

STAFF REPORT
TYPE IV HEARING - COMPREHENSIVE PLAN AMENDMENT

Environmental Overlay Project – Natural Resource Overlay (NRO) and Hillside and Geologic Risk Overlay (HGRO)

TO: Gresham Planning Commission
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HEARING DATE: November 23, 2020, 6:30 pm
REPORT DATE: November 13, 2020
FILE NUMBER: CPA 20-26000278
PROPOSAL: To adopt comprehensive plan text amendments to Volume 1 (Findings), Volume 2 (Policies), and Volume 3 (Development Code) of the Gresham Community Development Plan (GCDP). These amendments update the GCDP and provide clarification and reorganization of specific sections of the Development Code to simplify its use and make it easier to understand. It also amends several Comprehensive Plan maps to reflect current data and the changes in code language. The changes are as follows:

1. Integrate Habitat Conservation Area (HCA) Code Section into new Natural Resource Overlay section
2. Integrate Environmentally Sensitive Restoration Area-Pleasant Valley (ESRA-PV) Code Section into new Natural Resource Overlay section
3. Integrate Environmentally Sensitive Resource Area-Springwater (ESRA-SW) Code Section into new Natural Resource Overlay section
4. Adopt the Natural Resource Overlay (NRO) code and Map
5. Change the name of the Hillside Physical Constraint Code Section to Hillside and Geologic Risk Overlay (HGRO) and adopt amended code and map.

- EXHIBITS:**
- A. Proposed Comprehensive Plan (GCDP) Text Amendments
 - B. Proposed Comprehensive Plan (GCDP) Map Amendments
 - C. Citizen Involvement and Outreach Summary
 - D. Measure 56 Notice and Mailing List
 - E. Economic, Social, Environmental and Energy Analysis
 - F. Working Draft of the Gresham Environmental Technical Guidance Manual
 - G. Memorandum Regarding Infrastructure Capacity

RECOMMENDATION:

Staff recommends **adoption** of the proposed comprehensive plan text and map amendments as contained in the attached Exhibits 'A' and 'B'.

DRAFT

SECTION I

EXECUTIVE SUMMARY

The proposed changes will implement the culmination of a multi-year review of the City's environmental protection regulations, a project titled Environmental Overlay Project (EOP) that began in 2016. This project was developed as a multi-year multi-component program to a) update environmental mapping models; b) identify and implement Development Code (Code) and development review process changes to make them easier to understand, more efficient to navigate, and more responsive to an evolving development climate; while c) minimizing changes to existing levels of environmental habitat, water quality, and scenic value protections. Additionally, the code strengthens protections from natural hazards such as those from flood, wildfire, and landslides.

The project began on June 21, 2016 with the approval of a contract with Angelo Planning Group to update and revise Floodplain, Habitat Conservation Area (HCA), Environmentally Sensitive Restoration Area Pleasant Valley (ESRA-PV), and Environmentally Sensitive Resource Area-(ESRA-SW) code sections and their associated GIS geoprocessing models.

The first Phase of the EOP concluded with an update of the City's Floodplain provisions to meet Federal Emergency Management Agency Floodplain Insurance Risk Map requirements (CPA 18-26000396) and went into effect in January of 2019. This second and current phase of the project proposes updates to the City's Natural Resource and Hillside protection regulations.

The Type IV review of the current phase of the project was ordered by Council on February 5, 2019. The project goals for this phase are to:

- Maintain overall levels of natural resource protection equivalent or better than the HCA and ESRA codes being replaced; no significant alteration to the degree of wetland, stream, riparian and upland protection currently provided
- Update landslide risk protections based on new and improved data
- Update City code to comply with state and federal regulations
- Improve development guidelines to help protect natural areas
- Simplify mapping to clearly identify environmental zones or overlay areas
- Streamline the review and permitting process, especially for housing.

Figure 1 – Project History

2016	<ul style="list-style-type: none"> Project authorized by Council Stakeholder meetings 	Review and update riparian buffers and adopt floodplain Code and Map issues discussed to inform alternatives
2017	<ul style="list-style-type: none"> Alternatives reviewed Direction decided 	Discussion with Metro to ensure the chosen alternative was substantially compliant with Titles 3 and 13
2018	<ul style="list-style-type: none"> Natural resource modeling FEMA mandate 	Stream layer updated, remote sensing and field verifications Floodplain needed to be processed separately
2019	<ul style="list-style-type: none"> Floodplain adoption Landslide risk modeling 	New DOGAMI study provided landslide risk data and DLCD published landslide land use guide
2020	<ul style="list-style-type: none"> Draft Code and Maps Public Outreach Adoption 	

The project includes Volume 3 Development Code (GCDC) updates which provide language clarifications, reformatting, reorganization of specific Code sections, and updates to comply with state laws. These updates will result in a Code that is easier to understand and navigate and better complies with state and federal requirements. The code intends to continue an equivalent or better level of protection that meets Oregon State planning Goal 5 (Natural Resources), Goal 6 (Natural Resource and Water Quality), and Goal 7 (Natural Hazards). It intends to continue an equivalent or better level of protection that complies with Metro Urban Growth Management Functional Plan (UGMFP) Title 3 (Water Quality and Flood Management) and Title 13 (Nature in Neighborhoods). Changes are also evaluated for consistency with Oregon Goal 1 (Citizen Involvement), Goal 2 (Land Use), Goal 10 (Housing), Goal 12 (Transportation), Metro Title 1 (Housing Capacity), Title 8 (Compliance Procedures), and Title 11 (Planning New Urban Areas).

The primary proposed changes involve:

- i. Combining three separate environmental regulatory frameworks applied differently in three separate planning areas into one
- ii. Combining three separate Title 13 natural resource mapping models into one
- iii. Providing a Type I process for review of required environmental regulations for single-family detached and duplex housing on pre-existing lots of record
- iv. Providing a clear and objective environmental review track for all housing projects
- v. Allowing development through a discretionary review process that uses a more robust Environmental Impact Evaluation and Alternatives Analysis
- vi. Improving tree management procedures in environmental overlay areas including introducing wildfire risk management considerations

- vii. Improving incentives for avoiding development in and preserving environmentally sensitive areas, including a more effective option to transfer density of development to other areas
- viii. Tying protections on hillsides to the extent of landslide risk hazard rather than purely slope ratio
- ix. Extending the requirement for geotechnical review to less complex projects in landslide risk areas and requiring geotechnical issues be taken into consideration during building, grading, and land division design (e.g. introducing a more explicit geotechnical engineer certification of safety)
- x. Ensure that the natural resource and hillside overlay maps are based on the most current and accurate GIS data available.

Amendments to the Gresham Community Development Plan's (GCDP) Volume 1 (Findings), Volume 2 (Policies), and Volume 3 (Development Code), are described in the following section titled "Proposed Comprehensive Plan Amendments Overview". Throughout this staff report, as in the GCDP, the synonymous terms "GCDP" and "Comprehensive Plan" are used interchangeably. Similarly, "GCDC", "Development Code", and "Volume 3 of the GCDP" are terms used interchangeably to refer to the same document.

Citizen Involvement and Outreach

The Planning Commission and City Council have reviewed the project direction intermittently over the past three and a half years. Staff has incorporated their direction at every step of the process and their proposed priorities have been considered as well. The second phase of the project that proposes updates resulting in new Natural Resources Overlay and Hillside and Geologic Risk Overlay sections included 14 public meetings and outreach events as outlined in Exhibit C (Citizen Involvement and Outreach), including:

- **City Council:** June 21, 2016 (Kickoff by Consent Agenda; October 10, 2017 (Work Session); and forthcoming December 15, 2020 (Public Hearing))
- **Planning Commission:** February 27, 2017; January 27, 2020 (Work Session); September 14, 2020 (Work Session); November 23, 2020 (Public Hearing)
- **Metro Regional Government Stakeholder Meeting:** September 29, 2020
- **Urban Forestry Subcommittee:** September 21, 2020
- **Public Work Sessions:** September 17, 2020 (Afternoon and Evening Presentations)
- **Environmental Stakeholder Meeting:** October 24, 2016, September 16, 2020
- **Developers Stakeholder Meeting:** October 24, 2016, September 14 and September 28, 2020
- **Coalition of Gresham Neighborhood Associations:** September 8, 2020; January 14, 2020; May 9, 2017
- **General Outreach:** Project website, direct mailing to the owners of impacted property, City

website calendar meeting notices, social media, and e-newsletter updates. Statutory notices were also mailed to impacted property owners (i.e. hearing and measure 56 notices)

Notice of the Development Code changes were sent to the Department of Land Conservation and Development (DLCD) and Metro on October 19, 2020, complying with the requirement to provide such notice at least 35 days before the first evidentiary hearing. Notice of the November 23, 2020 Planning Commission hearing was published in the Gresham Outlook on November 13, 2020. Notice of the December 15, 2020 City Council hearing will be published in the Gresham Outlook no later than December 4, 2020. Measure 56 notice was sent on October 19th (Exhibit D).

Proposed Comprehensive Plan Amendments Overview

The overview provided below summarizes the changes proposed to the Gresham Community Development Plan (GCDP). The plan consists of three volumes—Volume 1 “Findings”, Volume 2 “Policies”, Volume 3 “Development Code”. The full text of the proposed updates is provided in Exhibit ‘A’ (formatted in ~~strikeout~~/underline) and its attachments.

Volume 1 – Findings

Various sections of the GCDP Volume 1 were updated to reflect the most recent demographic and topographic data available. Sections involving natural resource management, stormwater management, and parks and open space in the new urban area communities of Pleasant Valley and Springwater are also substantially altered to coordinate the Volume with recent policy changes reflected in the Gresham Parks and Recreation, Trails and Natural Areas Master Plan (2009); Stormwater Management Manual (2019); and System Development Charges parks funding methodology for Pleasant Valley and Springwater (2017 & 2020). The sections updated and a short description of the change are listed in [Regulatory Findings Subsection B](#), of this staff report.

Volume 2 – Policies

The following amendments to Volume 2 of the GCDP are proposed. All sections of Volume 2 are amended to update references to the newly proposed Natural Resource Overlay (NRO) and Hillside Geologic Risk Overlay (HGRO) terminology.

- Section 10.014 Goal 2 – Land Use Planning, Land Use Policies and Regulations, and Community Design amended to explicitly clarify the functions provided by trees in the urban and natural environment.
- Section 10.200 Areas Subject to Natural Hazards amended to remove a description of the protections offered by the Hillside Physical Constraint Overlay district and higher landslide risk areas, both of which are being replaced by the HGRO.
- Section 10.211 Steep Slopes and Landslides substantially altered to better represent the current scientific literature and data, as well as to rely on DOGAMI IMS-57 landslide susceptibility and hazard mapping. The specific man-made activities of excavation/grading, drainage alterations, and vegetation removal are flagged as activities to regulate for their potential to increase landslide risk in areas of concern. The HGRO terminology and new overlay map is introduced to

replace the Hillside overlay. Policies and action measures are substantially altered (Exhibit A, Council Bill Volume 2 Page 5).

- Section 10.212 Earthquake Hazards is updated to acknowledge that the comprehensive plan and development code do not have provisions directly mitigating earthquake hazards. The proposed HGRO provisions mitigate for potential landslides which could be triggered by earthquakes. The building code has independent provisions that concern earthquake risk mitigation.
- Section 10.221 Natural Resources, Fish and Wildlife Habitat, Water Resources and Ecologically and Scientifically Significant Areas amended to update the basis of environmental protections away from the 1988 Inventory of Significant Natural Resources and Open Spaces. It is amended to add reference to the updated and evolving resource inventories now available based on a combination of GIS analysis, field review, and comparison with aerial photos. Policy and implementation strategies are substantially altered.
- Section 10.230 Environmental Quality amended to elaborate on the status of Gresham's water quality impairment and efforts to improve water quality and habitat features for Endangered Species Act protected fauna. Language is introduced that clearly establishes the directive for new development to protect and restore existing habitat, as well as to mitigate for unavoidable impacts. This includes updates to total maximum daily loads (TMDL), well field protection, and underground injection control (UIC) prerogatives. Ties to Metro's early 2000's GIS modeling of natural resources and its model ordinance are severed in favor of updated modeling based on more accurate and precise data, as well as streamlined code strengthened by ten years of experience applying the current regulations. Added reference to the 2019 updated Gresham Stormwater Management Manual, previously updated in 2003. Policy and action measures are substantially altered.
- Section 10.330 Public Facilities and Services amended to update reference to the proposed NRO and delete reference to the obsolete Water Quality Resource Areas (WQRA).
- Section 10.400 The Social Environment amended to add reference to the 2009 updated Parks and Recreation, Trails and Natural Areas Master Plan. It also references the 2015 update to Appendix J of that master plan regarding the regional and local trail network, last updated in 1996. Also references the Active Transportation Plan adopted in 2018.
- Section 10.700 (Pleasant Valley Plan District), 10.704 (Employment), 10.705 (Natural Resources), 10.706 (Green Development), and 10.707 (Cultural and Natural History) within the Pleasant Valley Plan District amended to replace the Environmentally Sensitive Resource and Restoration Area (ESRA) terminology and code provisions with the newly proposed NRO.
 - Also updates acreage calculations for the plan area to be specific to Gresham's portion of the Pleasant Valley regional plan area, which originally included portions of unincorporated Clackamas (i.e. Damascus) and future City of Portland. Explicitly introduces the HGRO regulations to apply in the Pleasant Valley plan district area as the regulatory framework that will protect from landslide risk hazards and provide scenic preservation of butte skylines.

- Includes a shift in policy away from large regional stormwater facilities in favor of smaller localized facilities. This reflects a City Council enacted policy change from 2017, adopted as part of SDC methodology updates and an updated Stormwater Master Plan.
- Removes the specific long-term objective to vacate vehicular function of Foster and Richey roads at the confluence of Kelley Creek. Habitat protection goals for that area will be met by a revised NRO mapping and updated code standards. Policies and action measures are substantially altered.
- Section 10.720 Pleasant Valley Plan District (PVPD) Public Facilities amended to shift away from a regional stormwater facility approach in favor of smaller localized facilities as described above. Removal of City of Portland as an implementation stakeholder in the stormwater master plan and SDC collection implementation.
- Section 10.724 PVPD Parks and Recreation System amended to update the parks capital improvement inventory quantity of parks by type and total acreage. The general location and sizing of neighborhood and community parks in Pleasant Valley have been deleted. Maintains reference to Figure 1 of the Pleasant Valley Plan District Plan (GCDP Appendix 42) which calls for 8 neighborhood parks and 1 community park spread out within the Pleasant Valley plan area.
- Section 10.800 Springwater Plan District, 10.803 (Sustainability), 10.805 (Transportation), and 10.806 (Natural Resources) amended to replace the ESRA terminology and code provisions with the newly proposed NRO.
 - The policy shift away from regional stormwater facility approach in favor of smaller localized facilities as done for Pleasant Valley, also applied here.
 - Removes references to outdated stormwater infrastructure cost estimates.
 - Removes references to coordination with the now defunct City of Damascus.
 - Removes references to the phased-out City of Gresham Parks division.
 - Removes detailed conceptual descriptions of several Springwater trails, which are now covered more generally in Appendix J of the Parks Master Plan (2015).
 - Removes policy that Metro- owned natural area preservation properties be automatically designated as Open Spaces under the City's Open Space overlay; these areas will instead be protected by the mapping designations and regulations of the newly proposed NRO and HGRO environmental overlays.
- Section 10.900 Kelley Creek Headwaters Urbanization Plan amended to remove a description of the protections offered by the Hillside Physical Constraint Overlay district and Habitat Conservation Areas (HCA), both of which are being replaced by the HGRO and NRO, respectively.
- Appendix A Future Land Use Implications amended to replace the Hillside overlay and HCA with the newly proposed HGRO and NRO, respectively.
- Appendix B Urban Services Boundary Map is amended to reflect new zoning designations in Pleasant Valley and Springwater.

- Appendix C Community Development Plan Map is amended to account for modification to the methodology to determine base zoning designations in Pleasant Valley and Springwater for those areas shifting from Environmentally Sensitive Resource and Restoration Areas (ESRAs) to the proposed NRO overlay. This change results in a slight increase in residential, commercial, and industrial buildable lands inventory (BLI) for both Pleasant Valley and Springwater new urban communities (Refer to [Table VI.1](#) below).
- Appendix D Community Development Special Purpose District Maps are updated to reflect the location of protected natural resources and potential natural hazard areas based on more accurate, precise, and contemporary GIS modeling data. The NRO modeling is performed under one consistent methodology that replaces three separate, inconsistent, and obsolete methodologies (i.e. HCA, ESRA-PV, ESRA-SW).
- Appendix I Springwater – Slopes over 15 Percent Map is deleted. Areas of landslide hazard risk in Springwater will be mapped under the HGRO special purpose district instead.

Volume 3 – Development Code (GCDC)

The proposed Natural Resource Overlay (NRO) development code provisions stem from and are based heavily on the existing Habitat Conservation Area (HCA) regulations. The HCA regulations became effective in 2009 and were themselves based on the Metro Regional Government’s Title 13 (“Nature in Neighborhoods”) Model Ordinance. The proposed NRO also borrows from the Environmentally Sensitive Resource and Restoration Areas (ESRAs) regulations, which were developed between 1999 and 2005 in accordance with Metro’s Title 3 (Water Quality and Flood Management) and State land use Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) guidance. Additionally, the Hillside and Geologic Risk Overlay (HGRO) is proposed to replace the existing Hillside Physical Constraint Overlay district which was originally enacted in 2003. The proposed HGRO borrows from the NRO and tailors regulations specifically to the reduction of risk associated with landslides, as evaluated by Oregon Department of Geology and Mineral Industries (DOGAMI) in its IMS-57 publication (2018). Both the NRO and HGRO have been structurally organized to provide greater consistency and clarity in applying the environmental overlay provisions in Article 5 (Overlay District) of the Gresham Community Development Code (i.e. Volume 3, GCDP).

The following amendments are proposed. All sections of Volume 3 were amended to update references to the newly proposed Natural Resource Overlay (NRO) and Hillside Geologic Risk Overlay (HGRO) terminology.

- Section 3.0100 Definitions is amended to place all relevant Article 5 definitions under the subsection 3.0120. Missing terms have been added and some current terms have been further clarified.
- Section 4.0100 Residential Land Use Districts amended to correct references to the proposed NRO and HGRO.

- Section 4.1300 Gresham Butte Plan District amended to correct reference to the proposed HGRO.
- Section 4.1400 Pleasant Valley Plan District amended to correct references to the proposed NRO and HGRO
 - Section 4.1430 - 4.1454 Pleasant Valley Plan District Environmentally Sensitive Restoration Areas is deleted and replaced by proposed Section 5.0700 (NRO)
- Section 4.1500 Springwater Plan District amended to correct references to the proposed NRO and HGRO
 - Section 4.1570 – 4.1594 Springwater Plan District Environmentally Sensitive Resource Areas is deleted and replaced by proposed Section 5.0700 (NRO)
- Section 5.0000 Purpose and Authority is amended to correct references to the proposed NRO and HGRO
- Section 5.0100 Floodplain Overlay District is amended to correct references to the proposed NRO and HGRO.
- Section 5.0200 Hillside Physical Constraint Overlay District is replaced with a proposed Section 5.0200 Hillside and Geologic Risk Overlay (HGRO)
 - Updates City code to comply with state and federal regulations
 - Simplifies mapping to clearly identify overlay areas
 - Ties hillside protections to the extent of landslide risk hazard rather than purely slope ratio
 - Streamlines the environmental review and permitting process
 - Provides a clear and objective environmental review track for all housing projects
 - Allows development through a discretionary review utilizing a more robust Environmental Impact Evaluation and Alternatives Analysis
 - Improves tree management procedures in environmental overlay areas including introducing wildfire risk management considerations
 - Extends the requirement for geotechnical review to less complex projects in landslide risk areas and requires geotechnical issues be taken into consideration during building, grading, and land division design (e.g. introducing a more explicit geotechnical engineer certification of safety)
 - Improves development guidelines to help protect natural areas.
- Section 5.0400 Habitat Conservation Area (HCA) Overlay District is replaced by proposed Section 5.0700 Natural Resource Overlay (NRO)
- Section 5.0700 Natural Resource Overlay (NRO) is newly proposed

- Updates City code sections related to natural resources and hillsides to comply with state and federal regulations
- Simplifies mapping to clearly identify overlay areas
- Streamlines the review and permitting process
 - Provides a clear and objective environmental review track for all housing projects by allowing clear disturbance limited and mitigation ratios.
- As in current code, a list of small scale or continuation and maintenance type of uses and activities will be eligible for exemption from land use permit review
- Requires certain areas of the City with high probability of containing unknown wetlands to conduct a wetland determination prior to certain development or redevelopment
- As before, two alternative sets of development standards will apply:
 - Clear and objective standards where the applicant must meet a number of specific development standards. These include a percentage limitation on the amount of habitat that can be disturbed, standards for proposed partitions, subdivisions, and commercial construction, and specific mitigation standards for replacing impacted natural resource areas.
 - Discretionary standards that are general guidelines without the limitations of the specific standards. These basically require the applicant to demonstrate that 1) there is no way to avoid building in the habitat, 2) that the design of the development, after analyzing alternative designs, minimizes impacts to the various functions of the habitat and 3) that any loss of habitat functions will be mitigated.
- Allows development through a discretionary review utilizing a more robust Environmental Impact Evaluation and Alternatives Analysis
 - Further clarifies the standards for approval of an alternatives analysis
- As before, maintains a requirement for certain development inside or within 50 feet of the NRO to prepare and abide by a construction management plan to avoid damage to protected habitat
 - Construction management plan elements are strengthened
- Metro Title 3 (Water Quality and Flood Management) areas will continue to be protected primarily as High Value Resource Area (HVRA), as well as via floodplain standards of GCDC 5.0100
 - Development within these HVRA areas is either prohibited or highly restricted
- As with current code, requires on-site mitigation with tree, shrub, and ground cover vegetation

- Introduces flexibility in complying with mitigation requirements to better respond to site specific micro-ecologies and to permit payment in-lieu in certain limited situations
- Section 6.0000 Introductory Provisions is amended as follows:
 - Broadens the scope of subsection 6.0012 (Lots in Excessive Slopes). These standards will no longer be based on a 15 percent slope threshold but will instead be based on any areas subject to or within the HGRO.
 - Provides flexibility to developers and applicants with recently approved land divisions to proceed with construction based on regulations in effect at the time of their tentative plan land division application date, or instead choose those regulations subsequently enacted.
- Section 6.0300 Planned Developments amended to tie planned development standards (including setbacks and density transfers) in the HGRO to be subject to environmental designation other than slope ratio. Also increases the site grading allowance from 35 percent to 55 percent. The site grading allowance will no longer be based on areas with greater than 15 percent slope. It will instead be based on all areas designated as HGRO.
- Section 8.0300 Institutional Master Plans amended to correct references to the proposed NRO and HGRO
- Section 9.1000 Tree Regulations amended as follows:
 - Proposed code generally exempts areas subject to the NRO and HGRO from these standard tree regulations. Only areas within approved permanent disturbance areas and required trees will continue to be subject to 9.1000 tree removal and protection regulations. All other trees within the proposed NRO and HGRO will have tree removal, protection, and mitigation measures explicitly regulated within the NRO and HGRO environmental overlay codes.
 - Removes prohibition on clear cutting for slopes over 15 percent by decoupling the codes. HGRO tree standards will protect sloped hillsides from clearing.
 - Removes retention criteria for trees to be retained along Water Quality Resource areas (WQRA's), an obsolete environmental overlay layer. Retention will instead be required in accordance with newly proposed, and much stronger High Value Resource Area (HVRA) regulation.
 - Removes "Hazard" trees in overlay classification and replaced with "dangerous" tree removal classification as a Type I--no pre-application conference requirement--permit with decision by the manager.
- Section 10.0900 Renewable Energy amended to correct references to the proposed NRO and HGRO.

- Section 11.0100 Development Permit Requirements amended to correct references to the proposed NRO and HGRO. Also specifies that any emergency action taken within an environmental overlay that results in permanent disturbance must submit for a development permit within 1 year of the action if the emergency action would otherwise have required a development permit.
- Section 11.0200 Initiation and Classification of Applications amended to update the development permit review classifications as follows:
 - Re-sorts classifications for floodplain, removes classifications for HCA & ESRA, and adds classifications for NRO
 - Adds a programmatic tree removal permit classification as a Type II permit with decision by the manager, not requiring pre-application meeting or early neighborhood meeting
- Section 12.0000 Plan Map Amendments and Amendments to Map Boundaries amended to match land use review process for NRO map adjustments with the procedures outlined in Article 5; Map corrections can be processed as a Type I rather than a Type II action.

Staff Report Organization

- Sections [II](#) and [III](#) identify those current Gresham Community Development Plan procedures and policies that apply to the proposal.
- Section [IV](#) identifies the Metro Urban Growth Management Functional Plan (UGMFP) Titles that apply to the proposal.
- Section [V](#) identifies the Oregon Statewide Planning Goals that apply to the proposal.
- Section [VI](#) contains specific regulatory findings that detail how the proposal is consistent with Sections II through V:
 - [Subsection A](#) are regulatory findings for the Gresham Community Development Plan - Volume 3 (Development Code) procedures.
 - [Subsection B](#) are regulatory findings for the demographic data updates to Gresham Community Development Plan - Volume 1 (Findings).
 - [Subsection C](#) are regulatory findings for the Gresham Community Development Plan - Volume 2 Community Development Plan (Goals and Policies).
 - [Subsection D](#) are regulatory findings for the Metro UGMFP Titles.
 - [Subsection E](#) are regulatory findings for the Oregon Statewide Planning Goals.
- Sections [VII](#) and [VIII](#) summarize staff conclusions and recommendations.
- Exhibit 'A' and its attachments include the proposed Gresham Community Development Plan text amendments.
- Exhibit 'B' includes the proposed Gresham Community Development Plan map amendments.

- Exhibit ‘C’ describes citizen involvement and outreach efforts in high-level detail.
- Exhibit ‘D’ provides a record of the completed Measure 56 notice.
- Exhibit ‘E’ consists of the State required Goal 5, Title 3, and Title 13 Economic, Social, Environmental and Energy (ESEE) Analysis that informs equity considerations for the proposed regulatory approach.
- Exhibit ‘F’ Consists of the Gresham Environmental Technical Guidance Manual, which, though mentioned in the Overlay codes, will be an independent document, adopted by Council, and subject to change. The document will:
 - serve as a repository of Best Management Practices for habitat restoration, wildfire risk management, and landslide risk management.
 - serves as a compilation of the detailed processes timelines, forms, and available options for meeting the intent of the regulatory language, and
 - facilitate understanding of and compliance with the technical Gresham Development Code Standards,

SECTION II

APPLICABLE COMMUNITY DEVELOPMENT CODE (GCDC) PROCEDURES

- [Section 11.0200](#) Initiation and Classification of Applications
- [Section 11.0600](#) Type IV Legislative Procedures
- [Section 11.1000](#) Public Hearings

SECTION III

APPLICABLE COMMUNITY DEVELOPMENT PLAN (GCDP) GOALS & POLICIES

- [Section 10.014](#) Land Use Policies and Regulations
- [Section 10.100](#) Citizen Involvement
- [Section 10.200](#) Natural Hazards
- [Section 10.210](#) Areas Prone to Flooding
- [Section 10.211](#) Steep Slopes and Landslides
- [Section 10.212](#) Earthquake Hazards
- [Section 10.221](#) Natural Resources
- [Section 10.230](#) Environmental Quality
- [Section 10.232](#) Water Resource Quality
- [Section 10.235](#) Thermal Pollution
- [Section 10.315](#) Open Space
- [Section 10.320](#) Transportation System
- [Section 10.330](#) Public Facilities and Services
- [Section 10.333](#) Stormwater Management
- [Section 10.400](#) The Social Environment
- [Section 10.600](#) Housing
- [Section 10.700](#) Pleasant Valley Plan District

Section 10.720	Public Facilities (PVPD)
Section 10.800	Springwater Plan District
Section 10.900	Kelley Creek Headwaters Urbanization Plan
Appendix A	Future Land Use Implications
Appendix B	Urban Services Boundary Map
Appendix C	Community Development Plan Map
Appendix D	Community Development Special Purpose District Maps
Appendix I	Slopes Over 15 percent Map

SECTION IV

APPLICABLE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLES

Title 1	Housing Capacity
Title 3	Water Quality and Flood Management
Title 8	Compliance Procedures
Title 11	Planning for New Urban Areas
Title 13	Nature in Neighborhoods

SECTION V

APPLICABLE OREGON STATEWIDE PLANNING GOALS

Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 5	Natural Resources, Scenic and Historic Areas, and Open Spaces
Goal 6	Air, Water and Land Resources Quality
Goal 7	Areas Subject to Natural Hazards
Goal 10	Housing
Goal 12	Transportation

SECTION VI

REGULATORY FINDINGS

The proposed Community Development Plan text amendments included as Exhibit ‘A’, plan map amendments included as Exhibit ‘B’, and their attachments are consistent with all applicable procedures, goals and policies of the Community Development Plan, applicable Titles of the Metro Urban Growth Management Functional Plan, and applicable Statewide Planning Goals as indicated in the following findings.

A. Community Development Code Procedures
Section 11.0200 Initiation and Classification of Applications

Section 11.0201 – Initiation of an Application.

This section provides that the City Council may initiate a Type IV legislative application to amend Volume 1 (Findings), Volume 2 (Policies), and Volume 3 (Development Code) of the Community Development Plan and likewise with amendments to Community Development Plan Maps (zoning maps). This project was initiated by City Council as part of the Environmental

Overlay Code Revisions project on June 21, 2016. This NRO/HGRO phase of the project was initiated under Type IV procedures on February 5, 2019. City Council will review these amendments at a hearing on December 15, 2020.

Sections 11.0203 and 11.0204 – Classification of Applications and Review Authorities.

These sections provide that Type IV procedures are legislative and typically involve the adoption, implementation or amendment of policy by ordinance and that it generally applies to a relatively large geographic area containing many property owners. They also provide that the Planning Commission provide a recommendation on Community Development Plan Amendments and the City Council be the decision-making authority. This project meets those conditions and is being processed under the Type IV procedures and will be heard by both the Planning Commission and the City Council.

Section 11.0600 – Type IV Legislative Procedures.

11.0602(A)&(B) Pre-Application and Neighborhood Meetings.

These meetings are not required of Type IV legislative applications. However, as explained in the citizen involvement and outreach section, several community engagement meetings were held between 2016 and the Planning Commission hearing in November of 2020.

11.0602(C) Application Initiation

This section provides that the City Council may initiate a Type IV legislative application to amend the text of the Community Development Plan. This project was initiated by City Council as part of the Environmental Overlay Code Revisions Project on June 21, 2016. This NRO/HGRO phase of the project was initiated by adoption of the 2019 Council Work Plan on February 5, 2019.

11.0602(D)(1) Type IV Public Notice for Comprehensive Plan Amendments

(a) For a Type IV Comprehensive Plan Amendment this section requires a submittal to the DLCDC and Metro at least 35 days prior to the Planning Commission hearing. This submittal was made on October 19, 2020, which is at least 35 days prior to the Planning Commission hearing date of November 23, 2020.

(b) The section requires notice to owners of properties for which the application affects permissible uses of land. Some areas along protected streams, wetlands, and upland with previous ESRA prohibitions on use will now have “permitted uses” under their newly assigned base district designation. Development of those uses will be restricted by the proposed NRO overlay that will affect most of the areas receiving the zone change. Areas with the High Value Resource Area (HVRA) designation will continue to generally prohibit all development and use, with minimal exceptions.

All areas throughout the City of Gresham that will now be subject to the newly proposed NRO/HGRO overlays, while not directly affected by restrictions on permissible uses, will be indirectly affected by the degree that those permitted uses can be developed. Staff prepared and mailed Measure 56 notices (Exhibit D), as well as hearing notices to all properties affected.

(c) This section also requires that at least 10 days before the initial hearing, a notice be published in a newspaper of general circulation in the city and copies of the hearing notice made available in City Hall. Required notice of public hearing for these proposed amendments will be published in the *Gresham Outlook* no later than November 13, 2020 and made available through City Hall as required by this section.

11.602(E) Type IV Decision Authority and 11.602(F) Type IV Notice of Decision

This section requires that the Planning Commission shall hold a public hearing and make a recommendation to the Council for an amendment to the Community Development Plan. The Council shall hold another public hearing and make a final decision. Interested persons may present evidence and testimony relevant to the proposal. The Planning Commission will make a recommendation and the Council will make a decision that will be based on findings contained in this report and in the hearings record, and a decision will be sent to those who participated in the hearings. A decision shall be made accompanied by findings and an order.

Section 11.1000 - Public Hearings.

This section provides for a hearing process consistent with Section 11.1000. Both the Planning Commission and the City Council, at public hearings in conformance with provisions of this section, will consider this proposal.

B. Community Development Plan Findings (Volume 1)

Various sections of the Volume I Findings segment of the GCDP were updated to reflect the most recent demographic and topographic data available. The sections updated and a short description of the change are listed here. The following amendments are proposed:

- Section 2.200 Physical Constraints
 - Regulation by steepness of slope is replaced by regulation based on a GIS model accounting for both, slope steepness and DOGAMI IMS-57 risk evaluation
 - Emphasis on landslide risk regardless of slope, rather based on DOGAMI IMS-57 risk model
- Section 2.300 Natural Resources
- Regulation by steepness of slope is replaced by regulation based on a GIS model accounting for both, slope steepness and DOGAMI IMS-57 risk evaluation
- Section 3.100 Current Land Use Characteristics
 - Update reference to new NRO, HGRO, and Highly Sloped Subareas (HSS)
 - Removal of density transfer in Hillside, except as allowed in Planned Developments
 - Removal of clear cutting of timber prohibition within proposed HGRO; tree removal will be regulated under new, stricter provisions that allow flexibility with removal only within approved permanent disturbance areas.

- Section 5.320 Special Districts and Agency Involvement
 - Updated reference to US Department of Agriculture, Natural Resource Conservation Service (Formerly U.S. Soil Conservation Service)
- Appendix 42 Pleasant Valley Plan District
 - Substituted the Environmentally Sensitive Resource and Restoration Areas (ESRAs) regulatory framework with the proposed NRO
 - Removal of Neighborhood Transition Design Areas, which were design standards buffering the former base district zone ESRA; areas within 50 feet of the new RA are regulated to ensure development provides adequate construction management plans. The design feature to locate roads directly adjacent to NROs where feasible continues to be encouraged as part of NRO
 - Adds reference to the 2020 ESEE analysis for this project (Exhibit E) and adoption of the proposed NRO/HGRO
 - Updates expected buildable lands inventory to reflect ESRA zone changes and density transfer provisions
 - Additional 71 Residential Units for a total of 5,110 units
 - Additional 3 acres of Commercial land for a total of 52 acres
 - No additional Industrial acres for a continued total of 38 acres
- Appendix 43 Pleasant Valley Natural Resources
 - Updated to reference the NRO and ESSE Analysis
- Appendix 44 Springwater Community Plan
 - Adds reference to the 2020 ESEE analysis required by Metro UGMFP to address Titles 3 and 13 (Exhibit E) and adoption of the proposed NRO/HGRO
 - Updates the Metro Title 11 compliance report to refer to the proposed NRO/HGRO terminology and natural resource protection objectives. Removes references to obsolete Water Quality Resource Areas (WQRA)
 - Updates expected buildable lands inventory to reflect ESRA zone changes and density transfer provisions
 - Additional 48 Residential units for a total of 1,720 units
 - Additional 2 acres of Commercial land for a total of 14 acres
 - Additional 18 acres of Industrial land for a total of 392 acres
- Appendix 45 Springwater Community Plan Natural Resources Report
 - Updated to reference the NRO and ESSE Analysis

- Appendix 46 Springwater Community Plan Annexation and Development Strategies
 - No change
- Appendix 47 Kelley Creek Headwaters Urbanization Plan Findings
 - Adds reference to the proposed NRO/HGRO
 - Updates Title 11 compliance report to refer to the proposed NRO/HGRO terminology and natural resource protection objectives. Removed references to obsolete WQRA.
 - Deletes City’s commitment to include volunteer and grant funded measures to restore habitat areas in Kelley Creek Headwaters Plan Area
 - Protection and restoration will be per NRO standards performed by developers at time of development and through regular volunteer and grant funded restoration performed by Natural Resources Department out of their normal operating budget, per the Natural Resource Master plan.
 - Conserves expected BLI, since the Kelley Creek Headwaters new urban community area will have negligible change in residential BLI given that the transition from HCA to NRO is nearly one to one, and the density transfer provisions will materialize over a small area.
 - 0 additional Residential units for a total of 48 units.
- Appendix 48 Urban Forestry Management Plan Summary Report
 - Revises reference to the proposed NRO
- Appendix 50 Gresham Butte Scenic View Overlay District
 - Revises reference to the proposed HGRO and NRO

C. Community Development Plan Goals and Policies (Volume 2)

This section identifies the applicable Community Development Plan goals and policies. The text (*italicized*) of the policy is followed by corresponding findings and conclusions. Double underlined text is text proposed for amendment with this application. ~~Strikethrough~~ text is text proposed for deletion with this amendment application.

Section 10.014 Land Use Policies and Regulations

I. Land Use Policies & Regulations

Goal: Maintain an up-to-date Comprehensive Plan and implementing regulations as the legislative foundation of Gresham’s land use program.

Policy 1: The City’s land use program will be consistent with state and regional requirements but also shall serve the best interests of Gresham.

Policy 2: The City's land use regulations, actions and related plans shall be consistent with and implement the Comprehensive Plan.

Policy 5: The City shall adopt regulations and standards to protect life and property from hazardous/harmful conditions related to land use activities. These include, but are not limited to traffic conditions, inadequate public facilities, flooding, landslides and other natural hazards.

Action Measure 2: Preserve lands subject to natural hazard as open space.

Policy 11: The City's land use regulations shall identify and protect designated significant natural resources. These regulations shall have sufficient flexibility to allow development to adapt to unique and difficult conditions.

Policy 16: In addition to applicable Comprehensive Plan goals and policies, amendments to Gresham's Comprehensive Plan Map shall be subject to the following other criteria:

- a) Public facilities and services shall be available and of sufficient capacity to serve land uses allowed by the proposed land use district designation;*
- b) Land uses allowed in the proposed designation shall not negatively impact existing or planned public facilities and services;*
- c) Land uses permitted in the proposed designation shall be compatible or capable of being compatible with environmental conditions and surrounding, existing land uses;*
- d) Land uses allowed in the proposed designation shall be developed in compliance with all applicable regulations and standards and the purposes of any applicable overlay district shall be fulfilled;*
- e) Demonstration that there is an inadequate amount of developable designated land for land uses that would be allowed by the new designation;*
- f) The new land use designation shall fulfill a proven community need such as goods, services, employment, housing, public and community services, etc., in the particular location versus other appropriately designated and developable properties.*

Policy 20: The City shall periodically review and update the Comprehensive Plan text and the Community Development Plan Map(s) to ensure they remain current and responsive to community needs; provide reliable information and dependable, factually based policy direction, and conform to applicable state law, administrative rules, and regional requirements.

Policy 21: Council may, upon finding it is in the overall public interest, initiate legislative processes to change the Comprehensive Plan text and Community Development Plan Map(s) and Development Code.

Policy 23: Gresham shall coordinate the development, adoption and amendment of its land use related goals, policies and implementing measures with other affected jurisdictions, agencies and special districts.

Action Measure 11: Revise the Comprehensive Plan Text, Map and related findings as needed to maintain its reliability and timelines to ensure consistency among goals, policies, implementing measures; accuracy of findings and compliance with regional, state and federal laws and rules. This includes review by the Planning Commission every two years; a formal evaluation every five years and an overall update at least every ten years.

Action Measure 12: Monitor and evaluate whether City actions and resulting community conditions and circumstances are consistent with the goal and policy directions of the Comprehensive Plan and, when appropriate, take actions to [...] amend the Plan to ensure it corresponds with current community conditions and circumstances.

Action Measure 13: Monitor actions, programs and policies of federal, state and regional governments and when appropriate amend the Comprehensive Plan to be consistent with new laws and administrative rules.

Policy 26: The City shall, where practical, protect views that contribute to Gresham's identity such as Mt. Hood, the Columbia River Gorge, streams and riparian corridors and the wooded character of buttes and hillsides.

Findings

The proposed amendments are being implemented as part of the 2019-2020 Council Work Plans. The project includes updates to the Development Code which make it easier to use and understand. It ensures conformance with evolving State policies and updates to State laws. This is consistent with GCDP Volume 2 Policies 1, 2, 20, 21 and 23 and action measures 11, 12, and 13.

Gresham's Community Development Plan has been found to be in compliance with state and regional requirements leading up to this proposed amendment. The proposed amendments have been found to be in compliance with Gresham's Community Development Plan and State and regional requirements as described in this staff report. One reason for the amendments is to ensure compliance with evolving state and federal regulations (e.g. State House Bill 2001 and Federal Flood Hazard Management and Endangered Species Protection updates). This is consistent with policies 1, 20, and 23 and action measures 11 and 13.

As required by State and Metro regulations a draft of the proposed amendments were sent to the Oregon Department of Land Conservation and Development (DLCD) and to Metro at least 35 days prior to the scheduled November 23, 2020 Planning Commission hearing. As of the date of this report DLCD has not contacted the City regarding this notice. The City has been working with Metro to ensure evidence is presented that shows compliance with the UGMFP this is consistent with policy 20.

The proposed Hillside and Geologic Risk Overlay (HGRO) and Natural Resource Overlay (NRO) are designed in large part to protect the community from landslide and flood hazards. They both include provisions for setting aside a percentage of land within the overlays as open space. This is consistent with policy 5 and action measure 2.

These two proposed environmental overlays are also designed to protect and set aside significant natural resources associated with stream riparian corridors, wetlands, uplands, and butte forest land. The amendments include updates to mapping of these valuable resources based on more accurate and precise data made available by improving technologies over the past 15 years. The Habitat Conservation area was previously mapped using 1999-2002 data. The Environmentally Sensitive Resource and Restoration Areas were mapped using similar data available in the early 2000's. The Hillside Physical Constraint overlay was mapped using late 1990's data. These current overlays are being replaced by the HGRO and NRO maps mapped using 2017-2020 data. This is consistent with policies 11 and 20 and action measures 11 and 12.

Both newly proposed overlays include measures to protect the aesthetic and scenic quality of riparian corridors and forested buttes. This is consistent with policy 26.

The various aspects of policy 16 are met as follows:

- 16a and 16b (Public Facilities & Capacity) – The proposal will not change the base district land use designation of those areas already within the City limits and outside of the new urban communities of Springwater, Pleasant Valley, and Kelley Creek Headwaters. These areas already have access to public facilities and its future growth is factored into existing master plans. The proposal changes the base district designations of areas within the Pleasant Valley and Springwater planning districts. The current designation as Environmentally Sensitive Resource and Restoration Areas generally prohibited all development and allowed for a density transfer rate of 1 dwelling unit per acre. The proposal introduces new acreages of base district areas as shown in Table VI.1, most of which will be subject to the newly proposed NRO and/or HGRO overlays. These overlays will moderately increase the allowance for density transfer within each of the two planning districts. The modest increases will be feasibly served by existing master planned sewer, water, stormwater, and parks public facilities.
 - Exhibit F shows adequate infrastructure capacity to accommodate this increase
 - 16c (Environmental Compatibility) – The proposed ESRA replacement districts were chosen primarily to provide continuity with the immediately adjacent base districts. Compatibility with natural resource protected features is provided by the proposed HGRO and NRO restrictions on development footprint, siting, and restoration/mitigation requirements.
- 16d (Development to Standards) – Future development will be subject to the base district and overlay district regulations and will require land use permits to ensure compliance.
- 16e and 16f (Proof of Need and Remedy) – The City's current Residential Buildable Lands Inventory demonstrates a dire need for a variety of housing types, including townhome, single family detached, and apartment residential. There is also a need for improving the jobs housing balance, which is partially met by increasing buildable

employment (commercial/industrial) lands. The overall BLI for residential and commercial/industrial is being increased by this proposal. While most of the areas introduced will not be directly developable, due to environmental preservation and restoration measures, a more robust density transfer option will favor the increase in housing and commercial development potential outside of environmentally sensitive areas. The proposal is anticipated to result in 119 additional residential units and 35 new commercial/industrial acres.

Table VI.1 New Acreages by Zone and associated BLI Changes

	New Net Acres Residential	Approx. New Units*	Approx. New Net Acres Commercial***	Approx. New Net Acres Industrial***	Cumulative Total BLI Residential Units**	Cumulative Total BLI Commercial / Industrial Acres**
PLEASANT VALLEY						
LDR-PV	164	54	-	-	2,215	-
MDR-PV	9	13	-	-	2,129	-
HDR-PV	8	4	-	-	595	-
TC-PV	-	-	0	-	39	14
MUE-PV	-	0	3	-	132	30
NC-PV	-	-	0	-	-	8
EC-PV	-	-	-	0	-	38
Sub-Total	181	71	3	0	5,110	90
	New Net Acres Residential	Approx. New Units	Approx. New Net Acres Commercial	Approx. New Net Acres Industrial	Cumulative Total BLI Residential Units	Cumulative Total BLI Commercial / Industrial Acres
SPRINGWATER						
VLDR-SW	107	30	-	-	152	
LDR-SW	79	15	-	-	578	
THR-SW	6	3	-	-	594	
VC-SW	-	0	2	-	396	8
RTI-SW	-	-	-	12	-	95
IND-SW	-	-	-	18	-	297 [^]
NC-SW	-	-	0	-	-	6
Sub-Total	192	48	2	30	1,720	406
<p>Net acres consists of gross acreage minus estimated 15 percent for right-of-way dedication. *New units estimated using assumption of 50 percent of density transfer, and 20 percent realized in receiving area. **Cumulative BLI is the sum of existing dwelling units or industrial/commercial acreage with the newly proposed units and acreages. ***Assumes 20 percent of Commercial, Industrial Areas with environmental overlay (HGRO or NRO) designation get developed. [^]Includes reduction in IND-SW from two recent approved zone changes (CPA 18-374 & CPA 19-341)</p>						

Conclusion

The Land Use and Policy Goal (10.014) and related policies and Action measures are addressed through the notifications to DLCD

and Metro and the changes to the Development Code are related to recent updates in State Law (see the Proposed Comprehensive Plan Amendments Overview section above). The changes improve the mapping accuracy of natural hazard and environmental resource areas. They also provide similar or better protection than their overlay predecessors. The proposal is consistent with the applicable goals, policies, and action measures listed in this section.

II. Community Design, Trees and Other Vegetation

Goal: Protect and enhance the environmental, public health and safety, and aesthetic contribution of trees and other vegetation.

Policy 1: The City shall establish regulations to protect and, when necessary, restore trees and other vegetation to support community aesthetics, maintenance and/or improvement of water quality, erosion control and stability of slopes and unstable soils.

Action Measure 1: Work with other jurisdictions, agencies, property owners and environmental organizations to protect wetlands, stream corridors, riparian areas, upland tree groves and other significant vegetation both within the City and on lands designated for future urban growth.

Action Measure 3. Protect and enhance the scenic quality of Gresham's trees and vegetation such as along creeks and rivers and as scenic backdrops on the City's buttes.

Action Measure 8. Allow development to use planned development procedures to preserve tree groves and maintain natural open space.

Action Measure 12. Support efforts by community groups and neighborhoods to plant trees and undertake other projects such as restoration of wetlands and stream corridors.

Action Measure 16. Provide incentives to encourage developers to preserve trees and other significant vegetation.

Policy 3: The City shall protect environmental quality and public safety by:

a. Regulating removal of trees and other vegetation on steep slopes, in landslide prone areas, within floodplains, water quality (Goal 6 and Title 13), natural resource (Goal 5 and Title 13) overlay areas, ~~habitat conservation~~ natural hazard (Goal 7) areas and in tree groves and other forested areas.

b. Instituting regulations and practices to prevent and immediately resolve hazards such as falling limbs and trunks and dangerous conditions caused by tree removal such as blow-down, landslides, soil erosion, and altered hydrology.

Policy 4. The City shall require [...] installation of trees and other landscaping with all development, including single-family homes, residential subdivisions, major partitions, multi-family development, manufactured home parks, institutional, commercial, and industrial land uses.

Policy 9: The City shall ensure its various codes, regulations and standards relating to landscaping, site development, tree protection and removal are consistent with and supportive of one another.

Findings

The proposed amendments are comprised of a mapping update and regulatory upgrade to the existing environmental overlays. The Natural Resource Overlay (NRO) and Hillside and Geologic Risk Overlay (HGRO) reflect an improved regulatory framework that builds upon the City's past 10 years of experience administering the previous overlays. Protections have been maintained where they function adequately, strengthened where they need improvement, and removed where they were unnecessarily complex. The general method of protection is to 1) Accurately identify the resource; 2) Avoid the resource, especially in high value areas; 3) Minimize disturbance within proximity of the resource; 4) Mitigate for any unavoidable disturbance; 5) Monitor high value projects for mitigation success. The resources identified for protection continue to be as before. They are streams and their riparian corridors, locally significant wetlands, Title 3 wetlands, forested upland, and sloped areas with potential landslide risk. Additionally, the amendments introduce new regulations to facilitate forest management and mitigate potential hazards engendered by climate change such as wildfire, pests/disease, and drought induced vegetation die off. This is consistent with policies 1, 3, 4 and 9 and action measures 1, 3, 8, 12, and 16.

Conclusion

The Land Use and Policy Trees and Other Vegetation Goal (10.014) and related policies and Action Measures are addressed through the revision of two of the City's environmental overlay zones to better identify, protect, and restore natural resource areas and their associated tree canopy and other vegetation. The proposed amendments broaden the scope of this goal to include the role of trees and other vegetation in protecting and enhancing the public health and safety, such as by providing soil stability in landslide risk areas. The proposal is consistent with the applicable goals, policies, and action measures listed in this section.

III. Urban Forestry Management Plan

Goal: Create a high-quality urban forest in Gresham.

Policy 1: Protect, preserve and enhance Gresham's urban forest.

Action Measure 8. Promote the use of native tree species on public and private lands to enhance wildlife habitat in the City

Action Measure 9. Develop a Tree Mitigation Plan Manual providing replacement and other options for public and private development applicants. Other options include paying into a tree fund in lieu of on-site planting.

Policy 4: Manage the urban forest to maximize community benefits for all:

Action Measure 1: Simplify and consolidate tree codes, making them clearer to the public and implementable by City staff.

Findings

The proposed amendments proceed a 2013 update of the Gresham Community Development Plan Volume 3 - Development Code Section 9.100, Tree Regulations, that largely focused on tree canopy protection outside of Gresham's non-riparian, open space, and forested overlay areas. This set of amendments builds upon that earlier work. It simplifies and consolidates vegetation and tree preservation regulations within the environmental overlays. The current regulatory framework has separate sets of standards 1) General Tree Code Section 9.1000; 2) Hillside Physical Constraint Section 5.0200; 3) Habitat Conservation Area Section 5.0400; 4) Environmentally Sensitive Restoration Area (ESRA) Pleasant Valley Section 4.1300; 5) and ESRA Springwater Section 4.1400. These amendments result in two primary regulation sets (NRO and HGRO) that are designed to mirror each other. A simplified regulatory framework allows developers, residents, and staff to have greater understanding of the rules, improves implementation, increases compliance, and ultimately results in a healthier urban forest canopy. Regulated and required tree protections of Section 9.1000 is retained for trees within existing and proposed permanent disturbed areas. This is consistent with policies 1 and 4 and action measures 1 and 8.

The proposed amendments include the introduction of the Gresham Environmental Technical Guidance Manual. The manual was developed as a companion to the code updates to facilitate understanding of and compliance with the technical overlay codes. It serves as a compilation of processes, timelines, forms, and options for complying with the code. It is a repository for best management practices for managing the urban forest and developing within environmentally sensitive and/or hazardous areas. It includes guidance on the permitting process, restoration/mitigation best practices and success targets, forest management, tree protection, habitat protection, and more. This is in compliance with Action Measure 9.

Conclusion

The Gresham Urban Forestry Management Plan Goal (10.014) and related Policies and Action measures are addressed by the consolidation of a previously complex regulatory framework and introduction of a technical guidance manual to assist residents, staff, and the development community in protecting and restoring the Gresham urban forest. The proposal is consistent with the applicable goals, policies, and action measures listed in this section.

Section 10.100 - Citizen Involvement

Goal: The City shall provide opportunities for citizens to participate in all phases of the planning process by coordinating citizen involvement functions; effectively communicating information; and facilitating opportunities for input.

Policy 1: The City shall ensure the opportunity for citizen participation and input when preparing and revising policies, plans and implementing regulations.

Action Measure 3: Facilitate the formation of neighborhood associations and allow representatives to provide official recommendations to the City Council, Planning Commission and the City Manager on matters affecting the livability of the neighborhood.

Policy 2: The City shall consider the interests of the entire community and the goals and policies of the Comprehensive Plan when making decisions.

Policy 7. The City shall facilitate involvement of citizens in the planning process, including data collection, plan preparation, adoption, implementation, evaluation and revision.

Action Measure 2: Ensure that the input, information, factual contributions and expertise provided by citizens is considered when making decisions about land use issues by [...] accurately relaying pre-hearing public comment and other information to the Planning Commission

Policy 9: The City shall ensure that citizen involvement plans and activities incorporate Gresham's diverse constituencies regardless of age, sex, religion, social or business affiliation.

Policy 10. The City shall ensure the opportunity for the public to be involved in all phases of planning projects and issues.

Action Measure 4: Keep the public informed of opportunities for involvement in all phases of land use planning issues by:

- a. Providing adequate notice for all citizen involvement activities. This includes contact with citizens:
 - i. As early as possible of pending land use actions, and*
 - ii. Throughout the land use processes including informational meetings, work sessions, and public hearings.**
- b. Keeping the public informed of opportunities for involvement in land use planning using a range of available media including the Internet, newspaper notices, mailings, newsletters, television and meetings. The special needs of Gresham's diverse citizenry (i.e., language, literacy skills) shall be considered.*
- c. Providing timely and accurate follow-up to citizen inquires and requests for information.*

Action Measure 9: Make public participation processes user-friendly by:

- a. Holding widely advertised public hearings in accessible meeting rooms,*

b. Providing public comment periods at all public meetings to allow citizens to speak on topics not necessarily on the agenda,

c. Publicizing comments, ideas and recommendations obtained at community meetings and through the planning process, and

d. Considering times, days and locations to maximize potential public participation.

Findings

The public involvement goals and policies establish the City's intent that its citizens have meaningful opportunities throughout a planning project to be informed and to affect proposals. The project included the following public meetings and outreach events:

The project included 14 public meetings and outreach events as outlined in Exhibit C (Citizen Involvement and Outreach Summary).

City staff also prepared a project summary flyer, posted project materials to the City's website, and published notice of the public hearings in the *Gresham Outlook*.

Measure 56 Notice

A Measure 56 notice is required since development would be limited within the HCA areas. The notice informed property owners about how the adoption of the HCA proposal might affect their property, the dates of the Planning Commission and City Council hearings, where to access the proposed amendments and who to contact for more information. Information was also attached to the notice that informed property owners about the October 8 and 9 community forums. The notice and mailing list are included as Exhibit D.

These citizen involvement and outreach activities comply with Policies 1, 7, 9, and 10 and action measures 2, 4 and 9.

The citizen involvement outreach included direct meetings with the coalition of Gresham Neighborhood Associations and their member representatives. This complies with action measure 2.

Exhibit C summarizes the various public comments received regarding the proposed amendments. Comments varied in perspectives, suggestions and concerns. Staff has done their best to balance the diverse and competing interests expressed by the public with the various adopted environmental, public health, housing, and economic development policies of the Gresham Community Development Plan. The result of this evaluation is demonstrated throughout the proposed ordinance language, the ESEE analysis, and this staff report. This is in compliance with policy 2.

Conclusion

The Citizen Involvement Goal (10.100) and related policies were addressed through various public outreach events, public notice, and presentations at the Planning Commission and City Council. The proposal is consistent with the applicable citizen involvement goals and policies listed in this section.

Section 10.200 – Natural Hazards

Section 10.210 – Areas Prone to Flooding

Goal: Protect life and property from flood hazards.

Policy 1: The City shall take measures to protect the floodwater conveyance and storage capacity of its floodplains

Policy 5: The City shall preserve the floodwater storage and conveyance capacity of floodplains in new urban areas, including Springwater and Pleasant Valley, by minimizing development within floodplains.

Policy 6: The City shall protect its wetlands, watercourses and their riparian edges in order to safely contain and gradually convey floodwater and allow it to infiltrate into the ground as much as possible.

Findings

These amendments will help protect wetlands, streams/riparian areas and undeveloped floodplains by limiting development and impervious surfaces in these areas. These features act as natural sponges that absorb stormwater runoff and allow it to infiltrate into the ground rather than being directly discharged into streams during peak flows which increases flooding. Moderating stream flows during flood events and increasing water storage in watersheds was one of the primary ecological functions that the Natural Resource Overlay is intended to support. By introducing development restrictions within a buffer along a stream from 50 feet to 100 feet wide in existing urbanized areas and from 50 feet to 200 feet wide in new urban areas, the NRO will provide more opportunities for water to infiltrate into the ground to decrease flooding. A high value resource area (HVRA) measuring between 35 to 50 feet in width is proposed with this amendment. Development within this narrower buffer immediately adjacent to the protected natural resource will be extensively restricted, and in many cases prohibited. When development within this corridor is unavoidable, the amendment introduces a stronger environmental alternatives analysis process to ensure development fulfills the Avoid, Minimize, Mitigate framework sanctioned by the Title 13 safe harbor code provisions. The NRO regulations are designed to function in tandem with the floodplain regulations revised in 2018 (CPA 18-26000396) in phase 1 of the EOP project. Where conflicts occur, the more restrictive regulations will apply.

Conclusion

The goal and Policies 1, 5, and 6 of Section 10.210 are supported by this proposal by reducing development opportunities and impervious surfaces in wetland and stream riparian areas and allowing more water to infiltrate into the ground.

Section 10.211 – Steep Slopes and Landslides

Goal: Protect life and property from hazards associated with landslides and unstable soils.

Policy 1: The Community Development Code shall discourage land divisions in areas over 35% slopes. Property that is entirely above 35% slopes may be improved to the extent of one dwelling per existing lot of record. Subdivisions of land that are partially above 35% slope shall not generally include development of the portions in excess of 35% slope. Limited development of the portions of the site on greater than 35% slopes may be permitted when these steep slopes encroach into areas which are logical dwelling locations and engineering studies determine that development will be in compliance with accepted engineering design principles. Dwellings planned on greater than 35% ~~up to 60%~~ slopes may be permitted when located within a Planned Development of 10 or more acres in size; and occur on land which is not susceptible to earth movement or landslide hazards; and where construction and design methods are employed to minimize cuts, fills and other potential adverse impacts.

Policy 2: Limited development on greater than 35% slopes may occur for a residence on a vacant lot of record, trails/multi-purpose paths, and for the logical extension and provision of public facilities, utilities, and driveways, where construction and design methods are employed to minimize cuts, fills, and other potential impacts. With these exceptions and those related to planned developments (Policy #1), all other sloped areas of greater than 35% on development sites shall be protected by an easement or by dedication of an open space tract.

Policy 3: Land divisions on slopes greater than 35% shall only be allowed through the Planned Development (PD) process. The PD standards for hillside development shall encourage the transfer of density to those site areas with less geologic risk ~~than 15% slopes, allow less development density as the degree of slope increases,~~ and limit the amount of sloped areas greater than 35% that can be included as part of building lots.

Policy 4: Removal of trees on slopes over 15% shall be restricted to prevent clear cutting and to limit removing trees with a trunk diameter of 8-inches and greater.

Policy 6: Development on areas with an accumulation of landslide risk ~~slopes of 15% or greater~~ will require a geotechnical professional to review design and certify a that development will mitigate any increased hazard that would otherwise be created and the applicant must certify that development will follow geotechnical specification and recommendations. ~~a soils/geology report prepared by a state certified engineering geologist or geotechnical engineer to evaluate geologic conditions and hazards, slope stability, and to provide recommendations for protecting life and property from landslides and soil erosion.~~

In addition, development within an area identified on the Hillside and Geologic Risk Overlay Physical Constraint Overlay District map as a potential “Higher Risk Landslide Area” shall require a geotechnical professional to review designs and certify a development will mitigate any increased hazard that would otherwise be created. ~~geotechnical report that describes how the proposed construction methods and design measures will maintain slope stability and minimize erosion.~~

Policy 7: Development on areas with an accumulation of landslide risk slopes of 15% and greater shall be required to handle surface water runoff in a way that will not destabilize slopes, increase erosion or degrade water quality.

Policy 8: ~~The City hillside development standards shall include state ORS 195.250 requirements that pertain to potential rapidly moving landslide (“Further Review Areas”) identified by the state Department of Geology and Mining Industries (DOGAMI). These standards will be applied to proposed development within such areas after their mapping by DOGAMI is finalized. In the interim, the City shall require geotechnical reports for developments proposed in the “Higher Landslide Risk Areas” (DOGAMI’s “Further Review Areas”) that are shown on Gresham’s Hillside Physical Constraint Overlay District map.~~

Action Measure 4: Update Gresham’s hillside maps/development standards so that they reflect new maps and other current information from DOGAMI, etc. about the location and severity of potential landslide hazards, recommended content for geologic/geotechnical reports and how landslide risks can be minimized.

Findings

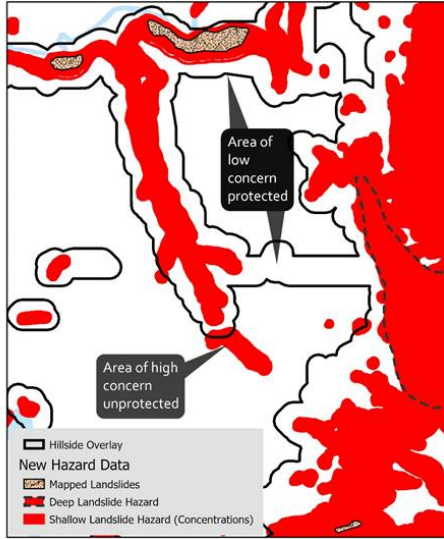
These amendments include the replacement of the City’s current Hillside Physical Constraint Overlay district, with a new Hillside Geologic Risk Overlay (HGRO). The HGRO location and mapping is based on vastly more precise data than previous mapping models. It also incorporates the latest DOGAMI landslide risk hazard data (i.e. IMS-57) published in 2018. This is in compliance with action measure 4. The regulations are also substantially altered to provide less emphasis on submittal requirements for a soils/geology report. The proposed HGRO will rely primarily on a certification of safety prepared and signed by a certified geology engineer or geotechnical engineer.

Stronger and clearer tree protection and mitigation measures are introduced in recognition of trees’ critical role in preserving soil stability. These new measures replace the straightforward, but unrefined prohibition on clear cutting on all slopes above 15 percent. This complies with Policy 4.

The proposed Development Code text reflects the updated policies that focus protection on areas with an accumulation of landslide risk and that shifts the evaluation of hazard from a geology report, to a certification. These are in compliance with Policies 3, 6, and 7.

The proposed Development Code text greatly restricts development on areas of slope 35 percent or greater by designating those areas High Slope Subareas and prohibiting most development within that overlay, except as allowed through the planned development provisions. This complies with Policies 1, 2, and 3.

Figure 2. Hillside Overlay and HGRO Extent Comparison



Conclusion

The goal and policies of Section 10.211 is supported by this proposal by restricting development within better mapped landslide risk areas, incorporating DOGAMI IMS-57 risk assessment data together with improved slope survey data. Regulation continues to require a certified professional geo engineer to evaluate high risk proposals to establish their feasibility. The new code better complies with new state regulation requiring a Type I objective review tract for needed housing.

Section 10.212 – Earthquake Hazards

Goal: Protect life and property from earthquake damage.

Policy 1: The City shall coordinate with Oregon Department of Geology and Mineral Industries (DOGAMI), Metro, and other agencies in the maintenance of up-to-date earthquake hazard maps and related information.

Findings

These amendments include replacement of the current hillside overlay with a new HGRO described in findings for Section 10.211 compliance above. This change better ensures protection over those areas that are now believed to pose the greatest earth movement hazard in case of an earthquake. Risk management is primarily realized by reducing the disturbance footprint of high risk and higher sloped areas, protecting tree and other vegetation in newly mapped HGRO, and HSS. The new mapping is based on DOGAMI’s IMS-57 landslide hazard risk data published in 2018.

Conclusion

The goal and Policy 1 of Section 10.212 is supported by this proposal by continuing to limit disturbance in higher risk areas, protecting vegetation in those same areas, and updating the overlay map to incorporate recent DOGAMI data.

Section 10.220 Natural Resources

Section 10.221 – Natural Resources, Fish and Wildlife Habitat, Water Resources, and Ecologically and Scientifically Significant Areas

Policy: [The City shall] assist in protecting the quality and quantity of the following resources:

- 1) Surface Water Resources
- 2) Floodplain function
- 3) Groundwater, aquifer, and drinking water protection
- 4) *Fish and wildlife habitats.*
- 5) *Visual resource (scenic views and sites)*
- ~~6) *Water resources.*~~
- ~~7) *Ecologically and scientifically significant areas*~~
- 8) *Mineral and aggregate resources*
- 9) *Energy sources*
- 10) *Significant and unique natural features such as a major stand of trees.*

Implementation strategy 5: Measures shall be adopted in the Community Development Code and Standards document to restrict development proposed within or adjacent to an NRO NR-district site. These measures shall require any such development to take place in a manner which minimizes adverse impacts on the resource site. ~~Findings of public need and lack of alternative sites shall be required in connection with any proposed development activity within an NR district site.~~

Findings

The goals of Titles 3 and 13 and the proposed NRO overlay are to protect significant fish and wildlife habitat that is shown based on updated natural resource area mapping methodology. The new mapping methodology emphasizes the need to protect the water quality of streams and wetlands, floodplain function of protected water features, and fish and wildlife habitat. The application of these regulatory restrictions will also result in preservation of visual resources such as scenic views. The mapping also protects upland habitat, primarily defined as areas purchased by governmental agencies to function as natural state open space areas. The acreage covered by the revised mapping methodology is substantially similar to that covered under the Metro Habitat Resource Area map that it replaces (Table VI.2)

The NRO regulatory framework is heavily based on the Habitat Conservation Area (HCA) regulation it replaces, while borrowing from the Environmentally Sensitive Resource and Restoration Areas (ESRAs) and introducing new protections as necessary to strengthen the code's usability and nexus to these natural resource protection policies. The new code is also modified as necessary to comply with updated state law regarding needed housing and to provide a mechanism for forest management in the context of an ever-increasing climate change emergency.

Table VI.2 Comparison of Environmental Overlay Coverage

	Acres Within Environmental Overlays		
	Existing Code	Existing Code + Updated Data	Updated Code + Updated Data
ESRA-PV	252	~275	251
ESRA-SW	395	~420	447
HCA	2117	~2292	2039
Total Acres	2764	~2987	2737

The proposed amended regulations will buffer water and land resource features such as streams, wetlands, and upland habitat, with a three-tier buffer system. The first, Potential Resource Areas are assigned to areas where there is insufficient information to establish the presence of wetlands at the time of Citywide mapping. For these areas, a wetland determination will be required prior to further development which could impact water and land resources. The second is a Resource Area (RA) designation within which tree removal, development disturbance area ratios, construction management plans, and other restrictions are applied to advance conservation, protection, and restoration objectives. The third is a High Value Resource Area (HVRA), where in addition to the RA restrictions, a more stringent restriction on development and disturbance area is enforced. HVRA's are generally intended to remain undeveloped open space to be maintained in a natural state, or subject to resource enhancement and habitat restoration activities.

Conclusion

By continuing to identify critical habitat areas in acreages equivalent to the HCA/ESRA-PV/ESRA-SW areas that are being replaced, as well as strengthening regulations, the amendment continues to support Natural Resources, Fish and Wildlife Habitat, and Water Resource policies.

A. Visual Resources

Implementation strategy 2: Removal of trees on slopes over 15% shall be restricted to prevent clear cutting.

Findings

The Visual Resources implementation strategy 2 continues to be met with the proposed amendment, but by a different method than previously. The current Hillside Overlay explicitly prohibited clear cutting on slopes 15 percent and greater. The new HGRO will preserve tree canopy over at least 45 percent of an HGRO mapped area. Stronger protections for all veteran trees larger than 24-inch DBH are added to the code. These veteran trees can only be removed within areas approved for permanent disturbance when development occurs in an environmental overlay and permanent disturbance is limited.

Conclusion

By prohibiting the removal of trees over 24-inch DBH and removal of other vegetation outside of approved permanent disturbance areas—within proposed NRO and HGRO environmental overlay areas-- this proposal supports the Visual Resources policy.

B. Gresham Butte Scenic View

Goal: The scenic view provided by Gresham Butte will be preserved and protected:

Policy 2: Ensure that development on Gresham Butte does not alter the naturally landscaped scenic skyline provided by the Butte.

Action Measure 5: Periodically review all development rules for Gresham Butte to ensure that its scenic value is protected.

Action Measure 6: Revise Gresham's Tree Code to define measures to protect the tree cover in the Gresham Butte Scenic View District.

Findings

The entirety of the Gresham Butte scenic view overlay will also be subject to the proposed HGRO overlay. Provisions in the HGRO overlay include the automatic cap on development to include a minimum open space set aside of 45 percent of the development property. It also includes stronger protections on trees larger than 24-inch DBH and other vegetation, especially by prohibiting their removal when not within an approved disturbance area. This regulation is anticipated to be as effective as the policy and development code standard to prohibit clear cutting on slopes greater than 15 percent. This is in compliance with policy 2 and action measure 6.

Conclusion

By strengthening tree and vegetation protections within the newly proposed HGRO, the proposed amendments meet the Gresham Butte Scenic View goal and policy.

Section 10.230 – Environmental Quality

Section 10.232 – Water Resources Quality

Goal: Prevent surface and ground water pollution and improve water quality.

Policy 3: The City shall establish and maintain water quality plans, regulations and standards consistent with federal, state and Metro laws and rules as necessary to protect surface and groundwater quality and quantity.

Policy 4: The City shall protect the water quality, conveyance, storage functions and associated environmental values of streams, wetlands, 100-year floodplains and other natural drainage-ways and water bodies.

Policy 5: The City shall protect, and where practicable, restore water quality and the physical and biological integrity of the area's system of wetlands, rivers and streams and associated environmental values, including natural vegetation buffers and fish and wildlife habitats supporting water quality, water quantity, and habitat protections.

Policy 11: The City ~~shall~~ continues to implement measures to protect water quality necessary to sustain viable habitat for fish species, particularly those listed by the National Marine Fisheries Service as threatened or endangered.

Policy 12: The City shall ~~adopt~~ enforce all regulations and standards to protect streamside vegetative wetlands, waterways, riparian buffers and other natural resource areas that contribute to water quality consistent with Metro Goal 5 and Title 3 and habitat and resource protection consistent with Title 13 requirements. ~~This includes the need to maintain water temperatures required for viable fish habitat.~~

Action Measure 3: Periodically review and update the City's water quality related plans, policies, regulations and standards to ensure consistency with federal, state and regional requirements.

Action Measure 7: Plan and implement programs to protect and restore the water quality functions of wetlands, stream corridors and other riparian areas such as:

- a. Acquisition of property and conservation easements;*
- b. Stream restoration and wildlife habitat enhancement projects;*
- c. Erosion control/prevention including protection of hillsides stream banks from actions that cause hydromodification, erosion, and landslides; ~~and~~*
- d. ~~Re-vegetation~~ Restoration of stream and wetland ~~areas~~ buffers*
- e. Provision of ~~protection of appropriate existing vegetation~~ wetland and stream mitigation options within the affected watersheds that Gresham is working to protect.*

Findings

These amendments continue to comply with state and regional regulations to protect surface and groundwater quality. These findings are detailed in Regulatory Findings subsection D and E of this staff report. The general prohibition on development and protection of vegetation within the proposed HVRA is in compliance with Federal floodplain management regulation as demonstrated in phase I of the EOP project (CPA 18-26000396). This is in compliance with policies 3 and 4 and action measure 3.

The proposed NRO regulatory framework is designed identical to the HCA, ESRA-PV, and ESRA-SW environmental overlays that it is replacing. The proposed amendments will protect and restore riparian, wetland, and floodplain areas by first requiring development to avoid sensitive areas to the extent practicable. When unavoidable impacts are necessary, development is required to design to minimize the detrimental impact to habitat, water quality, and flood management functions of the protected areas. Lastly, development will be required to mitigate and restore areas at the rate of approximately 2 acres for each acre of disturbance. Mitigation requirements are being finessed to grant flexibility in meeting the diverse ecological micro environments, instead of the existing one size fits all approach. This continues to be in compliance with policies 3, 4, and 5 and action measure 7.

Policy 11 is better addressed by the proposed amendments which include stronger standards requiring fish passage friendly designs over x stream crossings. Previous code strongly encouraged the best practice, but stopped short of requiring it.

Policy 12 is substantially altered as part of this amendment package to clearly specify the water features intended for protection. It also clarifies that the City's riparian and wetland protection measures are intended to comply with both, Title 3 and Title 13 of Metro's UGMFP. The proposed development code amendments that replace the HCA, ESRA-PV, and ESRA-SW regulations with the NRO, continue to comply with Title 3 and Title 13 water quality and flood management objectives as demonstrated in this staff report and the ESEE analysis (Exhibit E).

Conclusion

The goal and Policies of Section 10.232 are supported by this proposal by strongly regulating development within and buffering mapped streams and wetlands. The city's inventory of streams and wetlands are updated to reflect the most accurate data to date.

Section 10.235 – Thermal Pollution

Policy: To minimize the removal of streamside vegetation which would adversely impact stream temperatures.

Implementation Strategy 1: ~~The Community Development Plan will limit and discourage the removal of vegetation and trees along city streams through appropriate flood plain land use designations such as open space, greenways, parkland, and recreation trails.~~ The community development plan and related Gresham community development code implements multiple protections of sensitive resources, including streams, wetlands, floodplains, and the critical land and vegetation adjacent to those resources that helps protect the ecological functions of a healthy riparian area. Gresham's environmental overlays (natural resource overlay, floodplain overlay, and hillside and geologic risk overlay) include limits to encroachment into sensitive areas, protection of high value resources such as the areas closest to streams and wetlands, veteran trees, and floodways.

Implementation Strategy 3: ~~The City shall ensure that future thermal pollution discharges conform to all State and Federal thermal discharge standards.~~ Gresham community development code will continue to be updated in consideration of the most current federal water quality regulations as implemented by U.S. Environmental Protection Agency and Oregon Department of Water Quality to ensure implementation of those measures that protect water quality- - including maximizing bank storage, groundwater recharge, attenuation of erosive stream flow, minimization of hydromodification and slope failure, moderation of diurnal temperature fluctuations adjacent to wetlands and waterways and capture of sediments and pollutant sources—are informed by current regulatory obligations under the Clean Water Act.

Findings

Policy 1 is accomplished by the proposed adoption of an HVRA which generally prohibits vegetation removal and development in the immediate areas within 30-50 of stream banks. Other development within this extremely important buffer generally requires an environmental impact and alternatives analysis. Restoration and mitigation associated with impacts to the proposed RA are anticipated to be focused within these areas.

Implementation Strategy 1 is amended to broaden the mechanisms of protection for vegetation and trees along streams. Protection of this valuable resource is accomplished by a combined

regulation of floodplain and NRO. The proposed development code text amendments generally preserve the protections afforded to these riparian resources as were in place with the HCA, ESRA-PV, and ESRA-SW designations that it replaces. Additionally, the standards are strengthened where necessary and updated to comply with recent state and federal regulation changes. This latter change complies with implementation strategy 3. The proposed plan map changes generally maintain the same acreage of overall protection, 2,764 acres of protected prior to amendment, versus 2,737 acres proposed.

Implementation strategy 3 is updated to be specific about the features of water quality and thermal pollution that are to be regulated (i.e. erosion, stream flow, hydromodification, temperature fluctuations, and pollutants)

Conclusion

The goal and updated implementation strategies of Section 10.235 are supported by this proposal by maintaining and strengthening current environmental overlay regulations.

Section 10.315 Open Space

Policy 1: It is the policy of the City to ensure the availability of sufficient open space for all areas of the city by: working with citizens to identify needs; investigating alternative funding strategies; and involving volunteers, and public and private organizations..

Policy 2 It is the policy of the City to locate open spaces so as to protect natural resources and areas subject to flooding or otherwise inappropriate for development.

Policy 3 It is the policy of the City to develop an interconnected open space system, if possible, and to negotiate conflicts which may arise concerning proposed additions to the open space system.

Implementation Strategy 4: Measures shall be included in the Community Development Standards document to enable the city to require the dedication or reservation of suitable open space areas in connection with land division proposals when such areas provide:

- a. An area of like character to that which is developed, which may provide active recreation space;*
- b. Sufficient passive open space to protect natural resources at the site and protect development from hazard areas (flood plains and slopes over 35%).*

Implementation strategy 7. Flexible design options within developments will be permitted to mitigate the impacts of required open space and recreation land dedicated or reserved.

Findings

The proposed text amendments retain the environmental overlay requirements that a minimum percentage of areas adjacent to development be retained as dedicated open space, either on a separate unbuildable tract or easement. Land may be maintained in private ownership or donated to public agencies. Additionally, the proposed HVRA regulation generally prohibits or

greatly restricts development directly adjacent to streams or wetland protected features. This complies with policies 1, and 2 and implementation strategy 4. Application of the continuous HVRA along stream banks contributes to the Policy 3 objective of developing an interconnected open space system. The NRO and HGRO continue to offer flexible design options such as setback reductions, street cross section modifications, density transfer, and others to comply with implementation strategy 7.

Conclusion

The policies and implementation strategies of Section 10.315 are supported by this proposal by maintaining minimum preservation requirements for undeveloped open space.

Section 10.320 – Transportation System

Goal 2: Ensure access and mobility by increasing multimodal travel options and providing a continuous, interconnected transportation system.

Policy 2: Plan, implement and maintain an efficient transportation system.

Action Measure 2: Require new development to provide multimodal street design and public utilities to serve the site and to extend public infrastructure to provide for the logical continuation of the City's utility and street systems. A development may be required to modify or replace off-site systems to provide adequate public facilities. The City Manager may require a development to provide a traffic analysis by a licensed traffic engineer that evaluates the traffic impacts and mitigation requirements.

Action Measure 3: Coordinate transportation projects, programs, and investment strategies with land use, economic development, noise reduction, air quality, water quality, and other Goal 5 policies.

Policy 3: Provide a street system that maximizes accessibility and mobility within the community.

Action Measure 4: Implement the Future Street Plan and street connectivity standards to ensure the development and completion of logical and continuous local street patterns within residential and mixed-use areas as development occurs. Per the Future Street Plan and street connectivity standards, new development must provide for the continuation and inter-connection of existing streets and must avoid long dead-end street patterns...

Findings

The proposed amendments balance the policy directive for a continuous, interconnected transportation system that maximizes accessibility and mobility with the policy directives to protect natural resources. This is accomplished by allowing infrastructure improvements such as water, sewer, and stormwater facilities to occur within mapped NRO and HGRO overlays with restrictions. Street stream crossings are generally limited to collector and greater classification streets and must be designed with fish passage features when

applicable. Standard street cross section modifications and greater flexibility in alley design is proposed to minimize the grading footprint of required connectivity.

Veteran trees greater than 24-inch DBH must be retained under the standard review process, otherwise, they may only be removed following a detailed Environmental Impact and Alternatives Analysis. The proposed amendments will require an extensive alternatives review analysis if installation of a road will result in the removal of a single veteran tree.

Staff recommends the veteran tree protection as proposed, including requirement of an environmental impact and alternatives analysis for removal of any veteran tree for the sole purpose of street construction, after accounting for these conflicting policy prerogatives:

- **Environmental Benefits:** Large costs of remediation due to loss of veteran trees and urban forest canopy cover and the clean air, water quality (e.g. stream shading and water uptake), bank stabilization, habitat, and aesthetic character value they provide
- **Affordable Housing:** Increased housing development costs in time and consultant fees
- **Economic Development:** Decreased economic opportunity for minority and small business developers with limited capital, expertise, and other development resources.

These measures are in compliance with Policy 2 and 3 and action measures 2, 3, and 4, while also balancing the need for compliance with the environmental goals and policies of sections like 10.014 III (Urban Forestry Management), 10.210 (Flooding), 10.220 (Natural Resources), 10.221 (Natural Resources), 10.232 (Water Resources Quality), and 10.235 (Thermal Pollution).

Conclusion

The Transportation System Goal and related policies and action measures of Section 10.320 are met through the proposed updates which balance natural resource protection aims with the need for accessibility and mobility. The proposal is consistent with the applicable goals and policies listed in this section.

Section 10.320.4 Pedestrian System

Policy 2: Provide pedestrian facilities that are continuous, accessible, and adaptable to all users.

Findings

The proposed NRO and HGRO amendments continue a similar regulatory framework to the HCA, ESRA, and Hillside overlay designations that they are replacing. Critical infrastructure, including pedestrian trails, sidewalks, and other facilities continue to be allowed with restrictions to minimize their footprint and preserve established vegetation to the extent possible. Where pedestrian facilities can meet objective standards for minimal disturbance, the text amendments will now allow a Type I review which will decrease permit cost in time and money.

Conclusion

The pedestrian system policy of section 10.320.4 is met.

Section 10.320.7 – Parking Management

Policy: Manage the on- and off-street parking supply to ensure there is an adequate but not excessive amount of parking available for all land uses.

Action Measure 1. Periodically review the Off-Street Parking and Loading Requirements of the Community Development Standards document to [...] provide options that reduce or manage demand for parking, thereby allowing a developer and the City to consider a variance to provide less than the minimum number of parking spaces required by code.

Findings

The proposed NRO amendments include provisions that limit parking allowances for multi-family and non-residential uses to be capped at the minimum required when parking within environmentally valuable areas. An allowance for reducing the minimum required parking rate by up to 20% is also included as part of the density transfer provisions to incentivize preservation of natural areas directly adjacent to the protected natural resource feature. As household patterns change, motor vehicles trend smaller in size, and mobility options increase with ridesharing apps, bike share, etc. reductions in parking area footprints while providing adequate parking supply continue to become more feasible. This is in compliance with the parking management policy and action measure 1.

Conclusion

The policy and action measure of Section 10.320.7 is supported by this proposal.

Section 10.330 – Public Facilities and Services

General Policy: IT IS THE CITY'S POLICY THAT DEVELOPMENT WILL COINCIDE WITH THE PROVISION OF ADEQUATE PUBLIC FACILITIES AND SERVICES INCLUDING ACCESS, DRAINAGE, WATER AND SEWERAGE SERVICES.

Findings

The proposed NRO and HGRO amendments continue a similar regulatory framework to the HCA, ESRA, and Hillside overlay designations that they are replacing. Critical infrastructure, including water mains, sewer mains, stormwater management facilities, streets, and other infrastructure facilities continue to be allowed with restrictions to minimize their footprint and preserve established vegetation to the extent possible. Where facilities can meet objective standards for minimal disturbance, the text amendments will now allow a Type I review which will decrease permit cost in time and money.

The addition of approximately 119 additional dwelling units and 35 acres of commercial/industrial lands (reference [Table VI.1](#)) within the new urban communities of Pleasant Valley and Springwater will be adequately served by transportation, water, sewer, and stormwater facilities that have been concept planned for the areas. Funding for those improvements and construction will primarily be carried out by developers as a condition of development with some assistance from System Development Charge funds.

Conclusion

The General Policy of Section 10.330 is supported by this proposal.

Section 10.333 – Stormwater Management System Public Facilities and Services

Goal: Improve flood protection and water quality through the construction and maintenance of the public stormwater system and preservation of natural resources, including area waterways, in compliance with applicable federal and state environmental regulations.

Policy 3. The following shall apply to new development and redevelopment

[...]

g. Structures and other permanent improvements shall not encroach over public and private stormwater facilities nor within public stormwater easements, drainage ways, streams, wetlands, seasonal waterways, seeps and springs.

Action Measure 10: Prepare a Stormwater Management Plan and appropriate BMPs to address the regulatory requirements of the federal Endangered Species Act (ESA) in regard to threatened salmonids and other at risk species that are affected by stormwater.

Findings

The proposed text and map amendments continue to provide for improved flood protection and water quality by protecting and preserving natural resources, wetlands, and riparian areas. Development within natural resource overlays will be prohibited to the extent practicable, and where allowed, will be subject to reasonable restrictions similar to those of the HCA and ESRA which are being replaced. Updates to the regulations include provisions that comply with updates to the ESA. These measures comply with Policy 3 and action measure 10.

Conclusion

The goal, policy, and action measure of Section 10.333 is supported by this proposal.

Section 10.400 – The Social Environment

Policy 1: IT IS THE POLICY OF THE CITY TO PROMOTE AN ORDERLY GROWTH PATTERN WITHIN ITS FINANCIAL CAPABILITIES TO PROVIDE SERVICES AND FACILITIES WHILE SEEKING TO EXERCISE LAND USE CONTROLS IN FUTURE SERVICE AREAS.

Findings

The proposed amendments continue to require provision of sewer, water, stormwater, and transportation facilities for development in future service areas. Land use controls to manage development directly adjacent to valuable natural resources are utilized, including a more robust density transfer provision that incentivizes building away from sensitive resource areas while not compromising the character of the area receiving the increased density.

Conclusion

Policy 1 of Section 10.400 is supported by the proposed text and map amendments.

Section 10.412 – City of Gresham Parks, Recreation, Open Spaces and Trails

Goal: Develop and maintain a neighborhood-oriented parks, open space and recreation system to enhance Gresham’s quality of life.

Policy 2: The City’s Parks, Open Space and Recreation system shall [...] protect and preserve natural resources and open spaces.

Policy 5. The City shall acquire and manage open spaces to provide protection of natural resources, nature-oriented outdoor recreation and trail related activities.

Action Measure 4. Maximize trail development opportunities in conjunction with open space acquisition and development.

Policy 11. The City shall develop, maintain and manage parks, open spaces and trails in ways that minimize impacts on environmental resources.

Policy 19. The City shall maintain and manage its parks and open space resources in ways that preserve and, where possible, enhance natural resources.

Policy 23. The City shall, either directly or in coordination with other stakeholders and agencies, seek opportunities to acquire public open space.

Findings

These amendments are designed to maintain and strengthen natural resource preservation and protection. It continues to set aside a percentage of areas in environmental overlays to remain undisturbed open space. This complies with policy 2.

The amendments continue to preserve the option for developers to dedicate a portion of the development to public agencies such as the City for open space preservation. Limited passive recreation improvements for nature oriented activities will now be eligible for Type I review, while larger scope recreational projects in the NRO and HGRO will continue to require a Type II review, to evaluate a strengthened environmental impact and alternatives analysis. This complies with policies 5, 11, 19, and 23 and action measure 4.

Conclusion

The goal, policies, and action measure of 10.412 are met.

Section 10.510 – Intergovernmental Coordination

Goal: IT IS THE POLICY OF THE CITY TO MAINTAIN EFFECTIVE COORDINATION WITH LOCAL, STATE AND FEDERAL GOVERNMENTS AND AGENCIES, SPECIAL DISTRICTS AND REGIONAL GOVERNMENTS.

Implementation Strategy 2: Affected agencies will be provided an opportunity to review and comment on the city's community development plans and programs and, likewise, the city will seek to review and comment on similar plans and programs which affect the city.

Findings

One of the reasons for the amendments is to coordinate compliance with changing state and federal environmental regulation. In establishing policy, City staff has reached out individually to its contacts at the federal and state (i.e. DOGAMI & DLCD) levels. Additionally, notices of public hearings and a copy of the draft code amendments have been sent to DLCD and Metro. Metro has been given additional materials as necessary to facilitate coordination of the newly proposed programmatic permit, intended to improve forest and stand management on public

land and by private franchise utilities. These actions are in compliance with the goal and implementation strategy of this section.

Conclusion

The goal and implementation strategy of Section 10.510 is supported by this proposal.

Section 10.600 - Housing

Livability Goal: Gresham will provide for a variety of livable neighborhoods.

Livability Action Measure 5: Ensure that new housing developments complement or enhance the character of existing quality neighborhood development.

Findings

The project maintains natural resource preservation mechanisms in the NRO and HGRO. These protections not only have water and air quality benefits, but they also benefit the aesthetic character of Gresham's urban environment. The project improves the existing density transfer provisions in the NRO to increase the proportion of areas to remain undisturbed along the immediate edge of protected riparian and wetland features. The density transfer provisions include a cap on lot dimensions and number of units transferred on the receiving property that will preserve the underlying character of the base district. The increased effectiveness of the density transfer option intends to increase the utilization rate of the incentive. This should result in a modest gain of realized housing supply so that areas being set aside as open space do not curtail housing supply and put upwards pressure on rising housing costs. These measures comply with the Housing livability goal and action measure 5.

Conclusion

This proposal is consistent with the applicable Section 10.600 goals and action measures.

Section 10.700 – Pleasant Valley Plan District (PV)

Section 10.703 -Residential Land Use/Neighborhoods (PV)

Goal: Pleasant Valley will provide a wide variety of housing choices that will accommodate a variety of demographic and income needs within high quality, well-designed and walkable neighborhoods framed by the natural landscape.

Policy 10: Neighborhoods will have strong connections to the Kelley Creek ~~and Mitchell Creek~~ open space systems. The design and function of neighborhoods shall facilitate preserving, enhancing and restoring Pleasant Valley's open space system.

Findings

The proposed text amendments will replace the ESRA-PV base zone in Pleasant Valley with the NRO overlay. The sum total acreage of NRO will be within 5 percent of the existing ESRA-PV acreage. The underlying regulatory structure of avoid, minimize, mitigate continues to be applied. The environmental impact and alternatives analysis provisions are strengthened. No change to the housing variety provisions are proposed. By continuing to protect the riparian

areas along Kelley Creek, these code provisions will help achieve the objective for neighborhoods to be framed by the natural landscape. The amendments also clearly add the HGRO as an environmental overlay to be applied in the Pleasant Valley area to protect the aesthetic and natural hazard protections of the buttes along the pleasant valley plan area perimeter.

The volume 1 amendments remove reference to text describing specific location and size of parks in Pleasant Valley. The conceptual location and size of those parks remain as drawn in 1 of the Pleasant Valley Plan District Plan (GCDP Appendix 42). Pleasant Valley continues to require provision of 8 neighborhood parks and 1 community park. Details of implementation for these parks will be fleshed out through the required master planning and development permit applications.

Conclusion

The updates provide standards for Pleasant Valley which are consistent with the plan goals for the neighborhood. The proposal is consistent with the applicable Pleasant Valley Plan District goals, policies, and action measures listed in this section.

Section 10.705 – Natural Resources (PV)

Goal: Pleasant Valley will be an urban community integrated with the natural environment.

Policy 1: Urbanization of Pleasant Valley will preserve, enhance, and restore natural resources.

Action Measure 6: Complete and adopt a state goal 5 natural resources process including an ESEE analysis and implementing program.

Policy 2: Urbanization of Pleasant Valley will be balanced with the protection of sensitive species and habitat, water quality, and the aquifer.

Action Measure 1: The Pleasant Valley Resource Management Map will serve as the basis for identifying areas to preserve, restore and enhance.

Policy 3: Road crossings within the ~~Environmentally Sensitive/Restoration Areas (ESRA)~~ Natural Resource Overlay (NRO) will be designed to provide crossings with the least impact.

Policy 4: Urbanization of Pleasant Valley will achieve low levels of effective impervious areas and high levels of tree protection and reforestation.

Policy 5: Flooding will be addressed by managing the frequency and duration of water flows in relation to match pre-development conditions for Kelley Creek and also to reduce downstream impacts to Johnson Creek.

Policy 6: Floodplains and wetlands will be fully protected and restored for improved hydrology and flood protection.

Policy 7: Urbanization of Pleasant Valley will increase quantities and diversity of upland habitats by creating larger, more diverse, connected habitats in the uplands.

Policy 8: Wildlife habitat connections between upland and riparian (river) habitats will be maintained and restored.

Action Measure 3: Establish a Greenway along Kelly Creek and its tributaries as the valley urbanizes. Greenways provide for public access and create a focal point for the community in the form of trails and open space along Kelley Creek and its tributaries.

Policy 10: Fish passage, where current passage is blocked, will be restored. Barriers to wildlife habitat corridors, such as bridges and roads, will be designed to provide proper opportunities for wildlife migration.

Policy 11: Urbanization of Pleasant Valley will prevent erosion and control sedimentation through the use of green development practices, site-sensitive design, appropriate construction management practices, revegetation of disturbed areas, and regular maintenance and monitoring. The use of native plants is a priority for revegetation and Green Streets.

Policy 15: Landslide prone slopes shall be protected.

Action measure 7: Add the Pleasant Valley Community Plan area to the Community Development Hillside and Geologic Risk Overlay map.

Findings

These amendments including the transition from ESRA to NRO and the formal introduction of the HGRO into the Pleasant Valley plan district are in keeping with policy 1 and action measure 6 to preserve, enhance and restore natural resources. Urbanization of the new urban community will continue to be balanced with the protection of sensitive species and habitat as prescribed by policy 2, 7, and 8.

The text amendments include clearer prohibition on stream crossings except for collector roads and above classifications. It also requires fish passage design when applicable, rather than leaving it to be applied as a best management practice. This is in compliance with policies 3 and 10.

Policies 4, 5, 6 and 11 are met by the NRO's general prohibition on development along HVRA's and strong restrictions within the RA to avoid intrusion into sensitive areas, and minimize impervious area footprints, to protect existing vegetation, especially stronger protections for veteran trees 24-inch DBH and larger, and lastly requiring restoration at a rate of 2 acres for each acre of disturbance. Mitigation options will be more flexible and appropriate to each micro-ecology, moving away from the ESRA one size fits all approach.

The greenway imagined in action measure 3 will consist primary of undisturbed open space along the Kelley Creek HVRA and its tributaries. Where feasible, passive recreation activities and trail connections will be possible with restrictions.

The proposed amendments introduce policy 15 and action measure 7 for the Pleasant Valley plan area, to ensure landslide risk hazards are actively managed in the area in compliance with State Goal 7. The application of the HGRO overlay in Pleasant Valley will comply with this new policy.

Conclusion

The goal, policies, and action measures of Section 10.705 are met.

Section 10.706 – Green Development (PV)

Goal: Pleasant Valley will be a “green” community where green infrastructure is integrated with land use and street design and natural resource protection.

Policy 1: Encourage the planting, maintenance and preservation of trees throughout the watershed. Volume 2 – Policies Document 284

Policy 3: Community design and infrastructure plans will produce minimal impacts on the environment, including flooding and water quality in Johnson Creek.

Policy 4: Infrastructure plans will avoid placement of utilities in the Natural Resource Overlay Environmentally Sensitive and Restoration Areas where practicable

Policy 7: Community design, infrastructure, and natural resource protection plans will incorporate guidelines for resource management consistently across all watersheds by ~~subwatershed~~, including stormwater quality and quantity.

Action Measure 1: Develop regulations, incentives, and development standards that include measures to protect and augment the natural stream system with a variable width, vegetated buffer system along streams and wetlands that are critical to the ecological health of the watershed.

Action Measure 3: Develop regulations, incentives, and development standards to provide for the planting and preservation of trees throughout the valley, including street rights-of-way, community open spaces, parking lots, and other landscaping areas, in order to:

- *Restore the natural hydrologic system by providing opportunities for evaporation, transpiration, and infiltration of rainwater.*
- *Act as an energy-saving measure to save on heat and cooling costs by shading and buffering buildings, and by reducing urban heat effects by shading parking lots and streets.*

Findings

The proposed NRO is a continuation of the ESRA model with key strengthened provisions as outlined throughout this report. There continue to be provisions that directly apply to infrastructure projects that are intended to protect and minimize flood and water quality impacts and degradation of vegetation. The mitigation options for ensuring the planting and preservation of trees throughout the valley and in riparian areas has been broadened to introduce flexibility to respond to micro-ecologies, as well as to better account for wildfire risk management. These measures are in compliance with policies 1, 3, 4, and 7 and action measures 1 and 3.

Conclusion

The goal, policies and action measures of Section 10.706 are supported by this proposal.

Section 10.709 – Transportation (PV)

Transportation Goal: Pleasant Valley will be a community where a wide range of safe and convenient transportation choices are provided.

*Action Measure 2: Establish street design standards that respect the characteristics of the surrounding land uses, natural features, and other community amenities. All streets will be designed to support adjacent land uses, accommodate pedestrians and bicyclists and include green streets design elements that help minimize stormwater runoff. Design will be based on the Pleasant Valley Street Designs adopted in the Pleasant Valley Concept Plan Implementation Strategies. In developing street designs utilize Metro publications *Creating Livable Streets*, *Green Streets: Innovative Solutions for Stormwater and Stream Crossings* and *Trees for Green Streets*. The plan district street design standards will provide for:*

[...]

i. Establishing guidelines to help determine most appropriate stream crossing solution for each individual crossing

j. Locating road and multi-use path stream crossing alignments to have the lowest level of impact on a stream or NRO ~~ESRA~~. Locational considerations shall include crossings perpendicular to the stream and along narrow stream segments. Trail crossings shall consider the needs of equestrians, where appropriate, and pedestrian and bicycle travel.

Findings

The proposed amendments clarify stream crossing thresholds to generally prohibit crossings for streets unless they are of collector or greater classification. This will result in increased preservation of natural resource areas and reduced impervious area within riparian and wetland, floodplain management areas while still maintaining the minimum accessibility and mobility structure for urban communities.

Conclusion

The goal and action measure 2 of Section 10.709 is supported by this proposal.

Section 10.723 – Stormwater Management Systems (PV)

Goal: The Cities shall manage stormwater to minimize impacts on localized and downstream flooding and to protect water quality and aquatic habitat.

Policy 2: Stormwater management shall avoid a net negative impact on nearby streams, wetlands, groundwater, and other water bodies to maximum extent practicable.

Policy 7: [...] The encroachment of structures and other permanent improvements over public and private stormwater facilities and within public stormwater easements, drainage ways, creeks, streams, seasonal waterways, seeps and springs is prohibited.

Findings

These policies are accomplished primarily by preserving and protecting areas in the proposed HVRA and to a lesser degree within the RA.

Conclusion

The goal and policies of Section 10.723 is supported by this proposal.

Section 10.724 – Parks and Recreation System (PV)

Policy 4: The natural area lands will constitute the framework of the open space system. The parks system will be organized to complement the open space system, and, wherever possible, the land should be used to create opportunities for people to pursue low intensity and low impact recreational activities. However, acquiring and protecting these lands should not be accomplished in lieu of creating other types of recreation spaces.

Action Measure 2: Evaluate the natural areas (~~ESRA~~) for their capacity to support passive recreation use in order to determine whether or not additional open space land is needed to

meet projected demands. The ESRA lands will not necessarily provide recreation. In some cases, human access should be very limited or prohibited in order to protect natural resource values.

Findings

The proposed NRO amendments continue to permit passive recreation activities within open space and natural resource areas. Those areas identified in the parks master plan will be eligible for Type I review with stringent restrictions on impact footprint. All other developments will require Type II environmental impact and alternatives analysis to demonstrate the balance between providing recreational opportunities and preserving natural resource functions. This complies with Policy 4 and action measure 2

Conclusion

The goal and action measure 2 of Section 10.724 are met.

Section 10.800 – Springwater Plan District (SW)

Section 10.803 – Sustainability (SW)

Goal: The Springwater Community shall strive to be a model for successful, sustainable, industrial development, and foster continued sustainability through encouraging businesses, industries and homes that are designed for and built with good environmental stewardship.

Policy 3: Utilize green development practices, including green streets. Community design and infrastructure plans should enhance the natural hydrologic system as a fundamental part of managing stormwater and water quality.

Policy 5: Preserve, restore and enhance natural resources in ways that help ensure its long-term economic, social and environmental benefits as Springwater urbanizes.

Policy 8: Encourage the planting and preservation of trees.

Action Measure 1: Develop regulations, incentives, and development standards that include measures to protect and augment the natural stream system with a vegetated buffer system along streams and wetlands that are critical to the ecological health of the watershed.

Action Measure 4: Develop regulations, incentives, and development standards to provide for the planting and preservation of trees throughout the study area, including street rights-of-way, community open spaces, parking lots, and other landscaped areas. Include an enforcement program.

Findings

The proposed NRO and HGRO regulations continue the ESRA-SW environmental protection and restoration approach of avoiding disturbance of highly valuable habitat and flood management/water quality areas, minimizing disturbance of vegetated buffer areas, and mitigating for unavoidable impacts. This is in compliance with Policies 3, 5, and 8 and action measures 1 and 4.

Conclusion

The goal, policies and action measures of Section 10.803 are supported by this proposal by adoption of the NRO and HGRO in place of the ESRA-SW.

Section 10.805 – Transportation (SW)

Policy 4: Design road crossings of the Springwater Corridor Trail to minimize the impact to the greatest practical extent...

Policy 16: Consider environmental barriers and constraints.

Findings

The proposed amendments clarify stream crossing thresholds to generally prohibit crossings for streets unless they are of collector or greater classification. This will result in increased preservation of natural resource areas and reduced impervious area within riparian and wetland, floodplain management areas while still maintaining the minimum accessibility and mobility structure for urban communities.

Conclusion

The goal and action measure 2 of Section 10.709 is supported by this proposal.

Section 10.806 – Natural Resources (SW)

Goal: The plan will preserve, protect and enhance natural resources.

Policy 2: Mitigation for any impacts of development in Springwater to stream corridor function shall be prioritized first on the same tributary within Springwater, secondly in Springwater on Johnson Creek or a tributary, or thirdly as close to the impact area as possible within the Johnson Creek basin.

Policy 5: Stream crossings will be minimized to the greatest extent feasible.

Policy 6: Road and pedestrian crossings of the natural resources areas shall be designed for the least impact practical.

Policy 8: To the extent practical, watershed functions and sensitive/natural species will be restored.

Policy 9: Barriers to wildlife habitat corridors, such as bridges and roads, shall be designed to provide proper opportunities for wildlife migration.

Policy 10: The urbanization of the Springwater Community shall be balanced with the protection of sensitive species and habitat, water quality, and groundwater resources.

Policy 11: The urbanization of the Springwater Community shall achieve, to the maximum extent practical, low levels of effective impervious surfaces, high levels of tree protection and reforestation, management of stormwater as close to the point of origin as possible, improved hydrology and flood protection, and removal of barriers to fish passages.

Policy 13: ~~Lands with slopes of 25 percent or above~~ Landslide prone slopes shall be protected.

Action Measure1: Add the Springwater Community Plan area to the Community Development Hillside and Geologic Risk Overlay Map ~~Special Purpose District Map~~.

Findings

The NRO regulations that will replace ESRA-SW include a prioritization to mitigate first within the affected riparian corridor, then the watershed, and, only if necessary, within subsequent watersheds. This complies with policy 2.

Stream crossings will be minimized primarily by requiring street connectivity only to collector classification or above streets. Pedestrian only regional trail stream crossings will be encouraged only for trails identified in Gresham's park and trails master plan. All others will require a thorough environmental impact and alternatives analysis to proceed. This complies with policy 5 and 6.

The proposed NRO regulatory framework maintains the avoid, minimize, mitigate approach of the ESRA-SW it replaces. A percentage of riparian and protected habitat area will need to be set aside with every development. Incentives, such as setback reductions and density transfers are retooled to better encourage building required densities away from ecologically sensitive areas. Restoration and mitigation will be required when projects include unavoidable RA impacts. This is in compliance with policies 8, 10, and 11.

The NRO standards include provisions on the habitat friendly design of bridges and roads to provide for wildlife migration. Wildlife friendly fence standards are newly introduced to permit property owners the ability to mark their properties while preserving mobility for fauna across natural landscapes. This complies with policies 9 and 11.

The proposed amendments include substantial revisions to the Hillside overlay which will now be regulated as the HGRO. The HGRO shifts focus away from slope ratios and towards landslide risk areas mapped with greater accuracy in recent years. The HGRO will apply to all known landslide risk areas within the Springwater area.

Conclusion

The goal, policies and action measure of Section 10.806 is supported by this proposal.

Section 10.824 – Natural Resources (SW)

Goal: The City of Gresham shall manage stormwater to minimize impacts on localized and downstream flooding and protect water quality and aquatic habitat.

Policy 7: Prohibit the encroachment of structures and other permanent improvements over public and private stormwater facilities and within public stormwater easements, drainage ways, creeks, streams, seasonal waterways, seeps and springs.

Findings

The goal and policy 7 of this section are primarily achieved by the floodplain regulations, but are also largely supported by the proposed NRO and specifically the HVRA protection which generally prohibits most development in areas prone to flooding and wetland function.

Conclusion

The goal and Policy 7 of Section 10.824 is supported by this proposal.

Section 10.825 – Parks, Open Space, and Trail System (SW)

Goal: An interconnected system of parks, trails, and open space shall be an integral part of the community design, serving to enhance economic growth, strengthen community bonds and protect natural resources...

Policy 5: The maintenance and implementation of parks, open space and trails shall encourage the planting and preservation of native plant and tree species.

Policy 6: Parks and trails shall be implemented to enhance and protect natural resources.

Policy 9: Open space shall preserve, restore and enhance natural resources as well as support the other parks and recreation objectives of the community.

Findings

The proposed NRO specifies specific standards for the development of parks and trails in a manner that encourages the planting and preservation of native plant and tree species and that enhances and protects natural resources, especially stronger explicit protection and preservation of veteran trees 24-inch DBH and greater. This is in compliance with policies 5 and 6.

The NRO requires the preservation, restoration and enhancement of natural resource areas while allowing under limited circumstances the development of passive recreational amenities such as nature paths, trails, and scenic view areas. This complies with policy 9.

Conclusion

The goal and policies of section 10.825 are met.

Section 10.900 – Kelley Creek Headwaters Urbanization Plan

Goal: The urbanization plan will balance development and the extension of urban services with the protection of natural features in Kelley Creek Headwaters.

Policy 3: Natural features will be protected with the environmental overlays that apply to the butte areas of the City north of Kelley Creek Headwaters.

Policy 7: Trail placement in Kelley Creek Headwaters, as shown on the Urban Growth Diagram, is conceptual and is based on the East Buttes Loop Trail and Scouter Mountain Trail concepts of the Metro Regional Trails Plan, Metro Resolution No. 02-3192.

- a. The final trail alignments are subject to negotiation with affected property owners. The City will not require property owners to dedicate land for trails nor will it use condemnation to acquire rights-of-ways for trails.*
- b. Trail placement will, where feasible, avoid the unconstrained (most developable) parts of properties, and will be located on public property where feasible.*
- c. Urban Growth Diagram Map No. 1 which shows regional trails shall be amended to reflect changes to conceptual trail alignments in the Metro Regional Trails Plan or changes that occur as a result of future Metro/City trails master planning efforts and to accurately reflect the locations of built trails.*

Action Measure 1: Upon annexation, properties will be given the following land use designations, as applicable, and as shown on the Urban Growth Diagram:

- a. Low Density Residential (LDR-7);*
- b. Hillside and Geologic Risk Overlay-Physical Constraint Overlay to protect slopes of 15% and greater;*
- c. Natural Resource Overlay along streams, riparian areas, wetlands and publicly owned upland habitat Habitat Conservation Area (HCA) Overlay to protect Metro Class 1 and 2 riparian areas along intermittent and perennial streams and publicly owned Class A and B upland wildlife habitat areas; and*

~~d. Open Space Overlay for the Metro-owned parcels that are dedicated for open space.~~

Action Measure 6: In regard to stormwater management and natural resources improvements, the following apply:

- a. Stormwater management will have a net negative impact on nearby streams, wetlands, groundwater and other water bodies.
[...]

Findings

These amendments include applying the proposed NRO and HGRO overlays to all applicable Kelley Creek Headwaters areas. This will ensure that the plan area is regulated by the same environmental and natural hazard protections as the rest of the City. This is in compliance with 3 and 7 and action measures 1 and 6.

Both NRO and HGRO provisions include standards permitting the environmentally friendly development of trails and other passive recreation development within natural areas. This complies with policy 7.

Conclusion

The goal, policies, and action measures of Section 10.900 are supported by this proposal.

Appendix A – Future Land Use Implications

Appendix A contains a list and brief explanation of the various environmental overlay and special purpose districts in the City of Gresham.

Findings

These amendments update the terminology to match the proposed NRO and HGRO provisions.

Conclusion

The comprehensive plan Appendix A continues to have six special purpose districts, two of which are renamed and revised by the proposed amendments.

Appendix B – Urban Services Boundary Map

Appendix B contains a map of those areas either in or planned to be added to the City of Gresham's urban services area.

Findings

These amendments revise the map to account for the change in zoning from ESRA-PV and ESRA-SW to a base district zone with Natural Resource Overlay.

Conclusion

The comprehensive plan Appendix B continues to identify the urban services boundary with accurate zoning designations accounting for the proposed changes in Pleasant Valley and Springwater.

Appendix C – Community Development Map

The Community Development Plan map, also known as the zoning map, reflects the City's regulated land uses. It identifies various sections of the City by specific zoning designations which govern what types of uses are allowed and prohibited, and what site, building, and environmental regulations restrict development activity in those areas.

Findings

Appendix C remains identical in all areas of the City proper. The map changes in the new urban areas of Springwater and Pleasant Valley, where the previous base zone, ESRA, is being replaced by various underlying zone districts and an NRO overlay as listed in [Table VI.1](#) of this staff report.

Conclusion

The Community Development map has been updated in Springwater and Pleasant Valley to apply underlying base districts such as LDR-PV, LDR-SW, VLDR-SW, MDR-PV, THR-SW, HDR-PV, RTI-SW, and IND-SW in areas previously zoned ESRA. Those areas will continue to be governed by environmental protections under the NRO overlay, as well as the floodplain and HGRO overlays in select areas. The change from the ESRA to overlays achieves the project objective of simplifying the development code under one regulatory framework and a unified natural resource quality mapping model for achieving State Land Use Goals 5 and 6 and Metro UGMFP Title 3 and Title 13 protections.

Appendix D – Community Development Special Purpose District Maps

Appendix D consists of seven special purpose district maps, including the Hillside Physical Constraint District, Water Quality Resource Area (WQRA), Habitat Conservation Area (HCA) Habitat Classification Map, and Habitat Conservation Area (HCA) Habitat Values Map.

Findings

These amendments replace the Hillside Physical Constraint District map with the Hillside and Geologic Risk Overlay (HGRO). They replace the WQRA and two HCA maps with the NRO map.

Conclusion

The change from these maps achieves two project objectives:

- 1)Simplifying the development code under one regulatory framework and a unified natural resource quality mapping model for achieving State Land Use Goals 5 and 6 and Metro UGMFP Title 3 and Title 13 protections.
- 2)Update hillside protections based on new and improved data.

Appendix I – Springwater Slopes Over 15% Map

Appendix I contained a map showing slopes over 15 percent in the Springwater new urban area.

Findings

This map is being supplanted by the HGRO map, which is based on more current and accurate data, and identifies landslide hazards based on more reliable factors other than strictly slope ratios.

Conclusion

The deletion of Appendix A achieves two project objectives:

- 1)Simplifying the development code under one regulatory framework and a unified natural resource quality mapping model for achieving State Land Use Goal 7.
- 2)Update hillside protections based on new and improved data.

D. Metro Urban Growth Management Functional Plan

Title 1 – Housing Capacity

Findings

Section 3.07.110 of this title requires that cities “maintain or increase its housing capacity” unless specifically exempted. The proposed plan map text and map amendments will have a small increase in the residential housing capacity for the Pleasant Valley and Springwater new urban communities. This is due to a change from the previous ESRA base district approach to a consistent Natural Resource Overlay approach, and improvements to the density transfer options that disincentivize development within or immediately adjacent to protected natural resource and habitat features. There are no changes proposed to the base district minimum and maximum density ranges of Gresham’s established residential zones. There are no changes to allowed uses within these residential zones, accessory dwelling units will continue to be allowed in all single-family residential zones.

As shown on table VI.1 of this staff report, Pleasant Valley will see an increase of approximately 71 dwelling units and Springwater will see an increase of approximately 48 units. Unit types vary by zone designation, are mostly single-family detached residential homes, but also include townhomes, and multi-family apartments. Accessory dwelling units are allowed everywhere single-family residential homes are allowed. Live work units are also permissible in certain zones.

Conclusion

There will either be no change, or a slight increase in the housing capacity (specifically in Springwater and Pleasant Valley) as a result of the proposed amendments. The proposal is consistent with Title 1 (Housing Capacity).

Title 3 – Water Quality & Flood Management

Findings

Section 3.07.340 consists of a set of standards intended to reduce the risk of flooding, prevent or reduce risk to human life and property, and maintain functions and values of floodplains. It also includes water quality performance standards intended to protect and improve water quality to support designated beneficial water uses and protect various functions and values of water quality resource areas.

The proposed comprehensive plan text and map amendments together preserve the intent and scope of the previously adopted Water Quality Resource Area, Habitat Conservation Area, and Environmentally Sensitive Resource and Restoration areas. The amendments combine these three disparate environmental regulations into a single regulatory framework (i.e. Natural Resource Overlay, NRO). The extent of area subject to protections increases by 27 net acres throughout the City and its new urban community planning areas. The standards themselves are strengthened and streamlined based on lessons learned over the past ten years of implementation. The quality of GIS mapping models of the stream, wetland, and upland resources is vastly improved using the latest updates based on improved data collection technology.

Detailed compliance with Title 3 is described in Exhibit E (ESEE Analysis). The proposed NRO mapping and regulations, with its High Value Resource Area (HVRA), Resource Area (RA), and Potential Resource Area (PRA) subarea designations, provide equivalent or better Title 3 protections than Metro's model ordinance.

Conclusion

The City continues to meet its obligations under this title by providing a higher quality mapped resource area within which a streamlined set of environmental protection and resource enhancement regulations will apply. The proposal is consistent with Title 3 (Water Quality & Flood Management).

Title 8 - Compliance Procedures

Findings

Section 3.07.820 of this title requires that at least 35 days prior to the first evidentiary hearing on an amendment to a comprehensive plan or land use regulation that the City submit the proposed amendments to Metro. Metro may review the amendments and can request that the City provide an analysis of compliance with the Functional Plan.

The City submitted the proposed amendments to Metro on October 19, 2020, which was at least 35 days prior to the first evidentiary hearing of November 23, 2020. The staff report detailing compliance with the Functional Plan was made available no later than November 16, 2020. As of the date of this report Metro has contacted the City asking for additional maps and a description of the difference in acres covered. The City has provided that information (which is incorporated into the ESEE Analysis). Gresham will continue to work with Metro to ensure compliance

Metro's Chief Operating Officer published the annual compliance report on February 27, 2020 acknowledging Gresham's status as compliant with the Functional Plan.

Conclusion

The City has submitted the proposed amendments to Metro at least 35 days prior to the first evidentiary hearing. The proposal is consistent with Title 8 (Compliance Procedures).

Title 11 – Planning New Urban Areas

Findings

Section 3.07.1120 of this title requires that areas added to the Urban Growth Boundary be adequately planned for and protected in the interim prior to City annexation. The City of Gresham contains three New Urban Areas. They are Springwater (2001), Pleasant Valley (2003), and Kelley Creek Headwaters (2003). These areas had comprehensive planning completed by 2005 to provide a framework for the orderly annexation and development into mixed-use, walkable, transit-friendly communities. The proposed comprehensive plan map text and map amendments replace the Environmentally Sensitive Resource and Restoration Area (ESRAs) regulatory framework with Natural Resource Overlay (NRO) regulations. This latter regulation set is based primarily on habitat conservation area (HCA) regulations and draws additional select

regulations from the ESRA model as determined to better achieve desired habitat protection and restoration objectives. The net acreage of NRO is 51 acres over the previous ESRA designation. The amendments also introduce the Hillside and Geologic Resource Overlay to the planning areas, to protect and mitigate potential landslide and earth movement hazards. These protections were not available in these areas prior to the proposed changes.

Subsection 1120(d) of this Title, requires the City to submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using a method consistent with a Goal 14 analysis, and within 30 days after adoption of new land use regulations for the area. The proposed plan map and text amendments will result in a net increase to residential dwelling unit capacity for the Pleasant Valley and Springwater new urban communities. The Kelley Creek Headwaters new urban community area will have negligible change in residential BLI since the transition from HCA to NRO is nearly one to one, and the density transfer provisions will materialize over a small area. The preliminary estimate for each geography—Pleasant Valley, Springwater, Kelley Creek Headwaters—is a net increase of 71 dwelling units, 48 dwelling units, and 0 respectively. The total housing capacity for each will be 5,110 dwelling units, 1,720 dwelling units, and 48 dwelling units respectively. A detailed inventory will be provided to Metro within 30 days of adoption.

Conclusion

The City continues to have comprehensive plans for each of its three new urban areas. These plans are being modified to improve habitat protection and restoration measures and to incorporate landslide and earth movement hazard protections. The proposal is consistent with Title 11 (Planning New Urban Areas).

Title 13 – Nature in Neighborhoods (HCA)

Findings

Section 3.07.1330 of this title requires that the City adopt maps and regulations to implement Metro and State Goal 5 conservation, protection, and restoration of streamside corridors and upland habitat areas as well as to control and prevent water pollution.

The proposed comprehensive plan text and map amendments together preserve the intent and scope of the previously adopted Water Quality Resource Area, Habitat Conservation Area, and Environmentally Sensitive Resource and Restoration areas. The amendments combine these three disparate environmental regulations into a single regulatory framework. The extent of area subject to protections increases by 27 net acres throughout the City and its urban planning areas. The standards themselves are strengthened and streamlined based on lessons learned over the past ten years of implementation. The quality of the mapping of the stream, wetland, and upland resources is vastly improved using the latest updates based on improved data collection technology.

Detailed compliance with Title 13 is demonstrated in Exhibit E (ESEE Analysis). To maintain consistency with existing levels of protection applied across three planning areas, during 3 previous Goal 5 processes where stakeholder input and field inventory findings were reflected in 3 previous ESEE analyses (by Metro for the Habitat Conservation Areas, by Portland and

Gresham for Environmentally Sensitive Restoration Areas in Pleasant Valley, and by Gresham for Environmentally Sensitive Resource Areas in Springwater), the NRO resource buffering effort was structured to stay consistent with prior local and regional decisions on resource significance.

Existing riparian buffer widths were analyzed to assess average buffer widths along each stream reach. The resultant average buffer widths ranged from 50 to 200 feet (with the HVRA buffers of 35-50 feet within the overall RA buffer width). Buffer widths in the new community areas were nearly twice that of the HCA buffers within the current city, and the newer “average buffer width” methodology retained that greater level of protection in the new community areas, preserving improved opportunity to conduct meaningful stream restoration projects where fewer existing and future constraints will limit stream improvement design options. Approximately 83 percent of the land currently protected by ESRA-PV, ESRA-SW and HCA designations will continue to be protected under the proposed NRO. In total (including proposed additions and deletions), there will be a net change of less than 27 acres overall.

Conclusion

Similar to the Title 13 Model Code, the regulations in the proposed NRO balance the objectives of protecting and enhancing fish and wildlife habitat, building a livable community, supporting a strong economy, controlling and preventing water pollution for the protection of the public health and safety, and complying with federal laws including the Clean Water Act and the Endangered Species Act. The proposal is consistent with Title 13.

E. Oregon Statewide Planning Goals

Goal 1 (Citizen Involvement)

Statewide Planning Goal 1 for Citizen Involvement requires that cities “insure the opportunity for citizens to be involved in all phases of the planning process.”

The public process was provided through web updates, in person public meetings, virtual public meetings, targeted stakeholder meetings, and the published notices posted in the Gresham Outlook in advance of both the Planning Commission and City Council hearings. See Section I of this report and Exhibit C for a full list and description of public outreach activities. Public comment may be submitted at the forthcoming Planning Commission hearing and City Council hearings. All those who submit comment on the proposed amendment receive a notice of decision.

Gresham’s Planning Commission acts as the Committee for Citizen Involvement (CCI) and has been involved in the project from the beginning of the EOP project in 2016 through the public outreach process in 2020.

Goal 2 (Land Use)

Statewide Planning Goal 2 for Land Use Planning requires cities to “establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to

assure an adequate factual base for such decisions and actions. This shall result in land use plans and implementation measures that are consistent with the land use plans.”

The City has a state-acknowledged Comprehensive Plan. [Section VI](#) of this report describes findings and conclusions that the proposed Comprehensive Plan Text and Map Amendments are consistent with applicable procedures and applicable goals and policies of the City’s Comprehensive Plan.

This plan map amendment involves updates to the Volume I findings portion of the GCDP. This is in line with Goal 2 which requires policies to be based on inventories and other forms of data as needed to be the basis for the policies and other decisions set forth in the plan. The updates relate to the City’s natural resource streams, wetland, and upland features.

Goal 2 requires notice no less than 30 days in advance of the public hearing on the proposed change. Several public notices including a Measure 56 notice (Exhibit D), a planning commission hearing notice, and a city council hearing notice preceded the public hearing on the change. All were or will be more than 30 days in advance of the hearing.

The proposed amendment is a major revision to the comprehensive plan that has widespread and significant impact beyond the immediate area. The previous major revision to the City’s natural resource regulations was adopted in 2009, over 11 years ago.

Goal 5 (Natural Resources)

Statewide Planning Goal 5 for Open Spaces, Scenic and Historic Areas and Natural Resources requires local governments to *“adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon’s livability.”*

The introduction of Section 5.0700 and modification to Section 5.0200 will bring the Development Code into compliance with updated State regulations for the implementation of Goal 5. The updated regulations will work to protect and enhance riparian corridors, wetlands, upland habitat, and natural areas within the City of Gresham and its future annexation areas. The comprehensive plan text and map amendment updates the inventories for streams, wetlands, and upland habitat to account for broader and more accurate information. Streams updated to reflect LiDAR 2018 stream mapping data containing the most accurate stream centerlines and extents to date. The wetland inventory has been updated to include National Wetland Inventory (NWI), Local Wetland Inventory (LWI), recent wetland delineations since the last mapping, and local information on the location of areas possessing potential wetland conditions requiring wetland determinations prior to development. The upland habitat areas are updated to reflect recent Metro and City purchases of open space lands since the last map update in 2009.

Detailed compliance with Goal 5 is described in Exhibit E (ESEE Analysis).

Goal 6 (Natural Resource Quality)

Statewide Planning Goal 6 for Air, Water, and Land Resources Quality requires that cities “maintain and improve the quality of air, water, and land resources of the state.” Specifically, it states, “All waste and process discharges from future development shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules, and standards.” It continues, “...such discharges shall not: 1) Exceed the carrying capacity of such resources, considering long range needs; 2) Degrade such resources; 3) Threaten the availability of such resources.”

The proposed comprehensive plan text and map amendments combine three disjointed habitat and natural resource protection paradigms into one single paradigm that will apply throughout the City of Gresham and its Urban Planning Areas. It continues to be primarily based on the 2009 Habitat Conservation Area (HCA) regulations that were acknowledged to be Goal 6 compliant back in 2009. The new language also retains several protection and conservation methods from the Environmentally Sensitive Resource and Restoration Area (ESRAs) regulations that were acknowledged as Goal 6 compliant back in 2002 and 2005. The proposed amended regulations will buffer water and land resource features such as streams, wetlands, and upland habitat, with a three-tier buffer system. The first, Potential Resource Areas are assigned to areas where there is insufficient information to establish the presence of wetlands at the time of Citywide mapping. For these areas, a wetland determination will be required prior to further development which could impact water and land resources. The second is a Resource Area (RA) designation within which tree removal, development disturbance area ratios, construction management plans, and other restrictions are applied to advance conservation, protection, and restoration objectives. The third is a High Value Resource Area (HVRA), where in addition to the RA restrictions, a more stringent restriction on development and disturbance area is enforced. HVRA’s are generally intended to remain undeveloped open space to be maintained in a natural state, or subject to resource enhancement and habitat restoration activities.

Goal 7 (Natural Hazards)

Statewide Planning Goal 7 for Areas Subject to Natural Hazards requires that cities “*protect people and property from natural hazards.*” Specifically, it requires “local governments [to] adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.” Natural hazards in this case includes riverine floods, landslides, earthquakes and related hazards, and wildfires among others.

The comprehensive plan text and map amendments update the inventory for landslide hazards by updating the hillside and geologic risk overlay map to be based on DOGAMI’s IMS-57 landslide risk hazard data first published in 2018. It helps protect against potential riverine floods through the protection and retention of open space and habitat area along creek banks which are often also within FEMA identified areas of special flooding hazard. It introduces a programmatic permit option for large land management stakeholders in the City (such as Metro, City Natural Resources, utility companies, and others) to manage areas of dense tree vegetation, which are increasingly at risk for wildfire in the wake of climate change. The proposed Hillside

and Geologic risk overlay (HGRO) continues to restrict the extent of development within known landslide risk areas as well as to mitigate for risk by requiring professional geologic and geotechnical review and certification of proposed development.

Gresham engaged DOGAMI when scoping the Hillside code updates DOGAMI's data products and analysis were integrated into the Hillside update along with guidance from Geotechnical Engineers. The guidance, and data were utilized to review against the community's context and risk tolerance. Per DLCD and DOGAMI guidance that "The community review the information received from DOGAMI and ascertains the most effective way to use the information" (Landslide Hazards Land Use Guide for Oregon, 2019, pg. 63).

Goal 10 (Housing)

Statewide Planning Goal 10 for Housing specifies that each city must plan for and accommodate needed housing types, such as single family, multifamily, and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

The proposed Comprehensive Plan amendments do not include changes to the potential capacity to develop residential uses. The net change in areas subject to environmental regulation is an increase of 27 acres. The Pleasant Valley and Springwater areas will have a more robust density transfer option that will allow for approximately a quarter to half of the residential capacity that is greatly restricted along the HVRA and to a lesser degree, within the RA, to be built in non-RA areas. The character of the receiving areas will be preserved by a limitation in the modification of lot dimensional standards.

As shown on [table VI.1](#) of this staff report, Pleasant Valley will see an increase of approximately 71 dwelling units and Springwater will see an increase of approximately 48 units. Unit types vary by zone designation, are mostly single-family detached residential homes, but also include townhomes, and multi-family apartments. Accessory dwelling units are allowed everywhere single-family residential homes are allowed. Live work units are also permissible in certain zones.

Goal 12 (Transportation)

Statewide Planning Goal 12 for Transportation requires that cities provide "*a safe, convenient and economic transportation system.*" It further asks for communities to address the needs of the "transportation disadvantaged."

The goal requires for comprehensive plans to plan transportation systems that consider as a major determinant the carrying capacity of the air, land, and water resources of the planning area. It further requires that plans for new or renovated major transportation facilities identify the positive and negative impacts on several issues, including environmental quality. The proposed comprehensive plan text amendments further clarify the balance between ensuring adequate regional and neighborhood transportation connectivity while protecting, preserving, and enhancing limited habitat and open space resources. A detailed environmental assessment

will be required in cases where the standard protection of habitat and open space resources cannot be met, to demonstrate that the complex considerations between environmental protection and community development have been properly weighed.

Veteran trees greater than 24-inch DBH must be retained under the standard review process, otherwise, they may only be removed following a detailed Environmental Impact and Alternatives Analysis. The proposed amendments will require an extensive alternatives review analysis if installation of a road will result in the removal of a single veteran tree.

Staff recommends the veteran tree protection as proposed, including requirement of an environmental impact and alternatives analysis for removal of any veteran tree for the sole purpose of street construction, after accounting for these conflicting policy prerogatives:

- Environmental Benefits: Large costs of remediation due to loss of veteran trees and urban forest canopy cover and the clean air, water quality (e.g. stream shading and water uptake), bank stabilization, habitat, and aesthetic character value they provide
- Affordable Housing: Increased housing development costs in time and consultant fees
- Economic Development: Decreased economic opportunity for minority and small business developers with limited capital, expertise, and other development resources.

Conclusion

The proposed amendments comply with the applicable Statewide Planning Goals 1 (Citizen Engagement), 2 (Land Use), 5 (Open Space & Natural Resources), 6 (Water & Environmental Quality), 7 (Natural Hazards), 10 (Housing), and 12 (Transportation). As of the date of this report DLCD has not contacted the City regarding the notice for these amendments.

SECTION VII

CONCLUSION

The proposed comprehensive plan amendments attached as Exhibit 'A' and Exhibit 'B' and their attachments are consistent with applicable criteria and policies of the Community Development Plan, the applicable development code of the Community Development Plan, applicable Metro UGMFP titles, and the applicable Oregon Statewide Planning Goals as indicated by findings contained or referenced in Section VI of this report.

SECTION VIII

RECOMMENDATION

Staff recommends **adoption** of the proposed comprehensive plan text amendments as contained in the attached Exhibit 'A' and its attachments and proposed comprehensive plan map amendments as contained in attached Exhibit 'B'.

End of Staff Report