

**I. Call to Order**

A regular session of the Gresham Planning Commission was called to order by Chair Drechsler on the 12<sup>th</sup> of October 2020, at 6:31 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  
Sue Ruonala  
Laura Pramuk  
Phil Wich

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Katherine Kelly, Planning & Implementation Manager  
David Berniker, Urban Design & Planning Director  
Amanda Lunsford, Administrative Analyst  
Kevin McConnell, Senior City Attorney  
Jim Wheeler, Development Planning Manager  
Mary Phillips, Senior Comprehensive Planner  
Josh Williams, Senior Development Planner  
John Heili, Associate Development Planner  
Ricardo Banuelos, Associate Development Planner

**COUNCIL LIAISONS PRESENT:** Councilor Hinton

**COUNCIL LIAISONS ABSENT:** Councilor Widmark

**OTHER PARTIES PRESENT:** Matthew Sugarbaker, Design Commission Chair  
Camilla Cok, Design Commission Vice-Chair  
Michel George, Historic Resources Subcommittee Vice-Chair

**II. Design Commission Update**

Chair Matthew Sugarbaker and Vice-Chair Camilla Cok of the Design Commission provided a summary of the Design Commission's activity over the year which included 5 project hearings, 6

optional design consults, and 1 early design assistance meeting. The projects reviewed included the Civic SW Mixed Use Development, Alta Civic Station, Stark Street Apartments, Albertina Kerr, DHS Gresham, and a redesign of Rockwood Building C, for a total of 700 residential units and approximately 145,000 sf of commercial floor area.

Commissioner Bennett asked if any of the projects were reviewed through the Planning Commission for form, fit, or function. Josh Williams responded that none were reviewed with the Planning Commission because all uses were allowed under the existing code and within the authority of the Design Commission. If any of the projects had been appealed, the appeals would have gone to City Council. He said that there was no path within the code to present them to the Planning Commission.

Commissioner Ruonala stated that the quality of buildings has greatly improved. She said that when Design Commission members came before them previously, they had made it clear that the Design Commission checks development post-construction to ensure that conditions of approval had been met. She said that trees and landscaping are a concern for neighborhoods and asked if the Design Commission ensures developments are constructed the way they were approved. Mr. Sugarbaker responded that there is no formal way for them to do that. He stated that they have been discussing the regulations around utilities between buildings and the right-of-way because this is usually done during construction and is not part of their review so they are discussing how to enforce expectations around that work. Mr. Williams added that part of the Planner's responsibility is to visit the site after construction. Occasionally during construction, the Planner will identify problems and then the project must go back to the Design Commission for further review and discussion.

Commissioner Ruonala asked about the lack of eaves on the Stark Street Apartment project and whether the materials are waterproof. Mr. Sugarbaker responded that water penetration and materials are things the Design Commission looks for and discusses. Ms. Cok added that they press the applicant for details especially related to eaves and windows. She said that the materials either need to meet the code or receive special approval which the Design Commission is not lenient on. Jim Wheeler added that Planning conducts mid-framing inspections and a final inspection.

Commissioner Anderson said that one of the projects has less than 1 parking space per unit and asked if that decision was made by the planning department or the Design Commission. David Berniker responded that applicants are permitted to go below 1 space per unit if they provide a traffic study and are granted approval by the director. He said that these projects are usually next to transit and have a traffic study to show the impacts. He said they would rather have better development closer to transit than parking and that this is the direction they have been moving toward to promote good design and address climate change.

Commissioners Anderson and Pramuk both expressed concerns that some projects are next to good transit but residents still park on surrounding streets in the neighborhood because residents still own vehicles and therefore need somewhere to park them whether or not they use transit. The policy just pushes the developer's costs onto the other residents in the community. Mr. Berniker responded that the information is shared with the community, the applicant must go through a process and he believes that is due diligence. In addition, this increases affordability. Commissioner Pramuk asked what the notice to neighbors is in this situation. Mr. Williams responded that a 300ft radius is used to notice neighbors for the Early Neighborhood Notification (ENN) meeting. After the application is submitted and before a decision is reached, another notice is sent regarding the hearing with a letter about the project and any variances from standards. Neighborhood Associations are also notified if applicable.

Commissioner Wich said that sometimes inspections fall through the cracks. He said that the Urban Forestry subcommittee has an interest in checking trees before final the inspection is signed off.

Commissioner Kaiser asked if the Commission feels they are adequately involved in the development code updates going on right now and if they have a list of things they want to change. Mr. Sugarbaker responded that they have had a couple presentations from Staff and have talked to Staff about common requests that come up under discretionary comments.

Commissioner Pramuk asked if there were any neighborhood livability issues beside landscaping and parking that tend to come up that the Design Commission would like the Planning Commission to look at while the Development Code is being updated. Mr. Sugarbaker responded that the most frequent code-related items they discuss are materials and transparency requirements. He said that many building types and uses do not lend themselves to the amount of transparency that is required by the code, but it is beneficial for the Design Commission to look at these situations case by case. He said that the discussion about materials is usually related to whether certain prescribed materials are considered primary or secondary. He said that as materials technology changes, the materials list needs to be updated and that materials don't always easily fit into one of the categories outlined in the code. Ms. Cok added that due to the amount of people moving here, infrastructure, sidewalks, and traffic are issues that the Design Commission can't really address. She said that it would be good to work with the Planning Commission and the planning department to figure out how to resolve those issues.

### **III. Historic Resources Subcommittee (HRS) Update**

Michel George, Vice-Chair of the Historic Resources Subcommittee provided an overview of the work the committee did in 2019 and 2020. This work included:

- Designating the Amundsen House to the Gresham National Register

- Reviewing and making recommendations on non-permitted alterations to the Hamlin-Johnson House
- Submitting a letter of support to benefit the Gresham Historical Society
- Reviewing a plan for disbursement of materials from the Ambleside house
- Reviewing and making recommendations on a Type III application for the Zimmerman House
- Working with staff on updates to the Development Code
- Submitting a successful application for a \$12,000 CLG grant which will fund a city-wide reconnaissance-level survey of about 450 residences. The draft survey needs report is complete and the final report is expected at the end of 2020.

Mr. George said that next year, they will continue to review applications and focus on completing the work for the CLG grant, which will include a public outreach event about the survey. Mary Phillips added that there are three openings on the HRS committee and they are actively recruiting. Commissioner Kaiser asked if Mr. George felt the HRS has been adequately engaged in code updates. Mr. George responded that he feels they have been although it is hard to tell until an issue comes up.

#### **IV. Bella Vista Tree Removals**

Chair Drechsler started the discussion by stating that his understanding of this issue is that there were extra trees removed on the Bella Vista project and the Planning Commission wants to understand what happened.

John Heili responded that 9 trees were planned to be preserved at the time of building permit submittal. Once they began construction in January 2020, the arborist noticed ground heaving with two trees on the west side of the property and recommended they be removed. Another arborist concurred. Planning ultimately called in a consulting arborist who did an initial review. Mr. Heili went on site and met with two arborists to look at the trees and there was noticeable disturbance around the root area. The developer requested a hazard tree removal permit which was allowed with replacement as Planning viewed them as landscaping trees. They replaced around 5 trees. The arborist assessed the rest of the trees and made recommendations to provide aeration, root growth stimulators, and increase mulch cover. The arborist has been on site while they are doing excavations and has been updating staff.

Commissioner Wich said that his concern is the trees behind the trees that have been removed. He said he wants to make sure they are not creating conditions that will make those trees hazardous. He asked if the arborist is looking at edge trees since they have created a condition that exposes other trees. Mr. Heili said that they did a thorough walk around the perimeter and the arborist is looking at them.

Commissioner Kaiser said that they could have anticipated that this problem would have occurred and asked how they are going to approach it differently next time. Mr. Heili responded that there was a Condition of Approval that required the developer look at wind throw since there were concerns expressed by the consulting arborist. It wasn't until the arborist was out there that it became an apparent issue. Additionally, the soil in the area is saturated. Landscaping will help create a stronger base once it is established.

Commissioner Wich stated that he did not think the project went through as the Planning Commission discussed and that the Commission needs to be involved earlier in green infrastructure. Mr. Heili responded that the developer did submit an arborist report, which was shared with the consulting arborist. Those comments were submitted to the Planning Commission. Commissioner Wich responded that the Urban Forestry Subcommittee and Planning Commission should review reports earlier before construction starts.

Commissioner Ruonala stated that she had had concerns with the project because when they started excavation, she noticed there was no tree protection. She said that the last time she went by the site, there was no protective fencing around the adjacent property.

Chair Drechsler said that they were told trees weren't within their scope at the hearing even though they had the reports and did express concerns. He asked how they can prevent this situation from happening in the future since the reports were wrong. Mr. Heili said that planning does not conduct an inspection at beginning of construction so it is up to the building inspectors to look at erosion control and tree protection at that stage. Planning is not aware there is a problem unless they hear a complaint from a neighbor or a planner is in the area. He said that they rely on building inspectors to a certain degree.

Commissioner Anderson said that sometimes developers will look at the penalty and decide to willfully violate City code and Conditions of Approval as the cost of the penalty, if caught, is less than the cost to reroute utilities to avoid damaging the roots of trees required to be retained and/or less than a more costly method to remove trees allowed to be removed while preserving trees required to be retained. That is, it is more cost effective to violate the City Code and Conditions of Approval. He thinks that is the case since the developer didn't fence the trees and the City should impose large fines when developers do this as other jurisdictions do. Mr. Berniker said that it is disappointing that the trees aren't there and they are trying to figure out what went wrong but it is a difficult situation because in this case, the City's arborist agreed with the developer's arborist. Mr. Berniker said that part of the problem is the Innovative Housing code, which Planning is in the process of getting rid of.

Mr. Heili said that the site was developed within bounds with no extra density or parking. He said they can look at penalizing or incentivizing developers to not develop to maximum density or parking if they are serious about preserving urban forestry. Commissioner Wich said that until

they have a city function for inspecting green infrastructure, it will be difficult to enforce and that earlier review by the UFS may help.

Commissioner Bennett said that staff may want to look at ordinances and construction techniques in Flagstaff, Arizona because they are able to build close to large trees. He said that he recommends looking at construction techniques used to accomplish goals that will help inform code modifications and give staff more tools.

Commissioner Ruonala asked if a geotechnical report was required with this development. Mr. Heili responded that if the development will include any stormwater management work, they need to submit a report with the development permit submittal. There was a full report submitted with the permit application. Mr. Wheeler added that a geotechnical report is not required unless the property is within the Hillside Overlay district. It may be part of the stormwater report but is not related to tree protection. Commissioner Bennett said this should be required and they should change this in the code.

Commissioner Pramuk said that she remembers it was a long hearing and the Neighborhood Association was very interested. She is concerned about losing trust with the neighborhood and surrounding area. She said the code should be strengthened so that the public and Council can trust the Planning Commission and more resources should be designated to oversee these kinds of projects. Mr. Heili responded that with all the arborists that reviewed the project, he does not feel that there were more trees that could have been preserved and it sounds like a disconnect between what the neighbors expected to happen and what actually did happen. Commissioner Anderson said that there is a loss of faith in the process from the public because what they were told wasn't going to happen did happen. He said that the start of the problem was the utility plan. He suggested an overlay for forested areas.

Katherine Kelly responded that the new overlays for hillsides and natural areas will address truly forested areas but there is nothing in the tree code that explicitly addresses groves or stands of trees in urban areas. She said that this site is not in the overlay. Chair Drechsler asked if any of the updates to the tree code address this situation. Ms. Kelly responded that the current tree code updates are just formatting to make it more user friendly and do not include policy issues. Commissioner Kaiser asked if there is an opportunity to canvas forested areas. Ms. Kelly responded that the UFS has been talking about tree canopy and metrics that could be applied. Commissioner Kaiser asked if they could improve communication with the code inspectors. Mr. Wheeler responded that this is potentially an option. Kevin McConnell added that the Planning Commission could make a recommendation to study the issue to Council if they see a deficiency in the plan.

Commissioner Ruonala said that when construction was being done to expand the parking lot at Powell Valley Elementary school, an inspector was out there but did not pass on to Planning there was no protection around the trees specifically the Giant Sequoias. She sent in a MyGresham request to the City and Planning had fencing put around trees. She asked if inspectors could be nudged to look at these kinds of issues and report back to Planning. Mr.

Wheeler responded that it is not the inspectors' responsibility or within their budget to do work on behalf of Planning. He said that Planning used to have a position for someone to go out and do inspections on trees. This position was cut and never restored. Commissioner Bennett said that he strongly suggests that the cost of all development permits should include the cost of a third party inspector. Chair Drechsler said that their attention is on large developments with potential to significantly impact the community and asked if inspections on just this type of project would be feasible. Mr. Wheeler responded that they can prioritize this, but they would need to deprioritize something in order to accomplish this. Commissioner Anderson said that Gresham's development fees are lower than other jurisdictions and there is room to raise fees. Mr. Wheeler responded that this has been proposed and shelved multiple times. At this point, raising development fees is not an option. Commissioner Anderson said that a letter needs to go to Council. Mr. Berniker said that the conversation would need to be between the Planning Commission and Council. Staff supports this idea, but it is complicated. He said that Planning could do it if they had the resources but building inspectors do not have the background or training to do this type of inspection. He said that he likes the idea of UFS doing inspections, but he is unsure how to accomplish this in an equitable manner without slowing down the process when they are asked to be more developer friendly and speed things up.

Chair Drechsler said that it comes down to the Planning Commission and what they want to advocate for. They have the authority to raise the question and have a conversation with Council. Commissioner Ruonala asked what their options are for pursuing raising development fees. Chair Drechsler responded that they would need to present a recommendation to Council to have Staff examine that possibility. Mr. McConnell explained to the Commission that their strategy needs to be discussed in a public meeting in the form of a joint study session, a motion to approve the Chair to present to Council, or an official letter. Chair Drechsler said that he recommends a work session and then he can present to Council. This was agreed upon by the other Commissioners and request to be put on the next possible agenda.

**V. Other Business/Adjournment**

Commissioner Anderson asked about a project south of Glisan on 202<sup>nd</sup> Avenue. He thought it was supposed to be 8 cluster houses but it has morphed into a 4-unit regular subdivision. He asked what was going to happen to the open space. Ricardo Banuelos responded that he has been doing inspections on that project since the developer abandoned the original Innovative Housing project. He said that the developer is holding onto the land for now, but it will most likely eventually be a house. Commissioner Pramuk thanked staff and the Commissioners for a candid, in-depth conversation. The meeting adjourned at 8:30 p.m.

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Chairperson

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Recording Assistant

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Date

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Date

*A full recording of this meeting is available upon request.*