

Appendix 50 Gresham Butte Scenic View Overlay District

STATEWIDE GOAL 5 ECONOMIC SOCIAL, ENVIRONMENTAL AND ENERGY (ESEE) ANALYSIS AND PROGRAM TO ACHIEVE GOAL 6

INTRODUCTION

Viewable from many locations in the city, Gresham Butte has been recognized as a scenic backdrop to the City for many years, but there are no customized development rules that help protect the natural landscape it provides and the contribution it makes to the City's livability and unique character.

Outdoor lighting, developments characterized by tall structures or the need for large land areas may impact the scenic resources provided by Gresham Butte. The Development Code does not currently have sufficient standards to address the community concerns regarding the impact of lighting or these types of developments.

City Council included the Gresham Butte Scenic View project in both its 2014 and 2015 Council Work Plans. This project will benefit the community by creating clear goals, policies, action measures, rules and processes for developments on Gresham Butte through the implementation of the Gresham Butte Scenic View Overlay District (GBSV). These changes should lead to developments that are more complementary to the Butte's natural landscape.

Statewide Goal 5 is designed to protect natural resources and conserve scenic and historic areas and open spaces such as those properties identified as part of the GBSV Overlay District. As the implementation of the GBSV will result in the restriction of certain uses and structures on Gresham Butte, an analysis of the economic, social, environmental and energy (ESEE) consequences is necessary pursuant to Division 23 of the Oregon Administrative Rules.

BACKGROUND

The Gresham Comprehensive Plan Volume 1, Figure 2-3, includes an Inventory of Significant Natural Resources Summary. There is no definition or visual depiction of these areas; however, certain portions of Gresham Butte¹ are listed in this Inventory. These areas are:

- Gresham Butte Complex: South Facing
- Gresham Butte: Top and North Slope
- Gresham Butte Complex: North Facing

¹ Called Walters Hill in existing Volume 1, Section 2.353.

Volume 1, Section 2.353 Scenic Backdrops, notes that the slopes of Gresham Butte (also known as Walters Hill), Grant Butte and Jenne Butte are always visible from virtually every location in Gresham, with the heavily wooded nature of these buttes contributing to their visual quality. Section 2.353 also includes an ESEE analysis which addresses the consequences of general development on the buttes including tree removal. The conclusion of this ESEE analysis is that *“policies and strategies which restrict development actions on the highly visible, steep slope portions of Grant Butte, Jenne Butte and Walters Hill would be appropriate. Prohibition of all development actions which might conceivably affect the scenic quality of these resources is not warranted. However, some measures such as a reduction in residential densities on steep slopes and some control over commercial scale tree harvesting would result in reasonable development potential for these areas while ensuring their continued existence as outstanding scenic resources in the community.”*

Since the adoption of Section 2.353 in the 1980s, there have been numerous changes to the Community Development Code that served to address the issues of both residential density on Gresham Butte and tree removal that are mentioned in Section 2.353 noted above.

In 1999, the Gresham Butte Plan District was adopted which altered the residential density on the upper 95 acres of the Butte to a minimum average one acre lot size. Prior to 1999, there were also additional development restrictions surrounding development on slopes in excess of 15% that restricted density on these steeper slopes and also required geotechnical analyses for development. The requirements, found in the Hillside & Geologic Risk Overlay, have been amended several times since initial adoption, but the basic requirements for reduced densities and geotechnical reviews remain.

Tree regulations found in the Development Code provide regulations about both tree plantings and removals. These regulations also have undergone several changes since the adoption of the ESEE analysis found in Section 2.353; the most recent review being a comprehensive revision to the tree regulations found in the Development Code that concluded in 2015.

INVENTORY PROCESS

Site Determination: Gresham Butte has long been an iconic visual resource within the city; a largely natural forested area characterized by open space, lower density residential development and some community service uses. Map 1 depicts an aerial view of the Butte. The Butte is subject to the HGRO regulations because of its steep slopes, and portions are subject to the Natural Resource Overlay that serves to protect wildlife and fish habitat areas.

One of the initial steps in this review was a determination of what land area should be included as part of this project. The staffs of Urban Design & Planning and Information Technology/GIS went through several options in this review, which included:

- All seven buttes located totally or partially within Gresham. All of the buttes located totally or partially in Gresham are found in Map 2.

- A specific focus on Gresham, Grant and Jenne Buttes since portions of these lands were addressed in the ESEE that was developed in the 1980s.
- Limiting the review of Gresham Butte properties to those areas that are currently subject to the Gresham Butte Plan District.
- An examination of various topographic contour lines that would assist in defining what the Butte is and what people viewing the Butte actually see. One of the options was to define Gresham Butte as those properties on the Butte with an elevation of 500' or greater, with the southern boundary of the Butte being completed by the saddle trail (Map 3).

Staff, the public, appointed and elected officials reviewed these alternatives in a series of meetings:

- Stakeholders' Meeting: June 30, 2014
- Community Forum: July 7, 2014
- Planning Commission: July 14, 2014
- City Council: September 9, 2014

City Council gave staff direction to proceed with an analysis limited to Gresham Butte at elevations of 500' or greater, the last option, at its September 9, 2014 meeting. The other buttes will be considered as part of a future project.

GRESHAM BUTTE AS A VISUAL RESOURCE

Visual Resource

The visual resource is defined as those properties on Gresham Butte that are of an elevation of 500' or higher with the southern boundary being the existing saddle trail as shown in Map 3. The entire resource area is subject to the Hillside & Geologic Risk Overlay which was designed to protect properties subject to landslides.

Although not totally undeveloped, Gresham Butte is characterized by large areas of forested open space and lower density residential developments that are generally not visible by the public as they view the Butte. Many of the buttes in Gresham have remained largely undeveloped (Map 2), although this is not necessarily the case in surrounding communities. For example, Mount Scott, partially located in Happy Valley, Oregon, is developed with residences and the Willamette Valley National Cemetery.

Gresham Butte, located totally within Gresham, has long held a position as a visual and aesthetic resource in Gresham and is very visible from many places within the city. It also serves as a scenic backdrop to the historic downtown and presents a natural landscaped contrast to both the older and newer developments that are located in the areas surrounding the downtown.

When the Comprehensive Plan for the city was created in the mid to late 1980s, three areas of Gresham Butte were acknowledged as attaining the status of a Significant Natural Resource. Gresham City Council included the need to develop additional protection for Gresham Butte as part of its 2014

and 2015 Council Work Plans. On September 9, 2014, City Council stated that the areas of Gresham Butte warranting this additional protection should include those areas at or above 500' in elevation since those areas provide the most visually pleasing views to a good share of Gresham's population.

Development Impacts

Developments characterized by elements that tend to project above the natural tree line and forested area or those that require large expanses of grading and other site impacts would negatively affect the scenic view provided by Gresham Butte.

Outreach efforts keyed in on the specific types of developments and structural building and site elements that could result in this negative impact. These developments are currently allowed by the Gresham Development Code and protection measures revolving around these uses need to be developed to ensure the preservation of the Butte as a natural resource. These uses are identified in the ESEE Analysis section of this document.

ESEE ANALYSIS

Uses that would create a conflict with the natural forested landscape of Gresham Butte were considered as part of the ESEE analysis since they could have a negative impact upon the scenic view it provides. The ESEE review included:

- A.** Lighting that would stand out when sited in a natural environment.
- B.** An elevation of all height variances to a public hearing process² and the additional requirement for a review of visual impacts along with a prohibition of modification of regulations that allow for an increase to maximum structure height outside of the variance process.
- C.** A re-evaluation of the permissibility of and review type for Special Uses that, although currently allowed under a Type II process, would impact the scenic view provided by the Butte either by tall structures or a need to impact large areas of land. Additional review standards would be required for those Special Uses that will remain allowed uses.
- D.** A change to outright allowed projections above maximum height. Such projections will be reviewed through the Type II variance process.
- E.** A lowering of the standard height of amateur radio antenna structures and amendments to require public notice for these uses.

These subject areas are reviewed separately below:

A. Limiting Lighting

- Lights must be reflected downward and shielded for all uses. Light may not be directed off site.

² The current process involves public notice and administrative review.

- Certain types of lighting (limited holiday lights, street lights, emergency lighting, etc.) will not be subject to these limitations.

Economic

The economic impacts of these restrictions would be minimal. Gresham Butte is expected to primarily develop with single family detached residences, accessory structures and potentially some Special Uses.

Consumers and applicants would have many options in terms of resources to acquire different light shielding options and would be able to determine the most appropriate cost.

According to the International Dark Sky Association, 22% of the energy produced in the United States is estimated to be used for lighting. If lighting limits are imposed on the Butte properties, then it would be a fair assumption that energy used and consequently energy costs could go down for consumers.

Social

Gresham Butte has long been a treasured resource in Gresham. When staff held a Community Forum on July 7, 2014, to discuss alternative protection measures for the Butte, postcards were sent to all property owners within the proposed Gresham Butte Scenic View District in order to invite them to attend.

The July 7, 2014 Community Forum was attended by 25 people, a relatively large number of attendees for a community forum to discuss a Comprehensive Plan Amendment. All citizens in attendance reviewed the options presented by staff, and all were in agreement that additional protection from the effects of light was warranted. Initially, there was some interest in also placing limits on reflectivity and colors, but such provisions would be problematic and could be inappropriate in a largely low density residential area.

The overall social impact of these regulations would be positive both for residents of the Butte and those people who are viewing the Butte from a larger distance as these adjustments will serve to protect the scenic resource from glare that would stand out from the existing natural landscape.

Environmental

The overall effect of these new rules on the environment would be positive in nature. Excessive lighting can be serious threat to many types of wildlife. Artificial lighting can cause disruption of animal behavior, injury and death to birds, mammals, and invertebrates. Limitations on lighting serve to mitigate the impact of artificial light and also help prevent a disruption in the overall forested appearance of the Butte. Also, limitations could benefit astronomical investigations because of the impact of outdoor lighting on the view of the stars. The lack of regulation regarding lighting was expressed as a concern by the citizens that have been involved in the development of the Gresham Butte Scenic View overlay to date.

Limiting lighting will ensure that the effects of lighting do not spill over into adjoining properties and ultimately have a negative effect on the scenic beauty of the Butte.

Energy

Lighting and its impacts on surrounding properties has become a concern for urban and rural areas alike. According to the International Dark-Sky Association, human produced light can result in wasted energy since it is estimated that almost one quarter of all energy generated in the United States is used for lighting. The requirement to use shields on lights on the Butte may assist in not only protecting the overall view of the Butte from the impact of lights, but it may also serve to help in the reduction in overall energy use.

B. Limiting Variances and Adjustments

Currently, the City allows for Variances up to a 20% qualitative change to development rules to go through the Type II administrative process. The proposed change would require that all variances (including those requesting up to a 20% variation) to height on the Butte would require a Type III public hearing, and in addition to meeting all existing criteria, a review of visual impacts would need to be submitted with the application. This would not be a limitation on the ability to request such a use, but it would change the approval criteria and the process.

Similarly, an additional 10' of height is allowed in residential districts through the city-wide Modifications of Regulations section of the Development Code and is reviewed under Type II procedures. This portion of the code has a different set of criteria than those presented for Variances. The proposal is to disallow these Adjustments in the Gresham Butte Scenic View Overlay District, although an applicant could still choose to apply for a Type III Variance.

Economic

The economic impact of elevating Type II height variances to a Type III process would involve higher application filing fees and the need to potentially hire a consultant to do a visual impact assessment. Similarly, height adjustments allowed under the Modification of Regulations are also currently done administratively. Changing the process to a Type III Variance would also increase the cost of filing such an application.

Social

The social impacts would be positive. Limiting the ease by which height variances may be requested would help discourage such requests on the Butte and assist in protecting the scenic resource from structures that could impact the natural landscaped backdrop to the City.

Environmental

The environmental impacts would be neutral. Changing the process for height variances and modification of regulations for height standards would have no impact upon the surrounding environment.

Energy

The energy impacts would be neutral. Changing the process for height variances and modification of regulations for height standards would have no impact upon energy use.

Prohibiting and Limiting Certain Special Use Reviews

Special Uses are those that could be compatible with an underlying land use district, provide beneficial services, and serve important interests, but that require a case by case review because of their size, operation, uniqueness, impact or other characteristic. There are a number of Special Uses allowed in LDR-5 and the Gresham Butte Plan District (the base zones for this proposed Overlay District) that are either land intensive or could be characterized by structures that tend to have projections above the maximum building height limit. These Special Uses are currently handled through the Type II administrative process and are:

- Cemeteries
- Elementary and Middle Schools
- Water Storage Reservoirs
- Telephone Switching Stations³
- Major Stormwater Treatment Facilities
- Substations
- Wireless Communication Facilities (WCFs)

The City plans to disallow new cemeteries⁴, elementary and middle schools, telephone switching stations, major stormwater treatment facilities, substations and new water storage reservoirs.⁵ The existing water reservoir will be allowed to be replaced with a new facility under the Type II Special Use Review process if the height of the facility remains at or below the maximum height of the underlying district. If the proposed replacement reservoir exceeds the maximum height of the underlying district, the review will also include a Type III variance application.

There will also be changes to the review type for WCFs in the form of an elevation of the required review process to a Type III public hearing. New rules will require evidence of the need to close a significant gap in a provider's coverage and an analysis of alternative sites and systems prepared by a professional with expertise in WCFs will need to be submitted with the application. A review of the visual impacts of the WCF will be required.

³ This is current code language. It may be outdated, with a more appropriate term being Telecommunications Facilities.

⁴ The existing Forest Lawn cemetery would not be subject to his prohibition.

⁵ The existing water reservoir will not be subject to this prohibition.

Economic

The proposed changes will not result in the prohibition of all development on the Butte, but would restrict larger scale uses that are challenging to modify such that they are compatible with a scenic area such as the Butte. The original ESEE findings in Volume 1 of the Comprehensive Plan made the point that limiting development actually is an economic asset as the appearance of Gresham's wooded buttes adds to the attractiveness of the city which can potentially encourage economic development. Gresham is still seen as a city characterized by natural areas that enhance its livability such as the scenic vista provided by Gresham Butte. The current proposal to restrict these Special Use Review types will only enhance Gresham Butte's role as an economic asset.

There could be an economic impact to a property owner who may wish to develop one of these disallowed uses on the Butte. However, since the Butte is characterized by steep slopes, habitat area and is residentially zoned, it is unlikely that the City would receive an inquiry regarding the siting of such uses except, potentially, for WCFs.

For applicants for WCFs, the process would now involve a public hearing and the additional charges for such hearing, as well as the preparation of additional materials for the submittal of the application, which would result in some negative economic impact for the applicant.

Social

Because of the physical characteristics of the site, it is unlikely that the city would have seen applications for most of these Special Uses in the near or distant future. It is more likely that we will experience more low density residential development in this part of the city due to the sloped areas, access issues and environmental concerns that would propose a challenge for these Special Uses.

If additional WCF applications were to be filed on the Butte, the applicant would have to demonstrate that they plan to take measures to ensure compatibility with the nearby single family homes and open spaces. The social impact of the changes to these uses is neutral to positive.

Environmental

Cemeteries, schools (along with their accessory uses), water storage facilities, major stormwater treatment facilities, substations and telephone switching stations all tend to be uses that take up a fair amount of land area, necessitating grading and clearing of parcels upon which they are located.

The area proposed to be affected by the GBSV Overlay District also is subject to the Hillside & Geologic Risk Overlay; with portions of the Butte also being subject to the Natural Resource Overlay. The NRO areas are shown in Map 4. Both of these districts were designed to protect environmentally sensitive lands that are either steeply sloped or subject to landslides or to provide habitat for upland species, wetland species or both. Disallowing new cemeteries, new water storage facilities, major stormwater treatment plants, substations and switching stations would actually provide a benefit to the overall environment of the Butte by eliminating the impacts to these sensitive lands.

As only the process by which WCFs are reviewed is being proposed for alteration, there are no environmental impacts regarding this change.

Energy

There are no significant energy consequences to the prohibition of the noted Special Use Reviews or the amended review process for WCFs.

C. Limiting Projections

The Development Code currently allows certain structures to be exempted from district height standards. These structures include antennas, spires, elevators, HVAC units, flagpoles, symbols and yard accessories.

The proposed changes would not eliminate the possibility of proposing that one of these noted structures exceed the maximum height in the district, as such projections could be applied for through either the Type II Variance process or in conjunction with an application for a Special Use Review. Essentially, the process for allowing such projections will be changing with the proposed amendments.

Economic

In the event that a property owner would wish to apply for a height increase beyond what is allowed in the underlying district, an application would need to be filed for either a Type II Variance or have the request reviewed as part of the Special Use Review process (when a Special Use Review would be required). The economic impact to the applicant would be the additional filing fee required if the Variance route was pursued. If a Special Use Permit is already required (in the case of, for instance, WCFs), there would be no additional cost as the height of the structure could be considered as part of the overall Special Use Review.

Social

Since these structures would be required to apply for a Variance or Special Use Review, this could be somewhat of a deterrent to the construction of these taller structures. As these structures could have an impact on the scenic view, the social impacts would be neutral to positive.

Environmental

As the proposed amendments merely change the process by which exceptions to maximum height will be allowed, no environmental impacts are expected.

Energy

As the proposed amendments merely change the process by which exceptions to maximum height will be allowed, no energy impacts are expected.

D. Limiting Amateur Radio Structures

Currently, the Gresham Development Code allows for Amateur Radio antenna structures of up to 100' in height that also meet all site placement regulations to be reviewed under the Type I process. The Type I process is an administrative review without public notice. Those structures exceeding 100' in height or not meeting code site placement are reviewed under the Type II administrative process. The Type II process requires public notice.

The siting of an amateur antenna structure of up to 100' on the Butte could have a significant impact to the scenic backdrop provided by the Butte. Amateur Radio operations do serve an important function in emergency situations, but it is appropriate to have a more robust review process and a consideration of smaller tower structures. Although it is unlikely that taller towers will be proposed for the Butte, current regulations that allow for them is needed to be evaluated as part of the ESEE and code amendment process.

The proposal is to limit these tower structures to 35'⁶ as well as maintaining current standards for siting towers on a property and have them reviewed under the Type II process. Any tower over 35' in height and/or those that propose relief from the stated standards will continue to be reviewed under the Type II process, but additional (existing) standards would apply.

Economic

There is some economic impact to these changes because although amateur radio structures will still be permitted, additional rules will be applied to their height and filing fees will increase from that of a Type I process to that of a Type II application for those antennas meeting all standards. Amateur Radio facilities are generally located at single family residences or at civic buildings (fire stations, etc.) and they are not used to generate income, but used for hobbies and public service, so the economic impact would not be offset through other means.

Social

The social consequences of these new rules would be positive in nature. Applicants for all towers would now be required to go through a noticed review for any antenna structure. Although the operators themselves would find that they need to meet additional standards if the 35' maximum were to be proposed to be exceeded, this new height limit would serve to protect the scenic view because the height is being lowered to that currently allowed for single family homes. Procedures are changing that would allow for property owners on the Butte to be notified when an application is filed. This would allow for citizen input that is not currently allowed under the Type I process.

Environmental

Antenna structures generally are not particularly land intensive. However, tall structures such as those proposed for steeply sloped areas such as those found on the Butte would need special consideration in terms of their stability on lands that could be subject to landslides.

Limiting the tower height may, therefore, be somewhat more protective of the environment than allowing 100' of height as allowed by the current Development Code under the Type I process because

⁶ **ORS 221.295 Ordinances regulating placement or height of radio antennas.** Notwithstanding ORS chapter 215 and 227, a city or county ordinance based on health, safety or aesthetic considerations that regulates the placement, screening or height of the antennas or antenna support structures of amateur radio operators must reasonably accommodate amateur radio communications and must represent the minimum practicable regulations necessary to accomplish the purpose of the city or county. However, a city or county may not restrict antennas or antenna support structures of amateur radio operators to heights of 70 feet or lower unless the restriction is necessary to achieve a clearly defined health, safety or aesthetic objective of the city or county. [1999 c.507 §1]

the construction of the taller antenna and support structures could require more land clearing and grading, disturbing steeper sloped areas.

Energy

No energy related consequences are anticipated by these changes.

Conclusion

The conflicting uses noted below addressed in the ESEE analysis allowed by the underlying zone should be limited to protect the significant scenic resource. Limits on these uses can be achieved with new review standards and the use of Type II and Type III land use review. Implementation of new review standards will protect the scenic attributes of Gresham Butte while preserving reasonable pathways to permitting uses allowed by the underlying zone. These uses are:

- Outdoor lighting
- Variances to maximum height
- Wireless Communication Facilities
- Projections above maximum district height
- Amateur Radio Antennas

The conflicting uses noted below addressed in the ESEE analysis allowed by the underlying zone should be prohibited to protect the significant scenic resource due to their potential for adverse impact upon the scenic resource because they are land intensive uses. These uses are:

- New cemeteries
- Elementary and middle schools
- New Water Storage Reservoirs
- Telephone Switching Stations⁷
- Major Stormwater Treatment Facilities
- Substations
- Increases above maximum district height as permitted through Modifications of Regulations

PROGRAMS TO ACHIEVE GOAL 5

Based on the conclusions of the ESEE analysis, the City plans to develop a Gresham Butte Scenic View Overlay District as a new Section 5.0600 to its Development Code that will provide additional protection to the scenic resource provided by the Butte. New language will be included that requires

⁷ This is current code language that may be outdated. A more appropriate term may be Telecommunications Facilities

lighting to be directed downward and not be impactful to adjoining properties. Additionally, code amendments to other parts of the Development Code will be made such that additional restrictions or prohibitions are planned for properties defined by the District. These are:

- A visual depiction including elevations and a site plan illustrating the appearance of the complete structure will be required to be submitted with all applications for variances to height on Gresham Butte. All such variances will be processed as a Type III public hearing. Additional standards for height variance applications on Gresham Butte are proposed for inclusion in the Gresham Community Development Code.
- The prohibition of modifications of regulations resulting in increases to maximum height on Gresham Butte.
- The prohibition of outright allowed projections above maximum height outside of the Special Use Review or Variance processes.
- The prohibition of certain Special Uses on Gresham Butte that are currently processed as Type II administrative reviews but may have impacts upon the scenic resource if they were permitted to be developed. The existing water reservoir can be replaced, but if it does not meet the maximum height standards of the underlying land use district, a Type III Variance to height must be reviewed as part of the application. Additional standards for the siting of WCF facilities have been developed and proposed for inclusion in the Gresham Community Development Code. The process for reviewing WCFs is proposed to be elevated to a Type III public hearing. A visual depiction of the proposed WCF will be required as part of application submission.
- A lowering of the maximum height allowed for standard amateur radio antennas, and a change that elevates the review process to a Type II for all antenna structures.

Notice and Landowner Involvement

Extensive public involvement is a cornerstone of the Comprehensive Plan Amendment process in the City of Gresham. The development of the amendments are designed as a five stage process with Stakeholder meetings, Community Forums, Open Houses, public meetings before the Planning Commission and City Council at every stage of the process. These stages include:

- Project Introduction
- Alternative Approaches
- Preferred Approach
- Draft Code
- Comprehensive Plan Amendment Hearings

Prior to the Alternative Approaches meeting for this project, postcards were sent to all property owners of lands at or above the 500' elevation mark on Gresham Butte. The attendance at this

meeting, held on July 7, 2014, served as the basis for an interested parties list that has been added to as citizens contact staff about this project. Outreach has included:

- **Introduction and Issues:** Stakeholders' Meeting: April 17, 2014; Community Forum: April 23, 2014; Planning Commission Work Session: April 28, 2014; City Council: May 20, 2014, Gresham Butte Neighborhood Association: June 2, 2014.
- **Alternatives: Stakeholders' Meeting:** June 30, 2014; Community Forum: July 7, 2014; Planning Commission: July 14, 2014; City Council: September 9, 2014.
- **Preferred Approach:** Stakeholders' Meeting: November 18, 2014; Community Forum: November 19, 2014; Planning Commission: December 8, 2014; City Council: January 13, 2015.
- **Draft Code:** Planning Commission: March 9, 2015; Open House: March 12, 2015.

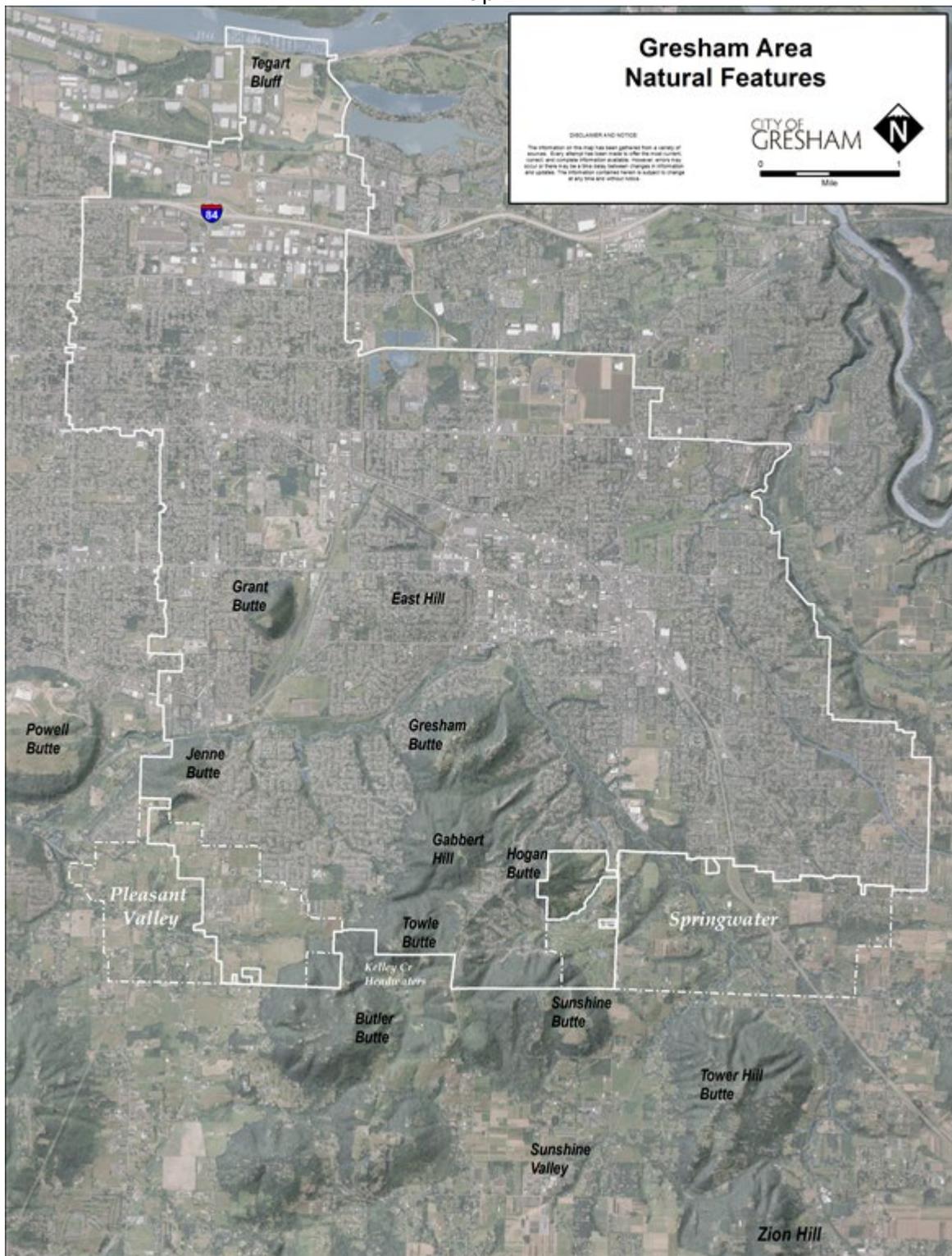
Staff also conducted individual discussions with property owners, concerned citizens and the region's Amateur Radio Coordinator.

The schedule currently calls for the hearing before the Planning Commission to occur on April 13, 2015, the City Council hearing to take place on May 19, 2015, and the enactment reading to be on June 16, 2015.

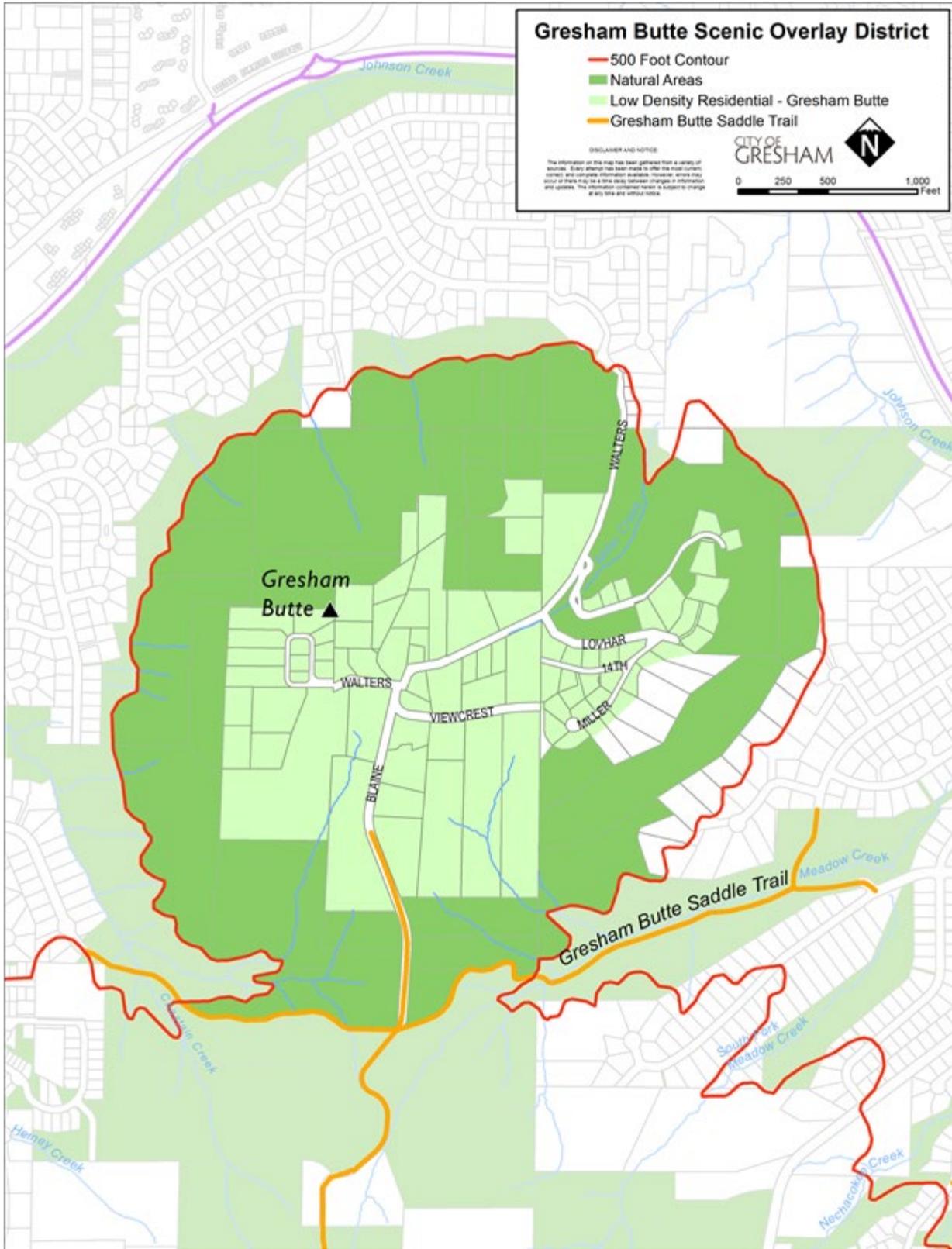
Buildable Lands

It is not expected that new development rules would have an impact on the buildable lands inventory. Rules would modify, in some cases, the ability to develop certain uses or design elements on Gresham Butte, but no lands will be deemed to be undevelopable by the Comprehensive Plan amendments and Development Code changes.

Map 2



Map 3



Map 4

