

CITY OF BANKS, OREGON
Planning Commission Meeting
June 25, 2013
Banks City Hall, Banks, OR

Chairperson Ray Deeth called the meeting to order at 7:20 PM. The proceedings were recorded in digital format.

A. ROLL CALL

Present were Chairperson Ray Deeth, Rodney Jacobs, Gene Stout, Michael Nelson, and Lisa McAllister. Melissa Aurand was absent.

Attending: Jolynn Becker, Interim City Manager, Scot Siegel, City Planner and Angie Lanter, Interim City Recorder and Stacey Goldstein, Planner

B. APPROVAL OF MINUTES: May 28, 2013

L. McAllister moved to amend the minutes of May 28, 2013, correcting Page 6 to state that Gene Stout was appointed as the Planning Commission Liaison for the June City Council meeting. M. Nelson seconded the motion, which passed unanimously.

R. Jacobs moved to approve the minutes of May 28, 2013 as amended. M. Nelson seconded the motion, which passed unanimously.

C. PUBLIC COMMENT: None

D. BUILDING PERMIT REVIEWS – INFORMATION ONLY

- Banks High School improvements – Grading Permit 06/10/13 (Banks School Bond Project)
- Banks Elementary School improvements – Emergency access drive pending (Banks School Bond Project)
- 12530 NW Main Street (Community Credit) – Mechanical Permit 06/07/13, Replace HVAC and Heat Pump
- 41990 NW Oak (Single Family Residence) – Mechanical Permit 06/07/13, Air Conditioner

Mr. Siegel updated the Commission about various details related to the requested permits and responded to questions regarding the emergency access drive proposed at the school.

E. PUBLIC HEARINGS: None

- N/A

L. McAllister stated she removed about 40 to 50 plants in plastic pots from the wetland swale behind the school west of the development. Following a brief discussion, Ms. Becker agreed to contact Clean Water Services, which maintains the swale, to gather more information.

F. VERBAL STAFF REPORTS AND UPDATES

- ❑ TGM Grant applications submitted for Bike and Pedestrian Master Plan, and Main Street Revitalization Road Show

Ms. Becker noted the items had already been discussed in the May 28 work session.

G. OTHER BUSINESS

- ❑ N/A

Ms. Becker reported on the actions of the June City Council meeting where Council discussed and deferred the City's Employee Handbook to July, adopted the different residential zones, held second reading about changing requirements for Planning Commission candidates and adopted the 2013-2014 Fiscal Year Budget.

Michael Nelson volunteered to be the Planning Commission Liaison at the July 9th City Council meeting.

The Planning Commission discussed the five-year renewal of the conditional use permit for West Oregon Wood (WOW) Products approved at the May meeting. G. Stout raised concerns about WOW meeting the Commission's expectations when returning for the annual renewals and questioned the Applicant's testimony, the meeting minutes and the Commission's authority to enforce the Code. L. McAllister expressed concerns about the precedent the City was setting for future businesses in Banks, adding the Commission needs consistency in and conviction behind its decisions.

Mr. Siegel clarified that the Applicant had met the minimum requirements as far as providing answers and material related to the application. Additional questions included in the completeness letter were addressed during the Applicant's testimony and deliberation. He explained that Staff's recommendation was to extend the conditional use for two years and require annual review. Through deliberations and responding to testimony from Applicant, the Commission had acknowledged that no precedent was being set due to hardship circumstances, including that the sewer is not easily accessible being on the other side of the railroad. The Commission has the authority to impose the conditions required of a business operating under a conditional use permit, and if the owner fails to comply, the City can revoke that permit approval, resulting in the business being in violation of the Code and subject to applicable enforcement measures. The planning action was to be taken seriously and the amendment was the Commission's opportunity to weigh in.

G. Stout stated for the record that he did not believe WOW took it seriously. Mr. Siegel responded that was not for Staff to judge. L. McAllister added that was not part of the Commission's decision criteria. M. Nelson noted the Commission is not an investigative body or to judgmental, but to approve a conditional use permit. With the evidence provided, the employees were not experiencing undue hardship, accessing the existing restroom facilities available at the mill along with port-a-potties was working, and no negative impacts were discussed. No employees testified at the hearing. He clarified the plant was no longer operating 24/7.

G. Stout added the WOW facility was just becoming operational again after two years

of no activity and expected to have 18 employees working two shifts in the future. He just wanted to make sure the company understood the Commission wants them to succeed, but the company needed to take its part seriously as well.

Discussion continued regarding what criteria would be used to judge WOW's progress when returning before the Commission in a year. Mr. Siegel read the condition stating, "Extend compliance period for five years with annual review subject to approval by the Planning Commission" and explained that meant the conditional use permit is good for another five years, but in order for it to be approved annually, the Commission would apply the conditional use criteria. This put the Commission in a position to consider any harm or impact; if any complaints are received, for example, or evidence that the existing conditions were working. The Commission's scope of review would be limited to what is in the Code. He confirmed the Commission wanted Staff to reach out to owner/operate prior to the annual review to get an update about WOW's progress and perhaps share the community's expectations and the need to provide some tangible evidence that things were progressing forward, such as a valid budget or blueprint of the proposed facility.

L. McAllister suggested the Commission not approve any other expansions or requests until the bathroom is installed.

Ms. Becker clarified that issues regarding water and a water meter regarded the mill and that the City would not address any sewer line expansion or extension until applications for annexations were received as the developer would help with those costs.

H. ADJOURNMENT: The Planning Commission meeting adjourned at 8:00 p.m.

Submitted by: _____
Scot Siegel, City Planner