



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/04/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Wood Village Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 18, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Marie Kizzar, City of Wood Village
Gordon Howard, DLCD Urban Planning Specialist

<paa>



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

APR 30 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Wood Village**

Local file number:

Date of Adoption: **4/24/2012**

Date Mailed: **4/27/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3/1/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amending Section 430 - Water Quality Overlay Zone & Development Standards of the Wood Village Zoning & Development Code, Section 450 and Section 630 to comply with Oregon DEQ requirements for protection of Water Quality Resource Areas and Habitat Conservation Areas during construction and post-construction and to comply with Metro's Title 3 and Title 13 requirements. This amendment also includes an updated Water Quality Map & applicable amendments to the Zoning Code.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **Citywide**

Acres Involved:

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 001-12 (19192) [17023]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon DEQ, Metro, Multnomah County, City of Troutdale, City of Fairview

Local Contact: **Marie Kizzar**

Phone: **(503) 489-6859** Extension:

Address: **2055 NE 238th Drive**

Fax Number: **503-669-8723**

City: **Wood Village**

Zip: **97060-**

E-mail Address: **kizzar@ci.wood-village.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

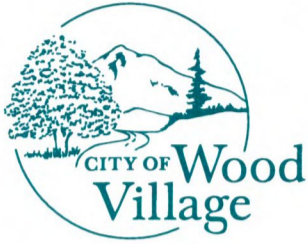
1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011



Mayor
Patricia Smith

Council President
Mark Clark

Councilors
Stanley Dirks

Timothy Clark

Scott Harden

LETTER OF TRANSMITTAL

Date: April 27, 2012

Project/Subject Name: Zoning Code Amendment

Project/Subject Address:

City of Wood Village
2055 NE 238th Drive
Wood Village OR 97060

Sent to:

Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Ste 150
Salem OR 97301-2540

Items Sent:

1. Form 2 – DLCD Notice of Adoption
2. Ordinance 05-2012 adopting Section 430- Water Quality Amendments and supporting documentation

Thank you,

Marie Kizzar, Planning, Public Works and Permits

Contact Phone Number: 503-489-6859

Email: Kizzar@ci.wood-village.or.us

DEPT OF

APR 30 2012

LAND CONSERVATION
AND DEVELOPMENT

ORDINANCE NO. 05-2012

AN ORDINANCE AMENDING AND READOPTING SECTION 430 OF THE WOOD VILLAGE ZONING AND DEVELOPMENT CODE, AMENDING SECTION 450.030 C, SECTION 450.040, SECTION 450.070, SECTION 450.080, SECTION 630.070 AND SECTION 630.090 OF SAID CODE, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Wood Village has identified significant revisions to the Wood Village Zoning and Development Code that will provide enhanced protection for water quality resources, and

WHEREAS, Public Notice has been provided to all households in Wood Village, and Public Hearings held before the Planning Commission and the City Council, and

WHEREAS, Findings of Fact have been reviewed and are adopted as required, and the City Council has found that the proposed legislation more effectively implements the comprehensive plan for the City of Wood Village and meets the Statewide Goals for Oregon.

THE CITY OF WOOD VILLAGE ORDAINS AS FOLLOWS:

Section 1. The Wood Village Zoning and Development code sections 430.100 through 430.800 are revised and amended as provided in the attached Exhibit "A", all conflicting provisions of which are repealed.

Section 2. The Wood Village Zoning and Development Code section 450.030 C is amended to add a new provision (7) *The location of water quality and habitat conservation areas illustrated on the Wood Village Water Quality Map in Section 430 as provided in Exhibit "B" attached to this ordinance.*

Section 3. The Wood Village Zoning and Development Code section 450.040 B is amended to add a new section (7) *The plat provides protection for identified water quality and habitat conservation areas in accordance with Section 430 Water Quality Resource and Habitat Conservation Areas as provided in Exhibit "C" attached to this ordinance.*

Section 4. The Wood Village Zoning and Development Code section 450.070 B is amended to add a new section to the partitioning procedures (h) *The location of natural drainage, steep topography, water quality and habitat conservation areas, and other significant natural features as provided in Exhibit "D" attached to this ordinance.*

Section 5. The Wood Village Zoning and Development Code section 450.080 is amended to add a new section F *The partition provides protection of water quality and habitat conservation areas in accordance with the provisions of Section 430 Water Quality Resource and Habitat Conservation Area as provided in Exhibit "E" attached to this ordinance.*

Section 6. The Wood Village Zoning and Development Code section 630.070 C is amended to add section (5) *Water Quality and Habitat Conservation resources identified on the Wood Village WQ map in Section 430* as provided in Exhibit "F" attached to this ordinance.

Section 7. The Wood Village Zoning and Development Code section 630.090 (4) shall be amended to add *water quality and habitat conservations resources* in the section and provided in Exhibit "G" attached to this ordinance.

Section 8. **Codification.** The section above noted shall be made a part of the Wood Village Zoning and Development Code in the manner prescribed in the exhibits attached to this ordinance.

UPON UNANIMOUS CONSENT OF THE CITY COUNCIL, THERE BEING PERSENT A QUORUM, READ BY TITLE ONLY THIS 10TH DAY OF APRIL, 2012.

READ A SECOND TIME BY TITLE ONLY THIS 10TH DAY OF APRIL, 2012, WITH UNANIMOUS CONSENT OF ALL MEMERS OF THE CITY COUNCIL, THERE BEING PRESENT A QUORUM.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOOD VILLAGE, OREGON, THIS 24TH DAY OF APRIL 2012.

Motion to approve by Dirks; seconded by Harden and adopted this 24th day of April, 2012.

YEAS 5 NAYS 0



PATRICIA SMITH, MAYOR
CITY OF WOOD VILLAGE

ATTEST:



GREG DIRKS
CITY RECORDER

EXHIBIT A
To Ordinance 05-2012

APRIL 16TH, 2012
SECTION 400

OVERLAY ZONES, WATER QUALITY STANDARDS AND LAND DIVISIONS

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SECTION 430
WATER QUALITY RESOURCE AREA PROTECTION

GENERAL PROVISIONS

430.100 **Intent**

- A. In addition to the standards in the Stormwater and Water Master Plans for the City, the purpose of this Section is to protect and improve water quality resources in Wood Village under Statewide Land Use Planning Goal 6 and Sections 1-4 of Title 3 of the Metro Urban Growth Management Functional Plan (UGMFP). The Water Quality Resource Area Protection (this Section) provisions also provide protection for designated natural resources that have been identified for the purposes of implementing Statewide Planning Goal 5 relating to significant natural riparian, wildlife, and wetland resources and Title 13 of the UGMFP.
- B. These regulations seek to minimize additional adverse impacts and to restore and improve resources, where possible, while balancing property rights and development needs of the city.
- C. *It is also the intent of this Section to:*
1. Designate water quality resources (WQR) to protect the functions and values of riparian and wetland resources at the time of development.
 2. To protect and improve water quality, to support the designated beneficial water uses, to protect the functions and values of existing and newly established Water Quality Resource Areas (WQRA), which include, but are not limited to:
 - a. A vegetated corridor to separate Protected Water Features from development;
 - b. Microclimate and shade;
 - c. Stream flow moderation and water storage;
 - d. Water filtration, infiltration and natural purification;
 - e. Bank stabilization, sediment and pollution control;
 - f. Large wood recruitment and retention;
 - g. Natural channel dynamics;
 - h. Organic material resources.

3. Designate habitat conservation areas (HCA) to implement the performance standards of Title 13 of the UGMFP for riparian areas and fish and wildlife habitat, and to protect significant local Goal 5 resources such as wetlands.
 4. Provide nondiscretionary (clear and objective) standards, as well as a discretionary review process, applicable to development in an HCA, in accordance with Goal 5.
 5. Allow and encourage habitat-friendly development while minimizing the impact on water quality, fish and wildlife habitat functions.
 6. Provide mitigation standards for the replacement of ecological functions and values lost through development in a WQR and HCA. This includes restoration of designated natural resources that are temporarily disturbed during development, as well as mitigation for permanent disturbance of those areas as a result of development.
 7. Preserve existing native vegetation against removal and replacement with lawns, gardens or other nonnative plantings.
- D. This Section allows development in situations where adverse impacts from the development can be avoided or mitigated and where the strict application of these rules would deny reasonable economic use of property.
- E. It is not the intent of this Section to:
1. Impose any obligation on property owners to restore existing developed sites to predevelopment or natural conditions when no new activity is proposed.
 2. Impose any unreasonable hardship against the continued maintenance of existing legal site conditions.
 3. Apply to activities that do not affect a WQR or HCA.
 4. Prohibit normal lawn and yard landscape planting and maintenance that does not involve removal and replacement of existing native vegetation. Normal lawn and yard planting and maintenance does not include the planting of invasive nonnative or noxious vegetation, including, but not limited to plants that are a nuisance species.

430.110 Coordination with Other Regulations

- A. Implementation of this Section is in addition to, and shall be coordinated with the entirety of the Wood Village Zoning and Development Code, the Wood Village Comprehensive Plan and the City of Wood Village Construction Standards.
- B. Nonconforming development shall be subject to the provisions of the Wood Village Zoning and Development Code (ZDC) Chapter 640.

- C. The requirements of this Section apply in addition to all applicable local, regional, state, and federal regulations, including those for wetlands and flood management areas. Where this Section imposes restrictions that are more stringent than regional, state, and federal regulations, the requirements of this Section shall govern.
- D. Development in or near wetlands and streams may require permits from the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (Corps). If a federal permit is required, a water quality certification from the Oregon Department of Environmental Quality (DEQ) may also be required. The City shall notify DSL and the Corps when an application for development within streams and wetlands is submitted. Because these agencies may have more restrictive regulations than the City, applicants are encouraged to contact them before preparing development plans.
- E. A document or other list used to identify native, nuisance and prohibited plants shall be maintained by the Wood Village Public Works Department from the following sources – The Wood Village Tree and Plant List and the Portland Plant List, hereafter referred to as the City Plant List.

430.120 Map Administration

- A. **Intent.** The purpose of this Subsection is to provide a process for amending the Water Quality (WQ) map to add wetlands and correct the location of Protected Water Features and the WQRA.

B. Map Corrections

1. Within 90 days of receiving information establishing a possible error in the existence or location of a Protected Water Feature or WQRA, the City shall provide notice to interested parties of a public hearing at which the City will review the information.
2. The City shall amend the WQ map if the information demonstrates:
 - a. That a Primary or Secondary Protected Water Feature no longer exists because the area has been legally filled, culverted or developed prior to July 14, 1999; or
 - b. The boundaries of the WQRA have changed since adoption of the WQ map.

C. Modification of the Water Quality Resource Area

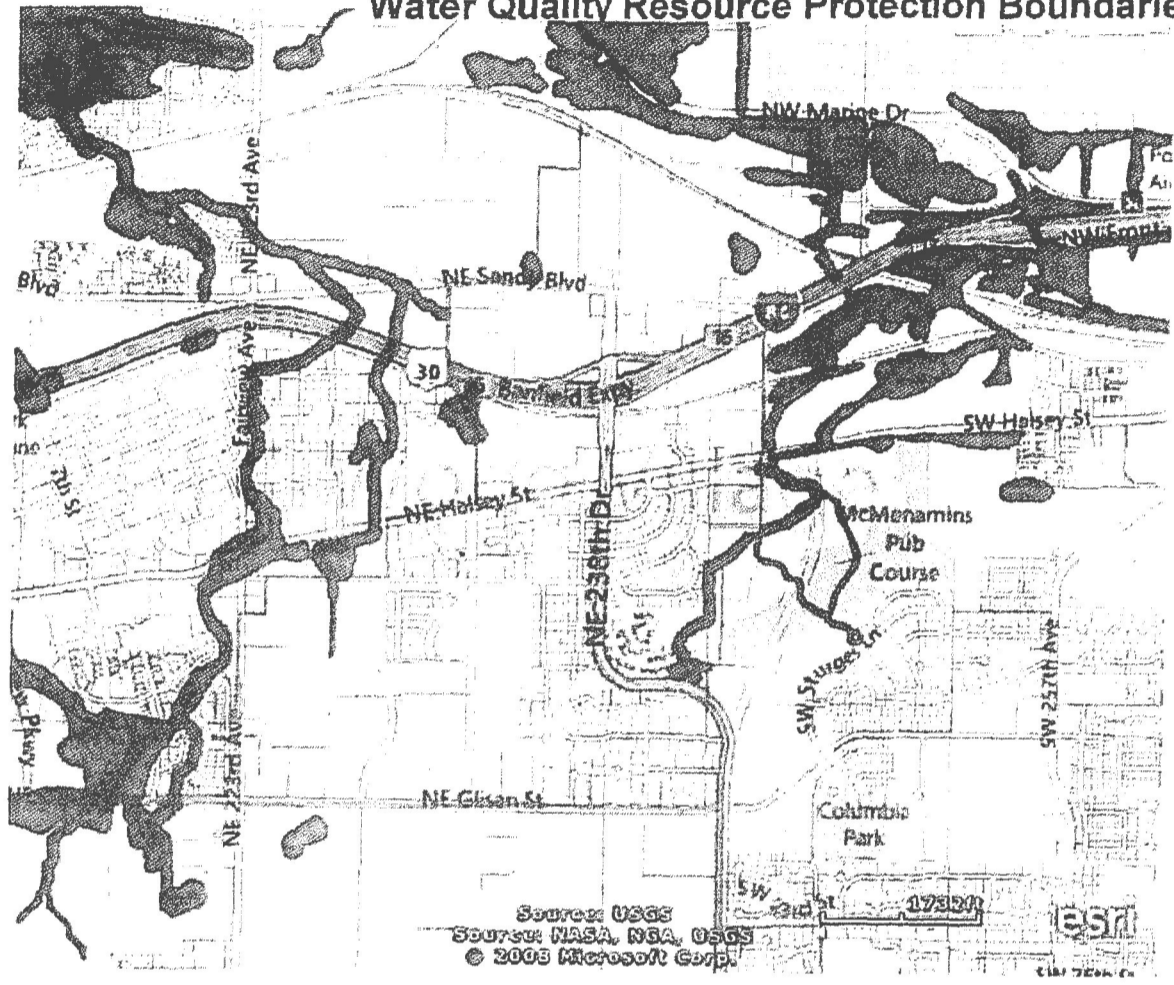
To modify the WQRA identified on the WQ Map, the applicant shall demonstrate that the modification will offer the same or better protection of the Protected Water Feature and WQRA by:

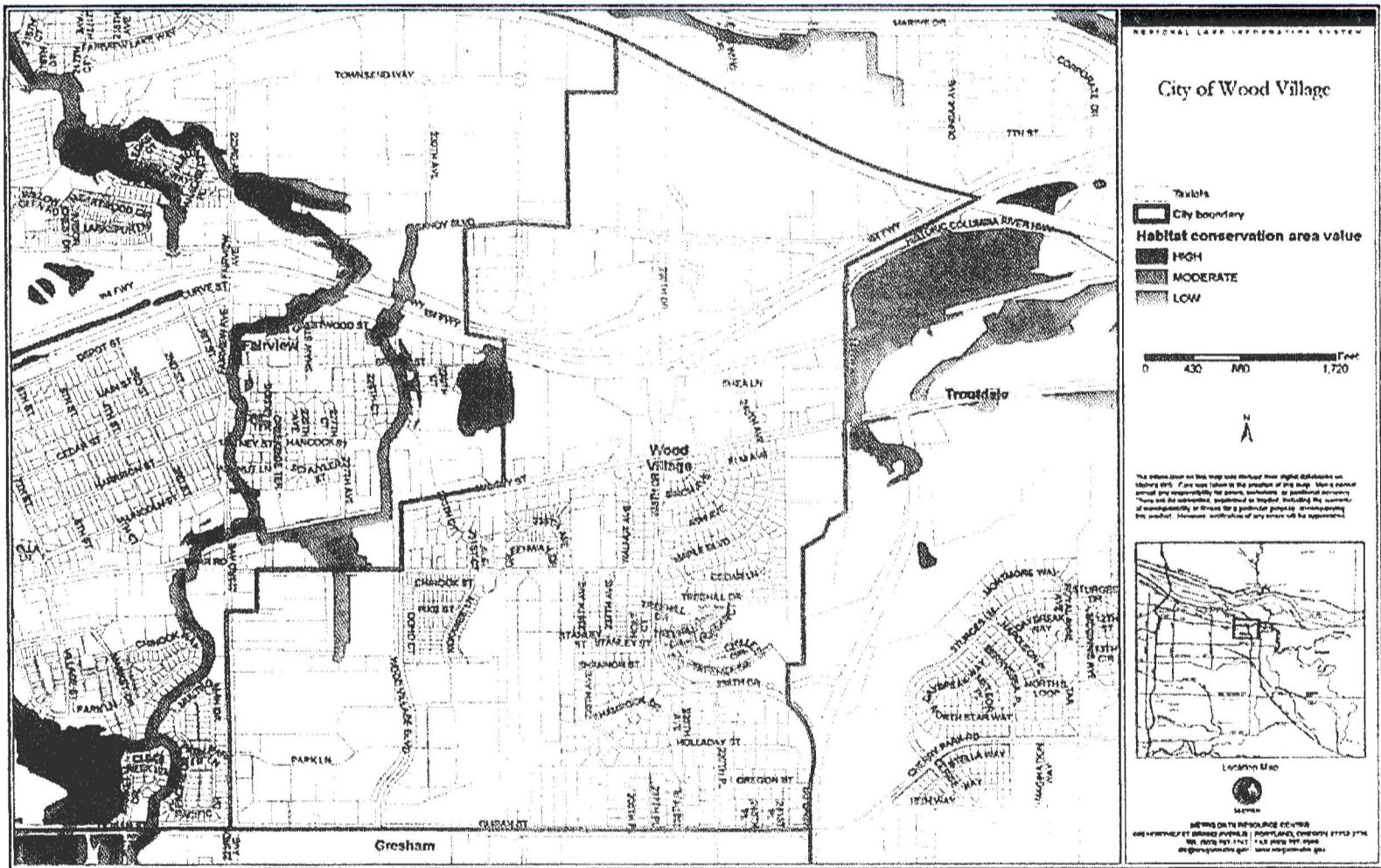
1. Preserving a vegetated corridor that will separate the Protected Water Feature from proposed development; and
2. Preserving existing vegetated cover or enhancing the WQRA sufficient to assist in maintaining or reducing water temperatures in the adjacent Protected Water Feature; and
3. Enhancing the WQRA sufficient to minimize erosion, nutrient and pollutant loading into the adjacent Protected Water Feature; and
4. Protecting the vegetated corridor sufficient to provide filtration, infiltration and natural water purification for the adjacent Protected Water Feature; and
5. Stabilizing slopes adjacent to the Protected Water Feature.

D. Adding Title 3 Wetlands

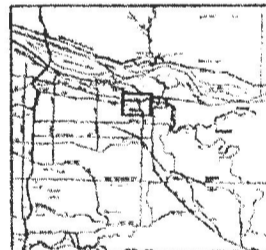
1. Within 90 days of receiving evidence that wetland meets any of one of the criteria in D.2. below, the City shall provide notice to interested parties of a public hearing at which the City will review the evidence.
2. A wetland shall be protected by the standards set forth in this Section if the wetland meets any one of the following criteria:
 - a. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having “intact water quality function” under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
 - b. The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or the wetland qualifies as having “intact hydrological control function” under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
 - c. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of “water quality limited water body” in OAR Chapter 340, Division 41 (1996).

Water Quality Resource Protection Boundaries





The information on this map was derived from digital databases on file with the City. It is not intended to be used for any purpose not intended by the City and the City assumes no responsibility for errors, omissions, or for the use of this information in any way other than that intended by the City. No warranty is made by the City as to the accuracy, reliability, or completeness of this information.



Wood Village, Oregon
 1997 City of Wood Village
 3100 NE Oregon Street, Suite 200
 Wood Village, Oregon 97151
 (503) 955-3300
 www.ci.woodvillage.or.us

430.130 Water Quality Resource Areas

- A. The purpose of this Section is to protect and improve the beneficial water uses, functions and values of a WQRA.
- B. These provisions establish a WQRA, which is delineated on the WQ Map attached and incorporated by reference as part of this Section.
- C. The WQRA is the vegetated corridor and the Protected Water Feature. The width of the vegetated corridor is specified in Table 1 below. At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending on the width of the property, the width of the vegetated corridor will vary.

Table 1 -Protected Water Features

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor
Primary Protected Water Features ¹ (Arata Creek)	< 25%	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet
Primary Protected Water Features ¹	≥ 25% for 150 feet or more ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	200 feet
Primary Protected Water Features ¹	≥ 25% for less than 150 feet ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	Distance from starting point of measurement to top of ravine (break in ≥ 25% slope) ³ plus 50 feet ⁴
Secondary Protected Water Features ² (No-name Creek)	< 25%	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	15 feet
Secondary Protected Water Features ²	≥ 25% ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet

¹ Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

² Secondary Protected Water Features include intermittent streams draining 50-100 acres.

³ Where the Protected Water Feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25% slope (see slope measurement in Appendix).

⁴ A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

⁵ Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the **uphill** direction from the protected water feature.

(Note: The following methodology is an alternative for the purposes of substantial compliance: a jurisdiction can meet the performance standards in Title 3 by applying the following method to the water quality resource area: for areas with zero slope (as measured parallel to the ground) the buffer will be 50 feet from top of waterway bank, but for every one percent (1%) slope after that point, add six (6) feet).

USE REGULATIONS

430.140 Applicability

- A. The regulations in this Section apply to all properties that contain, or are within 100 ft of a WQR and/or HCA (including any locally significant Goal 5 wetlands or habitat areas identified by the City) as shown on the WQ Map.
- B. For properties that do not contain, but are within 100 ft of a WQR and/or HCA, as shown on the WQ Map, and where an activity not listed as exempt in Section 430.150 A. will disturb more than 500 sq ft, a Construction Management Plan is required in accordance with Section 430.190.
- C. The WQ Map, which shows a WQR and an HCA, is adopted by reference. The WQ Map shall be used to determine the applicability of this Section and shall be administered in accordance with Section 430.120.
- D. Designated natural resources are shown on the WQ Map as follows:
 - 1. A WQR includes protected water features and their associated vegetated corridors, as specified in Table 1. The vegetated corridor is a buffer around each protected water feature established to prevent damage to the water feature. The width of the vegetated corridor varies depending on the type of protected water feature, upstream drainage area served, and slope adjacent to the protected water feature. The WQ Map is a general indicator of the location of vegetated corridors. The specific location of vegetated corridors shall be determined in the field in accordance with Table 2.
 - 2. An HCA includes significant Goal 5 wetlands, riparian areas, and fish and wildlife habitat. An HCA is designated based on a combination of inventory of vegetative cover, analysis of habitat value and urban development value. HCA locations on the WQ Map are assumed to be correct unless demonstrated otherwise; verifications and corrections shall be processed in accordance with the procedures established in Table 1.
- E. To determine whether a proposed activity on a given property will trigger any requirements of this Section, the City shall use the latest available aerial photographs; a copy of the applicable section of the WQ Map; and, in the case of a WQR, the parameters established in Table 1. If a property owner or applicant believes that the WQ Map is inaccurate, they may propose corrections according to the standards established in Section 430.120.
- F. In the context of designated natural resources, a "disturbance" is a condition or result of an act that "disturbs" as noted below.

1. Temporary disturbances are those that occur during an allowed or approved development or activity but will not persist beyond completion of the project. Temporary disturbances include, but are not limited to, access ways for construction equipment; material staging and stockpile areas; and excavation areas for building foundations, utilities, storm water facilities, etc.
 2. Permanent disturbances are those that remain in place after an allowed or approved development or activity is completed. Permanent disturbances include, but are not limited to, buildings, driveways, walkways, and other permanent structures.
- G. If more than 500 square feet of area will be disturbed in conjunction with a proposed activity listed as exempt in Subsection 430.150, a Construction Management Plan shall be submitted according to the provisions of Subsection 430.190. This requirement applies even when the proposed activity will not occur within a designated natural resource but is within at least 100 feet of the resource, in accordance with Table 1.
- H. Proposed activities that are listed as exempt or occur more than 100 ft from a WQR or HCA, as shown on the WQ Map or determined in accordance with Table 1 do not require review under the provisions of this Section.
- I. Those portions of streams, creeks and other protected water features that appear on the WQ Map, but are enclosed in pipes, culverts or similar structures, are not subject to the provisions of this Section, except where a proposed activity will expose or directly disturb the protected water feature, such as with excavation.
- J. The requirements of this Section apply to both properties that include a WQR and/or an HCA, and to properties that do not include a WQR or HCA, but where an activity is proposed within 100 ft of a WQR or HCA.

430.150 Exempt Activities

A. Outright Exemptions

The following activities in a WQR or HCA are exempt from the provisions of this Section:

1. Action taken on a building permit for any portion of a phased development project for which the applicant has previously met the applicable requirements of this Section, including the provision of a Construction Management Plan. This exemption applies so long as the building site for new construction was identified on the original application, no new portion of the WQR and/or HCA will be disturbed, and no related land use approvals have expired.
2. Stream, wetland, riparian, and upland enhancement or restoration projects and development in compliance with a Natural Resource

Management Plan or mitigation plan approved by the City, State or Federal agency.

3. Emergency procedures or activities undertaken that are necessary to remove or abate hazards to person or property, provided that the timeframe for such remedial or preventative action is too short to allow for compliance with the requirements of this Section. After the emergency, the person or agency undertaking the action shall repair any impacts to the designated natural resource resulting from the emergency action; e.g., remove any temporary flood protection such as sandbags, restore hydrologic connections, or replant disturbed areas with native vegetation.
4. The planting or propagation of plants categorized as native species on the City Plant List.
5. Removal of plants categorized as nuisance species as listed in the City Plant List. After removal, all open soil areas shall be replanted and/or protected from erosion.
6. Removal of trees under any of the following circumstances:
 - a. The tree has been downed by natural causes, and no more than 500 sq ft of earth disturbance will occur in the process of removing the tree.
 - b. The tree is categorized as a nuisance species and no more than 3 such trees will be removed from one property during any 12-month period, and no more than 500 sq ft of earth disturbance will occur in the process of removing the tree(s).
 - c. The tree presents an emergency situation with immediate danger to persons or property. Emergency situations may include, but are not limited to, situations in which a tree or portion of a tree has been compromised and has damage, or is damaging structures or utilities on private or public property, or where a tree or portion of a tree is prohibiting safe passage in the public right-of-way. Examples are trees that have fallen into or against a house or other occupied building, or trees downed across power lines or roadways. This exemption is limited to removal of the tree or portion of the tree as necessary to eliminate the hazard. Any damage or impacts to the designated natural resource shall be repaired after the emergency has been resolved.
 - d. Removal of the tree is in accordance with an approved Natural Resource Management Plan per Section 430.200.

- e. Major pruning of trees and shrubs within 10 ft of existing structures.
7. Landscaping and maintenance of existing landscaping and gardens. This exemption extends to:
- a. The installation of new irrigation and drainage facilities.
 - b. Erosion control features.
 - c. Landscaping activities that do not involve the removal of native plants or plants required as mitigation.
 - d. Landscaping activities that do not involve the planting of any vegetation identified as a nuisance species.
 - e. Landscaping activities that do not produce anything that increases impervious area.
 - f. Other changes that do not result in increased direct storm water discharges to the WQR.
8. Additional disturbance for outdoor uses, such as gardens and play areas, where the new disturbance area does not exceed 500 sq ft; does not involve the removal of any trees of larger than 6-in diameter; and is located at least 30 ft from the top of bank of a stream or drainage and at least 50 ft from the edge of a wetland.
9. Routine repair and maintenance, alteration, demolition, and/or change of use of existing legal structures, provided that the following criteria are met:
- a. There is no change in the location or increase in the footprint of any portion of a building, impervious surface or outdoor storage area within a WQR or HCA.
 - b. No other site changes are proposed that could result in increased direct storm water discharges to a WQR. If the project will result in increased direct storm water discharges, the proposal is subject to the Type II review process established in ZDC Chapter 630 Design Review.
10. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, trails, walkways, and parking improvements (including asphalt overlays); provided that there is no new disturbance of the WQR or HCA, no increase in impervious area, no reduction in landscaped areas or tree cover, and no other change that could result in increased direct storm water discharges to the WQR.

11. Routine repair and maintenance of public and private storm water facilities in accordance with a storm water management plan approved by the City.
12. Existing agricultural practices or uses, excluding buildings and structures, provided that such activities or uses do not result in increased direct storm water discharges to WQR.
13. Removal of debris.
14. Change of ownership.
15. Lot consolidations, as defined in ZDC Chapter 450 Subdivisions and Land Partitions.
16. Activities and improvements in existing public rights-of-way.
17. Establishment and maintenance of trails in accordance with the following standards:
 - a. Trails shall be confined to a single ownership or within a public trail easement.
 - b. Trails shall be located at least 15 ft from the top of bank of all water bodies.

430.160 Limited Exemptions Within an HCA

The following activities within an HCA are exempt from the provisions of this Section except that a Construction Management Plan is required where the activity disturbs a total of more than 500 square feet:

1. The alteration and/or total replacement of existing structures, provided that both of the following standards are met:
 - a. The alteration and/or replacement shall not intrude more than 500 square feet into the HCA, beyond the area defined as the building footprint.
 - b. The alteration and/or replacement shall not result in increased direct storm water discharges to a WQR.
2. Minor encroachments, not to exceed 500 square feet for residential and nonresidential zones, for new features such as accessory buildings, patios, walkways, or retaining walls.
3. Temporary and minor clearing, excavation, or other disturbances, not to exceed 500 square feet, for the purpose of: site investigations or preparation of soil profiles; installation of underground utility facilities or other infrastructure; routine repair and maintenance and/or alteration of

existing utility facilities, access, streets, driveways, and parking improvements; or similar activities, provided that such disturbed areas are restored to their original condition when the activity is complete.

4. Low-impact outdoor recreation facilities for public use—including, but not limited to, multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture—provided that such facilities contain no more than 500 sq ft of new impervious surface.
5. Facilities that infiltrate storm water on the site, including the associated piping, so long as the forest canopy and the areas within the drip lines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins. Native or nonnative vegetation may be planted in these facilities, provided that none of the plantings are identified as a nuisance species.

430.170 Prohibited Activities

This Section is comprised of regulations that deal with the use of land; it does not extend into the broader realm of laws that regulate personal activities unrelated to land use and development. Given such limitations, the following activities are prohibited within a WQR and an HCA:

- A. New structures, development or landscaping activity other than those allowed by Subsection 430.150 and 430.160.
- B. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.
- C. Planting any vegetation listed as a nuisance species.
- D. Outside storage of materials unless such storage is approved according to the applicable provisions of this Section.
- E. Application of pesticides or herbicides with any of the active ingredients listed on the Environmental Protection Agency's (EPA) 2011 Banned or Severely Restricted Pesticides List.

REVIEW PROCEDURES

430.180 Activities Requiring City Review

In accordance with Subsection 430.140, except as specifically exempted in Subsections 430.150 and 430.160, within either a WQR or an HCA, the following activities and items are subject to Administrative Review (Type I) or Planning Commission (Type II) review if required by other sections of the ZDC:

- A. The activities listed below are subject to a Type I review procedure in accordance with Subsection 510.100 except as otherwise provided in this Section.
1. Construction Management Plans
 2. Tree Removal or Pruning
 3. Natural Resource Management Plans
 4. Maintenance of Existing Utility Facilities
 5. Utility Connections
 6. Nuisance Abatement
 7. Boundary Verification
 8. Special Uses
 - a. Improvement or construction of public or private utility facilities
 - b. New stormwater facilities
 - c. Walkways and bike paths
 9. Stormwater Management Plans
 10. Other Uses and Activities with Minimal Impacts to WQR
 11. New agricultural practices or uses, excluding buildings and structures that result in increased direct stormwater discharges to WQR.
 12. Landscaping and maintenance of existing landscaping that would increase impervious area within a WQR by no more than 500 sq ft and/or would result in increased direct stormwater discharges to the WQR.
 13. Routine repair and maintenance, alteration, and/or total replacement of existing legal buildings or structures that increases the disturbance area by no more than 500 sq ft within the WQR.
 14. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, and parking improvements that disturbs no more than 500 sq ft within the WQR. Activities approved under this subsection shall be subject to the following requirements:

- i. Restore the disturbed portion of the WQR.
 - ii. Within the disturbed portion of the WQR, remove any vegetation categorized as a nuisance species and replace it with native vegetation recommended on the City Plant List.
- B. The activities listed below are subject to a Type II review procedure in accordance with Section 520.100 except as otherwise provided in this Section:
 1. Partitions or Subdivisions
 2. Design Review

DEVELOPMENT STANDARDS

430.190 Construction Management Plans

Prior to issuing any permits in a WQRA a Construction Management Plan must be submitted to the City as follows:

- A. Construction Management Plans are subject to Type I review per ZDC Chapter 510 and the City of Wood Village Construction Standards.
- B. Construction Management Plans shall provide the following information:
 1. Determination of a WQRA and description of work to be done in compliance with the requirements listed in Table 2.
 2. Scaled site plan showing a demarcation of a WQR and/or an HCA and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.
 3. Location of site access and egress that construction equipment will use.
 4. Equipment, material staging and stockpile areas.
 5. Erosion and sediment control measures.
 6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area. The root protection zone shall extend from the trunk to the outer edge of the tree's canopy, or as close to the outer edge of the canopy as is practicable for the approved project. The perimeter of the root protection zone shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Material storage and construction access is prohibited

within the perimeter. The root protection zone shall be maintained until construction is complete.

When required for a property that does not include a designated natural resource, the Construction Management Plan shall show the protective measures that will be established on the applicant's property.

430.200 Natural Resource Management Plans

Prior to issuing any permits in a WQRA a Natural Resource Management Plan must be submitted to the City as follows:

Natural Resource Management Plans or restoration plans that authorize limited disturbance within the WQR or HCA may be approved with a Type I or II review, subject to the following standards:

A. Plans Eligible for Type I Review

The plan has already been approved by the U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife (ODFW), DSL, Oregon Watershed Enhancement Board (OWEB), Metro, East Multnomah County Soil and Water Conservation District, or other agency approved by the City Administrator.

B. Plans Eligible for Type II Review

The plan has been prepared in accordance with particular standards and guidelines promulgated by a natural resource agency, such as OWEB's Oregon Aquatic Habitat Restoration and Enhancement Guide, ODFW's Western Oregon Stream Restoration Program, DSL's Hydrogeomorphic (HGM) approach of assessment for wetland and riparian functions, or other standards approved by the City Administrator.

C. Approval Criteria

Every plan prepared for approval in this Section shall demonstrate that it encourages restoration activities that have any of the following effects:

1. Changes the trend of habitat function from one of a diminishing ability to support salmonids and other organisms to one that supports a complex, self-sustaining system.
2. Corrects or improves conditions caused by past management and/or disturbance events.
3. Maximizes beneficial habitat in the short term where watershed degradation has been extensive and natural processes will need substantial time to restore habitat.

4. Creates beneficial habitat and restores stream function and hydrology to the fullest extent practicable within developed areas where there is no reasonable expectation of returning to natural conditions.

D. Construction Management Plans

A Construction Management Plan (Section 430.190) is required with each Natural Resource Management Plan.

E. Ongoing Maintenance

Natural Resource Management Plans shall demonstrate how ongoing maintenance is part of the associated restoration or enhancement activities.

F. Expiration of Plans

The approval of a Natural Resource Management Plan shall be valid for 5 years. Approved plans may be renewed through the Type I review process by demonstrating that the original approved plan still meets the criteria provided in this Section. Plans that demonstrate an adaptive management component and/or that involve partnership with one of the agencies noted in this Section may be approved as valid for up to 20 years upon request.

Table 2
WATER QUALITY RESOURCE AREA DETERMINATION
OF CONDITION AND REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Good Existing Corridor:</p> <p>Combination of trees, shrubs and ground cover are 80% present, and there is more than 50% tree canopy coverage in the vegetated corridor.</p>	<p><i>Provide certification by registered professional engineer, landscape architect, or biologist or other person trained or certified in riparian or wetland delineation that vegetated corridor meets the standards of this ordinance.</i></p> <p>Inventory and remove debris and noxious materials.</p>	<p>Prior to construction, a biologist or landscape architect shall prepare and submit an inventory of vegetation in areas proposed to be disturbed and a plan for mitigating water quality impacts related to the development, including:</p> <p>Sediments, temperature and nutrients, sediment control, temperature control, or addressing any other condition that may have caused the Protected Water Feature to be listed on DEQ's 303 (d) list.</p> <p>Inventory and remove debris and noxious materials.</p>

WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Marginal Existing Vegetated Corridor:</p> <p>Combination of trees, shrubs and groundcover are 80% present, and 25-50% canopy coverage in the vegetated corridor.</p>	<p><i>Provide certification by registered professional engineer, landscape architect, or biologist or other person trained or certified in riparian or wetland delineation that vegetated corridor meets the standards of this ordinance.</i></p> <p>Inventory and remove debris and noxious materials.</p>	<p>Vegetate disturbed and bare areas with non-nuisance plantings from the City Plant List.</p> <p>Inventory and remove debris and noxious materials.</p> <p>Revegetate with native species using a City/County approved plan developed to represent the vegetative composition that would naturally occur on the site. Seeding may be required prior to establishing plants for site stabilization.</p> <p>Revegetation must occur during the next planting season following site disturbance. Annual replacement of plants that do not survive is required until vegetation representative of natural conditions is established on the site.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from the City Plant List.</p> <p>Inventory and remove debris noxious materials.</p>

WATER QUALITY RESOURCE AREA REQUIREMENTS

Existing Condition of Water Quality Resource Area	Requirements if Water Quality Resource Area Remains Undisturbed During Construction	Requirements if Water Quality Resource Area is Disturbed During Construction
<p>Degraded Existing Vegetated Corridor:</p> <p>Combination of trees, shrubs, and ground cover are less than 80% present and/or less than 25% canopy coverage in vegetated corridor.</p>	<p>Vegetate bare areas with plantings from approved Native Plant List.</p> <p>Remove non-native species and revegetate with plantings from approved Native Plants List.</p> <p>Inventory and remove debris and noxious materials.</p>	<p>Vegetate disturbed and bare areas with appropriate plants from the City Plant List.</p> <p>Remove non-native species and revegetate with non-nuisance plantings from the City Plant List.</p> <p>Plant and seed to provide 100 percent coverage.</p> <p>Restore and mitigate according to approved plan using non-nuisance plantings from the City Plant List.</p> <p>Inventory and remove debris and noxious materials.</p>

430.210 Site Development Protection and Mitigation

A. Protection of Natural Resources During Site Development

During development of any site containing a designated natural resource, the following standards shall apply:

1. Work areas shall be marked to reduce potential damage to the WQR and/or HCA.
2. Trees in a WQR or HCA shall not be used as anchors for stabilizing construction equipment.
3. Native soils disturbed during development shall be conserved on the property.
4. An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in Subsection 430.220 and the City of Wood Village Public Works Standards.
5. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to any WQR adjacent to the project area.
6. Storm water flows that result from proposed development within and to natural drainage courses shall not exceed predevelopment flows.

7. Prior to construction, the WQR and/or HCA that is to remain undeveloped shall be flagged fenced or otherwise marked and shall remain undisturbed. Such markings shall be maintained until construction is complete.
8. The construction phase of the development shall be done in such a manner as to safeguard the resource portions of the site that have not been approved for development.
9. Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size and intensity of lighting shall be selected so that impacts to habitat functions are minimized.
10. All work on the property shall conform to a Construction Management Plan prepared according to Section 430.190.

B. General Standards for Required Mitigation

Where mitigation is required by this Section for disturbance to a WQR and/or HCA, the applicable sections of Table 2 and the following general standards shall apply:

1. Disturbance

- a. Designated natural resources that are affected by temporary disturbances shall be restored, and those affected by permanent disturbances shall be mitigated as applicable.
- b. Landscape plantings are not considered to be disturbances, except for those plantings that are part of a non-exempt storm water facility; e.g., raingarden or bioswale.

2. Required Plants

Unless specified elsewhere in this Section, all trees, shrubs and ground cover planted as mitigation shall be native plants, as identified on the City Plant List. Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc. Plant size, spacing and diversity will be approved through discretionary review by the City. The minimum ratio of mitigation shall be 2:1.

3. Location of Mitigation Area

a. On-Site Mitigation

All mitigation vegetation shall be planted on the applicant's site within the designated natural resource that is disturbed, or in an area contiguous to the resource area; however, if the vegetation is planted outside of the resource area, the applicant shall preserve

the contiguous planting area by executing a deed restriction, such as a restrictive covenant.

b. Off-Site Mitigation

1. For disturbances allowed within a WQR, off-site mitigation shall not be used to meet the mitigation requirements of this Chapter.
2. For disturbances allowed within an HCA, off-site mitigation vegetation may be planted within an area contiguous to the subject-property HCA, provided there is documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site. If the off-site mitigation is not within an HCA, the applicant shall document that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

4. Invasive Vegetation

Invasive nonnative or noxious vegetation shall be removed within the mitigation area prior to planting, including, but not limited to, species identified as nuisance plants on the City Plant List.

5. Ground Cover

Bare or open soil areas remaining after the required tree and shrub plantings shall be planted or seeded to 100% surface coverage with grasses or other ground cover species identified as native on the City Plant List. Revegetation shall occur during the next planting season following the site disturbance.

6. Tree and Shrub Survival

A minimum of 80% of the trees and shrubs planted shall remain alive on the second anniversary of the date that the mitigation planting is completed.

a. Required Practices

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

- (1) Mulch new plantings to a minimum of 3-in depth and 18-in diameter to retain moisture and discourage weed growth.
- (2) Remove or control nonnative or noxious vegetation throughout the maintenance period.

b. Recommended Practices

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

- (1) Plant bare root trees between December 1 and April 15; plant potted plants between October 15 and April 30.
- (2) Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and the resulting damage to plants.
- (3) Water new plantings at a rate of 1 inch per week between June 15 and October 15 for the first 2 years following planting.

c. Monitoring and Reporting

Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind as needed to ensure the minimum 80% survival rate. The City may require a maintenance bond to cover the continued health and survival of all plantings. A maintenance bond shall not be required for land use applications related to owner-occupied single-family residential projects. An annual report on the survival rate of all plantings shall be submitted for 2 years.

7. Light Impacts

Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size and intensity of lighting shall be selected so that impacts to habitat functions are minimized and are subject to City review.

C. Mitigation Requirements for Disturbance within WQR

1. The requirements for mitigation vary depending on the existing condition of the WQR on the project site at the time of application which will be assessed in accordance with the categories established in Table 2. When disturbances within a WQR is approved according to the standards of this Section, the disturbance shall be mitigated according to the requirements outlined in Table 3 and the standards established in Section 430.190 E. Limitations and Mitigation for Disturbance of an HCA.

When disturbances within an HCA are allowed, the City shall remove the HCA designation from such disturbance areas on the WQ Map.

2. Mitigation Requirements for Disturbance in an HCA

To achieve the goal of reestablishing forested canopy that meets ecological values and functions when development intrudes into an HCA, tree replacement and vegetation planting is required according to the following standards, unless the planting is also subject to wetlands mitigation requirements imposed by state and federal law.

These mitigation options apply to tree removal and/or site disturbance in conjunction with development activities that are otherwise permitted. They do not apply to situations in which tree removal is exempt.

An applicant shall meet the requirement of Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is 1 acre or more, the applicant shall comply with Mitigation Option 2 as shown in Table 3 below.

Wastewater treatment plants, raw water intakes, pump stations, transmission mains, conduits or service lines, terminal storage reservoirs, and outfall devices may be built, expanded, repaired, maintained, reconfigured, rehabilitated, replaced, or upsized in accordance with the following criteria:

- a. Such projects shall not be required to avoid the resource area provided that, where practicable, the project does not encroach closer to a protected water feature than existing operations and development; or, for new projects where there are no existing operations or development, provided that the project does not encroach closer to a protected water feature than practicable.
- b. Best management practices will be employed that accomplish all of the following:
 - (1) Account for watershed assessment information in project design.
 - (2) Minimize the trench area and tree removal within the resource area.
 - (3) Utilize and maintain erosion controls until other site stabilization measures are established, post-construction.
 - (4) Replant immediately after backfilling, or as soon as effective.
 - (5) Preserve wetland soils and retain soil profiles.
 - (6) Minimize compactions and the duration of the work within the resource area.
 - (7) Complete in-water construction during appropriate seasons, or as approved within requisite federal or State permits.

- (8) Monitor water quality during the construction phases, if applicable.
- (9) Implement a full inspection and monitoring program during and after project completion, if applicable.

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

c. Mitigation Option 1

This 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 shall be replaced as shown in Table 3. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses or herbs. Nonnative sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

a. Mitigation Option 2

This mitigation requirement is calculated based on the size of the disturbance area within an HCA. Native trees and shrubs are required to be planted at a rate of 5 trees and 25 shrubs per 500 sq ft of disturbance area. This is calculated by dividing the number of square feet of disturbance area by 500, multiplying that result times 5 trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs.

For example:

For 330 sq ft of disturbance area: $330 \div 500 = 0.66$, and $0.66 \times 5 = 3.3$, so 3 trees must be planted. $0.66 \times 25 = 16.5$, so 17 shrubs must be planted. Bare ground shall be planted or seeded with native grasses or herbs. Nonnative sterile wheat grass may also be planted or seeded, in equal or lesser proportion to native grasses or herbs.

D. Limitations and Mitigation for Disturbance of HCA

1. Discretionary Review to Approve Additional Disturbance within an HCA

An applicant seeking discretionary approval to disturb more of an HCA than is allowed shall submit an Impact Evaluation and Alternatives Analysis and shall be subject to the approval criteria provided in ZDC Chapter 510.100 Type I Administrative Process.

2. Discretionary Review to Approve Mitigation that Varies the Number and Size of Trees and Shrubs within an HCA

An applicant seeking discretionary approval to proportionally vary the number and size of trees and shrubs required to be planted, but who will comply with all other applicable provisions, shall be subject to the following process:

a. The applicant shall submit the following information:

- (1) A calculation of the number and size of trees and shrubs the applicant would be required to plant according to this Section.
- (2) The number and size of trees and shrubs that the applicant proposes to plant.
- (3) An explanation of how the proposed number and size of trees and shrubs will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of this Section. Such explanation shall be prepared and signed by a knowledgeable and qualified natural resource professional or a certified landscape architect. It shall include discussion of site preparation including soil additives, removal of invasive and noxious vegetation, plant diversity, plant spacing, and planting season; and immediate post-planting care, including mulching, irrigation, wildlife protection, and weed control.
- (4) A mitigation, site-monitoring, and site-reporting plan.

b. Approval of the request shall be based on consideration of the following:

- (1) Whether the proposed planting will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of this Section.

- (2) Whether the proposed mitigation adequately addresses the plant diversity, plant survival, and monitoring practices established in this Section.

430.220 Erosion Prevention and Sediment Control

- A. The purpose of this Subsection is to require erosion prevention measures and sediment control practices for all development inside and outside the WQRA during construction to prevent and restrict the discharge of sediments, and to require final permanent erosion prevention measures, which may include landscaping, after development is completed. Erosion prevention techniques shall be designed to protect soil particles from the force of water and wind so that they will not be transported from the site. Sediment control measures shall be designed to capture soil particles after they have become dislodged by erosion and attempt to retain the soil particles on site.
- B. Prior to, or contemporaneous with, approval of an application that may cause visible or measurable erosion, the applicant must obtain an Erosion and Sediment Control Permit.
- C. An application for an Erosion and Sediment Control Permit shall include an Erosion and Sediment Control Plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion. The plan shall demonstrate the following:
 1. The Erosion and Sediment Control Plan meets the requirements of the *Erosion Prevention and Sediment Control Plans, Technical Guidance Handbook (Handbook)* and incorporated by reference as part of this section;
 2. The Erosion and Sediment Control Plan will:
 - a. Prevent erosion by employing prevention practices such as non-disturbance, construction schedules, erosion blankets and mulch covers; or
 - b. Ensure that where erosion cannot be completely avoided, the sediment control measures will be adequate to prevent erosion from entering the public storm water system, surface water system, and WQRA; and
 - c. Allow no more than a ten percent cumulative increase in natural stream turbidities, as measured relative to a control point immediately upstream of the turbidity causing activity. However, limited duration activities necessary to address an emergency or to accommodate essential dredging, construction or other legitimate activities, and that cause the standard to be exceeded may be authorized provided all practicable turbidity control techniques have been applied.
 3. The applicant will actively manage and maintain erosion control measures and utilize techniques described in the Permit to prevent or control erosion during and following development. Erosion and sediment control

measures required by the Permit shall remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures;

4. No mud, dirt, rock or other debris will be deposited upon a public street or any part of the public storm water system, surface water system, WQRA, or any part of a private storm water system or surface water system that drains or connects to the public storm water or surface water system.

D. The Erosion and Sediment Control Plan shall be reviewed in conjunction with the requested development approval. If the development does not require review under Sections 430.150 and 430.160, the Public Works Director may approve or deny the permit with notice of the decision to the applicant.

1. The City may inspect the development site to determine compliance with the Erosion and Sediment Control Plan and Permit.
2. Erosion that occurs on a development site that does not have an Erosion and Sediment Control Permit, or that results from a failure to comply with the terms of such a Permit, constitutes a violation of this code section.
3. If the Public Works Director finds that the facilities and techniques approved in an Erosion and Sediment Control Plan and Permit are not sufficient to prevent erosion, the Director shall notify the permittee. Upon receiving notice, the permittee shall immediately install interim erosion sediment control measures as specified in the *Handbook*. Within three days from the date of notice, the permittee shall submit a revised Erosion and Sediment Control Plan to the City. Upon approval of the revised plan and issuance of an amended Permit, the permittee shall immediately implement the revised plan.

430.230 Subdivisions and Partitions

- A. The standards for land divisions in WQRA shall apply in addition to the requirements of ZDC Section 450 Subdivision and Land Partitions.
- B. Prior to preliminary plat approval, the WQRA shall be shown as a separate tract, which shall not be a part of any parcel used for construction of a dwelling unit.
- C. Prior to final plat approval, ownership of the WQRA tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 1. Private open space held by the owner or homeowners association; or
 2. For residential land divisions, private open space subject to an easement conveying storm and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this section; or

3. At the owner's option, public open space where the tract has been dedicated to the city or other governmental unit; or
4. Any other ownership proposed by the owner and approved by the Planning Commission.

D. Where the WQRA tract is dedicated to the city or other governmental unit, development shall be subject to a minimum 3-foot setback from the WQRA.

430.240 Density Transfers

- A. The purpose of this Section is to allow density accruing to portions of a property within the WQRA to be transferred outside the WQRA.
- B. Development applications that request a density transfer must provide the following information:
 1. A map showing the net buildable area to which the density will be transferred.
 2. Calculations justifying the requested density increase.
- C. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:
 1. The density proposed for the lot receiving the density is not increased to more than two (2) times the permitted density of the base zone. Fractional units shall be rounded down to the next whole number.
 2. Minimum density standards will not increase due to the density transfers.
- D. The area of land contained in a WQRA may be excluded from the calculations for determining compliance with the zone's minimum density requirements.
- E. All standards of the base zone other than density requirements continue to apply.
- F. Density transfers shall be recorded on the title of the lot in the WQRA and on the title of the transfer lot.
- G. Once density is transferred from a lot in the WQRA, the density increase allocated to the transfer lot may not be transferred to any other lot.

430.250 Variances

To encourage applicants to avoid or minimize impacts to a WQR and/or HCA, variances are available for use on any property that includes a WQR or an HCA.

Requests to vary any standards shall be subject to the review process and approval criteria for variances established in ZDC Chapter 660 Variances.

In granting any variance request related to this Section, the Planning Commission may impose such conditions as are deemed necessary to minimize adverse impacts that may result from granting the variance. Examples of such conditions include, but are not limited to, maintaining a minimum width of the vegetated corridor alongside a primary protected water feature and limiting the amount of a WQR for which the adjacent vegetated corridor width can be reduced.

EXHIBIT "B"
To Ordinance 05-2012

- 450.030** **Submission of Tentative Subdivision Plan:** A subdivider shall prepare a tentative plan together with such improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project, and shall submit fifteen copies of the tentative plan to the City Recorder's office at least 45 days prior to the Planning Commission meeting at which consideration of the plan is desired. Final determination as to the needed information and materials to be submitted shall rest with the Planning Commission.
- A. **Scale:** The tentative plan of a subdivision shall be drawn on a sheet 18 by 24 inches in size or a multiple thereof at a scale of such size as required by the County surveyor.
- B. **General Information:** The following general information shall be shown on the tentative plan of a subdivision:
- (1) Proposed name of the subdivision: This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission and the Multnomah County Assessor's Office.
 - (2) Date, north point and scale of drawing.
 - (3) Appropriate identification of the drawing as a tentative plan.
 - (4) Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
 - (5) Names and addresses of the owner, subdivider and engineer or surveyor.
- C. **Existing Conditions:** The following existing conditions shall be shown on the tentative plan:
- (1) The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines and monuments.
 - (2) Contour lines related to some established bench mark or other datum approved by the City engineer and having minimum intervals as follows:
 - (a) For slopes of less than five percent: show the direction of a slope by means of arrows or other suitable symbol together with not less than four spot elevations per acre, evenly distributed, one-foot contours.

- (b) For slopes of five percent to 15 percent: two-foot contours.
 - (c) For slopes of 15 percent to 20 percent: five-foot contours.
 - (d) For slopes of over 20 percent: ten-foot contours.
- (3) The location of at least one temporary bench mark within the subdivision boundaries.
 - (4) The location and direction of water courses and the location of areas subject to flooding.
 - (5) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
 - (6) Existing uses of the property and location of existing structures to remain on the property after platting.
 - (7) The location of water quality and habitat conservation areas illustrated on the Wood Village Water Quality Map in Section 430.**

EXHIBIT C
To Ordinance 05-2012

450.040 Approval of Tentative Subdivision Plan:

- A. Approval of a Tentative Subdivision Plan shall be in accordance with Section 520.100 Type II Procedures. Within 45 days from the first regular Planning Commission meeting following submission of a tentative plan of a subdivision, the Planning Commission shall review the plan and the reports of appropriate officials and agencies.
- B. Required Findings: No tentative plan shall be approved unless:
- (1) Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the Commission determines that the public interest is served by modifying streets or road patterns.
 - (2) Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.
 - (3) The plat complies with the Comprehensive Plan, the City, County and Regional Transportation Plans, the City Stormwater and Water Master Plans, and applicable zoning district regulations. Further, ODOT access permit approval is required on abutting state roadways prior to subdivision approval by the City.
 - (4) Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
 - (5) Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
 - (6) Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
 - (7) The plat provides protection for identified water quality and habitat conservation areas in accordance with Section 430 Water Quality Resource and Habitat Conservation Areas.**

EXHIBIT E
To Ordinance 05-2012

450.080 **Required Findings for Partition Approval:** Partitions shall not be approved unless:

- A. No new rights-of-way, roads, or streets are created, except for widening of existing rights-of-way. Partitions creating such new streets shall be processed as subdivisions.
- B. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.
- C. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.
- D. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards and in accordance with the City Stormwater and Water Master Plans and Transportation Plan.
- E. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.
- F. The partition provides protection of water quality and habitat conservation areas in accordance with the provisions of Section 430 Water Quality Resource and Habitat Conservation Areas.**

EXHIBIT F
To Ordinance 05-2012

630.070 Design Review Plan Contents.

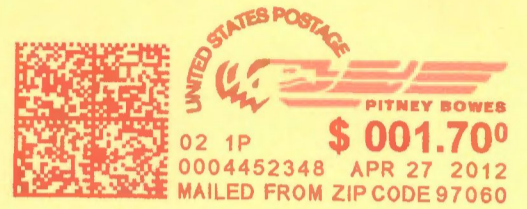
- A. Any preliminary or final design review plan shall be filed on forms provided by the City Administrator and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.
- B. Contents:
- (1) Preliminary Site Development Plan;
 - (2) Preliminary Site Analysis Diagram;
 - (3) Preliminary Architectural Drawings, indicating floor plans and elevations;
 - (4) Preliminary Landscape Plan;
 - (5) Design Review Application Fee;
 - (6) For developments that generate more than 400 average daily motor vehicle trips (ADT's), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system.
- C. A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:
- (1) Relation to adjacent lands;
 - (2) Topography;
 - (3) Natural drainage;
 - (4) Natural features and structures having a visual or other significant relationship with the site.
 - (5) Water Quality and Habitat Conservation resources identified on the Wood Village Water Quality map in Section 430.

EXHIBIT G
To Ordinance 05-2012

630.090 Review Criteria.

- A. Approval of a design review plan shall be based on the following criteria:
- (1) **Relation of Design Review Plan Elements to Environment.**
 - (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.
 - (b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.
 - (c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.
 - (2) **Safety and Privacy** - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.
 - (3) **Special Needs of Disabled Persons** - Where appropriate, or required, the design review plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.
 - (4) **Preservation of Natural Landscape** - The landscape water quality and habitat conservations resources and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.
 - (5) **Pedestrian and Vehicular Circulation and Parking** - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.
 - (6) **Drainage** - Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.

- (7) **Buffering and Screening** - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
 - (8) **Utilities** - All utility installations must be located underground and shall be located so as to minimize adverse impacts on the site and neighboring properties. At the time of development, public facilities and services, including public sanitary and storm sewer, water and public streets, shall be extended across a site to facilitate service to adjoining properties, unless determined unreasonable by the Design Review Board.
 - (9) **Signs and Graphics** - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.
 - (10) **Plan and Code Compliance** - The proposal shall be in compliance with the City, County and Regional Transportation Plans, the City Stormwater Master Plan and the City Water Master Plan. Further, ODOT access permit approval is required abutting a state roadway prior to design review approval by the City.
- B. Guidelines designed to assist applications in developing design review plans may be adopted by the Design Review Board.



DEPT OF

APR 30 2012

LAND CONSERVATION
AND DEVELOPMENT

**THE CITY OF WOOD VILLAGE
2055 NE 238TH DRIVE
WOOD VILLAGE OR 97060**

TO

**Attention:
Plan Amendment Specialist
Department of Land
Conservation and Development
635 Capitol Street NE, Ste 150
Salem OR 97301-2540**