

CITY OF BANKS, OREGON
Planning Commission Meeting
November 26, 2013
Banks City Hall, Banks, OR

Chairperson Ray Deeth called the meeting to order at 6:30 PM. The proceedings were recorded in digital format.

ROLL CALL & INTRODUCTION OF NEW PLANNING COMMISSION MEMBER

Present were Chairperson Ray Deeth, Gene Stout, Lisa McAllister, Sam Van Dyke, and Rodney Jacobs. Melissa Aurand was absent.

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

The agenda was corrected as there was no new Planning Commissioner to introduce.

APPROVAL OF MINUTES

1. Approval of minutes from the October 29, 2013 meeting
Gene Stout moved to approve the Planning Commission minutes of October 29, 2013 as presented. Sam Van Dyke seconded the motion, which passed unanimously.

PUBLIC COMMENT: None

BUILDING PERMIT REVIEWS – INFORMATION ONLY (None)

WORK SESSION

2. Land Use Regulations (BMC 151 and 152) Update – Follow up on Open Space Requirements in the Planned Developments Chapter, pursuant to direction given to staff at the October 29th 2013 meeting. A memo from staff is attached providing open space requirements in other cities for comparison.
Ms. Goldstein presented her memo, noting the proposed 40% open space requirement was about in the middle of the open space requirements used by other jurisdictions. She described the differences between subdivisions and planned unit development (PUD), noting PUDs allow for more flexibility, but the applicant typically provided added amenities or features in exchange.
Comments and discussion amongst Staff and the Commission was as follows:
 - S. Van Dyke confirmed that currently, the open space requirement for residential development was no greater than 15%; there was no set amount.
 - Currently in the Code, open space in subdivisions is specifically discussed as park and recreational use; a more active usable park space.
 - Understanding how the open space requirement was applied to the Arbor Subdivision would help the Commission better visualize the result of the proposed requirements.
 - Requiring a certain percentage over the subdivision open requirement made sense in exchange for providing developers with more leeway or flexibility. However, requiring three times the current <15% requirement would be extreme and a detriment to development.
 - An excessive requirement could hinder a developer from coming to Banks and asking for something outside the Code.
 - Developers could ask for a modification of the requirement within the process, so setting the bar high was something to consider.
 - The beauty of the PUD process was that the applicant must present something creative, and then the Commission had the authority to request changes should the

proposal not meet the intent of the Code requirements.

- The Commission could increase the open space requirement as part of the review process, or ask that the open space be spread out to serve the entire development rather than having the open space lumped into one large area.

The Commission consented to require a 30% open space requirement for PUDs. Ms. Goldstein confirmed the language to be included as part of the final draft would state, “Except as may be modified under Section 151.138, master plan shall contain a minimum of 30% open space.”

3. Wilkesboro Road Properties – A proposed amendment to the Industrial zone in Banks. The amendment would allow single-family dwellings that lawfully existed prior to annexation and provide for replacement dwelling should an owner want to rebuild or replace a house. This is an issue on Wilkesboro Road.

Ms. Goldstein presented her memo, which included the newly proposed language and questions for the Commission’s consideration regarding allowable setbacks and lot coverage for the subject dwellings. Annexation would trigger the requirements of the proposed amendment. Ms. Becker described the County process that property owners currently outside the city would use to build on their land, noting the background related to the urban growth boundary expansion.

Discussion amongst Staff and the Commission included the following key comments:

- The intent of the term “replacement” was debated. Replacing a home after a fire, a manufactured home with a stick-built home, and the potential of being able to build a second home on same property were discussed, as each scenario could involve different footprint and setback issues. “Replacement” was not specifically defined in the Code.
 - Replacing a home on the same site and footprint as platted would involve no change to the setbacks or lot coverage.
 - In reading the Code, Ms. Goldstein did not believe the intent of the term “replacement” was to specify a specific footprint, but to allow people to replace a building if something happened to it, such as being burned down. This related to other areas of the Code as well.
- Requiring General Industrial setback requirements for a replacement home would likely involve moving the entire structure, including the plumbing, sewer, and water hookups due to the different setbacks.
- Realistically, property owners with any sizable property were not likely to want a 20 ft. front yard setback or be within 5 feet of the property boundary.
- The General Industrial zone provided more flexibility and maintaining the General Industrial standards throughout the area would minimize potential conflicts in the future between residential and industrial uses. Applicants could always request a variance
- The exception in Chapter 151.097, noted in Item D on Page 5, referred to front yard requirements that were not likely apply on Wilkesboro Rd.
- Once adopted, property owners wanting to build in the near term would be able to cite this Code to the County as a current City regulation, enabling them to rebuild on property in a FD-10 or industrial zone.
- The City had an existing ordinance regarding noise within residential areas that restricted construction activity from 7 am to 8 pm. Any construction outside that timeframe required approval from the City.
 - Industrial uses, like the pulp mill and lumber mill, are allowed to operate 24/7 and the City had not received many complaints.

The Commission consented to apply all General Industrial zone standards to single-family residences rebuilt on Wilkesboro Rd properties, including requirements for setback, lot coverage and building height. Ms. Goldstein noted the final code language

would be part of Code packet presented for adoption in 2014, adding the process would take about six months for the ordinance to be in effect.

PUBLIC HEARINGS:

4. None

VERBAL STAFF REPORTS AND UPDATES

5. Dayspring Christian Fellowship Sign Permit Update. Ms. Goldstein reviewed a letter and attached drawing the City received from the Applicant indicating that the original, single pole setting would be retained and sign height decreased to the minimum 7-foot requirement as conditioned by the Commission. The letter and drawing were circulated to the Commission. G. Stout noted the letter stated “existing” flower box height adding the Commission would expect the height of the flower box to remain at about 3 feet high. S. Van Dyke moved to approve the Dayspring Christian Fellowship Sign Permit with the changes submitted in the Applicant’s letter dated November 22, 2013. M. Aurand seconded the motion, which passed unanimously.
6. TGM Grant applications: Main Street Revitalization Program; Department of Land Conservation and Development Technical Assistance Grant. Ms. Becker stated the City was still waiting to hear about the DLCD Technical Assistance Grant. Ms. Goldstein stated the Main Street Outreach project was well attended, and now the consultants would put all the good input received into a report for the Commission, and ultimately City Council, to review. The Commission and Staff briefly discussed potential changes that might result from the Main Street Program, which would apply to two or three streets. Ms. Becker clarified an alternative north-south route to Highway 47 was approved in the Transportation System Plan a couple years ago.

OTHER BUSINESS

7. Briefing to City Council on Planning Commission Work Plan – progress update. Chair Deeth and Ms. Becker noted the key action items addressed at the November City Council meeting and addressed questions regarding the new parking requirements.
8. Discuss whether or not to hold a Planning Commission Meeting in December. Ms. Becker noted that in December, Ms. Goldstein would update the City Council about the Planning Commission’s Code work, so no liaison was necessary. After confirming no significant items were on the agenda, the Commission agreed to cancel the regular December meeting. Alternative dates were discussed if the City received an application.

Ms. Becker noted the upcoming semi-annual joint work session with Council and Holiday Party, both to be held in January. Invitations for the Holiday Party would be in the mail this week.

Chair Deeth noted Mayor Edison would give his State of the City Address at the January 9, 2014 Chamber of Commerce meeting. He also discussed a presentation by the Washington County Chamber of Commerce Cooperative Partnership regarding a greater Portland non-profit organization that would work with new business startups to open up areas where the business could get started. He had materials available for review.

ADJOURNMENT: The Planning Commission meeting adjourned at 7:50 p.m.

Submitted by: _____
Scot Siegel, City Planner