



Washington County Committee for Community Involvement

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Recognized by Washington County as a committee devoted to the success of community participation in government decision making processes. The CCI serves to assist the County in complying with Oregon Statewide Planning Goal 1*.

www.WashCoCCI.org

Representatives from each of the County's Community Participation Organizations (CPOs), whose mission it is to encourage and empower public involvement, serve on the CCI.

www.WashCoCPO.org

Vision

Individuals and their Washington County communities will be meaningfully engaged in collaborative, dynamic processes of open and responsive government.

Values

Civility, community, compassion, diversity, education, equity, improvement, inclusiveness, information, learning, process, respect, transparency

CPO
Program
Neighbors
Working
Together!

Meeting agenda for:

Tue., Aug. 20, 2024 | 7-9 pm

Join meeting via Zoom at:

<https://us02web.zoom.us/j/81624122071>

On the Agenda

7:00 pm | **Welcome, Introductions**

7:05 pm | **Significant Natural Resources Subcommittee Update**

- Background history of Significant Natural Resources (SNR) areas from 2007-2023 Enforcement Order
- Goal 5 update from the Technical Advisory Committee
- Summary of [Tualatin Riverkeepers](#) letter
- Review the proposed SNR code element changes in Ordinances 901 and 902
 - To prepare, please [view the recording](#) of the Washington County Planning Commission meeting on July 24, 2024, discussing the ordinances.
- Action item: Review and vote whether to approve a letter of review comments from the CCI to the Washington County Board of Commissioners and Planning Commission. See draft of letter on page 2 of this agenda.

8:00 pm | **Subcommittee Reports**

- **Transportation Subcommittee**
- **Communications Subcommittee**
 - Review of pages on the County website and suggestions for improvements.

8:30 pm | **CPO Leaders Roundtable**

- Plan an in-person CCI Meet & Greet
- What's going on? Future topics?

9:00 pm | **Adjourn**

This agenda has been provided to you by CCI community volunteers.

Draft Letter on Ordinances 901 & 902 To be considered by the Wash Co CCI for approval

Dear Washington County Boards:

We oppose proposed Ordinances 901 and 902 as currently written. Please accept our support for concerns raised by CCI Significant Natural Resources (SNR) Sub-committee regarding the Goal 5 Inventory Update and Ordinance Nos. 901 and 902. Please see their reported concerns below. The Commissioners' directive for the Focused Look project was only to repair those portions of the Policy and Code to meet the LCDC requirements. Since there have been so many resources expended on this project and the previous Significant Natural Resources Assessment, we also recommend that the LUT staff be empowered to make the additional changes to fortify the Policy and Code during this opportunity for improvements. We request that the County take steps to resolve these concerns in land use decisions by the development community.

Feedback from CCI SNR Subcommittee and Other Washington County Community Members

The community thanks Washington County Land Use & Development staff for their special efforts to allow for extended opportunities for community members to participate in special reviews of Washington County's Goal 5 update regarding Significant Natural Resources. We are hopeful that our feedback will be incorporated in the County's next draft and look forward to a continued dialogue.

We were pleased to see some progress in clarifying the revisions, but are concerned that the current proposals fail to strike a balance between housing production and the need to protect remaining natural resources, including trees and wildlife habitat.

Below is a summary of our concerns and suggestions:

"Upland Habitat" - Consolidating "upland habitat" classifications obscure critical distinctions between different types of upland habitats, each of which may have unique ecological values and conservation needs. The resulting deviation from the regional standards creates a new level of ambiguity and will likely lead to inconsistent application and enforcement, making it difficult for stakeholders to anticipate value, potential barriers, and opportunities for both development and conservation. Additionally, consolidated classification will pose significant challenges for stakeholders and third-party evaluators in understanding and fulfilling their obligations under these policies.

Article "422-4.4 criteria of exemption: A. The lot contains less than 500 square feet of Upland Wildlife Habitat" - This would not cover an existing massive oak tree or rare pollinator habitat both of which are of high resource value. High Value Upland Habitat designations would effectively protect [ODFW Priority Wildlife Connectivity Areas \(PWCAs\)](#). (See suggestions below)

Mitigation - We are pleased to see section 422-9.7 Tree Protection and Planting Standards stating that "All tree replacement shall occur on-site and outside the verified Riparian Wildlife Habitat boundary except where the replacement is required pursuant to Section 422-8.3." However, the proposed requirements may be inadequate to offset detrimental impacts on ecological processes in some locations. Specifically, the ratio, location, and monitoring of new saplings to replace existing trees are generalized and do not address the actual impact. For example, removing a well-established tree has a significant environmental impact—the policy does not clearly define how to plant and site new saplings to effectively balance the adverse effects of such a loss.

Furthermore, a clear and objective method of updating monetary charges prescribed as mitigation to reflect current inflation values must be established to ensure that funds are adequate for effective environmental restoration thereafter.

The revised policy lacks a mandatory maximum threshold for in-lieu fee mitigation which could be interpreted to allow for complete removal of forested canopy—a strategy often used to reduce costs of construction. Tree canopy is well known to play a key role in climate change mitigation by preventing urban heat islands, improving air and water quality, and enhancing stormwater management. Mandatory maximums must be included to preserve these essential ecosystem services.

Monitoring and Enforcement

- 1. Duration | 422-22.3.4.D-1 Follow-up Requirements need to be improved.** Recent studies have demonstrated that due to increasing climate challenges, supplemental watering and maintenance for new plantings must extend beyond the current two-year requirement. Ongoing care to ensure plant health and soil moisture retention must be emphasized given increasing susceptibility to prolonged droughts and extreme weather events ([Drought.gov](#)) ([OSU Extension Service](#)).
- 2. Lack of Resources |** Washington County currently lacks sufficient resources to effectively monitor and enforce all county policies. As a result, the Land Use and Transportation (LUT) department relies heavily on community members to report code violations. This enforcement model is dependent on the public's ability to recognize infractions, leaving gaps in effective oversight as well as responsiveness. To improve this process, it is critical to consider additional Washington County resources as well as a program to develop the necessary community education and reporting mechanisms so that infractions are recognized, reported, and swiftly addressed.
- 3. Transparency |** Community members have repeatedly requested and been denied detailed information on mitigation efforts that have been undertaken including specific actions, dates, locations and monetary charges. We recommend Washington County provide details regarding mitigation activities assigned and/or implemented within the last 5 years for the purpose of calculating ecological impacts as a result of SNR and tree loss. This will provide credible data for planning improvements.

Tree Valuation Points

Incorporating numerical specifics are beneficial for clarity and objectivity. However, the specific values assigned and the tree species identified remain unknown with no scientific evidence cited. Engaging an objective expert to explain underlying algorithms would deter ongoing challenges to these values by the community as well as developers. This transparency will enhance the credibility and trust in the valuation process, ensuring that stakeholders understand and support the methods used.

Cumulative Effects

Current policies fail to consider the total burden of development projects impacting Significant Natural Resources (SNR). Evaluating projects in isolation is insufficient, as the combined effects of multiple developments in a given area within a certain time frame can exacerbate impacts on biodiversity, habitat loss, and ecological function as well as negate mitigation measures. Such considerations, clear and objective thresholds, and maximum disturbance levels must be incorporated into Washington County's decision-making process to effectively safeguard Significant Natural Resources.

We recognize the last developer in a selective area may be hampered by the maximum allowed disturbances and the cumulative effect of the preceding developments. However, Environmental Equity can only be achieved by ensuring that vulnerable communities are not disproportionately impacted.

Oak Trees

Oaks are slow-growing, sturdy trees known to be drought and disease-resistant and suited to survive in the Willamette Valley ([Oregon State University](#)). These trees, many of which are centuries old in Washington County, play a crucial role in supporting wildlife and enhancing ecological health. Oaks are among the most biologically diverse habitats in the region, providing essential food and habitat for over 300 wildlife species, including many birds and mammals ([Cascadia Prairie-Oak Partnership](#)). Recognizing the historical and environmental significance of Oak Trees in Washington County, we recommend the policy should prioritize the protection of oak trees with limited exceptions made only for trees deemed hazardous by ISA board certified arborists.

Cities' Inventory Inclusion

We recommend cities' qualified inventory updates should be included as part of the SNR mapping process.

In 2017, SB 1051 amended state statutes to require local governments to only apply clear and objective standards to housing applications. In *Warren v. Washington County*, ___ Or

LUBA ____ (LUBA No. 2018-089, November 14, 2018), aff'd 296 Or App 595, 439 P3d 581 (2019), both the Land Use Board of Appeals (LUBA) and the Court of Appeals determined that SB 1051 had the ultimate effect of invalidating some of the County's Goal 5 provisions pertaining to housing developments involving Goal 5 resources because they are not clear and objective standards. In 1996, LCDRC revised its administrative rules implementing Goal 5. Generally, OAR chapter 660, division 23 (providing procedures and requirements for complying with Goal 5). The revised Goal 5 administrative rules authorize Metro to adopt one or more regional functional plans to address all applicable requirements of Goal 5 and this division for one or more resource categories." OAR 660-023-0080(3). Pursuant to that authority, Metro developed a regional fish and wildlife protection program. Record 1898. In concert with Metro's planning efforts, the county, along with other cities and local agencies, conducted a Goal 5 analysis of SNRs and developed a comprehensive program for the protection of fish and wildlife habitat within the Tualatin basin.

The City of Beaverton has re-inventoried sections of Cooper Mountain, identified Local Significant Natural Resources and mapped them as SNRA to be protected.

The [proposed Community Plan](#) states:

"Trees and tree canopy are important parts of Cooper Mountain's natural resources that provide many benefits, such as shade, wildlife habitat, stormwater management, pollutant removal, and carbon absorption. Although riparian corridors and upland habitat areas are subject to the Goal 5 process, trees are not considered Goal 5 resources subject to inventory and analysis. However, cities and counties may still choose to implement tree protections that advance community goals."

The Washington County Goal 5 Inventory does not include these areas as the Beaverton Community Plan and Development Code has not yet been adopted by the Beaverton City Council. We recommend cities' qualified inventory updates should be included as part of the SNR mapping process independent of Cities' adoption of their related Development Code and Community Plans. These areas are in the jurisdiction of Unincorporated Washington County and are highly vulnerable to adverse impacts if development is permitted to occur before the City of Beaverton (or any other city) can submit its SNRA inventory for approval.

Areas Outside the UGB

422-22.43.5 Significant Natural Areas outside the UGB. We realize this ordinance applies only to residential development within the UGB, but the verbiage in this section is currently not clear and objective. Washington County must remove this section to comply with criteria dictated by Oregon law.

Pointers to Interesting Stuff

- Recordings of Wash Co CCI meetings on YouTube are found [here](#).
 - CPO leadership contact information is found [here](#).
 - Opportunities for public participation in Washington County departments can be found [here](#).
 - Sign up to receive Department of Land Conservation and Development (DLCD) news [here](#).
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Steering Committee and Subcommittee Meeting Schedules

Steering Committee

Virtual meeting is generally held on the Wednesday following the general meeting at 11 am.
<https://zoom.us/j/94169950694>

Significant Natural Resources Subcommittee

Virtual meeting is generally held on the second Tuesday of each month at 9 am.
<https://us02web.zoom.us/j/4260120334?pwd=ZHh3T1QvR2ZuT3d6OGdkbzZ2N3Nldz09>

Communications Committee

Virtual meeting is generally held on the second Wednesday of each month at 4 pm.
<https://zoom.us/j/94169950694>

Transportation Subcommittee

A regular meeting schedule has not yet been developed.
<https://us02web.zoom.us/j/81994850104?pwd=TIBQOUwvMGFGZ0RZZU03clpMZ0pOZz09>
Meeting ID: 203 430 2736 | Passcode: ccicsc
