

CITY OF BANKS, OREGON  
Planning Commission Meeting  
September 29, 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, Ray Deeth, Sam Van Dyke, Rodney Jacobs, Lisa McAllister, and Rachel Nelson. Michael Lyda was excused.

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

APPROVAL OF MINUTES

1. Approval of minutes from the July 28, 2015 meeting  
Rodney Jacobs moved to approve the Planning Commission minutes of July 28, 2015 as presented. Rachel Nelson seconded the motion, which passed unanimously.

CITY COUNCIL REPORT

2. Verbal Report from City Manager – City Manager Becker briefly reviewed the items addressed at the August and September City Council work session and regular meetings. She and City Planner Goldstein responded to clarifying questions from the Commission regarding the parking ordinance and new system development charges (SDCs). Staff confirmed that the City posts any updates to City ordinances on the City's Facebook page.

PUBLIC COMMENT – There was none.

PUBLIC HEARINGS

Chair Stout read the conduct of hearing format into the record for both hearing items.

3. **NCS 15-01 Non-conforming development expansion permit review to allow the Banks Community United Methodist Church to expand the existing 112 square foot kitchen by 576 additional square feet. 42451 NW Depot Street.**

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. Ray Deeth declared that he knew Andrew Haboush and the church, and had discussed this matter with Mr. Haboush several times, but believed he could make an unbiased 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, noting Staff recommended approval of the application with conditions. She clarified that erosion control measures were set by Clean Water Services and enforced by the City, and that the applicable building codes were from Washington County.

Chair Stout confirmed that the Applicant had no testimony or questions regarding the Staff report. 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

6:51 pm.

**R. Nelson moved to accept the Staff report as presented and approve NCS 15-01. The motion was seconded by L. McAllister [24:41] and passed unanimously.**

**4. CPA 15-03 and ZC 15-02 Adoption of the Banks Bicycle and Pedestrian Plan and Supporting Code Updates. Citywide.**

Chair Stout called the public hearing to order at 7:00 pm. He called for any declarations of bias, ex parte contact, or conflict of interest from any Planning Commissioner. Rachel Nelson stated she was on the Advisory Committee, which was already listed in the documentation. No 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 provided an overview of the Staff report, noting the large amount of public outreach conducted and input received. She briefly highlighted the sections of the Banks Bicycle and Pedestrian Plan (BPP) as well as the proposed ordinances that would update several aspects of the City's Comprehensive Plan, Transportation System Plan (TSP) and Municipal Code. The BPP was intended to guide investment in the city's bicycle and pedestrian infrastructure in the future. She described the purpose for each of the three proposed ordinances and clarified that Ordinance 2015-10-01 (Exhibit 2) adopted the actual BBP by amending the Comprehensive Plan and was not an enforcement ordinance.

Kelly Laustsen, Kittelson & Associates, 610 SW Alder St, Ste 700, Portland, OR 97205, explained some elements of the existing Code were included in Ordinance 2015 10-02 to see what changes were proposed. She clarified no changes were recommended to the "Minimum Required Bicycle Parking Spaces" Table shown on Page 3 of the ordinance. She reviewed the changes proposed to Development Code Sections 152.052 Streets and 152.062 Bicycle Parking as presented in the ordinance, noting the changes were relatively minor. She clarified that long-term bicycle parking spaces were intended to serve residents or employees of a use, whereas short-term bicycle parking spaces were typically for visitors or shoppers and more accessible near the building entry. Long-term spaces were likely covered or tucked out of the way as opposed to being on the street. She explained that Ordinance 2015-10-03 (Exhibit 4) regarded changes related to the Banks Parks and Recreation Plan that were also relatively minor. The main change was to update the Comprehensive Trail System Map by adding Figure 13. Adding the map and referencing the Comprehensive Plan would achieve more consistency between the BPP and Banks Parks and Recreation Plan as both plans had some overlap, which largely regarded trails.

City Planner Goldstein noted that ensuring consistency between the City's existing plans was important, especially where overlap might exist, so the different documents did not have conflicting recommendations when the City wanted to pursue projects in the future.

City Manager Becker confirmed that Development Code Section 152.062 Bicycle Parking was adopted in April 2011, and that Section 152.052 Streets was originally adopted in 1992 and amended in 2011.

City Planner Goldstein acknowledged R. Nelson for her participation and hard work on the BPP. R. Nelson said the BPP was a great project to be part of and she believed the

Plan was very well done.

Chair Stout confirmed there was no public testimony in favor of, opposed or neutral to either application and closed the public hearing at 7:20 pm.

**R. Nelson moved to approve CPA 15-03 and ZC 15-02 and recommend adoption of the Banks Bicycle and Pedestrian Plan and supporting Code updates to City Council as detailed in Ordinance No. 2015-10-01, Ordinance No. 2015-10-02, and Ordinance No. 2015-10-03. S. Van Dyke seconded the motion, which passed 3 to 2 with L. McAllister and Rodney Jacobs opposed.**

WORK SESSION – (None)

ADOPTION OF FINDINGS OF FACT – (None)

BUILDING PERMIT REVIEWS – INFORMATION ONLY (None)

VERBAL STAFF REPORTS AND UPDATES–

5. Banks Lumber Mill Plantings Update

City Planner Goldstein reported that she and City Manager Becker had visited the site where the Banks Lumber Mill had been required to plant landscaping as a buffer, and the trees and shrubs did not look very good as there was brown on most of them. She believed the planting was done at the wrong time of year, not in the spring, but in the summer, which was very hot. The irrigation system was installed a little later. She recommended waiting to close out the casefile and contacting the lumber mill about watering the plantings appropriately and removing the weeds to see if the plantings bounce back after the rainy season.

After confirming that the plantings were required to survive two years, the Planning Commission consented to keeping the casefile open for the two year period and let the Banks Lumber Mill know that the City was monitoring the health of the plantings.

6. Pellet Mill Update

Mike Knobel, West Oregon Wood Products, PO Box 249, Columbia City, OR, stated that one day, West Oregon Wood Products would be profitable and be able to present a plan for the restrooms, but not today. It had been a rough year. The company rebuilt after the fire about one year ago and had a good restart, hiring a competitor to fill West Oregon Wood Products' brand bags with pellets to retain customers and build inventory for winter. They brought on 18 employees and after the rebuild, experienced the warmest winter on record. The company had two layoffs during the winter and was fighting the insurance company to get business interruption insurance, which was hundreds of thousands of dollars; so today, they continue to lose money, but was operating two shifts, four days a week. West Oregon Wood Products requested the City's continued patience and support. He assured the company was tenacious and had plans for different products and to expand into different regions with its pellets, but at this time, the company still continued to struggle.

Chair Stout said the City appreciated Mr. Knobel's time and having West Oregon Wood Products' business in Banks and the effort the company was making to cooperate with the Planning Commission and the City in all of the matters. He recalled that the conditional use permit was for three years, but in light of the fire causing a year setback, he supported

extending the conditional use permit for another year. He suggested Mr. Knobel communicate with City Planner Goldstein about requesting an extension.

L. McAllister noted she had not supported not building the restroom in the first place. Had the Planning Commission addressed this issue right the first time, there would be a restroom, Staff's time would not continue to be used, and this would not be an issue now before the Commission for a third time. She wished Mr. Knobel the best with the business and hoped to see the pellet mill doing well soon.

7. Council Creek Trail Master Plan – Planning Commission Acceptance

City Planner Goldstein briefly reviewed the Staff report on the Council Creek Trail Master Plan, noting that a link to the sizable Master Plan had been provided to the Planning Commission and that segments of plan pertaining to the City of Banks were included in the packet.

City Manager Becker noted each of the four other jurisdictions along the trail that were part of Metro, unlike Banks, were also making recommendations of acceptance for their portions of the Council Creek Trail. The Master Plan would not require any amendments to the City's TSP or Comprehensive Plan because the trail segment was already included as part of the BPP.

Staff addressed several clarifying questions and comments from the Commission. The Council Creek Trail Master Plan was a conceptual plan with a 2025 planning horizon and was created so Metro could pursue funding.

- Funding for the trail segment in Banks would likely come from Washington County. After construction, the City would be responsible for maintaining the subject trail section, which was already part of the City's adopted Trail Master Plan and TSP. The City contributed about \$525 in 2008 toward the Master Plan. The cost estimate shown on Page 10 of 10 in the packet was in today's dollars, but inherently, everyone recognized that price tag would increase over time.
- Recognizing that the Banks Vernonia Trailhead was a significant attractor, Metro considered how to route the Council Creek Trail through Banks using the City's TSP and the conceptual trails in the City's Bike and Pedestrian Master Plan, so a lot of overlap existed between the subject Master Plan and the City's plans.
- Maintenance of the trail segment would be similar to what the City currently did for the Vernonia Trail. If and when the Council Creek Trail was constructed, maintenance issues would be addresses as part of a memorandum of understanding between the agencies and jurisdictions involved. Public Works or a third party would do the maintenance work, depending on the City's staffing levels at that time.
- The Commission was not approving the trail's route, only confirming the City wanted to be part of the Council Creek Trail and have a segment through Banks. The options were to have the Council Creek Trail segment along Main St or the future street planned west of Main St as shown in the TSP. The proposed Highway 6 underpass on Highway 47 for the trail segment was acceptable for bicycles and pedestrians compared to the vehicle underpass previously required of West Hills that was deemed impossible.
- Input had been received from local tax payers over the last two years. The project was spearheaded by the City of Forest Grove which held three or four open houses and notifications were sent about open houses to all Banks citizens so they could make comments. Feedback from all submitted comments was considered in the

Master Plan. A lack of public participation was common in every jurisdiction. Except for a few concerned citizens, most citizens do not comment unless they are affected directly or do not like the decision made. ODOT was one of the stakeholders included in the process, so input was received about constructing the trail along Highway 47. There was no legal requirement to go to a vote for developing the trail or spending money on the trail.

The Planning Commission discussed the pros and cons of the concept plan, noting that the additional people coming to use the trail could attract more businesses to the city, but expressing concerns about financially obligating the City for the future construction and maintenance of the Council Creek Trail and the lack of public outreach held in Banks. Currently planning was not done correctly. Existing issues with only certain residents paying for Greenville Park, for example, should be addressed before funding was used for a project like Council Creek Trail.

Staff assured opportunity had been provided for citizen input during the master planning process and that more public input would be received if and when actual construction of the trail began, which could be five to ten years away. Information about the Council Creek Trail was available online, including meeting minutes and the input received.

- Acceptance of the Master Plan would allow the Council Creek Trail to become part of the City's potential programming and enable the City to pursue grants for construction and maintenance. The Council Creek Trail would come before the Planning Commission for public hearing, and the Commission would evaluate the actual plan and figures prior to the trail being built to determine whether it was fiscally responsible at that time. Accepting this conceptual plan meant that the Commission supported only the proposed information pertaining to Banks, but was not committing the City to any financial obligation now or in the future. The open houses were the only opportunity for feedback on the entire Master Plan.

R. Deeth reported that he had attended several open houses on the matter and was undecided due to public testimony provided. In Cornelius, 99.9 percent of those he heard testify opposed the Master Plan. The biggest concern in Cornelius was by private property owners about some property being taken to make the trail. Funding was also a key concern.

City Manager Becker clarified the grant funding received was for the Master Plan, not for the project's construction. She noted that concerned individuals were more supportive after further discussion at the open house held in Forest Grove.

L. McAllister noted cities and counties have gotten into fiscal nightmares because people in Salem and Portland were influenced by big business that helped acquire grants for projects for their own agendas. Then, all the jurisdictions were supposed to work together on plans that were being shoved down their throats. The City needed to be careful not to buy into the cronyism. Contractors also make a lot of money and citizens pay for that in long run, so it was important to be cautious.

The Commission and Staff briefly discussed ideas for attracting trail users specifically to Banks and the potential for charging for day passes. The proposed SDC's could be used for more than just street projects, including amenities pertaining to pedestrian trails and bikeways.

Staff confirmed a short memorandum outlining the Commission's concerns about the fiscal impacts of the Council Creek Master Plan could be included with the recommendation to City Council, and recommend that priorities be made regarding the financial fiscal responsibility to Banks' citizens in approving any actual development of the Council Creek Trail.

**L. McAllister moved that the Planning Commission make a recommendation of acceptance of the Council Creek Master Plan and the segment applicable to the City of Banks and include a short memorandum outlining the Commission's concerns about the fiscal impacts of the Council Creek Master Plan in the future. The motion was seconded by R. Jacobs and passed unanimously.**

City Manager Becker clarified that two trails had been discussed over the last two years and she believed the Salmonberry Trail was the trail involving environmental controversies.

#### OTHER BUSINESS

##### 8. Planning Commission Goal Setting

City Manager Becker noted Pages 2 and 3 of the packet listed some of the planning related goals the Planning Commission established last year for City Council. Projects shown in red were in process. Staff sent the Commission a memo in January that outlined what had been accomplished and projects for the future, which the Commission had reviewed and discussed. She asked if the Commission wanted to add any new goals to the list for Council.

City Planner Goldstein reviewed the planning and code projects that had been completed or were still in process. Staff addressed questions from the Commission with these comments:

- The Economic Development Task Force would create a list of things to be done, such as a study to determine what businesses made sense to attract to Banks and how to do it; how the City wanted to brand itself; and an inventory of existing buildings; all of which would be part of the Planning Commission's discussions.
- The elementary school rezoning was on hold because the school district needed to submit the application for the zone change with the related fee. The City had helped financially with the Walter's rezoning because the City had initiated the annexation to clean up an issue within the city limits; however, the City could not help the school.
  - The elementary school parcel could remain as a Commercial zone without any issues, but rezoning it to Public Facilities had been discussed in the past. Though there was no real urgency to do so, the new superintendent might want to revisit the matter.
- The City's water line infrastructure was already being addressed, but not as a goal. Water line improvements were included on the Capital Improvement List and the rate study was being done to determine the funding for the project.
- Staff could help Commissioners find the City Council's meeting packet online and could send the link to the packet via email prior to the Council meeting.
- City Council might be changing the current method of having each Councilor oversee a particular or specific goal, which would be determined tomorrow at the goal setting session.

The Planning Commission had a lengthy discussion about its roles and functions as

described in ORS 227.090 and the Commission's ability to work on its own and make recommendations to other authorities, not just to City Council. Key comments included:

- The Commission should not simply be a rubber stamp for what the Council wanted.
- One of the Commission's roles was to advise Council on issues it might need to pay attention to. While City Council had the ultimate authority, the Commission could take initiative and bring things to Council's awareness, including action plans, projects the Commission felt passionate about making progress on, or a recommendation to refer items for the Commission to research to help move the items forward. This back and forth effort utilized the Commission's skills and ability to solve problems and gave Council the ultimate authority to approve any recommendations or action plans from the Commission.
- It seemed that the past had involved continuous confrontation between the Council, city manager, mayors, Planning Commission, etc. so there was not a good history
- The Commission did not want to be confrontational but to help find supportive solutions by working hand in glove with Council and be part of the process rather than just approving things Staff had done all the work on.
- Council should appreciate and take the Commission's input more seriously. Many Commissioners still had an issue with how Council addressed the West Hills development. A lot of work went into that approval and the entire project had become a can of worms. There was a lot that went on that the City needed to be careful about.

L. McAllister asked about goals to expand the library and sustain a high level of library employees when grants and donations were needed.

City Manager Becker clarified one of the library director's personal goals was to keep the library staff at the highest level in a framework the City could work with. The library, which was very active, was looking to replace the community room removed during prior library expansion. The library planned to raise about \$500,000 so the City did not have to provide funding. The library already received a \$150,000 pledge from the County and had raised about \$100,000 from community donations. Now, an additional \$40,000 was being raised to hire a grant writer to apply for grants to complete the project.

L. McAllister responded the problem was the City did not have the money. The City was taking on a job and using paid staff to beg for money, or write grants, in order to expand the library while still sustaining a high level of employees. No fiscal consideration was being given. The City just wanted what it wanted and would get someone else to pay for it. Expanding the library would increase overhead costs, including employees and maintenance, which would eventually fall on the tax payers.

The following items were noted as additions to the list of City Council Goals for 2015:

- Redoing entire agreement regarding Greenville Park funding and maintenance
- Assigning goals to the Planning Commissioners should be a resource for Council to consider, especially if a Commissioner was particularly passionate about an item, such as water infrastructure or economic development. The Commissioner could be the point person and report back to Council at their meetings.
  - Water infrastructure and economic development were hot buttons to focus on as priorities.

L. McAllister suggested that the Commission could develop a plan that could become policy for bringing businesses into the city, such as offering a month when there would be

no fee for starting a business; charging no fee if x employees were hired; or providing free advertising in the water bills. She left the meeting at approximately 8:45 pm.

R. Jacobs stated the Commission needed more time to review and discuss agenda items prior to taking action. There was no time to review, discuss, and take action in one meeting. The City Council Goals, for example, should have been discussed at an August meeting to allow more time for thoughtful consideration. He learned a lot from the discussion at the meetings, but was then given only a short time to vote on things that affect the city. Afterward, he often thinks of things that should have been researched further.

Staff suggested that if Commissioners could not attend the open houses on long-range planning projects, they could review the material provided online and ask Staff during the process to address any questions at Commission meetings and consultants could be brought in as well. Staff could also provide updates during the long-range planning process, target dates for public hearings and work sessions on current and ongoing projects, and information packets that would be part of the final package to better inform the Commission in advance.

- Holding a work session on regular Commission meeting nights could be a challenge on certain public hearing items due to the timing requirements of land use decisions. If continued, some public hearings would have to return before the Commission in one to two weeks to accommodate the timeframe required to make a decision. Another option might be to address questions before the meeting, for example, meet the Monday before the regular meeting to address Commissioner questions.
- Staff did not always know in advance what agenda items the Commission would have at subsequent meetings. Applications are submitted on the first of the month and must be reviewed within a certain time, and then public notices and notices to the State are sent out and the item is added to the agenda for that month.

R. Nelson suggested the Commission be more intentional about expressing concerns and asking questions. She had not sensed a lot of discussion on the BPP, so she made the motion, but was surprised by the two nay votes. She added there were times she wished she had been bolder about asking for a continuance.

Staff explained that requesting a continuance was acceptable if additional information was needed to make a decision; however, if the information was available, the Commission must be careful because using that tool could open up to legal challenges. A continuance could result in a special session due to land use decision time restrictions. Current planning and development applications were tightly regulated by ORS, so the legal implications were stricter. Long range plans, like the BPP and Bicycle Parking Plan were not bound by time restrictions, but did have noticing requirements.

Staff briefly discussed the current SDC project and would provide the Commission with updates on the project due to the complexity of the work. SDCs would not affect citizens as much as developers, who would likely make comments about the outcome. City Council would make the policy decision regarding who paid SDCs, which could be applied citywide or in areas of the city. The City was also working with a transportation consultant on a refinement plan of the East Banks area to study the street systems more closely, etc. and to start getting projects on the Capital Improvement List so the County could start getting projects funded and built.

City Manager Becker said she would provide updates at the monthly meetings on what was being done with regard to all the goals under Planning. For example, the City was waiting for West Hills and the consultants to approach the City with the final outcome regarding the at grade railroad crossing. She would create a list of goals and project items and the Commission could make additions next month.

Chair Stout noted years ago, State law had required Tektronix to close its streets on the campus one day a year to maintain the private status; otherwise, they would become public streets. He noted no private streets had been closed in the HOA and asked if the law had been changed. Not having private streets would certainly make everything easier.

City Planner Goldstein responded she had never heard of such a law, but would ask City Attorney Kearns.

ADJOURN: The Planning Commission meeting adjourned at approximately 9:08 pm.

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