

CITY OF BANKS, OREGON
Planning Commission Meeting
September 30, 2013
Banks City Hall, Banks, OR

Chairperson Ray Deeth called the meeting to order at 6:35 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, and Sam Van Dyke. Rodney Jacobs and Melissa Aurand were absent.

Attending: Jolynn Becker, Interim City Manager, and Stacey Goldstein, City Planner

APPROVAL OF MINUTES:

1. Approval of minutes from the August 19, 2013 meeting
G. Stout moved to approve the Planning Commission minutes of August 19, 2013 as presented. L. McAllister 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 Package 1 Revisions.

L. McAllister and Ms. Becker discussed the possibility of getting the Code packages to the Commission sooner.

Stacey presented the edits made to Package 1 pursuant to the direction Staff received from the Commission and noted key items needing further input.

Discussion continued with Commission consensus regarding the additional items and responses to Commissioner comments and questions as follows:

- Page 3, Item B, “Appeal Period” is defined/specified under Application Review Procedures.
- Page 5, Nonconforming Uses. According to State law, applicants cannot apply for a variance to exceed the expansion limits of a nonconforming use.
 - The Commission consented to limit expansion of a nonconforming use or nonconforming development to 30 percent to be consistent with the parameters set in Expansion under Subsection 1 and Subsection 2 on Page 7
 - Item 3. Amend so that a nonconforming use loses its status if abandoned for 12 months.
- Page 6, Item 5. The extension of the nonconforming status is for a discontinued use, not abandonment. The Planning Commission can grant an extension for discontinued use. The owner must come to the City and request an extension. Six months provides time for the Commission to consider and make a decision on the request.
 - The last line of Item 5 regarding the time period should be amended to clarify that the six months begins when the event occurs prompting the discontinuation of the business use.

3. Review and Discussion on Package 2.

Stacey noted the package was mislabeled as Package 3, but included a cover memorandum from City Planner Scot Siegel and herself. She presented the three different chapters of the package, the majority of which came from the existing Code but had been reorganized for ease of use and updated for best practices.

Stacey reviewed key sections in each chapter of the package. Key discussion items from the Planning Commission were addressed as follows with clarifications by Staff as noted:

Chapter 152 Land Divisions and Property Line Adjustments. Much of this chapter follows statewide subdivision law, so there were not many decision points. She confirmed this chapter would apply to future annexations.

- Concept plan expiration indicates that developers have no more than one year to provide the required public improvements, but applicants can request an extension.
- Concerns were expressed about bureaucracies like Clean Water Services (CWS) delaying projects, which affects the timing for projects within the City's process. Stacey clarified that CWS requires the applicant or property owner to talk to them before applying to the City. CWS' written comments are provided to the City and discussed during the preapplication meeting.
- Evaluation for FEMA Flood Insurance Rate, Ms. Becker clarified that in the existing FEMA flood map, Banks' city limits are not in the flood plain; however, FEMA is considering modifying the flood plain map and if approved, a corner of Sunset Park will be in the flood plain on the new map which was why the ordinance was needed.
- On Page 13, Site Design Review was highlighted because that code would be in a future packet.

Chapter 151 Master Planned Developments, which is titled, "Planned Unit Development" in the current Code. Master Planned Developments provide more flexibility within certain criteria reviewed by the Planning Commission.

- Whether to increase open space or more usable open space from 30 percent to 40 percent in Master Planned Developments was a key item for discussion. A 40 percent open space requirement is consistent with other modern codes for projects going through the master planned process.
 - The differences between Master Planned and Standard Developments were reviewed and discussed. Standard developments have a very straightforward review through the subdivision process. Zoning dictates what uses can go in and no master plan has to be submitted.
 - Developers must pick one process or the other. 30 percent open space is required for a standard development and 40 percent if the Master Planned Development process is used.
 - The higher open space requirement was a tradeoff to developers using the Master Planned Development process which provides greater flexibility with the City Code.
 - Open space is typically defined as passive, quiet space, like parks or green space. Usable open space relates to activities and typically includes ball parks, play equipment etc. No open space areas include parking. A parking strip with landscaping is considered part of the street system.
 - L. McAllister opposed the increase to 40 percent. A majority of the properties annexed into the city would be large parcels, so balancing the number of housing units and open space is important within a development. A 40 percent requirement is a lot and would increase the cost of housing. A wise developer would try to build large homes and would want a friendly relationship with the Commission. The Commission has the option to increase the open space percentage.

- Master planned developments should have higher requirements than a standard development because they are allowed more flexibility in the Code. Applicants can always request a variance to reduce the requirement if needed to make a project work, and that would be decided by the Commission.
- Relaxing standards is much easier than increasing a requirement.
- Following a lengthy discussion, Chairperson Deeth and Commissioners G. Stout and S. Van Dyke favored increasing open space requirement to 40 percent for Master Planned Developments. L. McAllister wanted the requirement to remain at 30 percent.
- Further clarification was requested regarding the greater protection of natural features that would be required under the minimum Code standards.
- Item 7. Stacey clarified that developers had the option of using one or more of the eight sustainable development (LEED) options listed as a way to meet the public benefit criterion. These items were not required to request a variance.
 - L. McAllister cautioned the Commission about what is put in writing. The language should encourage open space, sustainability and building, not discourage them.
 - Stacey noted a master planned development is one option for a developer. If they did not want to adhere to these provisions, or come forth with a public benefit, they must use a straightforward subdivision application.
- Page 5 Concept Plan Approval Criteria. Stacey will return with follow up language to clarify that applicants can still request a variance or modification, as the existing language states that the City must deny an application where not all criteria are met. The applicant will submit the application, concept plan and variance request all at the same time.

Public Facilities Chapter, Development Standards. Most of the technical information came from the City's existing Transportation System Plan (TSP) and engineering standards. Chapters 151.060 to 151.063 were placeholders for future chapters that would address design standards for things like, building orientation and design, access and circulation, landscaping, fencing, walls, outdoor lighting, planting strips, etc., all of which would be determined from the community feedback received through the Main Street Outreach Program visioning process. Another grant application was being submitted for the funding to write these Code chapters.

- Page 7 came directly from the City's TSP, so Staff must ensure that the manual being created for contractors regarding design standards for sidewalks, driveways, building access, etc. mirrors the TSP, otherwise the subject Code must be updated to be consistent with the TSP. The subject Code could also reference the newly created manual.
- Having consistency between all the various standards is very important. She would discuss this further with Staff to ensure consistency.
- A typo was noted on Page 8, Item 4, A and B, the residential commercial zone minimum 100 ft block length should read, "200 ft". Stacey would verify the correct amount.
- Stacey was not aware of any City Energy Code that would address street lights, LED lighting, building lighting, etc. for new development.
- L. McAllister was glad to see the requirement that no new street names could be used that duplicate or could be confused with names of existing streets (Page 10). Chair Deeth confirmed that the pool of street names for future development were on file with the City.

PUBLIC HEARINGS: (None)

VERBAL STAFF REPORTS AND UPDATES

4. Banks Elementary School Grading Permit.

Ms. Becker explained a County permit was needed for the grading so the City provided a memorandum noting that the applicant met the required conditions. She confirmed that nothing regarding the new school building was related or could address the drop off situation

at the elementary school. The emergency road off Oak Way is for emergency vehicles only.

5. Annexation Inquiries — Pre-application request from Quail Valley Golf Course, tentatively scheduled for the second week in October.

Stacey noted the proposal was sent to CWS, Washington County and the fire department and the deadline for comments is tomorrow. Thus far, no issues had been raised by the entities.

6. TGM Grant applications: Main Street Revitalization Program; Department of Land and Conservation and Development Technical Assistance Grant.

Stacey stated she and Ms. Becker were applying for a \$30,000 grant to write the Code following the Main Street Outreach. She and Scot Siegel were writing the grant with input from Ms. Becker. Ms. Becker noted the first town hall meeting related to the Main Street Outreach would be scheduled in late October or early November. She encouraged the Commissioners to take part in the open house, adding the consultant team might be contacting the Commissioners.

OTHER BUSINESS

7. Need for Floodplain Ordinance, per current FEMA requirements (update)

Stacey noted the ordinance was on hold as Staff waited for FEMA to finalize the flood plain map. She hoped that writing those requirements could be included in the Code writing grant.

L. McAllister advised adding an elevation requirement, which Stacey acknowledged as part of best management practices for that Code.

8. Briefing to City Council on Planning Commission Work Plan – progress update.

L. McAllister agreed to serve as the City Council liaison at the October 8th City Council meeting. Ms. Becker updated the Commission on the Council's actions and discussion items at the September 10th meeting, noting Council requested receiving the Planning Commission packets to help stay informed. She would work to provide the Council packet to the Commission depending on the size of the packet. L. McAllister noted that ex parte contact could be a concern. Ms. Becker stated that eventually the entire packet would be available online.

9. Planning Commission Training, October 26th (All Day Training) (update)

The correct date for the training was October 19th. The location might be changed to the fire department as the North Plains Planning Commission would like to join. Lunch would be served.

Ms. Becker noted that a Commissioner was needed to serve on the Banks Citizen Award Selection Committee, which would meet in October to decide who receives this year's award. She described the committee's make-up, noting that award recipients have their name placed on a plaque displayed in City Hall. L. McAllister recommended that the number of citizen-at-large members equal the number of Council, Commission or Board members on the selection committee. Ms. Becker replied that the Committee structure and selection procedure had already been determined at Council. The actual nominations were not from the Council or City commissions, but from citizens. She understood there would be two citizen-at-large members and about four committee members from amongst the City's commissions.

Following discussion, L. McAllister said she would be on the selection committee if needed.

L. McAllister asked who made decisions about the activities held at Greenville Park and if any criteria were required. Ms. Becker replied that applications are submitted to the City, who makes decisions based on the submitted plan, insurance requirements being met, etc.

L. McAllister stated that having port-a-potties in the park for most of the year is aesthetically displeasing and reduces property values. She was also concerned about the amount of activity occurring when the grass is wet, which increases maintenance and restoration costs. Ms. Becker explained that the groups, like those playing hockey, pay rent to use the facilities which covers those costs.

L. McAllister noted the park has so many of these activities that Arbor residents cannot use the park, which has become almost more of a recreational park. Ms. Becker replied that many people at the park like the flexibility. The soccer league renting park for the last five years as Greenville Park provides another space for the smaller kids to practice. The soccer league wanted to use that space because participants live in Arbor, so having practice there is easier. The port-a-potties are brought in only for that function and remain there usually August through October. The City also brings in port-a-potties for any City function. Other activities that used the park, like the recent marathon and bike event, brought in port-a-potties for the day. Chair Deeth added the Farmers' Market had port-a-potties there in June and July.

L. McAllister noted that HOA fees were not being reduced at all, while access to park use has increased. She asked that more consideration be given to the amount of time the park is being rented and that a balance regarding its use be struck. Ms. Becker stated that the rental fees go toward the cost of any additional maintenance for the park. The soccer league uses the park from August to October, but from November through July, the park is not generally rented out, except for a one- or two-day event and possibly a City activity, individuals also rent the gazebo for parties. She believed a balance was being struck. The Park Committee was happy with the soccer league renting out the park and the kids playing soccer were from within the Arbor community.

L. McAllister also expressed concern about kids running into the street and the lack of visibility due to street parking, which created a very dangerous situation. Ms. Becker suggested talking to the HOA about reminding homeowners to slow down and watch for children.

ADJOURNMENT: The Planning Commission meeting adjourned at 8:30 p.m.

Submitted by: _____
Scot Siegel, City Planner