection 422-7.1.A; or
- B. The footprint of all existing habitable buildings on the site and any tree over 6 inches DBH where the trunk of the tree at its base is within 20 horizontal feet of the walls of the buildings and the tree is proposed to be removed, if applying under Subsection 422-7.1.B.

422-8 Development Standards Applicable to Riparian Wildlife Habitat within the UGB

Applicants proposing development on a site with mapped Riparian Wildlife Habitat shall comply with the following standards. Land within the Riparian Wildlife Habitat boundary shown on the SNR Maps, but outside a verified Riparian Wildlife Habitat boundary, is not subject to the standards in this section, but is subject to the standards applicable to Upland Wildlife Habitat in Section 422-9.

422-8.1 Verifying the Riparian Wildlife Habitat Boundary

The Riparian Wildlife Habitat boundaries shown on the SNR Maps provide the general location of Riparian Wildlife Habitat. Applicants shall verify the location of the boundary on their site using one of the following methodologies except as provided in Section 422-8.1.C for certain sites outside CWS:

- A. **Methodology 1:** Submit a Service Provider Letter from CWS demonstrating the CWS vegetated corridor and sensitive area standards are met or met with conditions. The outer boundary of the CWS Vegetated Corridor shall be the outer boundary of the Riparian Wildlife Habitat.
- B. **Methodology 2:** A Qualified Natural Resource Professional shall establish the Riparian Wildlife Habitat boundary as described below. Riparian Wildlife Habitat includes the Water Area and riparian buffer. The outer boundary of the riparian buffer shall be the outer boundary of the Riparian Wildlife Habitat.

1. The minimum riparian buffer width is 50 feet for all Water Areas except the Tualatin River, which has a minimum riparian buffer width of 125 feet. Riparian buffers shall be extended up to a maximum of 200 feet on development sites containing slopes greater than or equal to 25% adjacent to the Water Area. On such sites, the boundary of the riparian buffer shall be 35 feet beyond the break in slope as defined in Subsection 3.

2. Riparian buffer widths apply to all sides of the Water Area. The edge of the Water Area shall be determined based on the type(s) of Water Area as detailed below:
 - a. The edge of the Water Area shall be the centerline of the stream for streams where there are no wetlands;

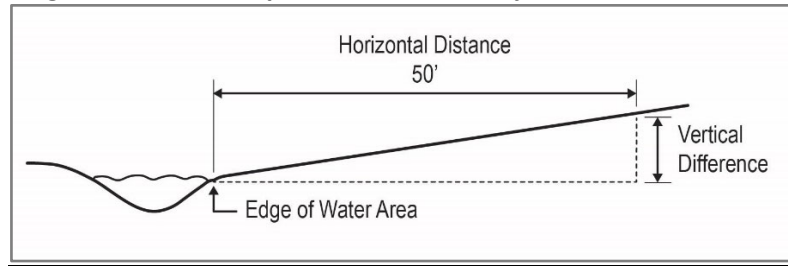
 - b. The two-year 24-hour design storm elevation for the Tualatin River; and/or

 - c. The delineated boundary of the wetland in accordance with the U.S. Army Corps of Engineers (USACE) "*Wetlands Regulatory Assistance Program Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region*" and including:
 - i. The outside edge of spring emergence (measured as the area of saturation, hydric soil conditions, or channel formation, whichever is greatest); and/or
 - ii. The average high water mark for lakes, ponds, and in-stream impoundments.

3. Methodology for Measuring Slope and Determining Break in Slope
 - a. Slopes shall be measured perpendicular to the contours. To meet this requirement, the line along which the slope is measured may bend horizontally so it remains perpendicular to the contours.

 - b. The slope adjacent to the Water Area shall be measured horizontally 50 feet from the edge of the Water Area as shown in Figure 422-8.1-1. The slope is equal to the vertical distance divided by the horizontal distance, expressed as a percentage.

Figure 422-8.1-1 Slope Measurement Adjacent to Water Area



- c. A minimum of three slope measurements along the Water Area, spaced at no more than 100-foot increments, shall be made for each site.
- d. The break in slope shall be determined by measuring 50 feet horizontally from the edge of the Water Area. If the slope is greater than 25%, the measurement shall be continued in 25-foot horizontal increments until either:
 - i. A slope is encountered that is less than 25%. In this case, the applicant shall determine the break in slope and add an additional 35 feet to mark the outside boundary of the riparian buffer (see Figure 422-8.1-2); or
 - ii. 200 feet is reached (all slope measurements >25%) (see Figure 422-8.1-3).

Figure 422-8.1-2 Slope Measurement to Determine Break in Slope

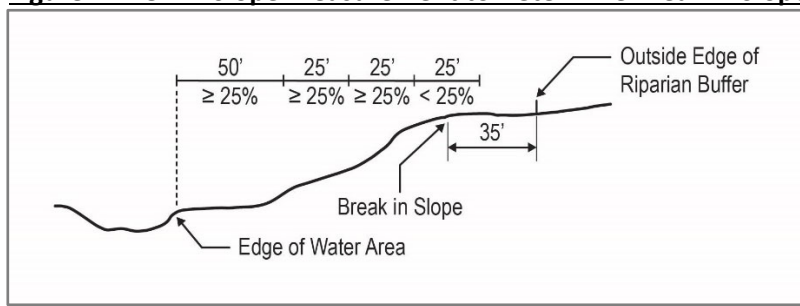
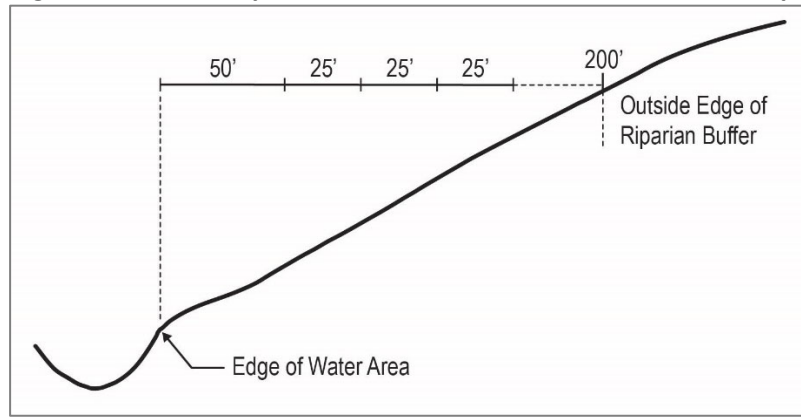


Figure 422-8.1-3 Slope Measurement to Determine Break in Slope

- C. Exception to Methodology 2 for sites that are outside of CWS. Applicants can choose to accept the Riparian Wildlife Habitat boundary shown on the County's SNR Maps as the verified Riparian Wildlife Habitat boundary if the applicant's site plan demonstrates that all proposed grading and improvements, including temporary disturbance areas associated with construction, will be at least 100 feet from the County-mapped Riparian Wildlife Habitat boundary.
- 422-8.2 No new or expanded alteration of the vegetation or terrain shall be allowed within Riparian Habitat except for the following uses and activities.
- A. Construction, maintenance and repair of public transportation facilities and associated improvements.
- B. Installation, maintenance or construction of the following utilities: sanitary and storm sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.
- C. Public wildlife viewing areas and recreation or nature trails.
- D. Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421-4.6 and with the applicant's CWS' Service Provider Letter or associated permit materials submitted to Oregon Division of State Lands (DSL) and/or the USACE, as applicable.
- E. Detached dwelling or middle housing duplex on a legal lot, provided all required local, state or federal permits and approvals are obtained and the following maximum disturbance area is not exceeded.
1. The maximum disturbance area (including structures, impervious areas and landscaped areas) permitted within Riparian Habitat equals 5,000 square feet

less the buildable area on the site (i.e., 5,000 SF – Buildable Area = maximum disturbance area permitted within Riparian Wildlife Habitat).

2. Buildable Area for the purposes of this section means land that has a slope of less than 25% and is outside verified Riparian Wildlife Habitat, public rights-of-way, public utility easements, and required setbacks.

F. An alteration permitted or required by CWS, or permitted or required by DSL or the USACE for areas outside of CWS.

G. Fencing provided it is split rail or other design that allows for the passage of wildlife by meeting the following design requirements:

1. The lowest horizontal fence element must be at least 18 inches off the ground.

2. The highest horizontal fence element must be no more than 42 inches in height.

3. Fencing shall not include woven wire, cyclone fencing, or contain barbed wire elements.

H. Chain link fencing and signage around water quality facilities when authorized by CWS.

422-8.3 For development proposals that are within verified Riparian Wildlife Habitat but are outside CWS, the applicant shall demonstrate compliance with either the Tree Inventory and Retention Requirements for Post-2005 UGB Significant Habitat in Section 422-9 or the Detailed Environmental Report Requirements in Section 422-11.

422-9 Tree Inventory and Retention Requirements for Significant Habitat within the UGB

422-9.1 Applicability.

The standards in this section apply to development that will impact Regulated Trees located within the Upland Wildlife Habitat, and Riparian Wildlife Habitat outside of CWS.

422-9.2 Definitions.

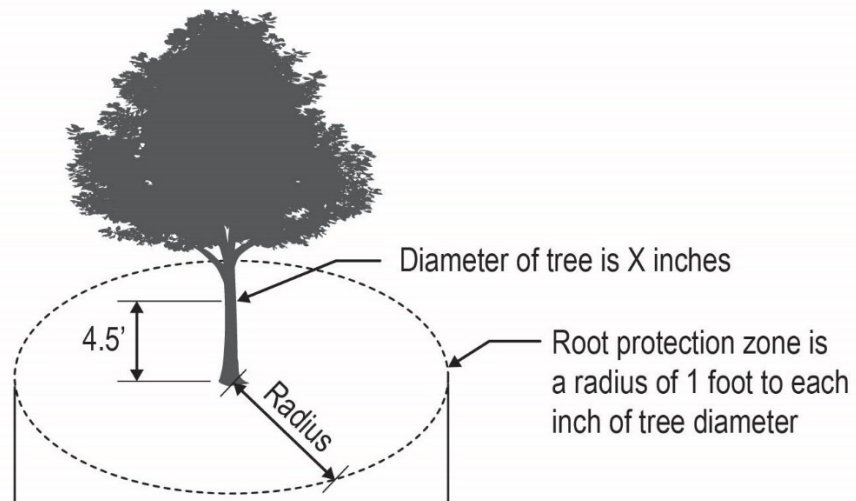
As used in Section 422-9, the words listed below have the following meaning:

A. **Impacted by development.** A Regulated Tree is considered impacted by a development proposal when the proposed location of the development will be within the tree’s Root Protection Zone.

B. **Multi-stemmed tree.** A tree with trunks that are connected above the ground. This does not include individual trees growing close together or from a common rootstock that do not have trunks connected above the ground.

- C. **Native tree.** A tree listed under Category A on the most recent Native Tree List as adopted by the Washington County Board of Commissioners.
- D. **Native understory tree/shrub.** A tree or shrub listed under Category B on the most recent Native Tree List as adopted by the Washington County Board of Commissioners.
- E. **Regulated Trees.** Native trees that are 6 inches or greater in diameter, except as specified in Section 422-9.3.
- F. **Root Protection Zone.** The area within a circle surrounding the tree with a radius measured from the trunk of the tree at ground level and extending one foot for every inch of tree diameter (DBH) – see Figure 422-9.2-1.

Figure 422-9.2-1 Root Protection Zone



- G. **Tree location.** A tree's location, for purposes of establishing the applicable requirements of this section, is determined by the location of the trunk at the point where it meets the ground. Surface roots extending from the trunk are not used to determine the tree's location. A tree is considered within the Significant Habitat boundary if any portion of the trunk is within the Significant Habitat boundary at the point where it meets the ground.

422-9.3 Exceptions to Regulated Tree Definition

The following trees are not Regulated Trees and are not subject to the tree preservation requirements of Section 422-9.5.

- A. Trees within a verified Riparian Wildlife Habitat boundary, except as specified in Section 422-8.3.
- B. Trees (native or non-native) that are not identified in the adopted Washington County Native Tree List as Category A or that are less than 6 inches DBH, unless such trees will be retained to meet the requirements of this section.
- C. Hazardous, Diseased or Dying Trees exempt from these regulations pursuant to Section 422-4.C.
- D. Trees approved for removal through a Type I Tree Removal Permit pursuant to Section 422-7.

422-9.4 Tree Inventory

If the proposed development will occur within the Significant Habitat boundary, a tree inventory of all Regulated Trees on the development site is required, except as allowed by Subsection C (for a proposal impacting fewer than 10 Regulated Trees).

The tree inventory must be prepared by an ISA certified arborist, licensed landscape architect, or Qualified Natural Resource Professional, and shall provide the following:

- A. A table listing the Regulated Trees and including the following information for each listed tree:
 1. Identification number
 2. Diameter of tree (DBH)
 3. Status: retain or remove
 4. Common name, genus and species
 5. The Tree Value score (in points) for each Regulated Tree, calculated as follows:

<u>Tree Features</u>	<u>Points</u>
<u>Base score defined by tree size (DBH)</u>	<u>1 point per inch of diameter (DBH)</u>
<u>+ Additional points for a tree that is:</u>	
<ul style="list-style-type: none"> • <u>A White Oak (Quercus garryana), Willamette Valley Ponderosa Pine (Pinus ponderosa), or Madrone (Arbutus menziesii)</u> 	<u>8 points</u>
<ul style="list-style-type: none"> • <u>Within 100 feet of a verified Riparian Wildlife Habitat</u> 	<u>2 points</u>

B. A site plan that includes the following information:

1. The location and identification number of each Regulated Tree. If the Regulated Tree is to be retained, the location of its Root Protection Zone.
2. The location of existing and/or proposed public and private utility easements, driveways, and areas of grading or excavation on the development site.
3. The location of all existing development on the site and the location of development proposed in the land use application that triggers the requirement for a Tree Inventory.
4. Calculations showing the following:
 - The total Tree Value score (points) for the site
 - The Tree Value score (points) for the trees to be retained
 - The percentage of total points proposed to be retained
5. Trees to be retained are subject to the tree protection standards in Section 422-9.7. Required tree protection fencing shall be indicated on the site plan.

C. If the proposed development will impact fewer than 10 Regulated Trees and 100% of the lost Tree Value points will be replaced in accordance with Section 422-9.6, only the Regulated Trees that will be impacted by the proposed development need to be inventoried.

422-9.5 Tree Retention and Replacement Requirements

The minimum percentage of Tree Value Points required to be retained or replaced, based on the location of the site, is shown in the following table. An applicant shall demonstrate through the Tree Inventory (site plan and table) that the required percentage of Tree Value Points are being retained or shall prepare a Tree Replacement Plan in accordance with Section 422-9.6 demonstrating how the required percentage of Tree Value Points will be achieved on the site.

<u>Location</u>	<u>Minimum Percentage of Tree Value Points Required</u>
<u>Pre-2006 UGB Upland Wildlife Habitat</u>	
<u>• For sites 2 acres or under (gross)</u>	<u>30% of the total Tree Value Points identified by the tree inventory</u>
<u>• For sites larger than 2 acres (gross)</u>	<u>50% of the total Tree Value Points identified by the tree inventory</u>

<u>Location</u>	<u>Minimum Percentage of Tree Value Points Required</u>
<u>Post-2005 UGB Upland Wildlife Habitat</u>	<u>80% of the total Tree Value Points identified by the tree inventory</u>
<u>Verified Riparian Wildlife Habitat outside of CWS (Pre-2006 and Post-2005 UGB Significant Habitat)</u>	<u>80% of the total Tree Value Points identified by the tree inventory</u>

422-9.6 Tree Replacement Plan

- A. If replacement points are required pursuant to Section 422-9.5, the applicant must provide a Tree Replacement Plan, demonstrating how the proposal will achieve the required number of Tree Value Points on the development site either by retaining existing native trees or planting new native trees.
- B. Replacement Tree Value Points are calculated as shown in the table below.

<u>1. Within Significant Habitat</u>	
<u>a. Retain existing native trees (Category A) that are at least 2 inches but less than 6 inches DBH</u>	
<u>Base Score based on tree size (DBH)</u>	<u>1 point per inch DBH</u>
<u>+ Additional Points</u>	
<ul style="list-style-type: none"> <u>o Tree is a White Oak (Quercus garryana), Willamette Valley Ponderosa Pine (Pinus ponderosa), or Madrone (Arbutus menziesii)</u> 	<u>8 points</u>
<ul style="list-style-type: none"> <u>o Tree is within 100 feet of a Riparian Wildlife Habitat</u> 	<u>2 points</u>
<u>b. Plant new native tree (Category A)</u>	
<u>Base Score</u>	<u>2 points</u>
<u>+ Additional Points</u>	
<ul style="list-style-type: none"> <u>o Tree is a White Oak (Quercus garryana), Willamette Valley Ponderosa Pine (Pinus ponderosa), or Madrone (Arbutus menziesii)</u> 	<u>2 points</u>
<ul style="list-style-type: none"> <u>o Tree is within 100 feet of a Riparian Wildlife Habitat</u> 	<u>1 point</u>
<u>c. Retain or plant new native understory trees/shrubs (Category B)</u>	
<ul style="list-style-type: none"> <u>o Retain native understory trees/shrubs that are at least 5 feet in height</u> 	<u>1 point</u>

○ <u>New native understory trees/shrubs</u>	<u>1 point</u>
2. On-site, but outside Significant Habitat	
a. Retain existing native trees (Category A) that are at least 2 inches DBH	
<u>Base Score</u>	<u>0.5 points per inch DBH</u>
<u>+ Additional Points</u>	
○ <u>Tree is a White Oak (Quercus garryana), Willamette Valley Ponderosa Pine (Pinus ponderosa), or Madrone (Arbutus menziesii)</u>	<u>8 points</u>
○ <u>Tree is within 100 feet of a Riparian Wildlife Habitat</u>	<u>2 points</u>
b. Plant new native trees (Category A)	
<u>Base Score</u>	<u>1 point</u>
<u>+ Additional Points</u>	
○ <u>Tree is within 100 feet of Riparian Wildlife Habitat</u>	<u>1 point</u>

- C. All tree replacement shall occur on-site and outside the verified Riparian Wildlife Habitat boundary except where the replacement is required pursuant to Section 422-8.3.
- D. Trees planted or retained to replace required tree points shall be documented in accordance with the tree inventory requirements in Section 422-9.4. The Tree Replacement Plan shall provide all of the required information and shall also indicate whether these trees are existing trees that will be retained or trees that will be newly planted.
- E. All replacement trees (retained or planted) are considered Regulated Trees and are subject to the tree protection and planting standards in Section 422-9.7.

422-9.7 Tree Protection and Planting Standards

- A. Protective fencing shall be installed by the applicant/property owner to protect the Root Protection Zone of trees retained or planted. Fencing shall be inspected by the County prior to beginning any development activities. All protective tree fencing must remain in place until completion of all construction activities. Any relocation, removal, or modification of the protective fencing shall only occur under the direction of an ISA certified arborist or Qualified Natural Resource Professional and a written explanation of the reason for the relocation, removal, or modification of the protective fencing from the certified arborist must be provided to the County.

B. No excavation, grading, material storage, staging, vehicle parking or other construction activity shall take place within protective tree fencing areas.

C. The following standards shall apply to replacement trees to be planted by the applicant, but not to existing trees that are retained.

1. New native trees (Category A) shall be planted no closer than 8 feet on-center from another tree and no closer than 10 feet from an existing or proposed habitable structure.

2. A mix of species shall be provided as follows:

<u>Number of trees to be planted</u>	<u>Required species mix</u>
<u>17 or less</u>	<u>May all be same species</u>
<u>18 - 53</u>	<u>No more than 33% can be the same species</u>
<u>54+</u>	<u>No more than 25% can be the same species</u>

3. Category A replacement trees shall have a minimum rooting size of 2 gallons and a minimum height of 5 feet. Category B native understory trees/shrubs, which shall have a minimum rooting size of 1 gallon and a minimum height of 2 feet.

4. Replacement planting must be completed prior to the issuance of any certificate of occupancy or the applicant must post a bond to cover 120% of the cost of installation as calculated by Washington County.

D. Survival of Regulated Trees. The applicant/property owner is responsible for ensuring a minimum of 80% of the trees and shrubs planted remain alive on the second anniversary of the date that the mitigation planting is completed. If this level is not met, replanting is required to meet the 80% survival requirement. In the event a mature Regulated Tree (retained) must later be removed because it is dead, diseased, dying, or hazardous, documentation of the tree's dead, diseased, dying, or hazardous condition by an ISA certified arborist must be provided to the County prior to tree removal. In the event of tree removal, the tree points must be replaced in accordance with Section 422-9.6.

422-10 Tree Canopy Assessment and Protection Requirements for Upland Wildlife Habitat within the UGB

422-10.1 Applicability of Canopy Assessment and Protection Requirements

Applicants proposing development within the Upland Wildlife Habitat boundary may choose to comply with the tree canopy preservation requirements of this section rather than the Tree Inventory and Retention requirements in Section 422-9. This shall be a Type II review process.

422-10.2 Definitions.

As used in Section 422-10, the words listed below have the following meaning:

- A. **Abut.** To adjoin or border for at least 20 feet.
- B. **Canopy cover.** The proportion of a fixed area of the ground covered by tree canopy. The area of tree canopy is measured by determining the area surrounding a tree located within the dripline or by other means acceptable to the County.
- C. **Dripline.** The perimeter measured on the ground at the outermost tree crown by drawing an imaginary vertical line from the circumference of the crown, straight down to the ground below.
- D. **Tree Canopy.** Branches, leaves, or other foliage from woody vegetation generally exceeding five feet in height.
- E. **Tree Crown.** The area of the tree above the ground, measured in mass, volume, or area extending from the trunk and including the branches, stems, leaves, and reproductive structures.

422-10.3 Tree Canopy Preservation Area Required

- A. An area within Upland Wildlife Habitat shall be set aside as a Tree Canopy Preservation Area (TCPA).
- B. TCPAs shall comply with the following dimensional requirements:
 - 1. Minimum area: The total TCPA on a site shall be based on a percentage of the total Upland Wildlife Habitat on the site as specified in the table below or 500 square feet, whichever is greater. The TCPA shall not include any land within a verified Riparian Wildlife Habitat boundary.

<u>Location of TCPA</u>	<u>Minimum Size of TCPA (Percent of total Significant Habitat on-site)</u>
<u>Pre-2006 Significant Habitat</u>	
<ul style="list-style-type: none"> • <u>All TCPAs on the site abut verified Riparian Wildlife Habitat</u> 	<u>25%</u>
<ul style="list-style-type: none"> • <u>Not abutting verified Riparian Wildlife Habitat</u> 	<u>30%</u>
<u>Post-2005 Significant Habitat</u>	
<ul style="list-style-type: none"> • <u>All TCPAs on the site abut verified Riparian Wildlife Habitat</u> 	<u>55%</u>
<ul style="list-style-type: none"> • <u>Not abutting verified Riparian Wildlife Habitat</u> 	<u>60%</u>

2. Maximum number: If multiple TCPAs are proposed, each TCPA must be at least 10,000 square feet in size.

3. Minimum width and depth: The width and depth of each TCPA shall be at least 20 feet.

C. Each TCPA shall be preserved in a non-buildable tract or conservation easement subject to deed restrictions that provide for ownership and maintenance responsibility by a homeowners' association or other property owner(s) or by other means acceptable to the County.

D. The applicant shall provide documentation demonstrating how the parties responsible for each TCPA will manage the TCPA to ensure the standards in Section 422-10.4 will continue to be met. At a minimum this shall include a plan for monitoring and maintenance.

422-10.4 Tree Canopy Retention and Replacement within TCPAs

Within TCPAs, the following standards shall apply:

A. Tree canopy shall cover at least 75% of the TCPA.

This standard shall be met by:

1. Preserving the tree canopy provided by existing trees within the TCPA;

2. Planting native trees in portions of the TCPA not currently covered by tree canopy; or

3. A combination of 1 and 2.

B. If trees are proposed to be planted to meet the canopy standard, the applicant shall submit a planting plan prepared by an ISA certified arborist, Qualified Natural Resource Professional or licensed landscape architect demonstrating the tree canopy standard will be met within 15 years of planting based on the size, species and placement of trees planted.

C. Only native plants shall be planted within the TCPA. Native plants are those identified on the Washington County Native Tree list or other plants native to Washington County approved by the Director.

D. Trees shall be planted in accordance with the standards in Section 422-9.7.C. The applicant is responsible for ensuring a minimum of 80% of the trees and shrubs planted remain alive on the second anniversary of the date that the mitigation planting is completed. If this level is not met, replanting is required to meet the 80% survival requirement.

E. Native understory vegetation shall be retained, and invasive species shall be removed.

422-11 Detailed Environmental Report Requirements for Upland Wildlife Habitat within the UGB

422-11.1 Applicability of Detailed Environmental Report Requirements within Upland Wildlife Habitat

Applicants proposing development within the Upland Wildlife Habitat may choose to comply with the detailed environmental report requirements of this section rather than the Tree Inventory and Retention requirements in Section 422-9. This shall be a Type III review process.

422-11.2 Detailed Environmental Report Contents

A Detailed Environmental Report shall be prepared and signed by a Qualified Natural Resource Professional. The Detailed Environmental Report shall include the following:

A. A site assessment that identifies the ecological functions provided by the Upland Wildlife Habitat on the project site addressing the following:

1. Habitat condition including:

- a. Native plant diversity and presence of non-native and invasive species;
- b. Habitat patch size;
- c. Interior habitat;
- d. Connectivity of the habitat to Riparian Wildlife Habitat; and
- e. Connectivity of the habitat to other Upland Wildlife Habitat.

2. The use and importance of the habitat to invertebrates (pollinators, birds, reptiles, amphibians, and mammals), including the known presence of any Threatened, Endangered, and Candidate Fish and Wildlife Species.

3. The role of the habitat in providing temperature moderation and carbon sequestration.

B. An impact evaluation describing the impacts of the proposed development. The full range of impacts must be detailed, including the precise impact areas (both temporary and permanent) as well as impacts to ecological functions provided at the site and any potential impacts on adjacent property(ies).

C. A mitigation narrative and plan that describes how proposed mitigation will adequately compensate for or offset impacts described in the impact evaluation. The narrative shall include the following:

1. Documentation of required permits from CWS, USACE, DSL, and Department of Environmental Quality (DEQ) as applicable.
2. A list of all parties responsible for implementing and monitoring the mitigation plan and, if mitigation will occur off-site, the names of the owners of property where mitigation plantings will occur and documentation of a deed restriction or other means approved by the County.
3. A site plan and complete list of proposed mitigation plantings including the size, location and amount of each species (only native species are permitted to be planted).
4. A description of all site preparation and maintenance (mulching, removal of invasive and noxious vegetation, irrigation, wildlife protection, and weed control).
5. The applicant's mitigation site monitoring, success criteria, and reporting plan which ensures a minimum of 80% of the trees and shrubs planted shall remain alive on the second anniversary of the date that the mitigation planting is completed. If this level is not met, replanting is required to meet the 80% survival requirement.
6. If off-site mitigation is proposed, a narrative description of why mitigation cannot be completed on-site. Off-site mitigation must be within the same stream basin as the proposed impact unless the applicant provides evidence that there are no properties within the stream basin that are available for purchase and/or could provide the opportunity to offset the project's unavoidable impacts. Off-site mitigation must be within unincorporated Washington County, must be comprised of lands that are not otherwise protected from development, and must be protected in perpetuity.

422-11.3 Detailed Environmental Report: Approval Criteria

The applicant's Detailed Environmental Report shall demonstrate that:

- A. The proposed development will avoid or minimize impacts to ecological functions and loss of habitat to the extent practicable and that the proposed development will be located, designed, and constructed to minimize grading, removal of native vegetation, disturbance and removal of native soils, adverse hydrological impacts on water resources, and impacts on wildlife corridors through the use of the best management practices and habitat-friendly development practices.
- B. For impacts that cannot be avoided or minimized, the proposal mitigates impacts from the proposed development. The mitigation plan shall demonstrate that it adequately compensates for and offsets the detrimental impacts to ecological functions provided

by Significant Habitat, after taking into consideration the applicant's efforts to minimize such detrimental impacts.

- C. The mitigation maintenance and monitoring plan provided is sufficient to ensure the success of the planting as required by the standards. Compliance with the plan shall be a condition of development approval.

422-11.4 Financial Guarantee

A financial guarantee in the form of an instrument approved by the County, shall be submitted to the County before building permits are issued, or when no building permit is required, before development within the Significant Habitat boundary commences. It shall be in an amount adequate to cover 120% of the cost of performing the mitigation. The County will release the guarantee at the end of the two-year monitoring period, or before, if it determines that the trees and shrubs have been successfully established.

422-12 Preliminary Habitat Resources Map Modifications within the UGB

- 422-12.1 An applicant may request a Preliminary Map Modification (preliminary approval for modification of the County-adopted mapped location of a resource) using one or more of the methodologies detailed in Table 422-12.1 below. The Washington County Natural Resources Inventory adopted into Volume IA of the Resource Document shall be used to identify the type(s) of Significant Habitat on the property. Preliminary Map Modification requests made pursuant to this Section may be made in conjunction with another development application or as a standalone application, as applicable. Applications for a standalone map modification request under Issue D., below, shall be processed as a Type II review. All others shall be a Type I review.

With preliminary approval, development may proceed consistent with the revised boundary except where otherwise precluded by State law. The County will conduct a legislative update of the Significant Natural Resource Maps to finalize authorized modification requests on a periodic basis. Where state law does not allow for buildings on land mapped in the comprehensive plan for protection of natural resources, an application involving buildings or parts thereof within such areas cannot proceed until the legislative map update is completed, even if the Preliminary Map Modification has been granted.

Table 422-12.1: Preliminary Map Modification Issues and Methodologies

Map Modification Issue	Preliminary Map Modification Methodology
<p><u>A. Wetland/Stream location (and associated Riparian Wildlife Habitat boundary) has been incorrectly identified and/or the Riparian Wildlife Habitat boundary does not align with the verified Riparian Wildlife Habitat boundary.</u></p>	<p>The applicant shall provide documentation of the correct wetland/stream and Vegetated Corridor location approved by CWS. For sites that are not in CWS, applicants may apply the Riparian Wildlife Habitat verification methodology applicable to areas outside of CWS in Section 422-8.1.B.</p> <p>Applicant shall provide evidence that the Riparian Wildlife Habitat verified pursuant to Section 422-8.1, if applicable, has been preserved through a recorded tract or easement.</p>
<p><u>B. Significant Habitat boundary is inaccurate due to development or other changes that occurred prior to specified dates*</u></p>	<p>The applicant shall provide evidence demonstrating that the resources described in the Washington County Natural Resources Inventory were not in existence on the specified date*, including:</p> <ul style="list-style-type: none"> • <u>Approved building permits or other development plans and drawings; and/or</u> • <u>High resolution aerial photographs that clearly show that the site was developed and the extent of that development.</u> • <u>For tree removal associated with forest practices, evidence that the Oregon Department of Forestry was notified of forest practices as required and trees were removed as proposed; and/or</u> • <u>For other types of tree removal, an arborist report or receipt showing when trees were removed.</u>
<p><u>C. Significant Habitat boundary is inaccurate due to an approval granted in accordance with the provisions of Section 422 which preserves habitat in a tract or easement.</u></p>	<p>The applicant shall provide evidence demonstrating that a separate tract or easement has been approved as part of a separate Type II or III development application under Section 422-10 (Tree Canopy Preservation Area) or 422-11 (Detailed Environmental Report) and that tract or easement has been recorded. The Preliminary Map Modification request can be made to remove the Significant Habitat designation on the remainder of the site outside the tract or easement.</p>
<p><u>D. All Other Map Corrections</u></p>	<p>A Preliminary Map Modification request for a reason other than as described in this table may be submitted in accordance with Section 422-12.2.</p>
<p>* "Specified date(s)" are:</p> <ul style="list-style-type: none"> - For "Pre-2006 significant habitat," <i>[insert effective date of this ordinance]</i>. - For "Post-2005 significant habitat," the effective date of the ordinance adopted by the Metro Council to bring the subject property within the Metro UGB. 	

422-12.2 A Preliminary Map Modification request to address Map Modification Issue D in Table 422-12.1, above, may be submitted consistent with this section.

A. Submittal Requirements:

A report prepared and signed by a Qualified Natural Resource Professional that includes:

1. A description of the qualifications and experience of all persons that contributed to the report, and, for each person that contributed, a description of the elements of the analysis to which the person contributed;
2. A detailed description of the requested modification and the reasons for the request;
3. The following information, if it is relevant to the verification of habitat location on the subject lot or parcel:
 - a. Information described in Table 422-12.1;
 - b. Aerial photographs, including documentation of the date and process used to take the photos and an expert's interpretation of the additional information they provide;
 - c. A map showing the topography of the property shown by 2-foot vertical contours in areas of slopes less than 15%, and at 5-foot vertical contours of slopes 15% or greater; and
4. Any additional information necessary to address the approval criteria in Subsection B.

B. Approval Criteria:

A modification of the boundary or classification of a resource under this section shall only be approved if the applicant demonstrates that the location and/or attributes of the inventoried habitat on the site as described in the Washington County Natural Resources Inventory are inaccurate and that natural resources meeting the criteria for inclusion in the County's adopted Natural Resources Inventory were not present as of the following dates:

1. For pre-2006 habitat, [the effective date of this ordinance].
2. For post-2005 habitat, the effective date of the ordinance adopted by the Metro Council to bring the subject property within the Metro UGB.

422-13 Standards Applicable to Open Space and Significant Natural Areas Inside the UGB

422-13.1 Open Space identified in a community plan is subject to the following standards:

- A. Shall be identified as provided in Section 404-1, Master Planning - Site Analysis;
- B. When located in a park-deficient area as identified on the SNR Maps, the applicant shall notify the appropriate park provider of the proposed development.

422-13.2 Any development requiring a permit from Washington County which is proposed in a Significant Natural Area, as identified on the SNR Maps, shall provide:

- A. Screening and buffering landscaping that meets or exceeds that required by Section 411-6.3, located between the identified significant features and the proposed use on the site; and
- B. A 20-foot setback from the identified significant features to proposed improvements.

Sections 422-14 – 19 are Reserved for future use

422-20 Intent and Purpose of Significant Natural Resource Standards Outside the UGB

The intent and purpose of these standards is to permit limited and safe development in areas with significant natural resources, while providing for the identification, protection, enhancement and perpetuation of natural sites, features, objects and organisms within the county, here identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, educational opportunities or ecological role.

Development within riparian areas, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat shall comply with applicable state and federal regulatory guidelines.

422-21 Lands Subject to this Section

Those areas identified in the ~~applicable community plan or the Rural/Natural Resource Plan Element~~ as Significant Natural Resources and areas identified as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map.

~~For areas outside the UGB, Significant Natural Resources have been classified in the Community Plans or the Rural/Natural Resource Plan Element~~ by the following categories:

422-21.1 Water Areas and Wetlands. 100-year floodplain, drainage hazard areas and ponds, except those already developed.

422-21.2 **Water Areas and Wetlands and Fish and Wildlife Habitat.** Water areas and wetlands that are also fish and wildlife habitat.

422-21.3 **Wildlife Habitat.** Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.

422-21.4 **Significant Natural Areas.** Sites of special importance, in their natural condition, for their ecological, scientific, and educational value.

422-223 Criteria for Development

422-223.1 The required master plan and site analysis for a site which includes an identified natural resource shall:

- A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);
- B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to this subsection~~Section 422-3.1.B~~ shall be consistent with the program decision for the subject natural resource; and
- C. Apply the design elements of the ~~applicable Community Plan~~; or the applicable implementing strategies of the Rural/Natural Resource Plan ~~Element~~, Policy 10, Implementing Strategy E which states:

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations."

~~422-3.2 Open Space Inside the UGB:~~

- ~~A. Shall be identified as provided in Section 404-1, Master Planning – Site Analysis;~~
- ~~B. When located in a park deficient area as identified on the significant natural resource map, the applicant shall notify the appropriate park provider of the proposed development.~~

422-22.23-3 Development within a riparian corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat Outside the UGB:

- A. No new or expanded alteration of the vegetation or terrain of the riparian corridor (as defined in Section 106) or a significant water area or wetland (as identified in the ~~applicable Community Plan~~ or the Rural/Natural Resource Plan) shall be allowed except for the following:

1. Crossings for streets, roads or other public transportation facilities.
2. Construction or reconstruction of streets, roads or other public transportation facilities.
3. Installation or construction of the following utilities: sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.
4. Wildlife viewing areas and recreation or nature trails.
5. Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421-4.6. This use is not subject to Section ~~422-3-522.4~~ or Section ~~422-22.53-6~~.
6. Detached dwellings and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the riparian corridor, as defined in Section 106, or a significant water area or wetland (as identified in the ~~applicable Community Plan or the~~ Rural/Natural Resource Plan) and all required local, state or federal permits are obtained.
7. Where it can be demonstrated, with concurrence of the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife, that a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat has been degraded, an enhancement of these areas which conforms to the definition and criteria listed in Section ~~422-22.3-4~~ may be permitted through a Type II procedure.

Enhancement or alteration of a non-degraded portion of these areas is permitted when it is in conjunction with and it is needed to support the enhancement of the degraded area. Where development is proposed that would have negative impacts on these areas it is the County's policy to follow state and federal regulatory guidelines for mitigation proposals.

8. All activities and uses associated with an expansion or alteration of Barney Reservoir and Henry Hagg Lake/Scoggins Dam; including, but not limited to, impoundment structures, water diversion and transmission facilities, road construction and related land alterations. Such activities and uses may be permitted through a Type III procedure.
9. ~~In addition in the Rural/Natural Resource Area~~ The following farm and forest activities:

- a. Propagation or harvesting of timber for personal consumption, provided that the use of a caterpillar tractor, yarder, backhoe, grader or similar heavy mechanized equipment is prohibited;
 - b. Commercial forestry activities when in compliance with the Oregon Forest Practices Act and Administrative Rules; ~~and~~
 - c. Farming or raising of livestock not utilizing a structure; and;
 - d. Operations for the exploration for and production of geothermal resources, oil and gas.
10. All public use airport-related uses and activities allowed pursuant to Section 387-4.
 11. Wetland mitigation, creation, enhancement and restoration within public use airport approach surface areas and airport direct impact boundaries shall be allowed upon demonstration of compliance with the requirements of Section 388-9.

~~(12) One Middle Housing Duplex (Section 430-84) and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the riparian corridor, as defined in Section 106, or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan) and all required local, state or federal permits are obtained.~~

- B. Where development or alteration of the riparian corridor is permitted under the above exceptions, the floodplain and drainage hazard area development criteria shall be followed.
- C. Fencing adjacent to stream buffers or other wildlife habitat areas shall be designed to allow the passage of wildlife. Designs must incorporate openings appropriately sized and spaced to accommodate passage of wildlife common to ~~urban~~ Washington County (common mammals needing access to streams in ~~urban~~ Washington County include, but are not limited to, deer, beaver, coyote, muskrat, rabbit, raccoon and skunk).

422-~~22.23~~.3-4 Enhancement of a degraded riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat permitted by Section 422-~~22.23~~.3.A.(7) shall meet the following:

- A. For the purposes of Section 422-~~22.23~~.3.A.(7) an enhancement is a modification, as a result of which no later than five years after completion of the project, the quality and/or quantity of the natural habitats is measurably improved in terms of animal and plant species numbers, number of habitat types, and/or amount of area devoted to natural habitat.

B. Proposal Preparation

In order to determine whether a proposed modification will result in an enhancement, preparation of the proposal, as well as construction and planning work, shall be guided by a professional wildlife biologist or ecologist with experience and credentials in water areas/wetlands and riparian areas enhancement and who has reviewed the sources and their relevant references listed in Section 422-~~22~~.3-4.

C. Submittal Requirements

~~{1.}~~ The proposal shall include detailed information and mapping of the site, including all of the following subjects:

~~{a.}~~ Hydrology, including 100-year flood and 25-year flow events/surface water flow patterns, and groundwater information, if available;

~~{b.}~~ Substrate(s) and existing rates of sedimentation;

~~{c.}~~ Existing vegetation, including species list and community types, with approximate percent coverage, and all trees 6 inches in diameter or larger;

~~{d.}~~ Animal life census (macrofauna species list), preferably based on mid-April to mid-May field observations, but at least conducted during spring, summer and/or early fall.

~~{2.}~~ The proposal shall include a color photographic record (taken sometime between mid-spring and mid-fall) showing the major portion of the site at sufficient detail to compare with the later transformation.

~~{3.}~~ The proposal shall include a map showing the expected outcome of the proposed enhancement, with detailed description of how this is to be accomplished.

~~{a.}~~ To the maximum feasible extent, the overall design of the site shall minimize parking and human activity directly adjacent to the Significant Natural Resource, and where avoidable shall incorporate special design techniques (e.g., thick or thorny vegetation or fencing) to reduce adverse impacts such as littering and harassment of wildlife and damage to vegetation.

~~{b.}~~ A surrounding vegetation buffer of closely spaced (6 feet to 8 feet) trees and shrubs shall be included within the outer 25 feet of the Significant Natural Resource area unless there are special circumstances or design measures.

~~{c.}~~ All plant materials shall be indicated in terms of number and size. Except for the outer perimeter of the buffer area, all plants shall be of a native species unless agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.

- {d.} As many existing native trees over 6 inches in diameter as possible shall be preserved.
- {e.} Vegetation plantings (e.g., trees and shrubs) which overhang standing water are encouraged. (Native vegetation is preferred.)
- {f.} Measures for the prevention of undesirable monotypic plant dominance, especially ~~R~~reed ~~C~~eanary ~~g~~Grass and blackberries, shall be included, such as periodic removal or application of herbicides agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
- {g.} Ponds shall have varying open water depth up to a least 3 feet, unless required ~~otherwise~~ by the Oregon Department of Fish and Wildlife, ~~Oregon Division of State Lands~~DSL or the ~~USACE~~U.S. Corps of Engineers, and where the natural grade permits shall have gently sloped shores on at least two sides.
- {h.} Islands are encouraged to be ~~two~~2 feet above normal water level, flat-topped, spaced every ~~one-quarter~~0.25 acre of open water, and no smaller than 450 square feet where possible.
- {i.} Rocks and large tree trunks are encouraged to be placed in water areas.
- {4.} The proposal shall be submitted by Washington County to the biologist for the Clackamas District or other applicable district biologist of the Oregon Department of Fish and Wildlife for review and comment, as well as to other regulating agencies with jurisdiction to review the proposed enhancement, including the ~~Division of State Lands~~DSL and the ~~Army Corps of Engineers~~USACE.
- {5.} The proposal shall include arrangement to ensure frequent and regular litter or trash clean-up unless dedicated to an agency~~Fualatin Hills Park and Recreation District~~ or ~~any other~~ jurisdiction.
- {6.} As an alternative to the submittal requirements identified above, ~~Clean Water Services (CWS)~~ may provide the applicable ~~U.S. Army Corps of Engineers~~USACE or ~~Oregon Department of State Lands~~DSL permit and/or a ~~CWS~~ Service Provider Letter which demonstrates compliance.

D. Follow-up Requirements

- {1.} The County shall require as a condition of approval that a detailed report by a wildlife biologist or ecologist, with map and color photographs, shall be submitted to the County by the current property owner two years after completion of the modification and again after five years. The reports shall document the current condition of the resource. These two follow-up reports shall be submitted by the County to the biologist for the Clackamas District or

other applicable district for review and comment. If the approved enhancement plan has not been completed in five years, the current property owner shall submit plans to the County Department of Land Use & Transportation for rectifying any significant deficiencies. Once approved, the amended plan shall be implemented.

{2.} The County may modify or revoke the development permit for the enhancement, or take other necessary enforcement measures to ensure compliance with these standards.

{3.} As an alternative to the reporting requirements identified in D.{1} and D.{2} above, CWS may submit applicable ~~U.S. Army Corps of Engineers~~ USACE or ~~Oregon Department of State Lands~~ DSL monitoring reports two years after completion of the modification and again after five years.

~~422-22.43.5~~ 422-22.43.5 Significant Natural Areas outside the UGB

Any development requiring a permit from Washington County which is proposed in a Significant Natural Area, as identified ~~by in the applicable Community Plan or the Rural/Natural Resource Area-Plan Element,~~ shall reduce its impact, to the maximum extent feasible, on the unique or fragile character or features of the Significant Natural Area. Appropriate impact reducing measures shall include:

- A. Provision of additional landscaping or open space; and
- B. Relocation of the proposed site of a building, structure or use on the lot.

~~422-22.53.6~~ 422-22.53.6 Significant Natural Resource Area Outside the UGB - Finding

For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 660-023-0040(5)(c) (effective September 1, 1996).

~~422-4~~ 422-4 ~~Density Transfer~~

~~Areas designated as a Significant Natural Resource may be eligible for density transfer as specified in Section 300-3.~~

~~422-23~~ 422-23 State and Federal Regulatory Guidelines for Areas Outside the UGB

Development within a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat, shall obtain all required local, state and federal permits.

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

ARTICLE I – INTRODUCTION AND GENERAL PROVISIONS

1. SECTION 106 – DEFINITIONS

106-185 Riparian Corridor (Water Areas and Wetlands). Within the rural area, ~~¶~~this term shall have one of the following two meanings:

- (1) For areas that have not been the subject of a Goal 5 analysis completed and a program decision adopted pursuant to OAR 660-023 (effective September 1, 1996), riparian corridor shall mean the area, adjacent to a water area, which is characterized by moisture-dependent vegetation, compared with vegetation on the surrounding upland, as determined by a qualified botanist or plant ecologist, or in no case less than a ground distance of 25 feet on either side of the channel. Where, in its existing condition, a wetland or watercourse has no discernible channel which conveys surface water runoff, the riparian zone shall be measured from the center of the topographic trough, depression or canyon in which it is located.
- (2) For areas that have been the subject of a Goal 5 analysis completed and a program decision adopted pursuant to OAR 660-023 (effective September 1, 1996), riparian corridor shall mean a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary, or the definition of the term used in OAR 660, Division 23. The boundary of a riparian corridor having this meaning shall be defined pursuant to OAR 660-023-0090.

106-194 Significant Habitat. Within the UGB, a category of Significant Natural Resources identified on the Significant Natural and Cultural Resources Maps in the Community Plans and Map B in the Comprehensive Framework Plan for the Urban Area Policy 41. These areas provide important movement corridors and support the life-cycle requirements of the fish and wildlife species that use them. As specified in Section 422, Significant Habitat includes the following two categories:

106-194.1. Riparian Wildlife Habitat. Riparian Habitat is comprised of the following two components:

- A. Water Areas including wetlands, rivers, streams, and open water habitats (e.g., lakes and ponds); and

B. An associated riparian buffer. The riparian buffer is the area within a specified distance of a Water Area. Riparian buffers are established and verified in accordance with the methodology in Section 422-8.1.

106-194.1. Upland Wildlife Habitat. Lands primarily comprised of forests and woodlands adjacent to the Riparian Wildlife Habitat. All Significant Habitat that is not otherwise classified as Riparian Wildlife Habitat is classified as Upland Wildlife Habitat.

ARTICLE II - PROCEDURES

2. SECTION 201 – DEVELOPMENT PERMIT

201-1 Permit Required

Except as excluded in Section 201-2, and Section 702, no person shall engage in or cause a development to occur, as defined in Sections 106-57 and 421-2.2, without first obtaining a development permit through the procedures set forth in this Code. The Director shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid development permit has been issued. Development authorized by a development permit shall occur only as approved.

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district except as limited to particular districts below, but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

201-2.6 Propagation or cutting of trees except:

- A. As specified in Section 407-3;
- B. Inside the UGB, trees located within a floodplain, drainage hazard area and/or Significant Habitat, which are subject to Section 421 and/or Section 422; or
- C. provided Where the trees are not designated as a significant natural resource area in an urban Community Plan, were designated for preservation in a prior development action or through the master planning process for a development, designated for preservation in a prior development action or when inside the UGB, located within a floodplain or drainage hazard area;

201-2.29 Installation and maintenance of farm-related irrigation and drainage pipes within the 100-year floodplain, provided the disturbed soil is already farmed and is outside of the Water Areas and Wetlands and Fish and Wildlife Habitat and the Riparian Wildlife Habitat Significant Natural Resource Areas, as defined in Section 422, and that the land disturbance will not alter flood storage capacity or water velocities. The property owner shall be required to sign an affidavit stating that all spoils will be removed from the flood area and placed in an appropriate disposal site.

3. SECTION 203 – PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-3 Neighborhood Meeting

203-3.1 Intent and Purpose:

The purpose of the neighborhood meeting is to provide a forum for the applicant, surrounding neighbors, and interested members of the Community Participation Organization (CPO) to meet and consider a proposed application, and to discuss issues/concerns regarding the proposal prior to application submittal. This preliminary meeting is intended to inform, encourage and maximize citizen involvement early in the development process so that the resultant application is more responsive to neighborhood concerns, and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials.

203-3.2 The following application types shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

- Partitions, except Middle Housing Land Divisions;
- Subdivisions, except Middle Housing Land Divisions;
- Type III Special Uses;
- Type II Manufactured Dwelling Parks;
- Type II Adjustment - (Article V only);
- Type III Variances;

- Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);
- Residential Planned Developments;
- Type II or III Development Review - Residential, except Middle Housing or proposals that require Type II or Type III review solely because they are within a Significant Habitat boundary, but which otherwise would require either a Type I permit or no development permit; and
- Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the parcel subject to the application is within 125 feet of a Residential District).

203-4 Application

203-4.1 Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the Director.

203-4.2 A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:

- E. A site plan of the property illustrating the property boundaries, proposed and existing structures and improvements, easements, driveways, water and sewer lines, septic tanks and drainfields, all drainage courses, and structures within 250 feet of a drainage course. Site plans of the entire property must be drawn at an even scale (~~1:1001~~" = 100' preferred) with detailed site plans drawn at an even scale (~~1:201~~" = 20' preferred) on 11x17 paper, or as approved by the Director.

ARTICLE III - LAND USE DISTRICTS

4. SECTION 300 – INTRODUCTION

300-2 Residential Density Calculation

abcdef Proposed additions

~~abcdef~~ Proposed deletions

To determine the maximum or minimum number of units which may be constructed on a site for residential uses, the site size (in acres) shall be multiplied by the maximum or minimum number of units per acre allowed on the site, as designated on the applicable Community Plan, except as specified otherwise below or by Table C of Section 375.

300-3 Density Transfers for Unbuildable Lands

300-3.1 Applicability:

Transfer of density from one area of land to another shall be permitted for any unbuildable portion of a lot or parcel when a portion of the subject lot or parcel is within any of the following areas.

The provisions of Section 300-3 are not applicable in the North Bethany Subarea in the Bethany Community Plan.

- A. Floodplain;
- B. Drainage Hazard;
- C. Jurisdictional Wetland;
- D. Slopes over 20%;
- E. Significant Natural Resource area;
- F. Power line easement or right-of-way;
- G. Future right-of-way for Arterials and Collectors;
- H. Water Quality Sensitive Areas;
- I. Vegetated Corridors;
- ~~J. Regionally Significant Fish & Wildlife Habitat areas as designated on the current edition of Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map;~~
- JK. In Transit Oriented Districts, land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-3.4; and
- KL. In Pedestrian/Bicycle Districts, land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-3.4.

5. SECTION 302 – R-5 DISTRICT (Residential 5 Units Per Acre)

302-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

302-2.15 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

302-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

302-3.10 Tree removal in areas identified in the applicable Community Plan as Significant ~~Habitat~~ Natural Resources, subject to Section ~~407-3~~422-9 or 422-10.

302-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

302-4.17 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

302-6 Density/Number of Units

302-6.1 Middle Housing in the R-5 District:

- A. Density is not a consideration for development of the three Middle Housing types listed below, however the following limits apply to the parent lot:

Except in areas subject to Section 421 and/or 422-~~83-3~~, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, without counting toward plex unit maximums.

6. SECTION 303 – R-6 DISTRICT (Residential 6 Units Per Acre)

303-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

303-2.15 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

303-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

303-3.15 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

303-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

303-4.17 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

303-6 Density/Number of Units

303-6.1 Middle Housing in the R-6 District

- A. Density is not a consideration for development of the three Middle Housing types listed below, however the following limits apply to the parent lot:

Except in areas subject to Section 421 and/or ~~422-83.3~~ 422-83.3, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, without counting toward plex unit maximums.

7. SECTION 304 – R-9 DISTRICT (Residential 9 Units Per Acre)

304-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

304-2.15 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

304-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

304-3.15 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources ~~Natural Resources~~ Habitat, subject to Section ~~407-3~~ 422-9 or 422-10.

304-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

304-4.16 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

304-6 Density/Number of Units

304-6.1 Middle Housing in the R-9 District

- A. Density is not a consideration for development of the three Middle Housing types listed below, however the following limits apply to the parent lot:

Except in areas subject to Section 421 and/or ~~422-83-3~~, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, without counting toward plex unit maximums.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

8. SECTION 305 – R-15 DISTRICT (Residential 15 Units Per Acre)

305-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

305-2.15 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

305-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

305-3.17 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 10.

305-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

305-4.11 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

305-6 Density/Number of Units

305-6.1 Middle Housing in the R-15 District

- A. Density is not a consideration for development of the three Middle Housing types listed below, however the following limits apply to the parent lot:

Except in areas subject to Section 421 and/or 422-~~83-3~~, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, without counting toward plex unit maximums.

9. SECTION 306 – R-24 DISTRICT (Residential 24 Units Per Acre)

306-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

306-2.15 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

306-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

306-3.15 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

306-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

306-4.10 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

306-6 Density/Number of Units

306-6.1 Middle Housing in the R-24 District

- A. Density is not a consideration for development of the three Middle Housing types listed below, however the following limits apply to the parent lot:

Except in areas subject to Section 421 and/or ~~422-83-3~~, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, without counting toward plex unit maximums.

10. SECTION 307 – R-25+ DISTRICT (Residential 25 Units or More Per Acre)

307-2 Uses Permitted Through Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

307-2.14 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

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307-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

307-3.14 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~ Habitat, subject to Section ~~407-3422-9~~ or 422-10.

307-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

307-4.12 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

307-6 Density/Number of Units

307-6.1 Middle Housing in the R-25+ District

- A. Density is not a consideration for development of the three Middle Housing types listed below, however the following limits apply to the parent lot:

Except in areas subject to Section 421 and/or ~~422-83-3~~, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, without counting toward plex unit maximums.

11. SECTION 308 – FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

308-2 Uses Permitted Through a Type I Procedure:

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of this Code.

308-2.13 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

308-3 Uses Permitted Through a Type II Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

308-3.7 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, Section ~~407-34~~422-9 or 422-10.

308-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

308-4.12 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, Section 422-11.

abcdef Proposed additions

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12. SECTION 309 – FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)

309-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

309-2.13 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

309-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

309-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural ResourcesHabitat, subject to Section ~~407-3~~422-9 or 422-10.

309-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

309-4.11 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

13. SECTION 311 – NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

311-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

311-2.11 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

311-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

311-3.22 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

311-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

311-4.7 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

14. SECTION 312 – OFFICE COMMERCIAL DISTRICT (OC)

312-2 Uses Permitted Under a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

312-2.10 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

312-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

312-3.26 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

312-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

312-4.7 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

15. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

313-2.10 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

313-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

313-3.38 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~ Habitat, subject to Section ~~407-34~~ 422-9 or 422-10.

313-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

313-4.6 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

16. SECTION 314 – GENERAL COMMERCIAL (GC)

314-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

314-2.10 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

314-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

314-3.42 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

314-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

314-4.7 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

17. SECTION 320 – INDUSTRIAL DISTRICT (IND)

320-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

320-2.10 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

320-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

320-3.18 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

320-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

320-4.8 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

18. SECTION 330 – INSTITUTIONAL DISTRICT (INST)

330-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

330-3.11 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

330-4 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

330-4.9 Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

330-5 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

330-5.19 Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

19. SECTION 375 – TRANSIT ORIENTED DISTRICTS

375-1 Intent and Purpose

The intent of the Transit Oriented Districts is to direct and encourage development that is transit supportive and pedestrian-oriented in areas within approximately ~~one-half~~0.5-mile of light rail transit stations, within ~~one-quarter~~0.25-mile of existing and planned primary bus routes and in town centers and regional centers.

The purpose of the Transit Oriented Districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided to the area; (2) generates a relatively high percentage of trips serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk; ride a bicycle or use transit for a significant percentage of their trips.

375-4 Permitted Uses and Review Procedures

Table A identifies uses permitted in each of the Transit Oriented Districts, and the land use procedure through which a use may be permitted.

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
General Uses:									
<u>Tree Removal in areas identified in the applicable community plan as Significant Habitat, subject to Section 422-7</u>	I	I	I	I	I	I	I	I	I
<u>Tree Removal in areas identified in the applicable community plan as Significant Habitat, subject to Section 422-9 or 422-10</u>	II	II	II	II	II	II	II	II	II
<u>Tree Removal in areas identified in the applicable community plan as Significant Habitat, subject to Section 422-11</u>	III	III	III	III	III	III	III	III	III
Commercial Uses:		(1)	(2)				(3)	(3)	(3)
Retail Business ≤ 5,000 sq. ft. floor area (23.b.)	II	II	II	N	N	N	III	III	III
Retail Business > 5,000 sq. ft. floor area	II	II	III (4)	N	N	N	N	N	N
Food Market (5)	II or III	II	N	N	N	N	N	N	N

I = Permitted through a Type I process. If a use - other than a Single Detached Dwelling Unit or Duplex that is not part of a Standard Land Division, Middle Housing or a Middle Housing Land Division - does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1. Middle Housing is subject to design standards in Section 430-84, not Section 431.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

II = Permitted through a Type II process. If a use - other than a Single Detached Dwelling Unit or Duplex that is not part of a Standard Land Division, Middle Housing or a Middle Housing Land Division - does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.2.

III = Permitted through a Type III process.

() = Use or design limitation(s) specified in Section 375-7.

N = Prohibited.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

20. SECTION 390-8 – R-6 North Bethany District (R-6 NB)

390-8.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

M. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

390-8.3 Uses Permitted Through a Type II Procedure

The following uses may be permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

M. Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

390-8.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

E. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

21. SECTION 390-9 – R-9 North Bethany District (R-9 NB)

390-9.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

M. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

390-9.3 Uses Permitted Through a Type II Procedure

The following uses may be permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

N. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources Habitat, subject to Section ~~407-3~~422-9 or 422-10.

390-9.4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

E. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

390-9.5 Density/Number of Units

In the R-9 NB District:

A. Middle Housing

Except in areas subject to Section 421 and/or 422-~~83-3~~, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, without counting toward plex unit maximums.

22. SECTION 390-10 – R-15 North Bethany District (R-15 NB)

390-10.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

L. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

390-10.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

I. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources Habitat, subject to Section 407-3422-9 or 422-10.

390-10.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

F. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

390-10.5 Density/Number of Units

In the R-15 NB District:

A. Middle Housing

Except in areas subject to Section 421 and/or 422-~~83.3~~, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, without counting toward plex unit maximums.

23. SECTION 390-11 – R-24 North Bethany District (R-24 NB)

390-11.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

J. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

390-11.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390 and Section 430, as well as the general standards for the District, the Development Standards of Article VI and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- H. Tree removal in areas identified in the applicable Community Plan as Significant Natural ResourcesHabitat, subject to Section ~~407-3~~422-9 or 422-10.

390-11.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Group Care - Section 430-53.2.

- D. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

24. SECTION 390-12 – R-25+ North Bethany District (R-25+ NB)

390-12.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- I. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

390-12.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- I. Tree removal in areas identified in the applicable Community Plan as Significant Natural ResourcesHabitat, subject to Section ~~407-3~~422-9 or 422-10.

390-12.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- D. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

25. SECTION 390-13 – Neighborhood Corner Commercial District (NCC NB)

390-13.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- I. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

390-13.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

Q. Tree removal in areas identified in the applicable Community Plan as Significant Natural ResourcesHabitat, subject to Section ~~407-3~~422-9 or 422-10.

390-13.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

B. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

26. SECTION 390-14 – Neighborhood Commercial Mixed Use District (NCMU NB)

390-14.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

H. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

390-14.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- T. Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 10.

390-14.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- B. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

27. SECTION 390-15 – Institutional North Bethany District (INST NB)

390-15.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

- H. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-7.

390-15.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV, and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- F. Tree removal in areas identified in the applicable Community Plan as Significant ~~Natural Resources~~Habitat, subject to Section ~~407-3~~422-9 or 422-10.

390-15.4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- J. Tree removal in areas identified in the applicable Community Plan as Significant Habitat, subject to Section 422-11.

28. SECTION 390-18 – Density Restricted Lands

390-18.3 Applicability

The Density Restricted Lands designation applies to land categories with known regulatory limitations on development. These include:

- A. Significant Natural and Cultural Resource Areas (Open Space, Riparian Wildlife Habitat, Water Areas and Wetlands, Water Areas and Wetlands and Fish and Upland Wildlife Habitat);

29. SECTION 392 – PEDESTRIAN-ORIENTED MIXED-USE DISTRICTS

392-4 Permitted Uses and Review Procedures

The table below identifies uses permitted in each of the Pedestrian-Oriented Mixed-Use Districts, and the land use procedure through which each use may be permitted. Land uses are classified into four categories: Permitted through a Type I procedure (I), Permitted through a Type II procedure (II), Permitted through a Type III procedure (III), or Prohibited (N).

Type I, II, and III uses are permitted subject to the specific standards for the use set forth in the table and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the development standards of Article IV, and all other applicable standards of the Code.

Approval of Type II and III uses may be further conditioned by the Review Authority pursuant to Section 207-5.

Numerals enclosed in parentheses, such as (1), refer to applicable criteria or use restrictions listed in the table's Reference Key.

USE	DISTRICT	
	NMU	CCMU
General:		
Expansion of any Type II or III use, or change of use, which meets all of the criteria listed in (1).	I (1)	I (1)
Tree Removal in areas identified in the applicable community plan as Significant Natural Resources Habitat, subject to Section 407-3 422-7	II	II
Tree Removal in areas identified in the applicable community plan as Significant Habitat, subject to Section 422-9 or 422-10	III	III
Tree Removal in areas identified in the applicable community plan as Significant Habitat, subject to Section 422-11		

Reference Key:

- (1) To be eligible for approval through a Type I procedure, an expansion or change of use must meet all of the following: a) Is exempt from the application of the Public Facility Standards under Section 501-2; b) Is on an existing lot; c) Does not amend any previous approval or previous condition of approval; d) Is in compliance with all applicable standards of this Code; and e) Is not a Telecommunications Facility allowed through a Type II or III procedure.

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ARTICLE IV – DEVELOPMENT STANDARDS

30. SECTION 404 – MASTER PLANNING

404-4 Planned Development

The Planned Development review process provides flexibility in standards and the location of permitted uses, compensated through innovative design and the provision of common or private open space. The Planned Development review process shall not be utilized in transit oriented districts or in the North Bethany Subarea of the Bethany Community Plan. The Planned Development standards applicable to the North Bethany Subarea are in Section 390-17.

404-4.5 Standards for Required Open Space

Site design shall comply with the following standards for open space:

- A. The gross acreage of the development site, excluding existing public road rights-of-way, shall be used to calculate the minimum total required open space based on the following area requirements:
 - (1) ~~Fifteen~~15% percent on sites between zero and 50 acres; and
 - (2) ~~Ten~~10% percent on sites greater than 50 acres.
- B. When an indoor recreational facility is provided, such as a fitness center or swimming pool, the floor area of the facility may be used to satisfy the open space requirements of 404-4.5 A.(1) and (2) above.
- C. Open space required by the standards of this section shall not be located within public or private rights-of-way, except as specifically allowed by this Section.
- D. Except as provided under 404-4.5 G. and H., areas used as required common open space shall:
 - (1) Maintain a minimum dimension of 10 feet and a minimum area of 1,000 square feet.
 - (2) Be located within ~~¼~~0.25 mile of 90% of the dwelling units affected by any reduction in standards, and be accessible to all residents and/or tenants of the development.

- (3) Be illuminated for safety during hours of darkness. Natural areas described in Section 404-4.5 E.(1), ~~and (2)~~ and (4) below may be exempt from this requirement.
 - (4) Be free from major structural encroachments (such as roof overhangs and other architectural features) of structures on abutting properties.
- E. Areas used as Planned Development required open space shall be approved by the Review Authority. Open space shall be in addition to that required by Section 405-1 and other Code standards, except as listed below.
- (1) Commercial or Institutional Planned Development proposals shall be allowed to count areas on the subject property mapped or delineated as floodplain, drainage hazard, wetland, wetland buffer, ~~wildlife habitat, riparian open space area~~ Riparian Wildlife Habitat verified in accordance with Section 422, or otherwise designated as a Significant Natural Resource in a Community Plan, toward up to 50% of Planned Development open space, provided that the area is not used for parking (see Section 421-13).
 - (2) Planned Development proposals that include residential dwelling units shall be allowed to count areas on the subject property mapped or delineated as floodplain, drainage hazard, wetland, wetland buffer, ~~wildlife habitat, riparian open space area~~ Riparian Wildlife Habitat verified in accordance with Section 422, or otherwise designated as a Significant Natural Resource in a Community Plan, toward up to 20% of Planned Development open space, provided that the area is not used for parking (see Section 421-13). Amenities such as boardwalks, paths, trails and/or viewing areas that are accessible to all residents and/or tenants of the development must be provided in, or adjacent to, these areas.
 - (3) Areas of the site that are used to meet requirements of Section 411 (Screening and Buffering) may count toward Planned Development open space requirements, provided they meet the standards listed in 404-4.5 D.(1) and (2).
 - (4) Upland Wildlife Habitat verified in accordance with Section 422 may count toward Planned Development open space requirements, provided such areas remain undeveloped except for amenities such as boardwalks, paths, trails and/or viewing areas that are accessible to residents and/or tenants of the development.

31. SECTION 406 – BUILDING, SITING AND ARCHITECTURAL DESIGN

406-2 Additional Requirements for Type II and Type III Development

In addition to the requirements of Section 406-1, all Type II and Type III structures and site plans ~~(except those listed in Section 406-2.4, for a Single Detached Dwelling Unit, Duplex or Middle Housing, which are subject to design standards of 430-37.1 and/or 430-84)~~ shall:

- 406-2.1 Incorporate design features which reflect or complement the surrounding structural and architectural character through building style and materials. Use, in open space or park settings, lines and materials (including plant materials) which blend with the natural features of the site or site background;
- 406-2.2 Renovate or revitalize existing structures identified within the Community Plan;
- 406-2.3 Arrange structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:
- A. Locate and design structures and uses not to obscure or degrade identified scenic views or vistas from adjacent properties and public thoroughfares, considering setbacks, building height, bulk and landscaping;
 - B. Orient major service activity areas (e.g., loading and delivery areas) of the proposed development away from existing dwellings;
 - C. "Street furniture" such as bus shelters, streetlights, drinking fountains, benches and mailboxes shall be similar in design and materials to the buildings of the development.
- 406-2.4 Exceptions. The following are not subject to Section 406-2:
- A. Single Detached Dwelling Unit, Duplex or Middle Housing, which are subject to design standards of Sections 430-37.1 and/or 430-84;
 - B. Development proposals that require Type II or Type III review solely because they are within a Significant Habitat boundary, but which otherwise would require either a Type I permit or no development permit. These proposals are subject to the standards in Section 422 but are not subject to the Additional Requirements in Section 406-2.

32. SECTION 407 – LANDSCAPE DESIGN**407-1 Minimum Landscape Standards**

407-1.1 The minimum landscaping area requirements may include landscaping around buildings and in parking and loading areas, outdoor recreational use areas, screening and buffering as required under Section 411, and vegetated stormwater facilities as defined by Section 106-198.1.

407-1.6 The minimum landscape area required by Sections 407-1.3 and 407-1.4 may be reduced when the requirements of A. or B. below are met. Subsection 407-1.6 shall not be used to satisfy the requirements of Subsection 407-1.7.

A. A reduction of up to 20% of the required landscape area is permitted when the following construction design features and materials are used in the development. The amount of reduction is related to the extent of the proposed improvements (more improvements result in a greater reduction). The application shall include a recommendation from Clean Water Services that indicates the amount of reduction warranted by the proposed improvements.

- (1) Structure(s) incorporate vegetated roofs; or other low-impact features designed to reduce storm water runoff; or
- (2) Required driveways, sidewalks or off-street parking areas are designed and constructed to reduce stormwater runoff rates and volumes through the use of pervious materials and/or other on-site stormwater management techniques;

B. ~~Up to Fifty percent~~ 50% of the ~~Metro habitat area~~ verified Upland Wildlife Habitat on a site may be used as a credit to reduce the required amount of landscaping when the portion of the ~~Metro habitat area~~ Upland Wildlife Habitat that is used as a credit is:

- (1) Preserved and maintained consistent with the requirements of Sections 405-4 and 405-5; and
- (2) ~~In good condition as habitat or is improved to be in good habitat condition~~ Used to retain or replace native trees in accordance with Section 422.

~~(3) For the purposes of this subsection, Metro habitat area means:~~

~~That portion of a Metro Regionally Significant Fish and Wildlife Habitat that is:~~

- ~~(a) Not designated by the applicable Community Plan as a Significant Natural Resource (Significant Natural Area, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat); and~~

~~(b) Located outside of Clean Water Services' vegetated corridors or water quality sensitive areas.~~

407-3 Tree Preservation and Removal

407-3.1 Applicability

Section 407-3 applies to all tree removal except as specified in Section 407-3.2 below ~~that is not excluded from development permits required by Section 201-2 or is not in conjunction with another Type II or Type III development action.~~

407-3.2 Exemptions from Tree Removal Permit Preservation and Removal Requirements

The requirements of Section 407-3 do not apply to the following:

- A. Trees identified and approved for removal through a Type II or III procedure in an approved Development Plan; ~~or~~
- B. ~~Removal of trees in conjunction with the development of a "conflicting use" of a Significant Natural Resource as specified in the applicable community plan, which was allowed pursuant to OAR 660-023-0040(5)(c) (effective September 1, 1996), through a Type IV process; or~~
- C. ~~Trees in a hazardous condition which that presents an immediate danger to health or property. If such trees are located within Significant Habitat inside the UGB, their removal is subject to the requirements of Section 422; or~~
- C. Trees located within a floodplain or drainage hazard area inside the UGB, which are subject to Section 421; or
- D. ~~Trees that are removed as part of stream enhancement or ecological rehabilitation activities as directed and approved by Clean Water Services. located within Significant Habitat inside the UGB, which are subject to Section 422.~~

33. SECTION 410 – GRADING AND DRAINAGE

410-1.2 Grading Plan

The grading plan shall include:

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A. A vicinity map.

B. A site plan which includes the following:

(1) A graphic representation drawn to a scale which is noted on the drawing. In all cases the scale used shall be standard, being ~~ten~~10, 20, 30, 40, 50, or 60 feet to the inch or multiples of 10~~ten~~ of any one of these scales;

(10) Existing and proposed Riparian Wildlife Habitat verified in accordance with Section 422, water quality sensitive areas, vegetated corridors, and drainage channels including drainage swales, wetlands, ditches and berms;

34. SECTION 415 – LIGHTING

415-5 General Provisions

Notwithstanding any other provision of this Section ~~(415)~~ to the contrary:

415-5.1 No flickering or flashing lights shall be permitted.

415-5.2 Light sources or luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.

415-5.3 Lighting shall be located and oriented so as not to shine excessive light into nearby habitat areas, including Significant Natural Resource Areas as identified in a Community Plan or the Rural Natural Resources Plan.

35. SECTION 420 – CREATION OF LOTS BELOW 20,000 SQUARE FEET IN THE R-9, R-15, R-24 AND R-25+ DISTRICTS

Approval of a Partition or Subdivision in the R-9, R-15, R-24 or R-25+ District that will result in any lot less than 20,000 square feet shall be based on the following. This Section is not applicable to a Middle Housing Land Division reviewed under Article VI.

420-1 Placement of the dwelling units in a manner which will not preclude future development of the site unless the development plan indicates complete parcelization of the site;

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- 420-2 A plan indicating access and circulation on the site and the relationship to surrounding properties, street stubs, existing rights-of-way and proposed roads;
- 420-3 The location of urban services. If urban services are not available, the timetable for their provision and the future location of the services;
- 420-4 Location of any natural features (floodplain or other hazards or Riparian Wildlife Habitat subject to Section 422) which might inhibit full development;
- 420-5 Compliance to the requirements of Articles V and VI.

36. SECTION 421 – FLOODPLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

421-7 Development Standards for all Type II and Type III Floodplain and Drainage Hazard Area Uses or Activities

The applicant for a proposed floodplain or drainage hazard area development shall demonstrate compliance with the following applicable standards as required by Section 421-3 above:

421-7.11 ~~The standards of Section 422 have been met, if applicable. That the environmental impact of the disturbance or alteration of riparian wildlife and vegetation has been minimized to the extent practicable as required by Section 422. Enhancement of riparian habitats through planting or other such improvements may be required to mitigate adverse effects. Significant features such as natural ponds, large trees and endangered vegetation within the flood area shall be protected when practicable.~~

37. SECTION 428 - FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS

428-3 Standards for Dwellings and Structures, Including Replacement

428-3.1 Forest Structure Siting Standards for Dwellings and Structures

- A. Dwellings, including replacement dwellings not permitted by Sections 428-3.1 B. or 428-3.1 C., shall comply with the following standards:

- (5) The dwelling shall be located at least 125 feet from a riparian corridor as defined in Sections ~~422-22.23.3~~ and 106-185.

- C. A replacement dwelling that will not be sited at the same location as the existing dwelling, but part or all of the replacement dwelling will be sited within 200 feet of the location of the existing dwelling, shall meet the following standards:

- (5) The dwelling shall be located at least 125 feet from a riparian zone as defined in Sections ~~422-22.23.3~~ and 106-185.

38. SECTION 430 - SPECIAL USE STANDARDS

430-2 Accessory Dwelling Unit

430-2.2 If a building (including all proposed new areas and any areas to be converted) complies with the definition and standards for a Middle Housing Duplex, and also complies with standards for a primary dwelling unit with an Accessory Dwelling Unit (ADU), the submitted application shall specify whether the development is to be considered a Duplex, or a primary dwelling unit with an ADU.

Existing ADU(s) on a proposed Middle Housing site: Except on a site where Middle Housing Townhouses are proposed and/or in areas subject to Section 421 and/or ~~422-83-3~~, up to two existing lawful ADUs may be retained on a Middle Housing parent lot as described in Section 430-84 (Middle Housing). Retention as ADU(s) will preclude a Middle Housing Land Division of the parent lot and the ADUs will be considered nonconforming (Section 440).

430-84 Middle Housing

430-84.2 Duplex Standards

A. General Standards

- (5) Except in areas subject to Section 421 and/or 422-~~83.3~~, up to one lawful existing Single Detached Dwelling Unit and up to two lawful existing Accessory Dwelling Units (ADUs) may be retained as such on the parent lot, subject to the following:

ARTICLE VII – PUBLIC TRANSPORTATION FACILITIES

39. SECTION 701 – PUBLIC TRANSPORTATION FACILITIES

701 PUBLIC TRANSPORTATION FACILITIES

The intent of this Article is to identify public transportation improvements that are subject to development review and establish the standards and procedures for such review. Public transportation improvements that are not authorized by this Article, such as airport improvements, are permitted as specified by Article III Land Use Districts.

701-1 Applicability

701-1.1 This Article applies to project development for the design, construction, operation, maintenance, repair and preservation of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities authorized by the Washington County Transportation System Plan. Conditions of approval may be imposed to address significant impacts demonstrated to arise from the specific location or design of the improvements or decisions authorized by this Article. Except as expressly provided in this Article, the improvements and decisions identified herein:

- A. Are permitted in each district, and
- B. Shall be subject only to the standards set forth in this Article.

40. SECTION 707 – ALTERNATIVE ANALYSIS REVIEW

707 ALTERNATIVE ANALYSIS REVIEW

707-1 Prior to, or in conjunction with, review of the design of any project below, the applicant shall submit an alternative analysis report demonstrating that the applicant has evaluated alternative alignments and provided an opportunity for citizen input into the selection of the proposed alignment.

707-2 Alternative alignment analysis may be conceptual and based on generalized alignment descriptions or maps. The report shall consist of:

707-2.3 A brief description of anticipated impacts, where there are significant differences in impacts between the alignment alternatives, of each alignment alternative as relates to the following:

- A. Transportation System Operations
- B. Built and Planned Environment

- C. Natural Environment
 - (1) Wetlands
 - (2) Aquatic Resources
 - (3) Terrestrial Ecology
 - (4) Hydrology and Hydraulics
 - (5) Water Quality
 - (6) Significant Habitat
