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STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
PUBLIC HEARING ON SEPTEMBER 9, 2013

PRESCRIPTIVE STANDARDS FOR WILDLIFE CONSERVATION PLANS, STANDARDS FOR THE CREATION OF DEVELOPMENT IMPACT AREAS

CASE FILE: PC-2013-2795

PART I. INTRODUCTION

This staff report follows the Planning Commission work sessions in May and June that introduced a proposal to amend the county's Significant Environmental Concern for Wildlife Habitat (SEC-h) regulations to 1)~~,~~ provide optional prescriptive Wildlife Conservation Plan (WCP) standards and~~,~~ 2) provide a new option for a landowner to designate a Development Impact Area on the property.

The prescriptive Wildlife Conservation Plan standards provide a more specific set of best management practices that an applicant can elect to follow during preparation of a Wildlife Conservation Plan. This conservation plan outlines how impacts to wildlife habitat will be mitigated. The goal of the proposed prescriptive standards is that it will take less time and reduce the need for the applicant to retain professional assistance by following these prescriptive standards when preparing an application.

The proposed Development Impact Area provisions provide the ability for a landowner to contemplate where future development might occur and to designate a compact area on the property for future uses. The main benefit of these provisions is a consolidated land use review process.

Part II of this staff report provides the history and objectives of the existing Significant Environmental Concern for Wildlife Habitat code. Part III defines the problem and proposed solution related to the prescriptive Wildlife Conservation Plan standards. Similarly, Part IV of this staff report discusses the reasoning behind the proposed Development Impact Area option. Part V provides the specific text amendments for the Planning Commission's consideration.

It should be made clear that the enclosed text amendments provide additional options for the applicant to elect, if desired. No provision being proposed is either mandatory or more restrictive than existing Significant Environmental Concern for Wildlife Habitat provisions.

PART II. SEC-h BACKGROUND

The purposes of the Significant Environmental Concern Wildlife Habitat overlay are to protect, conserve, enhance, restore and maintain significant natural habitat. The current SEC-h review requires an applicant either demonstrate that the basic development standards of sub (B) can be met or that a Wildlife Conservation Plan proposing alternative conservation meets or exceeds the development standards.

Currently, the SEC-h basic standards require development to be located within 200 feet of a public road and require access serving the development to be clustered near other driveways on adjacent properties. These standards are meant to lessen the overall intrusion into wildlife habitat by utilizing existing cleared areas and clustering development near points of vehicular access. When considering further amendments to regulations intended to protect habitat, we should consider the impacts analysis contained in the County's adopted rural area plan to assess how any amendments address identified impacts.

According to the West Hills Reconciliation Report (Rev. May 1996) (Attachment D), "…the best way to preserve sensitive species in their natural habitat is to preserve large, contiguous areas of the entire ecosystem in which these species reside." The report further states, "Wildlife are guided in their choice of locale and movement by natural features which may allow or hinder their movement (watercourses, terrain, type of vegetation) and built features which hinder them (roads, residences, fences, agricultural operations). Given the large population of the Portland Metropolitan Area, the latter set of constraints is far more important in the patterns of wildlife habitation and migration."

Given the context of the Reconciliation Report it is important to consider balancing the needs of residential owners with the need to minimize impacts to wildlife habitat in the West Hills. The Reconciliation Report discusses the importance of minimizing edge effects, which are defined as, "…the deleterious effects of increased edge to area ratios due to human activity on plant and animal communities…" Other adverse environmental impacts from development that are identified in the Reconciliation Report include:

Direct Loss of Habitat *– removal of native vegetative cover, water quality reduced and human intrusion increases.*

Fragmentation *– Fragmentation results in breaking up forested habitat areas, such that there is insufficient area with diversified structure to accommodate a wide range of animal species.*

Native Vegetation Removal *– Native Vegetation includes forest canopy, understory in forested areas, brush and dead/fallen trees. Removal of native vegetation causes diminished fish & wildlife habitat.*

Application of Herbicides *– Unrestricted use of herbicides can destroy habitat diversity necessary for survival of wildlife species. Herbicides also kill plants which contribute to overall structural diversity, and may provide species-specific cover and food for wildlife.*

Soil Excavation *– Removes vegetation, increases erosion and sedimentation to streams & wetlands.*

Topsoil Removal *– Removal makes it impossible for native vegetation to be reestablished, and thus eliminates most wildlife habitat.*

Human Intrusion *– Associated with residential development and along access roads. This "impact" ranges from shooting wildlife, to vandalism, to off-road recreational driving, to frightening animals by human presence.*

Pet Impacts *– Prey on small & large animals including shrews, woodpeckers, black-tailed deer, elk, and other sized carnivores.*

Increased Impervious Surface Area *– Removal of native vegetative cover and ground disturbance increases & concentrates surface water runoff. Additional runoff can cause erosion and stream-bank de-stabilization and decreases water quality.*

Use of Insecticides and Poisons *– Insects are part of the wildlife food chain, the loss of insects, per se, contributes to a loss in habitat value. Many insecticides directly harm small animals and birds.*

Application of Fertilizers *– Over-use of fertilizer increases nutrient loading in streams and decreases water quality. Fertilizers & irrigation allow non-native vegetation species to thrive, to the detriment of native plant species which provide superior wildlife habitat.*

Additionally, the county's SEC program includes the following regulatory measures (West Hills Reconciliation Report - Attachment D):

- *Multnomah County shall adopt zoning ordinance provisions which limit additional clearing of forested areas in association with non-forestry related development.*
- *Multnomah County shall adopt zoning ordinance provisions which promote clustering or rural residential and rural service development adjacent to existing public roads and existing residential and service development.*
- *Multnomah County shall adopt zoning ordinance provisions which prohibit the planting or maintaining of nuisance and non-native invasive plant species as part of a proposed development.*

PART III. OPTIONAL PRESCRIPTIVE STANDARDS FOR A WILDLIFE CONSERVATION PLAN

The Wildlife Conservation Plan option is provided in current code because it is recognized that some sites have physical characteristics prohibiting the proposal from meeting the basic development standards (topography, etc.), and because sometimes an alternative mitigation approach simply makes more sense and will better achieve the SEC-h objectives. Therefore, a Wildlife Conservation Plan is currently required when a proposed development cannot or will not meet the development standards detailed in subsection B.

Our experience has been that the existing Wildlife Conservation Plan standards generally work well for most applicants. However, the existing mitigation standards are not specific regarding the size, spacing and type of the required revegetation (trees vs. shrubs, for example). Occasionally, an applicant has retained services by a professional, such as a biologist, to provide these specifics which slows down application preparation and involves additional cost to the applicant.

Staff is proposing the optional prescriptive Wildlife Conservation Plan standards in a new subsection 5 of MCC .4570 (C) which can be thought of as specific mitigation best management practices largely borrowed from Metro model code.

Findings are still required under the MCC .4570 (C) (1 or 2) when an applicant proposes a WCP regardless of whether the applicant applies under the existing general wildlife plan standards in subsection (C)(3) or the proposed prescriptive standards in (C)(5). This means that a Wildlife Conservation Plan will continue to be an option only when the applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property or because the applicant can meet the development standards of Section (B) but demonstrates the alternative conservation measures exceed the development standards and will result in the proposed development having a less detrimental impact on forested wildlife.

PART IV. OPTIONAL DEVELOPMENT IMPACT AREA

Currently, a SEC-h permit review is required every time a structure not qualifying for an exception is proposed in the SEC-h zoning overlay. The most common exceptions involve additions to dwellings less than 400 square feet.

Staff recognize that the influence of a building in a wildlife conservation area extends beyond the footprint of that building and we believe there should be a mechanism to review and authorize a compact "development impact area" around a use. Staff is proposing standards that would allow for consolidating development into a single development envelope. This concept allows for review of SEC-h standards for multiple structures within a single Development Impact Area (DIA).

The proposed SEC-h amendments include an option for clustering development within a one acre (maximum) cleared area. The one acre area can act to consolidate the impact of accessory structures with the impact area of an existing dwelling. The one acre area option can reduce the overall amount of edge effect by combining the edge created by locating multiple structures in the same area as opposed to multiple locations on a property each with its own edge effect, including the driveway access connecting them. The concept of one acre for development comports with the existing standard for a WCP that requires newly cleared areas to not exceed one acre.

Another advantage to allowing a designated development area is the property owner can go through one single review for multiple phases of their residential development instead of having each phase reviewed separately. For instance, a property owner could gain approval of a cleared area around a residence, proceed with their planned residential addition shortly after the approval, and then construct a shop building or detached garage within the designated area a number of years down the road without having to go through the discretionary Type II SEC-h land use review process again. The property owner would only need to go through a building permit review for a new structure within an approved DIA. If other required reviews have an expiration date, the applicant will still need to comply with the stipulated expirations under those separate reviews. ~~however; t~~This stipulation is added as a criterion in the proposed DIA standards.

At the previous Planning Commission work session of June 3, 2013, the commission discussed the concept of the 450-foot diameter circle that any DIA (one acre max) would need to fit within. Some Commission members expressed concern that a 450-foot diameter circle may be too large and a desire

was voiced for visual representations of what smaller diameter constraints might look like in comparison with the 450-foot diameter option. Attachment I contains a comparison showing examples of a one-acre DIA within circles of 450-feet, 400-feet, 350-feet, and 300-feet. The hypothetical development scenario centers on a 40-acre, undeveloped parcel and is located in an area near other residential developments that differ considerably in size and extent. This setting offers a convenient way to visually compare a proposed one-acre DIA within different circle sizes in the vicinity of actual residential developments. In this hypothetical scenario it is assumed that access to the property is via easement over the property to the west. The subject parcel is heavily wooded but does contain an area that may be suitable for mitigation in the northeast quadrant.

After contemplating options, staff recommends using a 400-foot maximum diameter circle. The concern is between balancing the need to be flexible while adhering to a relatively compact development minimizing edge effects. The balancing act must allow for the placement of a dwelling, accessory building(s), drain-field, and replacement drain-field repair area within one acre while considering the fact that no two properties are alike and will have localized variables such as slope, soil type, existing vegetation and so on to consider. Upon analyzing the circle diameters in Attachment I staff concluded that a circle diameter of 300-feet does accommodate much flexibility in terms of the possible shape of the DIA. A 300-foot circle is not much bigger than an acre itself (area = 1.6 acres). On the other hand, the 450-foot diameter circle appears to be too generous and there is a risk of creating too much of an edge effect. In the mid range are the 350-foot and 400-foot diameter circles. In reviewing the options, staff believe that a 350-foot diameter circle may still be a bit limiting and that the 400-foot diameter appears to strike the most reasonable balance between maintaining a compact DIA with minimal edge effect and allowing for the flexibility that is needed to develop a home site.

PART V. PROPOSED NEW CODE PROVISIONS

Proposed New Code Language (Chapter 33):

(Language ~~stricken~~ is deleted; underlined language is new.)

§ 33.4567 SEC-H CLEAR AND OBJECTIVE STANDARDS.

At the time of submittal, the applicant shall provide the application materials listed in MCC 33.4520(A) and 33 .4570(A). The application shall be reviewed through the Type I procedure and may not be authorized unless the standards in 33.4570(B)(1) through (4)(a)-(c) and (B)(5) through (7) are met. For development that fails to meet all of the criteria listed above, a separate land use application pursuant to MCC 33.4570 may be submitted.

§ 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

(A) In addition to the information required by MCC 33.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;

For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A *non-forested "cleared"* area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

(2) Location of existing and proposed structures;

(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

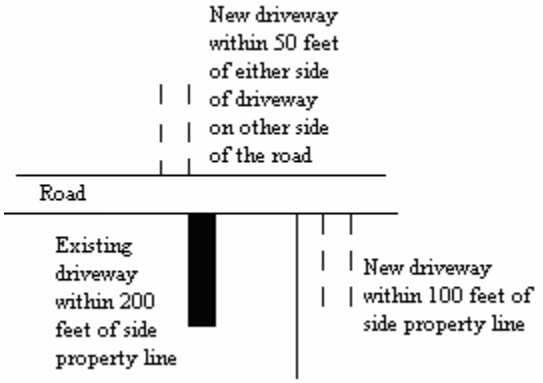
(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

(6) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

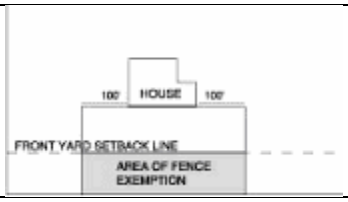
(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE 33.4570A FENCE EXEMPTION AREA



(f) Fencing standards do not apply where needed for security of utility facilities.

(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	**Common Name**
Chelidonium majus	Lesser celandine
Cirsium arvense	Canada Thistle
Cirsium vulgare	Common Thistle
Clematis ligusticifolia	Western Clematis
Clematis vitalba	Traveler's Joy
Conium maculatum	Poison hemlock
Convolvulus arvensis	Field Morning-glory
Convolvulus nyctagineus	Night-blooming Morning-glory
Convolvulus seppium	Lady's nightcap
Cortaderia selloana	Pampas grass
Crataegus sp. except C. douglasii	hawthorn, except native species
Cytisus scoparius	Scotch broom
Daucus carota	Queen Ann's Lace
Elodea densa	South American Water-weed
Equisetum arvense	Common Horsetail
Equisetum telemateia	Giant Horsetail
Erodium cicutarium	Crane's Bill
Geranium roberianum	Robert Geranium
Hedera helix	English Ivy
Hypericum perforatum	St. John's Wort
llex aquafolium	English Holly
Laburnum watereri	Golden Chain Tree
Lemna minor	Duckweed, Water Lentil

Scientific Name	**Common Name**
Loentodon autumnalis	Fall Dandelion
Lythrum salicaria	Purple Loosestrife
Myriophyllum spicatum	Eurasian Watermilfoil
Phalaris arundinacea	Reed Canary grass
Poa annua	Annual Bluegrass
Polygonum coccineum	Swamp Smartweed
Polygonum convolvulus	Climbing Binaweed
Polygonum sachalinense	Giant Knotweed
Prunus laurocerasus	English, Portugese Laurel
Rhus diversiloba	Poison Oak
Rubus discolor	Himalayan Blackberry
Rubus laciniatus	Evergreen Blackberry
Senecio jacobaea	Tansy Ragwort
Solanum dulcamara	Blue Bindweed
Solanum nigrum	Garden Nightshade
Solanum sarrachoides	Hairy Nightshade
Taraxacum otficinale	Common Dandelion
Ultricularia vuigaris	Common Bladderwort
Utica dioica	Stinging Nettle
Vinca major	Periwinkle (large leaf)
Vinca minor	Periwinkle (small leaf)
Xanthium spinoseum	Spiny Cocklebur
various genera	Bamboo sp.

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

(3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5) of this section, ~~T~~the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

(4) For a property meeting (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:

(a) Each tree removed to construct the proposed development shall be replaced on a one to one ratio with a six foot tall native tree.

(b) For each 100 square feet of new building area, the property owner shall plant, one, 3-4 foot tall native tree or three native tree seedlings. The trees shall be planted to improve wildlife habitat first within non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas before being placed in forested areas or adjacent to landscaped yards.

(c) Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 33.4570(B)(6).

(d) For non-forested "cleared" areas that require nuisance plant removal pursuant to MCC 33.4570(B)(7), the property owner shall set a specific date for the work to be completed and the area replanted with native vegetation. The time frame must be within two years from the date of the permit.

(5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(3) of this section, the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes. Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 33.4570(B)(6).

(d) For mitigation areas, all trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List. An applicant shall meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the total developed area (including, buildings, pavement, roads, and land designated as a Development Impact Area) on a Lot of Record will be one acre or more, the applicant shall comply with Mitigation Option 2:

1. *Mitigation Option 1.* In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the development site. Trees that are removed from the development site shall be replaced as shown in the table below. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Tree Replacement Table

Size of tree to be removed (inches in diameter)	**Number of trees and shrubs to be planted**
6 to 12	2 trees and 3 shrubs
13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs
25 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

2. *Mitigation Option 2.* In this option, the mitigation requirement is calculated based on the size of the disturbance area associated with the development. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground shall be planted or seeded with native grasses

or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

(e) ***Location of mitigation area.*** All vegetation shall be planted within the mitigation area located on the same Lot of Record as the development and shall be located within the SEC-h overlay or in an area contiguous to the SEC-h overlay; provided, however, that if the vegetation is planted outside of the SEC-h overlay then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. (Note: an off-site mitigation option is provided in a streamlined discretionary review process). The mitigation area shall first be located within any existing non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas and last in forested areas or adjacent to landscaped yards.

(f) Prior to development, all work areas shall be flagged, fenced, or otherwise marked to reduce potential damage to habitat outside of the work area. The work area shall remain marked through all phases of development.

(g) Trees shall not be used as anchors for stabilizing construction equipment.

(h) Native soils disturbed during development shall be conserved on the property.

(i) An erosion and sediment control plan shall be prepared in compliance with the Grading and Erosion Control standards set forth in MCC 29.330 through MCC 29.348;

(j) ***Plant size.*** Replacement trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs shall be in at least a 1-gallon container or the equivalent in ball and burlap and shall be at least 12 inches in height.

(k) ***Plant spacing.*** Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.

(l) ***Plant diversity.*** Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.

(m) ***Nuisance plants.*** Any nuisance plants listed in (B)(7) above shall be removed within the mitigation area prior to planting.

(n) ***Planting Schedule.*** The planting date shall occur within one year following the approval of the application.

(o) ***Monitoring and reporting.*** Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind so that a

minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed. ~~The Planning Director may require periodic reporting for a period of up to five years, documenting the survival of the trees and shrubs on the mitigation site.~~

(~~5~~6) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

(D) Optional Development Impact Area (DIA). For the purpose of clustering home sites together with related development within the SEC-h overlay, an applicant may choose to designate an area around the home site for future related development and site clearing. For the purposes of establishing the appropriate mitigation for development within the DIA, existing vegetation within the DIA is presumed to be ultimately removed or cleared in the course of any future development within the DIA. Establishment of a DIA is subject to all of the applicable provisions in MCC 33.4570 and the following:

(1) The maximum size for a DIA shall be no greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(2) Any required mitigation for the DIA site under an approved wildlife conservation plan shall be completed within one year of the final approval of the application.

(3) The DIA shall contain an existing habitable dwelling or approved dwelling site.

(4) No more than one DIA is permitted per Lot of Record.

(5) The DIA can be any shape, but shall be contiguous and shall fit within a circle with a maximum diameter of 400 feet.

(6) For new dwellings that will be located on a Lot of Record that does not currently contain a dwelling, the DIA should be located within 200 feet of a public road or in the case of properties without road frontage, as close as practicable (accounting for required setbacks and fire safety zones) to the entry point of the vehicular access serving the property.

(7) No part of a DIA may be located in an SEC-s sub-district, mapped wetland, or flood hazard zone.

(8) All development within the DIA is subject to all development criteria in effect for the underlying zone and overlay zones at the time of development. Approval of a DIA does not preclude the applicant's responsibility to obtain all other required approvals.

(9) Once a DIA is approved and all pre-development conditions of approval are met, development within the DIA may commence at anytime thereafter provided the applicable approval criteria of MCC 33.4570 are the same as the criteria under which the DIA was originally approved. This provision does not waive the approval timeframe and/or expiration of any other permit approvals.

Proposed New Code Language (Chapter 34):

(Language ~~stricken~~ is deleted; underlined language is new.)

§ 34.4567 SEC-H CLEAR AND OBJECTIVE STANDARDS.

At the time of submittal, the applicant shall provide the application materials listed in MCC 34.4520(A) and 34 .4570(A). The application shall be reviewed through the Type I procedure and may not be authorized unless the standards in 34.4570(B)(1) through (4)(a)-(c) and (B)(5) through (7) are met. For development that fails to meet all of the criteria listed above, a separate land use application pursuant to MCC 34.4570 may be submitted.

§ 34.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

(A) In addition to the information required by MCC 34.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;

For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A *non-forested "cleared"* area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

(2) Location of existing and proposed structures;

(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

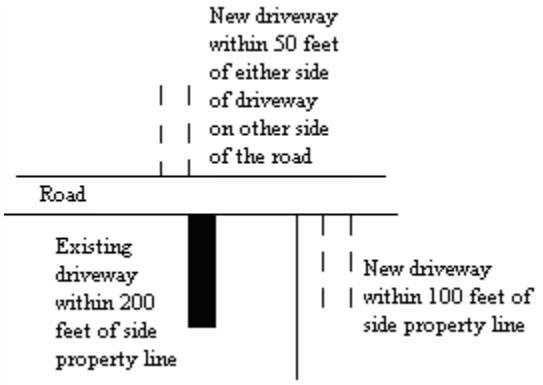
(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

(6) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

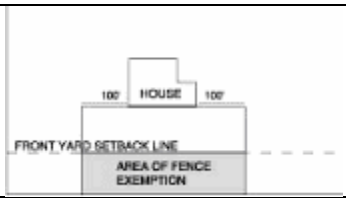
(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE 34.4570A FENCE EXEMPTION AREA



(f) Fencing standards do not apply where needed for security of utility facilities.

(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	**Common Name**
Chelidonium majus	Lesser celandine
Cirsium arvense	Canada Thistle
Cirsium vulgare	Common Thistle
Clematis ligusticifolia	Western Clematis
Clematis vitalba	Traveler's Joy
Conium maculatum	Poison hemlock
Convolvulus arvensis	Field Morning-glory
Convolvulus nyctagineus	Night-blooming Morning-glory
Convolvulus seppium	Lady's nightcap
Cortaderia selloana	Pampas grass
Crataegus sp. except C. douglasii	hawthorn, except native species
Cytisus scoparius	Scotch broom
Daucus carota	Queen Ann's Lace
Elodea densa	South American Water-weed

Scientific Name	**Common Name**
Equisetum arvense	Common Horsetail
Equisetum telemateia	Giant Horsetail
Erodium cicutarium	Crane's Bill
Geranium roberianum	Robert Geranium
Hedera helix	English Ivy
Hypericum perforatum	St. John's Wort
llex aquafolium	English Holly
Laburnum watereri	Golden Chain Tree
Lemna minor	Duckweed, Water Lentil
Loentodon autumnalis	Fall Dandelion
Lythrum salicaria	Purple Loosestrife
Myriophyllum spicatum	Eurasian Watermilfoil
Phalaris arundinacea	Reed Canary grass
Poa annua	Annual Bluegrass
Polygonum coccineum	Swamp Smartweed
Polygonum convolvulus	Climbing Binaweed
Polygonum sachalinense	Giant Knotweed
Prunus laurocerasus	English, Portugese Laurel
Rhus diversiloba	Poison Oak
Rubus discolor	Himalayan Blackberry
Rubus laciniatus	Evergreen Blackberry
Senecio jacobaea	Tansy Ragwort
Solanum dulcamara	Blue Bindweed
Solanum nigrum	Garden Nightshade
Solanum sarrachoides	Hairy Nightshade
Taraxacum otficinale	Common Dandelion
Ultricularia vuigaris	Common Bladderwort
Utica dioica	Stinging Nettle
Vinca major	Periwinkle (large leaf)

Scientific Name	**Common Name**
Vinca minor	Periwinkle (small leaf)
Xanthium spinoseum	Spiny Cocklebur
various genera	Bamboo sp.

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

(3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5) of this section, ~~T~~the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

(4) For a property meeting (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:

(a) Each tree removed to construct the proposed development shall be replaced on a one to one ratio with a six foot tall native tree.

(b) For each 100 square feet of new building area, the property owner shall plant, one, 3-4 foot tall native tree or three native tree seedlings. The trees shall be planted to improve wildlife habitat first within non-forested cleared areas contiguous to forested areas, second

within any degraded stream riparian areas before being placed in forested areas or adjacent to landscaped yards.

(c) Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 34.4570(B)(6).

(d) For non-forested "cleared" areas that require nuisance plant removal pursuant to MCC 34.4570(B)(7), the property owner shall set a specific date for the work to be completed and the area replanted with native vegetation. The time frame must be within two years from the date of the permit.

(5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(3) of this section, the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes. Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 34.4570(B)(6).

(d) For mitigation areas, all trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List. An applicant shall meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the total developed area (including, buildings, pavement, roads, and land designated as a Development Impact Area) on a Lot of Record will be one acre or more, the applicant shall comply with Mitigation Option 2:

1. *Mitigation Option 1.* In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the development site. Trees that are removed from the development site shall be replaced as shown in the table below. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Tree Replacement Table

Size of tree to be removed (inches in diameter)	**Number of trees and shrubs to be planted**
6 to 12	2 trees and 3 shrubs
13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs

25 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

2. *Mitigation Option 2.* In this option, the mitigation requirement is calculated based on the size of the disturbance area associated with the development. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

(e) ***Location of mitigation area.*** All vegetation shall be planted within the mitigation area located on the same Lot of Record as the development and shall be located within the SEC-h overlay or in an area contiguous to the SEC-h overlay; provided, however, that if the vegetation is planted outside of the SEC-h overlay then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. (Note: an off-site mitigation option is provided in a streamlined discretionary review process). The mitigation area shall first be located within any existing non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas and last in forested areas or adjacent to landscaped yards.

(f) Prior to development, all work areas shall be flagged, fenced, or otherwise marked to reduce potential damage to habitat outside of the work area. The work area shall remain marked through all phases of development.

(g) Trees shall not be used as anchors for stabilizing construction equipment.

(h) Native soils disturbed during development shall be conserved on the property.

(i) An erosion and sediment control plan shall be prepared in compliance with the Grading and Erosion Control standards set forth in MCC 29.330 through MCC 29.348;

(j) ***Plant size.*** Replacement trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs shall be in at least a 1-gallon container or the equivalent in ball and burlap and shall be at least 12 inches in height.

(k) ***Plant spacing.*** Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.

(l) ***Plant diversity.*** Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.

(m) ***Nuisance plants.*** Any nuisance plants listed in (B)(7) above shall be removed within the mitigation area prior to planting.

(n) ***Planting Schedule.*** The planting date shall occur within one year following the approval of the application.

(o) ***Monitoring and reporting.*** Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed. ~~The Planning Director may require periodic reporting for a period of up to five years, documenting the survival of the trees and shrubs on the mitigation site.~~

(~~5~~6) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

(D) Optional Development Impact Area (DIA). For the purpose of clustering home sites together with related development within the SEC-h overlay, an applicant may choose to designate an area around the home site for future related development and site clearing. For the purposes of establishing the appropriate mitigation for development within the DIA, existing vegetation within the DIA is presumed to be ultimately removed or cleared in the course of any future development within the DIA. Establishment of a DIA is subject to all of the applicable provisions in MCC 33.4570 and the following:

(1) The maximum size for a DIA shall be no greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(2) Any required mitigation for the DIA site under an approved wildlife conservation plan shall be completed within one year of the final approval of the application.

(3) The DIA shall contain an existing habitable dwelling or approved dwelling site.

(4) No more than one DIA is permitted per Lot of Record.

(5) The DIA can be any shape, but shall be contiguous and shall fit within a circle with a maximum diameter of 400 feet.

(6) For new dwellings that will be located on a Lot of Record that does not currently contain a dwelling, the DIA should be located within 200 feet of a public road or in the case of properties without road frontage, as close as practicable (accounting for required setbacks and fire safety zones) to the entry point of the vehicular access serving the property.

(7) No part of a DIA may be located in an SEC-s sub-district, mapped wetland, or flood hazard zone.

(8) All development within the DIA is subject to all development criteria in effect for the underlying zone and overlay zones at the time of development. Approval of a DIA does not preclude the applicant's responsibility to obtain all other required approvals.

(9) Once a DIA is approved and all pre-development conditions of approval are met, development within the DIA may commence at anytime thereafter provided the applicable approval criteria of MCC 34.4570 are the same as the criteria under which the DIA was originally approved. This provision does not waive the approval timeframe and/or expiration of any other permit approvals.

Proposed New Code Language (Chapter 36):

(Language ~~stricken~~ is deleted; underlined language is new.)

§ 36.4567 SEC-H CLEAR AND OBJECTIVE STANDARDS.

At the time of submittal the applicant shall provide the application materials listed in MCC 36.4540(A) and (D). The application shall be reviewed through the Type I procedure and may not be authorized unless the following are met:

(A) The proposed development meets the standards listed in 36.4560(A)(l) through (5):

(B) The proposed development shall meet the applicable storm water and grading and erosion control requirements of MCC Chapter 29. Ground disturbance within 100 feet of a watercourse as defined by MCC 29.351 shall be limited to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th.

(C) New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal plane. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.

(D) The nuisance plants in 36.4550, Table 1, in addition to the nuisance plants defined in 36.4510 shall not be used as landscape plantings within the SEC-h Overlay Zone:

For development that fails to meet all of the standards listed above, a separate land use application pursuant to MCC 36.4560 may be submitted.

§ 36.4560 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT.

Development within areas designated SEC-h shall comply with the provisions of this section. An application shall not be approved unless it contains the information in 36.4540(A) and (D).

(A) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

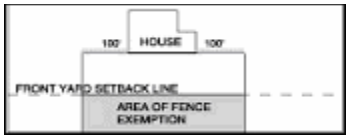


FIGURE 36.4570A FENCE EXEMPTION AREA

(f) Fencing standards do not apply where needed for security of utility facilities.

(5) The nuisance plants listed in Table 1 shall not be planted as landscaping and shall be controlled within cleared areas of the subject property.

(B) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (A) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (A), but demonstrates that the alternative conservation measures exceed the standards of Section (A) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (A).

(3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (B)(5) of this section, ~~T~~the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

(4) For a property meeting (B)(l) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:

(a) Each tree removed to construct the proposed development shall be replaced on a one to one ratio with a six foot tall native tree.

(b) For each 100 square feet of new building area, the property owner shall plant, one, 3-4 foot tall native tree or three native tree seedlings. The trees shall be planted to improve wildlife habitat first within non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas before being placed in forested areas or adjacent to landscaped yards.

(c) Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 36.4560(A)(4).

(d) For non-forested "cleared" areas that require nuisance plant removal pursuant to MCC 36.4560(A)(5), the property owner shall set a specific date for the work to be completed and the area replanted with native vegetation. The time frame must be within two years from the date of the permit.

(5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (B)(3) of this section, the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes. Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 36.4560(B)(4).

(d) For mitigation areas, all trees, shrubs and ground cover shall be native plants selected from the Metro Native Plant List. An applicant shall meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the total developed area

(including, buildings, pavement, roads, and land designated as a Development Impact Area) on a Lot of Record will be one acre or more, the applicant shall comply with Mitigation Option 2:

1. *Mitigation Option 1*. In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the development site. Trees that are removed from the development site shall be replaced as shown in the table below. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

Tree Replacement Table

Size of tree to be removed (inches in diameter)	**Number of trees and shrubs to be planted**
6 to 12	2 trees and 3 shrubs
13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs
25 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

2. *Mitigation Option 2*. In this option, the mitigation requirement is calculated based on the size of the disturbance area associated with the development. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

(e) ***Location of mitigation area.*** All vegetation shall be planted within the mitigation area located on the same Lot of Record as the development and shall be located within the SEC-h overlay or in an area contiguous to the SEC-h overlay; provided, however, that if the vegetation is planted outside of the SEC-h overlay then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. (Note: an off-site mitigation option is provided in a streamlined discretionary review process). The mitigation area shall first be located within any existing non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas and last in forested areas or adjacent to landscaped yards.

(f) Prior to development, all work areas shall be flagged, fenced, or otherwise marked to reduce potential damage to habitat outside of the work area. The work area shall remain marked through all phases of development.

(g) Trees shall not be used as anchors for stabilizing construction equipment.

(h) Native soils disturbed during development shall be conserved on the property.

(i) An erosion and sediment control plan shall be prepared in compliance with the Grading and Erosion Control standards set forth in MCC 29.350 through MCC 29.365;

(j) ***Plant size.*** Replacement trees shall be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs shall be in at least a 1-gallon container or the equivalent in ball and burlap and shall be at least 12 inches in height.

(k) ***Plant spacing.*** Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on center. When planting near existing trees, the drip line of the existing tree shall be the starting point for plant spacing measurements.

(l) ***Plant diversity.*** Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.

(m) ***Nuisance plants.*** Any nuisance plants listed in Table 1 above shall be removed within the mitigation area prior to planting.

(n) ***Planting Schedule.*** The planting date shall occur within one year following the approval of the application.

(o) ***Monitoring and reporting.*** Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind so that a minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed. ~~The Planning Director may require periodic reporting for a period of up to five years, documenting the survival of the trees and shrubs on the mitigation site.~~

(~~5~~6) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

(C) Optional Development Impact Area (DIA). For the purpose of clustering home sites together with related development within the SEC-h overlay, an applicant may choose to designate an area around the home site for future related development and site clearing. For the purposes of establishing the appropriate mitigation for development within the DIA, existing vegetation within the DIA is presumed to be ultimately removed or cleared in the course of any future development within the DIA. Establishment of a DIA is subject to all of the applicable provisions in MCC 36.4560 and the following:

(1) The maximum size for a DIA shall be no greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(2) Any required mitigation for the DIA site under an approved wildlife conservation plan shall be provided within one year of the final approval of the application.

(3) The DIA shall contain an existing habitable dwelling or approved dwelling site.

(4) No more than one DIA is permitted per Lot of Record.

(5) The DIA can be any shape, but shall be contiguous and shall fit within a circle with a maximum diameter of 400 feet.

(6) For new dwellings that will be located on a Lot of Record that does not currently contain a dwelling, the DIA should be located within 200 feet of a public road or in the case of properties without road frontage, as close as practicable (accounting for required setbacks and fire safety zones) to the entry point of the vehicular access serving the property.

(7) No part of a DIA may be located in an SEC-s sub-district, mapped wetland, or flood hazard zone.

(8) All development within the DIA is subject to all development criteria in effect for the underlying zone and overlay zones at the time of development. Approval of a DIA does not preclude the applicant's responsibility to obtain all other required approvals.

(9) Once a DIA is approved and all pre-development conditions of approval are met, development within the DIA may commence at anytime thereafter provided the applicable approval criteria of MCC 36.4560 are the same as the criteria under which the DIA was originally approved. This provision does not waive the approval timeframe and/or expiration of any other permit approvals.

PART VI. ATTACHMENTS

Attachment A: Select SEC-h permits from 2007 through June 2010.

Attachment B: Development scenario example where SEC-h development standards that don't require a WCP could result in additional impacts.

Attachment C: Example of a landlocked property that cannot meet SEC-h development standards and would be required to do a WCP.

Attachment D: Pages V-23 – V-27 and VI-23 – VI- 26 of the 1996 West Hills Reconciliation Report.

Attachment E: MCC 33.4570, Criteria for SEC-h permit.

Attachment F: Example of Forest Practices setbacks and Fire Safety Zones spread over multiple sites on one property.

Attachment G: Example of Forest Practices setbacks and Fire Safety Zones centered on a single DIA on one property.

Attachment H: Metro [Title 13] Model Code.

Attachment I: Comparison of circle diameters.

I-1: Undeveloped Parcel

I-2: 450-Foot Diameter Circle

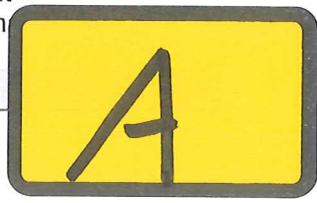
I-3: 400-Foot Diameter Circle

I-4: 350-Foot Diameter Circle

I-5: 300-Foot Diameter Circle

SIGNIFICANT ENVIRONMENTAL CONCERN FOR WILDLIFE HABITAT PERMITS FROM 2007 – JUNE 2010

Case Number	Zone*	Project Description	What Mitigation Measures?	Dev. Stnds Met?
T2-07-074	SEC-h & v	New Dwelling	N/A	Yes
T2-07-082	SEC-h & s	New Dwelling	Mitigation plan to remove nuisance plants and replant with native species. Monitoring for 5 years for 80% survival. No additional trees to be removed unless dead or dying. Replanting required.	No
T2-07-086	SEC-h & s	New Dwelling	Mitigation plan to plant understory vegetation & native shrubbery along driveway, & native trees in cleared area. Removal of nuisance plants existing on property	Yes
T2-07-090	SEC-h	New Dwelling	Nuisance plants, maintain the existing density of the forested areas on the property	No
T2-08-004	SEC-h & s	New Dwelling	Conservation plan – add 10 trees to SEC-s zone in addition to SEC-s mitigation plan. Nuisance plants	No
T2-08-022	SEC-h & s	New Dwlg & 2 Accessory Bldgs	Fencing Condition, Nuisance Plant Condition	Yes
T2-08-053	SEC-h & s	New Dwlg & Accessory bldg	Native Plant Landscaping plan, Blackberry removal, Nuisance Plant condition	No
T2-08-073	SEC-h	New Dwelling	Nuisance plant condition, Fencing Condition	Yes
T2-09-004	SEC-h & s	New Dwelling	One Acre limitation, Fencing condition, Nuisance Plant condition Wildlife Conservation Plan	No
T2-09-026	SEC-h & s	New Dwlg & Accessory Bldg	Nuisance Plant Condition, No fencing allowed on property. Wildlife Conservation Plan requires Planting of Native trees in the cleared areas	No
T2-09-054	SEC-h & s	New Dwelling	Condition for driveway location, , Location of the dwelling condition, 2nd location of the dwelling condition, Length of driveway condition, Nuisance Plant condition, Fencing condition	Yes? (thru conditions)
T2-09-055	SEC-h & s	New Dwelling	Nuisance Plant condition, Fencing condition	Yes
T2-10-012	SEC-h & s	New Dwelling	Modification of dwelling location. Nuisance Plant & Fencing conditions are in T2-09-054	Yes
T2-2010-649	SEC-h & s	New Dwelling	Nuisance Plant condition, fencing condition, Wildlife Conservation Plan requiring 26,000 sq ft. of replanting in the riparian area, no more than 1 acre of cleared area for dwelling	No
T2-2010-948	SEC-h	New dwelling	Nuisance Plant condition, Fencing condition	Yes
T2-07-081	SEC-h	Replacement Dwlg	Nuisance plants limitation, Maintain existing forest density of the forested areas, Plant a minimum of 500 additional trees on property	No
T2-07-099	SEC-h & v	Replacement Dwlg	Nuisance plant condition	No
T2-08-062	SEC-h	Replacement Dwlg	No conditions for SEC-h criteria	Yes
T2-09-057	SEC-h, s & v	Replacement Dwlg	New dwelling is partially located where old dwelling was located. Nuisance Plant condition, WCP required. Existing driveway not compared to locational standard, but found criterion met. No mitigation required via Plan	No
T2-10-002	SEC-h & v	Replacement Dwlg	Nuisance Plant condition, Fence condition,	Yes
T2-07-085	SEC-h & v	Accessory Bldg	Nuisance plants	Yes
T2-08-037	SEC-h & v	Accessory Bldg	2,880 sq. ft bldg No nuisance plant condition, (Distance to dwelling?)	Yes
T2-09-037	SEC-h	Accessory Bldg	Nuisance Plant Condition. Existing driveway was found to not have to meet locational criteria	Yes
T2-09-051	SEC-h	Accessory Bldg	1,072 sq. ft. Detached Garage. Planting the southern third of cleared area w/Native trees, Nuisance Plant condition. Existing driveway does not meet location criteria triggering WCP	No



Case Number	Zone*	Project Description	What Mitigation Measures?	Dev. Stnds Met?
T2-2010-1267	SEC-h	Accessory Bldg	Detached Garage Nuisance Plant condition, Removal of existing fencing condition, Driveway exists and is not being modified for length. 500 ft length criterion was found not to be applicable. Driveway location criterion not applicable due to existing driveway. Wildlife Conservation Plan requires 13 new trees in cleared area	No
T2-07-094	SEC-h	Accessory Bldg	Lap Pool w/enclosure. Nuisance plants condition, fencing condition	No
T2-08-001	SEC-h & v	Garage Addition	625 sq. ft. garage addition. Nuisance plant conditions	Yes
T2-08-028	SEC-h & v	Dwlg Addition	322 sq. ft. sunroom addition & carport addition of unidentified size. Nuisance plant condition	Yes
T2-09-006	SEC-h	Dwlg Addition & Accessory Bldg	215 sq. ft. addition to dwelling, 660 sq. ft. detached garage. Fencing condition, Nuisance Plant Condition	Yes
T2-09-036	SEC-h & v	Dwlg Addition	654 sq. ft. of additional ground coverage. Nuisance Plant Condition. Existing driveway does not meet locational standard – required WCP. WCP finds that the property has been replanted and no additional measures are necessary.	No
T2-2010-784	SEC-h	Dwlg Addition & several accessory buildings	Nuisance plant condition	Yes
T2-08-007	SEC-h & v	Health Hardship Dwelling	Nuisance plant condition	Yes
T2-09-010	SEC-h	Pond & waterfall landscaping	Nuisance Plant condition, Wildlife Conservation Plan	No
T2-09-020	SEC-h & s	Amendment to SEC-h permit	No fencing allowed on the property. Nuisance Plant condition, Wildlife Conservation Plan to replant the property with Native Vegetation	No
T2-09-063	SEC-h & s	Swimming pool & Covered Cabana	Nuisance Plant condition, Driveway exists, so location criterion is met.	Yes
T2-10-011	SEC-h	Wind Turbine	Nuisance Plant condition. Existing driveway finding for locational criterion	Yes

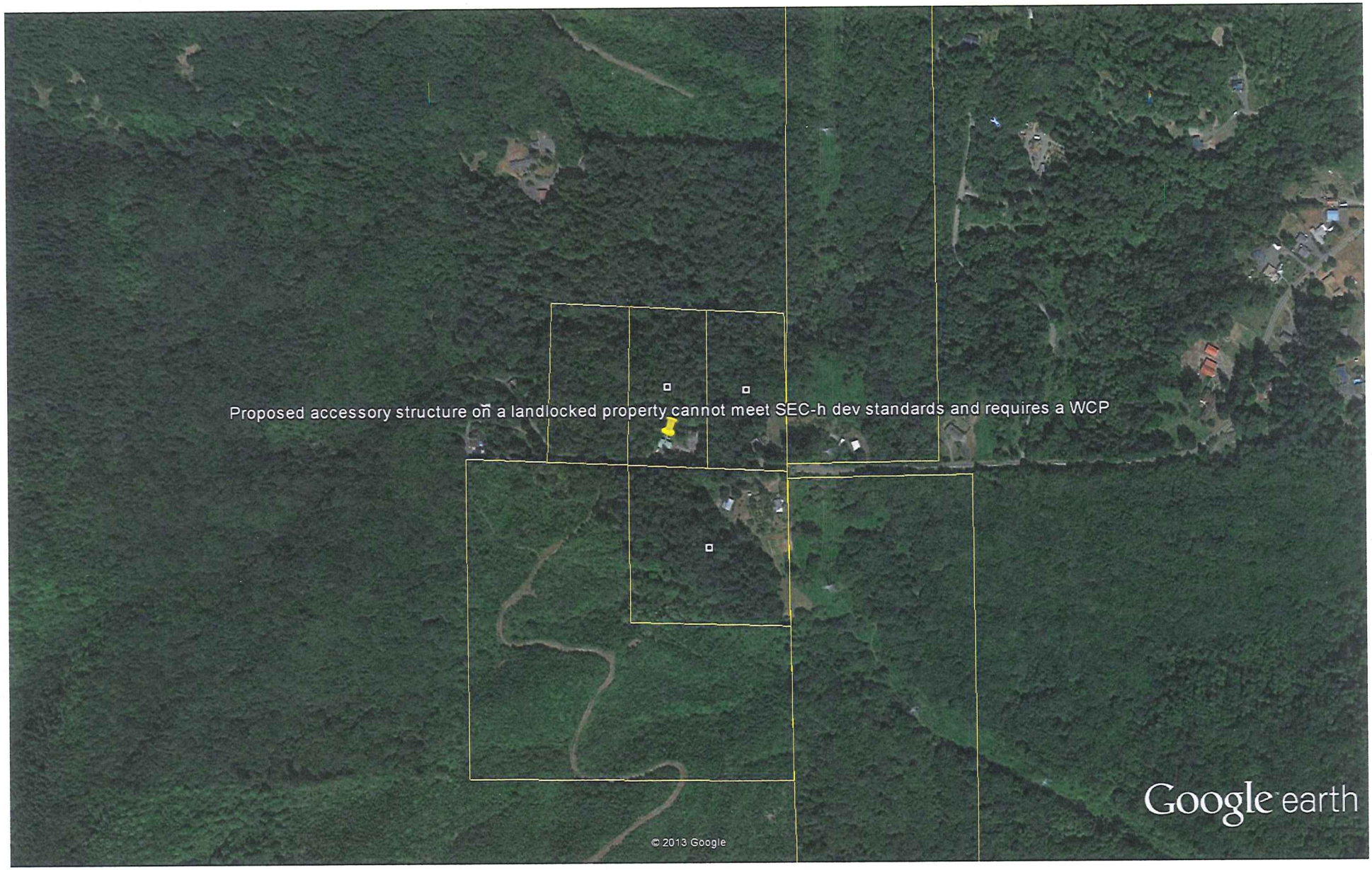
*All permits are located in West Hills Rural Plan Area

Proposed Structures	Improvements Approved
New Dwelling	15
Replacement Dwelling	5
Accessory Building	11
Additions	5
Miscellaneous	5
Total	41*

*36 T2 Applications Reviewed

EXEMPT IMPROVEMENT FROM SEC-H

Case Number	Zone	Project Description	What Mitigation Measures?	Dev. Stnds Met?
T2-07-109	SEC-h & v	Addition	Permit was for SEC-v only. 135 sq. ft. addition is exempt from SEC-h	N/A
T2-07-113	SEC-h	New Dwelling	Development outside of SEC-h overlay zone	N/A
T2-08-032	SEC-h & v	House Addition	336 sq. ft. addition exempt from SEC-h	N/A
T2-10-008	SEC-h & v	Cell Tower	Cell towers are exempt from obtaining SEC permits	N/A
T2-2010-1261	SEC-h & v	Solar Panels on Roof	Exempt from SEC-h.	N/A
T2-2010-1264	SEC-h & v	Addition to dwelling	384 sq. ft. ground coverage for two story addition to existing sfd. Exempt from SEC-h permit	N/A



Google earth

feet 3000
km 1

B

Google earth

feet 2000

meters 800

C

4. ESEE ANALYSIS

There are four principal land use threats to the West Hills Wildlife Forested Habitat Area:

— Rural Residential Development and associated roads and public facilities
— Agriculture
— Forestry
— Mining

Since the environmental consequences of allowing these land uses, and their associated activities, overlap, environmental consequences common to most or all uses are described in subsection **a.** below. The remaining economic, social, and energy consequences of allowing these land uses, and their associated activities, are described in subsection **b.** below. Subsection **c.** addresses the economic, social, environmental, and energy consequences of prohibiting or limiting conflicting uses to protect wildlife habitat.

Rural residential development, because it is associated with roads, brings in people and traffic, and usually leads to long-term clearing of land, poses the greatest single threat to the objective of maintaining a continuous band of forested wildlife habitat. Community service and conditional uses whose impacts are listed on Tables 5.A.-D. have impacts similar to residential development. Throughout the remainder of this report, community service and conditional use impacts shall be considered synonymous with residential impacts.

D

Agricultural uses are largely established, and occur primarily on land planned and zoned for agricultural use on the west side of the West Hills Rural Area. Forested habitat areas are generally too steep, and soils generally unsuitable, for farming.

The County's ability to limit forest uses is restricted by State law, which states that conflict resolution involving forest operations on forest land occurs exclusively through Oregon Forest Practices rules.

There is one, large active mining operation in the West Hills, which is leased and mined by Angell Brothers. If expanded, the quarry would extend further into a narrow portion of the forested habitat peninsula and could affect wildlife habitat. For this reason, the ESEE consequences of expansion of the Angell Brothers quarry operation is a major focus of this analysis.

a. Consequences of Allowing Conflicting Uses Upon Wildlife Habitat

i. Economic Consequences

The economic impacts of loss of wildlife habitat cannot be quantified with any reasonable degree of certainty. Wildlife habitat has not traditionally been part of the market system, and it is difficult, if not impossible to evaluate it in the same manner as market or commodity resources. There is no particular economic activity which relies on the maintenance of wildlife habitat in the West Hills to continue its existence. However, protection of wildlife habitat may provide some less direct economic benefits to the quality of life in Multnomah County, which is an attraction to new business, conventions, and tourism. In particular, Forest Park, one of the nation's most unique urban parks, is an amenity which adds significantly to the County's quality of life, which in turn attracts new business, conventions, and tourism. These indirect economic benefits could be lessened if conflicting uses cause impacts to wildlife habitat in the West Hills Wildlife Forested Habitat Area.

ii. Social Consequences

The West Hills have a psychological value to some people, being perceived as an integral and important part of the forested landscape linking Forest Park to the Coast Range, and contributing to the image of a natural area with wildlife habitat on the outskirts of Portland. Loss of the wildlife habitat linkage between Forest Park and the Coast Range could have a social/public impact if the educational or passive recreational attributes of Forest Park and the West Hills Wildlife Forested Habitat Area (which includes a recently purchased 30-acre old grove forested area near McNamee Road) are eroded.

iii. Environmental Consequences

The following discussion describes adverse environmental consequences associat-

ed with allowing conflicting uses and activities recognized on Tables 5.A.-D. Table 5 documents the magnitude and duration of each of these impacts on individual species, or groups of species, in the West Hills Wildlife Forest Habitat Area. These adverse environmental impacts include:

- Direct Loss of Habitat
- Edge Effects
- Creation of Barriers
- Fragmentation
- Native Vegetation Removal
- Application of Herbicides
- Soil Excavation
- Topsoil Removal
- Human Intrusion
- Pet Impacts
- Increased Impervious Surface Area
- Use of Insecticides and Poisons
- Application of Fertilizers
- Other Water Quality Impacts

Following this discussion is a specific discussion of the environmental consequences of residential development, agriculture, forestry, and mining on wildlife habitat.

- Direct Loss of Habitat

Direct loss of habitat occurs whenever native vegetative cover is removed, water quality reduced or human intrusion increased. Thus rural residential development, clearing for agricultural purposes, harvesting of trees, road construction, and mining and a range of uses allowed in the four zoning districts which apply to the West Hills Wildlife Forested Habitat Area. However, direct loss of habitat area is ~~much~~ more critical in the Folkenberg and McNamee-Harborton Subareas, than in other areas within the West Hills.

A principal conclusion of A Study of Forest Wildlife Habitat in the West Hills was that if existing trends in residential development continue without regard to maintaining continuous forested habitat throughout, isolation of Forest Park and the entire peninsula will result. To avoid such isolation, the forest habitat throughout the peninsula must be capable of supporting viable populations of resident species native to the area. The continuous forest habitat should be wide enough to contain home ranges of smaller wildlife species; generally, the longer the connected strip of forested habitat, the wider the peninsula should be. (Noss, 1987a; Houle, 1990; Marcot, pers. comm., 1992).

Existing residential development, agricultural clearing, and recent logging followed by subdivision and residential development along the top of the crest between the

Tualatin River watershed and Multnomah Channel watersheds and on the west side probably preclude restoration of continuous forest sufficiently wide to be usable by many species. The only portion of the peninsula between Cornelius Pass Road and Newberry Road, in which a continuous forested area can be maintained over the long term, is on the east side of the crest (along Skyline Blvd.).

However, land use practices in the McNamee-Harborton and Folkenberg Sub-areas have fragmented the existing forest habitat. Permanent impacts — such as rural residential development, clearing of land for agriculture, construction of roads and fences, and long-term temporary impacts, such as logging and quarrying — must be controlled if connectivity is to be maintained in the long run.

As part of this study, Ecologist Lynn Sharp reviewed 1993 aerial photographs of the West Hills to determine changes from 1989 METRO data, and 1991 data derived from A Study of Forest Wildlife Habitat in the West Hills related to vegetative cover. The West Hills Wildlife Habitat Vegetative Cover Map precisely identifies developed or farmed areas, meadows, shrub (early successional forest) areas, and older, established forested areas. What is clear from this map is that the recommended peninsula of forested habitat has been fragmented by clear cuts, and that edge effects have increased markedly in the past five years.

This edge effect is especially pronounced in the McNamee-Harborton and Folkenberg subareas, where there are other obstructions to wildlife movement and forest cover (i.e., rural residential development, several roads, limited agriculture, and the Angell Brothers quarry operation.).

- Edge Effects

Edge effects have been studied by Kendeigh, (1944); Askins, et al., (1987) and Lemkuhl, et al., (1991). Edge effect is defined as the deleterious effects of increased edge to area ratios due to human activity on plant and animal communities (Soule, 1986; Harris, 1989; Reese and Ratti, 1989; Lemkuhl and Ruggiero, 1991). Potentially, one of these effects is competition between edge and interior species where species that use both edge and interior habitat can have a competitive advantage over species that are more dependent on the forest interior.

It was once thought that the creation of edge effect and the adjacency of highly contrasting plant communities like pasture and forest enhanced the wildlife habitat value of an area. Recent studies have shown that creation of sharp edges and maximum contrast, clear cuts next to old growth forest may cause serious losses of the biological health of the old growth stand due to losses of tree cover to wind throw and increased populations of nest parasites (Forman, 1991). Edge habitats provide different character and properties than forest interiors. For some species, mortality rate will be greater along the edge because of increased exposure to predation, nest parasites, sun, wind, or limited cover from rain and snow. Other species, including many predators, prefer ecotonal or edge to forest interior habitats.

Generally the narrower the forested area (in this case the West Hills Wildlife Forested Habitat Area peninsula of forested wildlife habitat) the higher the ratio of edge to interior species. Interior species will predominate in the center of a wider forested area. Examples of species tending to occur in portions of forest far from edges (interior areas) in the study area include the varied thrush, Townsend's warbler. and goshawk. disturbance tolerant species are often abundant in habitats with paths and roads, as well as those adjacent to agricultural fields and residential development (Soule, 1991). Long range migratory songbirds nesting in forests are particularly impacted by clearing and edge creation (Askins, 1987). Nest parasitism and predation increases for as much as 600 meters into a stand (Gates, Gysel, 1978), effectively reducing functional interior area to none in small stands.

Animals leaving a forest stand to forage or explore dispersal possibilities may succumb to predation or, in the case of game species, be more likely to be killed by hunters. In this regard the edge of the stand may be termed a unidirectional filter (Janzen, 1986) in that the net "flow" of animals is out of the stand and population, rather than being balanced by dispersing animals entering the stand from elsewhere decrease. This is not true of all edges, but is the case for systems where edge predominates, which is the situation occurring in the study area.

Changes in microclimate due to edge effect have been studied and found to significantly alter plant communities (Harris, 1984). This is due to light penetration, higher wind velocities and drier conditions (Ranney, et al., 1981). In Pacific Northwest forests, evidence indicates that this effect extends up to 160 meters in a stand (Franklin and Forman, 1987).

- Barriers — Roads and Fences

Roadways and fences contribute to both the "edge effect" and to "fragmentation." Roadways are common to rural residential, agricultural, forestry and quarry conflicting uses. Fences are common to residential, agricultural and quarry conflicting uses, and may apply to some prescribed and conditional uses associated with forestry operations (e.g., forest products processing facility, logging equipment repair, forest management research, gravel extraction and landfills).

No new major roads are planned for the West Hills. However, additional road and driveway construction will occur for residential development, quarrying operations, forestry and agriculture. Roads increase impervious surface area, remove vegetation, and, in steeply-sloped areas, can have major adverse impacts on water quality. Vehicle travel on roads also results in road kill. Finally, roads create barriers for animal movement, especially for less mobile species.

The Rural West Functional Classification of Trafficways shows principal and rural arterial roads, rural collectors and local roads. Appendix 1 describes is a "windshield" survey of the conditions along each of the roads in the West Hills Wildlife

4. WILDLIFE

a. Designated Level of Protection

The designated level of protection for the Significant Wildlife Habitat in the West Hills area is 3.C. — Limit Conflicting Uses.

b. Conflicting Uses to be allowed fully

Forestry/timber
Farm Use

c. Conflicting Uses to be allowed conditionally

Community Service/Conditional Uses
Wood Processing(limited, sawmills, etc.)
Wholesale/retail for farm/forest products
Campgrounds
Cemeteries
Fire Stations
Water infrastructure facilities
Utility facilities
Parks
Landfills
Hunting & Fishing lodges
Logging equipment repair and storage
Aircraft landing areas
Schools

Churches
Golf Courses
Road widening requiring additional right-of-way or building removal
Farm-related commercial activities
Dog Kennels
Group Care Facility
Cottage Industries
Rural Service/Commercial
Tourist Commercial
Other Community Service Uses
Residential Uses
Single-family Residential
Farm/Forest Worker Housing
Mining/Geothermal Uses

d. Conflicting Uses not allowed

None

e. Program to achieve the goal

The program comprises land use regulations and non-regulatory measures to assure long-term protection of significant wildlife habitat in the West Hills.

Non-regulatory

• Multnomah County will explore tax incentives or other methods of encouraging conservation easements to protect significant wildlife habitat

• Multnomah County will urge and offer to work with the Oregon Department of Forestry to craft Forest Practices Act rules which better protect wildlife habitat in the West Hills.

• Multnomah County will work cooperatively on joint programs with the U.S. Natural Resources Conservation Service and the West Multnomah Soil and Water Conservation District to promote agricultural practices which protect streams and associated wildlife habitat.

Regulatory

• To protect significant wildlife habitat in forest and exclusive farm use zones, Multnomah County will maintain and enforce strict parcel size requirements and dwelling restrictions no less restrictive than state law in effect in 1995.

• Multnomah County will use existing animal control ordinances to restrict free-roaming domestic animals which prey upon and harass wildlife.

• Multnomah County shall adopt zoning ordinance provisions which limit additional clearing of forested areas in association with non-forestry related development.

• Multnomah County shall adopt zoning ordinance provisions which promote clustering of rural residential and rural service development adjacent to existing public roads and existing

• Multnomah County accepts, encourages,and will honor to the extent allowed by law, third-party agreements to protect significant wildlife habitat through private sales, dedications, donations, easements, or other use restrictions.

• Multnomah County will rely on state agency administration of state regulations that affect protection of significant wildlife habitat in the West Hills, and will review and comment on state agencies' programs affecting protection of significant wildlife habitat in the West Hills.

residential and service development.

• Multnomah County shall adopt zoning ordinance provisions which restrict height and type of fencing adjacent to public roads.

• Multnomah County shall adopt zoning ordinance provisions which prohibit the planting or maintaining of nuisance, and non-native invasive plant species as part of a proposed development.

• Multnomah County shall require the Angell Brothers expanded quarry site to take the following measures as part of its operation and reclamation plan:

-- Minimization of the area mined at any given time.

-- Demonstration that reclaimed areas are capable of supporting forest vegetation.

-- Simultaneous reclamation along with mining to minimize non-vegetated areas.

-- Reclamation of the site so as to best enhance wildlife habitat values

5. SUMMARY

The scenic area, stream riparian areas, aggregate resource, and wildlife habitat areas should be designated "3-C" . This will provide a level of protection that recognizes and protects the attributes that make each resource significant.

The scenic area, stream riparian areas and wildlife habitat areas should be protected through implementation of the Significant Environmental Concern (SEC) overlay zone. Specific standards to govern new development have been outlined in the previous section. These standards will be drafted into code language and reviewed by the Planning Commission and Board of County Commissioners beginning in August. The standards in many cases provide overlapping protection to the significant resources. For example, the standard to limit the size of the area cleared of native vegetation around a house also protects scenic qualities because

the break in the forest cover will be limited.

These designations and proposed protection standards provide overall protection to all four of the significant resources in the West Hills. This program complies with Statewide Planning Goal 5.

§ 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

* * *

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

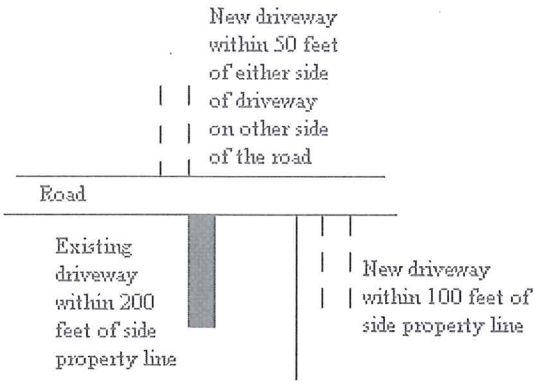
(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.



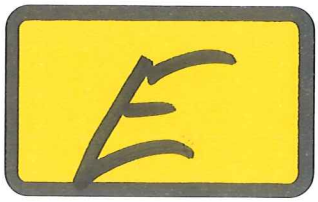
For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.



(6) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE 33.4570A FENCE EXEMPTION AREA

(f) Fencing standards do not apply where needed for security of utility facilities.

(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name
Chelidonium majus	Lesser celandine
Cirsium arvense	Canada Thistle
Cirsium vulgare	Common Thistle
Clematis ligusticifolia	Western Clematis
Clematis vitalba	Traveler's Joy
Conium maculatum	Poison hemlock
Convolvulus arvensis	Field Morning-glory
Convolvulus nyctagineus	Night-blooming Morning-glory
Convolvulus seppium	Lady's nightcap
Cortaderia selloana	Pampas grass
Crataegus sp. except C. douglasii	hawthorn, except native species
Cytisus scoparius	Scotch broom
Daucus carota	Queen Ann's Lace
Elodea densa	South American Water-weed
Equisetum arvense	Common Horsetail
Equisetum telemateia	Giant Horsetail
Erodium cicutarium	Crane's Bill
Geranium roberianum	Robert Geranium
Hedera helix	English Ivy
Hypericum perforatum	St. John's Wort
Ilex aquafolium	English Holly
Laburnum watereri	Golden Chain Tree
Lemna minor	Duckweed, Water Lentil
Loentodon autumnalis	Fall Dandelion
Lythrum salicaria	Purple Loosestrife
Myriophyllum spicatum	Eurasian Watermilfoil
Phalaris arundinacea	Reed Canary grass
Poa annua	Annual Bluegrass
Polygonum coccineum	Swamp Smartweed
Polygonum convolvulus	Climbing Binaweed
Polygonum sachalinense	Giant Knotweed
Prunus laurocerasus	English, Portugese Laurel
Rhus diversiloba	Poison Oak
Rubus discolor	Himalayan Blackberry
Rubus laciniatus	Evergreen Blackberry
Senecio jacobaea	Tansy Ragwort
Solanum dulcamara	Blue Bindweed
Solanum nigrum	Garden Nightshade

Scientific Name	Common Name
Solanum sarrachoides	Hairy Nightshade
Taraxacum officinale	Common Dandelion
Ultricularia vuigaris	Common Bladderwort
Utica dioica	Stinging Nettle
Vinca major	Periwinkle (large leaf)
Vinca minor	Periwinkle (small leaf)
Xanthium spinoseum	Spiny Cocklebur
various genera	Bamboo sp.

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

(3) The wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

(4) For a property meeting (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan:

(a) Each tree removed to construct the proposed development shall be replaced on a one to one ratio with a six foot tall native tree.

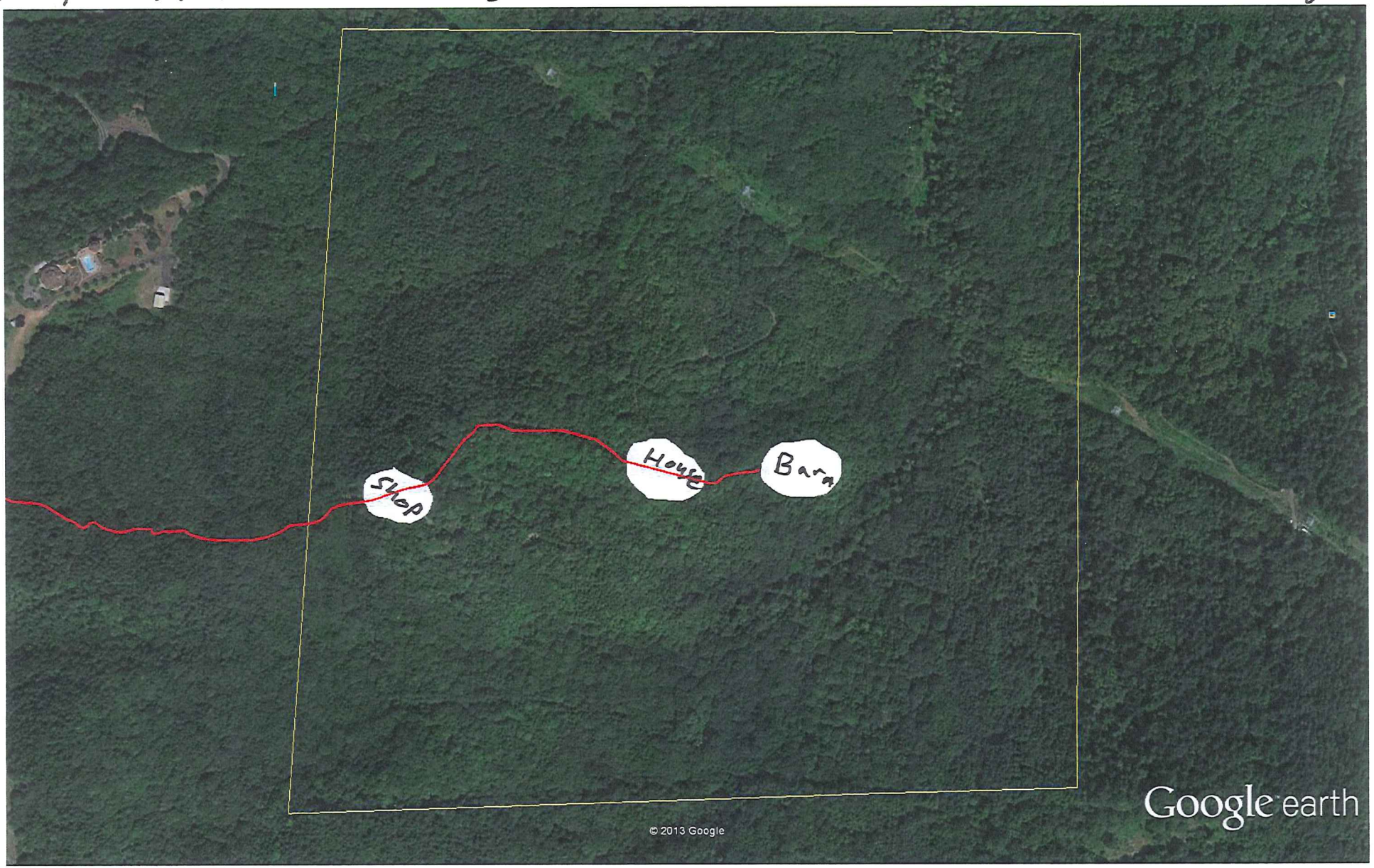
(b) For each 100 square feet of new building area, the property owner shall plant, one, 3-4 foot tall native tree or three native tree seedlings. The trees shall be planted to improve wildlife habitat first within non-forested cleared areas contiguous to forested areas, second within any degraded stream riparian areas before being placed in forested areas or adjacent to landscaped yards.

(c) Existing fencing located in the front yard adjacent to a public road shall be consistent with MCC 33.4570(B)(6).

(d) For non-forested "cleared" areas that require nuisance plant removal pursuant to MCC 33.4570(B)(7), the property owner shall set a specific date for the work to be completed and the area replanted with native vegetation. The time frame must be within two years from the date of the permit.

(5) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

130' Forest Practices Setbacks without DIA Clustering-

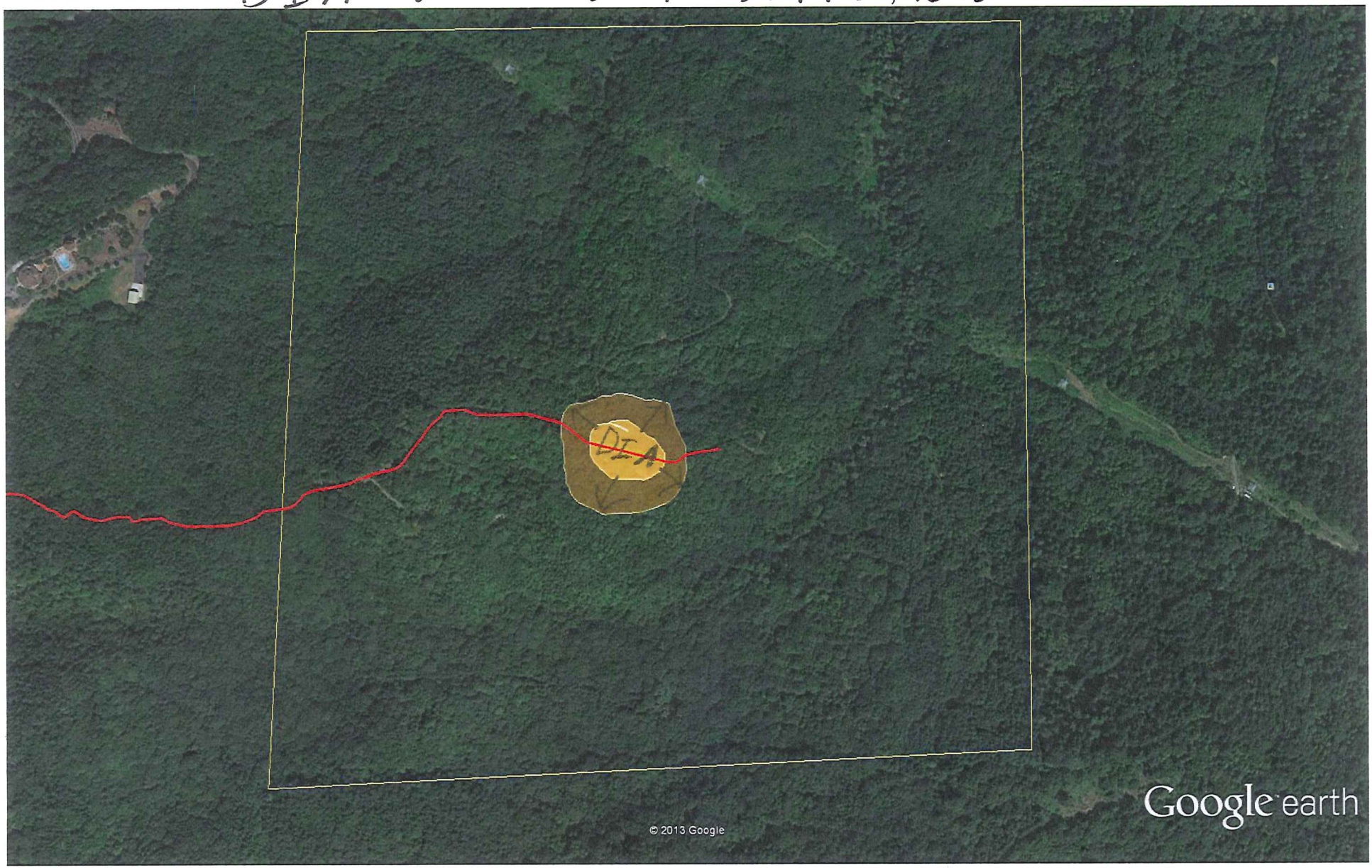


Google earth

feet 3000
meters 900

F

DIA with 130' Forest Practices Setbacks



Google earth

feet 3000
meters 900

6

i. Covenant required. The owner of the sending property must execute a covenant with the authorizing authority that reflects the reduced development potential on the sending property. The covenant must be recorded before approval of the final plan. Density transfers shall be recorded on the title of the sending lot in the HCA and on the title of the transfer (receiving) property.

ii. Sending property included. The sending property must be a part of the application for development on the receiving property. A copy of the covenant for the sending property must be included with the application.

iii. City or county may purchase development rights from sending properties to place in a development rights bank for later sale to developers to use on receiving properties.

C. **Development within HCAs.** The following development standards apply to all development that occurs within the HCA except for exempt uses and conditioned activities addressed in Section 3 of this ordinance and utility facilities addressed in subsection 6(D) of this ordinance. If all development occurs outside of an HCA on a property, these standards do not apply. These standards also do not apply to development that occurs pursuant to the standards established by the alternative discretionary development standards in Section 7 of this ordinance. (Note: Applicants seeking to develop within a Water Quality Resource Area must utilize either the discretionary standards located in Section 7 of this ordinance or the review standards for Metro's Title 3 Water Quality Resource Areas).

1. ***Disturbance area limitations*** to minimize impact to HCA.

a. *Single-family residential.* The maximum disturbance area (MDA) allowed within HCAs is determined by subtracting the area of the lot or parcel outside of the HCAs from the total disturbance area (TDA) calculated as described in Table 1 below.
(TDA – Area outside the HCA = MDA)

i. Moderate and Low HCAs are subject to the same disturbance area limitations.

ii. Calculation of maximum disturbance area. If a lot or parcel includes both High and Moderate/Low HCAs then:

(A) If there is more High HCA than Moderate/Low HCA on the lot or parcel, then the MDA shall be calculated as if all of the Moderate/Low and High HCA were High, per Table 1 below; or

(B) If there is more Moderate/Low HCA than High HCA on the lot or parcel, then the MDA shall be calculated as if all of the Moderate/Low and High HCA were Moderate/Low, per Table 1 below.

iii. Location of MDA. If a lot or parcel includes different types of HCAs, then:

(A) The amount of development that may occur within the High HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High HCA (TDA – non-High HCA = MDA). If the area of the lot or parcel outside the High HCA is greater than the total disturbance area, then development shall not occur within the High HCA:

H

(Area outside High HCA > TDA = no development in High HCA);

(B) The amount of development that may occur within the Moderate HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High and Moderate HCA (TDA – (Low HCA + non-HCA) = MDA). If the area of the lot or parcel outside the Moderate HCA is greater than the total disturbance area, then development shall not occur within the Moderate HCA:

(Area outside Moderate HCA > TDA = no development in Moderate HCA);

and

(C) The amount of development that may occur within the Low HCA is equal to the total disturbance area minus the area of the lot or parcel outside of the High, Moderate and Low HCA (TDA – non-HCA = MDA). If the area of the lot or parcel outside the Low HCA is greater than the total disturbance area, then development shall not occur within the Low HCA:

(Area outside Low HCA > TDA = no development in Low HCA).

Table 1. HCA Total Disturbance Area Limitations for SFR.

HCA type	Total Disturbance Area
High	50 percent of the lot area, up to maximum of 5,000 sq. ft.
Moderate/Low	65 percent of the lot area, up to maximum of 6,000 sq. ft.

b. *All other zones.* The maximum disturbance area (MDA) allowed by right within Low, Moderate and High HCAs in these zones is found in Table 2 below; this MDA is subject to the mitigation requirements described in subsection 6(E) of this ordinance.

Table 2. HCA Disturbance Area Limitations for all zones other than SFR.

HCA type	Maximum Disturbance Area
High	10 percent of HCA on site
Moderate	15 percent of HCA on site
Low	50 percent of HCA on site

c. Development within an HCA in accordance with the provisions of this ordinance shall not result in a change of the HCA status of such developed areas on a property. In the case of a later development request seeking to develop within previously undisturbed HCAs on a property where a prior development request was subject to the provisions of this ordinance, the calculation of the MDA allowed on the property shall be based on the location of the HCA, notwithstanding the location of any authorized development within the HCA.

2. ***Protection of habitat during site development.*** During development of any site containing a HCA, the following standards apply:

a. Work areas shall be marked to reduce potential damage to the HCA.

b. Trees in HCAs shall not be used as anchors for stabilizing construction equipment.

c. Native soils disturbed during development shall be conserved on the property.

d. An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in the [*locally adopted Title 3 erosion control regulations*];

e. Prior to construction, the HCA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed.

f. All work on the property shall conform to the Construction Management Plan described in Section 5 of this ordinance.

D. **Utility facility standards.** The following disturbance area limitations apply to new utilities, private connections to existing or new utility lines, and upgrade

a. The disturbance area for utility facility connections to utility facilities is no greater than 10 feet wide.

b. The disturbance area for the upgrade of existing utility facilities is no greater than 15 feet wide.

c. The disturbance area for new underground utility facilities is no greater than 25 feet wide and disturbs no more than 200 linear feet of Water Quality Resource Area, within any 1,000 linear foot stretch of Water Quality Resource Area; provided that this disturbance area shall be restored with the exception of necessary access points to the utility facility.

d. No fill or excavation is allowed within the ordinary high water mark of a stream, unless a permit is obtained from the US Army Corps of Engineers through the Standard Local Operating Procedures for Endangered Species (SLOPES) process.

e. Mitigation is required as described in subsection E below.

E. **Mitigation requirements for disturbance in HCAs.** In order to achieve the goal of reestablishing forested canopy that meets the ecological values and functions described in section 1(A) of this ordinance, tree replacement and vegetation planting are required when development intrudes into a HCA according to the following standards, except for wetlands mitigation requirements imposed by state and federal law.

1. ***Required plants and plant densities.*** All trees, shrubs and ground cover must be native plants selected from the *Metro Native Plant List*. An applicant must meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is one acre or more, the applicant shall comply with Mitigation Option 2:

a. *Mitigation Option 1.* In this option, the mitigation requirement is calculated based on the number and size of trees that are removed from the site. Trees that are removed from the site must be replaced as shown in Table 3. Conifers must be replaced with conifers. Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

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Table 3. Tree Replacement

Size of tree to be removed (inches in diameter)	Number of trees and shrubs to be planted
6 to 12	2 trees and 3 shrubs
13 to 18	3 trees and 6 shrubs
19 to 24	5 trees and 12 shrubs
25 to 30	7 trees and 18 shrubs
over 30	10 trees and 30 shrubs

b. *Mitigation Option 2.* In this option, the mitigation requirement is calculated based on the size of the disturbance area within a HCA. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

2. ***Plant size.*** Replacement trees must be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.

3. ***Plant spacing.*** Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted between 8 and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

4. ***Plant diversity.*** Shrubs must consist of at least two (2) different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.

5. ***Location of mitigation area.*** All vegetation must be planted on the applicant's site within the HCA or in an area contiguous to the HCA; provided, however, that if the vegetation is planted outside of the HCA then the applicant shall preserve the contiguous area by executing a deed restriction, such as a restrictive covenant. *(Note: an off-site mitigation option is provided in a streamlined discretionary review process).*

6. ***Invasive vegetation.*** Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.

7. ***Tree and shrub survival.*** A minimum of 80% of the trees and shrubs planted shall remain alive on the fifth anniversary of the date that the mitigation planting is completed.

8. ***Monitoring and reporting.*** Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. For a period of five years, the property

owner must submit an annual report to (list appropriate city or county department) documenting the survival of the trees and shrubs on the mitigation site. *[Optional: the city or county may require the property owner to post a performance bond in the amount sufficient to cover costs of plant material and labor associated with site preparation, planting, and maintenance in lieu of the monitoring and reporting requirement.]*

9. To enhance survival of the mitigation plantings, the following practices are required:

    a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.

    b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.

    c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.

10. To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:

    a. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.

    b. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

F. **Standards for Partitions and Subdivisions.** The purpose of this section is to allow for partitions in a manner that limits the total amount of allowable development within HCAs on the partitioned parcels; and to require that new subdivision plats delineate and show the Moderate and High HCAs as a separate unbuildable tract.

1. ***Standards for Partitions containing HCAs*:**

    a. When partitioning a property into parcels, an applicant shall verify the boundaries of the HCA on the property according to Section 9 of this ordinance.

    b. Applicants who are partitioning, but are not simultaneously developing their property, do not need to comply with Section 5 of this ordinance.

    c. When partitioning a property into parcels there shall be no more than a 30% percentage point difference in the percentage of HCA on the parcels; for example, a partition that produces two parcels, one that is 55% HCA and the other that is 35% HCA is permissible; whereas a partition that produces two parcels, one that is 75% HCA and the other that is 30% HCA is not permissible. However, an applicant may partition a property such that at least 90% of the original property's High HCA and 80% of its moderate HCA is on a separate unbuildable parcel, protected by a restrictive covenant or a public dedication.

    d. Subsequent development on any parcels containing HCAs shall comply with Section 5, and the development standards of either section 6 or section 7 of this ordinance.

2. ***Standards for Subdivisions containing HCAs*:**

   a. Applicants who are subdividing, but not developing, must verify the location of the HCA boundary according to Section 9 of this ordinance, and comply with this subsection 6(F); such applicants do not need to comply with Section 5 of this ordinance. Applicants who are subdividing, but not developing, property may:

      i. Complete the mitigation requirements of subsection 6(E) of this ordinance (and, if appropriate, subsections 7(B) and 7(C)) and thereby exempt all subsequent development on lots containing HCA from further review under this ordinance; or

      ii. Not complete the mitigation requirements of subsections 6(E), 7(B), or 7(C) of this ordinance, thus requiring that any subsequent development within an HCA be subject to this ordinance.

   b. Applicants who are subdividing and developing properties must comply with Sections 5, 6, and 9 of this ordinance.

   c. When a property containing any HCA is subdivided, this ordinance requires that new subdivision plats delineate and show the Moderate and High HCA as a separate unbuildable tract according to the following process:

      i. The applicant must place at least 90% of the High HCA and 80% of the Moderate HCA in a separate tract.

         (A) If over 50% of the HCA on a property is of a High designation, the entire calculation is for High (i.e., 90% of the HCA must be placed within a separate tract).

         (B) If over 50% of the HCA on a property is of a Moderate designation, the entire calculation is for Moderate (i.e., 80% of the HCA must be placed within a separate tract).

      ii. If the tract is adjacent to the backyard for residences, the minimum backyard requirement is reduced to 10 ft.

      iii. The standards for subdivisions in Moderate and High HCAs shall apply in addition to the requirements of the city/county land division ordinance and zoning ordinance.

      iv. Prior to preliminary plat approval, the Moderate and/or High HCA shall be shown as a separate tract, which shall not be a part of any lot used for construction of a dwelling unit.

      v. Prior to final plat approval, ownership of the HCA tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

         (A) Private natural area held by the owner or homeowners association by a restrictive covenant; or

         (B) For residential subdivisions, private natural area subject to an easement conveying storm and surface water management rights to the city/county and preventing the

owner of the tract from activities and uses inconsistent with the purpose of this ordinance; or

(C) At the owner's option, public natural area where the tract has been dedicated to the city/county or other governmental unit, or a private non-profit with the mission of land conservation.

Section 7. Alternative Discretionary Development Standards

Applicants may choose to use the alternative discretionary development standards provided in this section rather than the development standards provided in section 6 of this ordinance. There are four discretionary review processes provided in this section: subsection A provides discretionary review for an applicant seeking only to partition a property; subsection B provides discretionary review for an applicant who will comply with the development standards in section 6 of this ordinance, except that the applicant seeks to meet the mitigation requirements of that section on a different property from the property on which a HCA will be disturbed; subsection C provides discretionary review for an applicant who will comply with the development standards in section 6 of this ordinance, except that the applicant seeks to meet the mitigation requirements of that section by proportionally varying the number and size of plants required to be planted; and subsection D provides general discretionary review standards applicable to an applicant seeking some other type of discretionary approval of development that will disturb an HCA.

A. **Discretionary Review for Partitions.** An applicant seeking to partition land in ways that do not accord with the standards established in Section 6(F)(1) may seek review under this subsection 7(A).

1. The applicant shall verify the boundaries of the HCAs on the property according to Section 9 of this ordinance.

2. The applicant shall submit the following application materials:

   a. A scale map of the entire property that includes:

      i. Location of all High, Moderate, and Low HCA on the property;

      ii. Location of any wetlands or water bodies on the property, including a delineation of the Water Quality Resource Area;

      iii. Location of 100 year floodplain and floodway boundary as defined by the Federal Emergency Management Agency (FEMA) and the area of the 1996 flood inundation; and

      iv. A delineation of the proposed partition.

   b. A written and documented explanation of how and why the proposed partition satisfies the approval criteria in subsection 7(A)(3). Such written documentation shall include an alternatives analysis of different possible partition plans, based on the characteristics and zoning of the property.

3. Approval Criteria. A partition shall be approved under this subsection 7(A) provided that the applicant demonstrates that it is not practicable to comply with the partition standards in Section 6(F)(1) of this ordinance, and that the applicant's partition plan will result in the smallest

practicable percentage point difference in the percentage of HCA on the parcels created by the partition (this will minimize the amount of allowable disturbance areas within HCAs on the parcels, assuming that the development standards in this Section 6 were applied to future development on such parcels).

4. Subsequent development on any parcels created by the partition and containing HCAs shall comply with all provisions of this ordinance, except that the map verification completed and approved as part of the partition may be used to satisfy the requirements of section 9 of this ordinance for any such development.

B. **Discretionary Review To Approve Off-Site Mitigation.** An applicant seeking discretionary approval only for off-site mitigation within the same subwatershed (6th Field Hydrologic Unit Code), but who will comply with all other provisions of Section 6 of this ordinance, may seek review under this subsection 7(B). (An applicant who seeks to conduct the mitigation in a different subwatershed may apply for such approval under subsection 7(D) of this ordinance.)

1. The applicant shall submit:

   a. A calculation of the number of trees and shrubs the applicant is required to plant under Section 6(E) of this ordinance; and

   b. A map and accompanying narrative that details the following:

      i. The number of trees and shrubs that can be planted on-site;

      ii. The on-site location where those trees and shrubs can be planted;

      iii. An explanation of why it is not practicable for the remainder of the mitigation to occur on-site; and

      iv. The proposed location for off-site mitigation and documentation that the applicant can carry out and ensure the success of the mitigation, including documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site, and, if the mitigation is not within a HCA, documentation that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

2. Approval Criteria. Off-site mitigation shall be approved under this subsection 7(B) provided that the applicant has demonstrated that it is not practicable to complete the mitigation on-site and that the applicant has documented that it can carry out and ensure the success of the off-site mitigation on a property within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed HCA.

3. Mitigation approved under this subsection 7(B) of this ordinance shall be subject to all of the requirements of subsection 6(E) of this ordinance, except for the requirements of subsection 6(E)(5) of this ordinance.

C. **Discretionary Review To Approve Mitigation That Varies the Number and Size of Trees and Shrubs.** An applicant seeking discretionary approval only to proportionally vary the number and size of trees and shrubs required to be planted under subsection 6(E), for example to plant fewer larger

trees and shrubs or to plant more smaller trees and shrubs, but who will comply with all other provisions of Section 6 of this ordinance, may seek review under this subsection 7(C).

1. The applicant shall submit:

   a. A calculation of the number of trees and shrubs the applicant would be required to plant under Section 6(E) of this ordinance;

   b. The numbers and sizes of trees and shrubs that the applicant proposes to plant;

   c. An explanation of why the numbers and sizes of trees and shrubs that the applicant proposes to plant will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results as the results that would be achieved if the applicant complied with all of the requirements of subsection 6(E) of this ordinance. Such explanation shall be prepared and signed by a knowledgeable and qualified natural resources professional or a certified landscape architect and shall include discussion of site preparation including soil additives and removal of invasive and noxious vegetation, plant diversity, plant spacing, planting season, and immediate post-planting care including mulching, irrigation, wildlife protection, and weed control; and

   d. The applicant's mitigation site monitoring and reporting plan.

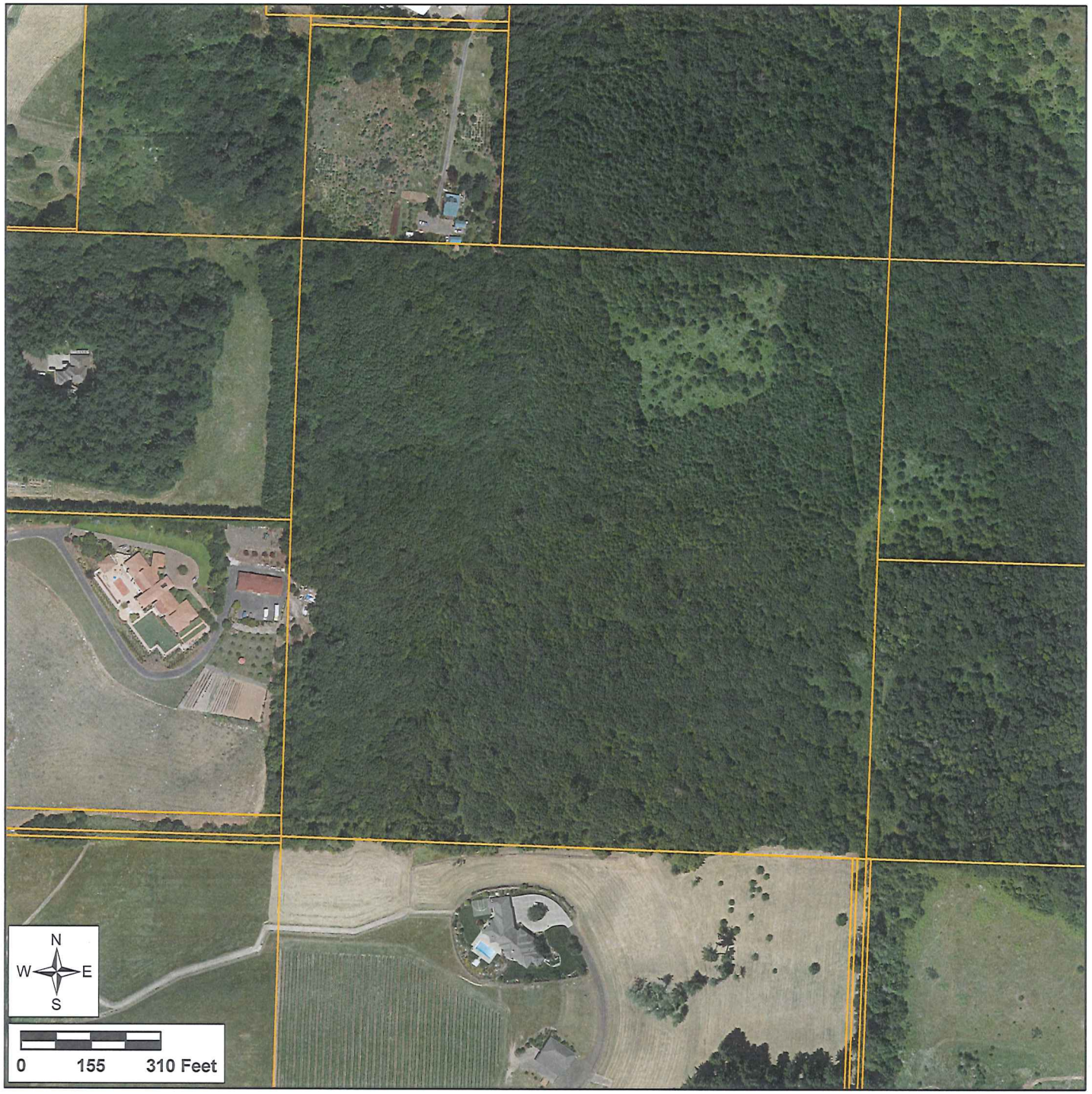
2. Approval Criteria. A request to vary the numbers and sizes of trees and shrubs to be planted shall be approved if the applicant demonstrates that the proposed planting will achieve, at the end of the fifth year after initial planting, comparable or better mitigation results as the results that would be achieved if the applicant complied with all of the requirements of subsection 6(E) of this ordinance. Such determination shall take into consideration all of the information required to be submitted under subsection 7(C)(1) of this ordinance.

3. Mitigation approved under this subsection 7(C) of this ordinance shall be subject to the requirements of subsections 6(E)(4) through 6(E)(9) of this ordinance, and it is recommended that such mitigation also follow the practices recommended in subsection 6(E)(10) of this ordinance.

D. **Discretionary Review.** An applicant seeking discretionary approval to undertake any development activity within a HCA that does not comply with subsection 6 of this ordinance and is not described in subsections 7(A), (B), or (C) of this ordinance may file an application under this section 7(D) of this ordinance.

   1. **Application Requirements.** The applicant shall provide all items described in subsection 6(A) of this ordinance, except that, for utility projects undertaken by public utilities across property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within 300 feet of the location of the proposed disturbance area of the utility's project, and the applicant shall also provide all of the following:

      a. ***Impact Evaluation and Alternatives Analysis.*** An impact evaluation and alternatives analysis is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular property. The alternatives must be evaluated on the basis of their impact on the HCA, the ecological functions provided by the HCA on the property, and off-site impacts within the subwatershed (6^{th} Field Hydrologic Unit Code) where the property is located. The impact evaluation shall include all of the following items:



Multnomah County, Oregon
multco.us

Department of Community Services
Land Use & Transportation Program
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1600 SE 190th Ave.
Portland, OR 97233
(503)988-3043
Fax: (503)988-3389
land.use.planning@multco.us

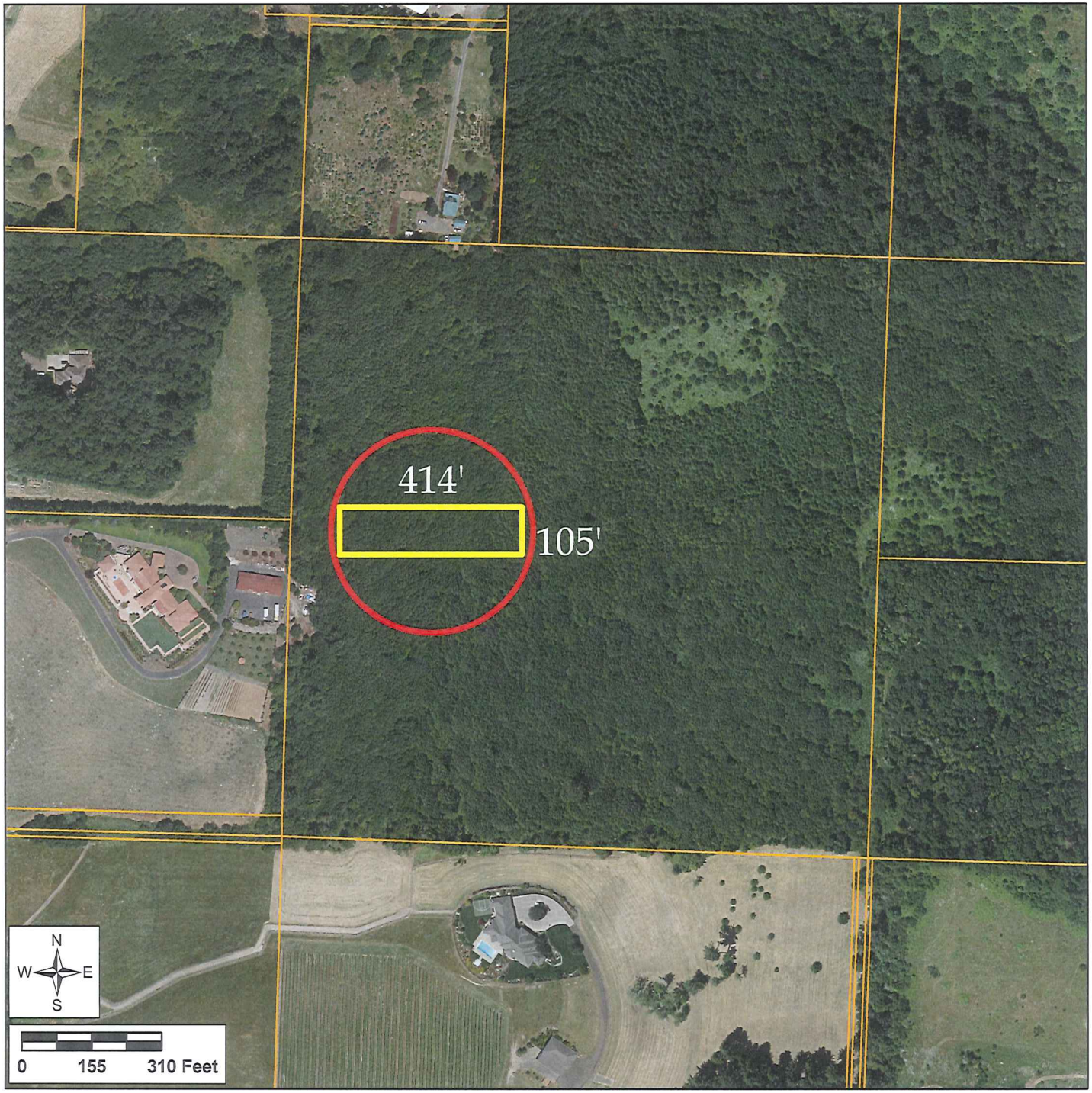
Map Comments:

40- acre parcel with no existing development

40-Acre Undeveloped Parcel

Taxlots (RLIS)

EXHIBIT
I-1



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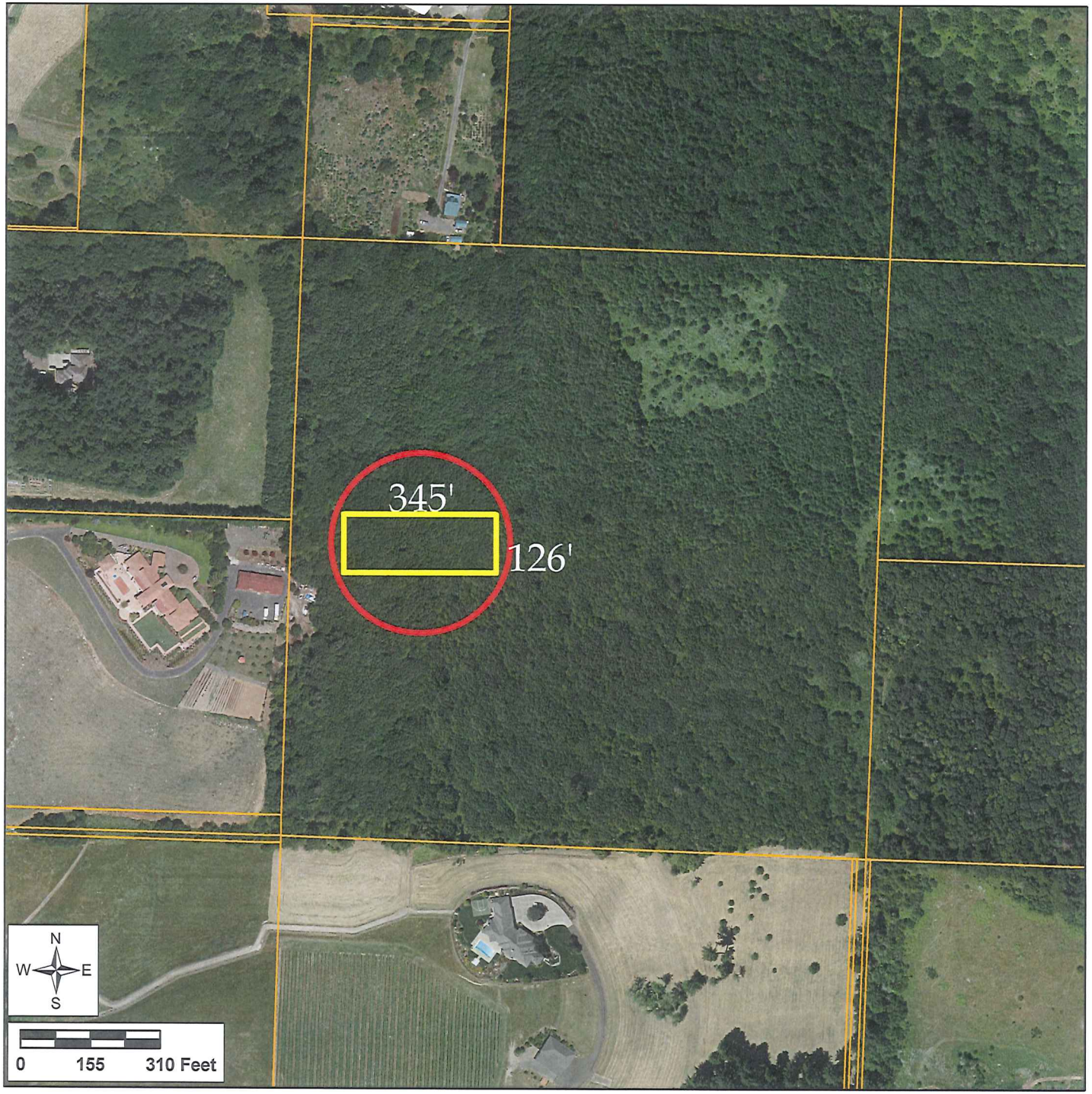
Map Comments:

One acre DIA within a 450-foot diameter circle

450-Foot Diameter Circle

Taxlots (RLIS)

EXHIBIT
I - 2



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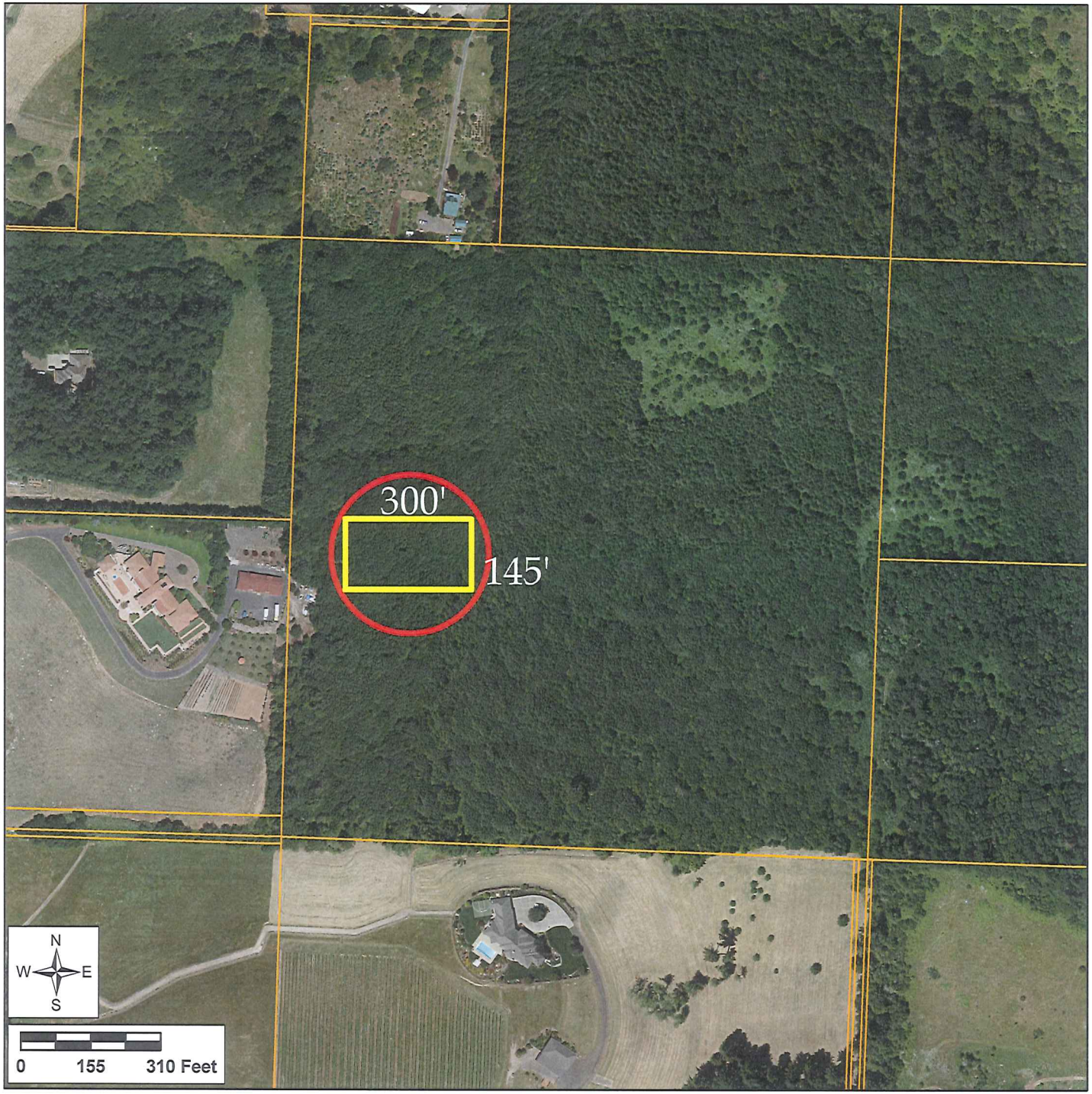
Map Comments:

One acre DIA within a 400-foot diameter circle

400-Foot Diameter Circle

Taxlots (RLIS)

EXHIBIT
I-3



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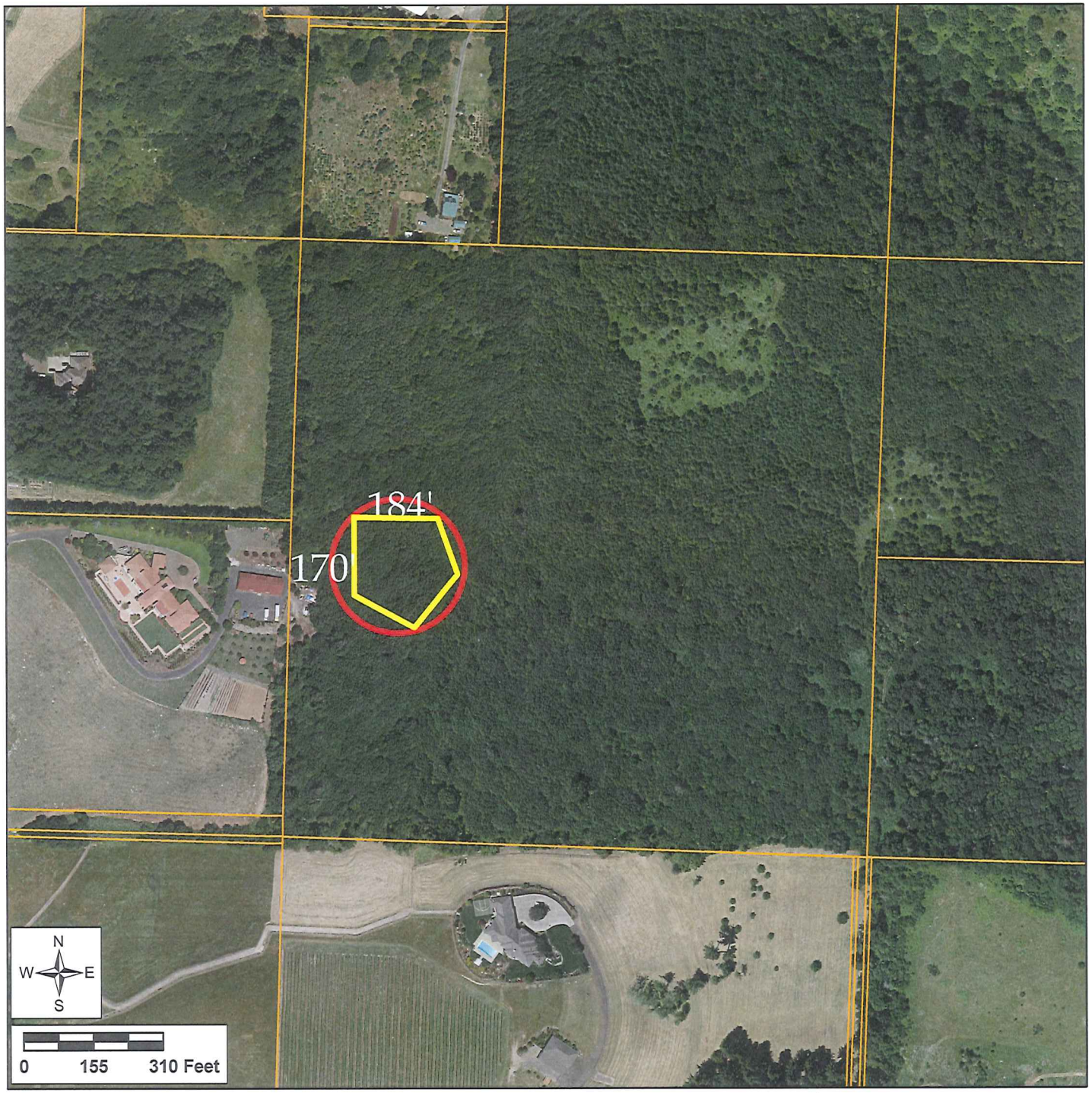
Map Comments:

One acre DIA within a 350-foot diameter circle

350-Foot Diameter Circle

Taxlots (RLIS)

EXHIBIT
tabbies
I-4



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Map Comments:

One acre DIA within a 300-foot diameter circle

300-Foot Diameter Circle

Taxlots (RLIS)

EXHIBIT
tabbies
I-5