

Environmental Overlay Project



**CPA/PMA
20-26000278**

Planning Commission
Hearing

November 23, 2020



Project Process

- 2016
 - Project authorized by Council
 - No significant change to the degree of resource protection
 - Be consistent with stakeholder input for:
Pleasant Valley (1995-2005) and Springwater (2004-2007) Community Plans
Metro Title 3 and Title 13 processes (2002-2008)
 - NRO Stakeholder meetings

- 2017
 - NRO alternatives reviewed and Preferred Alternative Selected
 - Simplifying buffer with “Average Buffer Width” approach
 - Unify buffer approach across planning areas (maintain wider new community buffers)

- 2018
 - GIS modeling for buffer updated
 - New Landslide Risk Data from state reviewed

- 2019
 - Identified where NRO and Hillside needed Clear & Objective Standards
 - Hillside code audited
 - Landslide risk modeling

- 2020
 - Draft Code and Maps
 - Public Outreach and Adoption

Project Purpose and Summary of Outcomes



Environmental Overlays – Community Purpose



Gresham’s community members care about the value and habitats that healthy natural systems provide.

Natural Resource Areas

Keep our community healthy and livable

- Provide clean local water quality for recreation and fish habitat
- Can reduce damage from natural disasters
- Support property values

Developing in **Hillside and Landslide Risk Areas** should be done in a way that minimizes risks to public health and safety.

Local code supports the federal, state, and regional **regulations** that guide related to Gresham’s responsibilities in protecting natural systems.

Environmental Overlays – What are they?

Environmental overlays are areas where there are more levels of protection for natural resources such as streams, wetlands, and hillsides than in other areas of the City

Existing Overlays		Resources Protected	Area
Habitat Conservation Areas	(HCA)	Streams, Wetlands, Riparian Buffers, Publicly Owned Upland Habitat	Citywide excluding PV & SW plan areas
Environmentally Sensitive Restoration Areas	(ESRA-PV)	Streams, Wetlands, Riparian Buffers, Upland Habitat	Pleasant Valley
Environmentally Sensitive Resource Areas	(ESRA-SW)	Streams, Wetlands, Riparian Buffers, Upland Habitat	Springwater
Hillside Physical Constraint District	(HPCD)	Steep slopes and hillsides	Citywide south of Glisan excluding PV & most of SW

Environmental Overlays – Project Benefits

- Updates methodologies for determining natural resource, steep slope, and landslide risk boundaries based on updated data
- More clearly defines where development activity can occur
- Makes code easier to understand, more user-friendly
 - Updated and consistent language
 - Makes standards consistent among City, Pleasant Valley, Springwater
- Code meets new State standards for housing review
- New payment-in-lieu and mitigation options
- New development density transfers allowances



Environmental Overlays – Comp. Plan Updates

COMPREHENSIVE PLAN VOLUME 3 – DEVELOPMENT CODE

	Section	Overlay	Change
Natural Resources	4.1430 - 69	Pleasant Valley ESRA	Integrated into new section 5.0700 (NRO)
	4.1570 - 94	Springwater ESRA	Integrated into new section 5.0700 (NRO)
	5.0400	Habitat Conservation Area	Integrated into new section 5.0700 (NRO)
	5.0700	Natural Resources Overlay (NRO)	New section that integrations sections above: 4.1430-69, 4.1570-94, and 5.0400
Hillsides	5.0200	Hillside Physical Constraint Overlay Renamed to: “Hillside and Geologic Risk Overlay” (HGRO)	<ul style="list-style-type: none"> • Extended to include Pleasant Valley + Springwater • Mapping changed: <ul style="list-style-type: none"> ➤ Existing = based on slope ➤ Update = based on landslide risk

Environmental Overlays – Comp. Plan Updates

COMPREHENSIVE PLAN VOLUME 1 – FINDINGS

2.200 - 2.300	Physical Constraints, Natural Resources
3.100	Land Use
Appendix 42-47, 50	Pleasant Valley, Springwater, Kelley Creek Headwaters



COMPREHENSIVE PLAN VOLUME 2 – GOALS & POLICIES

10.200 - 230	Areas Subject to Natural Hazards, Natural Resources, Environmental Quality
10.300 - 600	The Physical, Social, & Political Environments and Housing
10.700 - 900	Pleasant Valley Plan District, Springwater Plan District, and Kelley Creek Headwaters Urbanization Plan

Natural Resource Overlay (NRO) Areas

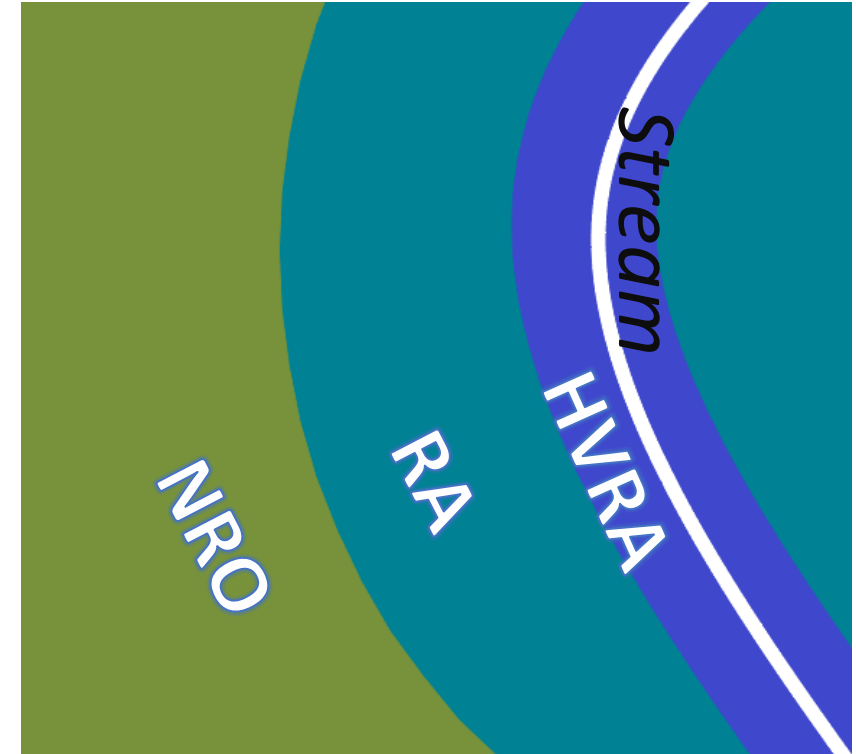
*Riparian Areas, Streams,
Wetland Areas, Upland Habitats*



Natural Resource Overlay (NRO) – Definition

Riparian Areas, Streams, Wetlands, Upland Habitat

- **Natural Resource Overlay (NRO)**
A parcel containing a Resource Area
- **Resource Area (RA)**
Land that lies within a defined buffer area of a resource
- **High Value Resource Area (HVRA)**
Areas with a higher degree of protection. Includes the stream or wetland itself and the adjacent 35-50'
- **Potential Resource Area (PRA)**
 - An area likely to have unmapped wetlands.
 - Requires a site assessment for wetlands before a land use application.



Natural Resource Overlay (NRO) – Definition

Riparian Areas, Streams, Wetlands, Upland Habitat

NRO Code Update Highlights

Developer Friendly

- Simplified mapping / Predictable boundaries
- Introduction of temporary disturbance areas
- More flexibility in mitigation design
- Simplified single-family residential review for existing lots
- Streamlined review process where resource areas cannot be avoided

Natural Resource Friendly

- Easily enforceable boundaries
- Reduction in permanent disturbance areas
- Mitigation design better supports biodiversity
- Tighter restrictions closer to streams
- Density transfer to incentivize avoiding resource areas

Natural Resource Overlay – Clear & Objective Standards

Riparian Areas, Streams, Wetlands, Upland Habitat



Introduction of Clear & Objective Standards

- The state recently extended the requirement for *clear and objective standards* for all housing development
- Code provisions that rely solely on discretion (judgement calls) are no longer compliant with state law
- The City must provide a review track that does not require professional reports or alternatives analysis
- Developers *can* choose a discretionary path with additional reviews.

Natural Resource Overlay – Existing Homes

Riparian Areas, Streams, Wetlands, Upland Habitat

What do the Updates Mean for Existing Homes?

- For most property owners there won't be any major changes but the exact areas covered may have changed.
- Property owners will continue to be able to use legally established existing impacts (house, yard, garden, shed, etc.) with no additional restrictions
- If property is mapped as NRO but is separated from the natural resource by a road there will be no NRO restrictions applied
- Trees:
 - Hazardous trees can still be removed (replacement of those trees will be easier)
 - Non-hazardous trees outside the allowable buildable area will still need to be protected



Natural Resource Overlay – Allowed Disturbance

Riparian Areas, Streams, Wetlands, Upland Habitat

Disturbance Areas

Single- Family Residential

Maximum disturbance area = 6,000 SF



Temporary

(up to 2,000 sq ft)

- Staging and stockpiling
- Vegetation removal (includes small trees)
- Area must be restored

Permanent

(up to 4,000 sq ft)

- Grading and building
- Vegetation and tree removal
- Area must be mitigated

Non- Single Family Residential

Maximum disturbance area =

- 25% of the Resource Area on site
- All permanent disturbance must be mitigated

No disturbance allowed in the High-Value Resource Area (HVRA)

Natural Resource Overlay (NRO) – Mitigation

Riparian Areas, Streams, Wetlands, Upland Habitat

Mitigation

- **Land Divisions:** Mitigation done before any houses can be built
- **Other Development:** Mitigation done before buildings can be occupied
- **New Options:** Existing mitigation standard achieves only one habitat type. Flexibility has been added for to allow for multiple habitat types to be realized.
- **Payment-in-Lieu:** Added to address common outcome of insufficient space for mitigation

Single- Family Residential

- Cannot mitigate on-site
- Payment-in-lieu required

Non- Residential

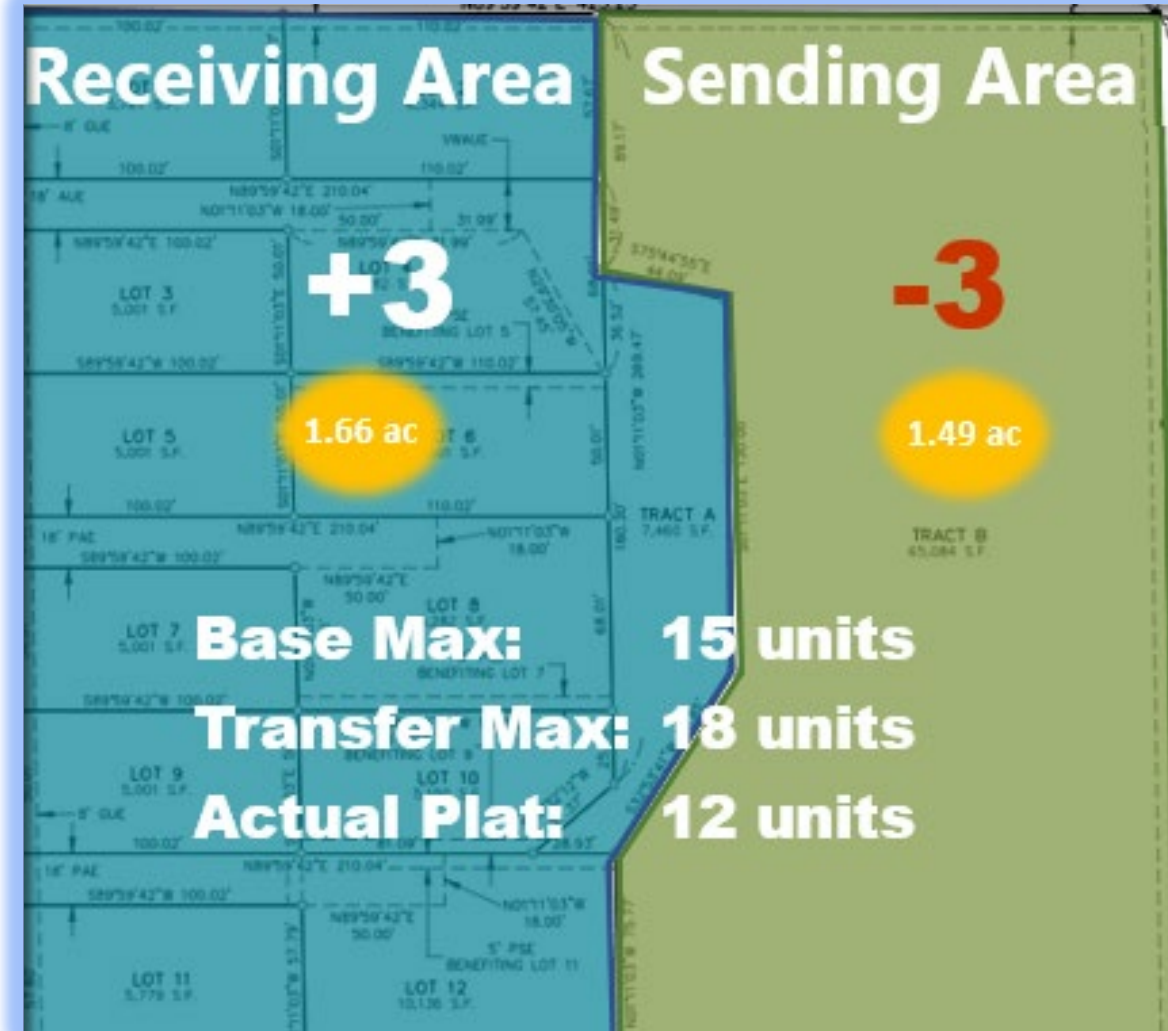
- All practicable mitigation must be on-site
- Payment-in-lieu an option when there is not room to mitigate on-site

Natural Resource Overlay (NRO) – Density Transfers

Riparian Areas, Streams, Wetlands, Upland Habitat

Land Divisions and Density Transfers

- Incentive to not disturb resource areas
- For single family residential zones
 - 50% of minimum density of underlying zone
- Transfer parcel and receiving parcel
 - both part of Type II applications
- Caps on receiving area density
 - up to 125% of maximum density
- Slight reductions in setbacks and minimum lot sizes allowed
- Can only be transferred within a planning area (e.g. Pleasant Valley to Pleasant Valley)

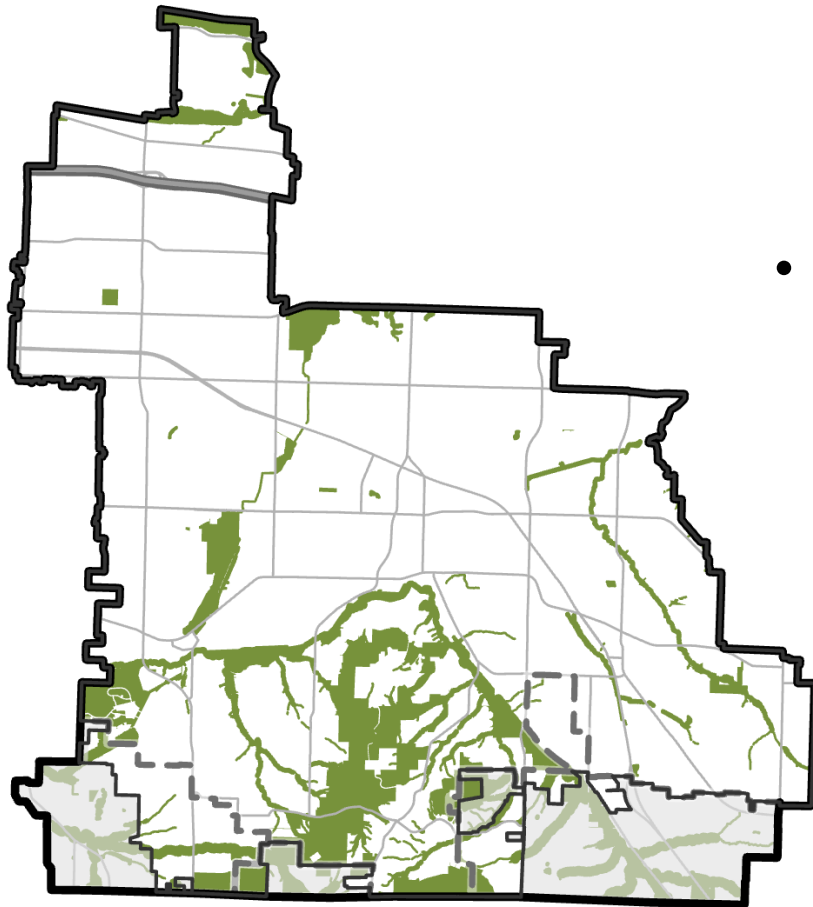


Natural Resource Overlay (NRO) – Map Updates

Riparian Areas, Streams, Wetlands, Upland Habitat

Mapping Update Highlights

- Resource protected areas in Pleasant Valley and Springwater changed from land use zones to overlays
 - allows boundaries to shift as natural resources shift
 - creates one methodology for the city and these Plan areas
- Acreage within the overlay



	Existing Code	Existing Code + Updated Data	Updated Code + Updated Data
ESRA-PV	252	~275	251
ESRA-SW	395	~420	447
HCA	2,050	~2,103	2,039
Total Acres	2,697	~2,798	2,737

Hillside and Geologic Risk Overlay (HGRO) Areas

Steep Slopes

Forested Buttes

Landslide Prone Areas



Hillside & Landslide Risk Areas – Code Updates

Steep Slopes, Forested Buttes, Landslide Areas

Code Update Highlights



- Institutes a simple review process for building single family homes safely
- Providing greater predictability for developers wishing to divide land or build
- Establishing clear and objective standards within overlay areas
- Ensuring protections for forested hills
- Introducing fire-safety considerations with hazard tree removals
- Clearly defining when geotechnical review is required for proposed development
- Requiring geotechnical issues be taken into consideration during grading and building

Hillside & Landslide Risk Areas – Existing Homes

Steep Slopes, Forested Buttes, Landslide Areas

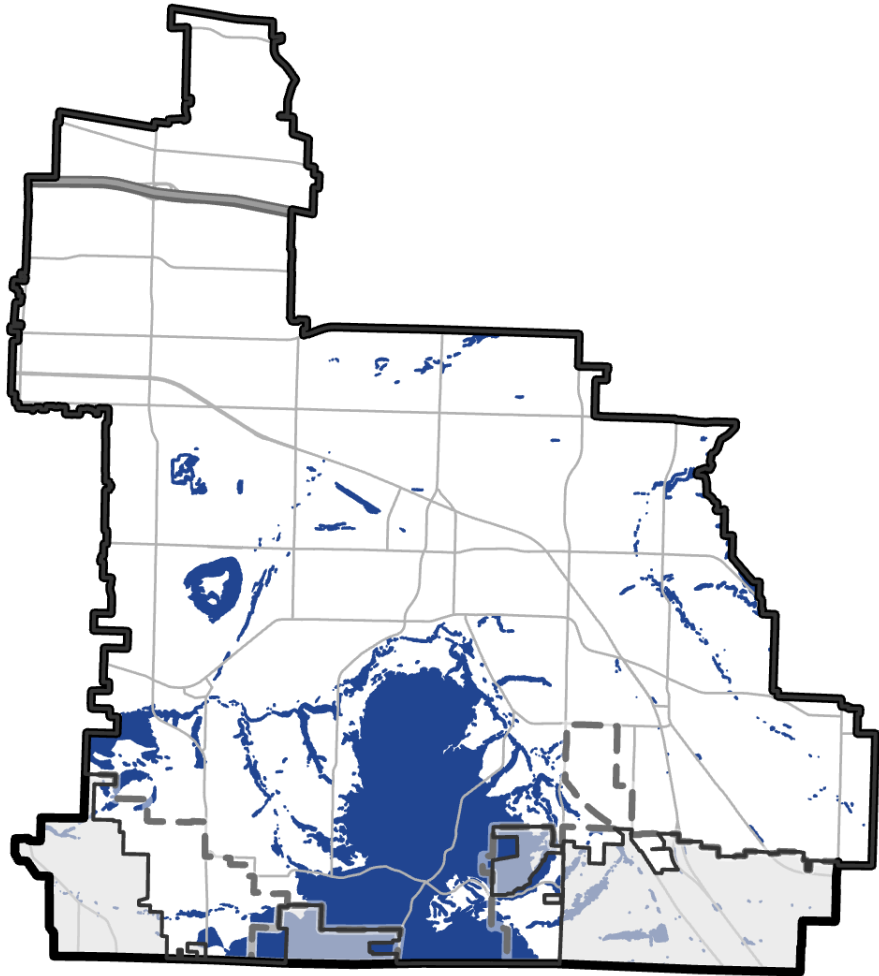
What do the Updates Mean for Existing Homes?

- No special restrictions if you are:
 - Building or replacing structures but not changing building footprint
 - Moving less than 10 cubic yards of earth (outside the Highly Sloped Subareas)
 - Building retaining walls under 4 feet in height (outside the Highly Sloped Subareas)
- Some changes may require geotechnical engineer to sign off on design and may require a land use permit.
- Trees:
 - Trees not part of a landscaped area (permanent disturbance area) will be preserved
 - City will issue permits for removal of hazardous trees



Hillside & Landslide Risk Areas – Map Updates

Steep Slopes, Forested Buttes, Landslide Areas



Map Update Highlights

- New High Slope Subareas (HSS)
 - 35% or greater slopes
- More strategic and targeted to hazard areas, prioritizing
 - Deep Landslide Areas
 - Landslide Deposit Areas
 - Shallow Landslides Areas – concentration of hazards near creeks and on slopes above 15% with a 30-foot buffer
- Acreage within the overlay
 - Existing = 2,990
 - Proposed = 2,543

Compliance and Adoption



Statewide Goals & Metro Titles Compliance

Statewide Planning Goals	Metro Titles
1 – Citizen Involvement	
2 – Land Use Planning	8 - Compliance Procedures
5 - Open Spaces, Scenic & Historic Areas And Natural Resources	13 – Nature in the Neighborhoods
6 – Air, Water & Land Resources Quality	3 – Water Quality and Flood Management
7 – Areas Subject to Natural Disasters & Hazards	
10 – Housing	1 – Housing Capacity

✓ Yes

Gresham Comprehensive Plan Compliance

Section #	Section Name
10.014	Land Use Planning
10.200	Areas Subject to Natural Hazards
10.220	Natural Resources
10.230	Environmental Quality
10.300	The Physical Environment
10.400	The Social Environment
10.500	The Political Environment
10.600	Housing
10.700	Pleasant Valley Plan District
10.800	Springwater Plan District
10.900	Kelley Creek Headwaters Urbanization Plan
	Appendices

✓ Yes

Gresham Comprehensive Plan Compliance

Subsections

- Land Use Planning
 - Natural Resources, Fish and Wildlife Habitat, Water Resources, & Ecologically & Scientifically Significant Areas
 - Steep Slopes & Landslides
 - Water Resource Quality
 - Thermal Pollution
 - Open Space
 - Parks, Recreation, Open Spaces and Trails
 - Public Facilities and Services
 - Transportation System
 - Intergovernmental Coordination
 - Statewide Planning Goal 10: Housing
- Pleasant Valley –  Yes
 - Natural Resources
 - Stormwater Management System
 - Parks & Recreation System
 - Springwater
 - Natural Resources
 - Stormwater Management System
 - Parks, Open Space & Trails System
 - Appendices
 - Future Land Use Implications
 - Urban Services Boundary Map
 - Community Development Map
 - Community Development Special Purpose District Maps

Next Step

**City Council Hearing and Enactment:
Tuesday, December 15, 2020
10am – via Zoom**

If the Council adopts the amendments at that time,
the changes will go into effect on January 15, 2021



Recommendation



Staff recommends that the Planning Commission recommends adoption of CPA/PMA 20-26000278 to the City Council based on the findings, conclusions and recommendations of the staff report.



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DISCUSSION

CITY OF
GRESHAM

