
Type IV Legislative Hearing and Enactment
Environmental Overlays Project:
Natural Resource and Hillside and Geologic Risk Overlay Areas

Meeting Date: December 15, 2020
Service Area: Urban Design & Planning

Agenda Item Number: D-1
Service Area Manager: David Berniker

REQUESTED COUNCIL ACTION

1. Hold a Type IV Legislative Hearing on City Application No. CPA/PMA 20-26000278.
 2. Move to approve City Application No. CPA/PMA 20-26000278 based upon the findings, conclusions, and recommendations of the November 23, 2020 Planning Commission Recommendation Order and the November 13, 2020 Staff Report, and approve the Enactment Reading of Council Bill 12-20.
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PUBLIC PURPOSE AND COMMUNITY OUTCOME

This set of Gresham Community Development Plan amendments ensures the following City environmental overlays and land use districts are updated based on the most current GIS data available, use more efficient and accurate methodologies, that the associated Development Code and Map provisions are made more clear and user-friendly, and that the updates meet state and regional regulatory requirements:

- Habitat Conservation Areas (HCA)
- Environmentally Sensitive Restoration Areas - Pleasant Valley (ESRA-PV), and
- Environmentally Sensitive Resource Areas - Springwater (ESRA-SW)
- Hillside Physical Constraint District (HPCD).

Proposed updates integrate the HCA and ESRA overlays and land use districts into one consolidated and new overlay, the **Natural Resource Overlay (NRO)**. The HPCD is updated to also apply to areas in Pleasant Valley and Springwater and is renamed as the **Hillside Geologic Risk Overlay (HGRO)**.

Volumes 1 (Findings), 2 (Policies), and 3 (Development Code) of the Gresham Community Development Plan are updated to reflect the proposed changes.

BACKGROUND

This is a public hearing to amend Gresham Community Development Plan (GCDP) Volumes 1 (Findings), 2 (Policies), and 3 (Development Code). The Council initiated the amendment process by adopting the 2019 Council Work Plan to update GCDP sections related to Habitat Conservation Areas (HCA), Environmentally Sensitive Restoration Areas - Pleasant Valley (ESRA-PV), Environmentally Sensitive Resource Areas - Springwater (ESRA-SW), and the

Hillside Physical Constraint District (HPCD). This is the second phase of the Environmental Overlay Project which Council initiated on June 21, 2016. The first phase addressed sections of the GCDP related to Floodplain areas, updates were adopted by Council on December 18, 2018, and became effective January 17, 2019.

The primary proposed GCDP changes involve:

- i. Combining three separate environmental regulatory frameworks and mapping models applied differently in three separate planning areas into one,
- ii. Providing a Type I process for review of required environmental regulations for single-family detached and duplex housing on pre-existing lots of record,
- iii. Providing a clear and objective environmental review track for all housing projects,
- iv. Allowing development through a discretionary review process that uses a more robust environmental impact review,
- v. Improving tree management procedures in environmental overlay areas including introducing wildfire risk management considerations,
- vi. Improving incentives for preserving and avoiding development in environmentally sensitive areas, including a more effective option to transfer density of development to other areas,
- vii. Using landslide hazard risk as the main input to protection boundaries rather than coarse slope data,
- viii. Extending the requirement for geotechnical review 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), and
- ix. Ensuring that the natural resource and hillside overlay maps are based on the most current and accurate GIS data available.

The overview provided below summarizes some of the changes proposed to the Gresham Community Development Plan. A detailed summary of the changes is located in the executive summary of the November 13, Staff Report (Attachment C, Pages 6 – 13)

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 altered to align the volume with recent and proposed updates.

Volume 2 (Policies)

- 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.
- Natural Resources, Fish and Wildlife Habitat, Water Resources and Ecologically and Scientifically Significant Areas policies are 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 altered.

- 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.

Volume 3 (Development Code)

- 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 4.1430 - 4.1454 Pleasant Valley Plan District Environmentally Sensitive Restoration Areas is deleted and replaced by proposed Section 5.0700 (NRO).
- Section 4.1570 – 4.1594 Springwater Plan District Environmentally Sensitive Resource Areas is deleted and replaced by proposed Section 5.0700 (NRO).
- Section 5.0200 Hillside Physical Constraint Overlay District is replaced with a proposed Section 5.0200 Hillside and Geologic Risk Overlay (HGRO).
- 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.
- Section 9.1000 Tree Regulations amended to generally exempt areas subject to the NRO and HGRO from standard tree regulations (Section 9.1000). 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.
- 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.

The Planning Commission held a public hearing on the proposal on November 23, 2020 and recommended that Council approve the proposed amendments.

RECOMMENDATION AND ALTERNATIVES

Recommendation:

Staff recommends that City Council move to approve City Application No. CPA/PMA 20-26000278 based upon the findings, conclusions, and recommendations of the November 23, 2020 Planning Commission Recommendation Order and the November 13, 2020 Staff Report, and approve the Enactment Reading of Council Bill 12-20.

Alternatives:

The alternatives to the staff recommendation are to:

1. Adopt the staff recommendation with deletions, additions or modifications.
2. Refer some or all of the proposal back to the Planning Commission for consideration. This would delay enactment of some or all of the amendments.

No Action:

3. Reverse the Planning Commission and staff recommendations and reject the amendments. The existing Development Code and Comprehensive Plan Volumes 1 and 2 will remain in effect.
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BUDGET / FINANCIAL IMPACT

Project cost (staff time, consultant fees) were included in the budget.

PUBLIC INVOLVEMENT

The project has included 18 public meetings. This includes multiple Planning Commission and Neighborhood Coalition meetings between 2017-2020, and meetings with environmental and development stakeholders between 2016 and 2020. A detailed summary of the public outreach is included as Exhibit C of the staff report.

NEXT STEPS

Approval of Resolution 3437 adopting the City of Gresham Environmental Technical Guidance Manual.

Approval of Resolution 3434 to establish a fee for payment-in-lieu of natural resources mitigation.

If approved, the effective date of this item is January 15, 2021.

ATTACHMENTS

- A. Council Bill 12-20, including Exhibits:
 1. Section 3.0100 Definitions
 2. Section 5.0200 Hillside and Geologic Risk Overlay
 3. Section 5.0700 Natural Resource Overlay
 4. Table 11.0204 Procedures
 - B. Planning Commission Recommendation Order
 - C. November 13, 2020 Staff Report (Including Exhibits)
 - D. Draft November 23, 2020 Planning Commission Minutes
 - E. Public Comments
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