

CITY OF BANKS, OREGON
Planning Commission Meeting
July 28, 2015
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: Chairperson Gene Stout, Rodney Jacobs, Lisa McAllister, Michael Lyda, and Sam Van Dyke. Ray Deeth arrived during the report from the City Manager. Rachel Nelson was excused.

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

APPROVAL OF MINUTES

1. Approval of minutes from the June 30, 2015 meeting
Lisa McAllister moved to approve the Planning Commission minutes of June 30, 2015 as presented. Michael Lyda seconded the motion, which passed unanimously.

CITY COUNCIL REPORT

2. Verbal Report from City Manager – City Manager Becker reviewed the items addressed at the July 14, 2015 City Council work session and regular meetings. She responded to questions from the Commission about the

Ray Deeth arrived at approximately 6:36 pm.

PUBLIC COMMENT – There was none.

PUBLIC HEARINGS

3. **ZCC 15-01 Zoning Clearance Check to Demonstrate Consistency with Prior Conditions of Approval (MLP 69-07). Two homes are proposed for development.**

City Planner Goldstein presented the Staff report, describing the unusual circumstances related to the case file returning to the Planning Commission. Staff recommended that the Planning Commission approve the Zoning Clearance Check as submitted. She addressed clarifying questions from the Commission, noting she would do a site visit to confirm the rear porch on Parcel 1 was removed as conditioned previously.

Philippe DeLaMare, representing Annie's Meadow, LLC, stated he was just at the property and there was no evidence of a rear canopy. The property was getting cleaned up and prepared for sale and he believed the exterior deck would be removed. He added the existing slatted chain-link fence adjacent the park could be removed and a good neighbor style cedar fence constructed along the western property line. He was not sure who would maintain the City's side of the fence.

City Planner Goldstein described the Applicant's next steps regarding the development and assured the conditions would be satisfied because the Applicant needed a memorandum stating that the City's requirements had been satisfied before applying for building permits at the County.

Lisa McAllister moved to approve ZCC 15-01 Zoning Clearance Check to Demonstrate Consistency with Prior Conditions of Approval (MLP 69-07). Michael Lyda seconded the motion. Motion carried unanimously with Ray Deeth, Mike Lyda, Rodney Jacobs, Lisa McAllister, and Sam Van Dyke voting yes.

Staff explained the process of how an applicant's plans are reviewed to ensure buildability and conformance with the approved application, noting that City Engineer Rob Peacock would visit the site at various intervals to ensure things were done correctly. City Planner Goldstein would conduct a site visit to ensure the fence was installed according to Code.

Chair Stout discussed the laws pertaining to lead based paints on structures built prior to 1978. City Planner Goldstein agreed to talk with the city attorney to see how other cities address the issue.

WORK SESSION – (None)

ADOPTION OF FINDINGS OF FACT

BUILDING PERMIT REVIEWS – INFORMATION ONLY (None)

VERBAL STAFF REPORTS AND UPDATES–

City Manager Becker noted that West Oregon Wood Products would be providing an update in the next couple months. Banks Lumber Mill had met all its conditions, but Staff was following up to ensure the newly planted arborvitae survived the summer. She described the National Night Out event scheduled for August 4, 2015 and explained the reasons for the venue change.

Staff dispelled misinformation posted on the Banks Community Facebook page about a marijuana dispensary being proposed in Banks, explaining that a property owner approached City Council about changing the buffer distances to provide more options for the property he was trying to sell. The Forest Grove Leader posted on the Facebook thread clarifying that a dispensary could not be located in that location. Staff reminded that marijuana dispensaries would only be allowed in southeast corner of the urban growth boundary.

L McAllister noted the overall consensus was that Banks' citizens were overwhelmingly against marijuana dispensaries in the city. She stated for the record that she opposed marijuana.

R Deeth noted the Route 26 Café had closed last week and a cannabis store would be opening in the building.

OTHER BUSINESS

4. Banks Bicycle and Pedestrian Work Session in August
City Manager Becker discussed the upcoming joint work session with City Council on August 11th at 6 pm.
R. Deeth noted the Beaverton Banks Beyond Bicycle Tour had always been held the weekend after the Banks Barbeque but this year it would be on the same weekend.
5. Food Cart Discussion
City Planner Goldstein noted that Chapter 7 Business from the City of Forest Grove municipal code had been distributed to the Commission. She reviewed the simple approach Forest Grove used to regulate food carts and Staff addressed several clarifying questions.

The Commission and Staff discussed various enforcement issues and concerns about food carts, namely maintaining the cleanliness of the city. To prevent and address potential cleaning issues, the Commission discussed charging a deposit or having higher business license fees for food carts. Staff clarified that State law prohibits the mobile sale of marijuana; sales must only occur in a structure. Staff confirmed the City had a system in place to process deposits. Existing trash and nuisance fines were also discussed. Because food carts could become brick and mortar restaurants if successful enough, the City needed to create a friendly business environment, so the fee and deposit should not be too high.

City Planner Goldstein agreed to research what similar jurisdictions have done with regard to a deposit or fee for food carts and return to the Planning Commission for feedback and a recommendation to City Council.

ADJOURN: The Planning Commission meeting adjourned at approximately 7:26 pm.

Submitted by: _____
Stacey Goldstein, City Planner