



# Washington County Limited Goal 5 Program Update



## A FOCUSED LOOK at Fish and Wildlife Habitat

Technical Advisory Committee  
Meeting 3 -- Jan. 23, 2024

Land Use & Transportation

[www.washingtoncountyor.gov](http://www.washingtoncountyor.gov)



# Agenda

- I. Welcome (5 min)
  - Introductions
  - TAC Meeting #2 Meeting Summary (attached)
  - Review Agenda
- II. Report on Community Engagement and Inventory (15 min)
  - Overview of Community Engagement (attached)
  - Resulting changes to Inventory
  - Next Steps
- III. Status Update on Draft ESEE Analysis/Title 13 (25 min)
  - Review memo and discussion questions (attached)
- IV. Draft Code Concepts (60 min)
  - Review memo and discussion questions (attached)
- V. Public Comment (10 min)
- VI. Closing and wrap up (5 min) including discussion of Next Steps



# 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



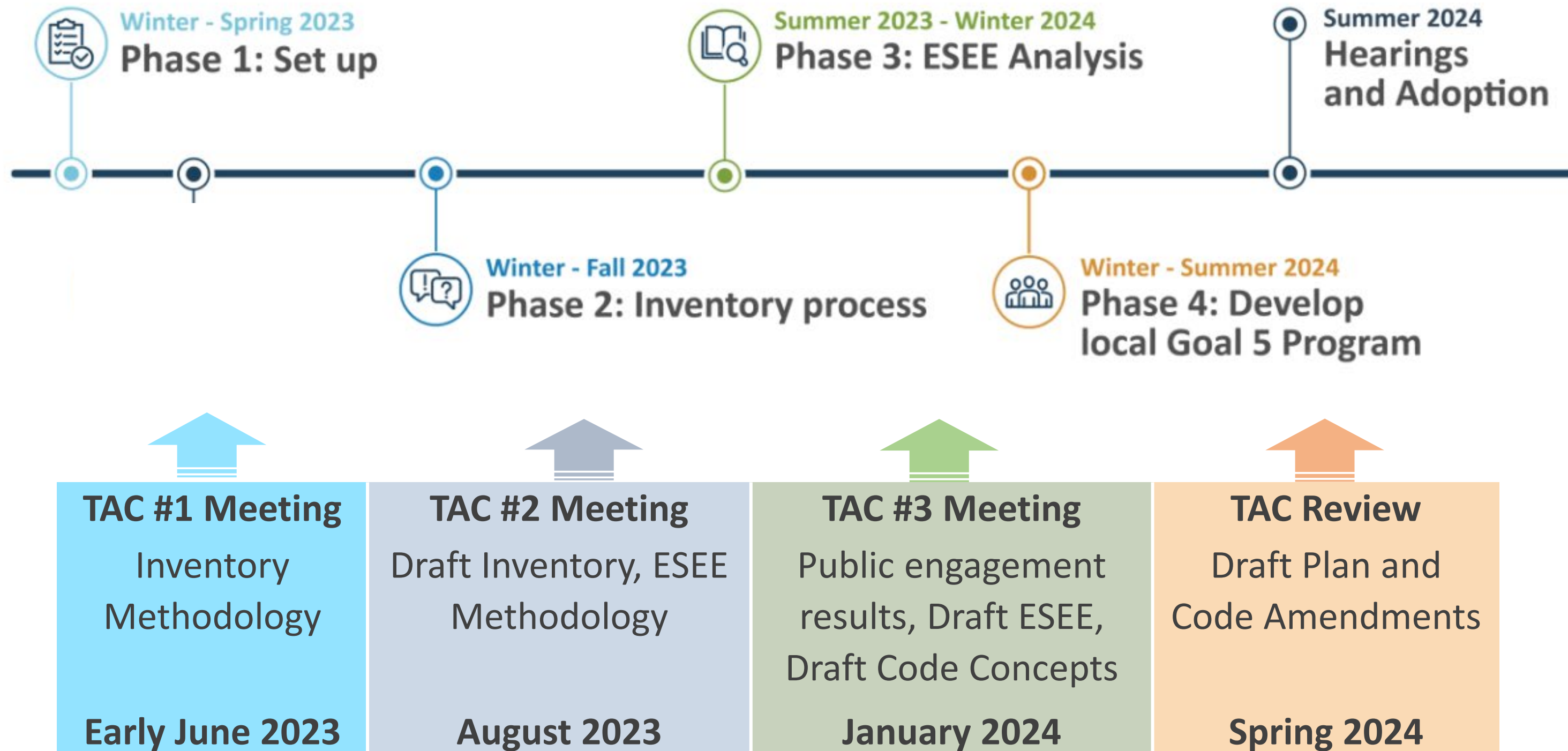
# Introductions – TAC Members

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

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



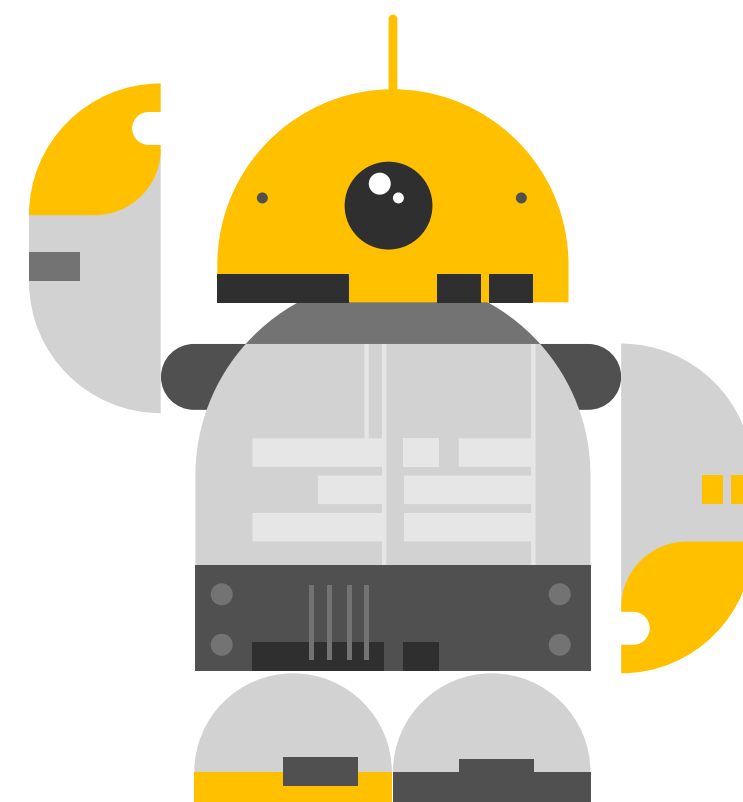
# Schedule





# Questions

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





# Agenda

- Welcome
- **Report on Community Engagement and Inventory**
- Status Update on Draft ESEE Analysis/Title 13
- Draft Code Concepts
- Public Comment
- Closing and wrap up



# Community engagement

## Community Forum held Oct. 24

- Reviewed draft inventory and analysis methodology
- Over 300 people attended
- Posters, maps and computers for property look up
- Bilingual event

## Online Open House – Oct. 20 through Nov. 17

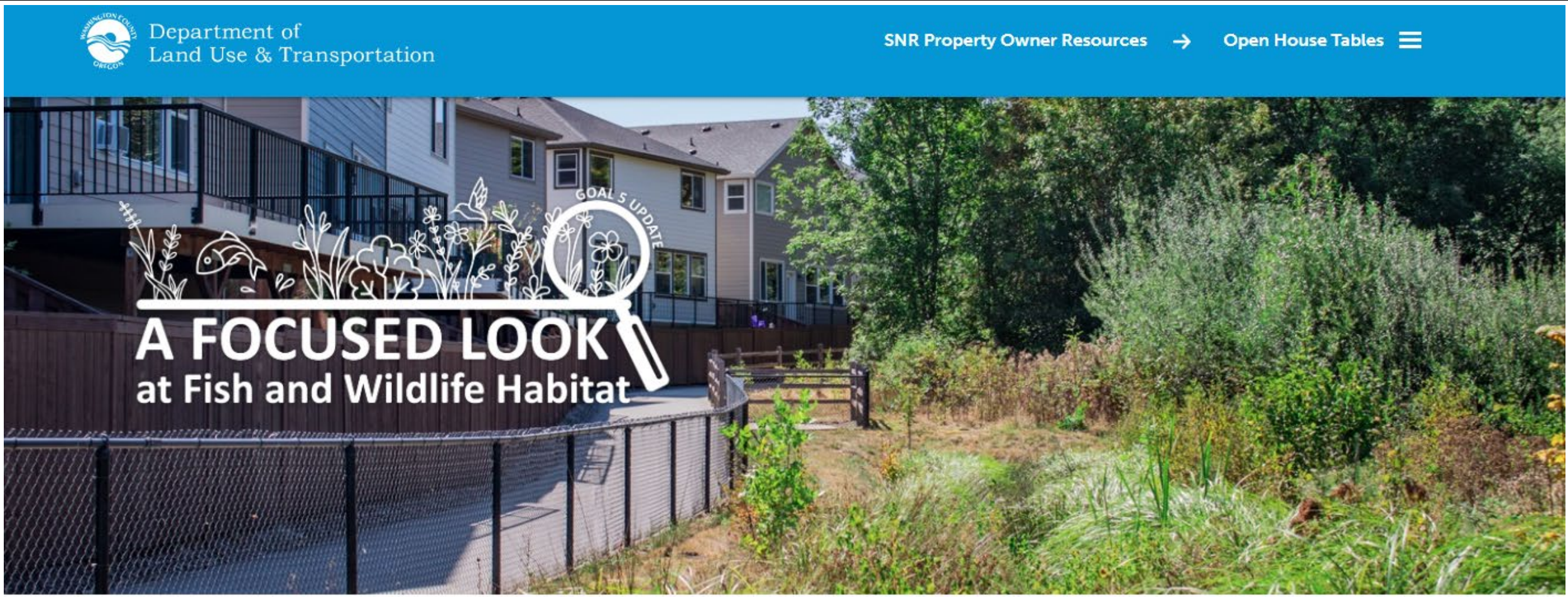
- Project information, interactive mapping tool to look up natural resources and comment form
- 3,000 views to the webpage
- 72 comments received

Over 400 people on Interested Parties list





# Property owner resources



[Ver en Español](#)

Select Language

## Welcome to the Property Owner Resources Tool!

Washington County is updating its natural resource maps and related Community Development Code regulations. Natural resources include streams, water areas or wooded areas that provide habitat for fish and wildlife.

[Mapping Tool, Comment Form | SNR Property Owner Resources \(washcoopenhouses.org\)](#)



# What we've heard so far...

- Some people are supportive of developing natural resource regulations and updates to the maps
- Many had questions about:
  - How being designated with natural resources on their property affects them?
  - Regulations that could limit what they are currently allowed to do on their property, like tree removal or adding structures?
- Some were concerned about how the natural resource regulations could impact the property's future development potential
- A number of property owners believed the mapping was inaccurate or that there was no significant habitat on their property



# Draft inventory refinement

As a result of community input, County is refining the inventory mapping to reflect some changes to resource location when property owner comments are confirmed through further research

Other refinements include removal of:

- Developed area, using building footprint layer
- Habitat and properties outside of study area
- Properties with small habitat areas:
  - Under 500 square feet on a single property
  - Habitat patches less than 3,000 square feet
- Sites that have already been reviewed under County SNR regulations and CWS requirements since 2005



# Upcoming community engagement

## Online Open House - March 1 through 29

- Draft Habitat Inventory Report and mapping
- Draft Code Concepts
- Survey/comment form

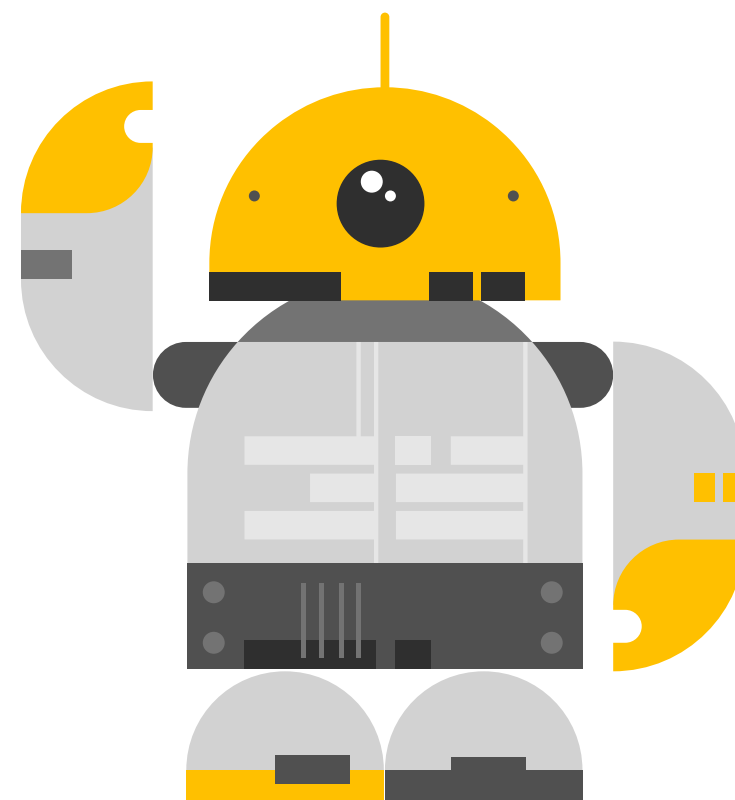
## In-person Community Forum - March 21

- Presentation on Code Concepts
- Survey/comment form



# Questions

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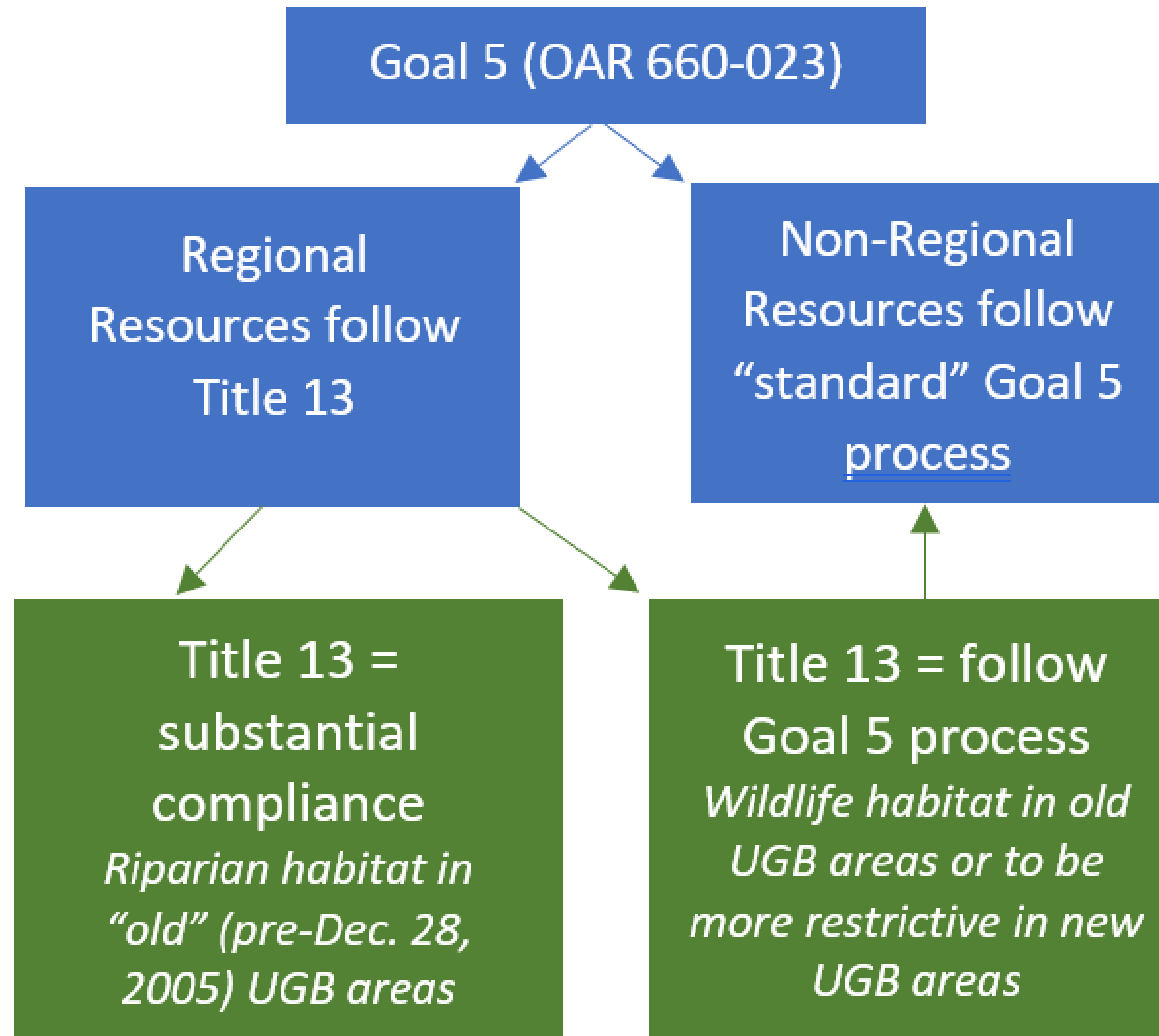


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- **Status Update on Draft ESEE Analysis/Title 13**
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# Status Draft ESEE Analysis/Title 13





# Status Draft ESEE Analysis/Title 13

## Urban Growth Management Functional Plan Title 13 Compliance

Metro conducted an inventory, prepared an analysis of the Economic, Social, Environmental and Energy (ESEE) impacts of allowing uses that conflict with resources, and established program requirements for regionally significant resources:

- Riparian Habitat - Class I and II
  - Riparian Corridors (OAR 660-023-0090)
- Upland Wildlife Habitat – Class A and B
  - Wildlife Habitat (OAR 660-023-0110)

### ***660-023-0080 Metro Regional Resources***

*(3) ... Upon acknowledgment of Metro's regional resource functional plan, local governments within Metro's jurisdiction shall apply the requirements of the functional plan for regional resources rather than the requirements of this division.*





# Status Draft ESEE Analysis/Title 13

## Title 13 Compliance: Regionally Significant Riparian Habitat (Class I and II)

### Riparian Habitat outside the CWS service area

The Draft Code Concepts outline a level of protection that is substantially compliant with Title 13

Areas outside of CWS service area are generally limited to territory added to the Metro urban growth boundary after Dec. 28, 2005, that are still within urban “holding” districts.

### All other Regionally Significant Riparian Habitat

Regulatory framework will continue to follow the Tualatin Basin approach to ensure protection of these resources

The Tualatin Basin approach is outlined in Title 13 - UGMFP 3.01.1330(b)(5).



# Status Draft ESEE Analysis/Title 13

## **Title 13 Compliance: Regionally Significant Upland Wildlife Habitat (Class A and B)**

On lands within the UGB on or before Dec. 28, 2005

Except for certain publicly owned parks and open spaces, local governments are not required to establish regulations to protect these resources

While Title 13 does not direct local governments to establish a regulatory program to protect these resources, a local government is not precluded from doing so based on its own ESEE analysis

On lands added to the UGB after Dec. 28, 2005

Regulations will ensure compliance with the provisions of Metro Code as those provisions apply to regionally significant wildlife habitat

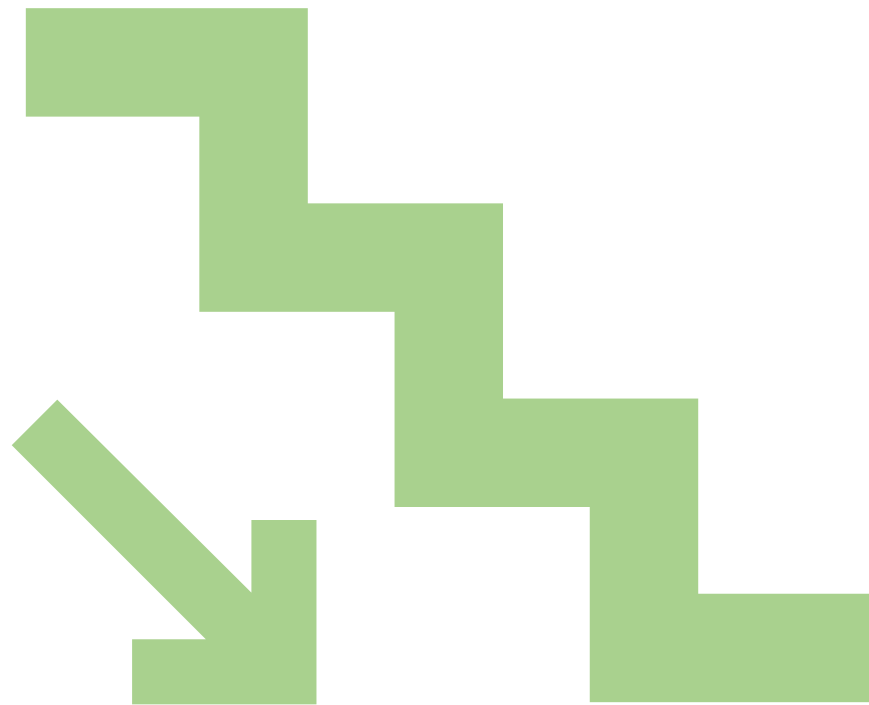
A local government can exceed the requirements of Title 13 based on its own ESEE analysis



# Status Draft ESEE Analysis/Title 13

## Steps in the “standard” ESEE process:

- A. Identify conflicting uses
- B. Determine the impact area
- C. Analyze the **Economic, Social, Environmental and Energy (ESEE)** consequences of allowing, limiting or prohibiting conflicting uses within the resource and impact area
- D. Develop a program to achieve Goal 5





# Status Draft ESEE Analysis/Title 13

## The ESEE analysis will be multi-faceted

3 scenarios (allow, limit, or prohibit)

X

4 types of consequences (E-S-E-E)

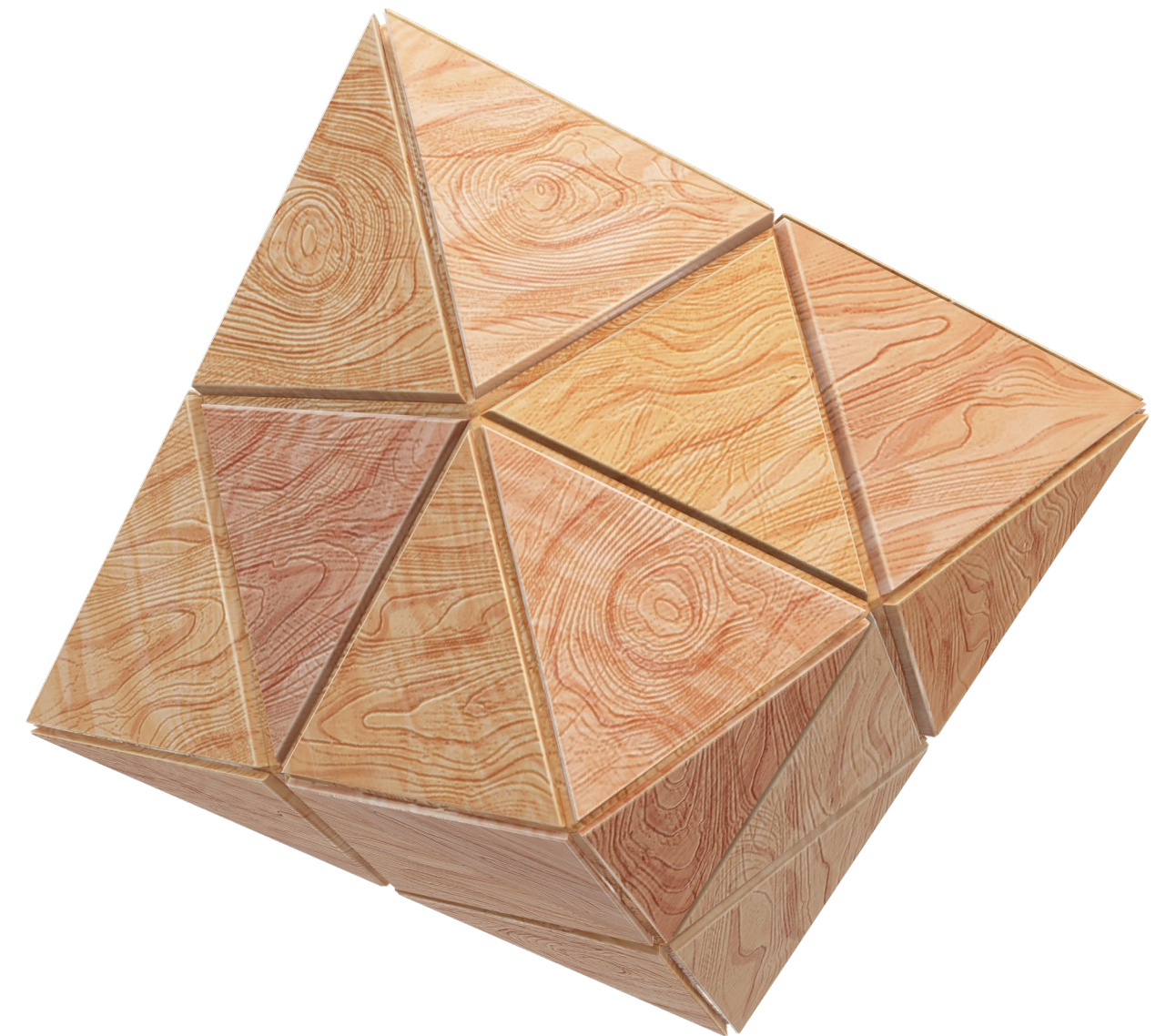
X

6 conflicting use categories

X

3 outcomes (positive/neutral/negative)

A systematic approach is helpful!





# Status Draft ESEE Analysis/Title 13

## **Ecosystem Services – summarizing the ESEE values of Riparian and Upland Habitat**

We have identified the following information to help us assess impacts:

- Millennium Ecosystem Assessment – a four-year United Nations assessment
- The Economic Footprint and Quality-of-Life Benefits of Urban Forestry in the United States - Arbor Day Foundation
- Valuing wetlands: Guidance for valuing the benefits derived from wetland ecosystem service - Ramsar Technical Report

Are there other sources the TAC recommends we consider?



# Status Draft ESEE Analysis/Title 13

Based on the ESEE analysis, local governments must determine whether to allow, limit or prohibit identified conflicting uses for significant resource sites

**A**

**Allow conflicting uses** – Because the conflicting use is of sufficient importance relative to the resource site, it should be allowed fully, notwithstanding the possible impacts on the resource site

**L**

**Limit conflicting uses** - Both the resource site and the conflicting uses are important compared to each other, and the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent (e.g., strictly, moderately, or lightly limit)

**P**

**Prohibit conflicting uses** - The significant resource is of such importance compared to the conflicting uses and the consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited



# Status Draft ESEE Analysis/Title 13

## Initial indications from ESEE analysis

High Intensity Urban	<b>Lightly Limit</b> given the relatively high economic, energy and social value of the conflicting use
Other Urban	<b>Moderately Limit</b> given that the economic, social, environmental and energy values of the resources and conflicting uses are roughly balanced.
Non-Urban/ Future Urban	<b>Strictly Limit</b> given the relatively low economic, energy and social value of the conflicting use.
Parks/Open Space	<b>Moderately to Strictly Limit</b> for those parks and open space activities which have the potential to impact habitat areas (e.g., active recreation facilities).
Utilities and Transportation	<b>Lightly Limit</b> given the relatively high economic, energy and social value of the conflicting use and the environmental benefits associated with enabling efficient infrastructure systems.



# Status Draft ESEE Analysis/Title 13

## **ESEE Program Recommendations – Examples**

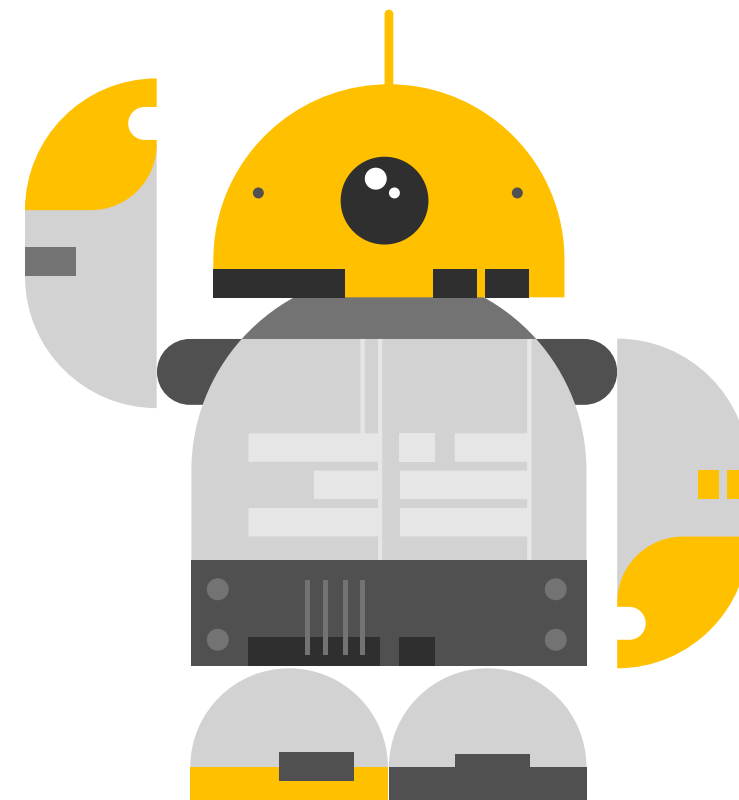
- Prioritize mature native trees in larger habitat patches that are proximate to other habitats
- Provide additional protection for native trees over 6 inches diameter breast height (DBH)
- Limit impacts to habitat areas by strategically locating public trails and related recreational infrastructure
- Provide a clear and objective path for mitigation as well as flexibility in mitigation opportunities
- Support the clustering of residential development
- Recognize that utilities and transportation facilities may need to impact resources in order to ensure an efficient design and allow these impacts with mitigation





# Questions

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





# Agenda

- Welcome
- Report of Community Engagement and Inventory
- Status Update on Draft ESEE Analysis/Title 13
- **Draft Code Concepts**
- Public Comment
- Closing and wrap up



# Draft Code Concepts

## **Natural resources (riparian and upland wildlife habitat) in the Urban Unincorporated Areas (UUAs)**

- A. Overall Purpose/Scope
- B. Submittal Requirements for Properties with Significant Habitat
- C. General Provisions/Standards
- D. Tree Inventory/Preservation within Significant Habitat
- E. Tree Protection and Mitigation Requirements
- F. Additional Standards for Riparian Habitat
- G. Boundary Corrections



# A. Overall Purpose/Scope

What type of resources are regulated?

Significant Habitat

Where are resources identified?

Regulatory Map

When do the regulations apply?

At time of Development



# A. Overall Purpose/Scope

## Significant Habitat =

### Significant Riparian Habitat =

- Water resources such as wetlands, streams, and open water habitats
- +
- Associated riparian buffer. The riparian buffer is the area within a specified distance of wetlands, streams, and open water habitat

### Significant Upland Habitat =

- All other Significant Habitat shown on the regulatory map (i.e., all areas other than Significant Riparian Habitat)



# A. Overall Purpose/Scope

## Regulatory Map

Two categories:

- Significant Habitat on lands that were **inside** the UGB on December 28, 2005 = Pre-2005 Significant Habitat
- Significant Habitat on lands **added to** the UGB after December 28, 2005 = Post-2005 Significant Habitat





# A. Overall Purpose/Scope

## Regulations apply to Development

### Development definition:

*Any man-made change to improved or unimproved real estate or its use, including but not limited to construction, installation or change of land or a building or other structure, change in use of land or a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing....*

### Some possible exceptions:

- Farming practices
- Emergency measures
- Maintenance (and possibly minor expansion) of existing uses and improvements
- Maintenance and construction of streets and utilities within the existing right-of-way
- Other uses and activities that do not otherwise require a Development Permit per Section 201-2.



## B. Submittal Requirements

If applicant believes the County's map is accurate, and is not proposing any development within the boundary

- Acknowledge acceptance of the habitat boundary

If proposing development within the Habitat boundary

- Submit a Tree Inventory

If Regulated Trees within Habitat boundary will be impacted

- Submit a Tree Mitigation Plan

If proposing development within Riparian boundary

- Submit information verifying the Riparian boundary (if necessary)





## C. General Provisions/Standards

- Development within **Upland and Riparian** Habitat would be subject to tree protection/mitigation standards
- Development within **Riparian** Habitat would also be subject to additional standards, including limitation on permitted uses
- Significant Habitat areas would be eligible for density transfer
- Code could allow for a special category of adjustments
- Continue to require applicants obtain all required local, state and federal permits



# D. Tree Inventory/Preservation

## Regulated Trees

Trees that are six inches or greater in Diameter at Breast Height (DBH) and [trunk] located completely or partially within the Significant Habitat boundary (with some exceptions)

### Potential Exceptions:

- Hazardous Trees
- Diseased or Dying Trees
- Removal of invasive tree species
- Removal of trees in tree farms and nurseries
- Removal of trees under 6 inches DBH unless such trees are or will be preserved to meet the mitigation requirements of this section
- Development on sites with only very small amounts of Significant Habitat Area
- Development associated with the regionally significant educational or medical facilities at PCC Rock Creek Campus



## D. Tree Inventory/Preservation

If proposing development within the Habitat boundary:

- Applicants complete a Tree Inventory
- Calculate “Tree Value” score for each tree
- Calculate total number and percentage of points on the site to be retained and/or mitigated (if applicable)



# D. Tree Inventory/Preservation

## Assign each Regulated Tree a Tree Value score (points)

Base score based on tree size (DBH)

= 1 point per inch DBH

Additional points - an additional 10% for each of the following attributes:

- Diameter over 30 inches DBH
- White Oak, Willamette Valley Ponderosa Pine, or Madrone
- Within 300 feet of a water feature

### Conceptual Example

40" DBH white oak within 200' of a water feature

Categories	Points
Base score = 1 pt per inch DBH	40
+ 10% for diameter over 30" DBH	4
+ 10% for White Oak	4
+ 10% for proximity to water	4
<b>Tree Value score</b>	<b>52</b>



# D. Tree Inventory/Preservation

**Calculate total number and percentage of points on the site to be retained and/or mitigated (if needed)**

## Conceptual Example

Tree #	Status	Points
Tree 1	Preserve	52
Tree 2	Diseased	0
Tree 3	Preserve	60
Tree 4	Remove	40
Total Points on Site		152
Points Preserved		112
% Preserved		74%



## → E. Tree Protection & Mitigation

**Establish a clear and objective approach to ensure a certain % of the total Tree Value points is maintained on the site**

Targets could differ by location:

- Pre-2005 Significant Habitat – 40 – 60% of the total Tree Value points
- Post-2005 Significant Habitat – 80 – 100% of the total Tree Value points



# E. Tree Protection & Mitigation

## Mitigation to make up deficit in Tree Value point on the site

If tree removal caused the % of Tree Value points on the site to drop below the minimum required, mitigation would be used to make up the deficit points

Mitigation could be provided by:

- Preserving smaller native trees (2" – 5.9" DBH)
- Planting new trees

Mitigation trees would be assigned a Tree Value score

- Scoring system could reward mitigation that is close to water, etc.



# E. Tree Protection & Mitigation

## Conceptual Example

Minimum 80% of Tree Value Points required to be maintained on Site



Tree #	Status	Points
Tree 1	Preserve	52
Tree 2	Diseased	0
Tree 3	Preserve	60
Tree 4	Remove	40
Total Points on Site		152
Points Preserved		112
% Preserved		74%
% Required		80%
<b>Mitigation Pts Needed</b>		<b>9</b>





# E. Tree Protection & Mitigation

## Standards to ensure that trees are protected and installed correctly

- Protective fencing during construction
- Tree installation and maintenance per County standards
- Required mitigation within the CWS vegetated corridor with the approval of CWS
- Mitigation planting would need to be completed prior to the issuance of any certificate of occupancy.



# E. Tree Protection & Mitigation

## Could offer alternative discretionary approaches to mitigation

- At applicant's option
- Provide a comparable level of protection
- Possible alternatives
  - Tree canopy coverage preservation
  - Off-site mitigation
  - Fee-in-lieu of mitigation



# F. Standards for Riparian Habitat

## **Provide a clear and objective methodology for determining the Riparian Habitat boundary**

- Submit CWS Vegetated Corridor determination; OR
- Use County methodology – possible alternatives:
  - Mirror CWS method for establishing Vegetated Corridor
  - Metro Title 13 method for establishing Riparian Corridor



# F. Standards for Riparian Habitat

## Use Limitations

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

## Possible Exceptions

- Transportation facilities
- Public utilities
- Public wildlife viewing areas and recreation or nature trails
- Bank maintenance, restoration or stabilization
- Detached dwelling or middle housing duplex and accessory structures on a lot of record, 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



# G. Boundary Corrections

Refer to the adopted  
Natural Resources  
Inventory to identify  
the types of habitat  
on the property

Identify the applicable  
correction  
methodology

## Examples of Standard Boundary Corrections

- Wetland location has been incorrectly identified
- Stream location has been incorrectly identified and/or the Riparian Habitat boundary does not align with the CWS vegetated corridor
- Upland Habitat boundary is inaccurate based on location of associated water feature
- Upland Habitat boundary is inaccurate due to development or tree removal that occurred prior to certain dates

## All Other Map Corrections

- Discretionary map correction methodology would require more detailed information to meet the approval criteria



## Next steps

We'll post a meeting summary on our webpage in the next month

<https://www.washingtoncountyor.gov/lut/planning/snr-focused-look>

Community Forum and online Open House are scheduled for March - more info coming soon

No further TAC meetings are scheduled at this time, as we work to complete the inventory, ESEE and draft Code changes

We expect to file an ordinance by mid-May

How would the TAC like to be involved in this next stage?



# Agenda

- Welcome
- Report of Community Engagement and Inventory
- Status Update on Draft ESEE Analysis/Title 13
- Draft Code Concepts
- **Public Comment**
- Closing and wrap up



# 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](mailto:michelle_miller@washingtoncountyor.gov)





# Agenda

- Welcome and Introductions
- Project Background, Purpose and Overview
- Goal 5 Inventory – Methodology and Preliminary Approach
- Public Comment
- **Closing and wrap up**



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