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1.3.2 Definitions

The following words and phrases, when used in this Code, shall have the meanings set forth in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions marked with a #_* are further illustrated in Appendix A.

~~* **Arterial** – A facility for moving inter-area traffic, primarily carrying through traffic. An arterial is intended to provide for the majority of regional travel passing through an area as well as the majority of local trips entering and leaving the urban area. It should also provide continuity for all rural arterials that intercept the UGB and should include connections to all rural collectors. Arterials generally emphasize mobility over land access. Access to arterials should be managed to protect the mobility function of the street as much as possible.~~

Highway – A facility for moving inter-area traffic, primarily carrying through traffic. ~~An arterial~~ **A highway** is intended to provide for the majority of regional travel passing through an area as well as the majority of local trips entering and leaving the urban area. It should also provide continuity for all rural arterials that intercept the UGB and should include connections to all rural collectors. Arterials generally emphasize mobility over land access. Access to ~~arterials~~ **highways** should be managed to protect the mobility function of the street as much as possible.

Neighborhood Collector -

Lot Line Adjustment – See Property Line Adjustment

Property Line Adjustment – The relocation or elimination of a common property line between abutting properties **or the elimination of all or part of a common property line.**

Urban Collector -

2.0.1 Classification of Land Use Districts. All areas within the urban growth boundary of the City of Detroit are divided into land use districts. The use of each lot, parcel and tract of land is limited to uses permitted by the applicable land use district. The applicable land use district shall be determined based on the Zoning Map, and the provisions of this Chapter.

2.0.4 Lot Area and Dimension. The minimum lot area and dimension requirements established in this Code shall apply to new lots created as the result of a partitioning, subdivision or planned unit development approval, and shall also apply to newly configured lots resulting from a lot line adjustment. These standards shall be considered the minimum necessary; additional lot area may be required to accommodate an approved septic sewage system.

Chapter 2.1 – Residential Single Family (RS) Zone

2.1.5 Dimensional Standards

A. Minimum Lot Area

1. Single Family dwellings: ~~5,000~~ **12,000** square feet

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2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

Chapter 2.2 – Residential Multi Family (RM) Zone

2.2.4 Dimensional Standards

A. Minimum Lot Area

1. Single Family dwellings: ~~5,000~~ **12,000** square feet
2. Duplex: ~~7,000~~ **14,000** square feet
3. Multi-family dwelling, 3 unit: ~~8,000~~ **16,000** square feet
plus 3,000 square feet per unit in excess 3 units
4. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks

Chapter 2.3 – Commercial General (CG) Zone

- N. Dwelling units accessory to a permitted use or above a permitted use in accordance with Multi-Family Residential (RM) development standards.

No residential uses in the Industrial or Public zones.

Chapter 3.1 - Access and Circulation

- A. **Intent and Purpose.** The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways. Major roadways, including highways, ~~arterials,~~ and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the city and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets. The roadway system will be designed in a manner that limits impervious surfaces to the greatest extent possible.
- F. **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten (10) feet per lane is required). These methods are “options” to the

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developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under Chapter 2.1.7 “Special Standards for Certain Uses”).

4. Subdivision Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two (2) or more lots (e.g., includes flag lots and mid-block lanes).

K. **Driveway Openings.** Driveway openings, or curb cuts, shall be the minimum width necessary to provide the required number of vehicle travel lanes (ten (10) feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single family, two-family, and three-family uses shall have a minimum driveway width of ten (10) feet, and a maximum width of 24 feet, except that one recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing more than ~~8,000~~ **12,000** square feet of area.

L. **Fire Access and Parking Area Turn-arounds.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from and existing public street or approved fire equipment access drive. **The access drive and potential turn-around shall be according to the approval of the Fire District or its designee.**

3.1.2 Pedestrian Access and Circulation

A. **Pedestrian Access and Circulation.** To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsection 1-3, below:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas, **and planned trails and paths as identified in the Transportation System Plan** whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with provisions of Section 3.1.2 - Vehicular Access and Circulation, and Chapter 3.4.1 - Transportation Standards.

3.4.1 Transportation Standards

A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.1 - Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the Comprehensive Plan, **the Transportation System Plan**, and the provisions of this Chapter.

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3. New streets and drives connected to a highway or collector ~~or arterial~~ street shall be paved; and
- B. **Creation of Rights-of-Way for Streets and Related Purposes.** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the city may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Comprehensive Plan, **the Transportation System Plan**, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the city and shall name “the public,” as grantee.
- C. **Creation of Access Easements.** The city may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1 - Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207 **and as approved by the Fire District or its designee.**

Table 3.4.1 - City of Detroit Right-of-Way and Street Design Standards

Street Classification	Right-of-way	Min. Surface Width (travel lanes)	Pedestrian Facility Width	Bikeway Facility Width
Urban Collector	50 - 60 feet	22 – 24 feet parking 8 to 12 each side	6 – 8 feet	shared roadway
Neighborhood Collector	36 to 40 feet	24 feet Shoulders 6 feet each side	5 feet (if installed)	shared roadway
Local streets (with walkway or shoulder)	with walkway	35.5 - 47 feet	5 feet	shared roadway
	with shoulder	30 to 36 feet	shoulder 4 – 6 feet	
Cul-de-sac	50 feet	30 - 34 feet	5 feet	shared roadway
Cul-de-sac bulb:	45 foot radius maximum	30 foot radius*	5 feet	not required
Alley	20 feet	20 feet	Not required	not required

**Requires approval from City Engineer and Fire Distict*

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H. Future Street Plan and Extension of Streets.

1. **For phased development a** future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division, ~~and~~ shall include other parcels within 400 feet surrounding and adjacent to the proposed land division, **and shall comply with the Transportation System Plan.** ~~Although the proposed street plan is not binding, rather it is intended to show potential future street extensions within future development.~~
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the City Council determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in **length and as approved by the Fire District or its designee.**

M. Cul-de-sacs. A dead-end street shall be no more than 200 feet long, shall not provide access to greater than eight (8) dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. Circular turnarounds shall have a radius of no less than 30 feet, and not more than a radius of 40 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking by in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width **approved by the Fire District or its designee;** and
2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

P. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed ~~arterial street~~ **highway**, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one (1) or more of the following:

3. A parallel access street along the arterial with a landscape buffer separating the two streets;

May 2009 – Proposed amendments to the City of Detroit Development Code in conjunction with the drafting to the City of Detroit, Transportation System Plan

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4. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 3.1.2.F;
 5. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
 6. Other treatment suitable to meet the objectives of this subsection;
 7. If a lot has access to two (2) streets with different classifications, primary access shall be from the lower classification street, in conformance with Chapter 3.1.2.
- X. Street Cross-Sections.** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final city acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the city. The final lift shall also be placed no later than when 50 percent of the structures in the new development are completed or two (2) years from the commencement of initial construction of the development, whichever is less and as approved by the City Engineer or his/her designee.

Chapter 3.7 - Sensitive Lands

Sections:

3.7.1 Flood Hazard

3.7.2 Requirements for Riparian Corridors

3.7.3 Requirements for Wetlands

3.7.4 Requirements for Slope Hazard Areas

THE FOLLOWING TEXT EXPANDS THE SENSITIVE LAND SECTION OF THE DEVELOPMENT CODE

3.7.4. Slope Hazard Areas

A. Purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to development within potential slope hazard areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly landslide control projects;
3. To minimize the need for rescue efforts associated with landslides and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in slope hazard areas;
6. To help maintain a stable tax base by providing for the sound use and development within slope hazard areas;
7. To ensure that those who develop properties assume responsibility for their actions in areas with slope instability, erosion potential, and public safety concerns of steep slopes.

B. Land to Which This Section Applies. This ordinance shall apply to all slope areas and as indicated on the Slope Map, Levels 2 (slopes of 10 percent to under 20 percent) and 3 (slopes of 20 percent or greater), for properties under the jurisdiction of the City of Detroit.

The information from the slope map shall be included by the City at the time of building permit prior to review by Marion County Public Works Department—Plans Examiner.

C. Basis for Establishing the Areas of Special Slope Hazard Areas. Levels 2 and 3 as indicated on the City's Slope Map are determined potential slope hazard areas and the two higher levels are designated and standards provided to protect sloped areas that help define the character of the City. Areas within the slope hazard areas may be hazardous for development due to slope instability, erosion potential, and public safety concerns of steep slopes.

D. Permit Required. Approval of an applicable land use application and/or building permit shall be obtained before construction or development begins within any slope hazard areas established in

Section B. The permit shall apply to all activities of “development” as defined in the City of Detroit Development Code, Chapter 1.3, and is applicable at the time of an application for a building permit, site design review, land division (subdivision and partition), or planned development.

Applications for building permits shall be as reviewed by Marion County Public Works Department, Building Inspections.

City staff or a City contracted and designated registered engineer shall review the application and required submittals for all application requiring approval under a land use application.

E. Designation of the City of Detroit. The City Council is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions, unless the Planning Commission is deemed the review authority according to the land use application process.

F. Duties and Responsibilities of the City of Detroit. Duties of the City Council or the Planning Commission as its designee shall include, but not be limited to:

1. Land use applications

- a. Review of all land use applications to determine that the applicable regulations and standards of this ordinance (Development Code) have been satisfied.
- b. Review all land use applications to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- c. Review all land use applications and building permits to determine if the proposed development is located into a slope hazard area. If located in a slope hazard area, assures that the requirements of the owner/applicant complies with the applicable requirements of Development Code, subsection 3.7.4. (Note: For the review of building permits, review is assigned to the City Recorder or his/her designee.)

G. Submittal Requirements for Plans and Reports. The following reports and plans shall be submitted and approved prior to the approval of a land use application and/or the issuance of a building permit. Reports for property with a Level 2 slope areas shall be submitted and signed by a certified engineering geologist licensed by the State of Oregon. Reports for property located within a Level 3 area shall be submitted and signed by a licensed geotechnical engineer.

1. Steep Slope Development Report. A written and illustrated report containing all the following information:

- a. Soils Analysis: The analysis shall include data regarding the nature, distribution and properties of existing soils, conclusions and recommendations for grading and erosion control procedures, design criteria for corrective measures, and opinions and recommendations covering the capacity of the sites to be developed in a manner imposing the minimum variance from the natural condition. Data and

recommendations from the Soil Survey of Marion County, Oregon may be included in the analysis.

- b. **Geology Analysis.** The analysis shall include description of the geology of the site, conclusions and recommendations regarding the effect of the geologic conditions on the proposed development, and opinions and recommendations on how to best develop the sites being reviewed. Data and recommendations from the Soil Survey of Marion County, Oregon may be included in the analysis.
 - c. **Hydrology Analysis.** The analysis shall include a description of the hydrology of the site and surrounding area, including movement of soil moisture, groundwater (subsurface), surface flow and the drainage network of the site before and after construction and recommendations and opinions on how to properly handle existing and new surface/underground water if the development proceeds.
2. **Grading Plan.** A plan which shall include all of the following as they apply to the proposed development:
- a. existing and proposed contours of the property,
 - b. details of site and area drainage for proposed lots including elevations of proposed house pads, adjacent lots and streets,
 - c. direction of surface drainage flow and the approximate grade of drainageways.
 - d. limiting dimensions, elevations, or finish contours to be achieved by the grading, including percent of grades for all cut and fill slopes, proposed drainageways and related construction,
 - e. detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, detention reservoirs and protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area, the drainage network, including outfall lines and drainageways that may be affected by the property development and the estimated runoff of the area served by the drains for a 25 year frequency storm.
 - f. construction schedule which includes:
 - (1) total area and location of soil surface which is to be disturbed during each stage,
 - (2) size and type of machinery and vehicles to be used at the site as identified and reviewed by a certified engineering geologist licensed to practice by the State of Oregon on Level 2 slopes and by a geotechnical engineer for Level 3 slopes for effects of overburden, compaction and soil disturbance, dust control and erosion control and the location of all temporary gravel or crushed rock access points, and

- (3) construction schedule for all steps and phases of the construction of public facilities, slope excavation and fill, lot grading, erosion control measures, and revegetation of the site.
 - g. name and address of a certified engineering geologist licensed to practice by the State of Oregon on Level 2 slopes and by a geo-technical engineer for Level 3 slopes referred to as the Responsible Engineer and who shall be responsible to oversee implementation of those elements of construction analyses, grading and erosion control plan. (Note: If the Responsible Engineer either leaves or is terminated, the City shall be notified and the preliminary recommendations from the Engineer shall be provided to the City.)
 - h. identification of the significant trees which are to remain during and after construction and of fencing to protect significant trees
 - i. identification of significant trees proposed to be removed during the construction of the subdivision for road, utilities or any other reason.
3. Erosion Control Plan. The erosion control plan describes where natural vegetation will be removed and how it shall be replaced. This plan shall use the recommendations of the soils/geology/hydrology analyses to determine the measures to be taken to stabilize slopes, minimize soil erosion, and revegetate areas where natural vegetation will be removed during construction and shall describe the maintenance measures after construction. A revegetation plan shall be part of the erosion control plan.

The plan shall consider each of the following options:

- a. use of filter fabric and swales,
- b. retaining water with retention and detention areas,
- c. establishing and maintaining interim water detention and siltation ponds during the construction period,
- d. leaving natural vegetation in place during and after construction.

H. Criteria for Approval of Plans and Reports. To protect hillsides, significant trees, and the safety of the community and to protect or mitigates possible hazards to life, property or the natural environment, the following standards shall apply to the Steep Slope Development Reports and Grading and Erosion Control Plans.

1. Steep Slope Development Reports. The natural slope shall be maintained in as natural a state as possible. Steep slope development reports shall be approved by the City Engineer.

2. Drainage and Land Forms. The natural drainage system and other natural lands forms shall be undisturbed where ever practical.
3. Alternatives Considered. Developments on Levels 2 and 3 are required to show other development alternatives which the owner/applicant considered, and to show the proposal represents the least possible impact to public safety, slope stability and erosion.
4. Grading Plan. The grading plan shall minimize excavation and disturbance and shall demonstrate all of the following:
 - a. All excavation and grading of the site for buildings and driveways is done in accordance with the most recently adopted and applicable section and/or appendix of the Uniform Building Code, and minimizes disturbance of the natural condition of the site. Where there is discrepancy among standards, the more restrictive shall always apply.
 - b. All the finished cut and fill slopes are designed and contoured to replicate conditions prior to grading. The areas of excavation, fill, and scarification shall be shown on the grading plan and limited to the area of the roadways. No cuts may include engineered retaining walls greater than 15 feet in height from the finish grade to create any slopes which are greater than 50 percent. No filling may result in a retaining wall within the required setback greater than six (6) feet in height from the finish grade or create any slopes which are greater than 50 percent.
 - c. All significant trees shall be retained and protected during construction. In lieu of 100 percent retention of significant trees, at the time of application the applicant may opt for the following procedure:
 - (1) Sixty (60) percent of the trees defined as significant are retained, and are protected during construction. The protection shall include the use of fencing to protect the trees out to the drip line with no removal or addition of soil within the drip line areas.
 - (2) If the actual or proposed percentage of significant size trees to be retained and protected is less than 60 percent, a Revegetation Fee shall be paid to the City at the time of tentative plat/plan/land use application approval,
 - (3) The Revegetation Fee shall be \$350 per significant tree to a maximum aggregate of \$2,000 per lot,
 - (4) The City shall place the Revegetation Fee into a special fund to be used for the purchase and improvement of public open spaces,
 - (5) In expending monies from the Revegetation Fund, among other factors, the City shall consider the needs and availability of open spaces in or near the applicant's project.

- d. All construction work is planned to minimize the amount of time the soil is exposed and unprotected. All access points shall be protected with gravel or crushed rock.
- e. All construction disturbing the soil or affecting the natural drainage and runoff shall be scheduled to begin not earlier than April 15 and shall terminate not later than October 15.

The City Engineer may extend starting and completion dates by no more than 30 days based on the weather conditions prevailing at the time of extension.

- 5. Erosion Control Plan. The erosion control plan shall minimize erosion with preventive measures maintained throughout the development of the site. It shall meet all of the following standards:

- a. Revegetation and the use of other temporary erosion control measures shall protect the site, surrounding properties, streams, and storm drain systems from erosion through the winter months. Revegetation and all other temporary erosion control measures shall be fully in place and established by October 15 and shall be maintained after storms and at other regular intervals according to the approved plan. The City Engineer may mandate, based on adverse weather conditions, any reseeded installed after September 15 be installed in the form of a mat.
- b. Native plants shall be used when possible.
- c. Revegetation of plants, trees, shrubs, and grasses shall be installed in accordance with the approved erosion control plan.
- d. Security for the implementation of the erosion control plan shall be provided prior to the issuance of any grading permit.

I. Criteria for Approval of Final Plat

In addition to the criteria in Land Divisions, Section 4.3.8, the submittal of the Final Plat shall include:

- 1. A letter submitted by the Responsible Engineer stating the Engineer supervised the grading and construction for the entire parcel and individual lots and the grading and construction was completed to approved plans.

J. Procedures for Approval of Grading and Construction on an Existing Lot

- 1. With an Approved Steep Slope Development Report. If an approved Steep Slope Development Report, Grading Plan, and Erosion Control Plan are on file for the existing lot, development of the lot may only proceed in accordance with those documents. If the

City Engineer determines the Grading Plan is modified substantially at the time of home construction, a Type I Action is required to change the grading plans.

2. Without an Approved Steep Slope Development Report. If the Steep Slope Development Report, Grading Plan and Erosion Control Plan have not been approved, the applicant shall file a Grading Plan and Erosion Control Plan prepared by a certified engineering geologist who is licensed to practice in the State of Oregon for Level 2 Slopes and a geotechnical engineer for Level 3 slopes as defined in the Code, Chapter 1.3 and meet the criteria of 3.7.4 H.

After an examination of the site and the proposed development of the lot, the City Engineer may waive the requirement for the Grading Plan and Erosion Control Plan for lots which contain slopes of less than 20 percent after making written finding that the filing of said plans would not materially assist in the protection of the hillside, the community's safety, or the community's drainage system.

K. Reduction in Property Line Setbacks. The front yard setback for the new home may be reduced to ten (10) feet. The entrance for the new garage/carport shall remain at the required setback. The setback for the rear yard shall be increased by at least any reduction in the front yard setback.

L. Preservation of Trees. All significant trees shall be retained and protected during construction. The need to remove additional trees not within the construction areas of right-of-way, the dwelling, or accessory structures shall be documented with supporting evidence from an arborist that the trees is either damaged or diseased beyond the point of survival.

M. Appeals. Appeals to the interpretation of these provisions shall be as applicable in Chapter 4.1.

Chapter 1.3: Definitions

Certified Engineering Geologist: Registered Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 and 672.705.

Geotechnical Engineer: A Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education, and experience is qualified in the practice of geotechnical or soils engineering practices.

Significant Tree: Any living, standing, woody plant, having a trunk eight inches or more in diameter or 25 inches in circumference, measured at a point four (4) feet above grade at the base of the trunk.