

EXHIBIT A
“MARK-UP” COPY OF THE PROPOSED AMENDMENTS
NLURA 2024-02

The proposed amendments are shown in ~~strikethrough~~ for language to be deleted and in double underline for language to be added. The proposed amendments are in the numerical order of the sections in the DMC.

17.204 Overlay Zones

[...]

17.204.060 Riparian Corridor Overlay (RC)

- A. Purpose. The purpose of the RC (riparian corridor overlay) zone is protecting and restoring the hydrologic, ecological, and land conservation functions these areas provide in the city of Dundee; implement ~~the goals and~~ policies of the State of Oregon’s Goal 6 for air, land and resource quality; implement the goals and policies of the city of Dundee’s comprehensive plan; and establish standards and requirements for the use of land within the riparian corridors.

Riparian corridors support valuable fish and wildlife habitat; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks; and reduce the effects of flooding. A healthy riparian corridor is comprised of a multi-storied forest of native species of trees, shrubs, and ground cover. Many riparian corridors in Dundee have been impacted by clearing native vegetation and have the potential to be restored to higher function and value.

The designation of lands within this overlay is used to provide reasonable regulation of development in or adjacent to riparian corridors. This overlay does not provide for or authorize public access to private properties designated within this overlay. Additionally, the provisions of this overlay do not provide measures for the public acquisition of private property.



- B. Applicability. The provisions of this overlay zone shall apply to all lands with designated riparian corridor boundaries of the city of Dundee as shown on the official zoning map. The boundary is established based on Figure A City of Dundee Riparian Protection Areas of the Riparian Inventory – City of Dundee dated February 22, 2024 (Pacific Habitat Services, Inc.).

The regulations of this chapter apply to the portion of any lot or development site which is within an RC overlay zone. Unless specifically exempted by DMC 17.204.060(C), these regulations apply to the following:

1. New structures, additions, accessory structures, decks, addition of concrete or other impervious surfaces;
2. Any action requiring a development permit by this code;
3. Changing of topography by filling or grading;

4. Installation or expansion of utilities including but not limited to phone, cable TV, electrical, wastewater, stormwater, water or other utilities;

5. Installation or expansion of streets, pathways, bridges, or other physical improvements which alter the lands within the riparian corridor overlay.



C. Activities exempt from these regulations.

1. Emergency procedures or emergency activities undertaken by public or private parties which are necessary for the protection of public health, safety and welfare.

2. Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of the ordinance codified in these regulations.

3. Alterations of buildings or accessory structures which do not increase building coverage in the RC overlay zone.

4. The expansion of an existing structure, building, improvements, or accessory structures, provided the expansion is located completely outside of the riparian corridor delineation boundary.

5. The following agricultural activities lawfully in existence as of XXX, 2024:



a. Mowing of hay, grass or grain crops.

b. Tilling, discing, planting, seeding, harvesting and related activities for pasture, trees, food crops or business crops; provided, that no additional lands within the riparian corridor boundary are converted to these uses.

6. Operation, maintenance and repair of existing irrigation, drainage ditches, ponds, wastewater facilities, stormwater detention or retention facilities, and water treatment facilities.



7. ~~Normal and routine~~ maintenance of existing transportation facilities and improvements, and utilities.

8. ~~Normal and routine~~ maintenance of any public improvement or public recreational area.

9. Measures to remove or abate hazards and nuisances including but not limited to, hazardous or diseased trees.

10. Roadway and related improvements associated with a final alignment of the Newberg bypass road project.

11. Utilities installed above or below existing street rights-of-way.

12. Utility services using an existing pole or installation of other utilities where no more than 100 square feet of ground area is disturbed, no native trees are removed, and the area is replanted to preconstruction conditions using native plants approved by the City of Dundee.

13. Utility services within existing access roads or other previously improved areas where the utility service can be installed without expanding the previously improved area.


14. The removal of any plant identified on the Dundee plant list as a invasive plant in Table XX as long as the plants are replaced with mitigation planting material in Table XX.

15. The planting or propagation of any plant or tree identified as mitigation planting material in Table XX prior to planting or propagation.



Table XXXX
INVASIVE SPECIES PLANT LIST


<u>Common Name</u>	<u>Scientific Name</u>
<u>Himalayan or evergreen blackberry</u>	<u>Rubis discolor, lacinatus</u>
<u>Reed Canarygrass</u>	<u>Phalaris arundinacea</u>
<u>Teasel</u>	<u>Dipsacus fullonum</u>
<u>Canada or bull thistle</u>	<u>Cirsium sp.</u>
<u>Scotch broom</u>	<u>Cytisus scoparius</u>
<u>Purple Loosestrife</u>	<u>Lythrum salicaria</u>
<u>Japanese Knotweed</u>	<u>Polygonum cuspidatum</u>
<u>Morning Glory</u>	<u>Convolvulus sp.</u>
<u>Giant Hogweed</u>	<u>Heracleum</u>
<u>English Ivy</u>	<u>Hedera helix</u>
<u>Nightshade</u>	<u>Solanum sp.</u>
<u>Clematis</u>	<u>Clematis ligusticifolia and C. vitabla</u>
<u>Poison Oak</u>	<u>Rhus diversiloba</u>

D. Process.

1. Riparian Corridor applications shall be reviewed through a Type II process.
2. A Riparian Corridor application may be processed independently or in conjunction with other land use actions required for development of the property.
3. In addition to the submittal requirements for a riparian corridor application, the applicant shall supply the following: 

a. Plot plan showing the following:

- i. The riparian corridor boundary based on a survey for the location of the top of bank. 
- ii. The area of the proposed use or activity.
- iii. The location of any existing vegetative fringe along the riparian corridor or other significant vegetation. 

b. Statements, drawings, and/or photos of the proposed external appearance of proposed activity as viewed from the riparian corridor. 

c. Statements demonstrating compliance with the provisions of this overlay zone.

d. A planting plan if vegetation enhancements to the riparian corridor are proposed.

e. Any additional information determined by the planning official to be necessary to demonstrate compliance with this overlay zone.



E. Review Standards and Criteria. A riparian corridor overlay zone shall require compliance with the following decision criteria:



1. Significant fish and wildlife habitats shall be protected.

2. Significant natural and scenic areas, viewpoints and vistas shall be preserved.

3. Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.

The quality of the air, water, and land resources in and adjacent to the riparian corridor shall be preserved in the development of use of the land within the riparian corridor zone.

Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions.

The natural vegetative fringe along the riparian corridor shall be maintained to the maximum extent that is practical in order to assure water quality, protection of wildlife, and protection from erosion.

The proposed development, change, or intensification of use is compatible with existing zoning on the site and the surrounding area.


Areas considered for development, change, or intensification of use which have erosion potential shall protect the riparian corridor zone by appropriate means, which are compatible with the provisions of the riparian corridor overlay zone.


Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property.


Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Except for water-related and water-dependent buildings and structures, buildings and structures shall be located 10 feet or more upland from the riparian overlay zone unless it can be shown that the parcel size makes meeting this requirement impossible, or significant natural features would be lost if the standard is met.

12. Public access to, along or through the riparian corridor may be provided in conjunction with subdivision, partition, commercial and industrial development, and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse effects on adjoining property and the riparian corridor.

 The development shall be directed away from the riparian corridor to the greatest possible extent.

 The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the riparian corridor.



 Private docks and wharfs shall be limited to one per property ownership, and shall be limited to 150 square feet of gross area per property served. Walkways to the dock or wharf shall be not more than five feet wide. When approving covered storage, subsections (E)(2), (3), and (5), of this section shall be considered. Covered storage facilities shall not extend more than 10 feet above water level and shall be designed and painted to blend into the natural environment as much as possible.

F. Landscape Credit


1. Enhancement of the riparian corridor with trees, shrubs, herbs, and grasses listed in DMC 17.204.060 for development requiring landscaping required per Chapter 17.302 DMC shall count as a 1:1 credit for the sites required landscape percentage as long as all other requirements of Chapter 17.302 DMC are met.


G. Riparian Corridor Width Reduction, Mitigation and Planting.



1. The 50-foot riparian corridor measured from top of bank along Riparian areas A, B and C may  reduced to a minimum of 25 feet with enhancement based on a ratio of one square foot of reduction for one square foot of enhancement.
2. The 75-foot buffer corridor measured from top of bank along the  Yamette River may be reduced to a minimum of 50 feet with enhancement based on a ratio of one square foot of reduction for one square foot of enhancement.
3. Disturbed areas, other than authorized improvements, shall be regraded and contoured to appear natural. All fill material shall be native soil. Native soil may include soil associations commonly found within the vicinity, as identified from USDA Soil Conservation Service, Soil Survey of Yamhill Area, Oregon.
4. Mitigation planting material shall consist of the following:
 - a. See Table XXX
5. Replanting shall be required using a combination of trees, shrubs, herbs and ground cover native to riparian zones. Species shall be approved by the City of Dundee. Planting shall be as follows:
 - a. At least XXX species of plants shall be used.
 - b. At least two species must be trees and two species must be shrubs.


c. No more than XXX percent of any seed mix used can be grass.

 minimum of one tree and three shrubs shall be used for every 500 square feet of planting area.

e. Areas to be replanted must be completed at the time of final inspection or completion of the work, except as otherwise allowed by this code. 

f.  Planting vegetation that can be saved and replanted is encouraged, although not required.

Alternative Approach:

Trees and shrubs shall be planted using the following equations to achieve the specified densities on a per acre basis. 


A) Total number of trees per acre = area in square feet x 0.01

B) Total number of shrubs per acre = area in square feet x 0.05

C) Groundcover = plant and seed to achieve 100% areal coverage

6. All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year. The planning official may require a bond or other form of security instrument to insure completion of the mitigation restoration plan. The planning official shall authorize the release of the bond or other security instrument when, after one year, the mitigation restoration site has achieved the purposes and standards of this section.
7. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.
8. All restoration work must occur within the RC overlay zone and be on the same property.

Table XXXX

 **SUGGESTED PLANT COMMUNITIES FOR REVEGETATION**

<u>Plant Communities</u>	<u>Plant Category</u>	<u>Water Requirements</u>	<u>Light Requirements</u>	<u>Minimum Rooting Size</u>	<u>Minimum Plant Height</u>	<u>Spacing Format</u>
<u>Riparian Forest (RF)</u>						
<u>Red alder (Alnus rubra)</u>	<u>Tree</u>	<u>Moist</u>	<u>Sun</u>	<u>1 gal</u>	<u>3'</u>	<u>Single</u>
<u>Western red cedar (Thuja plicata)</u>	<u>Tree</u>	<u>Moist</u>	<u>Sun</u>	<u>2 gal</u>	<u>2'</u>	<u>Single</u>
<u>Red elderberry (Sambucus racemosa)</u>	<u>Shrub</u>	<u>Moist</u>	<u>Part</u>	<u>1 gal</u>	<u>1.5'</u>	<u>Single</u>
<u>Black twinberry (Lonicera involcrata)</u>	<u>Shrub</u>	<u>Moist</u>	<u>Part</u>	<u>1 gal</u>	<u>1.5'</u>	<u>Single</u>

Code Text Amendment	Type V	Chapter 17.405 DMC
Comprehensive Plan Amendment	Type IV or V	Chapter 17.405 DMC
Conditional Use Permit	Type III	Chapter 17.404 DMC
Home Occupation	Type I	Chapter 17.203 DMC
Legal Lot Determination	Type I	ORS 92.010 to 92.190
Nonconforming Use or Structure, Expansion of	Type III	Chapter 17.104 DMC
Park and Open Space Master Plan	Type III**	Chapter 17.203 DMC
Partition or Replat of 2 – 3 Lots		
Preliminary Plat	Type II	Chapter 17.403 DMC
Final Plat	Type I	Chapter 17.403 DMC
Planned Unit Development	Type III	Chapter 17.407 DMC
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 17.403 DMC
<u>Riparian Corridor</u>	<u>Type II</u>	<u>Chapter 17.204.060 DMC</u>
Sign Permit	Type I	Chapter 17.306 DMC
Similar Use Authorization	Type I	Chapter 17.103 DMC
Site Development Review	Type I or II	Chapter 17.402 DMC
Short-Term Rentals	Type II	DMC 17.203.240
Subdivision or Replat of > 3 Lots		
Preliminary Plat	Type III	Chapter 17.403 DMC
Final Plat	Type I	Chapter 17.403 DMC
Temporary Use	Type I	Chapter 17.203 DMC (Special Uses – DMC 17.203.160)
Vacation	Type V	See ORS Chapter 271
Variance	Type III	Chapter 17.406 DMC
Zoning Map Change	Type IV or V	Chapter 17.405 DMC

*The applicant may be required to obtain building permits and other approvals. The city's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the city under this code.

**The city council through the Type III procedure reviews park and open space master plans.

17.501 Definitions

(a) "Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

(b) "Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

(c) "Riparian corridor" is a resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

(d) "Riparian corridor boundary" is a line that is a certain distance upland from the top bank that represents the transition from riparian area to upland area.

(e) "Stream" is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

(f) "Structure" is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.

(g) "Top of bank" shall have the same meaning as "bankfull stage" defined in OAR 141-085-0010(12).

(h) "Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

General Notes to consider:

Planting Requirements and Methods

City participation in mitigation

Other organization participation in mitigation