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## RE: Washington County Significant Natural Resources Update

Dear Michelle:

Thank you for the opportunity to comment on Washington County's Land Use and Transportation Department's update to your Significant Natural Resources (SNR) inventory. We have reviewed the proposed guidance and framework for the SNR update and have comments for your consideration.

The Urban Greenspaces Institute works to safeguard urban nature and integrate it with the built environment. We work collaboratively with agencies, other nonprofits, and the public to protect and expand wildlife habitat connectivity, clean water, and public access to nature. UGI staff members have important expertise that bears on the Washington County SNR update. UGI staffer Mike Houck conducted the County's original SNR inventory (as an employee of the Audubon Society of Portland). Ted Labbe formerly worked on behalf of Tribes and Washington Department of Fish and Wildlife with county and city governments to safeguard fish and wildlife habitats under Washington State's growth management and critical areas programs.

The SNR inventory was created 35 years ago! During this time our knowledge of development impacts, as well as the science and practice fish and wildlife habitat conservation has grown. We have new data that can and should come into the SNR inventory. This data and understanding are needed to properly plan for and mitigate new development impacts on natural ecosystems. Given the rapid pace of development in Washington County, we applaud the County's willingness to revisit the SNR policies and implementation. A focus on upland wildlife during the update is appropriate, since protection of upland habitat is not mandated under the original program, and lacks clear policies and standards.

At the time, the original Washington County SNR inventory and program was pioneering, but development and understanding of natural resources conservation have advanced. The SNR update review identifies numerous challenges with administering the program. As a result, we think an update to the SNR policies and inventory is long overdue. Washington County deserves praise for developing one of the first comprehensive plans in the State to address natural resources conservation,

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and for its willingness conduct this comprehensive review of its Goal 5 and SNR protection programs now.

The draft SNR program review and assessment is quite thorough and presents a set of options for Washington County to consider going forward. In certain circumstances, UGI's perspective departs from the staff recommendations. However, our main point is that an update to the SNR program must proceed and we are in agreement with your staff on this crucial point. We support the County undertaking this comprehensive review and update. UGI's detailed comments are attached below.

To summarize, UGI urges the County to:

1. Incorporate new data into an updated SNR inventory,
2. Develop new requirements for upland wildlife habitat protection,
3. Revise the SNR review process to include technical reviewers with expertise in natural resources, including outside agency reviewers,
4. Require field review for all new development in/adjacent to known or suspected natural resources,
5. Clarify the application process and develop a habitat report template,
6. Require mitigation sequencing based on a site-specific habitat assessment
7. Develop a tree code,
8. Expand the scope of the SNR update to all urban unincorporated, urban reserve, and rural lands, and
9. Conduct a comprehensive update of SNR policies and implementation with opportunities for participation by outside natural resource agencies.

We appreciate the opportunity to review the draft SNR review, and we look forward to participating in future conversations with you on the details of the update.

Sincerely,



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**Specific comments from UGI:**

*New data relevant to the SNR inventory* – Since the creation of the original SNR inventory 35 years ago, much new data has become available and would assist the County with regulating and determining appropriate mitigation for new development. For upland wildlife habitat, in particular, there is a strong need to update and augment the original SNR inventory.

Unfortunately, the SNR program review (at Finding I., page 36) makes it sound as though most wildlife habitat has been lost, developed or set aside through mitigation. On the contrary, much urban and rural wildlife habitat within the County remains. The County's analysis of large wildlife habitat areas included in the original inventory excludes many significant wildlife habitat areas that were not included in the original inventory, yet worthy of protection under Goal 5.

One data set that UGI and Metro were instrumental in developing is the Oak Prairie Working Group's OakQuest regional Oregon white oak distribution map, which is accessible online at <http://www.theintertwine.org/projects/oak-prairie-work-group>. The complete data set may be requested from Tommy Albo at Metro ([Tommy.Albo@oregonmetro.gov](mailto:Tommy.Albo@oregonmetro.gov)). Given the high biodiversity and degree of imperilment of lowland oak habitats, we urge the County to incorporate this data set into its Goal 5 inventory. This oak data is highly granular and needs to be incorporated into the County Goal 5 inventory maps to ensure it is accessible and used by developers, community members and others. There are other relevant new data, and as a result UGI believes a comprehensive update to the County's Goal 5 is warranted and needed.

*Voluntary incentives to protect upland habitat are inadequate* – The County's experimentation with voluntary wildlife habitat conservation from 2006-present yields useful information with which to evaluate the Goal 5/SNR program successes and challenges.

The SNR review reveals that a lower percentage of upland wildlife habitat areas (8.7-45%) was protected as compared to aquatic/riparian habitat areas (37-83%). For sites with upland wildlife habitat, only 6-24% of the site was preserved or not developed as compared to 20-58% for those with aquatic/riparian habitats. This analysis appears to be limited to case files for which SNRs were previously mapped and deemed significant by the County, not to other wildlife habitats deemed not significant by the County and/or not mapped. Thus it is likely a best-case scenario from the standpoint of habitat protection, particularly for upland wildlife.

This raises serious questions about the adequacy of the County's voluntary and incentive-based approach to upland wildlife habitat. UGI believes that the County's proposed approach to continue with a voluntary wildlife habitat conservation approach is not warranted. We recommend that the County develop explicit required wildlife habitat protection standards, like those that currently exist for aquatic/riparian habitats.

*Review and approval process* – Information driving decision-making and conditioning for approval of new development impacting SNRs originate with the applicant, not from a thorough understanding of the resources by impartial reviewers and/or a field inventory in every case. UGI feels that there is an urgent need for the County to develop more specific and detailed submittal requirements and approval processes and criteria, particularly for projects that potentially impact

upland wildlife habitat. Details on submittal requirements contained in the 1998 Directors Interpretation need to be reflected in the code language.

Based on the 1998 Directors Interpretation, we understand that the current trigger for an SNR review is any proposed development within 250 feet of a mapped SNR. We suggest strengthening this approach by requiring a SNR review for any natural resources deemed significant present within 250 feet, including features that are not present within County's SNR inventory but evident from a field investigation, documented on other available maps and ecological inventories, and/or highlighted through local community input.

CWS environmental review and other pertinent natural resource materials should be required with submittal of a land use review application, not later in the development review process so that all parties have detailed information on the condition, location, and impacts of proposed development on SNRs. This process change will enable reviewers and the public to be better informed and afford them more opportunity to offer input on the protection, enhancement, and mitigation required of applicants for SNRs. It would also help clarify the process and expectations for applicants.

*Consistency of Habitat Reports* – One key finding of the County SNR review is that past Habitat Reports (HRs) have been inconsistent. We suggest that the County adopt a standardized format or template for future HRs to follow. The HR template could also include suggested monitoring parameters. Numerous examples of such templates can be found online and outside agency staff with natural resources expertise may be able to assist the County with developing/adapting such a template. One template we like is the one provided by Washington State Office of Community, Trade, and Economic Development in their Small Communities Critical Areas Ordinance Handbook (see attached). This template is available online at: <http://www.commerce.wa.gov/wp-content/uploads/2016/08/gms-ca-small-comm-CAO-Guidebook.pdf> on pages 42-55.

There is a need for a more thorough and systematic process for the assessment of habitat quality. Wildlife habitat deemed 'degraded' within urban areas should carry a requirement to enhance that habitat. Degraded should not be an excuse for further direct impacts from development without mitigation/enhancement. The condition of the resource should help determine and drive any required SNR mitigation, if needed and appropriate.

*Need for outside agency review for wildlife habitat impacts* – Another key finding of the SNR review is that mitigation and enhancement has mostly focused on aquatic/riparian habitat. It is notable that proposed development with aquatic/riparian habitats receive review by outside agencies such as Clean Water Services (CWS), but no outside agency review is provided for development impacting upland wildlife habitat. The review also mentions recent SNR review process improvement that engages County staff with environmental expertise.

This suggests the County might further improve its review of future development impacting wildlife habitat by affording outside agencies an opportunity to review and suggest appropriate project design, mitigation or habitat enhancement measures. Metro and ODFW are two agencies with expertise that may be helpful for review of proposed development, particularly around upland wildlife habitats. At a minimum, the County should continue to provide development review for all projects by staff with technical expertise in environmental review and conservation science.

*Comparison with other jurisdictions* – The review of neighboring jurisdictions’ programs is not especially comprehensive. We recommend incorporating a review of more jurisdictions from beyond Washington County, especially those with high development pressures. One resource that may be helpful is the Washington Department of Commerce’s various Critical Areas Handbooks, available online here: <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/>

*Field review needed* – The County’s SNR program review highlights how the lack of consistent field review creates difficulty with administering the program and safeguarding natural resources. The original SNR maps are coarse and fail to resolve fine-scale habitat features that can frequently be accommodated and protected or enhanced as part of site development design scheme. This includes small streams missing from the maps, as well as other undocumented fine-scale wildlife habitat elements (such as individual Oregon white oak trees, or snags and downed wood) that can only be detected by a field review conducted by agency reviewers.

UGI believes that field reviews by qualified technical staff are also useful for identification of appropriate habitat enhancement/mitigation measures. The SNR review acknowledges that section 422-3.1 of the code requires site-specific habitat assessment and field verification of the SNR prepared by the applicants. But UGI’s interpretation of the code suggests this requirement only applies to mapped SNR elements identified under 422-2, which may not apply in instances when SNRs are not mapped but present at a proposed development site.

We urge the County to incorporate explicit requirements for onsite SNR field verification and review by applicants with the option to engage County or outside agency staff with expertise, as needed. We suggest that this requirement should be applied for all sites where new development (or redevelopment) is proposed, not just where SNRs are currently mapped.

*Mitigation sequencing and monitoring* – The SNR case file review reveals that wildlife habitat mitigation measures vary significantly, typically defer to that proposed by the applicant, and are difficult to monitor, enforce, and track within the permitting system making for a lack of transparency with the public. We appreciate the very thorough review of land use case files from between 1995 and 2019 that

bracket implementation of the Tualatin Basin Goal 5 program in 2006. This type of review and programmatic monitoring is rarely conducted by jurisdictions but is very helpful for analyzing what program elements are working well, and where improvement is needed. Thank you for providing this analysis!

We agree with the staff proposal to develop a database of mitigated or protected SNRs and ongoing required conditions. Problems with tracking and monitoring individual project mitigation are a common challenge for cities and counties administering local habitat protection programs. Other code and implementation process improvements could help alleviate these challenges.

We suggest that the County consider use of explicit mitigation sequencing like that used by ODFW (e.g. avoid, minimize/reduce, mitigate) to standardize future monitoring and evaluation. Prescribed mitigation and monitoring options could be linked to the habitat report, and be based on the site-specific assessment of natural resources and their condition.

The County could also require that developers post bonds to ensure the viability of any mitigation project. Mitigation monitoring reports could be required at 2-5 years post-project. Finally, funding by third-party nature stewards – financed by the developer – could be required for habitat conservation/mitigation areas similar to the services provided by the Wetlands Conservancy or Clean Water Services for past wetland mitigation sites in Washington County.

*Habitat protection standards for aquatic/riparian areas* – The SNR review proposes to continue to rely upon CWS Design and Construction Standards to safeguard aquatic/riparian SNRs in urban areas, and to add new CDC references to fully document this process. It is important to note that these standards only apply within urban areas. The [CWS Standards \(Table 3-1\)](#) apply 25-50-foot buffers on wetlands/ponds, 50-ft buffers on perennial springs and streams, and 15-50-ft buffers on intermittent streams where bank slopes are <25%, with larger buffers applying on steeper bank slopes.

We believe that a thorough review of the scientific literature indicates that these riparian protection buffers are too small to adequately protect aquatic/riparian habitat, particularly from the intense land use and altered runoff hydrology typical of urbanization. Table 5 (Detailed Analysis of Options and Preliminary Recommendations, at page 40 of the SNR review) states that “staff is not aware of community concerns on adequacy of water related protections.” Please note that at least UGI has concerns with the adequacy of water-related protections in Washington County. We urge the County to develop stronger, more protective aquatic/riparian habitat protection standards under the SNR update.

*Need for tree code, planning resources available* – We urge the County to develop a tree protection code for unincorporated urban and urban reserve lands. The need for a tree code relates to the need for improved safeguards for upland wildlife SNRs

but is distinct from it. The challenges of urban tree preservation along streets, in residential yards, and other settings are different from measures needed to safeguard SNRs.

A variety of new tools and resources are available to assist the County with development of an urban forestry management program. There is the Oregon Department of Forestry-Urban and Community Forestry Program, PSU Sustaining Urban Places Research Lab <https://climatecope.research.pdx.edu/>, and an emerging urban forestry partnership under The Intertwine Alliance. Please consider more extensive tree protection and preservation requirements that apply to all trees potentially affected by new development, not just within County-designated SNRs.

*Need for comprehensive review of SNR programs* – We agree with the sentiment of much of your collected community input: there is strong need for a comprehensive review and update of the County’s various SNR program, policies, and implementation measures. There are many process improvements needed, the details for which cannot be sufficiently resolved by staff working on their own.

We encourage the County to develop an advisory committee with technical and community representatives to advise on and consider alternatives. We do not favor the proposed partial update to certain program elements as proposed by staff. Staff would benefit from greater involvement from outside experts. Though it can be difficult to garner feedback from outside agencies on individual development projects, we believe that staff with natural resources expertise at Metro, ODFW and others with expertise (like UGI) would be willing to participate in a comprehensive SNR program review.

Please also expand the scope of the County’s SNR program review from a narrow focus on unincorporated urban areas to include all rural and urban reserve lands that lie beyond the urban growth boundary. The South Cooper Mountain UGB expansion area is an example of a situation where the lack of a Goal 5 and SNR inventory and policies has hamstrung the City of Beaverton and Washington County. However, this is not a challenge that is limited to South Cooper Mountain, but the latter is perhaps the best example of this challenge at present.

*Need for review of proposed reforms by other agencies* – We recommend that additional additional time or accommodations be afforded to ensure that ODFW and Metro, at a minimum, can review the proposed reforms and offer Washington County LUT staff feedback on their SNR inventory, protection and mitigation program reforms. We believe that ODFW and Metro have highly relevant expertise in these matters but may not have had sufficient time for a thorough review of the County’s extensive documents. Please reach out to Jonathan Soll and Lori Hennings at Metro, to Tom Murtaugh, Susan Barnes, and Joy Vaughn at ODFW, as well as Amanda Punton at DLCD.