

I. Call to Order

A regular session of the Gresham Planning Commission was called to order by Vice-Chair Anderson on the 24th of August 2020, at 6:33 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
Jef Kaiser
Laura Pramuk
Sue Ruonala

COMMISSIONERS ABSENT: Phil Wich

STAFF PRESENT: David Berniker, Urban Design & Planning Director
Katherine Kelly, Planning & Implementation Manager
Amanda Lunsford, Administrative Analyst
Jennifer McGinnis, Planning Technician II
Kevin McConnell, Senior City Attorney
Jim Wheeler, Development Planning Manager

COUNCIL LIAISONS PRESENT: Councilor Hinton

COUNCIL LIAISONS ABSENT: Councilor Widmark

II. Early Neighborhood Notification (ENN) Signage

Jim Wheeler went over the memo with the research on sign costs. He stated that Staff looked at three different sizes. The department is currently using an 18" x 24" sign made of Cortex. If the decision is made to use larger signs, a different material such as plastic would need to be used which would cost approximately 10 times more than the current signs. Given the number of signs used, the department is not able to handle this additional cost. Mr. Wheeler stated that he has had an e-mail conversation with Neighborhood Coalition president, Carol Rulla, about other possible changes to the signs to make them easier to read and more informative.

Commissioner Anderson asked why the City pays for the signs instead of the applicant. Mr. Wheeler responded that the City has paid for the signs ever since they started the ENN process. Standard public comment period signs are paid for through application fees. He stated that the department has not looked into whether this is standard practice in other jurisdictions. Mr. Berniker added that while applicants haven't paid for the signs in the past, maybe that is something they should consider, especially since they have had conversations with the neighborhood associations about having more signs.

Commissioner Ruonala asked for clarification on the cost increases presented in the memo. Mr. Wheeler responded that the numbers are based on an average of two signs per application. A plastic sign is \$60, which is ten times more than the current sign being used. He added that they are working with the Neighborhood Coalition on the ENN process on changes that are more operational than code-related, such as increasing the number of signs and improving the location of signs. He stated that it is a judgment call, but they do look at frontages, pathways, and intersections every time to determine the number and location of signs.

Commissioner Bennett stated that one option could be reusable metal signs with a removable decal, which may be an expensive initial cost, but would save money in the long run. Mr. Wheeler responded that there would be a cost for pickup and disposal with this method and it would require Staff time to pick up the sign in that scenario. Commissioner Bennett replied that you could have the applicant return it or pay for the entire cost of the sign.

Public Testimony

Carol Rulla, 5162 SE 28th Dr, Gresham, OR 97080: Ms. Rulla stated that she appreciates the Commission exploring the larger ENN signs. The Neighborhood Coalition is thinking about these signs for certain properties that warrant them, like properties on high-speed, busy roads. In response to Commissioner Bennett's comment about the cost for installing and disposing the signs, Ms. Rulla said that the applicant does these things now so she is not sure if that cost is a fair estimate as it may not reflect the actual cost to the applicant of putting up those larger signs. If it is not possible to increase the sign size, she would like to explore ways to make the current size sign more readable by increasing the font size, using more layperson friendly language, and making the COVID instructions easier to understand.

John Bildsoe, PO Box 1172, Gresham, OR 97030: Mr. Bildsoe started by saying that he hoped the Commissioners saw Ms. Rulla's message with the picture of the sign that had very brief language. Mr. Bildsoe stated that he was surprised the language was so brief as the sign was for a proposal to put heavy industrial uses next to low-income apartments. Many of the tenants are people new to the country and do not speak English fluently, who may not realize that the adjacent property is slated to be heavy industrial. Mr. Bildsoe stated that he also has noticed that signs disappear. He asked if applicants could be required to send in a picture after they post the signs because then, if it has been posted in a place where it is difficult to see, the City could make them repost it in a better location. Mr. Bildsoe gave an example of a sign that was posted on a high-speed road behind a fence. In addition, he brought up concerns about the language being used to describe proposals, because it can be manipulated by people who are

sophisticated in development. Mr. Bildsoe stated that he agrees with a lot of Ms. Rulla's comments and that he especially liked the idea of a QR code so that people walking by could easily access information on a website or be able to call someone. He expressed frustration at the lack of information because people who aren't familiar with the system have a hard time understanding the signs. He stated that Commissioner Bennett's suggestion of a library system might be something to explore.

Angelene Adler, PO Box 12141, Portland, OR 97212: Ms. Adler stated that she has been a Pleasant Valley resident for over 41 years and is the former Pleasant Valley Neighborhood Association president. She stated that she has been on numerous committees and attended many ENNs over the years and that the cost of the signs should be part of the developers' fees. She said that she wouldn't recommend metal due to concerns about the signs being stolen, but there must be a more cost-effective way to make a durable sign that is reusable. She stated that the signs need to be larger and that she thinks the signs should be posted 20 days instead of 14 days in advance of the meeting and the mailing should go out 20 days in advance. Ms. Adler also expressed frustration about a proposal on 190th where the road was closed but an ENN was submitted and approved anyway. She explained that one sign was posted on a 20-acre property and was not visible because the road was closed to traffic. She said that there were only 2 people at that ENN meeting which is highly unusual. She added that developers should only be allowed to have meetings on Monday-Thursday from 6:30-8:30 to allow people time to get home from work. She agreed with Mr. Bildsoe's idea of requiring the applicant to send a photograph of the posted sign because some applicants post the signs in obscure places and fast roads. She added that the signs should be posted higher because they are sometimes posted very low to the ground which makes them hard to see. She asked where the mailing addresses the City uses come from because she has not received a notice for the past three meetings in Pleasant Valley.

Commissioner Ruonala asked if Mr. Wheeler could speak to the problem with the sign that was posted on the closed road. Mr. Wheeler stated that he had spoken to Ms. Adler previously. He stated that he was not aware that 190th was closed because road closures are not done through Planning and that this was a unique situation. He agreed that it is problematic that an ENN meeting was held while the road was closed. He added that the neighborhood association in this case may not be as representative of the Pleasant Valley community as it should be. Mr. Wheeler explained that the mailing addresses are pulled from the same database for notices and hearings and are based on the County Assessor's tax database which is only updated every so often.

Mr. Wheeler also brought up that while this discussion is specifically about ENN signs, they would also probably want the same criteria for public notice signs, which makes it a bigger issue with the different parameters and logistics. Since there is not currently a fee mechanism for signs, it would need to be presented to City Council and could potentially be dealt with during a future code update project.

Mr. Berniker asked Mr. Wheeler if the signs are standard compared to other communities. Mr. Wheeler responded that the signs are not substandard, but there are communities that use larger signs. Mr. Berniker stated that they all need to look at this through an equity lens. He stated that Staff is shying away from the cost increase due to budget constraints and is leaning toward more signage and a better understanding of where the signs should be placed. The number of signs, size, and clarity of information all need to be considered as ways to improve the signs and it may not work with a one-size-fits-all approach.

Commissioner Pramuk asked for clarification on whether the sign rules are part of the code and if changes would need to be part of a code amendment or just a procedural change. Mr. Wheeler responded that the changes being talked about right now are not in the code. The code requires a minimum of one sign to be posted, but does not include requirements on size, number, or what information is included. Mr. Wheeler stated that UDP worked with the Neighborhood Coalition to look more closely at the number of frontages, length of frontages, intersections, and sign locations that will make what is happening more apparent. He explained that they could make it a code requirement, but then any changes would require a code amendment, which would allow less flexibility.

Commissioner Anderson stated that he thinks one larger sign is better than 2 or 3 smaller signs and it would be better to have reusable signs that can be updated for each meeting. He stated that he thinks it is better to keep the sign rules out of the code because they will be easier to change.

Commissioner Kaiser stated that he thinks Ms. Rulla is on the right track suggesting that priority is given to the reason for the sign and the rest of the information can be handled by including a link to more information. He stated that on ENN Signs he has seen in his neighborhood, the subject of the meeting was the least obvious item and often hard to discern. However, if the sign had the type of development in large font, this would catch people's attention.

Commissioner Pramuk asked if the procedures with all the rules are written out somewhere and if the Planning Commission can work with staff so they are all in agreement about what language needs to be on the sign, height, size, etc. because it seems unclear what is required. Mr. Wheeler responded that he had a fairly in-depth discussion with the Neighborhood Coalition and while improvements can be made, there is not a one-size-fits-all solution.

Commissioner Ruonala expressed an idea to use two signs of the same size they use currently but with larger font because two signs would catch people's attention and improve visibility while being the easiest solution. One would say "public notice" and the second would have the site plan and ENN information. She stated that she agrees requiring different types of signs based on the property is difficult and doesn't want it to get so complicated that they end up with no change or improvement.

Chair Drechsler stated that the whole purpose of the signs is to notify the neighborhood that something is proposed and we are looking for them to engage, but it seems like a fairly

universal experience that this is not being done well currently. He stated that even those familiar with the process and language have difficulty interpreting the signs. While the discussion has mainly been focused on size, there are multiple things that could be changed. He stated that the City needs to have more control and standards for the signs, He said that he doesn't want to get too stuck on the sign fee as opposed to who should be paying the fee and what proper notification looks like. He stated that he supports development, so he doesn't think longer timelines make sense, but good signage and passing a reasonable fee on to the developer is something they should be looking at as well as standardization of what is communicated and what the placement should be. He stated that he thinks these are very reasonable requests for a City of Gresham's size.

Mr. Wheeler replied that the discussion is warranted and said that he doesn't know if they are looking at changing the overall procedures with a resolution to Council for a fee for signage or if they are looking at changes to the code beyond what has been proposed. Chair Drechsler responded that there seems to be consensus to keep the guidelines out of the code and that the City should not be burdened with the extra cost. He added that while there is no solution that will apply to all situations, it is better to have a plan and adapt it than have no plan at all. Mr. Wheeler responded that UDP can undertake this but he would like guidance on the proposed timeline.

Commissioner Bennett stated that he agrees wholeheartedly that this should be done by department rules, not code. Based on a lot of comments made tonight, he recommends making the guidelines fairly prescriptive so that there is uniformity from one developer to the next because it sounds like that is not happening right now. They will need to balance what is currently in the code because he has already heard some ideas that may conflict. He stated that the path the Chair proposed is probably best to get the majority of properties reaching their objective and they can deal with unique situations as they come up.

Chair Drechsler responded that hopefully what they have proposed will be a win-win. He stated that the City shouldn't be covering the cost, but they need to have better notification and it is a reasonable cost to pass on. Commissioner Anderson added that developers will be happier if there is a better process during the ENN rather than later in the process because less people will be upset about development. He added that the goal of the ENN is to get people involved early rather than when it is expensive to make a change. Chair Drechsler added that if they are looking at fee structure, maybe there is an option for the City or developer to remove the sign if that's a concern.

Chair Drechsler stated that they need to restructure the design of the signs to prioritize important information while making sure it is presented in the best way possible for people driving by. Commissioner Bennett added that it might be beneficial for Staff to spend 6-10 hours benchmarking other jurisdictions that are similar in size to Gresham in the northwest to inform the design and way it is mounted.

Chair Drechsler said that he appreciates staff and the Commission engaging in the conversation. The signs need to be redesigned but that can be done administratively. He asked how to advance a fee structure and size recommendation forward. He said that the design is going to change over time, but he wants to move the conversation forward regarding requiring a certain size sign, developers paying a fee to the City or having the signs made themselves and requiring proof of placement, while retaining the City's ability to change the sign requirements. Mr. Berniker said that he would like to convene with the team to put together an appropriate timeline and they will get back to the Planning Commission with their strategy for moving forward.

IV. Other Business/Adjournment

July 27, 2020 Planning Commission minutes

Commissioner Ruonala made a motion to approve the minutes, Commissioner Pramuk seconded. Commissioner Anderson abstained since he did not see the draft that was sent out and Chair Drechsler abstained as he was not at the July 27 meeting.

Subcommittee Updates

Commissioner Ruonala asked about having the subcommittees give the Planning Commission updates. She said that she and Commissioner Kaiser joined the UFS meeting this afternoon and they asked whether they would have the opportunity to provide comments on a certain item before it came in front of the Planning Commission. She said that it would also be interesting to talk with Design Commission as she has attended their meetings and there is a lot for them to share. Amanda responded that Design Commission would be coming next month and she will work on scheduling dates for the other subcommittees.

Bella Vista Tree Removals

Commissioner Kaiser asked if anyone had determined what happened with the Bella Vista project on Powell. He remembered that the developers were going to preserve certain trees but that didn't happen. As Commissioner Ruonala mentioned, they attended the UFS meeting and he asked that the UFS committee think about policy changes and issues that should be addressed in future code updates. He stated that there have been a number of experiences in which they worked with the developer to save landscaping and he would like to do an analysis of what happened at Bella Vista.

Mr. Wheeler responded that he recalled that there were a couple trees removed that were not on the original plan, but he does not have the details readily available. He stated that he believes the developer caused damage to some trees, an arborist report was ordered and conducted, and the trees ended up needing to be removed. Ms. Kelly added that some trees were damaged outside the original planned area where trees could be removed because the arborist with the development group made an incorrect calculation. The City's consulting arborist went on-site with that arborist and they developed a plan to save the remaining trees so

that others would not be impacted. She stated that a number of trees that were removed did meet code requirements, they just weren't originally identified as trees that would be impacted.

Commissioner Kaiser responded that all the trees were removed, and there were some groups of trees that were supposed to remain so it seems like more than just a few trees may have gotten damaged. Ms. Kelly responded that the number of trees that were allowed to be removed still met the code standard but in the course of those removals, the roots of the adjacent trees were damaged which made them unstable. This is when the City consulting arborist was sent to the site to mitigate further damage. Jim added that they will need to do another site check as he hasn't been out to the site in several months. Ms. Kelly stated that they would prepare an update for the Commission.

Commissioner Anderson stated that the concern is that it's a standard developer ploy to ask for forgiveness rather than permission. The developer removes the trees they wanted to but is not penalized. He stated that it doesn't need to be extreme but there need to be some teeth to the tree ordinance or else it is pointless. He stated that it is possible to buy full size trees, they are just expensive. Chair Drechsler agreed that there needs to be consequences if a tree of a certain size is removed. Commissioner Ruonala added that in UFS meetings, the issue of conditions of approval not being met regarding trees has been a common issue, so she is she sure they would be able to provide some examples.

Commissioner Kaiser added that when going through the Development Code updates, the Commission was told that issues like this could be brought up in the second phase. There seems to be a weak link in terms of follow-through. They work well to set parameters with developers, but then as development occurs, they lose what they gained in terms of all those decisions. They need to pay attention to this policy issue in Phase 2.

Mr. McConnell let the group know that there are options to enforce Conditions of Approval, such as filing suit with Multnomah County Court or going through a civil penalty process though the Hearings Officer. The City has remedies and CAO will proceed if asked.

The meeting adjourned at 7:49 p.m.

Chairperson

Recording Assistant

Date

Date