**ARTICLE IV: DEVELOPMENT STANDARDS**

**422 - SIGNIFICANT NATURAL RESOURCES**

**422-1 Intent and Purpose**

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

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

**422-2 Lands Subject to this Section**

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

Significant Natural Resources have been classified in the Community Plans or the Rural/Natural Resource Plan Element by the following categories:

- **422-2.1** Water Areas and Wetlands - 100-year flood plain, drainage hazard areas and ponds, except those already developed.
- **422-2.2** Water Areas and Wetlands and Fish and Wildlife Habitat - Water areas and wetlands that are also fish and wildlife habitat.
- **422-2.3** Wildlife Habitat - Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.
- **422-2.4** Significant Natural Areas - Sites of special importance, in their natural condition, for their ecological, scientific, and educational value.

**422-3 Criteria for Development**

**422-3.1** The required master plan and site analysis for a site which includes an identified natural resource shall:

A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);

B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and

C. Apply the design elements of the applicable Community Plan; the Policy 41 requirements for Area 93 Goal 5 Resources of the Comprehensive Framework Plan for the Urban Area; or the applicable implementing strategies of the
Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

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

422-3.2 Open Space Inside the UGB:

A. Shall be identified as provided in Section 404-1, Master Planning - Site Analysis;

B. When located in a park deficient area as identified on the significant natural resource map, the applicant shall notify the appropriate park provider of the proposed development.

422-3.3 Development within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:

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

1. Crossings for streets, roads or other public transportation facilities.

2. Construction or reconstruction of streets, roads or other public transportation facilities.

3. Installation or construction of the following utilities: sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.

4. Wildlife viewing areas and recreation or nature trails.

5. Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421-4.6. This use is not subject to Section 422-3.5 or Section 422-3.6.

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

7. Where it can be demonstrated, with concurrence of the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife, that a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat has been degraded, an enhancement of these areas which conforms to the definition and criteria listed in Section 422-3.4 may be permitted through a Type II procedure.
Enhancement or alteration of a nondegraded portion of these areas is permitted when it is in conjunction with and it is needed to support the enhancement of the degraded area. Where development is proposed that would have negative impacts on these areas it is the County's policy to follow state and federal regulatory guidelines for mitigation proposals.

(8) All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction and related land alterations. Such activities and uses may be permitted through a Type III procedure.

(9) In addition in the Rural/Natural Resource Area:

(a) Propagation or harvesting of timber for personal consumption, provided that the use of a caterpillar tractor, yder, backhoe, grader or similar heavy mechanized equipment is prohibited;

(b) Commercial forestry activities when in compliance with the Oregon Forest Practices Act and Administrative Rules; and

(c) Farming or raising of livestock not utilizing a structure.

(d) Operations for the exploration for and production of geothermal resources, oil and gas.

(10) All public use airport related uses and activities allowed pursuant to Section 387-4.

(11) Wetland mitigation, creation, enhancement and restoration within public use airport approach surface areas and airport direct impact boundaries shall be allowed upon demonstration of compliance with the requirements of Section 388-9.

B. Where development or alteration of the riparian corridor is permitted under the above exceptions, the flood plain and drainage hazard area development criteria shall be followed.

C. Fencing adjacent to stream buffers or other wildlife habitat areas shall be designed to allow the passage of wildlife. Designs must incorporate openings appropriately sized and spaced to accommodate passage of wildlife common to urban Washington County (common mammals needing access to streams in urban Washington County include but are not limited to: deer, beaver, coyote, muskrat, rabbit, raccoon and skunk).

422-3.4 Enhancement of a degraded riparian corridor, Water Areas and Wetlands or Water Areas and Wetlands and Fish and Wildlife Habitat permitted by Section 422-3.3 A. (7) shall meet the following:

A. For the purposes of Section 422-3.3 A. (7) an enhancement is a modification, as a result of which no later than five (5) years after completion of the project, the quality and/or quantity of the natural habitats is measurably improved in terms of animal and plant species numbers, number of habitat types, and/or amount of area devoted to natural habitat.
B. Proposal Preparation

In order to determine whether a proposed modification will result in an enhancement, preparation of the proposal, as well as construction and planning work, shall be guided by a professional wildlife biologist or ecologist with experience and credentials in water areas/wetlands and riparian areas enhancement and who has reviewed the sources and their relevant references listed in Section 422-3.4.

C. Submittal Requirements

(1) The proposal shall include detailed information and mapping of the site, including all of the following subjects:

(a) Hydrology, including 100-year flood and 25 year flow events/surface water flow patterns, and groundwater information, if available;

(b) Substrate(s) and existing rates of sedimentation;

(c) Existing vegetation, including species list and community types, with approximate percent coverage, and all trees six inches in diameter or larger;

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

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

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

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

(b) A surrounding vegetation buffer of closely spaced (six feet to eight feet) trees and shrubs shall be included within the outer twenty-five feet of the Significant Natural Resource area unless there are special circumstances or design measures.

(c) All plant materials shall be indicated in terms of number and size. Except for the outer perimeter of the buffer area, all plants shall be of a native species unless agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
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(d) As many existing trees over six inches in diameter as possible shall be preserved.

(e) Vegetation plantings (e.g., trees and shrubs) which overhang standing water are encouraged. (Native vegetation is preferred.)

(f) Measures for the prevention of undesirable monotypic plant dominance, especially reed canary grass and blackberries, shall be included, such as periodic removal or application of herbicides agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.

(g) Ponds shall have varying open water depth up to a least three feet, unless required otherwise by the Oregon Department of Fish and Wildlife, Oregon Division of State Lands or the U.S. Corps of Engineers, and where the natural grade permits shall have gently sloped shores on at least two sides.

(h) Islands are encouraged to be two feet above normal water level, flat-topped, spaced every 1/4 acre of open water, and no smaller than 450 square feet where possible.

(i) Rocks and large tree trunks are encouraged to be placed in water areas.

(4) The proposal shall be submitted by Washington County to the biologist for the Clackamas District or other applicable district biologist of the Oregon Department of Fish and Wildlife for review and comment, as well as to other regulating agencies with jurisdiction to review the proposed enhancement, including the Division of State Lands and the Army Corps of Engineers.

(5) The proposal shall include arrangement to ensure frequent and regular litter or trash clean-up unless dedicated to Tualatin Hills Park and Recreation District or any other jurisdiction.

D. Follow-up Requirements

(1) The County shall require as a condition of approval that a detailed report by a wildlife biologist or ecologist, with map and color photographs, shall be submitted to the County by the current property owner two (2) years after completion of the modification and again after five (5) years. The reports shall document the current condition of the resource. These two follow-up reports shall be submitted by the County to the biologist for the Clackamas District or other applicable district for review and comment. If the approved enhancement plan has not been completed in five (5) years, the current property owner shall submit plans to the County Department of Land Use and Transportation for rectifying any significant deficiencies. Once approved, the amended plan shall be implemented.

(2) The County may modify or revoke the Development permit for the enhancement, or take other necessary enforcement measures to ensure compliance with these standards.
422-3.5 Significant Natural Areas

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

A. Provision of additional landscaping or open space; and

B. Relocation of the proposed site of a building, structure or use on the lot.

422-3.6 For any proposed use in a Significant Natural Resource Area, or in an area identified as Goal 5 Resources for Area 93 by Policy 41 of the Comprehensive Framework Plan for the Urban Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a “conflicting use” to occur pursuant to OAR 660-023-0040(5)(c) (effective September 1, 1996).

422-4 Density Transfer

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

422-5 State and Federal Regulatory Guidelines

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