



A FOCUSED LOOK at Fish and Wildlife Habitat

Limited Goal 5 Program Update

TAC MEETING # 4

Technical Advisory Committee - April 19, 2024

Land Use & Transportation

www.washingtoncountyor.gov




Agenda

- I. Welcome (5 min)
 - Introductions
 - TAC Meeting #3 Meeting Summary (attached)
 - Review Agenda

 - II. Report on Public Engagement and Inventory (20 min)
 - Overview of Public Engagement (attached)
 - Update on Inventory
 - Next Steps

 - III. Draft Code Concepts (75 min)
 - Review draft language and discussion questions (attached)

 - IV. Closing and wrap up (10 min) including discussion of Next Steps

 - V. Public Comment (10 min)
- 



Introductions – Project Team

Washington County

Land Use & Transportation

- Michelle Miller, Senior Planner (Project Manager)
- Theresa Cherniak, Principal Planner
- Suzanne Savin, Senior Planner
- Tricia Guarisco, Associate Planner
- Emily Brown, Planning Assistant

Consultant Team

MIG|APG:

- Cathy Corliss, Principal (Project Manager)
- Kate Rogers, Senior Planner
- Brandon Crawford, Planner

David Evans & Associates

- Ethan Rosenthal, Ecologist
- Sara Gilbert, GIS



Introductions – TAC Members

Oregon Department of Fish and Wildlife	Joy Lovett Ariana R Scipioni
Oregon Department of Forestry	Tim Moss
Department of Land Conservation and Development	Amanda Punton Laura Kelly
Metro	Glen Hamburg
Clean Water Services	Damon Reische Lindsay Obermiller
Tualatin Hills Park & Recreation District	Bruce Barbarasch Gery Keck
City of Hillsboro	Rachel Marble

City of Beaverton	Rob Zoeller
Washington County LUT - Current Planning	Stephen Shane
Tualatin Soil and Water	Lacey Townsend
Local community engagement & environmental advocate	Fran Warren
Planning Commissioners	Deborah Lockwood Morgan Will
Home Building Association	Matt Wellner
Urban Greenspace Institute (formerly)	Ted Labbe



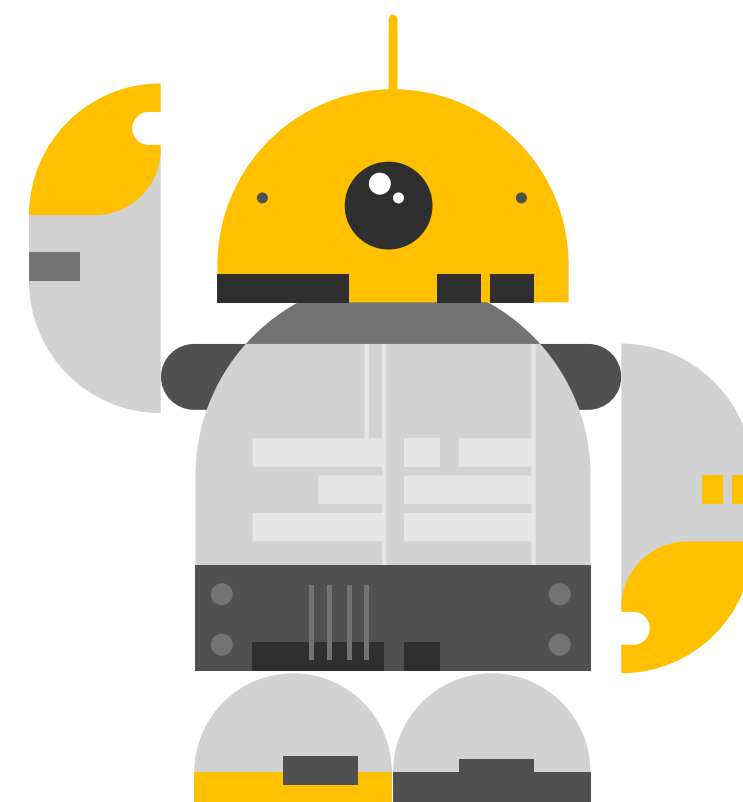
Schedule





Questions

We'll take a quick pause for questions...please raise your hand if you have any questions





Agenda

- Welcome
- **Report on Public Engagement and Inventory**
- Draft Code Language
- Closing and wrap up
- Public Comment



Spring public engagement

Spring 2024 Outreach

- Postcard to urban unincorporated property owners with SNRs
- In-person Forums March 21 and April 6; virtual Zoom meeting April 2

Ongoing meetings with interested parties, including affected agencies, developers, Committee for Community Involvement (CCI) SNR subcommittee, technical experts, and individual property owners

Project website, interactive inventory mapping tool, interested parties list and social media updates



Outreach participation

463 people on the interested parties list

275 property owners commented on the property owner online map look up tool

312 people attended the in-person Fall Community Forum

70 people commented on the Online Open House

113 people attended the virtual and in-person Spring Community Forums

Received over 75 emails/phone calls about the project



What we heard

Environmental advocates and some property owners support regulations that require retaining or replanting native trees

Many property owners concerned about how this will affect them, including:

- Effect on property value and future development potential
- How tree retention and replacement requirements would work

Development community appreciated that proposed rules for riparian habitat were not changing but concerned about added costs and mitigation for tree retention and replacement requirements



Preliminary Inventory Numbers

ALL NUMBERS ARE PRELIMINARY AND SUBJECT TO CHANGE

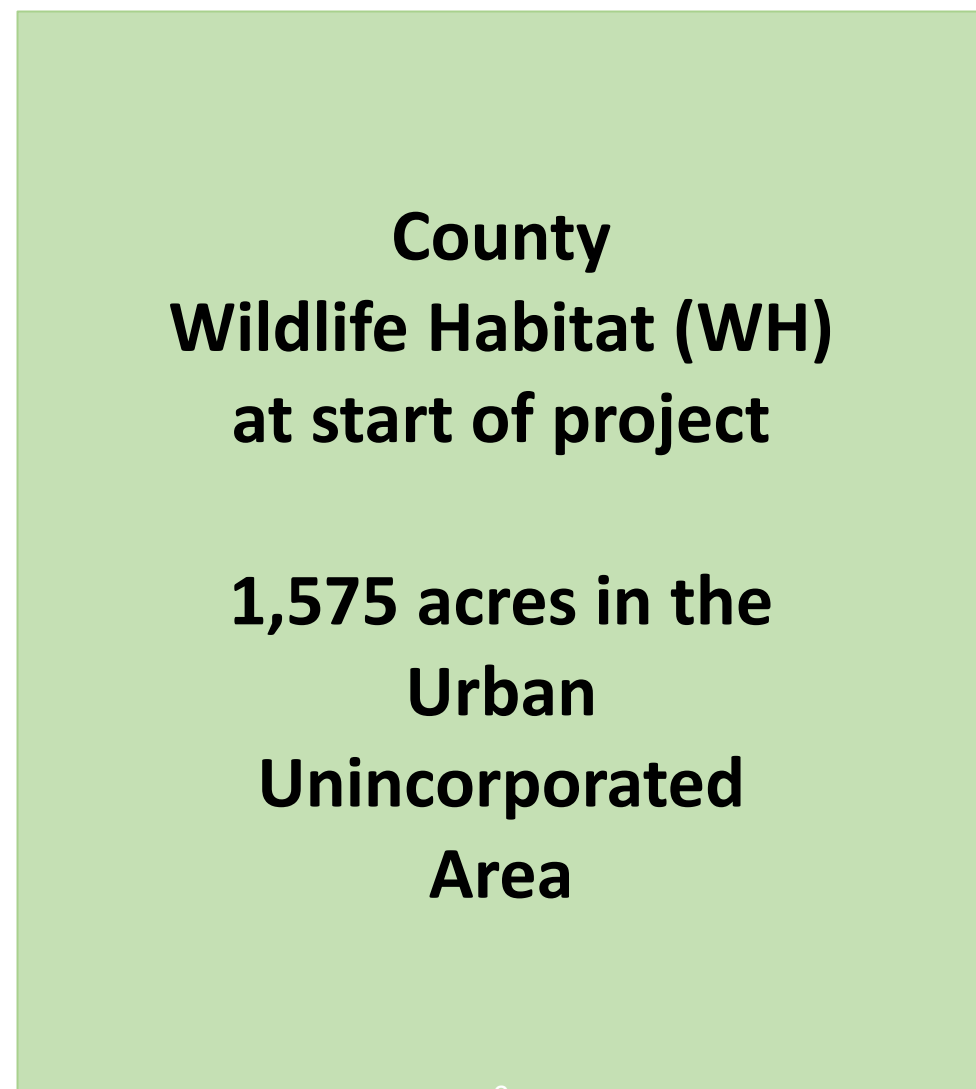
Riparian Habitat on Draft Inventory Maps	
Riparian Habitat, inside the Urban Growth Boundary (UGB) pre-2006 (combined Class I and II)	2,787 acres
Riparian Habitat, in post 2005 UGB expansion areas	506 acres
Total Riparian Habitat on Draft Inventory Maps	3,293 acres

For context, County Urban Unincorporated Area acreage: 30,000 acres

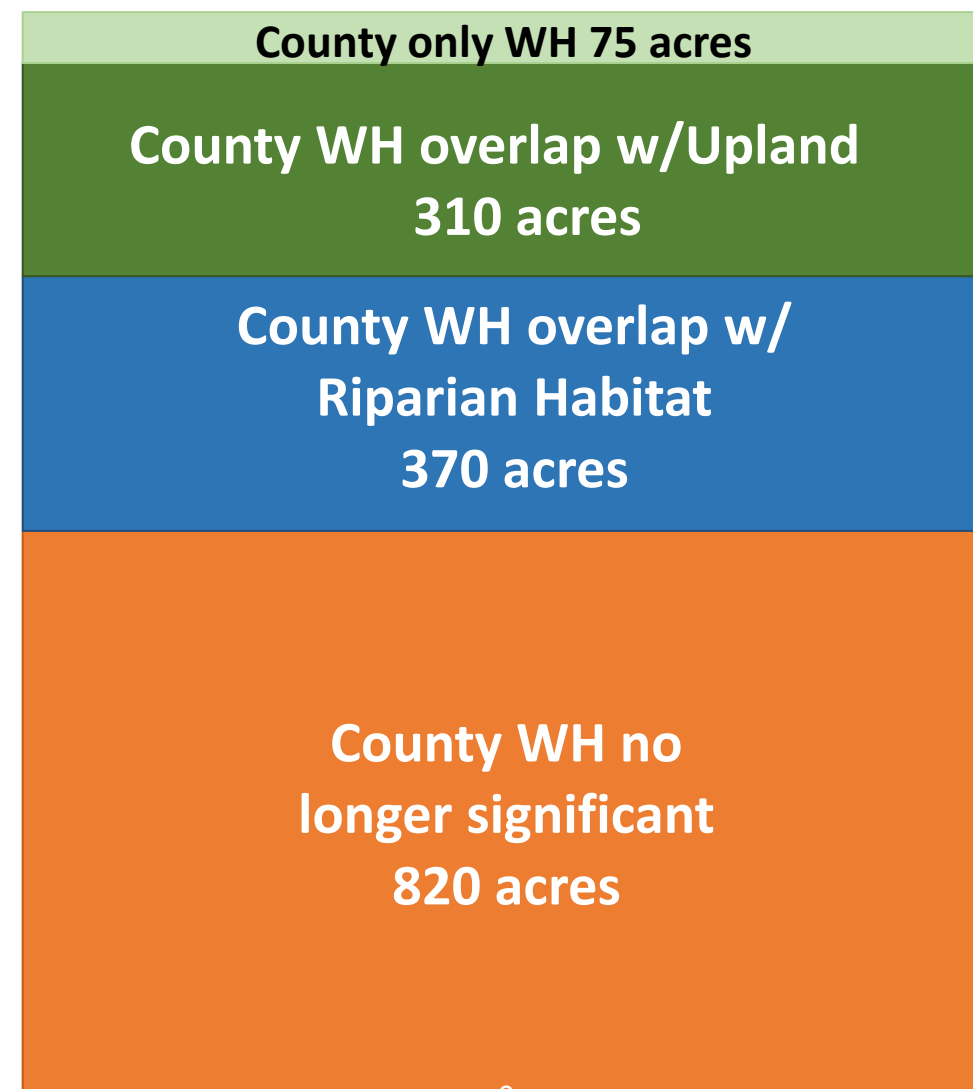
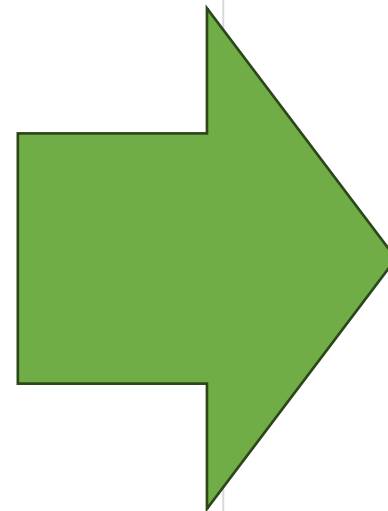


County Wildlife Habitat

ALL NUMBERS ARE PRELIMINARY AND SUBJECT TO CHANGE



1



2

These two categories become Upland Wildlife Habitat



Preliminary Inventory Numbers

ALL NUMBERS ARE PRELIMINARY AND SUBJECT TO CHANGE

Upland Wildlife Habitat on Draft Inventory Maps	
Remaining County-mapped Wildlife Habitat, including some areas that overlap with Metro Upland Habitat	385 acres
Upland Wildlife Habitat in Pre-2006 UGB areas (from Metro inventory)	400 acres
Upland Wildlife Habitat in Post-2005 UGB expansion areas (from Metro inventory)	450 acres
Total Upland Habitat on Draft Inventory maps	1,235 acres



Agenda

- Welcome
- Report of Community Engagement and Inventory
- **Draft Code Language**
- Closing and wrap up
- Public Comment



Draft Code Language

422 SIGNIFICANT NATURAL RESOURCES

Draft Significant Habitat Standards for the Urban Unincorporated Area

- 422-1 Intent and Purpose of Significant Habitat Standards Inside the Urban Growth Boundary (UGB)
- 422-2 Significant Habitat Classifications and Maps within the UGB
- 422-3 General Provisions Applicable to Significant Habitat within the UGB
- 422-4 Submittal Requirements for Properties with Significant Habitat within the UGB
- 422-5 Development Standards Applicable to Significant Riparian Habitat within the UGB
- 422-6 Tree Inventory and Retention Requirements for Significant Habitat within the UGB
- 422-7 Tree Canopy Assessment and Protection Requirements for Significant Habitat within the UGB
- 422-8 Detailed Environmental Report Requirements for Significant Habitat within the UGB
- 422-9 Habitat Resources Map Modifications within the UGB



Draft Code Language: 422-1

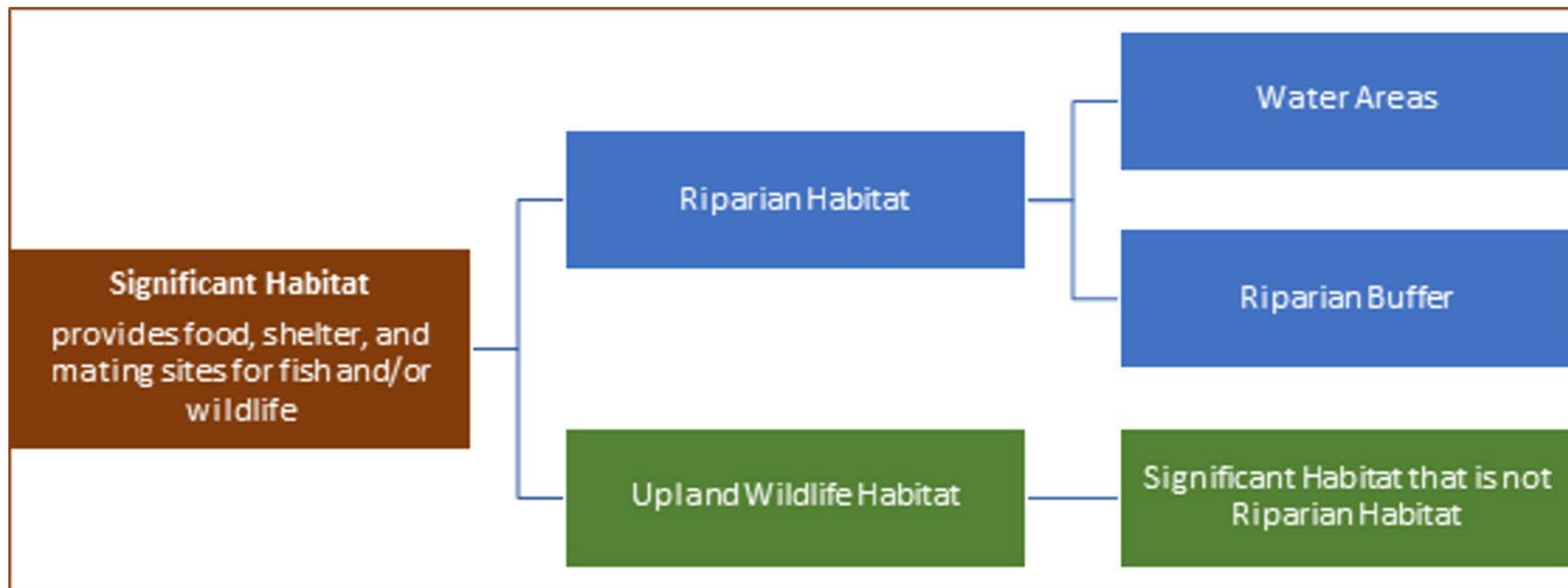
Intent and Purpose of Significant Habitat Standards Inside the Urban Growth Boundary (UGB)

- Protect Significant Habitat for ecological function, as an amenity for the community, and to promote improved hydrology, flood protection, aquifer recharge, and habitat functions
- Balance conservation of resources with economic use of the land
- Compliance with the Goal 5 rule and Oregon Administrative Rule Chapter 660, Division 23, and the Metro Urban Growth Management Functional Plan Title 13 (Nature in Neighborhoods)



Draft Code Language: 422-2

Significant Habitat Classifications and Maps within the UGB





Draft Code Language: 422-2

Significant Habitat Classifications and Maps within the UGB

- Title 13 has additional requirements for Significant Habitat in areas added to the Urban Growth boundary (UGB) after 2005
 - Inside the UGB on Dec. 28, 2005="Pre-2006 Significant Habitat"
 - Added to the UGB after Dec. 28, 2005="Post-2005 Significant Habitat"
- Exceptions
 - Maintenance and repair of existing uses and improvements
 - Uses and activities that are excluded by Section 201-2 from the requirement of obtaining a development permit



Draft Code Language: 422-3

General Provisions Applicable to Significant Habitat within the UGB

- Existing provisions (compliance with other requirements and density transfer continue to apply)
- NEW Natural Resource Adjustment section
 - Reduction of up to 30% from any dimensional standard in land use districts
 - Reductions to required landscaping in Section 407-1 and screening and buffering standards in Section 411

Question #1:

The proposed adjustment would allow a 30% reduction in the dimensional standards (e.g., setbacks and yards) to facilitate preservation of Significant Habitat. Is a 30% reduction sufficient? Are there standards (other than those listed in the draft code) that should be “adjustable”?



Draft Code Language: 422-4

Submittal Requirements for Properties with Significant Habitat within the UGB

- If an applicant believes the (outer) Significant Habitat boundary is accurate, they can just accept it as-is (verify it) and submit a site plan showing the verified boundary
- If there is Riparian Habitat on the property, in most cases, an applicant can go through Clean Water Services (CWS) service provider letter process to verify the Riparian Boundary
- If the proposed development is **not within** the verified Significant Habitat boundaries, no further information is required



Draft Code Language: 422-4

Submittal Requirements for Properties with Significant Habitat within the UGB

- If the proposed development **is within** the verified Riparian Habitat, demonstrate compliance with the Riparian Habitat standards
- If the proposed development **is within** the verified Upland Habitat, demonstrate compliance with one of three approaches:
 - Tree Inventory and Retention
 - Tree Canopy Assessment and Protection
 - Detailed Environmental Report (TBD)
- If the applicant believes the map is incorrect, request a map correction as a part of their development application



Draft Code Language: 422-5

Development Standards Applicable to Significant Riparian Habitat within the UGB

Two methods to verify a Riparian Habitat boundary:

- Submit CWS service provider letter, or
- Follow a comparable County process
 - For use in areas outside CWS jurisdiction
 - Clear and objective
 - Simplified version of CWS methodology



Draft Code Language: 422-5

Development Standards Applicable to Significant Riparian Habitat within the UGB

Use Limitations

Restrict new or expanded alteration of the vegetation or terrain within Riparian Habitat with some exceptions

Exceptions

- Public transportation facilities
- Utilities
- Public wildlife viewing areas and recreation or nature trails
- Bank maintenance, restoration or stabilization
- Detached dwelling or middle housing duplex and accessory structures, up to a max amount of disturbance
- Alteration as required by the applicant's CWS Service Provider Letter or as permitted by another agency
- New fencing that allows for the passage of wildlife



Draft Code Language: 422-5

Development Standards Applicable to Significant Riparian Habitat within the UGB

Limited uses allowed within the verified Riparian Habitat boundary

- In CWS = use limitations + CWS standards
- Outside CWS = use limitations + tree preservation standards

Question #2:

Before urban levels of development occur, sites in Washington County typically are annexed into CWS. For those limited circumstances where development occurs outside of CWS' jurisdiction, is the proposed combination of use limitations and tree protection sufficient to protect Riparian Habitat?



Draft Code Language: 422-6

Tree Inventory and Retention Requirements for Significant Habitat within the UGB

- Tree Inventory approach is the clear and objective track required by State law
- Regulated Trees are native trees 6 inches or greater diameter at breast height (dbh) that are within the Significant Habitat boundary outside the verified Riparian Habitat boundary

Question #3:

We are looking for TAC input on the definition of Native Tree. The definition must be clear and objective. The best way to ensure that is by citing a specific list. Does the TAC have recommendations for suitable native plant lists?

Native Trees. Trees that occur naturally and are historically within the Pacific Northwest. Native species are identified and listed on _____ Native Plant List or _____ Native Tree List.



Draft Code Language: 422-6

Tree Inventory and Retention Requirements for Significant Habitat within the UGB

Certain native trees are not “Regulated Trees”

- Trees within CWS Vegetated Corridor
- Hazardous, Diseased or Dying Trees
- Trees on lots with less than 500 square feet of Significant Habitat
- Trees within a 5,000 SF disturbance area on lots with existing dwellings existing as of the effective date of the ordinance
- Trees within 10 feet of an existing habitable structure
- Trees on lots less than 0.5 acres in size



Draft Code Language: 422-6

Tree Inventory and Retention Requirements for Significant Habitat within the UGB

Certain trees get “bonus points”

Question #4:

The Tree Value score and bonus points system creates complexity in the code. Does the TAC feel that it provides a useful incentive? If not, what would you change? If yes, are the right categories of trees being “incentivized”?

Categories	Points
BASE SCORE	1 point per inch of diameter (dbh)
+ Additional points for a tree that is:	
<ul style="list-style-type: none"> Over 30 inches in diameter (dbh) 	4 points
<ul style="list-style-type: none"> A White Oak (<i>Quercus garryana</i>) Willamette Valley Ponderosa Pine (<i>Pinus ponderosa</i>), or Madrone (<i>Arbutus menziesii</i>) 	6 points
<ul style="list-style-type: none"> Within 100 feet of a Riparian Habitat boundary 	4 points



Draft Code Language: 422-6

Assign each Regulated Tree a “Tree Value” score (points)

Base score based on tree size (DBH)
= 1 point per inch DBH

Additional points for each of the following attributes:

- Diameter over 30 inches DBH
- White Oak, Willamette Valley Ponderosa Pine, or Madrone
- Within 100 feet of a Riparian Habitat boundary

Conceptual Example

40" DBH white oak within 200' of a Riparian Habitat boundary

Categories	Points
Base score = 1 pt per inch DBH	40
+ diameter over 30" DBH	4
+ for White Oak	6
+ for proximity to water	0
Tree Value score	50



Draft Code Language: 422-6

Tree Inventory and Retention Requirements for Significant Habitat within the UGB

- If applicant is impacting 10 or fewer trees and will replace all of the tree value points, only inventory of impacted trees is needed
- Preserve or replace tree points within Significant Habitat
- ✓ **50%** of tree points on lands that were within the UGB prior to Title 13 adoption (Dec. 28, 2005)
- ✓ **80%** of the tree points on lands that were added to the UGB after Title 13 adoption



Draft Code Language: 422-6

Tree Inventory and Retention Requirements for Significant Habitat within the UGB

If an applicant needs to make up lost tree points:

- They can preserve existing native trees that are less than 6 inches dbh or plant new native trees
- Replacement trees can be inside or outside the Significant Habitat boundary, but not in the verified Riparian Habitat boundary
- Trees inside the Significant Habitat boundary are worth more points

New Question:

Are additional clear and objective planting standards needed (e.g., spacing, tree size, etc.)?



Draft Code Language: 422-7

Tree Canopy Assessment and Protection Requirements for Significant Habitat within the UGB

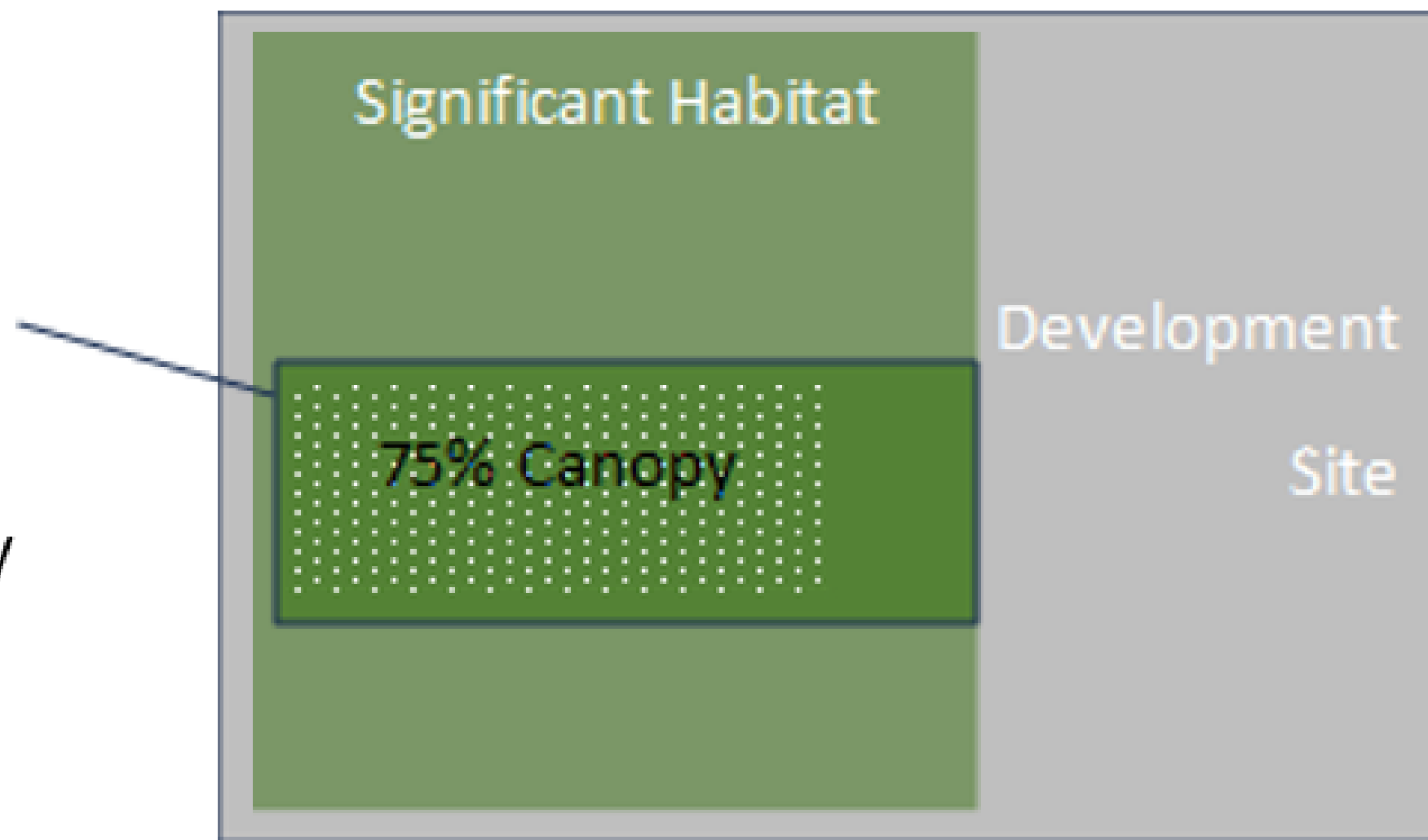
- Option for applicant proposing development within Significant Habitat
- Not entirely clear and objective – it requires some limited discretion on the part of the decision-maker
- This is allowed under state law if there is a clear and objective path
- Must provide a similar or greater level of protection as the clear and objective path



Draft Code Language: 422-7

Tree Canopy Assessment and Protection Requirements for Significant Habitat within the UGB

30% of Significant Habitat on the site must be put into a Tree Canopy Preservation Area within which tree canopy must cover 75%.





Draft Code Language: 422-7

Question #5:

We are looking for the TAC's recommendations regarding the Tree Canopy Preservation Area

- a. The draft would allow applicants to identify more than one Tree Canopy Preservation Area. What should be the minimum size of a non-contiguous Tree Canopy Preservation Area (the draft proposes 3,000 SF)?
- b. For contiguous Tree Canopy Preservation Areas, what should be the minimum width allowed (the draft proposes it be not less than the width needed to accommodate the Root Protection Zone of a mature tree)?
- c. Trees can be preserved or planted to achieve the required 75% canopy cover. If trees are planted, the plan would consider the tree size in 20 years. This is intended to help avoid overcrowding the trees. Is 20 years an appropriate timeframe?



Draft Code Language: 422-8

Detailed Environmental Report Requirements for Significant Habitat within the UGB

- Considering allowing a second discretionary approach for an applicant proposing development within Significant Habitat that might rely on a detailed Environmental Report
- This would likely be a Type III review, and could necessitate the County seeking additional technical expertise (the cost of which would need to be included in the fees)

Question #6:

Would including such an approach be helpful and should it be further developed as an option? If yes, does the TAC have any recommendations regarding the report contents and approval criteria?



Draft Code Language: 422-9

Habitat Resources Map Modifications within the UGB

If an applicant believes the County's map is incorrect, they can use the methodologies in this section to propose corrections

- Wetland location
- Stream location
- Significant Habitat in accurate due to development or other changes that occurred prior to specific date
 - For "Pre-2006 significant habitat", [insert effective date of this ordinance]
 - For "Post-2005 significant habitat", the effective date of the ordinance adopted by the Metro Council to bring the subject property within the Metro UGB

There is also an option to submit a more detailed analysis



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- Draft Code Language
- **Closing and wrap up**
- Public Comment



Next steps

Finalize Goal 5 reports and draft ordinance exhibits, including: Comprehensive Plan policies, Community Plan text and maps and Code changes

File ordinances, including proposed regulations and inventory map, expected in mid-June

Work sessions with Planning Commission and Board of Commissioners about the proposed changes

Ordinance hearings with Planning Commission expected to start this summer

Board hearings and action expected later this fall



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- **Public Comment**



Public Comment

Please raise your hand if you have a question or would like to make a comment

Please limit your comment to two minutes

To provide written comments following the meeting, send them to:

Michelle Miller, Senior Planner
michelle_miller@washingtoncountyor.gov



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