

I. Call to Order

A regular session of the Gresham Planning Commission was called to order by Vice-Chair Anderson on the 11th of January 2021, 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
Michael Bennett
Jef Kaiser
Sue Ruonala
Laura Pramuk
Jason Ping
Tim Kamp

COMMISSIONERS ABSENT: Phil Wich

STAFF PRESENT: Ricardo Banuelos, Associate Development Planner
David Berniker, Urban Design & Planning Director
Katherine Kelly, Planning & Implementation Manager
Amanda Lunsford, Administrative Analyst
Kevin McConnell, Senior City Attorney
Jim Wheeler, Urban Design Manager

II. JW Underground (Winters) Plan Map Amendment Hearing PMA 20-26000240

Before the hearing began, Chair Paul Drechsler abstained due to a conflict of interest with JW Underground. Commissioner Anderson stated that he has a client in the quarry space but they work on the other side of the City. Commissioner Ruonala stated that she has heard many discussions over the years about what would happen with this site.

Ricardo Banuelos gave an overview of the project, which is a proposal to change the land use designation of 1.22-acre split zoned lot of record comprised of two tax lots located within the JW Underground gravel quarry from Transit-Low Density Residential (TLDR) to Heavy Industrial (HI). The site is currently developed as a gravel quarry that is in the process of reclamation, in addition to other industrial uses. It was annexed into Gresham in 1987 as gravel quarry and was zoned HI at that time. Mr. Banuelos said that it was rezoned as part of the Rockwood plan, but there is no written documentation of the impetus for this change in land use designation. He

said that the property is within the City's enterprise zone, which was established to incentivize industrial and economic development priority projects.

Mr. Banuelos stated that staff believes the site was mistakenly zoned TLDR and is better suited for the proposed industrial designation and it would support increasing industrial lands inventory in an area that is already devoted to this use. In addition, he stated that the proposal meets the criteria of the City's Comprehensive Plan, Metro Functional Plan and Statewide planning goals.

Commission Discussion

Commissioner Bennett asked if the property has been under the same ownership since it was annexed into the City as it seems like the previous owner must have given approval for the TLDR zoning to be applied. He said that the entire area looks to be heavy industrial and agrees that it is confusing why it was rezoned to TLDR. Mr. Banuelos responded that the current owner purchased the property in the 2000s and the previous owner had been operating the gravel quarry for many years. Ricardo said he could not find anything that spoke to the reason for the change to this land use designation in this particular area.

Commissioner Anderson said that he was on the Planning Commission at the time the Rockwood plan was implemented. He said that this area was part of a major rezoning effort and the goal was to preserve single-family neighborhoods and rezone properties close to transit lines to TLDR for multi-family development. He said that the owner may not have been aware of or commented on the proposed change in land use designation.

Commissioner Ping asked if the applicant wishes to eventually change the other parcel to the HI land use designation. Mr. Banuelos deferred to the applicant.

Commissioner Kaiser said that he had heard discussion in the community about the long-term vision for this area and his impression was that it was not going to be used for heavy industrial development. He asked if staff had found any documentation about the long-term vision for this area. Ms. Kelly responded that Multnomah County is currently undertaking a planning process for this area as they own several large properties there. She said that she thinks the County recently completed the public engagement process but does not have findings yet. However, Ms. Kelly stated that she does not think this planning effort would change the County's perspective on the land use designation change. Commissioner Kaiser responded that he does not think heavy industrial uses belong in this area because they conflict with the existing surrounding land uses and that there are potentially higher and better uses that Gresham could achieve there in the future. He said that the staff report indicated there is no great need for additional industrial land like there is for additional residential land.

Commissioner Ruonala asked for clarification on which property the County owns. It was clarified that the County owns properties to the west of the subject property and that the approximately 52-acre property including the quarry is owned by two private landowners.

Commissioner Anderson asked if all the rock has been mined out of the quarry. Mr. Banuelos deferred the question to the applicant.

Commissioner Kaiser asked what the County's planning area includes. Mr. Wheeler responded that the County is exploring what could happen in the surrounding area but there is no official action to change anything. Ms. Kelly added that the project was originally focused on Vance Park but was then expanded. Commissioner Bennett said there are other large quarries in the vicinity and probably about 150-200 industrial acres overall in the area so it would be interesting to know what the County is doing, although the information is probably not relevant for this hearing.

Commissioners Anderson and Bennett agreed that it would be problematic to develop residential housing on this amount of fill which is why commercial or industrial development makes more sense.

Applicant Presentation

Consultant Tracy Brown provided additional information about the property and proposal. He said that his understanding is that all the rock has been taken out to use for roads and facilities and the quarry is now being filled. He confirmed that there have been two owners: the current owner, who purchased the property in the early 2000s and the original owner. He said that he believes, similar to Commissioner Anderson, that the property owner at the time of the change to the TLDR designation either was not aware of the change or chose not to comment. He said that the site has been used for reclamation prior to the zone change and most likely for many years prior to that. It is his opinion that the proposal meets the criteria for a zone change and that a mistake was made in the current zoning designation.

Commissioner Bennett asked the applicant if he knew when the structures abutting Yamhill in the TLDR zone were constructed. Mr. Brown replied that he is unsure, but thinks they may have been built in the 1970s.

Commissioner Ruonala asked about the reference to a partition that was part of the original proposal. Mr. Brown responded that when the pre-application was submitted, the property owner originally included a request for a partition to divide the properties under his ownership between the subject property and Yamhill Street. However, he decided not to include this request in the formal application. Mr. Brown said that the owner has not indicated that there will be additional applications to develop or partition that property.

Public Comment

Richard Auld, 6655 SW 158th Ave, Beaverton 97007: Mr. Auld stated that he has owned the apartment complex to the northwest of the subject property for 12 years. He said it was built in 1972. He said that the industrial uses and noise are disturbing his tenants. He said that the property should not be rezoned to heavy industrial because these uses could be put somewhere else on the owner's 52-acre property, further away from the residential uses.

Commissioner Ping asked if the subject property was zoned heavy industrial at the time the apartment complex was built in 1972. Mr. Banuelos responded that he is unsure what the zoning was at that time since the property was under Multnomah County's jurisdiction, but the quarry was in use then.

Commissioner Bennett stated that noise ordinances are required to be met. He asked if the quarry was in business when the residential structures were put in place or if the use was grandfathered in. He said that he has been required to build berms on his projects to protect surrounding properties and asked if there was anything that could be required on this property. Mr. Auld responded that there is an existing 10-ft berm.

Mr. Wheeler stated that the noise ordinance is applicable from 10pm-7am and that the owners are allowed to operate without a noise restriction from 7am-10pm. This could only be changed by City Council. He said that quarry operations started in the 1950s and 60s and the homes along Yamhill Street were built in the 1950s, so they were built around the same time but within the County's jurisdiction. He said that the use predates the zoning and is considered a legal non-conforming use so the owners have the legal right to continue the operation to the limits previously allowed. He said that equipment is allowed to be moved around on the site within the confines of what was developed previously, which includes tax lot 501 because this lot is part of the quarry.

Commissioner Ruonala asked staff to connect Mr. Auld with mediation services to work with the owner and see if the conveyor belt can be moved further away. Mr. Banuelos said that he will follow up with the citizen.

John Bildsoe, PO Box 1172, Gresham OR 97030: Mr. Bildsoe asked staff to respond to the questions he sent in. Mr. Banuelos responded that the Gresham Development Code does not require an applicant to address the future street plan during a Plan Map Amendment (PMA), so this is not within their purview. He explained that the future street plan will remain and future development of this property or of the residential properties to north would need to comply or go through the correct process to change it. He said that there will be no effect on Tax Lot 1600 which will remain zoned TLDR and that the future street plan will still be in effect even if this proposal is approved.

Mr. Bildsoe asked the Commission to consider the impacts on abutting residences. He does not think many residents know about the proposal or feel like they can do anything about it. He said

that many homes are impacted by quarries and City Council needs to address buffering, screening, and external impacts between residential uses and this type of development. He said that quarries are usually filled in and redeveloped with other uses, not redeveloped as heavy industrial again. He said that when this use was established, there was very little residential nearby. He asked what other development opportunities are possible on this site. Commissioner Bennett responded that there are major problems with certain types of development in this area and that industrial development has more latitude in terms of the cost to construct buildings. He asked if there is a setback requirement to help address proximity issues. Mr. Wheeler responded that there are requirements for a 30-ft wide buffer and a 6-ft high berm with new development. However, since this use already exists, the owners are limited to buffer that was established when the operation began.

Mr. Bildsoe stated that he was glad the applicant didn't include Tax Lot 1600 because it will offer a wider buffer to the residences. He said that the marketability of those residential lots as well as the Rockwood Triangle will be negatively impacted by the heavy industrial uses put on the quarry property.

Commissioner Ruonala said that the Commissioner should discuss the future of the site further after the hearing is done.

Mr. Brown said that the owner is operating as quickly as possible to fill as much land as possible so that other uses can occur on the property, but it is difficult to establish a timeline on when this will happen. He said that it may warrant a larger discussion, but he feels the property meets the criteria to be rezoned.

Mr. Banuelos reiterated that staff believes the proposal meets the criteria and while there may be other discussion needed about the future of quarries as they are getting refilled, that does not relate to the standards that the Commission has before them today. He said that Staff recommends approval of the application.

Commissioner Pramuk said that she is concerned because the owners are not required to meet the requirements of either the HI or TLDR land use designations. She said that she would be more comfortable if the Planning Commission had the ability to protect residents in the area by making the industrial uses more compatible. She asked if the Planning Commission could require a 30-ft buffer and a 6-ft high berm as a condition of approval or if there were other options. Mr. Wheeler responded that the only mechanism available to them is the noise ordinance. He added that the applicants are not allowed to encroach further with equipment than they have in the past. Mr. Wheeler said that any condition of approval on the PMA cannot affect the existing operation, only new development. The applicant is required to follow state regulations regarding mineral extraction and reclamation of the property and they are limited to the area of development established when the property was annexed into the city. He reiterated that the change in designation is for purposes of redevelopment at a future time.

Kevin McConnell agreed and said that the Planning Commission’s job is to determine whether the applicable criteria has been met. If it has, the Commission should recommend approval of the application to City Council.

Commissioner Ping made a motion to recommend approval of the proposed Plan Map Amendment 20-26000240 to the City Council, which Commissioner Bennett seconded. The motion was approved as follows:

Commissioner Anderson:	Yes	Commissioner Kaiser:	Yes
Commissioner Pramuk:	Yes	Commissioner Bennett:	Yes
Commissioner Ruonala:	Yes	Commissioner Ping:	Yes
Commissioner Kamp:	Yes		

IV. Other Business/Adjournment

Draft September 28, October 12, October 26, November 9, and November 23, 2020 Minutes:

Commissioner Anderson had revisions to the October 12 minutes. Commissioner Pramuk had revisions to the September 28, October 12, and November 9 minutes. Commissioner Ruonala had a minor change to the October 26 minutes. The Commissioners will send their edits to staff for the September 28, October 12, and November 9 minutes and table their approval until the next meeting.

Commissioner Anderson moved to approve the November 23 minutes and the October 26 minutes as amended by Commissioner Ruonala, which Commissioner Kaiser seconded. The motion passed, with Commissioners Kamp and Ping abstaining. Chair Drechsler abstained for the November 23 minutes.

New Commissioners

The Commission and staff welcomed the new Commissioners, Tim Kamp and Jason Ping.

Gravel Pit

The Commissioners discussed the potential gravel pit area and asked staff to report the results of the County’ study and see if it is appropriate for the Planning Commission to provide feedback. Katherine will send out the link to the project webpage and share any additional information at a future meeting.

The meeting adjourned at 8:29 p.m.

Chairperson

Recording Assistant

Date

Date

A full recording of these minutes is available upon request.