

Final Notice and Public Explanation of a Proposed Activity in a Wetland

To: All interested Federal, State and Local Agencies, Groups and Individuals

This is to give notice that the City of Gresham (the City) under 24 CFR Part 58 has conducted an evaluation as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded under the HUD Rental Assistance Demonstration Program. The proposed project is located on a 2.3 acre vacant parcel bordered by NW 16th Street, NW 15th Street, and NW Civic Drive (tax lots R649852140 and R649852150 as well as a portion of R993041820) in the City of Gresham, Multnomah County and contains a wetland on site. The extent of the FFRMS floodplain was determined using 0.2 percent flood approach and the site is not located in a floodplain.

The proposed project would develop the vacant 2.3 acre parcel into a modern affordable housing development that consists of apartments, courtyards, community facilities, and parking. The project would provide 60 new affordable housing units reserved for individuals and families earning 60% or less of the Area Mean Income (AMI). Units would be a mixture of 2-bedroom (10), 3-bedroom (40), and 4-bedroom (10). Onsite community amenities include a residential courtyard with a two play areas for children, outdoor dining area, and lawn where residents could enjoy outdoor picnics and other activities. Pedestrian walkways would connect shared outdoor amenities and the parking lot to the residential building.

A Wetland Delineation Report (WDR) completed in September 2024 identified three wetlands (that have been artificially created in uplands) on the Project Site. Wetland A (0.12 acres) occurs at the western boundary of the study area near the sidewalk along NW Civic Drive, Wetland B (0.15 acres) occurs in the center of the gravel and vegetated western portion of the study area, and Wetland C (0.09 acres) occurs between Wetland B and the gravel parking lot. Wetland C is a purpose-built stormwater feature with an overflow channel that outlets to the south. All three wetlands are considered to be depressional and have a Cowardin/HGM or Water (Flow Duration) of Palustrine emergent (PEM). Wetlands A, B, and C meet the 3-parameter definition of wetlands, but do not meet the definition of a jurisdictional resource under Oregon Department of State Lands (DSL) rules. In a letter dated October 15th, 2024, DSL concurred that all three wetlands are exempt from state permitting requirements (see Project Information: <https://tinyurl.com/HFCivicInfo>). In a letter dated February 4, 2025, U.S. Army Corps of Engineers determined that there are no Waters of the United States within the Project review area, which encompasses the Project Site (see Project Information: <https://tinyurl.com/HFCivicInfo>). While not meeting a Gresham, Oregon, or US Army Corps definition of a jurisdictional wetland, the three wetlands onsite do meet the strict definition of wetlands under federal EO 11990, and therefore HUD is required to apply an 8-step process reviewing proposed wetland impacts. The Project as planned would fill all three wetlands, totaling .36 acres of wetland, at the site.

Despite the lack of local, state, or federal jurisdiction by the City, Oregon DSL, or US Army Corps of Engineers, the City has followed the guidance of EO 11990 and considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing wetland:

Alternatives

- *No Action*: If the Project did not proceed with construction, the affordable units would not be constructed. The City has a high need for affordable, family sized rental housing units, which the proposed Project will provide.
- *Redesign to Avoid Wetland*: A redesign of the Project to avoid construction in the existing wetlands would mean that a large portion of the site could not be developed and would result in significantly fewer units and on-site amenities.
- *Alternate Site*: Due to the cost of real estate and built-out nature of the surrounding community, there are limited options available for alternative sites that could support the proposed project and moving the project site would not be financially feasible.

The City does not consider any of the above alternatives practicable due to the high need for affordable, family-sized units in the City and the metro region. Pursuing an alternative would result in a significant loss of new affordable units created.

Mitigation

- An underground detention facility and flow control manhole will meet the water quantity requirements of the City of Gresham Stormwater Manual and the HUD Programmatic Biological Opinion.
- Two lined rain gardens and two lined stormwater planters will provide water quality for the site. Water quality facilities were sized using half of the 2-year storm event to meet the more stringent HUD requirements and exceed the City's requirements.

The beneficial functions of the on-site wetlands are currently stormwater detention and infiltration. Impacts caused by increased stormwater runoff will be mitigated through the addition of the vegetated stormwater facilities noted above.

Compensatory mitigation is not required for this program per 24 CFR Part 55.20 (e)(3), which only requires compensatory mitigation when a project creates unavoidable adverse impacts to more than one acre of wetlands.

The project is compliant with the requirements of the U.S. Army Corps of Engineers, who has confirmed the wetlands are non-jurisdictional, the Oregon Department of State Lands (DSL), who has determined that the on-site wetlands are not subject to state permit requirements, and the City of Gresham.

The City has reevaluated alternatives to building in the wetland and has determined that it has no practicable alternative to wetland development. Environmental files

documenting compliance with Executive Order 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in the wetland and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about the wetland can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in the wetland, it must inform those who may be put at greater or continued risk.

Written comments must be received by the City of Gresham at the following address on or before July 21st, 2025.

City of Gresham

Attention: Rachel Nehse, Program Analyst

1333 NW Eastman Parkway

Gresham, OR 97030

A full description of the project may also be reviewed from 8:00 AM to 5:00 PM on Monday through Friday at the address above and <https://tinyurl.com/HFCivicInfo>. Comments may also be submitted via email at Rachel.Nehse@GreshamOregon.gov.

Date: **July 14th, 2025**