

I. Call to Order

A regular session of the Gresham Planning Commission was called to order by Chair Drechsler on the 12th of July 2021, at 6:35 PM online via Zoom. The meeting was digitally recorded and minutes prepared by Jennifer McGinnis.

COMMISSIONERS PRESENT: Laura Pramuk, Chair
Tim Kamp, Vice-Chair
Michael Bennett
Jef Kaiser
Sue Ruonala

COMMISSIONERS ABSENT: Jason Ping
Phil Wich
Paul Drechsler
Richard Anderson

COUNCIL LIAISONS PRESENT: Sue Piazza

COUNCIL LIAISONS ABSENT: Vince Jones-Dixon

STAFF PRESENT: David Berniker, Urban Design & Planning Director
Amanda Lunsford, Administrative Analyst
Kevin McConnell, Senior City Attorney
Ken Onyima, Senior Development Planner
Mary Phillips, Senior Comprehensive Planner
Jim Wheeler, Urban Design Manager

OTHER PARTIES PRESENT: Tracy Brown, Tracy Brown Planning Consultants, LLC
John Winters, JW Underground

II. General Comments

John Bildsoe, PO Box 1172, Gresham, OR 97030: Mr. Bildsoe said that he provided written comments in advance regarding the hearing and would like to provide oral comments but may be unavailable to provide them during the comment period due to a schedule conflict. Chair Pramuk responded that the Commissioners did receive and review his written comments and will give him the chance to provide oral comments if he is still in attendance at that time.

III. Type III Hearing: Winters (JW Underground) Plan Map Amendment 20-26000240

Ken Onyima gave an overview of the proposal, which is to change the zoning on a 1.22-acre piece of land from zoned Transit Low-Density Residential (TLDR) to Heavy Industrial (HI). The proposal was previously heard by the Planning Commission, which recommended approval to City Council. However, the Council remanded it back to the Planning Commission, requesting that the applicant provide additional details on how the proposal satisfies the approval criteria of either an error being made in designating the site TLDR or that the site is suitable for Heavy Industrial use.

Mr. Onyima stated that Staff finds that the proposal meets both the criteria since when the property was annexed into Gresham, it was designated Heavy Industrial, which generally corresponded with the Multnomah County designation of Light Manufacturing. It was rezoned in 1988 as part of the Rockwood Plan. He said that usually when properties are annexed into the City from the County, the most similar zoning designation to the County's is applied. The property is legally tied to another tax lot that is zoned HI and the chain of title shows no evidence that Tax Lot 501 was ever sold separately from Tax Lot 1400. Generally, the City does not allow properties to be split-zoned, but this happened due to an error in legal proceedings. He stated that it has been demonstrated that the site is suitable for industrial use as this is its current use and changing the designation supports increasing industrial inventory in an already industrial area. Staff recommended that the Planning Commission recommend approval of the proposal.

There were no questions from the Commission for staff.

Then the applicant's consultant, Tracy Brown, gave a presentation on the project, stating that he feels the designation of Heavy Industrial is more appropriate for the site. He said that there is a long history of the property being used as an industrial site. He provided additional information on the evidence that Tax Lot 501 and Tax Lot 1400 were separated from Tax Lot 500 in 1957 and exist as one split-zoned legal lot of record today. In 1998, as part of the Rockwood Plan, most properties were rezoned to a designation that was similar to the existing designation, but Tax Lot 501 changed from HI to TLDR. He said that he believes this was due to the tax lot configuration at the time. The property owner at the time stated that he did not receive any notice of the proposed zoning change. Mr. Brown said that it would be difficult to utilize this property for residential uses due to access issues.

Mr. Brown responded to the question from Mr. Bildsoe about zoning designations. He said that Multnomah County's definition of Light Manufacturing allowed the same uses as Medium and Heavy Manufacturing and is similar to the City's Heavy Industrial designation. He said the other issues brought up by Mr. Bildsoe such as buffering and configuration of other lots seems outside the scope of this application.

Public Comment

John Bildsoe, PO Box 1172, Gresham, OR 97030: Mr. Bildsoe said that he hopes that whatever goes on this site fits with what is next door. He asked if the buffering and screening requirements are different for Gresham's Heavy Industrial designation than Multnomah County's Light Manufacturing designation.

Mr. Onyima responded that the closest zoning designation was applied when the property was annexed and the County's Light Manufacturing setback and buffering standards are not relevant. Current Gresham Heavy Industrial buffering and setback standards are what are pertinent and these will be applied when development happens on this property, in particular as it relates to the residential uses to the north. Mr. Wheeler added that when the property was annexed, it was annexed as Heavy Industrial. The change in the zoning in 1998 changed it to TLDR. The required buffers for Heavy Industrial are similar and slightly larger than they were back in 1998. The buffers for TLDR would be much smaller. Commissioner Bennett said that this was covered pretty extensively in the previous hearing and that any development would need to go through a full development application and review. There are numerous regulations on noise, fumes, times of operation, etc.

Chair Pramuk asked if these regulations currently apply to the current operation on the site as it is a non-conforming use. Mr. Onyima responded that at this point, the activities are non-conforming but if the proposed change goes through, any development would need to go through a design review and meet all standards. Mr. Wheeler clarified that if rezoned, the activities would be considered conforming, but it would not be considered redevelopment of the site, so there would be no additional review or regulations.

Commissioner Bennett asked for clarification on what the intent is for future uses on the site. Mr. Wheeler responded that his understanding is that upon completion of the current gravel extraction and reclamation of the site, any further development would require a full review. Chair Pramuk asked if, until full reclamation of the site happens, which is not anticipated for another 10 or 20 years, the activities will take place without any additional regulations such as buffers, noise limits, etc. even if rezoned. Mr. Wheeler responded that as long as the existing operation continues, it remains a non-conforming use and the operation will continue without any additional restrictions. The noise ordinance is not part of the Development Code and it has been and will continue to be in effect on this site. Commissioner Kaiser asked if the effects from the current industrial use could become worse with the proposed rezoning. Mr. Onyima responded that even without the rezoning, the current use can continue as a non-conforming use. If redeveloped, it needs to become a conforming use and at that point would need to meet all current standards.

Richard Auld, 6655 SW 158th Ave, Beaverton, OR 97007: Mr. Auld stated that he owns a nearby property. He said he disagrees with the applicant about access being an issue for residential

development. He believes that the change to the TLDR designation was intentionally done in order to make the site part of the residential area. He said there is no buffer and he has received many complaints from the tenants in his building.

End of public comment

Commissioner Kaiser asked if there was a long-term vision for the area. Mr. Wheeler said that the County has a vision for their properties and the remainder of the gravel pits, but it has not been formally presented or adopted. Commissioner Kaiser said that Heavy Industrial is going to continue to be incompatible with the other uses the City is trying to advance in the surrounding area and there does not appear to be a need for this to be industrial land. The City should take advantage of the County's momentum in envisioning the old gravel pit area.

Chair Pramuk asked if the applicant wanted to address any of the public testimony. Mr. Brown said that there is interest in redeveloping the site and this may occur sooner if the property is changed to the HI designation. The TLDR designation is a barrier to a future higher and better use of the property. He feels the application at hand meets the criteria and they have provided sufficient evidence that it was incorrectly changed to TLDR. Mr. Winters, the property owner, gave some relevant history on the property and tax lots. He said that he has tried to be a good neighbor by buying surrounding property, watering the site to prevent dust, and putting up sound barriers.

Commissioner Pramuk asked staff if there was anything within the Planning Commission's power that would give them additional recourse to help the situation for the neighbors. Mr. Onyima responded that the owners can continue the existing use with or without the zoning change and restrictions will only apply when the property is redeveloped. Mr. Wheeler added that the application has a set of criteria and if it meets the criteria, the recommendation should be for approval. Staff believes it meets the criteria.

Commissioner Bennett made a motion to close the hearing, which Commissioner Ruonala seconded.

Commissioner Ruonala 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 unanimously as follows:

Commissioner Bennett:	Yes	Commissioner Kaiser:	Yes
Commissioner Ruonala:	Yes	Commissioner Kamp:	Yes
Chair Pramuk:	Yes		

Commissioner Kaiser made a motion for an additional recommendation for the City to consider beginning the development of a long-term vision for the gravel pit sites to inform and build on the momentum of the County's Vance property planning effort. The motion was seconded by Commissioner Bennett and approved unanimously.

IV. Other Business/Adjournment

June 14, 2021 Minutes

The approval of the minutes was moved to next meeting agenda as some Commissioners did not have a chance to review them.

Council Work Plan

The Commission discussed ideas for the next joint meeting with Council which is anticipated to be held in early September. Mary Phillips proposed holding a Planning Commission work session in which staff from multiple departments would give an overview of the Council Work Plan priority projects related to land use in order to provide a foundation for discussion of what the Commission would like to share with Council. It was also proposed for City Attorney Kevin McConnell to provide an overview of the coordinating committee as it is outlined in the Gresham Revised Code to help set a framework for future meetings with Council. In addition, due to interest expressed by some Commissioners, Ms. Phillips said that staff can provide the Commission links to access meeting materials and summaries from Metro's regional coordinating meetings and be available on an as-needed basis to answer questions or for discussion on items relevant to Gresham.

Vice-Chair Kamp said that involving the subcommittee staff liaisons is critical for relaying information. Commissioner Kaiser said that he thought the Council Roundtable meeting went very well but the Planning Commission meeting with the subcommittees did not go as well due to time constraints. He thinks there is more work to be done in coordinating with the subcommittee chairs. Mr. McConnell said that a coordinating committee can help with this issue. Commissioner Bennett said that he supports both ideas of having Mr. McConnell talk to the Commission about the coordinating committee as well as having staff talk to the Commission about Council Work Plan projects. He said it would be helpful for staff to outline what the Commission's responsibilities are and where they have authority to act and make recommendations. The Commissioners agreed on having staff present on Council Work Plan projects and having Mr. McConnell present on the coordinating committee.

The Commissioners also agreed that having the information for Metro's meetings would be helpful, but Chair Pramuk said that she would also like to hear directly from the Gresham staff representatives on issues the Planning Commission may be able to help with. Mr. Berniker and Ms. Phillips said that this could be done on a roughly quarterly basis or as needed for time-sensitive topics. The Commissioners agreed that this was a good way to move forward. Commissioner Bennett asked staff to provide a list of grants that are in the works or being pursued. Ms. Phillips said this could be included in the Council Work Plan discussion.

Chair Pramuk asked for a Council Liaison and Planning Staff check-in to be added as regular items to future meeting agendas. She also asked for an update on when the City might resume in-person meetings and general information on the planning department's reorganization. Mr.

Berniker said that there is talk of resuming in-person meetings, but nothing definitive yet. Council is thinking about resuming in-person meetings after their recess. The planning department will likely move to a hybrid model of staff working from home some of the time in the future. In-person Planner on Duty and Permit Center services will begin to be offered two days of the week at different times. Staffing and workload has been a challenge due to the cuts last year and they are working on filling vacancies.

The Commission and staff also briefly discussed how to increase community engagement and involvement.

The meeting adjourned at 9:08 p.m.

Chairperson

Recording Assistant

Date

Date

A full recording of this meeting is available upon request.