



December 31, 2019

Kathryn Harrington, Chair, and Washington County Board of Commissioners
c/o Andy Back, Manager, Planning and Development Services
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The Washington County Citizens Action Network (WC CAN) recognizes the work that the County's Department of Land Use and Transportation (LUT) staff has done to prepare the Significant Natural Resource (SNR) Draft Program Review & Assessment report. We are grateful the comments deadline was extended allowing us to gather input from WC CAN members and residents, and we want to continue to provide comments as we digest the big report.

The planet is currently experiencing the 6th mass extinction. A report by the World Wildlife Fund and the Zoological Society of London (2018), found that average species abundance of global populations has declined by more than 60% since 1970. This report stated that habitat loss and degradation were the leading cause of species extinction. We encourage staff and commissioners to view this process not just as a reaction to complaints and LUBA rulings, but as a proactive response to species extinction and a need to protect our dwindling Wildlife Habitat.

We note that many of the "weaknesses" cited in the analysis of various options are based on increased burdens on staff resources. We request that the budget for LUT staff be increased. We owe due diligence to these issues to future generations and to everyone who has chosen to remain in or move to our beautiful county. Pressures to develop should not cause us to lose what makes Washington County desirable. We are also concerned about protecting urban reserves from having Significant Natural Resource areas destroyed before addition to the Urban Growth Boundary (UGB).

Here are our responses to the "Options and Preliminary Recommendations" in the SNR Report, followed by a few options and recommendations that were not addressed.

1. The CDC standards for proposed development within or near water-related SNRs are subjective.

Clear and Objective Standards must be adopted for development within or near water related SNRs that expand on the Clean Water Services (CWS) Design & Construction Standards. 100% of water related resources, including the vegetated corridor, must be retained.

Preservation of these resources can be accomplished through use of incentives, including a new Planned Development (PD) standard developed for SNRs.

The CWS review should be made more transparent by requiring copies of all wetland applications submitted to CWS to also be sent to the appropriate CPO/s to allow public comment on the material submitted prior to approval of applications.

2. The CDC standards for proposed development within or near Wildlife Habitat are subjective.

Clear and Objective Standards must be adopted for development for Wildlife Habitat SNRs. 100% of Wildlife Habitat SNRs must be retained.

Because we believe it is a conflict of interest for developers to hire consultants to delineate and evaluate Wildlife Habitat, we support a developer fee for a third party delineation and evaluation of this resource.

Preservation of wildlife habitat can be accomplished through use of incentives, including development of a new SNR PD/PUD.

3. The County's existing tree protection and preservation requirements are limited.

We support development of extensive tree protection/preservation for all trees affected by new development applications in urban areas, including adjacent trees whose roots may be impacted by development. Tree cutting in SNRs should be limited to dead or hazardous trees.

We encourage adopting Option C. Increased costs for permits and for staff education will be offset by decreased impact on the long-term health of our environment.

For SNR areas inside the UGB, there need to be penalties for tree removal by landowners before development proposals are made. Unless landowners know that they will be penalized for unauthorized tree removal, this practice will continue.

4. Standards and protections for SNRs and trees in Urban Growth Boundary (UGB) expansion areas are limited.

Annexation into the adjacent city needs to be a condition of approval for new UGB areas. The city can then apply its standards for SNR protections. This will relieve the burden on County staff and ensure consistency in future development impacts. SNR protection is needed the Urban Reserves as soon as designated urban reserves.

5. The County's Goal 5 resources inventory is dated, as it was completed 35 years ago.

We encourage adopting Option C. Not only is the inventory dated, the boundaries are vague, encouraging developers to expand across the imprecise boundaries of some SNRs.

This can be a multi-year phased project. Clear and objective standards will allow better data to be generated in future development files.

Use data from the FEMA update, LIDAR, Metro's Title 13 mapping, conservation easements and approved land use applications with protected and mitigated water resources and Wildlife Habitat to improve mapping and inventory.

6. Tracking of field verified SNR delineations and monitoring of mitigation is inconsistent.

We concur with staff recommendation with the additional comment that while CWS standards may be adequate for protections of riparian areas, they need more transparency. If code enforcement is complaint driven, we need to be sure tracking is up to date and easily accessible to the public. Standards for success of mitigated areas need to be established; tools are needed

to evaluate whether these standards are being met. Mitigation areas should be reviewed every two years at a minimum.

Developers and landowners should not be rewarded for degrading SNRs prior to development application by allowing or causing such degradation. Degraded SNR areas can and should be restored as a condition of development.

7. County submittal requirements for SNR impacts and Habitat Reports lack specificity

We concur with staff recommendation for standardization of submittal requirements, but with a required review by an independent third party.

8. SNR categories vary across jurisdictions, causing inconsistencies and confusion.

We concur with staff recommendation for modification of categories and definitions to improve clarity and regional consistency.

The following comments and suggestions are in addition to staff recommendations.

- • We request the following documents be added to the SNR Report Appendices:
 - The 1977 Oregon Department of Fish and Wildlife protection plan
 - The 2010 Tree Code Group's report
 - The 2005 SNR issue paper, including a summary of the status of any of the solutions listed in the 2005 SNR issues report.
- We are concerned that the Online Open House channeled responses into staff-preferred outcomes. There were no options for those wanting 100% protection or a more aggressive stance in protecting SNRs. There were no opportunities for open comments. We are concerned that responses to the questions from the Online Open House will be used to infer that the public prefers lesser protections. The county's Community Involvement group, CCI should review future surveys to help remove any unintended bias.
- The Report proposes voluntary standards, yet it notes that voluntary standards have not been effective. We need Clear and Objective Standards to give teeth to our SNR protections. Developers need to understand going forward that being allowed to develop in the county is a privilege that carries obligations to comply with our standards.
- Washington County should seek partners (e.g. the METRO Green Spaces program, etc.) in funding to buy some or all of the most significant SNR properties to protect them. An effort should be made to coordinate with Metro and the various park districts to buy and protect our natural resources that are under the highest development pressure.
- A provision for a SNR PD needs to be created for Washington County. When 100% of the SNR is preserved, enhanced, and maintained in good or better condition, this SNR PD would allow:
 - 100% of the SNR area to count as open space
 - Reduction in lot sizes, setbacks, street width, side yards, back yards, increased building heights, allowance for attached units, including multifamily, etc.

- Building at any density on buildable area to meet minimum density requirements based upon the gross acreage and underlying zoning.
- We encourage LUT to begin implementation of recommendations without waiting for the SNR Issue Paper Report to be finalized.

Thank you for your consideration of our recommendations, comments, and concerns. The Washington County Citizen Action Network is eager to be a partner with Washington County as we go forward on these issues.

Sincerely,

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