

CITY OF BANKS, OREGON
Planning Commission Meeting
October 27, 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, and Rachel Nelson. Michael Lyda, and Sam Van Dyke were excused.

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

APPROVAL OF MINUTES

1. Approval of minutes from the September 29, 2015 meeting
Lisa McAllister moved to approve the Planning Commission minutes of September 29, 2015 as presented. Rodney Jacobs seconded the motion, which passed unanimously.

CITY COUNCIL REPORT

2. Verbal Report from City Manager – City Manager Becker briefly reviewed the items addressed at recent City Council work session and regular meetings.

Chair Stout noted the sheet distributed by Staff showing terms of the Planning Commissioners and explained that Ray Deeth's term had expired in December 2014. He expressed his appreciation for Mr. Deeth's long history of service to the community, noting tonight was to be Mr. Deeth's last Planning Commission meeting. City Manager Becker noted a certificate of appreciation would be presented to Mr. Deeth at the November or December Commission meeting.

Lisa McAllister said she was concerned that decisions made by Mr. Deeth after his term expired could be questioned. She noted the issue of maintaining a quorum and suggested asking Council to consider allowing Mr. Deeth to continue serving if he wanted.

L. McAllister moved that the Planning Commission request a resolution from City Council to waive the 90-day requirement and to reappoint Ray Deeth to the Planning Commission.

Staff explained the City ordinance would have to be changed, requiring the adoption of an amendment to allow the Council to take such action. If Mr. Deeth wanted to continue serving, he should fill out an application and go through the usual process with City Council.

Chair Stout understood Mr. Deeth did want to continue serving on the Planning Commission. Lisa McAllister noted that due to medical reasons, she would be unable to attend several Planning Commission meetings after the first of the year.

Motion failed due to the lack of a second.

The Commission agreed to continue this discussion toward the end of the meeting.

PUBLIC COMMENT – There was none.

PUBLIC HEARINGS

Chair Stout read the conduct of hearing format into the record.

3. **CU 15-01 and DR 15-01 Conditional Use Permit and Design Review for the Banks Fire Station #13**

Chair Stout called the public hearing to order at 6:48 pm. He called for any declarations of bias, ex parte contact, or conflict of interest from any Planning Commissioner. Rodney Jacobs noted he has been a volunteer with the Banks Fire District for about three years and while he would benefit from the training being added, but he would not benefit financially from the application. He confirmed he could make an impartial decision. No other Planning Commissioners declared a conflict of interest, bias, or ex parte contact. No members of the audience challenged the participation of any Planning Commissioner.

City Planner Goldstein briefly reviewed the Staff report, citing the applicable review criteria and noting that no public comments had been received. Staff recommended approval of the application with the conditions noted on Page 10 of the Staff report. She addressed clarifying questions from the Commission regarding the Code criteria; access for maintenance of the landscape buffer, which was the Applicant's responsibility; the streetscape along Sunset Ave, shown on the Preliminary Site Plan (Sheet P05); and the removal of the existing wood and chain link fences, shown on the Preliminary Demolition Plan (Sheet P03).

Chair Stout called for the Applicant's testimony.

Mimi Doukas, AKS Engineering, 12965 SW Herman Rd, Suite 100, Tualatin, OR 97062, clarified that a black powder coated, chain link fence with privacy slats was proposed along the perimeter of the new facility on three sides because it would be open to the existing fire station. The fence along Sunset Ave would be shorter, a 30-inch high fence as shown on Sheet P05, to provide more of a front yard streetscape. The rest of the fence would be 6-ft high. She distributed a full-sized set of plans to the Commission. The landscaping was proposed inside the fence for many functional reasons. Fences traditionally go on property lines so people believe they identify property boundaries. When fences are not on property lines, disputes result about where the property lines are actually located. Privacy was also a factor which was why slats were proposed in the fencing. The landscaping would also be better maintained internal to the project as proposed. She noted a conditional use permit was for uses that did not fit in traditional zones and the Commission had a fair amount of latitude in how to deal with impacts to adjacent properties as there were no prescribed set of mitigation factors as with design review. The Commission could condition screening, but had the discretion to decide what screening would be best considering the very unusual use. In this case, the fencing provided the physical separation between the training facility and residential use, and the landscaping helped soften the fence a bit. Referencing photos in the Staff report, she reviewed the existing landscape and adjacent properties, adding the Applicant believed the proposed fencing and landscaping was an appropriate edge treatment and screening. The Applicant agreed with Staff's interpretation that the proposal's primary use was the training facility and not parking. It would occasionally need to be used for parking in relation to the training, but that was not the primary use of the multifunctional space.

Chief Linz, Banks Fire District #13, 13430 NW Main St, Banks, OR 97106, confirmed two parking spaces were being removed from the fire station's existing parking lot to provide access to the new facility and that some parking may occur on the site, but the main focus was the training facility. He agreed with Staff that adding any wheel stops would only encourage people to park in that area.

Ms. Doukas understood the most intense time parking was needed for the existing station was when during training which was now staged in the exiting parking lot, thereby limiting the ability to park. Having this dedicated training facility would enable more cars to park in the parking lot during training; otherwise there was plenty of parking capacity.

Following a brief discussion, the Commission agreed no wheel stops would be required within the site and that signage should be posted to indicate the training area was not a public parking area.

City Planner Goldstein explained the entire training facility needed to be fenced due to safety and liability concerns related to kids or other members of the public accessing the site, which would

have broken down cars used for training.

Chief Linz confirmed that on Sunset Ave, there would be landscaping between the sidewalk and bioswale, which would be landscaped, and then landscaping from the back of the bioswale to the fence. The Applicant proposed placing the remaining fence on the property line with the landscape buffer 5 ft in from the fence because when looking at the area from the fire station, one would see the landscaping. Placing the landscaping outside the fence as Staff recommended would result in the landscaping facing the driveway, where no one would see it.

Ms. Doukas added the aesthetics were no different than for a residential lot with a fence. The facility was just a flat, gravel lot with activities at human height that would be covered by the 6-ft fence, so the aesthetics made sense as proposed.

City Planner Goldstein understood the Applicant's point, but explained the City tries to avoid having blank walls of fencing, which create a tunnel vision.

L. McAllister agreed with the Applicant, noting the adjacent resident would likely prefer to put in landscape buffering of their own choosing rather than be stuck looking at arborvitae or whatever the Applicant chose.

R. Nelson noted having side elevations would have been more helpful visually to better understand the aesthetics and determine if the proposal matched the character of the neighborhood. She referenced a photo showing a low wooden fence, which was entered into the record, and asked the Applicant to consider replacing the 30-inch chain link fence on Sunset Ave with a wooden fence, which was more consistent with a residential streetscape. She agreed landscaping should be planted on the inside of the Applicant's fencing.

Chair Linz confirmed the Applicant could consider different styles of wooden fences, noting that the cedar fence shown in the photo had been badly stained, so the department painted it. He was not opposed to a wooden fence but preferred options like a split rail or solid wooden fence. He agreed that maintenance on fences like the cedar fence in the photo was difficult.

R. Nelson requested that a street view elevation be submitted showing the fence and landscaping to illustrate the character of the area from street view.

City Planner Goldstein assured Staff would work with the Applicant to ensure that the landscaping and street trees met the City's planting standards. She understood the Applicant's concerns about achieving the required 6-ft minimum height within two growing seasons, which would require planting larger plant material. She did not recommend changing Condition 5, which was language from the Code and would be required of other applicants. Vines were more appropriate for a residential use as the intent was to have quick growing, hardy plants to provide screening. The mass of the arborvitae was also intended to provide a sound buffer not achieved by vines.

Chief Linz noted the condition would require 3-ft to 4-ft tree versus 2-ft tree in a gallon container, which was a substantial cost difference. Bigger shrubs were also more likely to die, so smaller plants would be less cost and have a greater potential for survival. The fence and nice landscaping were proposed and he asked for some leniency, perhaps allowing for 2-ft high plantings.

Chair Stout stated he did not see the growth being a big issue if the trees were on the inside of the fence as proposed. He was more concerned about the gravel parking lot and ensuring there was proper soil so the landscaping could grow appropriately.

Ms. Doukas noted the plans showed a 5-ft landscape corridor that was properly designed for plantings; the gravel would not go to the edge of the corridor, but no shrubs would be planted in the gravel area. Condition 5 was the Applicant's only concern.

The Commission consented to have the landscaping inside the fence as proposed by the Applicant.

Chief Linz noted during the winter it starts getting dark around 7 pm, but they try to wrap up training a little after 9:00 pm, so no bright light would be projected into neighboring properties.

Ms. Doukas clarified that while all the exiting utilities would be capped, the Applicant just realized that it might be useful to repurpose the water meter to irrigate the proposed landscaping, which would require changing the service from a domestic to a landscape line through the building permit process. She was not sure if the Building Department would require the water to be taken from the existing service lines of the fire station to avoid having separate meters. The Applicant might be required to vacate the existing service anyway, but they wanted to be able to work that with the Building Department.

Chief Linz added the sewer was already abandoned through Clean Water Services and the phone would be disconnected within two weeks. PGE would be done once the house was demolished. He clarified the idea was to repurpose the existing lines to avoid a lot of boring and digging to connect to the fire station's existing service, which was not in the Applicant's proposal.

City Planner Goldstein said she felt confident that the Applicant and their consultant team could work out the details regarding the irrigation. She read the following proposed revisions to the conditions of approval as follows:

- Replace the first two sentences of Condition 5 with the following language, "*The Applicant shall provide landscaping as illustrated on the Preliminary Site Plan. The Applicant shall also include columnar street trees consistent with the Banks Design Standards placed at appropriate intervals to further provide mitigation.*" and retaining the last sentence, "The revised plan shall be submitted as a revised plan prior to construction activities and installed prior to occupancy."
- Add Condition 9 stating, "*The Applicant shall provide a 30-inch wooden fence along the northern property line.*"
 - She confirmed Condition 9 would be reflected in the revised landscape plan the Applicant would submit to the City.

Following a brief discussion, new Condition 10 was also added stating, "*The Applicant shall provide appropriate signage to prohibit public parking.*"

Chair Stout confirmed the Applicant agreed with the proposed condition. He called for testimony in favor of, opposed, and neutral to the application. Seeing none, he confirmed the Applicant had no rebuttal and closed the public hearing at 8:03 pm.

R. Nelson moved to approve applications CU 15-01/DR 15-01 based on the findings and subject to the conditions of approval contained in the Staff report as amended. L. McAllister seconded the motion, which passed unanimously.

City Planner Goldstein stated the notice of decision would include all the revisions as determined by the Planning Commission.

Rules of appeal not read into the record.

4. Sign Permit Request from American Legion #90 – Wall Mounted Sign

City Planner Goldstein briefly reviewed the Staff report, noting Staff recommended continuing the application to the next Planning Commission meeting to allow the Applicant time to develop an alternative that met the Code. She confirmed that the Applicant was not present.

The Planning Commission and Staff discussed the proposed signage, noting existing Code requirements, Main Street Revitalization considerations, and the impacts signage would have to

the architectural character of the building. The following comments and suggestions were provided for the Applicant's consideration on the revised sign proposal:

- The sign should be wooden, made larger to completely obscure the window, and framed with wood material similar to the existing planks on the building to help the sign fit better architecturally.
- A larger sign would detract from the building's character, but a freestanding reader board sign could be placed in the front setback area at north side of the building so the sign would be visible from both directions on Main St. The existing greenery would help buffer the sign.
 - A detached, street facing reader board sign would still need to be architecturally compatible with the building. The aluminum boxed sign, for example, was not appropriate.
- As proposed, the reader board would not be sufficient for drive by traffic to read.
- The Commission could require the removal of the bingo signs and other signs that detract from the look of the building.
- Removing the window would impact the architectural heritage of the old building.
- The sign should be encased in wood and have different background and lettering colors to make it more acceptable aesthetically.
- Installing a flower box to cover the remainder window would also soften the wood framed sign.

City Planner Goldstein said Staff would meet with the Applicant to review the suggestions and the revised sign application would be presented to the Commission at the next meeting.

The Planning Commission consented to move the Sign Permit Request from the American Legion to the next Planning Commission meeting.

WORK SESSION – (None)

ADOPTION OF FINDINGS OF FACT – (None)

BUILDING PERMIT REVIEWS – INFORMATION ONLY (None)

VERBAL STAFF REPORTS AND UPDATES–

5. Economic Development Commission Formation Update – City Planner Goldstein reported that at its first meeting, the Economic Development Commission (EDC) reviewed some draft charter and bylaws language. The Planning Commission would likely begin seeing the EDC's work toward the beginning of next year. The Commission and Staff identified the current and expected new members of the EDC, all of whom were local to Banks.
6. Banks Transportation System Development Charge Project Update– City Planner Goldstein reported Staff has been working closely with the consultant and would meet with them next week to discuss the City's project list and the formulation of system development charges (SDCs). The project was still early in the process. This SDC would apply to new development and the team was still working to decide how SDCs would be applied within the city. The City's Transportation SDC would be a new, separate charge from the City's existing water and sewer SDCs. It would not interfere with the County's TDT, but help pay for projects not covered by the TDT. The new SDC would also pay for needed transportation infrastructure, especially on the east side. Whether West Hills was charged the new SDC would depend on when the SDC was adopted by Council and when West Hills applied for its building permits. Staff was moving quickly to get the Transportation SDC in place by April.

OTHER BUSINESS

7. Planning Commission Meeting for November and December. In light of upcoming holidays, Staff recommends the Planning Commission meet on December 1, 2015, in place of the regular November and December 2015 meetings.
The Commission consented to meet on December 1, 2015 in lieu of the regular November and

- December 2015 meetings. Staff confirmed the upcoming meeting agendas were light.
8. Select Planning Commission member to serve on Banks Citizenship Award Selection Committee.

L. McAllister agreed to serve on the Banks Citizenship Award Selection Committee and Chair Stout agreed to be the alternate should a scheduling conflict arise.

ADJOURN: The Planning Commission meeting adjourned at approximately 8:34 pm.

Submitted by: _____
Stacey Goldstein, City Planner