



LIMITED GOAL 5 PROGRAM UPDATE

TECHNICAL ADVISORY COMMITTEE MEETING AGENDA

Date: April 19, 2024

Time: 1-3 p.m., via Zoom

Meeting Link: <https://us02web.zoom.us/j/83568137024>

Meeting Purpose: Status update on project work, including public engagement and Inventory. Review and give feedback on the Draft Code language.

I. Welcome (5 min)

- Introductions
- TAC Meeting #3 Meeting Summary (attached)
- Review agenda

II. Report on Public Engagement and Inventory (20 min)

- Overview of Public Engagement (attached)
- Update on Inventory
- Next Steps

III. Draft Code Language (75 min)

- Review draft language and discussion questions (attached)

V. Public Comment (10 min)

VI. Closing and wrap up (10 min), including discussion of Next Steps

Materials attached (via email to TAC members):

- Technical Advisory Committee Summary – Meeting #3
- Public Engagement Report
- Questions for TAC on Draft Code language
- Draft Code Language



LIMITED GOAL 5 PROGRAM UPDATE

TECHNICAL ADVISORY COMMITTEE SUMMARY – MEETING #3

January 23, 2024
1-3 p.m., via Zoom

Members and alternates present:

Joy Lovett, Oregon Department of Fish and Wildlife (ODFW)	Bruce Barbarasch, Tualatin Hills Parks and Recreation District (THPRD)
Ariana Scipioni, ODFW	Nicole Paulsen, THPRD
Amanda Punton, Natural Resources Specialist, Department of Land Conservation and Development (DLCD)	Rachel Marble, City of Hillsboro
Laura Kelly, DLCD Regional Representative	Rob Zoeller, City of Beaverton
Damon Reische, Clean Water Services (CWS)	Stephen Shane, Washington County
Lindsay Obermiller, CWS	Deborah Lockwood, Planning Commission Chair
Fran Warren, Community Advocate	Morgan Will, Planning Commissioner
Ted Labbe, formerly of Urban Greenspace Institute	Matt Wellner, Home Building Association (HBA)
Tim Moss, Oregon Department of Forestry (ODF)	Glen Hamburg, Metro
Lacey Townsend, Tualatin Soil and Water Conservation District (TSWCD)	

Public present:

Eric Simantel	Elizabeth Beechwood
Mark Makler	Timothy Sautter
Bruce Coleman, City of Sherwood	Kbigio (Zoom address)
Thomas Green	Tom
Neil Shannon	

Staff/Consultants present:

Cathy Corliss, MIG Angelo Planning Group (APG)	Ethan Rosenthal, David Evans and Associates (DEA)
Kate Rogers, MIG APG	Theresa Cherniak, Washington County
Michelle Miller, Washington County (Project Manager)	Erin Wardell, Washington County
Suzanne Savin, Washington County	Tricia Guarisco, Washington County
Emily Brown, Washington County	

Summary

The third meeting of the Limited Goal 5 Program Update Technical Advisory Committee (TAC) was attended by representatives from a variety of agencies and jurisdictions, members of the public, County staff and the consultant team for the project. Members who hadn't attended the previous meetings introduced themselves, after which staff reviewed the meeting agenda.

This TAC meeting provided a status review on project work, including public engagement and inventory work; previewed upcoming engagement opportunities; reviewed the Draft ESEE Analysis/Title 13 Compliance report; and reviewed preliminary Code Concepts.

Review of TAC Meeting #2 Summary

TAC members had the opportunity to comment on the TAC meeting #2 summary. A TAC member noted that the summary included a comment regarding school siting affecting habitat, and wondered what the follow through was. Another TAC member said that she'd made the comment in question, and that her point was that schools can be a major impact on habitat, but not the only one. The project team indicated they would clarify that point in the meeting summary.

Discussion

Highlights of the discussion are summarized below.

Report of Community Engagement and Inventory

- County staff provided a summary of the community engagement conducted so far, and summarized the input received.
 - Community advocate shared that she'd heard some concerns from property owners that lines were very long at the open house; that some were not able to wait; and that the online tool didn't offer the same level of engagement. She suggested having two sessions for the next in-person open house to accommodate everyone who would like to attend.
 - County staff responded they learned some lessons from that event for future in-person events for this project, including ensuring people know how the meeting will run and whether there will be a presentation. Staff anticipates sign-up will take less time in the future.
 - A TAC member asked when the County will engage Metro's Parks and Nature team or Planning Division for this project.
 - County staff responded that Glen Hamburg (TAC member) is our contact at Metro. She noted that we're not changing the Metro natural resource mapping, just making updates to the County natural resource maps.
 - Metro representative shared that he has coordinated with the County on this project outside of the TAC. When there is a formal proposal by the County, he will share the proposal with other Metro staff, including the Planning and Parks and Nature teams.
- County staff summarized changes to the inventory mapping, pursuant to public input.
 - DLCD Natural Resources Specialist asked about removal of areas under 500 sq. ft. – habitat patches that wouldn't be considered significant.
 - County staff responded that the Metro threshold was 2 acres for habitat. The County's habitat patch threshold is 3,000 sq ft. (multiple lots) and 500 sq ft (individual lot); areas under this size are not considered significant and therefore were removed.

- Community advocate noted there's nothing in the habitat size thresholds that addresses habitat connectivity and that this should be considered. Many of the connectivity polygons will be smaller than those thresholds.
- HBA representative asked where the link is to the property owner mapping tool and suggested it be more prominent on the webpage.
 - The property owner mapping tool has been prominently placed on the project webpage. The link to the tool is <https://washco.maps.arcgis.com/apps/webappviewer/index.html?id=b0205cc2838c4dcc62f3fd87d1e7b16>

Status Update on Draft ESEE Analysis/Title 13

- Consultant provided a summary of the ESEE Analysis/Title 13 Compliance report draft.
 - HBA representative asked if everything that's been brought into the UGB since 2005 has been annexed. What hasn't been annexed?
 - Consultant responded that quite a bit of land added to the UGB after 2005 hasn't been annexed. For example, Cooper Mountain in Beaverton.
 - Other TAC members cited additional examples: Witch Hazel Village South, an area outside of Sherwood, several areas in Tualatin, and parts of South Hillsboro.
 - Planning Commission representative asked who makes the choice for whether to follow Goal 5 or not (vs. Title 13 Substantial Compliance).
 - Consultant responded that for regional resources, the County must follow Title 13. However, the Title 13 rule allows local governments to be more protective than required by its provisions. If seeking to protect upland habitat in areas that were added to the UGB before 2005, or if seeking to be more restrictive for habitat in new UGB areas, the County would need to follow the Goal 5 ESEE process.
 - HBA representative asked if compliance with Title 13 demonstrates compliance with Goal 5.
 - Consultant responded yes, for regional resources.
 - HBA representative asked whether the County would be in compliance with Goal 5 if it chose not to protect upland Class A and B in Pre-2005 UGB areas, since Metro says we don't have to.
 - Consultant responded generally yes, but there are nuances. Local governments should do their own ESEE if going beyond Title 13.
 - HBA representative would like to better understand the ESEE that Metro did when Title 13 was developed and suggested including a summary of that information with the County's ESEE.
 - Metro representative noted that compliance with Title 13 only satisfies Goal 5 as it relates to riparian and upland habitat resources.
 - DLCD Natural Resources Specialist added that Metro regulates regional resources but a jurisdiction could also have local resources important to them. Adoption of Title 13 wasn't intended to limit what local governments could do to protect resources they deem important. At a minimum, add avoidance into code.
- Consultant summarized initial indications from the ESEE analysis for different categories of land uses. Consultant asked if the TAC had further recommendations to be considered regarding Ecosystem Services, and that they could be passed along over email.
 - DLCD Natural Resources Specialist suggested rethinking the Non-Urban/Future Urban wording. "Low social value" – there might be a kinder way of saying that for the public. Also, it could be that the environmental benefit is higher in those areas.

- Consultant responded that we don't mean to suggest that the social value is low for people that live there. From a community-wide perspective, we're looking at a per-capita benefit.
- Community advocate asked about upland areas not otherwise regulated by Title 13, including older UGB expansion areas and Non-urban/Future Urban areas that haven't yet developed.
 - Consultant responded that the ESEE picks up anything that isn't otherwise required by Title 13.
- Community advocate suggested including an "if, then, else" graphic. She also agreed with another TAC member that looking at the prior Tualatin Basin ESEE and quantitative vs. qualitative metrics would be helpful.
- The former UGI representative stated that in the interest of using plain language, his interpretation of "High Intensity Urban" refers to mixed-use and corridor areas. He suggested including examples for the public. What does non-urban mean?
 - Consultant responded that the category names are holdovers from the Tualatin Basin ESEE. Non-urban/Future Urban areas are designations where land is in the UGB but has County future urban (FD-20) designation.
- DLCN Natural Resources Specialist noted that when you do an ESEE, if a conflicting land use is already limited, and the resource is protected through a non-Goal 5 regulation (e.g., floodplain code) you don't have to account for the existing protection measure in your ESEE analysis because the Goal 5 protection impact wouldn't be as great as the protection measure already in place for the resource. She also noted that for Non-urban/Future Urban areas, when they are annexed, cities will have to do ESEE analysis to change the level of protection that applies. In newer urban areas, e.g., Cooper Mountain, resource protections will apply with the new local zoning. County's regulations will only apply while that land is under the County's jurisdiction.

Initial Draft Code Concept

- Consultant provided an overview of the initial Draft Code Concepts.
- Submittal Requirements and General Provisions
 - THPRD representative asked whether the regulations would apply just to the resource area or the entire tax lot.
 - Consultant responded that the requirements apply to the tax lot. Because land divisions affect the entire property, the action could affect the resource; the objective is to avoid creating a lot that's entirely within the resource area.
 - HBA representative asked whether there would be requirements for the entire property if development on a parcel with mapped habitat stayed out of the mapped area.
 - Consultant responded that those specifics would be addressed later in the meeting.
 - HBA representative asked if the significant riparian habitat coincides with the CWS vegetated corridor.
 - Consultant responded yes, that's the concept.
 - Regarding the County's proposed regulatory maps, the HBA representative asked if riparian and upland habitat would be within one overlay.
 - Consultant responded yes, and that we would come back to this. She noted CWS does not map the vegetated corridor, so the County doesn't know the exact boundary of the riparian habitat area.
 - DLCN Natural Resources Specialist asked how the exception allowing a house on a lot completely within the resource overlay would work, and wanted to confirm that the County would not be creating new lots completely within the overlay.
 - Consultant responded that a land division requires a process to ensure that none of the created lots are entirely within the resource area.

- HBA representative suggested the terminology be different to clarify that the regulations apply when a lot has mapped resources, but the specific requirements only apply within the mapped resource area.
- ODFW representative asked how we were quantifying “very small amounts” of habitat?
 - Consultant responded that they’ll cover that in upcoming slides.
- Tree inventory/tree preservation code concepts
 - THPRD requested that there be habitat exemptions. For example, when the District wants to preserve Oregon White Oaks, they’d like to be able to remove other faster-growing native trees that overtake the oak habitat. The District also needs to manage for fire and sometimes removing vegetation is a critical way to do that. The County should offer an alternative discretionary path and consider not requiring mitigation for habitat preservation efforts.
 - Consultant responded that what we’re outlining will be the clear and objective path. It’s also OK to provide a discretionary path, which could require a mitigation plan, for example.
 - Community advocate noted an earlier statement from the consultant that the tree trunk would need to be within the significant habitat boundary to be regulated. What about when a significant portion of the dripline is within the boundary? Please think about root structure.
 - Consultant responded that to make the regulations clear and objective, we need to be very black and white. This may not capture every nuance of a natural system.
 - County staff added that we are looking at standards that would protect the critical root zone, within the significant habitat boundary.
 - The former UGI representative stated he believed this is going in the right direction, with a good tree size threshold, and looking at specific tree species and the ecological context (proximity to water). He noted his organization just completed a review of local tree protection standards for 40 jurisdictions, and most jurisdictions are choosing 6” DBH as the threshold for tree protection. Regarding Oregon White Oak, data exists on their locations. He agreed that fire management is important, and noted that removal of shrub layer, invasive vegetation and understory needs to be part of mitigation. He believed that outside peer review was needed for mitigation plans submitted to the County and expressed concern that people will need help with technical requirements for mitigation plans.
 - THPRD representative noted that CWS has jurisdiction for permitting. Because THPRD develops parks within habitat areas, they want to make sure the two sets of regulations (CWS and County) don’t conflict.
 - Consultant responded that she agrees, that’s our intent.
 - HBA representative stated the tree scoring approach sounds very expensive and wondered why this versus another approach. If there are hundreds of trees on your property and you’re only proposing to take out a few is there another possible approach? Tigard had a similar requirement for a tree inventory, then moved to a canopy assessment.
 - Consultant responded that many codes require a tree inventory today. The County could potentially allow mitigation of 100% of trees removed without a full tree inventory. Canopy assessments are difficult to make clear and objective, but this could be an alternative path. The reason to inventory all trees is to get the percentage of preserved trees.
 - Community advocate agreed with the HBA representative that the inventory/process would be very expensive and laborious. She expressed concern that this would lead to more mitigation (paying into a fund) and would discourage habitat preservation. [Staff notes the current code concepts do not include the ability to pay a fee instead of preserving or replacing trees on site].

- HBA representative asked about the impact of having a combined riparian and upland overlay when there is only riparian on the site and the CWS vegetated corridor ends up being smaller than shown on County maps. Are you then double regulating? Concerned with another layer of regulation.
 - Consultant responded that we're thinking through how that will work. The current idea is to give credit for preservation you would have already done for the vegetated corridor.
- Tree protection and mitigation code concepts
 - HBA representative noted that CWS offers an opportunity to flex the Vegetated Corridor buffers (buffer averaging) and suggested the County do the same, without a tree survey. Housing industry is looking for opportunities to save, not add costs.
 - The former UGI representative stated that he liked the suggestion to have an expedited process that would look at canopy to avoid cost burdens. But he also wanted to emphasize that habitat loss is real in Washington County and that a recent PSU study found measurable loss of tree canopy when comparing years 2013 to 2020 within urban areas. He believed more checks are needed on tree removal and that tree preservation is needed to make the County habitable.

Next Steps for TAC

- County staff shared next steps for the project and asked how TAC members would like to continue involvement. Should there be another TAC meeting?
 - Community advocate shared concerns that rushing the process, could be deemed inadequate and we'll have to go through it again. TAC members could meet between TAC meetings. Would like to see one more TAC, at a higher level. Also open to email correspondence.
 - DLCN Natural Resources Specialist noted she is OK with email correspondence but would do her best to attend an additional TAC meeting.
 - ODFW representative stated she would like another meeting after we send the draft code.
 - The former UGI representative stated he is encouraged and open to another TAC meeting after the concepts are fleshed out and would like to attend public meetings to support the effort.
 - Metro representative shared he is happy to join another TAC meeting.

Public Comments

- A community member posed several questions: (1) Regarding upland and riparian development, are there already minimum standards that require a developer to plant a certain number of trees? (2) There are a lot of developed areas where the riparian zones overlap. How does a tree get designated as hazardous in these areas? (3) If an existing property doesn't meet the standards, will a property owner be required to bring it "up to code"?
 - County staff requested the commenter reach out to staff directly with questions.
- A community member shared that he owns a house built in early 1980s. He stated that the TAC is failing to consider that some single-family homeowners that want to do remodels are being restricted by the County. This is quite an inconvenience, costs are rising over time, and he wasn't noticed by the County. This discussion isn't addressing this issue.
 - County staff responded that a stay on development affecting the County's currently mapped Wildlife Habitat areas is the result of a State Enforcement Order. That Order is in effect until the County's updated significant natural resource regulations are adopted. County staff suggested the commenter reach out to County staff directly.



LIMITED GOAL 5 PROGRAM UPDATE

COMMUNITY ENGAGEMENT AND INVENTORY UPDATE

For TAC Meeting April 12, 2024

Introduction

Since TAC meeting #3, we updated the Draft Significant Natural Resources (SNR) Inventory maps and shared those along with the Draft Code Concepts with community members and owners of property with natural resources. We sought their input through a series of three Community Forums held in March and April. We also briefed the Planning Commission and Board of County Commissioners on the project. This memo provides a summary of public engagement and how it has informed the project.

A. Community Engagement

Spring Community Forums

Over 100 people attended one of three Spring Community Forums:

- 46 attended the in-person forum held Thursday, March 21 at the Washington Street Conference Center in Hillsboro
- 25 attended the Zoom virtual forum held April 2
- 42 attended the in-person forum held Saturday, April 6, at the Cedar Hills Recreation Center, in Beaverton

Posters in Spanish and English were displayed with the project overview and background, Inventory methods and ESEE results. Other posters included information about the code concepts and examples of how the tree retention and removal standards would be applied to development applications on sites with Significant Habitat. Large poster size maps displayed the SNRs, providing larger habitat context. Written comment forms were available.

Staff and consultants were available for questions before and after a formal presentation. The presentation described the project, process, inventory and Code Concepts. A bank of computers/tablets were available for people to look up the SNR mapping on their property and discuss with staff. A Spanish interpreter was available, and all materials were presented in English and Spanish.

During the presentation, we provided an interactive web based poll using [Slido](#)¹ to gauge the response to questions about the approach for tree retention and removal for the Significant Habitat Boundary. We had paper copies of the presentation available of the same polling questions. More information about the polling results, comments and questions will be discussed during the TAC 4 meeting.

SNR Website

The SNR Website hosted information about the community events and the online interactive map. All posters, the PowerPoint presentation and a YouTube video of the Zoom meeting are available on the websites (English and Spanish).

Property Owner Outreach

Goal 5 Rules require the County to inform property owners as early in the process as possible that their property may contain inventoried natural resources. We first contacted the approximately 4,000 property owners with mapped resources last October. Since then, we have sent periodic email updates to those that signed up to receive updates. And for the Community Forums, we once again mailed notification of the outreach opportunities to the same property owners. We kept the online comment form available since the Fall forum.

Over the past several months, we have interacted with a number of property owners requesting more information about the process and how this project would affect them, impacts on the property value or further development, or what they may be prohibited from doing in the future. Some were pleased that the County was updating the inventory and considering protections for the natural resources.

Total Property Owner interactions to date (estimate)

- *Online comments received: 277*
- *Phone calls: 60*
- *Emails to staff or Long Range Planning: 75*
- *In person or Microsoft Teams meetings: 9*
- *Mailed project information: 2*

Interested Parties

Our outreach efforts have met with some success. We now have over 450 people tracking this project through our interested parties list. Multiple social media outlets were used to let people know about the project and available comment opportunities.

We will talk about what we heard through this outreach in the TAC meeting.

¹ [Slido - Audience Interaction Made Easy](https://www.slido.com/), www.slido.com!

Future Comment Opportunities

People are still able to provide comments via the County SNR: A Focused Look webpage for the next few weeks. Community outreach prior to the hearings process has now been completed. Future opportunities to provide public testimony will be available through the more formal hearings process.

B. Inventory Refinement

Through the outreach to date, we've received comments from a number of property owners about our mapping. Some believed we had inaccurately mapped resources on their property, for instance by showing resource mapping overlaying their house or other developed areas (e.g., driveways, patios, landscaping or trees they had planted). They believed these were not necessarily habitat.

We continue to receive comments and conduct further research, and to refine the GIS analysis. We are looking specifically at properties we've received comments on as well as conducting an overall refinement of the GIS analysis to further remove:

- Building footprints
- Small or isolated habitat patches on individual lots
- Fragmented habitat, where roads, buildings or residential landscaping negatively impacts the quality of the habitat
- Sites that have been through the development review process and already met existing SNR requirements

We also continue to work with cities that have undertaken SNR inventory mapping to ensure we are coordinated. The intent is for SNR mapping to match within the new UGB areas.

This work is ongoing. Any habitat marked for removal or refinement will be reviewed and confirmed by our environmental consultants to assess its significance based on an updated Natural Resource methodology. We are finalizing the inventory map and the Draft Habitat Inventory Report as part of the ordinance adoption process.

DRAFT SIGNIFICANT HABITAT STANDARDS: OVERVIEW AND DISCUSSION QUESTIONS

Prepared for the Technical Advisory Committee (TAC)
April 12, 2024

The following provides an overview of the Draft Significant Habitat Standards (by section), highlighting key points and written in plain/simple language. Questions for the TAC are included as well. We look forward to discussing the questions at our April 19 meeting. You may want to think about these as you review the attached Draft Significant Habitat Standards. However, we do not expect you to come to the meeting with these fully answered. At the meeting we will be discussing the Draft Code, sharing ideas and answering your questions.

422 SIGNIFICANT NATURAL RESOURCES

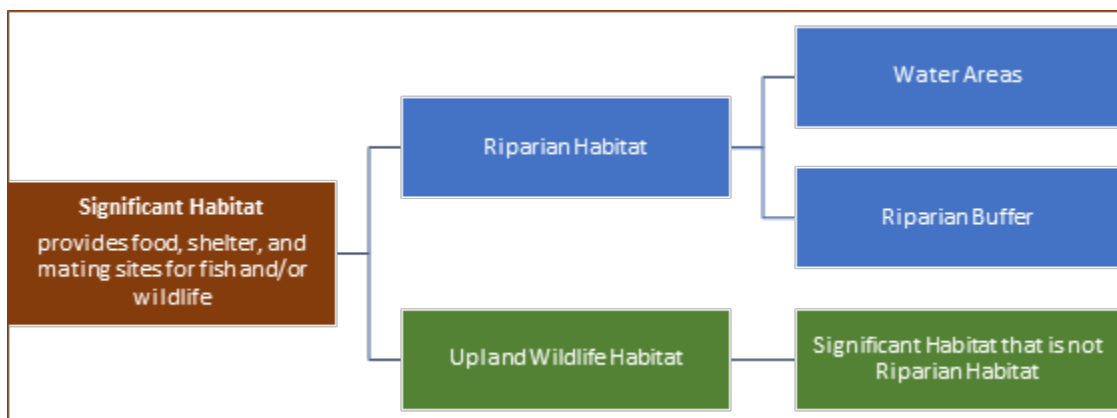
- The provisions in Sections 422-1 to 422-9 (Significant Habitat) apply to areas within the regional Urban Growth Boundary (UGB).
- Other Sections apply to other Natural Resource types and to the Rural Area. These are not changing significantly.
- The TAC Review Draft is focused on Sections 422-1 to 422-9 (Significant Habitat) in the UGB. These sections would be new additions to the Washington County Community Development Code.

422-1 Intent and Purpose of Significant Habitat Standards Inside the Urban Growth Boundary (UGB)

- The intent and purpose section identifies the importance of protecting Significant Habitat in compliance with the Goal 5 rule and Oregon Administrative Rule Chapter 660, Division 23, and the Metro Urban Growth Management Functional Plan Title 13 (Nature in Neighborhoods).

422-2 Significant Habitat Classifications and Maps within the UGB

- Significant Habitat includes two categories:



422-3 General Provisions Applicable to Significant Habitat within the UGB

- Existing provisions (compliance with other requirements and density transfer continue to apply)
- NEW Natural Resource Adjustment section

Question #1: The proposed adjustment would allow a 30% reduction in the dimensional standards (e.g., setbacks and yards) to facilitate preservation of Significant Habitat. Is a 30% reduction sufficient? Are there standards (other than those listed in the draft code) that should be “adjustable”?

422-4 Submittal Requirements for Properties with Significant Habitat within the UGB

- If an applicant believes the (outer) Significant Habitat boundary is accurate, they can just accept it as-is (verify it) and submit a site plan showing the verified boundary.
- If there is Riparian Habitat on the property, in most cases, an applicant can go through Clean Water Services (CWS) service provider letter process to verify the Riparian Boundary.
- If the proposed development is **not within** the verified Significant Habitat boundaries, no further information is required.
- If the proposed development **is within** the verified *Riparian Habitat*, an applicant needs to demonstrate compliance with the Riparian Habitat standards.
- If the proposed development **is within** the verified *Upland Habitat*, an applicant needs to demonstrate compliance with one of three approaches.
- If the applicant believes the map is incorrect, they can also request a map correction as a part of their development application.

422-5 Development Standards Applicable to Significant Riparian Habitat within the UGB

- There are two methods to verify a Riparian Habitat boundary:
 - Submitting a CWS service provider letter (verified Riparian Habitat boundary = edge of CWS vegetated corridor).
 - Following a comparable process outlined in Section 422-5.
- Uses within the verified Riparian Habitat boundary are limited (comparable to the current County requirements)
- Similar to current code, CWS standards will result in protection for Riparian Habitat. For development within Riparian Habitat located outside the boundaries of the CWS service area, in addition to use limitations, tree preservation standards would apply.

Question #2: Before urban levels of development occur, sites in Washington County typically are annexed into CWS. For those limited circumstances where development occurs outside of CWS’ jurisdiction, is the proposed combination of use limitations and tree protection sufficient to protect Riparian Habitat?

422-6 Tree Inventory and Retention Requirements for Significant Habitat within the UGB

- The Tree Inventory approach is the first of three options for an applicant proposing development within Significant Habitat. It is the clear and objective track required by State law.
- Regulated Trees are native trees 6 inches or greater diameter at breast height (dbh) that are within the Significant Habitat boundary.

Question #3: We are looking for the TAC’s input into the definition of Native Tree (see draft below). The definition must be clear and objective. The best way to ensure that is by citing a specific list (e.g., CWS

Native Plant List <https://cleanwaterservices.org/wp-content/uploads/2022/06/final-appendix-a.pdf>. Does the TAC have recommendations for native plant lists that would be suitable for this purpose?

Native Trees. *Trees that occur naturally and are historically within the Pacific Northwest. Native vegetation species are identified and listed on _____ Native Plant List or _____ Native Tree List.*

- Certain native trees are not Regulated Trees. These don't have to be inventoried:
 - Trees within CWS Vegetated Corridor (since they are already regulated by CWS)
 - Hazardous, Diseased or Dying Trees
 - Trees on lots with less than 500 square feet of Significant Habitat (this reflects the Inventory methodology)
 - Trees within a 5,000 SF disturbance area on lots with existing dwellings existing as of the effective date of the ordinance
 - Trees within 10 feet of an existing habitable structure
 - Trees on lots less than 0.5 acres in size (this reflects the Inventory methodology)
- Rather than just require protection based on size (dbh), certain trees get "bonus points." These bonus points are intended to create an extra incentive to preserve these trees.

Base score	1 point per inch of diameter (dbh)
+ Additional points for a tree that is:	
<ul style="list-style-type: none"> • Over 30 inches in diameter (dbh) 	4 points
<ul style="list-style-type: none"> • A White Oak (<i>Quercus garryana</i>) Willamette Valley Ponderosa Pine (<i>Pinus ponderosa</i>), or Madrone (<i>Arbutus menziesii</i>) 	6 points
<ul style="list-style-type: none"> • Within 100 feet of a Riparian Habitat boundary 	4 points

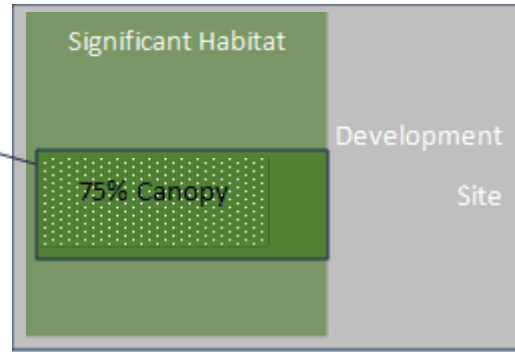
Question #4: The Tree Value score and bonus points system creates complexity in the code. Does the TAC feel that it provides a useful incentive? If not, what would you change? If yes, are the right categories of trees being "incentivized"?

- Since doing a tree inventory can be costly, an applicant who is impacting 10 or fewer trees and will replace all of the tree value points, only needs to inventory the impacted trees.
- The proposed requirement is to preserve or replace 50% of the tree points within Significant Habitat on lands that were within the UGB prior to Title 13 adoption (Dec. 28, 2005) and 80% of the tree points within Significant Habitat on lands that were added to the UGB after Title 13 adoption. Providing greater protection for Upland Habitat that was added to the UGB after Title 13 was adopted is consistent with Title 13.
- An applicant can preserve existing native trees that are less than 6 inches dbh or plant new native trees. Replacement trees can be inside or outside the Significant Habitat boundary, but not in the verified Riparian Habitat boundary. Trees inside the Significant Habitat boundary are worth more points.

422-7 Tree Canopy Assessment and Protection Requirements for Significant Habitat within the UGB

- The Tree Canopy approach is the second of three options for an applicant proposing development within Significant Habitat. It is not entirely clear and objective – it requires some limited discretion on the part of the decision-maker. This is allowed under state law as long as there is a clear and objective path. It must provide a similar or greater level of protection as the clear and objective path.

30% of Significant Habitat on the site must be put into a Tree Canopy Preservation Area within which tree canopy must cover 75%.



Question #5: We are looking for the TAC's recommendations regarding the Tree Canopy Preservation Area.

- a. The draft would allow applicants to identify more than one Tree Canopy Preservation Area. What should be the minimum size of a non-contiguous Tree Canopy Preservation Area (the draft proposes 3,000 SF)?
- b. For contiguous Tree Canopy Preservation Areas, what should be the minimum width allowed (the draft proposes it be not less than the width needed to accommodate the Root Protection Zone of a mature tree)?
- c. Trees can be preserved or planted to achieve the required 75% canopy cover. If trees are planted, the plan would consider the tree size in 20 years. This is intended to help avoid overcrowding the trees. Is 20 years an appropriate timeframe?

422-8 Detailed Environmental Report Requirements for Significant Habitat within the UGB

- We are considering allowing a second discretionary approach for an applicant proposing development within Significant Habitat that might rely on a detailed Environmental Report
- This would likely be a Type 3 review, and could necessitate the County seeking additional technical expertise (the cost of which would need to be included in the fees).

Question #6: Would including such an approach be helpful and should it be further developed as an option? If yes, does the TAC have any recommendations regarding the report contents and approval criteria?

422-9 Habitat Resources Map Modifications within the UGB

- An applicant who believes the County's map is incorrect can use the methodologies in this section to propose corrections.
- In addition to relatively straight-forward corrections identified in a table, there is an option to submit a more detailed analysis.

422 SIGNIFICANT NATURAL RESOURCES

This Section applies to properties where Significant Natural Resources have been identified.

- A. The provisions in Sections 422-1 to 422-9 (Significant Habitat) and Section 422-10 (Open Space) shall apply to areas within the regional Urban Growth Boundary (UGB).
- B. The provisions in Sections 422-xx to 422-xx shall apply to the rural area.
- C. The provisions in Sections 422-xx to 422-xx (Significant Natural Areas) shall apply to both areas within the regional Urban Growth Boundary and the rural areas.

422-1 Intent and Purpose of Significant Habitat Standards Inside the Urban Growth Boundary (UGB)

The intent and purpose of Sections 422-2 through 422-9 is to regulate development on properties with Significant Habitat within the Urban Growth Boundary in compliance with Statewide Planning Goal 5, Oregon Administrative Rule Chapter 660, Division 23, and the Metro Urban Growth Management Functional Plan 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 422-9 apply to properties within the regional Urban Growth Boundary that contain Significant Habitat, as specified below. These lands contain habitat identified as significant by Washington County pursuant to Metro Urban Growth Management Functional Plan Title 13 requirements and Statewide Planning Goal 5 procedures.

- 422-2.1 Significant Habitat provides food, shelter, and mating sites for fish and/or wildlife. It includes the following two categories:
- A. Significant Riparian 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 feature. Riparian buffers range from 50 to 200 feet in accordance with the methodology in Section 422-5.1.
 - B. Significant Upland Habitat, which primarily includes forests and woodlands adjacent to the Riparian Habitat. All Significant Habitat that is not otherwise classified as Significant Riparian Habitat pursuant to Section 422-2.1.A. is classified as Significant Upland Habitat.
- 422-2.2 The general location of Significant Habitat is shown on the Habitat Resources Maps in the Community Plans and Map B in Comprehensive Framework Plan (CFP) Policy 41. Those maps also distinguish between:
- A. Significant Habitat on lands that were inside the UGB on Dec. 28, 2005, identified on the map as “Pre-2006 Significant Habitat.”
 - B. Significant Habitat on lands added to the UGB after Dec. 28, 2005, identified on the map as “Post-2005 Significant Habitat.”

Additional information about the location, attributes and values of the different habitat types are described in the adopted Washington County Natural Resource Inventory and the Goal 5 Report contained in the Part B of the County’s Resource Document.

422-2.3 Exceptions.

The standards applicable to Significant Habitat (Sections 422-3 to 422-9) do not apply to the following:

- A. Maintenance and repair of existing uses and improvements.
- B. Uses and activities that are excluded by Section 201-2 from the requirement of obtaining a development permit.

422-3 General Provisions Applicable to Significant Habitat within the UGB

422-3.1 Compliance with Other Requirements

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

422-3.2 Density Transfer

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

422-3.3 Adjustments to CDC Standards to Address Significant Habitat

- A. Adjustments may be requested through a discretionary process to the following development standards to facilitate the preservation of Significant Habitat identified in a Community Plan or the CFP:
- (1) Reduction of up to 30% from any dimensional standard (as defined by Section 106-61) or any development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts)
 - (2) Required landscaping in Section 407-1.
 - (3) Screening and buffering standards in Section 411.
- B. The Director shall grant an adjustment pursuant to Section 422-3.3.A. only when the Director makes findings, based upon evidence in the record, that all of the following criteria have been met:
- (1) The subject site includes Significant Habitat that will be protected in accordance with the standards in Section 422.
 - (2) 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.
 - (3) The effect of the adjustment or the cumulative effect of multiple adjustments results in a project that is still consistent with the overall purpose of the zone.

422-4 Submittal Requirements for Properties with Significant Habitat within the UGB

In addition to the requirements of Section 203-4, an application for development on a site with Significant Habitat shall contain the following:

422-4.1 Materials demonstrating compliance with the boundary verification requirements as follows:

- A. If applicant believes the County's Habitat Resources Map is accurate: Verify this by submitting written acknowledgement of acceptance of the Habitat Boundary.
- B. If applicant does not believe the County's Habitat Resources Map is accurate: Request a map modification in accordance with Section 422.9, including submittal of materials specified in that section.

- C. The Significant Riparian Habitat boundary shown on the Habitat Resources Map provides the general location of the Significant Riparian Habitat. Applicants proposing development within this area shall verify the location of the boundary using one of the methodologies in Section 422-5.1.

422-4.2 A site plan prepared in accordance with Section 203-4.2.E. showing the following:

- A. The extent of proposed development and the location of the verified Significant Habitat boundary on the site.
- B. If Significant Riparian Habitat is present on the site pursuant to 422-4.1.C.: the verified Riparian Habitat boundary location.

422-4.3 If the proposed development will occur within the verified Significant Riparian Habitat boundary: Materials demonstrating compliance with the applicable standards in Sections 422-5.2 and 422-5.3.

422-4.4 If the proposed development will occur within the verified Significant Upland Habitat boundary, materials demonstrating compliance with one of the following:

- A. The clear and objective Tree Inventory and Retention Requirements in Section 422-6;
- B. The Canopy Assessment and Protection Requirements in Section 422-7; or
- C. The Detailed Environmental Report Requirements in Section 422-8.

422-5 Development Standards Applicable to Significant Riparian Habitat within the UGB

The applicant for a proposed development on a site with mapped Riparian Habitat shall demonstrate compliance with the following applicable standards as required by Section 422-4 above. Lands within the Riparian Habitat boundary shown on the Habitat Resources Map, but outside of a verified Riparian Habitat boundary, are not subject to the standards in this section, but are subject to the standards applicable to Upland Habitat in accordance with Section 422-4.

422-5.1 Verifying the Riparian Habitat Boundary

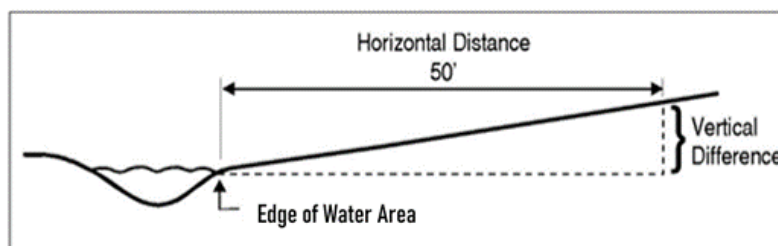
The Riparian Habitat boundaries shown on the Habitat Resources Map provide the general location of Significant Riparian Habitat. Applicants shall verify the location of the boundary using one of the methodologies in this Section.

- A. Methodology 1: Submit a Service Provider Letter from CWS, which specifies the conditions and requirements associated with Vegetated Corridors and Sensitive Areas. The outer boundary of the CWS Vegetated Corridor shall be the outer boundary of the Significant Riparian Habitat.
- B. Methodology 2: Establish the Riparian Habitat boundary as described below. Riparian Habitat includes the water area and riparian buffer. The outer

boundary of the riparian buffer shall be the outer boundary of the Significant Riparian 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 both sides of the water area. The edge of the water area shall be determined based on the type of water feature as detailed below:
 - (a) The top of the channel bank;
 - (b) The two-year 24 hour design storm elevation for the Tualatin River;
 - (c) The delineated boundary of the wetland, per DSL / Corps procedures for wetland delineation;
 - (d) The outside edge of spring emergence (measured as the area of saturation, hydric soil conditions, or channel formation, whichever is greatest);
 - (e) The average high water mark for lakes, ponds, and in-stream impoundments;
 - (f) For streams where no defined channel exists, and where there are no other water areas such as wetlands, the edge of the water area shall be the centerline of the natural drainage swale.
- (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 Water Feature as shown in Figure 422-5.1-1. The slope is equal to the vertical distance divided by the horizontal distance, expressed as a percentage.

Figure 422-5.1-1 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 422-5.1-2); or
 - ii. 200 feet is reached (all slope measurements >25%) (see Figure 422-5.1-3).

Figure 422-5.1-2 Slope Measurement to Determine Break in Slope

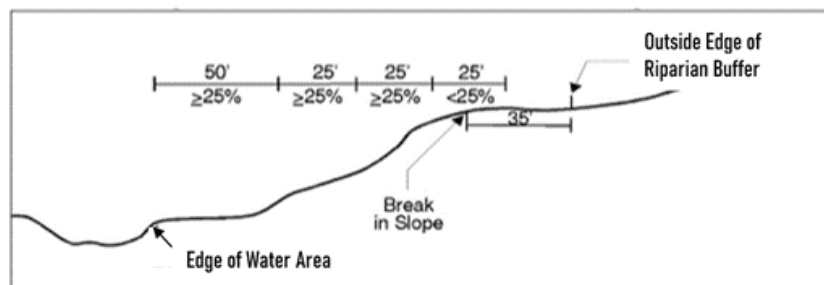
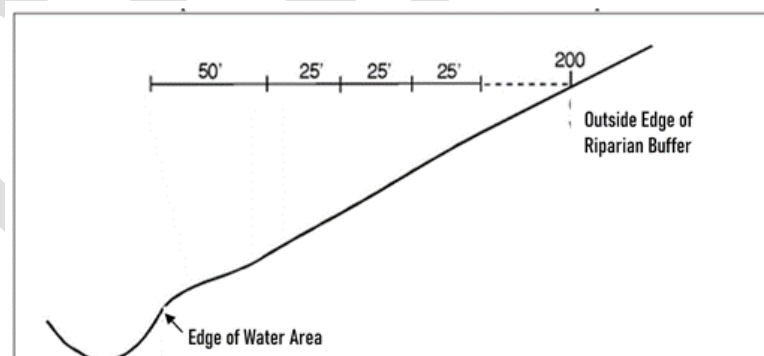


Figure 422-5.1-3 Slope Measurement to Determine Break in Slope



422-5.2 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 including, but not limited to, streets, street crossings, roads.
- 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 DSL and/or the U.S. Army Corps of Engineers (USACE), as applicable.
- E. Detached dwelling or middle housing duplex (including accessory structures and improvements) on a lot of record, 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 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 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 Habitat, public rights-of-way, public utility easements, and required setbacks.
- F. An alteration as required by the applicant's CWS Service Provider Letter or as permitted by DSL or the USACE.
- G. Fencing adjacent to stream buffers or other wildlife habitat areas, 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 for passage of fawns and smaller mammals.
 - (2) The highest horizontal fence element must be no more than 42 inches in height to allow adult deer or elk passage.
 - (3) Fencing shall not include woven wire, cyclone fencing, or contain barbed wire elements.

422-5.3 Development proposals that are within a verified Riparian Habitat but are not within CWS jurisdiction shall comply with the Tree Inventory and Retention Requirements for Post-2005 Significant Habitat in Section 422-6 or the Detailed Environmental Report Requirements in Section 422-8.

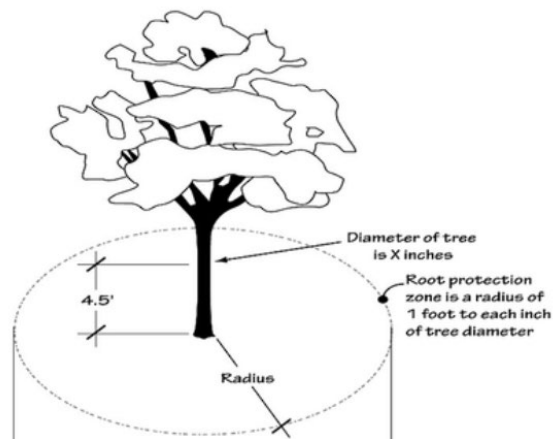
422-6 Tree Inventory and Retention Requirements for Significant Habitat within the UGB

422-6.1 Applicability of Tree Inventory and Preservation Requirements within Significant Habitat.

The standards in this Section apply to development that will impact Regulated Trees located within the Significant Habitat boundary (excluding verified Riparian Habitat).

- A. “Regulated Trees” are native trees that are six (6) inches or greater in diameter, except as specified in Section 422-6.2. Tree diameter shall be measured at breast height (dbh), 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. A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common rootstock that do not have trunks connected above the ground.
- B. 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.
- C. A Regulated Tree is considered impacted by a proposed development when that development is proposed to be within the tree’s Root Protection Zone. The “Root Protection Zone” is 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 422-6.1-1.

Figure 422-6.1-1
Root Protection Zone



422-6.2 Exceptions to Regulated Tree Definition.

The following native trees are not Regulated Trees and are not subject to the tree preservation requirements of Section 422-6.4.

- A. Trees within the verified Riparian Habitat boundary, except as specified in Section 422-5.3.
- B. Hazardous Trees. Trees that, in the opinion of a certified arborist, have a structural weakness that presents a foreseeable danger of inflicting injury to people or damage to vehicles, structures, or development, such as sidewalks or utilities. Prior to removal the property owner must submit to the County a written evaluation of each tree proposed for removal prepared by a certified arborist declaring the tree(s) to be hazardous and recommending immediate removal.
- C. Diseased or Dying Trees. Trees that, in the opinion of a certified arborist, 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 become a danger or die. Prior to removal the property owner must submit to the County a written evaluation of the tree prepared by a certified arborist certifying the unhealthy condition of the tree and recommending its removal. Trees that a property owner intentionally causes to become diseased or dying are considered Regulated Trees and are not exempt from the inventory and retention requirements of this Section.
- D. Trees in tree farms and nurseries.
- E. Trees under 6 inches dbh unless such trees will be preserved to meet the requirements of this Section or were required to be preserved or planted as a result of a previous land use approval.
- F. Trees on lots with less than 500 square feet of Significant Habitat.
- G. Trees on lots legally established on or before [insert adoption date of ordinance] that are 0.5 acres in size or smaller.
- H. Trees within an allowed disturbance area meeting the following criteria:
 - (1) The disturbance area is on a legal lot that contains one or more residential dwelling existing on or before [insert adoption date of ordinance].
 - (2) The disturbance area on the lot does not exceed 5,000 square feet. A larger disturbance area is permitted; however, trees outside of the 5,000 square foot disturbance area are Regulated Trees if they otherwise meet the definition.
 - (3) The trees within the disturbance area were not required to be preserved or planted to meet the requirements of Section 422-6.4.

Trees within 10 feet of an existing habitable structure (I. below) are included within the disturbance area allowance.

- I. Trees located within 10 feet of an existing habitable structure.
- J. Trees removed as a result of development associated with the regionally significant educational or medical facilities at Portland Community College, Rock Creek Campus, 17865 N.W. Springville Road, Portland as identified on the Regionally Significant Educational or Medical Facilities Map in Metro’s Urban Growth Management Functional Plan, Title 13.

422-6.3 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 proposal impacting fewer than ten regulated trees) or D (proposals using an alternative approach). The tree inventory must be prepared by a certified arborist, licensed landscape architect, licensed engineer, or licensed surveyor 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, remove, or replace
 - (4) Common name, genus and species
 - (5) The “Tree Value” score (in points) for each Regulated Tree, calculated as follows:

Base score	1 point per inch of diameter (dbh)
+ Additional points for a tree that is:	
• Over 30 inches in diameter (dbh)	4 points
• A White Oak (<i>Quercus garryana</i>) Willamette Valley Ponderosa Pine (<i>Pinus ponderosa</i>), or Madrone (<i>Arbutus menziesii</i>)	6 points
• Within 100 feet of a Riparian Habitat boundary	4 points

- 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 preserved, 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) A summary calculation showing the total Tree Value score (points) for the site. The number and percentage of points for trees to be preserved, removed, and replaced (if applicable).
- C. If the proposed development will impact fewer than ten (10) Regulated Trees and 100% of the lost Tree Value points will be replaced in accordance with Section 422-6.4, only the Regulated Trees that will be impacted by the proposed development need to be inventoried.
 - D. An applicant who chooses to comply with Section 422-7 or 422-8, is not required to prepare a tree inventory in accordance with this Section.

422-6.4 Tree Retention and Replacement Requirements

- A. An applicant shall preserve and protect Regulated Trees as follows, except as specified in Subsection B:
 - (1) Within Pre-2006 Significant Habitat, a minimum of 50% of the total Tree Value points shall be retained or replaced in accordance with Section 422-6.6.
 - (2) Within Post-2005 Significant Habitat, a minimum of 80% of the total Tree Value points shall be retained or replaced in accordance with Section 422-6.6.
- B. In the event a tree designated to be preserved must later be removed because it is dead, diseased, dying, or hazardous, documentation of the tree's dead, diseased, dying, or hazardous condition by a certified arborist must be provided to the County prior to tree removal. The tree must be replaced in accordance with Section 422-6.6.
- C. An applicant who chooses to comply with Section 422-7 or 422-8 is not required to comply with the requirements in Subsection A.

422.6.5 Tree Protection

- A. Protective fencing shall be installed by the applicant to protect the Root Protection Zone of trees identified by the applicant as being preserved. 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 a certified arborist 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.

422-6.6 Tree Value Point Replacement Plan

- A. If replacement points are required pursuant to Section 422-6.4.A., the applicant must provide a Tree Value Point Replacement Plan demonstrating how the proposal will achieve the required number of Tree Value points on the development site.
- B. Replacement Tree Value points are calculated as follows:

1. Trees within the Significant Upland Habitat Boundary	
a. Retain existing native trees that are at least two inches but less than six inches dbh	
Base Score	1 point per inch dbh
+ Additional Points	
<ul style="list-style-type: none"> o Tree is a White Oak (<i>Quercus garryana</i>) Willamette Valley Ponderosa Pine (<i>Pinus ponderosa</i>), or Madrone (<i>Arbutus menziesii</i>) 	3 points
<ul style="list-style-type: none"> o Tree is within 100 feet of a Riparian Habitat boundary 	2 points
b. Plant a new native tree	
Base Score	2 points
+ Additional Points	
<ul style="list-style-type: none"> o Tree is a White Oak (<i>Quercus garryana</i>) Willamette Valley Ponderosa Pine (<i>Pinus ponderosa</i>), or Madrone (<i>Arbutus menziesii</i>) 	2 points
<ul style="list-style-type: none"> o Tree is within 100 feet of a Riparian Habitat boundary 	1 point
2. Trees outside of the Significant Upland Habitat Boundary	
a. Retain existing native trees that are at least 2 inches dbh	
Base Score	0.5 points per inch dbh
+ Additional Points	
<ul style="list-style-type: none"> o Tree has a diameter over 30 inches dbh 	3 points
<ul style="list-style-type: none"> o Tree is a White Oak (<i>Quercus garryana</i>) Willamette Valley Ponderosa Pine (<i>Pinus ponderosa</i>), or Madrone (<i>Arbutus menziesii</i>) 	4 points
<ul style="list-style-type: none"> o Tree is within 100 feet of a Riparian Habitat boundary 	2 points
b. Plant new native trees	
Base Score	2 points
+ Additional Points	
<ul style="list-style-type: none"> o Tree is within 100 feet of a Riparian Habitat boundary 	1 point

- C. All tree replacement shall occur on site and outside the verified Riparian Habitat boundary except where the replacement is required pursuant to Section 422-5.3.
- D. Replacement planting must be completed prior to the issuance of any certificate of occupancy. Installation and maintenance shall occur in accordance with Section 407-8.
- E. All replacement trees are subject to the protection standards in Section 422-6.5.

422-7 Tree Canopy Assessment and Protection Requirements for Significant Habitat within the UGB

422-7.1 Applicability of Canopy Assessment and Protection Requirements

Applicants proposing development within the Significant Habitat boundary but outside of the verified Riparian 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 422-6.

422-7.2 Tree Canopy Preservation Area Required

- A. An area within the Significant Habitat boundary, but outside the verified Riparian Habitat boundary, shall be set aside for tree canopy preservation (Tree Canopy Preservation Area).
- B. Tree Canopy Preservation Areas shall comply with the following dimensional requirements:
 - (1) Minimum area: The required Tree Canopy Preservation Area shall be the minimum size specified below. The Tree Canopy Preservation Area shall exclude any lands within a verified Riparian Habitat boundary) and in no case shall be less than 500 square feet.
 - (a) Within Pre-2006 Significant Habitat, a minimum of 30% of the total area within the Significant Habitat boundary.
 - (b) Within Post-2005 Significant Habitat, a minimum of 60% of the total area within the Significant Habitat boundary.
 - (2) Maximum number: No more than one Tree Canopy Preservation Area is allowed for every 3,000 square feet of preservation area required.
 - (3) Minimum width and depth: No portion of a Tree Canopy Preservation Area shall be less than the width needed to accommodate the Root Protection Zone of a mature tree.
- C. Each Tree Canopy Preservation Area 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).

- D. The applicant shall provide documentation demonstrating how the parties responsible for each Tree Canopy Preservation Area will manage the Canopy Preservation Area to ensure the standards in Section 422-7.3 will continue to be met. At a minimum this shall include a plan for monitoring and maintenance.

422-7.3 Tree Canopy Retention and Replacement within Tree Canopy Preservation Areas

Within Tree Canopy Preservation Areas the following standards shall apply:

- A. Tree canopy shall cover at least 75% of the Tree Canopy Preservation Area. This standard shall be met by:
 - (1) Preserving the existing tree canopy provided by trees within the Canopy Preservation Area;
 - (2) Planting native trees in portions of the Canopy Preservation Area not 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 a licensed arborist or landscape architect demonstrating the tree canopy standard will be met within 20 years of planting based on the size, species and placement of trees planted.
- C. Native understory vegetation shall be retained, and invasive species shall be removed.
- D. Trees in a hazardous condition, as determined by a certified arborist, may be felled for safety. The trunk and stump shall be left within the Preservation Area to serve as habitat for wildlife, unless diagnosed by a certified arborist with a disease necessitating removal to protect the remaining trees. A replacement tree shall be planted if the felling will result in the canopy standard no longer being met.

422-8 Detailed Environmental Report Requirements for Significant Habitat within the UGB

[We are considering allowing an additional discretionary method to meet the requirements. Further information is not yet available.]

422-9 Habitat Resources Map Modifications within the UGB

422-9.1 As part of a development application, an applicant may request a map modification using one of the methodologies detailed in Table 422-9.1 below. The adopted Washington County Natural Resources Inventory shall be used to identify the type(s) of Significant Habitat on the property.

Table 422-9.1: Map Modification Issues and Methodologies

Map Correction Issue	Map Modification Methodology
A. Wetland location (and associated Riparian Habitat boundary) has been incorrectly identified	The applicant shall provide a delineation and signed concurrence letter from the Oregon Department of State Lands (DSL) identifying the correct location of the wetland.
B. Stream location (and associated Riparian Habitat boundary) has been incorrectly identified and/or the Riparian Habitat boundary does not align with the CWS Vegetated Corridor	The applicant shall provide documentation of the correct stream location and/or Vegetated Corridor location approved by CWS.
C. Significant Habitat boundary is inaccurate due to development or other changes that occurred prior to specified dates*	<p>The applicant shall provide evidence demonstrating that the resources described in the Washington County Natural Resources Inventory were no longer in existence on the specified date*, including:</p> <ul style="list-style-type: none"> • Approved building permits or other development plans and drawings; and/or • High resolution aerial photographs that clearly show that the site was developed and the extent of that development. • 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 • For other types of tree removal, an arborist report or receipt showing when trees were removed.
D. All Other Map Corrections	A detailed map modification request for a reason other than as described in this Table may be submitted in accordance with Section 422-9.2.
<p>* "Specified date(s)" are:</p> <ul style="list-style-type: none"> - For "Pre-2006 significant habitat", [insert effective date of this ordinance]. - 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. 	

422-9.2 A map modification request for a reason other than as described in Table 422-9.1 may be submitted consistent with this Section.

A. Submittal Requirements.

A report prepared and signed by either a qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist, or a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, stormwater facilities, or other similar facilities. Such report shall include:

- (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 information described in Table 422-9.1, if such information is relevant to the verification of habitat location on the subject lot or parcel;
- (4) 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, if such information is relevant to the verification of the habitat boundary;
- (5) A map showing the topography of the property shown by two-foot vertical contours in areas of slopes less than fifteen (15) percent, and at five-foot vertical contours of slopes fifteen (15) percent or greater; and
- (6) Any additional information necessary to address the criteria in Section 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.