



WASHINGTON COUNTY PLANNING COMMISSION

Wednesday, April 1, 2015
Area 93 (Bonny Slope West) Advisory Briefing and Discussion

Meeting Summary

Staff presented information on the following topics:

Summary of Bonny Slope West (BSW) Planning Issues

- Staff provided a summary of eight key planning issues presented over the course of the PC briefings related to BSW, along with Planning Commission (PC) feedback and staff perspectives/recommendations related to these issues (summary table attached).

Issue 1: Should the BSW plan designate sites specifically for schools?

- Staff concurs with the PC's recommendation that the Concept Plan should not designate a site specifically for a school.
- Staff's reasoning was that the proposed R6 and R9 residential designations that are being contemplated for BSW both permit schools as allowed uses.
- Applying an institutional designation that would potentially reserve a site for a school would not allow residential development and could be problematic from a legal and equity standpoint.

Issue 2: Should density transfers be allowed in BSW?

- Staff and the majority of the PC agreed that density transfers should be allowed in BSW.
- Staff's reasons for deeming density transfers appropriate include:
 - The Community Development Code (CDC) currently has an allowance for density transfers county-wide except in North Bethany. Minimum dimension and lot standards would continue to apply, limiting how much density could be transferred to buildable portions of a site.
 - The density transfer allowance would provide development flexibility for parcels that contain unbuildable areas.

Issue 3: How should creek visibility and access be achieved?

- The PC supports trails and one or two neighborhood parks and/or pocket parks and portals within BSW.
- Staff concurred with the PC's recommendation to provide creek visibility and access through trails, THPRD acquisition of neighborhood parks and possibly through requirements for private development to provide pocket parks and/or portal connections to trail corridors.

Members of the PC offered the following questions and comments on this topic:

- Will portals be shown on the BSW plan?

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Issue 4: Should park designations be prescriptive or non-prescriptive?

- The PC members provided the following feedback on how parks should be designated:
 - If parks must be designated on the plan the designation should be non-prescriptive.
 - Park designations should be prescriptive, but with flexibility.
 - Staff should consider alternative methods for park designation such as different scenarios or text requirement for percentage or acreage of parks.
 - Prior to development application submittal a developer would be required to provide evidence that a discussion with THPRD has taken place about the provision of park land.
 - A developer would not be required to convey park land to THPRD in order to obtain development application approval.
- Staff recommended a middle ground approach: Potential park areas would be generally shown on the plan map, but would be binding on the property owners whose property the park is mapped.
- Staff noted Metro Title 11 planning requirements relates to parks planning in concept and community planning.
- The majority of the PC recommended not placing prescriptive park locations on the BSW Concept Plan.

Members of the PC offered the following questions and comments on this topic:

- What value does designating a generalized area for a park on the map add to the plan?
- If the plan does not show where potential parks could be located, the community will not know that the county considered parks.
- Providing generalized areas for parks on the plan gives THPRD guidance on where it should consider locating parks in BSW.

Issue 5: How should trails be designated and should they be required in the CWS Vegetated Corridor?

- Some members of the PC provided feedback that trails should be placed within the CWS Vegetated Corridor to provide a more natural experience for the trail user and to utilize land that is not available for residential development.
- Staff recommended a middle ground approach: Include generalized trail alignment on the plan map and include a generalized description of the trail alignment in the plan text.
 - A specific trail alignment would be set with THPRD input and through the development review process.
 - The trail could be located within or outside the Vegetated Corridor depending on the site conditions of the specific site and the development proposal for the specific site.
 - At a minimum, a property would need to not preclude a trail. If development is large enough, dedication of land could be warranted. This is the same as in the rest of the county.

Issue 6: How will landslide susceptible areas be regulated?

- Some PC members had noted that no new restrictions should be applied beyond the current CDC provisions for development in landslide susceptibility areas.

- Staff's recommendation has not yet been determined and is pending the release of the State of Oregon's Department of Geology and Mineral Industries (DOGAMI) landslide susceptibility mapping and report for BSW.
- CDC Section 410-4, which contains the landslide study area requirements, will be the starting point for Bonny Slope West and if DOGAMI's information indicates any major or catastrophic issues staff may consider recommending additional requirements.

Members of the PC offered the following questions and comments on this topic:

- What is an example of what you could learn from the DOGAMI study?
- We have a responsibility to err on the side of caution and to consider the long-term consequences of development within landslide susceptible areas.
- Has draft information received up to this point indicated that there could be greater landslide susceptibility than what Section 410-4 could address?
- Is mapping limited to identifying shallow and deep-seated land?
- Is there additional funding to have a private geotechnical review of DOGAMI's mapping and report?

Issue 7: Can stub streets be maintained as dead ends with urban redevelopment of BSW?

- The PC noted and staff concurred that county, regional and state regulations require new development to provide full street connections and limit closed-end street designs.
- When urban development occurs in BSW the existing streets that dead end along the west edge of BSW will likely be required to extend into BSW.

Issue 8: What methodology should be used to identify riparian corridors?

Staff noted the following:

- Statewide Planning Goal 5 regulations specify a couple of different ways to identify riparian corridors.
- A riparian corridor is a Statewide Planning Goal 5 resource type. It is defined as a resource that includes water areas, fish habitat, adjacent riparian areas and wetlands within the riparian area boundary.
- Riparian areas are defined as areas adjacent to a river, lake or stream consisting of the area of transition from the aquatic ecosystem to a terrestrial ecosystem.
- Goal 5 resources such as riparian corridors and wetlands are identified to comply with the State and Metro's requirements for the planning of new urban areas. Also, because BSW was formerly part of Multnomah County, the BSW riparian areas were not mapped in Washington County's Rural Natural Resource Plan.
- Riparian corridors would be mapped as Significant Natural Resources (SNR) in the BSW Community Plan.
- Properties containing mapped SNR would be subject to the development regulations in CDC Section 422 (Significant Natural Resources).
- The State's Goal 5 Oregon Administrative Rule (OAR) says a local government shall inventory and determine significant riparian corridors by following either the Safe Harbor methodology or the Standard Inventory process.
- The Safe Harbor method uses a uniform setback distance from all fish-bearing lakes and streams.
 - Fish-bearing streams in BSW are limited to the main stem of Ward Creek, which lies south of Laidlaw Road.
 - Therefore, the Safe Harbor setback is 50 feet from the edge of Ward Creek and its associated wetland.
- The Standard Inventory is the other method for determining riparian corridors.

- There are different methodologies that can be used to determine the Standard Inventory under the State's Goal 5 OAR.
 - Pacific Habitat Services (PHS) used the Urban Riparian Inventory and Assessment Guide (URIAG) method in BSW.
 - URIAG breaks the riparian corridors into reaches with similar characteristics and determines the riparian setback based on the dominant riparian tree species located within 100 feet of the water source.
 - The height of the dominant tree species at maturity, which is called the site potential tree height (SPTH) is used as the distance to define the outer riparian boundary.
 - SPTH is used to determine riparian width because it represents a distance in which a tree can still affect a water resource (e.g., provide shade, organic material).
 - The Standard Inventory setbacks, per the URIAG method in BSW, vary between 65 feet and 120 feet.
 - Most of the riparian corridors in BSW would have 120 foot riparian setbacks.
 - The Standard Inventory is not limited to consideration of fish bearing streams; therefore all tributaries are identified as riparian corridors.
- The Safe Harbor and Standard Inventory methods each provide specific recommended setback distances from creeks and tributaries in BSW.
 - This differs from the way that the boundaries for SNR, including riparian areas, are determined in the county's other urban Community Plan areas.
 - In the rest of the county, the delineation of SNR, including riparian areas, occurs at the time a development application is submitted.
 - Mapped SNR locations in Community Plans are based on earlier aerial photos and recognized as inexact.
 - At the time of development application, CDC Section 422 applies.
 - CDC Section 422 requires a development application to delineate the SNR boundary (based on riparian & wetland delineation, determination of plant & wildlife species in resource area, wildlife habitat assessment).
 - CDC Section 422 generally prohibits development within a delineated SNR.
 - The Safe Harbor and Standard Inventory both recommend specific setback distances from the water and the setbacks may not be adjustable through a SNR delineation at the time of a development application submittal.
 - Staff believes non-fish bearing tributaries warrant designation as Washington County SNR because they provide other benefits.
 - A couple of the tributaries are designated as Class I Riparian areas on Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map.
 - Along with the creek, the tributaries are a key place making feature for BSW.
 - The Safe Harbor method applies a uniform 50-foot setback, which may be smaller than warranted by specific site conditions (plants, habitat) adjacent to a stream.
 - The Standard Inventory includes all tributaries, provides more substantive setbacks to protect the resources and would protect the creek and tributaries, which are a primary feature of the area.
 - CWS regulations generally prohibit development within and close to Sensitive Areas.
 - Sensitive Areas include existing and created wetlands, rivers, streams, and springs, whether flow is perennial or intermittent, natural lakes, ponds, and in-stream impoundments.

- Sensitive Areas are protected by Vegetated Corridors.
- CWS' regulations provide water resource protections that overlap to some extent with the county's SNR protections.
- A Vegetated Corridor is defined as a corridor adjacent to a Sensitive Area that is preserved and maintained to protect the water quality functions of the Sensitive Area.
- CWS' regulations generally prohibit development within a Vegetated Corridor.
- Because Vegetated Corridors are a CWS requirement rather than a County requirement, they are not identified in the County's Comprehensive Framework Plan documents.
- The width requirement for a Vegetated Corridor is variable, and depends on the steepness of the slope adjacent to the Sensitive Area.
- In cases where the slopes are less than 25 percent, Vegetated Corridor width ranges from 25 to 50 feet. Where slopes are greater than or equal to 25 percent the Vegetated Corridor width ranges from 50 to 200 feet; and where it falls within that range depends on where the break in the 25 percent slope occurs.
- Vegetated Corridor widths for BSW were estimated using the Clean Water Services measurement methodology.
- In steeply sloped areas, CWS' regulations allow for a reduction in the Vegetated Corridor width in certain circumstances.
- Both the Vegetated Corridor limits and the potential reduced Vegetated Corridor limits include the tributaries, and both are wider than the Riparian Corridor Safe Harbor.
- Staff compared the reduced Vegetated Corridor limits with the limits of the Riparian Standard Inventory to see how much they overlapped.
- Both are fairly similar, although the Riparian Standard Inventory is wider in some locations.

Members of the PC offered the following questions and comments on this topic:

- Why is one of the tributaries on the map not identified as a riparian area?
- What riparian corridor identification methodology has staff shown the PC on maps up until now?
- It appears the Safe Harbor method is measured 50 feet from the creek or wetland and the Standard Inventory is measured from the top of bank.
- How was Section 422 of the CDC applied to other parts of the county in resource areas?
- Did Multnomah County do Goal 5 mapping in BSW?
- To what extent do these methodologies address wildlife habitat?
- Would any area identified as a riparian corridor be eligible for a density transfer?
- It is important to consider how choosing one of the two methodologies impacts property value.
- Would having a small amount of SNR on a property trigger a SNR delineation?
- Could a property re-delineate the SNR boundary as part of a development application?
- If the PC recommended adoption of the Safe Harbor method knowing that CWS' Vegetated Corridor regulations protect more resources, what impact would this have on density transfers?
- The CWS Vegetated Corridor boundary provides certainty in terms of what areas will be protected.
- The Standard Inventory seems to be rather subjective and it would be preferable to use a more objective standard.
- Is there another available methodology to identify riparian areas?

- If PHS notes in its report that there is not a required methodology to identify the riparian corridor width, should the PC rely on the Standard Inventory developed by PHS if it's not an industry-established methodology?

James Crawford, BSW property owner, offered public comment. He made the following points:

- The issue of parks and schools is a sensitive one.
- In 2002 when Metro deliberated the expansion of the Urban Growth Boundary (UGB), a number of people believed BSW should not be included in the UGB so the school and park district could acquire the land in BSW for schools and parks at a lower price.
- Many of the landowners in BSW have options to sell and are willing to donate land along the creek corridor for a park.
- The riparian corridor will potentially contribute to park land and trails.
- He suggested that THPRD discuss with property owners their willingness to enter into an option agreement to site a park.
- If an agreement between THPRD and landowners could be reached, it would make sense for the county to show actual future park locations on the BSW Concept Plan.
- Density transfers from unbuildable lands will not necessarily recoup lost land costs because BSW is farther from urban commercial areas and may not be as desirable a location.
- The CWS Vegetated Corridor setbacks should be respected, but the methodology for delineating riparian areas should also consider existing improvements on land within the Vegetated Corridor that would allow developed area to remain or be replaced in the future.
- The PC needs to understand that density transfer mitigates economic loss for having unbuildable land, it does not eliminate it.

Stacey Wainwright, a property owner to the south of BSW, offered public comment. She made the following points:

- She requested that BSW be zoned for R5 low residential density with no density transfers allowed from unbuildable lands given her concerns about safe roads and school capacity.
- Thompson Road as it extends into Multnomah County has not been studied for traffic safety and there are no plans to upgrade the road.
- She is concerned that Washington County's efforts to improve Thompson Road to an urban standard will not result in a safe and functioning roadway.
- She noted that Metro Title 11 requires a plan that supports bike and pedestrian improvements. She asked that the county collaborate with Multnomah County roadway planning for Thompson Road.
- State laws also require that the county and Beaverton School District (BSD) work together on school facility planning. The county must still address school capacity as it considers zoning densities for BSW.
- Schools that currently serve BSW are overcrowded and it's important that the county consider school capacity as it proposes zoning densities for BSW.

Members of the PC offered the following questions and comments in response to the public comments:

- Showing generalized park areas on the Concept Plan does not necessarily discourage property owners from working with THPRD to site a park.
- What is the status of the BSW Infrastructure Funding Plan?

- Is the county coordinating with Multnomah County on Thompson Road improvement issues?
- Has the county made progress in its discussions with BSD related to implementing a cooperative agreement?
- What density is Ms. Wainwright recommending for the BSW Concept Plan?
- Is it possible for staff to recommend a lower density than R6?
- If density transfers from unbuildable lands are allowed in BSW, approving lower residential densities makes sense because these lands would be developed at a higher future density.