

I. Call to Order

A regular session of the Gresham Planning Commission was called to order by Chair Paul Drechsler on the 8th of June 2020, at 6:36 PM online via Zoom. The meeting was digitally recorded and minutes prepared by Jennifer McGinnis.

COMMISSIONERS PRESENT: Paul Drechsler, Chair
Richard Anderson, Vice-Chair
Mike Bennett
Stephen Butler
Jef Kaiser
Laura Pramuk
Sue Ruonala
Phil Wich

STAFF PRESENT: David Berniker
Katherine Kelly
Amanda Lunsford
Kevin McConnell
Jennifer McGinnis
Mary Phillips
Josh Williams

COUNCIL LIAISONS PRESENT: Councilor Hinton
Councilor Widmark

II. Development Code and Process Updates Phase One Project (DCPU)

Staff members Mary Phillips and Josh Williams gave a general overview of the DCPU project, an explanation of the major proposed updates for Phase 1, and the timeline moving forward. Staff explained that it is a multi-year, multi-component project with the main goals of making the code easier to understand and the development review process clearer and more predictable. Phase One updates are focused on time-sensitive, high-priority and policy-neutral updates that include:

- Maintenance and clean up edits
- Codification of existing policies and procedures
- Language simplification and clarification

- Reorganization and reformatting of specific sections, including Tree Regulations, Multifamily Design Guidelines, Corridor Design District, and Rockwood Design District
- Changes to comply with State Law
- Changes to the neighborhood meeting process to allow digital submission of documents

Staff addressed the public comments received from Carol Rulla regarding the DCPU project by responding that it is appropriate to explore the issue of whether the Design Commission should be the hearing body to review non-design related items in future phases and it will be added to the master list of issues to address. Staff then went over the revised project timeline and opened the project up for discussion.

Commissioner Bennett asked if any major changes had been made since the last time Planning Commission reviewed the project. Staff responded that no substantial changes had been made other than the reorganization of the Rockwood Design District. In addition, there were a few changes based on new comments from the State Archaeologist. Commissioner Wich stated that he appreciates the tree code reorganization and that the community at large will have a much easier time with the proposed reorganization. Commissioner Butler complimented the presentation. Commissioner Kaiser stated that he thought the changes made the Development Code much better and appreciated staff's efforts.

Commissioner Kaiser then asked if properties on or eligible for historic consideration should be listed under the bulleted criteria in the Historic and Cultural Landmarks Overlay Section 5.0320. Mary responded that this would not fit in Phase 1, but she will make a note to consider it in Phase 2 since it is a policy issue. In addition, Commissioner Kaiser stated that the Yakima Nation has a hunting and gathering presence but he is not sure how far that extends. Mary responded that she will send a comment to the State Archaeologist to ask about this. Commissioner Kaiser added that on the list of designated landmarks, the pioneer grave is listed at 169th. Since the grave is actually located somewhere under I-84, he suggested that the name on the list be changed to "memorial."

Commissioner Kaiser then asked if churches are considered institutional uses in design districts, such as the My Father's House project. Josh answered that My Father's House consists of two components: residential in the back and proposed commercial retail in the front. The church next door is considered institutional, but nothing at My Father's House is institutional. Commissioner Kaiser stated that he was using that project as an example to make sure everything was covered. Commissioner Kaiser then added that he would like to see more emphasis on creative designs targeted toward being climate friendly and sustainable in the design districts. Mary responded that this is the type of issue they would like to discuss in Phase 2 so she will make a note. Commissioner Kaiser stated that Rockwood has a robust emphasis on sustainability and he would like to see that in the Corridor and Civic Design Districts as well.

Commissioner Ruonala asked a question about neighborhood meeting notification. She explained that some time ago, Jim Wheeler was at a Planning Commission meeting and the group discussed sign size for public notification. Mary responded that notification sign size is

not regulated in the Development Code and is instead an internal process. Mary stated that Jim was conducting follow-up regarding the cost of using bigger signs. Commissioner Ruonala then asked about the Design Review table in the presentation and what Design Review level the Powell Valley Elementary School parking lot addition fell under. Mary responded that most schools are not in Design Districts so there was a mailing but no neighborhood meeting. Josh responded that this specific project was probably a Design Review-C but he is not sure. Commissioner Ruonala stated that it did not go well and should have had a neighborhood meeting and more process. Mary responded that this would be an appropriate issue to review in Phase 2.

Commissioner Ruonala asked when Phase 2 of DCPU is scheduled to start. Mary responded that they are currently making notes of what Phase 2 will include and that the intent is to focus on design review policies and standards and finish the reformatting of other design districts. David Berniker stated that, as Carol wrote in her public testimony, where and how to look at Phase 2 is important as there are numerous components. He stated that Phase 2 will start right after Phase 1, but right now staff are only scoping the project. While there is no specific timeline yet, Phase 2 is anticipated to start early next year. Staff will be discussing the issues internally and then bringing their thoughts back to Planning Commission as an update. He stated that staff are hoping to look at tree code earlier in this phase.

Commissioner Ruonala then brought up the Design Commission's role as a hearing body. She stated that a Future Street Plan issue came up in the past at a Design Commission meeting and the conversation was very difficult and awkward. She believed that this issue was reviewed and resolved by Staff. She asked if other issues such as parking requirements, traffic studies, etc. could be looked at in Phase 2. Mary responded that she is intending to have earlier internal conversations as they scope how and what to address in Phase 2. David asked Mary when it would be possible to provide Planning Commission with an update. Mary responded that this update can likely happen by the end of fall. Commissioner Ruonala stated the Design Commission process on Zoom has been difficult for everyone and it would be nice if it could be revised.

Commissioner Anderson asked if the provision for gravel parking lots in the downtown area was moved to Phase 2. Mary responded that it is in the Phase 1 Council bill and is an existing policy and procedure document that is being formally adopted into the code.

Chair Drechsler stated that he wants the Planning Commission to have the opportunity for a work session and to be involved in the scoping of Phase 2 earlier rather than later in order to capitalize on the opportunity to improve issues the Planning Commission has seen.

IV. Other Business/Adjournment

Public Testimony

Commissioner Pramuk communicated support for the comments the Planning Commission received from Carol Rulla about taking public testimony during virtual meetings and appreciated

the examples of other jurisdictions that are taking public comment. She thinks that the Planning Commission should find a way to entertain comments from the public in future meetings. Chair Drechsler agreed and asked the Councilors in attendance to speak on the matter.

Councilor Hinton said he is not opposed to this and feels that the more opportunity for the public to weigh in, the better. He stated that, to his understanding, staff indicated it was difficult to maintain an unbiased platform and that everyone needs to be able to participate in order to make the process fair. Councilor Hinton will look into this further and see if there is any way to allow live public comment without leaving someone out. Councilor Widmark stated that he has had several conversations with the City Manager and City Attorney to push for this ability and hopefully they will be able to make it happen soon.

Commissioner Ruonala stated that the current process is inequitable because applicants at the Design Commission are allowed to speak but the public cannot. She added that other jurisdictions have been allowing the public to comment. She stated that she was alarmed that the applicant and developers were able to speak but the neighborhood association was not. City Attorney Kevin McConnell responded that he understands the issue and concern with the applicant being able to speak and not the public. He explained that the City made the decision that they would not be able to hold a proper quasi-judicial land use hearing without allowing the applicant to speak because the hearing body needs to be able to ask the applicant questions about their proposal. The procedure could be challenged but he believes it is legally defensible. He added that the Planning Commission has the authority to make recommendations to City Council and the Commissioners should feel free to make this recommendation. He further added that at the Design Commission meeting Commissioner Ruonala mentioned, the public requested that the record be kept open in order to submit additional documentation and comments so he does not think the public would have a claim if the decision made at that meeting was challenged.

Commissioner Bennett suggested opening Council Chambers while conducting the virtual meeting and limiting the number allowed in as one possibility for allowing public testimony. Commissioner Kaiser stated that there is general confusion about what the Planning Commission's role is in public involvement and that as a longer-term project, it would be helpful to clarify the responsibilities, roles, and expectations of the Planning Commission in regard to public involvement. Commissioner Ruonala stated that the Planning Commission will likely be using the same mode for meeting for some time and that she was stunned that at the Capital Improvements Program hearing, the neighborhood association presidents were not allowed to speak on a topic that was very important and emotional for them. She stated that she would like the Planning Commission to make a motion or statement that oral testimony be allowed as quickly as possible.

Chair Drechsler stated that he agrees and that they responded in a short-term manner before. He said that while he understands the security concerns, the City should allow the public to testify. He stated that he would support a motion. Commissioner Anderson stated that he would support this as well since they will likely be meeting remotely for some time. Commissioner Anderson stated that he is a member of the Rockwood Water PUD and they have been taking public testimony. He added that it is frustrating to the public to not be able to comment and he has talked with individuals who have expressed this. Commissioner Wich stated that he also agrees because the City has spent so many years trying to get the public involved, the public is an asset, and the City needs to continue the public's involvement. Chair Drechsler stated that the Planning Commission should draft a recommendation to City Council. Commissioner Butler stated that he wants to recognize how many had trouble accessing this meeting and that the public will have the same difficulty. Chair Drechsler agreed and although the process may not be perfect, they can at least advocate for the public's ability to be involved. He made a motion for the Planning Commission to draft a statement to send to Council, which passed unanimously. Chair Drechsler asked Commissioner Ruonala to draft something since she originally brought up the issue. Commissioner Ruonala agreed and requested input from the other Commissioners. She stated that she will draft a statement and send it to Chair Drechsler for distribution to the other members.

April 13, 2020 Planning Commission minutes

Commissioner Ruonala stated that she had a concern with the draft minutes. She stated that she watched the Council hearing on the Capital Improvements Program and only the rough draft of the minutes had been sent to Council. She did not feel that the discussion was reflected as seriously as it should have been since Commissioners Pramuk and Bennett had shared her concerns about Hogan Road during the Planning Commission hearing. Commissioners Pramuk and Bennett agreed and Commissioner Pramuk emphasized that there was a lot of discussion about Hogan Road so it is important to make this clarification. In addition, Commissioner Ruonala stated that she would like the record to reflect that she was stunned that public testimony was not allowed at the April 13 Planning Commission hearing. Commissioner Kaiser stated that the minutes have recently been more of a recap of the agenda rather than what was discussed and there should be a greater emphasis on the input given. With these changes being made, Commissioner Ruonala moved to approve the April 13, 2020 Planning Commission minutes and Commissioner Wich seconded. The motion passed unanimously.

Commissioner Resignation

Commissioner Butler made an announcement that he received an email from Councilor Hinton asking that he voluntarily resign from the Planning Commission due to complaints about his social media posts. He stated that he does not believe any of these posts have violated any procedure, policy or law. He has declined to voluntarily resign based on his social media posts. However, he stated that since his address and phone number have been shared by a member of another City Commission and a City Councilor, and due to current social unrest, he will be

submitting his resignation on the 1st of July in the interest of safety for his family. He stated that he regrets doing this as he believes that one of the purposes of the Planning Commission is to allow for a mix of political interests and he wishes to continue serving the community. He stated that he believes it is a violation of the intent of the law for the creation of the Planning Commission. Commissioner Bennett stated that if Commissioner Butler's account is true, the situation is not acceptable and he is appalled. He added that if the account is true, he may resign as well as he cannot serve in a body that allows this kind of behavior. Commissioner Anderson stated that he finds bullying and making threats on someone for expressing an opinion appalling and would like to know the full story.

Kevin McConnell stated that since litigation against the City has now been threatened, he has instructed Council and the Mayor to not discuss it in public forums. He stated that if Commissioner Butler does not resign, he will be given due process rights, there will be a hearing, and the allegations will be brought to light.

Commissioner Ruonala stated that it was all news to her and thanked the group for commenting on it.

The meeting adjourned at 7:42 p.m.

Chairperson

Recording Assistant

Date

Date