

To: Chair Butler and Planning Commissioners
From: Tina Osterink, Natural Resources Planner, 503-618-2392
Memo Date: Feb. 16, 2017
Meeting Date: Feb. 27, 2017
Subject: Environmental Overlay Project
Introduction and Alternatives
Attachments: A: Environmental Resource Protection Areas Map
B: Stakeholder Meeting Summary
C: Draft Alternatives Analysis Memorandums, prepared by Angelo Planning Group
D: Alternative Approaches Summary

The purpose of this work session is to introduce and outline alternatives for the Environmental Overlay Project, which includes updates to the Gresham Community Development Code and GIS mapping process. This project was identified in the 2016 Council Work Plan as a Significant Operational Decision, and is expected to conclude in the fall of 2017.

BACKGROUND

As of 2009, the City has new updated and detailed aerial maps that significantly improve the accuracy of stream locations and the adjoining environmental resource buffers. To reflect this new more accurate data on the maps, the GIS models used to create the environmental buffer maps will need to be updated.

The goal of this project is to ensure the City's environmental overlays and land use districts are based on the most accurate GIS data available, and the associated Development Code provisions are clearer and more user friendly. There are currently three sets of maps and Development Code language to protect environmental resources in three different parts of the city, as shown in **Attachment A – Environmental Resource Protection Areas Map**. This makes it confusing for property owners to understand the level of resource protection and development potential of their property. The three environmental code sections described below include:

- **Habitat Conservation Area (HCA) Overlay District (Section 5.0400):** The HCA is an *overlay district* that implements environmental standards to protect Gresham's streams, wetlands, riparian areas and upland wildlife habitat in the existing City (as opposed to the new community areas of Pleasant Valley and Springwater). It was adopted in 2008, and largely reflects the original Metro Title 13 safe harbor ordinance language. The HCA overlay also includes areas called the Water Quality Resource Area (WQRA) that consist of the protected water feature and the adjacent vegetative corridor.
- **Environmentally Sensitive Restoration Area-Pleasant Valley (ESRA-PV) Land Use District (Section 4.1430):** The ESRA-PV is a *land use district* that implements environmental standards to protect streams, wetlands, riparian areas, and upland wildlife habitat in the new community area of Pleasant

Valley, which is west of the existing City limits. It is based on field work, mapping, and original Development Code creation conducted between 1999 and 2003 in partnership with the City of Portland, who spearheaded the creation of the GIS-based model and associated map.

- **Environmentally Sensitive Resource Area-Springwater (ESRA-SW) Land Use District (Section 4.1570):** The ESRA-SW is a *land use district* that implements environmental standards to protect streams, wetlands, riparian areas, and upland wildlife habitat in the new community area of Springwater, which is southeast of the existing City limits. It is based on field work, modeling, and Development Code creation conducted by a consulting team between 2002-2005.

Issues Summary

Property owners and the development community find the above-listed sections of the Development Code challenging to interpret and implement. Stakeholders, including City staff, have expressed the need for consistency, simplification and clarification of these portions of the Development Code, especially related to:

- Interpretation of environmental resource setbacks;
- Field identification of environmental resource boundaries;
- Mapping guidelines and the map verification process;
- Map revision requirements as they relate to on-the-ground resource changes that occur prior to annexation; and
- Implementing mitigation options.

For instance, property owners and developers have a difficult time in the field identifying a natural resource buffer adjoining a stream that runs through their property. Similarly, planning staff find it difficult to explain the field identification process when handling inquiries at the planning counter or when approving development applications.

PROJECT OVERVIEW

In July 2016, Gresham hired a consultant team to assist with the Development Code and mapping update, which includes planning staff from Angelo Planning Group and biologists from Pacific Habitat Services.

The project goals are to:

- Clarify, simplify and if possible, unify the three environmental zones (HCA, ESRA-PV and ESRA-SW)
- Revise environmental rules for ease of Development Code integration and implementation
- Update the GIS models and resulting resource buffer maps in the three environmental zones
- Maintain the degree of environmental resource protection currently provided

Project Outreach

On October 4, 2016, city staff and our consultant team conducted Stakeholder Meetings, engaging developers, neighborhood and environmental groups. The purpose of these meetings was to outline the scope of the project and have an informal discussion about concerns from key stakeholder groups. A list of attendees and key themes are included in **Attachment B – Stakeholder Meetings Summary**.

The City is also currently working with the Federal Emergency Management Agency (FEMA) to update the regulatory flood maps as part of the Environmental Overlay Project. On June 27, 2016, FEMA held a public open house in Gresham to help property owners understand the impacts of the proposed flood map changes. FEMA estimates a three-month appeal period (for Gresham properties in the Lower Columbia-Sandy Watershed) to begin in April 2017 and the final flood maps becoming effective in June 2018. Depending on the timing of FEMA's ongoing negotiations with the National Marine Fisheries Services (NMFS), the Environmental Overlay Project may also update floodplain code to reflect newer federal guidelines intended to ensure Endangered Species Act considerations are included in floodplain management decisions.

ALTERNATIVES ANALYSIS

To address the specific deficits and challenges with Gresham’s environmental overlay and land use district code sections and GIS mapping process, the consultant team provided staff with an initial evaluation of the strengths and weaknesses of the various alternative options, which is included in **Attachment C – Draft Alternatives Analysis Memorandums**. Due to the complexity of this project, the draft report was prepared by the consultants in three parts, as noted in Table 1 below:

Table 1. Development Code and Mapping Alternatives

<u>Part One (Development Code)</u>	<u>Part Two (Development Code)</u>	<u>Part Three (Mapping Options)</u>
<p>A. Consolidate Zones Alternative A.1 Alternative A.2</p> <p>B. Consolidate WQRA into HCA Alternative B</p> <p>C. Density Transfer Alternative C.1 Alternative C.2</p>	<p>D. Temporary Disturbance Areas Alternative D. 1 Alternative D.2</p> <p>E. Tree Survey Alternative E.1 Alternative E. 2</p> <p>F. Mitigation Program Alternative F.1 Alternative F.2 Alternative F.3</p> <p>G. Field Verification for Developers Alternative G.1 Alternative G.2 Alternative G. 3</p> <p>H. Map Update Process Alternative H. 1 Alternative H.2</p>	<p>Alternative 1. No change. Retain existing model inputs.</p> <p>Alternative 2. Average distances from stream centerline.</p> <p>Alternative 3. Metro HCA Methodology.</p>

Staff evaluated the strengths and weaknesses of the various alternatives on how well they addressed the Development Code and mapping process challenges, as well as the overall goals for the Environmental Overlay Project. A summary of staff’s Development Code approaches recommended for further consideration is included in **Attachment D-Alternative Approaches Summary**.

Since staff and the consultant team are still working through the GIS analysis for mapping Alternatives 1, 2 and 3, the analysis focuses on the qualitative and methodological differences between these three alternatives.

A full list and description of all Development Code and mapping alternatives can be found in **Attachment C and D**. Below is the list of the Development Code and mapping alternative approaches moving forward (with some noted as hybrid or modified) to be further evaluated and settled on in the preferred approach analysis phase of this project.

I. Development Code Alternative Approaches for Further Consideration

A - Consolidate Zones

Issue: Different standards across the three zones result in inconsistent application of the code.

Alternative A.1: Full consolidation into HCA with explicit protections for ESRA-PV and ESRA-SW.

B-Consolidate Water Quality Resource Area (WQRA) into HCA Code Section

Issue: WQRA requirements are difficult to locate and apply to individual development cases and add a degree of unnecessary complexity to the Development Code.

Alternative B: Consolidate the WQRA into HCA code section with WQRA designated as HCA "high value".

C-Density Transfer

Issue: Lack of clarity in the current density transfer provisions to reduce the impact to land within the HCA and ESRAs that result in limited incentives for developers to protect these areas.

Alternative C.1: On-site density transfer with limits for transfer to HCA and expanded transfer options for ESRAs.

D-Temporary Disturbance Area

Issue: Current provisions in the Development Code do not adequately protect the natural resource functions, such as large site trees, during the construction and post-construction phases of development.

Alternative D.1,2 Hybrid: Define temporary disturbance areas and allow additional areas of temporary disturbance for shrubs and trees of a certain size and location; and include required restoration.

E-Tree Survey

Issue: Current provisions are only applied to calculate mitigation requirements as opposed to guiding the approval process that determines the extent of a disturbance area and does not adequately factor in higher value resources, such as mature trees.

Alternative E.2 Modified: Require detailed tree survey information only for those trees within disturbance area and 50 feet beyond the location of identified trees (that 50 feet to encompass critical root zone of trees of a "trigger-size" yet to be determined).

F-Mitigation Program

Issue: Application of mitigation standards is inconsistent across the three environmental zones.

Alternative F.3 Modified: Develop new mitigation criteria detailed in a shared guidance document with a combination of prescriptive and alternative standards outlined in both Alt. F.1 and F. 2; which would vary by parcel size.

G- Field Verification Process

Issue: Available GIS mapping for some natural resources within the boundaries of environmental protection zones vary in accuracy, resulting in an inadequate environmental protection zone and uncertain development potential at the parcel level.

Alternative G.1.2.3 Hybrid: Require applicants to field verify certain elements only when evidence shows unmapped or mis-mapped resources occur on the development site. Landowners' to verify environmental buffer boundaries on the parcel in certain circumstances. Procedures will be developed for landowners to correct environmental zones on their property.

H-Map Update Process

Issue: Current procedures for city-initiated and applicant-initiated map corrections are unclear and cumbersome across all three environmental zones.

Alternative H.2: Establish a new system as summarized in the table in the Alternatives Analysis Part Two report, which would be applied in all three zones. Consider modifying timeframe provisions, related to city initiated map updates, out of the new process. For instance, the current annual provision requiring a map update could be replaced with a more feasible timeframe of every five years.

II. Mapping Alternatives for Further Consideration

Alternative 1: No change. Retain existing GIS geoprocessing model and inputs.

The status quo means the City would not change the mapped extent or methodology of the ESRA-PV, ESRA-SW or HCA zones and the GIS model inputs will be different for all three zones, keeping the current GIS mapping process in place.

Alternative 2: Establish Resource Boundaries Based on Average Distances from Stream Centerline.

This alternative is intended to simplify the GIS model and mapping process by distilling various riparian layers into an average distance from the stream centerline, and with an average buffer around wetlands, with the goal of maintaining the degree of resource protection currently provided.

Alternative 3: Establish Resource Boundaries based on Metro HCA Methodology.

This alternative would use and apply Metro's HCA methodology for resource protection to establish resource boundaries within the ESRA areas. Within the portion of the city covered by the Habitat Conservation Overlay, the only change under this alternative would be to update the stream and floodplain data with the latest available information.

Key questions for the Planning Commission are:

1. Do you agree with the alternatives under consideration?
2. Do the alternative approaches provide a wide enough range to ensure the issues can be addressed in the process for identifying the preferred approach?
3. Are there suggestions to add, delete or modify the list of alternative approaches?

NEXT STEPS

Upcoming activities to discuss the alternative approaches include a community forum in late May 2017.

The preferred approach selection phase of the project is just getting underway. Staff intends to bring a finalized Preferred Approach report to Planning Commission in Spring of 2017 where the Development Code alternative approaches and mapping alternatives will be more refined with additional quantitative analysis provided at that time.