



LIMITED GOAL 5 PROGRAM UPDATE

Technical Advisory Committee Summary – Meeting #2

August 21, 2023
1-3 p.m., via Zoom

Members and alternates present:

Ariana Scipioni, Oregon Department of Fish and Wildlife (ODFW)	Lacey Townsend, Tualatin Soil and Water Conservation District (TSWCD)
Amanda Punton, Natural Resource Specialist, Department of Land Conservation and Development (DLCD)	Greg Creager, Tualatin Hills Park and Recreation District (THPRD)
Laura Kelley, DLCD Regional Representative	Stephen Shane, Washington County
Rachel Marble, City of Hillsboro	Deborah Lockwood, Planning Commission Chair
Fran Warren, Community Advocate	Matt Wellner, Home Building Association (HBA)
Tim Moss, Oregon Department of Forestry (ODF)	Glen Hamburg, Metro
Rob Zoeller, City of Beaverton	

Members absent:

Bruce Barbarasch, THPRD	Ted Labbe, Urban Greenspace Institute
Damon Reische, Clean Water Services (CWS)	Lindsay Obermiller, CWS
Morgan Will, Planning Commissioner	

Public present:

Francene	Li
Jill Warren	Virginia Bruce
Victoria Frankeny	Emily Vonada
Liz Saufley	Dan Brenner
Josie	Susan Mates
Gregg	

Staff/Consultants present:

Cathy Corliss, MIG Angelo Planning Group (APG)	Brandon Crawford, MIG APG
Ethan Rosenthal, David Evans and Associates (DEA)	Michelle Miller, Washington County (Project Manager)
Traci Shirley, Washington County	Theresa Cherniak, Washington County
Suzanne Savin, Washington County	Brenda Schaeffer, Washington County
Emily Brown, Washington County	Erin Wardell, Washington County

Meeting Purpose: Review and give feedback on the Draft Inventory Report and Economic, Social, Environmental and Energy (ESEE) Analysis / Title 13 Compliance Approach

Summary

The second meeting of the Limited Goal 5 Program Update Technical Advisory Committee (TAC) was attended by representatives from a variety of agencies and jurisdictions, members of the public, County staff and the consultant team for the project. Members who hadn't attended the previous meeting introduced themselves, after which staff reviewed the meeting agenda.

This TAC meeting addressed the draft report for the Goal 5 inventory, and reviewed the proposed approach to the ESEE analysis.

Discussion

Highlights of the discussion are summarized below.

Draft Goal 5 Inventory Report

- Consultant provided an overview of the inventory update
 - Recap of approach
 - Status update
 - Explanation of habitat patch assessment
 - Examples of typical manual edits
 - Request for feedback from TAC members
- A community advocate representative expressed concern that the Urban Greenspace Institute (UGI) representative was not present at today's meeting. She asked whether the inventory was based on ground-truthing versus remote scans, whether community scientists may be able to assist, and expressed interest in protection of head waters.
 - Consultant responded that the UGI representative had reached out to him before this meeting and that no ground-truthing had been done yet; there is limited project budget for that.
- An HBA representative expressed concern about the incorporation of Metro Riparian I and II Habitat into the inventory, noting that he doesn't want another layer of regulation beyond that required by CWS. He asked why the Metro Riparian Habitat I and II acreage was much larger than the acreage of County water-related habitat. He would like to have a "before" and "after" map of natural resource locations.
- The Metro representative commented on Slide 23 of the PowerPoint presentation, "Remaining Types of Edits," which showed a Metro Upland Wildlife Habitat mosaic. Regarding the question of how we think about "finger-shaped" habitat patches of Upland Habitat, he noted that in 2005, when Metro was thinking about what type of habitat to protect, they considered the edge effects of habitat, including size, shape and connectivity of features. If a habitat was long and skinny and disconnected, his understanding is that it wasn't necessarily intended to be protected.
- The ODFW representative noted that mitigation corridors providing important connections for certain species are often narrow and long, so there are a lot of considerations to think about.

- The DLCN Natural Resource Specialist asked if the Metro Upland Wildlife Habitat mosaic shown on Slide 23 would be protected under Metro’s Title 13. She thought such mosaics should be retained in the inventory.
 - Consultant responded that this area was in the Urban Growth Boundary prior to 2005, so it would not be regulated or protected under Metro’s Title 13. Mosaics such as these will be kept in the inventory for now.
- The ODFW representative had a question about manual edits to the inventory to delete areas that are substantially developed. She asked how “substantially developed” was defined.
 - Consultant responded that paved areas, gravel driveways were considered substantially developed.
- The ODFW representative noted that the Backyard Habitat Certification Program engages people – would a backyard be substantial?
 - Consultant responded that residential lots less than 10,000 square feet in size that contained habitat were generally determined not to be significant from the get-go. The County didn’t want to impose regulations on individual yards providing voluntary protections.

ESEE Analysis / Title 13 Compliance Approach

- Consultant provided an overview of the ESEE (Economic, Social, Environmental and Energy) Analysis process
 - ESEE proposed approach; relationship to Goal 5 and Metro Title 13 requirements
 - Conflicting uses
 - Impact area
 - ESEE consequences
- Slide 30 of PowerPoint presentation described ESEE approach for “old” UGB areas (located within UGB on or before 12/28/05) versus “new” UGB areas (added to UGB after 12/28/05)
 - The HBA representative asked whether cities would handle the ESEE process for new UGB areas.
 - Consultant responded that during this interim period, the County would need to do the ESEE for these areas that currently have a land use designation of FD-20. It could be a short-term issue because ultimately these new UGB areas will be annexed by cities.
 - The HBA representative asked if there are any new UGB areas that won’t be governed by a city. He asked why the County would want to be more restrictive than the ultimate city regulations – would future County regulations handcuff any later allowance by a city?
 - Consultant responded that she didn’t think County regulations would have that effect, because the land use district of the properties would change when site annexed to a city.
 - The DLCN Natural Resource Specialist noted that the Goal 5 safe harbor protection measure is available for riparian areas without doing an ESEE analysis.
 - Consultant responded that within the UGB, the safe harbor is that we apply Metro’s Title 13 requirements for regional resources. We can’t be less protective than Title 13. If we’re complying with Title 13 at a minimum, do we want to be MORE protective? If so, safe harbor may not be more protective.

- The Metro representative stated interest in finding out the results of the ESEE analysis. He expressed curiosity about the idea of the safe harbor approach, but was not sure that it would be more protective.
- The community advocate representative noted that with Middle Housing and Accessory Dwelling Units coming in, buffer areas will come under pressure. The buffer areas are needed even in the backyard habitats.
- Slide 33 of PowerPoint presentation listed the proposed conflicting use categories for the ESEE analysis
 - The DLCDC Natural Resource Specialist expressed additional thoughts about “new” UGB areas – specifically the ESEE analysis that would apply to locally significant resources versus the supplemental ESEE analysis that would apply to regionally significant habitat. If Title 13 measures apply, she wondered whether conflicting uses that are NOT allowed under Title 13 would need to be counted? She wondered if we could only look at conflicting uses that ARE allowed under Title 13?
 - Consultant replied that this was an interesting thought that she would consider further.
 - The community advocate representative noted that construction of schools can have a major impact on habitat, and asked which conflicting use category they fell under.
 - Consultant replied that schools likely fall within the “High Intensity Urban” conflicting use category.
- Slide 34 of the PowerPoint presentation contained a list of potential wildlife habitat disturbance activities.
 - The DLCDC Natural Resource Specialist noted that the keeping of pets is listed as a wildlife habitat disturbance activity, but this activity cannot be controlled through planning or land use regulations.
 - Consultant replied that this list is really just to help people understand the types of activities that could disturb habitat. The impacts of some disturbance activities may not be able to be mitigated through planning or land use regulations.

Questions for TAC members:

- Do you have any recommendations for resources/references that we should consider as we work to quantify positive economic and energy consequences?
- Do you foresee problems with the proposed approach?
- What are your thoughts on how to handle wildlife habitat? Do you have recommendations for an approach?
- Do you have any suggestions on how to engage the community-at-large in the ESEE analysis process?

Public comment:

- A community member asked how this process relates to the County’s approach to addressing climate change. She asked if there’s a measure that can protect these areas while this regulatory process is moving forward.

- Consultant responded that the ESEE can address the positive economic benefit of protecting significant natural resources and trees, including their ability to mitigate for climate change.
- Staff responded that the County's urban unincorporated area is subject to the regulations that are currently in effect. Furthermore, the Department of Land Conservation and Development's Enforcement Order prohibits residential development on properties containing designated Wildlife Habitat until new regulations are adopted.
- A community member noted that King City proposes to put a new road through a current County significant natural resource area, and asked staff to comment on that.
 - Staff noted that the area in question is a new UGB area that King City is conducting the comprehensive planning for. It will ultimately be annexed into King City, and recommended that the community member should check with King City.
- A community member reiterated concern that resources are being lost as this work takes place, and asked when regulations will be adopted.
 - Staff responded that we hope to have the regulations adopted by October 2024.

Closing and Wrap Up

Staff noted that a draft summary of this meeting will be available on the website prior to the next TAC meeting. A scheduling email will go out soon.