MEMO | CITY OF GRESHAM
Department of Environmental Services
Urban Design & Planning Department

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To: Planning Commission

From: Environmental Overlay Project Team

Date: January 20, 2020

Re: Environmental Overlay Project (EOP) Update

Background

The Environmental Overlay Project (EOP) is a Council Work Plan project that will simplify, clarify, and streamline Gresham Development Code sections related to overlays for floodplains, environmentally sensitive areas, and geologic hazards.

The following Development Code sections are being updated:

- 5.0400: Habitat Conservation Area (HCA)
- 5.0100: Flood Plain Overlay District
- 5.0200: Hillside Physical Constraint Overlay District, and
- 4.1430-1-1454: Pleasant Valley Environmentally Sensitive Resource Area (ESRA-PV), and
- 4.1570-1594: Springwater Environmentally Sensitive Resource Area (ESRA-SW).

These sections help preserve natural resources, property, public health, and public safety for the Gresham community. They also fulfill regulatory requirements and implement natural hazard risk reduction for the community.

This work builds upon and supports previous local and regional planning efforts to balance environmental, development, and livability goals expressed through dozens of community planning stakeholder workshops that resulted in the current HCA overlay and the ESRA-PV and ESRA-SW land use districts. As such, the work of this project is *not* intended to significantly change the overall level of protection for natural resources such as streams, wetlands, and priority upland habitat areas. The overall acreage of riparian buffers and protected upland resources will be similar to existing acreage of protections provided by current HCA, ESRA-PV and ESRA-SW standards.

Project Deliverables

Updated Maps

The Flood Plain Overlay District and the Hillside Physical Constraint District are areas where code requirements aim to reduce risks associated with natural hazards. Maps of these areas are being updated to reflect new data from Federal Emergency Management Agency (FEMA)-approved floodplain surveys and State of Oregon Department of Geology and Mineral Industries (DOGAMI)-generated landslide hazard modeling.

Updated Code

The following highlights identified issues that will be addressed through code updates anticipated to be complete by the end of 2020. These updates will enhance code while maintaining a substantially similar level of resource protection.

1. Consolidation of Districts

   A single **Natural Resource Overlay (NRO) District** will be created and will combine what are currently three different districts: the HCA overlay in the current city limits and the ESRA-PV and ESRA-SW districts in Pleasant Valley and Springwater. The NRO areas address requirements of Metro Titles 3 and 13 and Statewide Planning Goal 5 that protect natural resources such as jurisdictional streams and wetlands.

2. NRO District (Currently city HCA, ESRA-PV, ESRA-SW)

Issue	Opportunity to Improve
Overly complicated boundaries: Boundaries are high on precision but low on accuracy causing confusion and enforcement challenges.	*Refined boundaries using new, better data:* Use newly available, more accurate data on natural resources that can also easily be updated in a model as data gets updated.
Inadequate boundaries: Boundaries of HCA and ESRA areas are sometimes poorly aligned with or inadequately capture natural resources.	*Adequate boundaries:* With new data integrated into mapping, streams are now adequately captured in the overlay areas and other resource data has been improved.
Defining impact of HCA for property owners: The HCA boundary is difficult and costly for landowners to field verify.	*Simplified methodology to determine HCA impact:* Simplify methodology used to determine HCA boundary to make it easier and less costly to field verify.
Lack of wetland inventory: The Local Wetland Inventory has not been captured for areas in the southern half of the city, including Pleasant Valley and Springwater. There are resources that need to be captured and protected.	*Wetland areas will be delineated:* In areas that do not currently have a Local Wetland Inventory, the City can require the determination of whether wetlands are present with future development.
Unclear housing standards w/in HCA and ESRAs: Lack of Clear and Objective standards as required by state to facilitate development of needed housing.	*Facilitate housing through code and mitigation options:* Update code language to create clear and objective standards to support residential development. Increase mitigation options for single family development with a cash-in-lieu option managed by the city.
ESRA "Zones": In Pleasant Valley and Springwater, ESRAs are defined as a "zone", where development is generally not allowed and conservation is the primary allowed use. As natural resources such as streams and wetland change over time, the "zone" boundary also adjusts which results in: 1) an area that no longer falls within that zone and is thus not protected but should be, *or* 2) an area where there is a defined land use that now has a natural resource protection zone over it, which is conflicting. See **Figure 1** for a theoretical example of this issue.	*Convert ESRAs to Natural Resource Overlays:* Converting what are currently ESRAs zones in Pleasant Valley and Springwater to "overlays" eliminates the potential problem of gaps or overlapping of a natural protection zone on a defined land use. Eliminating zones and using overlays for natural resource protection will also create consistency between the city and the Pleasant Valley and Springwater Plan areas. An overlay boundary can shift as the natural resources evolve over time without underlying land use changes.

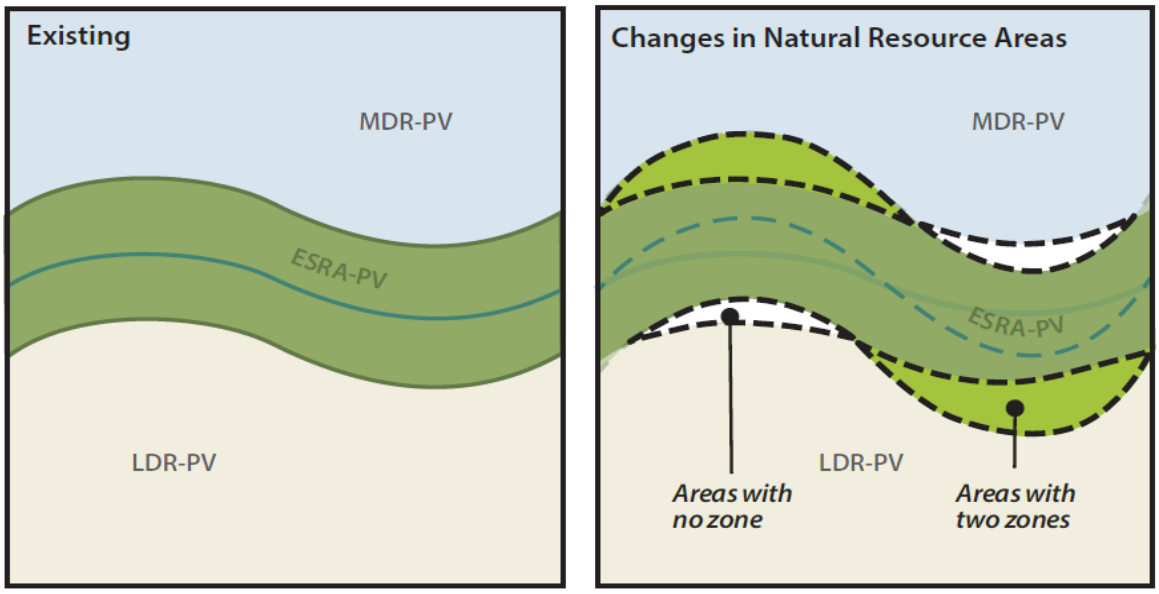

Figure 1: Example ESRA zone boundary and stream migration consequences

3. Floodplain Overlay District

The City conducted a new City floodplain survey in 2010 for areas within existing city limits as well as the Kelley Creek Headwaters, Pleasant Valley and Springwater Plan Areas. The resulting survey was approved by FEMA and became Gresham's new effective 100-year floodplain in 2018, as required by FEMA. Also required by FEMA was a code audit that resulted in minor changes to the floodplain code that met FEMA standards. Under a mandated timeline, City Council approved code and map changes in December 2018 which took effect on January 17, 2019.

The approved changes:

- Ensure certain key definitions in the code match the federal code
- Clarify what information applicants need to provide the city, what development is allowed in the floodway, and when permits are required
- Define specific standards for manufactured homes within the floodplain overlay district
- Define how variances will be processed and when developments within a floodplain will be granted to remain in the flood insurance program, and
- Adopt standards for drainage in flood prone areas.

One additional minor update to floodplain code will be proposed as part of the EOP project: Floodplain permit applicants will be directed to complete any federally required habitat assessments as specified by FEMA prior to requesting City approval of a floodplain permit. This is a newer requirement resulting from a court case which mandated FEMA to ensure that jurisdictions consider all Endangered Species Act issues in their processing of floodplain alteration applications.

4. Hillside Physical Constraint Overlay District

This overlay district regulates development on steep slopes and landslide prone areas so that it is done in a manner that minimizes hazards to life, property, and water quality. Our review has identified significant opportunities to improve the existing overlay.

Issue	Opportunity to Improve through Code Update
Existing Data: • Coarse slope data used for hillside boundary resulted in some high hazard areas being missed and lower hazard areas being included. • DOGAMI landslide hazard modeling was used that is now considered inaccurate.	*New, Updated Data:* • Much higher resolution slope data is now available. • 2018 DOGAMI landslide inventory and hazard modeling now available for: a) landslide deposits, b) deep landslide susceptibility, c) shallow landslide susceptibility. • 2019 DLCD landslide land use guide and other reviews have identified more effective and efficient regulatory approaches.
Inadequate geotechnical review: Geotechnical review may not be well represented in final development.	*Define geotechnical review standards and process:* Improve the Clear and Objective nature of geotechnical review, refine standards as to when a geotechnical review is required, and ensure geotechnical recommendations are represented in final development.

2020 Timeline

Q1: City Council Briefings, Project update with Neighborhood Coalition and Planning Commission
Q2, Q3: Draft code outreach with Neighborhood Coalition, Developers, Watershed Councils, Planning Commission plus general public. Public Hearing: Development Code and Comprehensive Plan changes.
Q4: Enactment Reading: Development Code and Comprehensive Plan.

Cost over 4 years (consultant support and GIS modeling): $200,000.