

**I. Call to Order**

A regular session of the Gresham Planning Commission was called to order by Vice-Chair Anderson on the 9<sup>th</sup> of November 2020, at 6:31 PM online via Zoom. The meeting was digitally recorded and minutes prepared by Jennifer McGinnis.

**COMMISSIONERS PRESENT:** Richard Anderson, Vice-Chair  
Mike Bennett  
Jef Kaiser  
Sue Ruonala  
Laura Pramuk  
Phil Wich

**COMMISSIONERS ABSENT:** Paul Drechsler, Chair

**STAFF PRESENT:** Katherine Kelly, Planning & Implementation Manager  
David Berniker, Urban Design & Planning Director  
Jim Wheeler, Urban Design Manager  
Amanda Lunsford, Administrative Analyst  
Kevin McConnell, Senior City Attorney  
Mary Phillips, Senior Comprehensive Planner  
Tina Osterink, Natural Resource Planner  
Sarale Hickson, Assistant Development Planner

**COUNCIL LIAISONS PRESENT:** Councilor Hinton

**COUNCIL LIAISONS ABSENT:** Councilor Widmark

**OTHER PARTIES PRESENT:** Marcy McInelly, Urbsworks  
Brandy Steffen, JLA  
Pat Lando, Design Commission Member  
Jim Buck, Urban Forestry Subcommittee Chair  
Keith Warren, Urban Forestry Subcommittee Member  
Britt McConn, Urban Forestry Subcommittee Member

**II. Middle Housing Project**

Mary Phillips gave an overview of the Middle Housing Project related to House Bill 2001 (HB 2001) and introduced the consultants for the project, Marcy McInelly from Urbsworks and Brandy Steffen from JLA. She explained that these consultants were funded through a technical assistance grant from DLCD and would be helping to update the Comprehensive Plan and Development Code to comply with the bill in addition to providing assistance with public outreach.

Ms. McInelly went over the intent and legislative requirements of HB 2001. She explained that the intent is to ensure housing standards and policies are responsive to the community and to provide a wider variety of housing options to meet everyone's needs. She said that duplexes must be allowed anywhere and triplexes, quadplexes, townhouses, and cottage clusters must be allowed in areas that permit single-family detached dwellings.

Adoption is targeted for Summer 2021 because HB 2001 requires medium and large cities to comply by 2022. In between now and adoption, there are five Planning Commission meetings and four public engagement events planned. She then explained the two pathways to compliance. The first is to adopt the minimum compliance standards of the model code. This would be easier but less specific to the City. The second pathway is for the City to adopt its own standards based on the DLCD rules, which are still being determined.

Minimum compliance includes siting standards. Off-street parking may be allowed and there is a maximum on the amount of parking that can be required. Design standards are not required and if applied, the City can only implement standards that are the same or less than the model code and no more restrictive than the City's standards for single family housing. The City cannot apply design standards to multi-family housing created as a conversion from an existing building. Every area of the City that allows single-family dwellings must accept appropriate multifamily housing types. Cities need to ensure these types are distributed equitably throughout the City either by using the percentage formula or equity metric.

Ms. Steffen went over the strategy for public engagement. She explained that there are three questions they are trying to answer: what are the public's thoughts and concerns, how should these thoughts and concerns be addressed in the development of the City's approach to middle housing, and what types of housing do people want and need. Public outreach will include a mailing targeted to areas with limited internet access, poster, online survey, online open house, and advertising in City newsletters.

Ms. McInelly stated that the next meeting will be December 14<sup>th</sup> and will be used to review code concepts and the survey results.

Commissioner Bennett suggested establishing a list of developers and contractors to involve and request input from. Ms. Phillips responded that they do anticipate direct outreach with some developer groups such as the Community Development Department's regular developer

group. Commissioner Bennett suggested including people outside of that group. He also expressed concern about the cost of increased infrastructure to the City to serve these communities.

Commissioner Kaiser asked if developments that utilize on-street parking will be guaranteed these spots for the life of the use. He expressed concern about modes of transportation evolving and the use of on-street parking limiting what the City can do with the roadway. Ms. Phillips responded that the way the draft rules are written is that cities have the option but are not required to allow on-street parking to count toward minimum parking requirements. She explained that they would not be reserved parking spaces, rather any parking spaces developed as part of that development would count toward the minimum parking requirement. Ms. McInelly added that they will be assessing the availability and location of on-street parking and will examine this further during the code concept review.

Commissioner Kaiser asked if the Neighborhood Coalition has been involved. Ms. Phillips responded that they are speaking to the Coalition tomorrow night, are scheduled to speak to the Kelly Creek Neighborhood Association next week, and will offer to go to each Neighborhood Association to talk about the project.

Commissioner Pramuk applauded outreach to the Neighborhood Associations. She expressed concerns with parking and said it is something the Planning Commissioner has struggled with in the past. She would like to minimize the use of on-street parking especially in high density areas because it leads to congestion and safety issues. She said it is unrealistic to think that only one person will live in a one or two-bedroom unit and that households usually own at least two cars. She also expressed concerns with maintenance of multi-unit structures and asked if there is a legal function that can be written into the code to address this. She said that Gresham needs more housing variety but they need to make sure it does not create problems. Ms. McInelly responded that middle housing includes many types that will be utilized by owners who live on the property.

Commissioner Ruonala said that she has many concerns because she lives in an area where there has been a lot of residential development without additional infrastructure improvements such as bus lines, sidewalks, grocery stores, parks or other amenities. She also expressed concern about parking since there is a significant amount of vacant land and larger lots which lends itself to multifamily dwellings. There are also many people who park work vehicles at home. She stated that she has a strong concern about adding density to areas that have very few services for the residents that live there. In addition, she expressed concern about the lack of environmental protections and said there needs to be a method to protect trees. Lastly, she expressed concerns about new development near older areas with single-story homes and expressed a desire to include a height transition requirement into the code. She said that a lot of these concerns will likely be shared by residents.

Ms. McInelly stated that she shares these concerns and that the intention is to look very closely at all these issues. She said the concept for middle housing is that it fits in and will be similar to existing single-family zones. She said she will look at different tradeoffs and options related to tree protections and that they have been coordinating with tree committees in some jurisdictions.

Vice-Chair Anderson expressed concerns about environmental issues such as tree coverage and impervious surface. In addition, he expressed concerns about utility capacity, electric vehicle charging, lot size, and viability of “mom and pop” developments. He said he supports the idea but the details will be important.

Ms. Phillips responded that there will be an LCDC meeting for a hearing on the draft rules this Thursday and she will be able to address his comments more thoroughly after that meeting.

Commissioner Bennett suggested looking at maintenance codes targeted at apartments and rental properties as part of the code modification. He said they need to look at raising System Development Charges to address sewer capacity, utilities, and streets.

### **III. Urban Forestry Subcommittee (UFS) Discussion**

David Berniker suggested keeping the conversation high level and to talk about concepts and ideas as this will be the first conversation of many. Vice-Chair Anderson said the question is how to fix the failures of tree removal.

Jim Buck said that there are many things driving the impetus for conversation, including:

- Finding ways to incorporate tree preservation into the code
- Prioritizing tree canopy
- The idea to create a street tree inventory beginning with major arterials to identify spaces where tree expansion could be made
- Lack of enforcement of tree protections
- Impacts of stormwater, density, and wildfire on tree canopy
- Finding ways for UFS to advise the Planning Commission on tree species selection
- Funding for a consulting arborist to provide feedback earlier in the development process

Keith Warren added that another concern is adding density to single-family areas because density and tree canopy are directly related. As density increases, room for tree canopy is decreased. Commissioner Wich echoed Mr. Warren’s comments and said that with the Middle Housing project, they need to find a middle ground between providing space for housing and space for trees. There is overlap between multiple departments and Commissions and they should work together during the early stages of the development process.

Britt McConn asked how the Urban Forestry Management Plan is used. Tina Osterink responded that it is a long-range document that provides a roadmap to reaching goals rather than a regulatory tool. David Berniker added that they look at this plan when updating the

development code to determine what should be codified or regulated, which is then implemented through development. He said that developers get frustrated when regulations are imposed last minute but are usually willing to do the right thing if they have a clear understanding of the vision. The development community has been asking what the City's vision is. Different departments such as Code Enforcement and Community Development need to coordinate with each other since there are limited resources.

Pat Lando said that the Design Commission is seeing bigger developments from developers that are used to following urban forestry practices and see the benefit. If the City incentivizes trees over parking, then developers will follow suit. If more penalties are imposed, the City will get less development. The City needs to establish its priorities.

Mr. Buck asked what tools they have to guide them. He said the Minneapolis code has good tree regulations in place and charges developers large fines if they do not follow these regulations. Mr. Berniker said the vision is that eventually people will move seamlessly between the three hubs of Civic, Downtown, and Rockwood. Ms. Osterink said that they are working with Portland State University to develop a spatial analysis tool to look at tree inventory at a parcel and city-wide level over the next couple years and are finishing a technical tree manual to be used by homeowners and developers.

Commissioner Wich said budget and manpower is declining. Green infrastructure needs to be considered differently because if it is lost, it is gone for a generation or more. If it is not codified, it will not happen because they will not have a tool to require or enforce it. Mr. Berniker responded that codification is a good goal and dialogue about a manageable vision is a good place to start. Commissioner Wich responded that green infrastructure brings residents and developers in that value it. It can be used as a selling tool to bring more and different kinds of developers to the City. Ms. McConn said that the Urban Forestry Management Plan from 2011 already outlines a vision. Mr. Berniker responded that the struggle is hitting the target with limited resources and that they need direction. The question is how to develop the reputation that Gresham is a tree city because good development follows good development. Mr. Buck asked what drives the direction in terms of priorities. He said climate change is a bigger impetus now than in 2011.

Mr. Warren said that trees need to be considered infrastructure and a semi-permanent part of the community. Developers get away with cheap substitutions by saying they can't obtain the required trees and the City needs to prioritize long term trees. Mr. Berniker said they need to figure out how to incentivize rather than penalize developers for doing the right thing.

Mr. Lando said the Design Commission sees cases where developers are looking at how to comply with the overall plan. If there are areas where the developer goes above and beyond, the Design Commission may be lenient on a different aspect of the development. This could be accomplished with a section in the code that outlines options to meet sustainability goals. Commissioner Wich said the tree list should include a wide enough range of required trees that can be found in the area without being too cost restrictive to the developer. Mr. Lando

responded that this list should be hierarchical. Developers are already complying with the "Right tree in the right place" list because it is a baseline requirement, but it should be identified if the developer goes above and beyond by choosing a tree that costs more but is more beneficial. Commissioner Wich disagreed with the list being hierarchical and said that they should only choose trees they want on the list.

Commissioner Bennett said that they need to decide what is important because of limited resources. They make recommendations, but Council needs to decide where the resources go. There are not enough staff to conduct inspections. He said his HOA had to pay to replace all the street trees in his neighborhood because the trees put in by the developer pushed up the sidewalk. Now they are losing the replacement trees because of the slope. They may need to get prescriptive in certain areas of the code to ensure all aspects are successful. Commissioner Anderson asked what is in place to enforce the survival of trees because they often die and no one enforces replanting.

Commissioner Bennett suggested that the Urban Forestry Subcommittee come up with a plan, then bring this to the Planning Commission. They can then work together to bring a formal recommendation to Council.

Commissioner Kaiser stated that he agreed an inventory of street trees is needed as well as an inventory of known groves and stands of trees because he does not want to lose sight of maintaining existing trees. They do not have a good understanding of the existing canopy, especially north of Powell Blvd. Since Planning is currently in the process of updating the code, it is a critical time to understand what they have in order to compare the data year to year. Ms. Osterink responded that Metro has 2019 canopy coverage LIDAR data and is determining how to make this information available to cities.

Commissioner Ruonala said she previously suggested that UFS should receive referrals on Design Commission consults and hearings so they could review and provide comment. Ms. Osterink responded that this is not currently happening, but they can discuss this to see if it is possible. Mr. Berniker added that this is a notion worth exploring but he is concerned about slowing down the development process and potential equity issues. Mr. Buck said that he would like to be involved early in the review of trees as well as post development. Mr. Wheeler said that timing is the biggest concern because they are held to certain state-regulated time periods that will be hard to meet with a committee that only meets once a month.

Mr. Lando said that if a project comes before the Design Commission, they usually pick up on the direction of the managers and massage the project to reach these goals. Mr. Berniker said that Early Design Consults are important because they involve a conversation between Planning and the developer about what they both want to accomplish so if they can have one voice, that would be beneficial.

Commissioner Ruonala asked if Chair Buck could be put on the interested party list. Mr. Berniker said that he wants to be sure they are meeting state mandates so he will speak to Mr. Wheeler

and Mr. McConnell first and then provide an answer, but Ms. Osterink attends the meetings to understand what UFS values. Ms. Osterink asked where the input points are for UFS. Mr. Wheeler responded that the UFS could start by providing additional input and suggestions to the Planning Commission on the idea of viewing trees as infrastructure, incentives for planting and maintaining trees, conducting an inventory to understand where improvements could be made, and other design work that needs to happen to allow canopy trees to be successful. Commissioner Bennett said that they need to take some of the subjectivity out of equation and posed the idea of an urban forest priority overlay. Commissioner Pramuk said that they already have many tools and do not need to create more, but instead enforce existing regulations. She said that they should have confidence in previous work, enforce the existing regulations, and penalize those that do not follow them. They need to figure out the real problem of why they are not getting the results they want when they have rules in place. Mr. Warren responded that what he has seen is that when trees are a priority from the beginning, the project turns out well. When trees are treated as a requirement to be met at the end of the project, it does not turn out well. People with expertise need to be making those choices. Commissioner Bennett said that this responsibility may need to be put on the developer. This could be done by providing a list of City-approved arborists that the developer must choose from.

Commissioner Ruonala said that street trees don't survive along arterials so they could compromise by keeping groves of mature trees and turn the sidewalk into a rain garden instead of requiring street trees. Commissioner Anderson added that another option is to meander sidewalks to go around mature trees. They need to think about the overall goal.

Mr. Wheeler said that the next step is to go back to their respective committees. He has heard that they need to worry about enforcement rather than new regulations, but they do not have strong enough regulations on significant groves. In addition, he has heard that UFS would like to provide input early in the design of the site and they need to see if there is a way to work within required timelines to allow this. He said the work on street trees is worth pursuing, but it may take time to see results. They need to look at the tree preservation code and talk to Council about different aspects of utilizing a consulting arborist. Commissioner Anderson asked what funding sources exist for a consulting arborist. Katherine Kelly responded that they have not yet taken a consolidated look at funding sources for a consulting arborist.

Commissioner Kaiser summarized the four action items that came out of the meeting:

- 1) Coordination between Design Commission, Urban Forestry Subcommittee, and Planning Commission
- 2) Inventory of street trees and known stands and groves
- 3) Code enforcement funding
- 4) Code deficiencies

Commissioner Kaiser suggested reconvening the two groups in a month or two. Ms. Osterink stated that she captured a lot of the concerns and will follow up before their next meeting. Mr. McConnell stated that the Planning Commission and Urban Forestry Subcommittee may want to have a joint study session before holding a study session with Council to clarify what they want

to do. Mr. Berniker said that solidifying their direction before going to Council is critical and staff are there to support them.

**IV. Other Business/Adjournment**

Housing Needs Analysis

Katherine Kelly said that a Housing Needs Analysis will be done as part of the housing work underway. This project is similar to the Middle Housing Project in that it is on a mandated timeline. She would like to request a special session of the Planning Commission on May 3. Vice-Chair Anderson asked if members are still needed for the HNA Advisory Committee. Ms. Kelly said she will touch check with Mary Phillips and get back to him.

Budget Cuts

Commissioner Ruonala mentioned the e-mail Chair Drechsler sent about budget cuts. Commissioner Pramuk said that she would like to send out a draft letter to Council because if drastic budget cuts are going to happen, they will need to raise development fees. Mr. McConnell said he would look into legal requirements on how the group can work together to put together a letter and get back to them. The Commission agreed that they would like to have a final letter ready in January to present to Council once the new members have started.

Planning Commission Appointments

Commissioner Ruonala asked Staff to comment on the appointments for two new PC members. Mr. Berniker responded that two Commissioners went through a process with him, Councilor Hinton, and Chair Drechsler and the appointments are on the consent agenda for Council's approval tomorrow.

The meeting adjourned at 9:34 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.*