

CITY OF BANKS, OREGON  
Planning Commission Meeting  
January 28, 2014  
Banks City Hall, Banks, OR

Chairperson Ray Deeth called the meeting to order at 7:05 PM. The proceedings were recorded in digital format.

ROLL CALL

Present were: Chairperson Ray Deeth, Gene Stout, Lisa McAlister, Sam Van Dyke, and Rodney Jacobs. Melissa Aurand resigned.

Attending: Jolynn Becker, City Manager; Angie Lanter, Interim City Recorder; Dan Kearns, City Attorney; Stacey Goldstein, City Planner.

APPROVAL OF MINUTES

1. Approval of minutes from the November 26, 2013 meeting  
Sam Van Dyke moved to approve the Planning Commission minutes of November 26, 2013 as presented. Lisa McAlister seconded the motion, which passed unanimously.

PUBLIC COMMENT

Tom and Sharon Miller requested that a No Bar Parking sign be placed on Market Street and that the Banks Tavern place signs indicating where bar patrons can park. She described many incidences involving bar patrons which resulted in the police being called. She submitted her comments for the record. Following a brief discussion, Staff agreed to research the City Code and follow up with Deputy Hanlon regarding the issues, and then report back about any recommended action for either the City Council or Planning Commission.

BUILDING PERMIT REVIEWS – INFORMATION ONLY (None)

WORK SESSION (None)

PUBLIC HEARINGS

1. Administrative Site Review for a new 8,635 square foot building addition to house an additional line of mill equipment and 240 square foot satellite chipper enclosure at the Banks Lumber Mill.

Chair Deeth called the public hearing to order and read the conduct of hearing format. Rodney Jacobs declared a potential conflict of interest as he works as a forester for Stimson Lumber Company, which sells logs to Banks Lumber Mill. The success or failure of Banks Lumber Mill would indirectly affect Stimson Lumber Company. City Attorney Dan Kearns questioned whether Mr. Jacobs had a direct financial interest. Mr. Jacobs confirmed that he could make an unbiased decision. No Commissioners participation was challenged by any member of the audience.

Stacey Goldstein, City Planner, noted the applicable Code criteria were listed on Page 1 of the Staff report, which she reviewed. Since the Staff report was issued last week, the Applicant continued working on the proposal resulting in modifications to the conditions of approval on Page 9 which she reviewed as follows:

- Condition 1. The original memo in the meeting packet dated January 9, 2014 from Clean Water Services was based on some misinformation. That memo was replaced

with the revised memo submitted to the record from Clean Water Services stating there were no conditions at this time unless the Applicant connects to public sanitary or storm lines, which was not proposed. The memo was distributed to the Planning Commission.

- Add “*prior to occupancy*” to the end of Condition 2.
- Condition 3 was satisfied as the Applicant had submitted building height details for the satellite chipper enclosure building.
- Add “*prior to occupancy*” to end of the last sentence of Condition 4.
- Strike Condition 6 as determined by the City Engineer and City Attorney. The proposal did not warrant street improvements as the number of truck trips would fall below historic levels; therefore, the City could not legally require the improvements.
- Strike the second sentence of Condition 7 as an email submitted to the record from Fire Marshall Levi Eckhart stated that no new fire hydrants are required. Add “*Evidence of compliance shall be submitted to the City prior to occupancy.*”
- Add “*prior to occupancy*” to end of the last sentence of Condition 8. Add, “*City inspection of the new meter by the City Water Department is required.*”

L. McAlister asked if the City had any recourse if Condition 6 was struck and traffic increases in the future. City Attorney Kearns explained that land use conditions mitigate the impacts of development and Condition 6 went beyond that scope. Based on what the Applicant submitted the City Engineer was not aware of any deficiencies that would trigger street improvements. He described how an LID could be used for future street improvements, noting that under State law, people could object to the formation of an LID; Condition 6 would have required the Applicant to waive their right to object should an LID be formed.

Ms. Goldstein clarified the evergreen landscaped buffer was only required along property lines that abut a residential zone. The street did not count as a residential zone. City Manager Becker confirmed the landscaping buffer would be required at the property lines of all houses along Banks Road adjacent to the mill.

Dan Zeamer, CFO/General Manager, Banks Lumber Company, PO Box 8, Banks, OR, briefly described the mill’s history, noting few updates and improvements were made over the last 10 years in order to preserve the company during the down housing economy. The proposed improvements would secure the company’s ability to buy logs in the coming years, preserve the existing 53 jobs, add additional jobs and revitalize the mill. He addressed questions from the Commission, noting the project was in compliance with Washington County grading requirements (Condition 5) and that permit was ready to be picked up pending land use approval.

Following a brief discussion, Condition 5 was amended as follows, “All grading shall comply with *applicable* Clean Water Services and Washington County Building Department requirements.” Mr. Zeamer clarified the mill was working with the County for both fire suppression and fire alarm monitoring permits and that the County was the overall governing body on the suppression plan and would issue the permit. Condition 7 was amended to state, “The on-site fire suppression system shall be modified as required by the *Washington County* Fire Department.”

G. Stout recalled seeing the logs at the mill being sprinkled and asked if that water came off the 2-in or 10-in water mains. He was curious about the mill’s water usage and how the meters were set up. Mr. Zeamer responded the mill has never sprinkled its logs;

though ultimately, he planned to be able to sprinkle logs to avoid log checking in the summer to cut down on defect and waste. He reiterated that the mill does not put water on the logs. He did not know how the water would be metered, but should have a quote from his fire system contractor about an economic solution for solving the monitoring issue so that all water flowing to the mill was metered and monitored.

Dan Symons, Symons Engineering, 12805 SE Foster Rd, Portland, OR, noted the proposed project would not place any additional demand on the City's water system.

Following comments about the city's water supply being drained after a log deck fire years ago, Mr. Zeamer explained that the mill now has a hydrant near the Van Dyke farm that ties into Tualatin Valley Irrigation District to the north, providing backup access to water if needed. He confirmed all the required utilities were currently available so there was no need to access under the railroad at this point. He explained that the mill had a large freight advantage when shipping via rail versus truck. Railcars are easier to load and can accommodate bigger loads. Shipping by rail helps with congestion, too, as trucks require more customized loading requirements. As the markets pick up, he expected to do more shipping via rail; however, he did not expect P&W to make more trips due to constraints in switching cars on certain days. He was working to have more cars added to the existing trains, not have additional train trips. Most of the increase in truck activity regarded log trucks coming in; only one or two trucks loaded with lumber would be going out. He had not calculated the number of rail cars, but was focused on street traffic. Ms. Goldstein noted that nothing in the Code requirements pertained to rail car trips.

Mr. Ziemer did not know about P&W's plans as far as maneuvering cars with the new loop being built. His main contact had been promoted, and the plans seem to have changed. Ms. Goldstein confirmed there were no references in the Code pertaining to the maintenance of railroad property adjacent to housing and increased train or vehicular traffic. Mr. Zeamer explained that the blackberry bushes along the tracks adjacent to Commerce Street were actually on railroad property, though the mill tries to maintain the bushes which can be a fire hazard.

City Attorney Kearns clarified that Condition 8 required that the water be metered, but provided different methods of doing so.

Mr. Zeamer confirmed the mill's 53 employees park on the mill property unless forced temporarily to park on Commerce St when a train blocks access to the mill. At their first break and when the train is gone, employees move their vehicles to the mill parking lot.

Ms. Goldstein clarified that any concerns regarding damage to Commerce Street was not applicable to the proposal. She was not aware of any issues or anything in the record regarding employees using on street parking, and noted that parking is allowed on public streets.

Mr. Zeamer concluded that the mill had received the Washington County grading permit and all that was needed to begin the project was the City's approval.

Chair Deeth confirmed there was no public testimony regarding the application and closed the public hearing at 8:20 pm.

**Lisa McAlister moved to approve the Banks Lumber Mill Site Plan with the conditions as**

**amended. Sam Van Dyke seconded the motion, which passed unanimously.**

VERBAL STAFF REPORTS AND UPDATES (None)

OTHER BUSINESS

2. City of Banks Municipal Code Updates. 35-day notice delivered to the Department of Land Conservation and Development. Public informational session scheduled for February 13<sup>th</sup> 2014 from 6:00 pm to 7:00 pm. First Planning Commission hearing with recommendation to City Council scheduled for February 25, 2014. (update)

Staff reviewed the meetings and upcoming process regarding the Municipal Code Updates.

City Manager Becker clarified that the memo in the Commission's packet was provided as information only and regarded the process involved in making zone changes between residential and industrial land in the UGB.

L. McAlister agreed to be the Planning Commission Liaison for the February City Council meeting. Chair Deeth noted the Holiday Lighting Contest winners were announced at the January City Council meeting.

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

Submitted by: \_\_\_\_\_  
Stacey Goldstein, City Planner