

CITY OF BANKS, OREGON
Planning Commission Meeting
October 25, 2016
Banks City Hall, Banks, OR

Chair Gene Stout called the meeting to order at 6:30 pm. The proceedings were recorded in digital format.

ROLL CALL

Present were: Gene Stout, Rodney Jacobs, Rachel Nelson, Philip Darrah, and Lisa McAllister. Sam Van Dyke and Michael Lyda were excused.

Attending: Jolynn Becker, City Manager; Stacey Goldstein, City Planner

APPROVAL OF MINUTES

Chair Stout thanked Rodney Jacobs for stepping in as Acting Chair in his absence and complimented Mr. Jacobs on doing an excellent job.

1. Approval of minutes from the August 23, 2016 meeting
2. Approval of minutes from the September 27, 2016 meeting

City Manager Becker noted for the record that due to a miscommunication, Lisa McAllister should have been shown as excused in the August 23, 2016 minutes. She briefly explained the difference between being excused or absent, and confirmed Commissioners could be removed for excessive unexcused absences.

Lisa McAllister noted last year and earlier this year, she advised the Staff along with her fellow Commissioners that this year would be very difficult in terms of her health. She noted that not once had City business been held up by her absence, and that all of her absences were previously excused via a phone call or direct verbal communication.

She described the reason for the miscommunication regarding her attendance last month, explaining she had not received a call from City Manager Becker about there not being a quorum. She noted that Planning Commissioners were unpaid volunteers and more appreciation and understanding needed to be shown to those who freely give their time to serve the citizens and might have personal issues or illnesses. She reminded that the City charter had to be changed regarding who could serve and be allowed to vote because of past difficulties in filling Planning Commission positions. The discussion of her absence and possible removal from the Commission was agitating especially since she had given a six months' notice regarding her health issues. She thanked everyone for listening and hoped Commissioner Van Dyke recovered soon.

Philip Darrah noted the correct spelling of his name was Philip, not Phillip.

Rachel Nelson moved to approve the Planning Commission minutes of August 23, 2016 and September 27, 2016. Philip Darrah seconded the motion, which passed unanimously.

CITY COUNCIL REPORT

3. Verbal Report from City Manager – City Manager Becker highlighted the discussion and action items of the September 13, 2016 regular City Council meeting, noting the decision to award design-build contract for the Library's community room was deferred until November, when Council would decide to award the contract to P&C Construction at their bid amount or work with P&C to value engineer the project to an amount agreeable to both parties. Additionally, ordinances were adopted to amend the City Code to require permits for those using fire and security alarm services and to move the Gambling and Social Gaming Code Section to the Business Regulations. The various alarm companies would notify citizens who were their customers about the required permit.

PUBLIC COMMENT – None

WORK SESSION

4. Review Sidewalk Vendors & Cafes Code update.

City Manager Becker noted that local businesses had been informed of this possible change to the City Code. City Planner Goldstein stated best management practices were needed to allow for use of the public rights-of-way, which were community gathering places, but it was important to respect the public realm so people could safely walk on sidewalks. She reviewed the key sections of the proposed draft Code, which was revised from the City of Hillsboro, as well as the draft application and permit fee list related to conducting business on a City sidewalk or within the public right-of-way. She emphasized that this Zoning Code regarded the public realm, not private property, such as the private sidewalk at Jim's Thriftway or the side parking lot at the Trailhead Café. Staff addressed many clarifying questions from the Commission, which included public right-of-way considerations for sidewalk clearance and safe pedestrian zones congruent with ADA standards and the need for housekeeping Code amendments related to implementing the subject Sidewalk Vendors & Cafes Code when approved.

Key discussion items, proposed changes, and feedback from the Planning Commission were as follows:

- Clearer definitions and clarifying language were needed with regard to appurtenances; the rules of conducting business on a sidewalk or street; the 30-in space allowed for outdoor tables; what constituted equipment; mobile device(s), which might need removed; sidewalk vendor; and block face.
 - The revised Code would include a definition section that referenced applicable Code subsections.
- Given the different sidewalk widths in town, different spacing requirements might be required in different areas. The city engineer still needed to review the draft Code and could suggest refinements and mapping the different sidewalk widths and conditions would be helpful visually. Certain exceptions might be needed for unique circumstances.
- Street vendors, food carts, and food trucks are separate from sidewalk cafés, so perhaps two different Codes should be considered. Staff would review how the proposed Code may or may not dovetail into the Mobile Food Vendor Code, which may require added wording for exceptions.
- The insurance liability limits seemed low, but higher insurance coverage could be requested for different business operations. Once the proposed Code approached its final form, it would be reviewed by the City's insurance company and Staff would work with the city attorney to assure the City was protected.
- Language regarding inspections by the City Manager needed to be clarified. Having a fire marshal conduct the inspections was suggested.
- The conditions of operation were similar to conditions of approval. City Staff does inspect businesses along Main Street otherwise, enforcement was complaint driven. Staff also goes through town about once a week to ensure compliance. If complaints are received, the City would determine if the annual permit would be reissued based on the communications, actions, responses, etc. that are recorded. The sheriff could be called on to uphold the Code if there was a problem and issue a citation.
- Several changes and further considerations were recommended to 116.060 Conditions of Operations with these key comments:
 - Review and improve language regarding noise to provide more flexibility (C), retaining undue noise while enabling busy vendors to address customers, for example, which constant or repetitive sound.
 - Delete 116.060.E, F, and H. Items E and F regarded good business practices outside the City's purview and Item H regarded push carts too large to be accommodated on existing City sidewalks.
 - Ensure umbrellas (I) remain in good condition and are secured subject to manufacturer

instructions. Sign code subsections might need referenced because carts and canopies might have advertising on them.

- Mobile devices (J) needed clarified. The section included a lot of nebulous language. The city engineer might be able to identify which locations in town would meet the criteria. Banks has long city blocks so more than two mobile devices would work. The language would be narrowed to be clear that walkways could not be obstructed and must meet ADA requirements.
 - Delete 116.060.J.6
 - Owner/operators should be allowed to leave their mobile device temporarily unattended. (L.3)
- Concerns were also expressed about cords on sidewalks (116.060.L.4); limiting hours of operation (116.060.L.6); and 116.090.G regarding suspension for special events.

In light of the numerable changes and concerns within the proposed Code, the Planning Commission consented to have Staff return for future discussion with a very condensed, simplified version of the proposed Code that was clear and objective and had less detailed requirements that focused on public safety, maintaining cleanliness, and was business friendly with two sections, one for brick and mortar businesses wanting to expand onto a sidewalk, and one for mobile businesses.

Chair Stout noted it was good for the City to have a minimal set of requirements to get started and as the city grew, the living document could be expanded and changed. Since an exception could be offered by the city manager and requests made to City Council, the proposed Code did not have to cover everything in the world.

PUBLIC HEARINGS - (None)

BUILDING PERMIT REVIEWS – INFORMATION ONLY – (None)

VERBAL STAFF REPORTS AND UPDATES

5. Informational item: Update from Community Open House on October 5, 2016

City Manager Becker, Rachel Nelson, and City Planner Goldstein updated the Commission on the Community Open House, which was attended by 35 to 50 people. The Open House was held to obtain feedback from the community to City Council about three major policy/planning efforts to influence the final products approved by Council. They described the three stations that presented information about the City's Branding, Economic Development Commission, and Vision 2036, as well as the major concepts and initiatives involved with each item, referencing visuals. The materials and information were made available for further and closer inspection after the meeting. Ms. Nelson and Staff addressed clarifying questions from the Commission.

Comments and feedback from the Planning Commission included these key comments:

- The proposed trailhead on Commerce St was a perfect example of where more than two sidewalk vendors could be accommodated on one block face; a coffee vendor, pastry vendor, and sandwich vendor could all very easily fit.
- Having dining cars on the old railroad tracks was suggested. The old depot could be used as a kitchen with a covered pathway out to the rail cars where people could eat like they used to on trains.
- The owners of the lumber mill were very open to being good citizens, so the dinner car idea was a possibility. There was also enough room to put in a small office if needed.
- The City had three volunteers for two of the Economic Development Commission's initiatives, but more were needed to move things forward.
 - Some volunteers might come on board with the outreach to Washington County Business Alliance based on what she's seen on Facebook, including the Visit Oregon's Wine

Country and Tualatin Valley site. If the City went with the wine theme, advertising could be piggybacked on the Oregon Wine Country page, for example, because it advertises the wine tour.

- Banks was a transportation hub with three major highways along with the railroad, but there had been no discussions with TriMet about light rail coming to Banks. Forest Grove was talking to TriMet about expanding light rail out to Forest Grove, but right now, they were not getting anywhere.
- Ms. Nelson noted some feedback on the brand design was positive and some concerns were voiced about the image resembling wheat, though it might actually be barley or some other grain, and whether wheat was really something Banks' exported. However, David Dyke, a big farm representative who was on the committee, seemed fine with the image. She would email Mr. Dyke to clarify his thoughts on the image, so when the citizens' comments and concerns were presented to City Council, actual data could be provided about what was actually grow here. She believed the image came from having grain growing on the rolling hills in the spring.
 - The Commission discussed whether it mattered which plant was represented in the image. Hops were suggested as Banks would eventually have a brewery in town.
 - Some barley and oats were grown in the area, as well as a lot of wheat and clover, including red and crimson clover. Farmers on Mountindale Rd grew rye to feed their pigs.
 - The white lettering was hard to read because the white color laid flat against the green. Adding a third color would make the lettering pop, perhaps a brick or crimson color. Certain shades of red could be used appropriately.

Chair Stout complemented everyone for doing such an excellent job, adding he was seeing progress on things that had taken years to put together, but everyone was taking things to the next level very quickly.

6. Informational item: Update on City Council's request to increase minimum lot sizes in the Low Density Single Family Dwelling District from 7,000 sq. ft. minimum to 10,000 sq. ft. minimum.

City Planner Goldstein updated on the City Council's request regarding the increase to minimum lot sizes in order to have a more complete community. She reviewed the progress related to her conversations with the DLCD and a consultant, noting DLCD's response had been very positive. As long as the City did not deviate from the number of units required by the Housing Needs Analysis, increasing the minimum lot sizes would be acceptable. The City could even arrange the lot sizes and have some 8,000, 10,000, and 12,000 sq ft lots, as long as the number of units was maintained. This news resulted in a reduction in the scope of work, so the City was able to bring the cost down. The revised scope of work would be presented to City Council on November 8th for approval. Some work sessions would be involved for both the Planning Commission and City Council moving forward to look at the housing needs and determine logical locations for these increased lots within the City of Banks. Completing the task was anticipated to take about 16 weeks.

7. Informational item: Annexation of lands south of downtown – City Council presentation on October 11, 2016 by Mike Robinson of Perkins Coie regarding island annexations

City Planner Goldstein updated the Commission on the annexation of lands, which she clarified were west of downtown, noting a pre-application meeting was held with the property owner. The annexation was approximately 75 acres in size, however, only about 28.5 acres was developable due to the floodplain. She indicated the subject area on a displayed map and explained that due to a survey error long ago, the rear 10 ft of the 22 lots along Main St and adjacent to the proposed annexation were in Washington County, which was a concern as this would create an unwanted island. Council's direction to Staff was that the annexation Applicant needs to bring in the rear portions of the parcels as part of their annexation package. Mike Robinson talked to Council about ways that annexation could occur. The Applicant reported to Council that they were getting some

push back from the owners, but ultimately, the Applicant would include the subject parcel areas in their application and go through the annexation process. If approved by City Council, the Applicant would pay for the process of cleaning it up. Staff made it clear the City would not do any kind of forced annexations. Although provisions in State statutes gave the City the ability to move annexations forward, this was not an option as the City did not want to be in that position. The City wanted the Applicant to come back with a creative way, at their expense, Applicant, to reach out to the property owners and see if any wanted to come in.

Discussion continued with these key comments with clarifications and responses by Staff as noted:

- There were many positive things to approach the homeowners with. Currently, they receive two separate tax bills for the same piece of property. Annexation would allow the homeowners to have one tax bill and would clean up their lot, especially if they wanted to sell.
- The annexation would have no negative impacts to the property owners, which must be relayed to them. If all the owners support it, they could tell the County they want to be annexed into the city.
- The issue for the Applicant, unfortunately, was that some of the homeowners did not want to see this land developed because it was their backyard, even though it was going to get developed anyway.
- The key was to approach the homeowner from a different angle and say annexation would be a great idea because of the property value, and cleaning up the map. Everything was a win-win when presented that way. If the developer approached the homeowners, they would tell the developer no and want to get money out of the developer.
 - Staff noted the City told the Applicant to come back with some alternative ways to approach the issue.
- The survey documents would state who the surveyor of record was and who paid him. If a Washington County surveyor messed up and created a negative impact upon Banks' citizens the County has received a lot of tax dollars over the years. If it was the City's fault, the City has lost tax revenue to Washington County. The simple way to fix this was to find out who was responsible for the problem. The property obviously belonged in the City of Banks because the home was in the City of Banks.
 - The error likely occurred when the original landowner decided to develop the property and got it platted; whoever the surveyor was at that point in time was responsible.
 - Surveys were a legal document until the next surveyor corrected it, so surveys change all the time and no one was at fault.
- Why was this being made an issue for the developer? The City should be a copartner in trying to find a creative solution instead of waiting for the Applicant to do so.
 - Staff clarified the Applicant came up with the solution to go ahead and annex it in. If the application went through, the Planning Commission would make the recommendation, there would be a public hearing at City Council where the public could testify, and if approved, the 10 ft of property on each lot would be annexed in and the Applicant would pay for that cost and the survey fees, so the City would not be out any money.
 - There were no issues with the City annexing the land from the county. Some people might not want to be annexed and others would. The Applicant had to get the majority of the 22 people to agree, and if they did not, they would not be able to submit their application including that 10 ft of the land.
 - There were other ways to annex the land. The burden of proof was on the Applicant to come up with those ways and City Council made it clear that they would entertain it. City Council was also concerned and wanted to get the public's comments to make sure that citizens were comfortable.
- The survey error had not been corrected earlier because no one has addressed it. Now that somebody adjacent to the land wanted to annex, and given State law about annexations and islands, it was now being reviewed.
- This sounded like a government mistake that was being pushed off on the private sector.

- The City needed to find out more details.

OTHER BUSINESS

8. Street Names - follow up from September 2016 Planning Commission meeting

City Manager Becker noted the Planning Commission had discussed creating a list of street name themes and names to give to developers and encourage them to pick from the list rather than choosing their own names, though that would remain an option. The Commission had asked for a longer list and about some other names. Since that discussion, she had found the original list of preferred street names, which included people who had lived in Banks since the early 1900s. She asked if the Commission wanted this theme, a different theme or a couple different types themes for developers to choose street names from. She suggested the Commission identify which pioneers' names the Commission would like to keep and perhaps another theme of possible street names could be created.

Key discussion points were as follows:

- The City should keep the Branding in mind when considering the street names. If the Branding idea was more like small town America, a contemporary farm town, or a Napa Valley feel, the list of names did not fit. Small towns often have streets named after states, presidents, or trees. The City of Banks could have rye, barley, oats, etc.
- The street names were all historical names, and historical walking tours were discussed at the last meeting so the list was highly relevant.
- Perhaps, a mix of themes could be used, with streets names from organic materials and some family names.
- Although the City could push back, the developer developing the property normally used the street names he wanted because it was his land, and his street. The City must work with the developer so it was a win-win situation, explaining what the City's future plans were so they understood the City's goals in developing the street names. The developer might not use every one of the names, but if they used some from the City's list and some of their own names, it was a win-win.
- If part of the goal was to aid stories about the history of Banks, a top 10 or top 20 list of names that have a good historical story behind them should be chosen, rather than having 100 names to choose from.
 - Hopefully, the historical home or business would still be on that street, which would be great for a historic walking tour.
 - The first street names list presented to the Commission two months ago had the name and information regarding that family. Staff could bring the list back to the Commission for review.
 - The book at the library that had the historical information in a more narrative form should be a reference, so if there were to be a walking tour or a sign were placed somewhere along a particular street, the text could be borrowed from an existing document.
 - Ray Deeth of the Banks Historical Society had a lot of information in his head and was in contact with all the different people in the historical area, so he could point to a tremendous number of resources to help. The museum in Washington County also had a lot of this information. Having Mr. Deeth point the Commission to some quicker resources would be easier than going through a bunch of new material.
 - City Manager Becker noted Mr. Deeth and Rich Weitzel at Swatco were part of the group that wanted historical names. She believed the previous City Manager worked with somebody from Washington County and had talked to Mr. Deeth to get some different information about the families, which was where the list with the names and explanations came from.
 - It would be more compelling for a developer to see that by selecting a particular name, they would be helping tell the story about a particular family, making feel that their new

development tied back to history of the area. The City could make it as inspiring as possible to encourage using the street names list, but in the end it was their decision.

- Developers also look for continuity in their branding as well, and name streets according to their theme rather than historical family names.
- It might be helpful to use a reference with more of a narrative connected with it, so the Commission could pick 10 to 20 names that have little narrative blurbs already, and that could be tied to the earlier list with the family names and explanations to create a compelling document to pass on to a developer.
- The City was not mandating, but suggesting that names from the street names list be used.
- Rather than adding another theme, expanding the historic names list was suggested.
- Pioneer or Former Mayors, were not that compelling. Having a list with 10 to 20 names with a few sentences about the history would be inspiring and less overwhelming than a list of 100 names.
- It was hard to find volunteers to do anything, so finding funding and hiring someone to research the names was suggested.
 - City Planner Goldstein said she would go back to the old list that had some preliminary information and contact library to get the book with the additional information. She would take 20 names and create a matrix, adding two or three historical sentences about each, and then return to the Commission for further feedback.
- Having 10 to 20 names formatted that way and presenting it as a concept the City wanted to see was probably enough to get the conversation started with developers.
- The name and sign lengths should be considered when creating the list to keep the street signs a consistent size. The name should probably be no more than four to eight letters in length.

The following item was added to the agenda.

9. Planning Commission Goal Setting

City Planner Goldstein briefly discussed the ideas City Council had developed for the Planning Commission's goals for 2017-2018, which included Outsourcing Building Plan Review, a Comprehensive Plan Update, Downtown Parking, and the Downtown Development Standards.

Philip Darrah noted two people recently asked him where to go to get something approved, and were uncomfortable learning they had to deal with Washington County.

Following a brief discussion, The Planning Commission consented to sending the list as presented to City Council, making Outsourcing Building Plan Review the top priority

Lisa McAllister suggested building a dog park in Banks. A dog park was family friendly and would increase property values, alleviate some health, safety, and nuisance issues, and provide a social outlet. She provided further details about these benefits, noting many people were very interested in the idea.

The Planning Commission discussed the advantages and disadvantages of a dog park. City Manager Becker said she would present the idea to the Parks Recreation Tree Board.

ADJOURN: The Planning Commission meeting adjourned at 8:45 pm.

Submitted by: _____
Stacey Goldstein, City Planner