



**STAFF REPORT
ANN2-14/ZC2-14**

DATE: July 10, 2014 for the July 29, 2014 Planning Commission Meeting

REQUEST: Approval of an application for annexation and a corresponding zone changes for approximately 27.5 (+/-) acres

APPLICANT: Van Dyke Family Land, LLC
12415 NE 35th Place
Bellevue, WA 98005

PROPERTY: Generally located east of the railroad tracks, south of the Union Point Cemetery No. 2 plat, southwest of the Banks Lumber Pellet facility, north of the Wilkesboro Road plat, west of Quail Valley Golf Course. County tax map 2N331 TL 600

APPLICABLE CODE: Annexations Chapter 30.01 through 30.06; Zoning of Annexed Areas Chapter 15.1.025

1. EXECUTIVE SUMMARY

The Van Dyke Family Land, LLC seeks annexation into the Banks City Limits. The properties were included in the Banks Urban Growth Boundary in 2011. A map of the property proposed for annexation is shown below and is included in the applicant's submittal.

The site is designated Washington County Future Development FD-10. If annexed into the City, the site would receive the following zoning designations, consistent with the City of Banks UGB zoning designations. A summary of each of the properties and the corresponding zoning is set forth below.

Map#	Tax Lot #	Banks Zoning	Density	Acres
2N331	600 (partial)	Single Family Residential (R-5)	8 du/ac	13.23
	600 (partial)	Low Density Residential (LDR)	6 du/ac	14.27



Source: Washington County GIS 7.13.14

Adjacent properties to the northeast are large undeveloped parcels inside the UGB zoned for low density single family residential. Quail Valley Golf Course is also east of the site. Large undeveloped parcels inside the UGB zoned high density single family and industrial and located to the north. The railroad is located to the west. South of the site is land owned by Quail Valley Golf Course. The applicant has provided a map showing the site as well as the surrounding properties on Page 6 of the applicant's submittal (**Appendix A**).

The site is within the Banks Fire District, the Banks Public School District and the Washington County Sheriff's Department district. Clean Water Services is the sanitary sewer and storm conveyance provider for the area. The site is relatively flat with rolling topography in areas and is made up mostly of farmed land. The site is contiguous to the Banks City Limits.

2. OBSERVATIONS

CONCURRENT ANNEXATION AND ZONE CHANGE APPLICATIONS

The site is currently zoned Future Development 10 Acre District (FD-10) by Washington County. According to the City of Banks UGB report Proposed Zoning Map, upon annexation the land shall automatically be zoned as illustrated on the City of Banks Plan map. The map is provided in the Appendix. (**Appendix A and C**).

PROPOSED USES

- The applicant has not provided a preliminary concept plan of the site showing how it could be developed in the future. The applicant states that they have no current plan to develop the land. An aerial map is provided below. The subject site is shown in red outline.



Source: Washington County GIS 7.14.14

- This application has been analyzed based on the most intense development that could occur. The applicant has submitted data showing that maximum gross residential density for the site which is shown in the table below:

Land Use Type	Site Area (acres)	Density	Units (gross)
Low Density Single Family (LDSF)	14.27	6 du/ac	85
Single Family Residential (R-5)	13.23	8 du/ac	105
TOTAL			190 gross units 152 net units (assuming a 20% dedication for streets and open space)

- The City of Banks 2011 UGB Expansion Study identifies the site to assist with meeting its twenty (20) year supply of residential lands.

- Future development proposals will be required to apply for Planning approval (either Tentative Subdivision Plan Review, Partition, Planned Development Review and/or Design Review) to ensure compliance with the Banks Zoning Code, Public Works Design Standards and Clean Water Services Design and Construction Standards.

STREET SYSTEM AND TRANSPORTATION IMPACTS

- The requested annexation of the property will not impact the existing or planned transportation system until the time of development. The City has a proposed transportation system design for the UGB that takes into account the development potential of the subject property which is set for in the City's Transportation System Plan (TSP). Prior to development of the property, the applicant will need to demonstrate to the City that the transportation system operates consistent with its designed intent and within the thresholds established within the City's adopted Transportation System Plan (TSP). Should proposed development result in impacts that are beyond these thresholds the applicant will be required to construct improvements necessary to mitigate the impacts. Additional ROW dedication and street improvements would be required as a part of a development proposal following annexation. The City's standard practice is to require half-street improvements as minimum conditions of development proposals, to be installed and funded by developers. In this case, the applicant will need to devise a plan for access in light of the railroad's existence adjacent to the western property line. The UGB report proposes access to this site from an eastside circular road extending from Banks Road to the subject site. It will be the applicant's responsibility to provide access to the site.
- Section 9 of the OAR 660-012-0060 Transportation Planning Rule stipulates that if a proposed rezoning is consistent with the existing comprehensive plan map designation, and the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. Staff finds that the proposed change is consistent with the acknowledged comprehensive plan and Transportation System Plan.
- Development proposals may need to be accompanied by analysis of traffic impacts to ensure that the affected streets and intersections have adequate capacity to accommodate increased traffic.
- The City's Transportation System Development Charges (SDC's) are directly related to the volume of traffic generated by specific types of use. The SDC's collected from development can be used to pay for improvements to projects included in the City's Transportation System Plan.

UTILITIES & STORM DRAINAGE

- Electricity, telephone, and gas are provided to nearby residential properties and could be made available through the extension of nearby lines and public service infrastructure.
- Water usage was evaluated by the applicant's consultant. The proposed development is expected to generate a peak instantaneous demand of 112 GPM. The methodology for determining the proposed water demand was taken from the Water System Master Plan, (City of Banks issued in June 2009). This method incorporates increased commercial and industrial demand within the unit flows for the project per capita population growth. Since the publication of the Master Plan, the City of Banks has completed the Berhman Well #2 project, which was anticipated to reliably add 220 GPM to the public system. There is also the potential add the Quail Valley Golf Course Well to the system in

conjunction with the proposed the Quail Valley Annexation. As outlined in the Master Plan, the existing well on the Quail Valley Golf Course is permitted for a maximum rate of 0.89 CFS (399 GPM) for supplemental irrigation. Additional hydrogeological feasibility studies and confirmation that the existing well is constructed to State standards would be required for this option. The Van Dyke Family Farm Land development will be served by a 12 inch major loop and a distribution grid which will likely be 8 inches and will be verified by modeling. The proposed improvements can complete a new loop and connect to an existing 12 inch main at multiple locations. Logical connection points include a 12 inch line in NW Scottson Terrace (boring required), and the 12 inch lines near the northwest corner of the subject property where the water line is east of the railroad. The City Engineer reviewed the applicant's statement and has no objections.

- Sanitary sewer usage was evaluated by the applicant's consultant. The proposed Van Dyke Family Farm property is anticipated to generate a total peak sanitary sewer flow of approximately 0.289 CFS (see attached calculations in the Applicant Statement). Flow calculations have been determined based on the proposed land use zoning and the 2009 Clean Water Services (CWS) Sanitary Sewer Master Plan. The proposed development will be served by 8 inch diameter sanitary sewer mains, and will tie into existing public infrastructure within the Phase 2 of the Arbor Village subdivision to the west. The likely point of connection is to an existing 8 inch sanitary sewer main in Arbor Village at the terminus of NW Scottson Terrace (see CWS Map Panel 1787). Connection to the existing public system will require boring under an existing railroad right-of-way. Due to the natural topography of the site, and subject to the depth of the existing sanitary sewer line, a lift station may be necessary to connect the Van Dyke Family Farm property to the public sanitary system. The City Engineer reviewed the applicant's statement and has no objections.
- Storm water will fall under the jurisdiction of CWS and will be required to meet their standards. Storm water treatment and detention will follow CWS methodology and specific measures will be determined and evaluated during the design process. Preliminary investigations indicate that the proposed stormwater improvements may potentially connect to two points of the existing public stormwater infrastructure. The primary connection point would be an existing 26 inch diameter storm main crossing under the railroad right-of-way to the south of NW Wilkes Street, which discharges into Banks Creek. If necessary due to topographic constraints, a second point of connection to an existing 12 inch main at the terminus of NW Scottson Terrace may be utilized. Use of this public system would require boring under the railroad right-of-way and further capacity analysis (see CWS Map Panel 1787). The City Engineer reviewed the applicant's statement and has no objections.

PUBLIC & PRIVATE AGENCIES AND PUBLIC NOTICE

- The City of Banks Engineer, Washington County Planning and Engineering Departments, Clean Water Services, Banks Fire District, Banks School District, Oregon Department of Transportation (ODOT), Clean Water Services and the Oregon Department of Land Conservation and Development have been provided an opportunity to review the proposal. Comments from these organizations have been incorporated into this staff report. No agencies objected to the proposed annexation.
- Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice was also published in the local newspaper. Staff has received no written comments from the public regarding the application.

2. COMPLAINT WITH APPLICABLE CODE

Applicable criteria are shown in italics.

30.02 REVIEW CRITERIA

(A) Eligibility criteria. The Council must determine that property is eligible for annexation based on the following criteria:

- (1) The property is contiguous to the existing city limits;*
- (2) The property is located within Banks Urban Growth Boundary; and*
- (3) Any other prerequisite requirement that may be applicable under the Oregon Revised Statutes.*

Finding: The area proposed to be annexed into the City, more specifically described in this report, is contiguous to the existing City of Banks city limits. The property proposed for annexation is wholly located within the City of Banks UGB as amended by Ordinance 2011-04-01. The applicant has demonstrated consistency with Oregon Revised Statute 222.111 and Statewide Planning Goals, as discussed herein. This section is met.

(B) Timeliness criteria. The Council must determine that it is timely to annex property based on the following criteria.

- (1) An adequate level of urban services and infrastructure is available, or will be made available in a timely manner.*

(a) ADEQUATE LEVEL means conforms to adopted plans and ordinances, or as may be determined by the agency that provides the service or infrastructure.

Finding: The Applicant has coordinated with CWS to confirm that there is adequate capacity within the Waste Water Treatment plant that would service the subject property and that adequate sanitary services can be extended to the site to support future development of the property. Refer to the applicant submittal for correspondence from CWS confirming adequate capacity and serviceability. This section is met.

(b) URBAN SERVICES means police; fire; school facilities; parks and recreation facilities; greenways and open spaces and other city-provided services.

Finding: The applicant has coordinated with urban service providers including the Banks Fire District, Banks School District, the Washington County Sheriff's Office and Clean Water Services, none of whom have raised objections. This section is met.

(c) INFRASTRUCTURE means sanitary sewer, water, storm drainage, and streets.

Finding: The applicant has provided a utility analysis and has coordinated with Clean Water Services for sanitary sewer and storm water services. The subject properties are within the City of CWS service boundaries and there are no identified deficiencies that would preclude the availability of facilities for future development, consistent with the Comprehensive Plan. The applicant has also stated that they have a functioning well with water rights on the property that could supplement the City's existing water system. The City Engineer reviewed the applicant's statement and has no objections.

(d) BE MADE AVAILABLE IN A TIMELY MANNER means that improvements needed for an adequate level of urban services and infrastructures will be provided in a logical, economical, and efficient manner and are made available in accordance with the development agreement or other funding mechanism at the time of approval. Improvements for the needed infrastructure and urban services must be secured by a development agreement or other funding mechanism that places the primary economic burden on the annexed property and not on the city.

Finding: The applicant states that they are aware of the need to extend services to the site and that the extension of services will be the financial responsibility of the developer. The applicant understands that if the annexation is approved that the City does not accept responsibility to extend and provide services. At the time of development, the applicant will enter into a development agreement or provide assurances to ensure that infrastructure is available to the site. The applicant has submitted a utility analysis and the City Engineer concurs with the preliminary findings. This section is met.

(2) Sufficient planning and engineering data must be provided, and all necessary studies and reviews must be completed in such a manner that there are no unresolved issues regarding development of the annexation property. It may not be timely to annex property if the appropriateness of the proposed use could be altered by plans or studies that are underway, or are needed, to update, clarify, or provide additional specificity to the property use. Examples of needed studies may include, but are not limited to, public infrastructure plans, buildable lands inventories, area refinement plans, park study, or any related planning study pertaining to growth management.

Finding: The applicant has submitted the required analyses for this annexation application. There are no studies underway that could result in the property not being appropriate for annexation. The sites are designated for residential lands in the City's Comprehensive Plan. This section is met.

(3) The Council may consider, at its discretion, any other factors that effect the timeliness or wisdom of any particular annexation petition.

Finding: The applicant is aware of this provision. Staff finds no factors in the record that impact the timeliness of this annexation application.

(4) The burden for providing the findings and cost thereof for this section and § 30.03 is placed upon the applicant.

Finding: The applicant is aware of this requirement and has submitted a complete application. This section is met.

(Ord. 102500, passed 10-25-2000)

3. APPLICABILITY OF STATEWIDE PLANNING GOALS AND CITY OF BANKS COMPREHENSIVE PLAN GOALS

A number of Oregon's 19 Statewide Planning Goals and City of Banks Comprehensive Plan Goals apply to this application. The City of Banks Comprehensive Plan "mirrors" the Statewide Planning Goals and is therefore addressed together with the Statewide Planning Goals.

I. The following Statewide Planning Goals and City of Banks Comprehensive Plan Goals have been considered by the City of Banks as they pertain to this request:

A. Statewide Planning Goal and City of Banks Comprehensive Plan Goal Citizen Involvement (Goal 1)

Finding:

The City's acknowledged Comprehensive Plan and Municipal Code includes citizen involvement procedures with which the review of this application will comply. This process allows for citizens to communicate their input into the application review conducted by the City at public hearings or by submitting written comments. The City of Banks Planning Commission will review and comment on the proposed annexation and zoning map amendment on July 24, 2014 to make a recommendation to the City Council. The City Council will hold a hearing in August 2014. The City of Banks posted site notices as described in the public notice section of this report. This process complies with the Goal.

B. Statewide Planning Goal and City of Banks Comprehensive Plan Goal Land Use Planning (Goal 2)

Finding:

The procedural requirements for annexation and zone changes are contained in the Banks Municipal Code, which involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to change the zoning designation of urban land within the Urban Growth Boundary, in compliance with Goal 2. The City's decision is based on findings of fact. This Goal is met.

C. Statewide Planning Goal and City of Banks Comprehensive Plan Goal Agricultural Lands (Goal 3)

Finding:

This Goal is not applicable because the site is within the City of Banks Urban Growth Boundary and no identified agricultural resources are located on site. The site is designated for residential development in the Comprehensive Plan and is currently zoned for Future Development by Washington County.

D. Statewide Planning Goal and City of Banks Comprehensive Plan Goal Forest Lands (Goal 4)

Finding:

This Goal is not applicable because the site is within the City of Banks Urban Growth Boundary and no identified forest resources are located on site. The site is designated for residential development in the Comprehensive Plan. This Goal is met.

E. Statewide Planning Goal and City of Banks Open Spaces, Scenic and Historic Areas and Natural Resources (Goal 5)

Finding:

There are no identified Goal 5 resources on site. The subject site is not designated as open space, a scenic or historic area, or a natural resource area by the City of Banks and does not contain any known significant open space, scenic, historic, or natural resources. The proposed annexation and zone change does not conflict with this Goal. This Goal is met.

F. Statewide Planning Goal and City of Banks Comprehensive Plan Goal Air, Water and Land Resources Quality (Goal 6)

Finding:

The site is currently planned for residential uses. If the annexation were approved, the site would be subject to City regulations that do not allow off-site impacts from noise, vibration, odors, glare, or other "nuisance" effects. The potential harmful effects on air, water and land resource quality is limited to none. The annexation and zone change proposal will therefore have no significant impact with respect to this Goal.

G. Statewide Planning Goals and City of Banks Comprehensive Plan Goals Areas Subject to Natural Disasters and Hazards (Goal 7)

Finding:

The subject site is not located within a mapped flood plain, potential flood hazard, potential landslide hazard, or earthquake hazard area. The proposal to zone the subject property for residential development is consistent with avoidance of natural disasters and hazards under Goal 7. This Goal is met.

H. Statewide Planning Goals and City of Banks Comprehensive Plan Goals Recreational Needs (Goal 8)

Finding:

The requested annexation and zone change to residential lands will not result in a reduction in land planned or reserved for recreational uses. This Goal is met.

I. Statewide Planning Goals and City of Banks Comprehensive Plan Goals Economic Development (Goal 9)

Finding:

The site is presently designated for residential development on the Comprehensive Plan. The requested annexation and zone change will not result in a reduction in land planned or reserved for economic development. This Goal is met.

J. Statewide Planning Goals and City of Banks Comprehensive Plan Goals Housing (Goal 10)

Finding:

The property, 14.27 acres zoned Low Density Single Family (LDSF) and 13.23 acres zoned R-5 Single Family (R-5) is proposed for annexation. The annexation would increase the residential land supply within the city limits by 27.5 acres and would allow more intense development than currently permitted under County regulations. The Preferred Alternative Strategy for expansion of the UGB (adopted by the City Council in 2010) show the following:

1. The City of Banks UGB had a total inventory of 13.0 net buildable acres of available residential land (prior to the UGB amendment) all of which were under the R-5 zoning designation.
2. The City of Banks has no inventory of residential land types of both lower density zoning (LDSF) or higher density zoning (HDSF, R2.5, MDMF).
3. The Banks City Council adopted population growth and projections and housing needs analysis from the UGB expansion strategy which found the following:
 - There is a total, net buildable residential land demand of 136.6 acres through 2029; and
 - A deficit of net buildable residential land exists within the City of Banks totaling 123.7 acres.

The proposed annexation therefore adds 25.7 acres to the residential land supply, proving housing for unmet needs in Banks. Goal 10 is met.

K. Statewide Planning Goals and City of Banks Comprehensive Plan Goals Public Facilities and Services (Goal 11)

Finding:

The subject property lies within the Urban Growth Boundary (UGB) and therefore requires the extension of public facilities and services at the developer's expense. Full urban services are available to serve the site. Electricity, telephone, and gas are provided to adjacent residential properties and could be made available through the extension of nearby lines and public service

infrastructure. Water, storm sewer and sanitary sewer can also be made available as discussed in the applicant's submittal and in the Observations section of this report. This Goal is met.

L. Statewide Planning Goals and City of Banks Comprehensive Plan Goals Transportation (Goal 12)

Finding:

This Goal requires the City to prepare and implement a Transportation System Plan (TSP). The Banks TSP assumed that this site would be developed under the City's Low Density Single Family (LDSF) and Single Family Residential (R-5) zoning designations, respectively.

Any addition of land to the city limits could result in an increase of traffic to the system. Prior to development of the property, the applicant will need to demonstrate to the City that the transportation system operates consistent with its designed intent and within the thresholds established within the City's adopted Transportation System Plan (TSP). Should the proposed development result in impacts that are beyond these thresholds the applicant will be required to construct improvements necessary to mitigate the impacts. Additional ROW dedication and street improvements would be required as a part of a development proposal following annexation. The City's standard practice is to require half-street improvements as minimum conditions of development proposals, to be installed and funded by developers. In this case, the applicant will need to devise a plan for access in light of the railroad's existence adjacent to the western property line. The UGB report proposes access to this site from an eastside circular road extending from Banks Road to the subject site. It will be the applicant's responsibility to provide access to the site.

Section 9 of the OAR 660-012-0060 Transportation Planning Rule stipulates that if a proposed rezoning is consistent with the existing comprehensive plan map designation, and the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. Staff finds that the proposed change is consistent with the acknowledged comprehensive plan and Transportation System Plan.

Development proposals may need to be accompanied by analysis of traffic impacts to ensure that the affected streets and intersections have adequate capacity to accommodate increased traffic. This Goal is met.

M. Statewide Planning Goal and City of Banks Comprehensive Plan Goal Energy Conservation (Goal 13)

Finding:

The proposed zoning would permit development in accordance with the Comprehensive Plan with the potential to create an energy-efficient land use pattern within the City's Urban Growth Boundary. This Goal is met.

N. Statewide Planning Goal and City of Banks Comprehensive Plan Goal Urbanization (Goal 14)

Finding:

The subject property is within the Urban Growth Boundary and no expansion of the UGB is proposed. The proposed annexation and zone change is the first step in the transition from rural to urbanized land as foreseen in the Comprehensive Plan. Development of the site will trigger requirements for the developer to provide infrastructure, including necessary sewer lines, storm drainage lines, water line extensions, and street improvements. This Goal is met.

O. Other Goals

Finding:

The following goals are not applicable to this application:

- Willamette River Greenway (Goal 15)
- Estuarine Resources (Goal 16)
- Coastal Shorelands (Goal 17)
- Beaches and Dunes (Goal 18)
- Ocean Resources (Goal 19)

2. The following Administrative Rule has been considered by the City of Banks as it pertains to this request:

TRANSPORTATION PLANNING RULE

OAR 660 Division 12 – Transportation Planning:

660-012-0060 Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding:

The annexation of this site and the application of the LDSF and R-5 zoning designations are consistent with the Comprehensive Plan and the level of development analyzed in the 2010 TSP.

This proposal does not “significantly affect” the impacted street segments (as defined by the Transportation Planning Rule) because the annexation and zoning are consistent with the TSP traffic assumptions. Full determination of the required improvements would be deferred until the time of development of the site, and would consist of half-street improvements at a minimum.

Based on the above, the City finds that the proposed annexation and zone change are consistent with the land uses envisioned by the Comprehensive Plan and the Transportation System Plan.

Therefore, the proposed annexation and zone change are consistent with the Comprehensive Plan and TSP and would not require a change in the functional classification or street standards.

As spelled out by the City of Banks Public Works Design Standards, specific development proposals may trigger the requirement for traffic analysis reports identifying projected trip generation levels, recommendations for public improvements, and access management. Any mitigation strategies prompted by the results of the traffic analysis reports would be installed as conditions of development.

3. The following section addresses the zoning upon annexation request.

151.025 ZONING OF ANNEXED AREAS.

(A) Zoning regulations applicable to an area prior to annexation to the city shall continue to apply and shall be enforced by the city until a zone change for the area has been adopted by the City Council. The city may, in an ordinance annexing property to the city or ratifying annexation action of the Portland Metropolitan Area Boundary Commission, conduct. The proceedings as may be necessary to conform the zoning and land uses of the property to the requirements of the city's zoning code and comprehensive plan.

(B) The Council may also by ordinance place the property or any part thereof in a zoning classification hereunder, provided the resolutions, ordinance, and notices required to be given in the annexation proceedings include a declaration of the city's intention to place the annexed property or the part thereof in the zoning classification.

Finding:

Staff is requesting the Council place the property in a zoning classification consistent with the corresponding zone identified in the Comprehensive Plan. Annexation proceedings are occurring concurrently with the zone change.

151.157 COMPREHENSIVE PLAN AND ZONING AMENDMENT CRITERIA.

(A) Quasi-judicial comprehensive plan and/or zoning amendment applications shall be approved if the following criteria have been met.

(B) The proposed change is consistent with and supportive of the Comprehensive Plan goals, objectives, and policies.

(C) The proposed change is compatible with the surrounding existing and planned land use pattern.

(D) Public facilities (i.e. transportation system, water supply, sewer service, storm water disposal, and police and fire protection) are capable of supporting the uses permitted in the proposed zone.

(E) The proposed change is consistent with the statewide planning goals.

(F) Amendments that affect transportation facilities. Except as provided in division (C), amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Banks Transportation System Plan. This shall be accomplished by one of the following:

Finding:

The proposed zone change is an “automatic” zone change because the properties are located within the UGB area and upon annexation, such properties receive the corresponding city zoning as outlined in the Comprehensive Plan.

The applicant has demonstrated consistency with criteria A-F throughout this report. The proposed zoning conforms to the city's comprehensive Plan. The annexation itself does not negatively impact transportation facilities. There is adequate and available public facilities and service to serve potential development. The proposal complies with Statewide Planning Goals. There are no known significant adverse effects on designated open spaces, scenic, historic or natural resources by urbanization of the subject site at the time of annexation. This section is met.

4. RECOMMENDATION

Based on the findings of fact and the material submitted by the applicant, staff recommends that the Planning Commission recommend **APPROVAL** of this application to the City Council for placement on the November 4, 2014 ballot.

Appendices:

- A. Applicant Submittal
- B. Service Provider Letters
- C. City of Banks Plan Map
- D. City of Banks UGB Report 2010 (included by reference and on file)

EXHIBIT A

Annexation Application - Van Dyke Family Farm Land

**Annexation Application
Van Dyke Family Farm Land**

Annexation Application - Van Dyke Family Farm Land

1. Introduction

The Van Dyke family requests that Tax Lot 2N3310000600 account R800137 be annexed into the City of Banks.

Tax Lot 2N3310000600 has two tax accounts: R800128 and R800137. R800128 is for 4.19 acres of unzoned farmland and is currently already within the city limits of the City of Banks. R800137 is for 27.50 acres of unzoned farmland and is currently not within the city limits of the City of Banks. Annexation of R800137 will result in the remainder of the tax lot being brought into the city.

1.1. History and Community Ties

The Van Dyke family has owned and farmed the annexation property since 1950. In 1950, Cyril and Gertrude Van Dyke, purchased the farm land. In 1975, Cyril and Gertrude gave the land to their children. In 2010, the family formed Van Dyke Family Land LLC to hold and manage the farm land.

The farm land is currently rented to Sam Van Dyke, one of the siblings. Sam Van Dyke has been on the Planning Commission of the City of Banks for many years.

Gertrude Van Dyke, the daughter of Henry and Helena Vandehey, was raised on the farm which is now the Quail Valley Golf Course.

2. Annexation Application

Annexation Ordinance 102500 Section 3.A requires several items to be submitted along with the Annexation Application. The sections below address each required item.

1.1. Written Consent

The land requested to be annexed is owned by Van Dyke Family Land LLC. Appendix A contains written consent to the annexation by the Member Manager of the LLC.

1.2. Legal Description

Appendix B contains Certification of Legal Description, Certification of Property Ownership, and Certification of Registered Voters for the land requested to be annexed.

1.3. Map of Area

Appendix C (Figure 1) shows a map of the annexation property and adjacent city territory.

1.4. General Land Use Plan

The annexation property is farm land. There is no current plan to develop the land.

Van Dyke Family Land LLC has a right of way through Banks Lumber Company property near Sunset Avenue for bringing farm equipment to and from the annexation property.

Annexation Application - Van Dyke Family Farm Land

There is a drainage ditch along the Northwest edge of the annexation property. The centerline of the drainage ditch forms the border between the annexation property and the Banks Lumber Company land that is leased to Western Oregon Wood products.

There is a Tualatin Valley Irrigation District (TVID) connection box on the East border of the annexation property. Banks Lumber Company has an easement across the annexation property from the TVID connection box to the Northwest corner of the annexation property. Banks Lumber Company owns a pipe buried under that easement for an emergency water supply for fire protection.

The annexation property is affected by advance planning done by the City of Banks. Even though development of the annexation property is not currently planned, a summary of that advanced planning is presented below for completeness purposes.

City of Banks Ordinance 2011-04-01 amends the Banks Comprehensive Plan to include the annexation property within the Urban Growth Boundary (UGB). Appendix C (Figure 2) shows a page from that ordinance proposing that the annexation property be zoned R5 - Single Family Residential and LDSF - Low Density Single Family Residential.

City of Banks Ordinance 2011-04-02 amends the Banks Comprehensive Plan to adopt a long range Transportation System Plan (TSP). Appendix C (Figure 3) shows a page from that ordinance proposing a Circulator Road running North-South along the Western edge of the annexation property.

The TSP also hypothesizes a potential railroad crossing onto the annexation property. Appendix C (Figure 4) shows that potential railroad crossing. The TSP recommends that "The City should also consider conducting a concept plan for the Eastside UGB expansion area" to "define preferred specific locations" for roads East of the railroad tracks.

1.5. Development Concept and Methods.

The annexation property is farm land. Since there is no current plan to develop the land, the physical and related social environment of the site and surrounding area should not change.

1.6. Additional Facilities Requirement

The annexation property is farm land. Since there is no current plan to develop the land, no additional facilities should be required.

1.7. Financing

The annexation property is farm land. There is no plan to finance development.

1.8. Capacity

The annexation property is farm land. Since there is no current plan to develop the land, no additional capacity should be required for water, sewer, drainage, transportation, park, or school facilities.

Clean Water Services provides storm and sanitary services for the region. This annexation request does not assume to make engineering decisions for Clean Water Services. However, storm and sanitary sewer maps are presented below to illustrate the current facilities near the annexation property.

Annexation Application - Van Dyke Family Farm Land

Appendix C (Figure 5) shows an excerpt from Clean Water Services Storm Sewer Map 1787. The map shows a 26" PVC Storm Sewer pipe extending to the West border of the annexation property..

Appendix C (Figure 6) shows an excerpt from Clean Water Services Sanitary Sewer Map 1787. Sanitary Sewer facilities appear at several places in the neighborhoods directly West of the annexation property.

1.9. Potential Negative Effects

The annexation property is farm land. The annexation property will continue to be farmed after annexation.

1.10. Need for Urban Development Proposed

The annexation property is farm land. The annexation property will continue to be farmed after annexation.

City of Banks Ordinance 2011-04-01 amends the Banks Comprehensive Plan to include the annexation property within the Urban Growth Boundary (UGB). Even though development of the annexation property is not currently planned, the ordinance clearly outlines the need for future urban development.

1.11. List of Property Owners within 300 feet

Attached is a list of property owners (printed on self-adhesive labels) within 300 feet of the exterior boundary of the annexation property.

Annexation Application - Van Dyke Family Farm Land

Appendix A - **Written Consent**

TECHNICAL MEMORANDUM



To: City of Banks, City Engineer
Attn: Gordon Munro

From: Michael Cerbone, AICP
Matt Lewis, PE

Date: May 22, 2014

Project: Van Dyke Family Farm Land Annexation
Cardno#: 21407430
Re: Public Utility Availability

5415 SW Westgate Drive
Suite 100
Portland, Oregon 97221
USA

Phone: (503) 419-2500
Fax: (503) 419-2600

www.cardno.com

This technical memorandum will outline the planned public utility needs and existing public facilities available to serve the proposed Van Dyke Family Farm Land Annexation into the City of Banks. The calculations below are derived based on assumption regarding the anticipated developed of the property as set forth in the City of Banks recent Urban Growth Boundary expansion and memorialized within the City of Bank Comprehensive Plan.

RESIDENTIAL DEVELOPMENT

The subject property is approximately 31.69 acres in size, 4.19 acres of this area is currently within the City of Banks City Limits. The current application seeks to annex the remaining 27.5 acres into the City Limits. Upon annexation the property will be rezoned to a mixture of Single Family Residential (R-5) and Low Density Residential (LDSF). Approximately 13.23 acres of the site are zoned R-5 and remaining 14.27 acres are zoned LDSF. According to the City of Banks Urban Growth Boundary Expansion findings LDSF is expected to be developed at approximately 6 dwelling units per acre and R-5 is expected to be developed at 8 dwelling units per acre. The resulting development potential for the site is expected to be approximately 105 units (13.23 x 8) for the R-5 zoned portions and 85 units (14.27 x 6) for the LDSF, for a total of 190 units.

SANITARY SEWER

The proposed Van Dyke Family Farm property is anticipated to generate a total peak sanitary sewer flow of approximately 0.289 CFS (see attached calculations). Flow calculations have been determined based on the proposed land use zoning and the 2009 Clean Water Services (CWS) Sanitary Sewer Master Plan. The proposed development will be served by 8 inch diameter sanitary sewer mains, and will tie into existing public infrastructure within the Phase 2 of the Arbor Village subdivision to the west. The likely point of connection is to an existing 8 inch sanitary sewer main in Arbor Village at the terminus of NW Scottston Terrace (see CWS Map Panel 1787). Connection to the existing public system will require boring under an existing railroad right-of-way. Due to the natural topography of the site, and subject to the depth of the existing sanitary sewer line, a lift station may be necessary to connect the Van Dyke Family Farm property to the public sanitary system.

STORMWATER

The Van Dyke Family Farm Land development would fall under the jurisdiction of CWS, and as such will meet the requirements as listed in the *Design and Construction Standards for Sanitary Sewer and Surface Water Management* issued in July 2009. Stormwater treatment and detention will follow CWS methodology, and specific measures will be determined as the design progresses. Proposed treatment of public and private stormwater will occur within the Van Dyke Family Farm Land development and will not impact neighboring properties. Preliminary investigations indicate



that the proposed stormwater improvements may potentially connect to two points of the existing public stormwater infrastructure. The primary connection point would be an existing 26 inch diameter storm main crossing under the railroad right-of-way to the south of NW Wilkes Street, which discharges into Banks Creek. If necessary due to topographic constraints, a second point of connection to an existing 12 inch main at the terminus of NW Scottson Terrace may be utilized. Use of this public system would require boring under the railroad right-of-way and further capacity analysis (see CWS Map Panel1787).

WATER

The proposed development is expected to generate a peak instantaneous demand of 112 GPM (see attached calculations). The methodology for determining the proposed water demand was taken from the *Water System Master Plan, City of Banks* issued in June 2009. This method incorporates increased commercial and industrial demand within the unit flows for the project per capita population growth. Since the publication of the Master Plan, the City of Banks has completed the Berhman Well #2 project, which was anticipated to reliably add 220 GPM to the public system. If the existing public water system cannot meet the additional needs of the Van Dyke Family Farm Land Annexation there exists the potential add the Quail Valley Golf Course Well to the system in conjunction with the proposed the Quail Valley Annexation. As outlined in the Master Plan, the existing Well on the Quail Valley Golf Course is permitted for a maximum rate of 0.89 CFS (399 GPM) for supplemental irrigation. Additional hydrogeological feasibility studies and confirmation that the existing well is constructed to State standards would be required for this option. The Van Dyke Family Farm Land development will be served by a 12 inch major loop and a distribution grid which will likely be 8 inches and will be verified by modeling. The proposed improvements can complete a new loop and connect to an existing 12 inch main at multiple locations. Logical connection points include a 12 inch line in NW Scottson Terrace (boring required), and the 12 inch lines near the northwest corner of the subject property where the water line is east of the railroad.

TRANSPORTATION

The requested annexation of the property will not impact the existing or planned transportation system until the time of development. The City has arrived at a transportation system design for the Urban Growth Boundary that takes into account the development potential of the subject property which is set forth in the City's Transportation System Plan (TSP) and element of the acknowledged Comprehensive Plan. Prior to development of the property within the subject area the applicant will need to demonstrate to the City that the transportation system operates consistent with its designed intent and within the thresholds established within the City's adopted Transportation System Plan (TSP), should the proposed development result in impacts that are beyond these thresholds the applicant will be required to construct improvements necessary to mitigate the impacts.

VAN DYKE FAMILY FARM LAND ANNEXATION
PRELIMINARY WATER DEMAND PROJECTIONS

Prepared by: RPM
Date: 5/22/2014

Land Use Type	Site Area (AC)	Units	Unit Flow
SFR4 (Low Density SF)	14.27	6 du/acre	152.0 gallons per capita day ¹
SFR5 (Single Family Res)	13.23	8 du/acre	152.0 gallons per capita day ¹

A) Residential	Number of Units ²	Unit Flow Rate (gpcd) ¹	People per Dwelling Unit ⁴	People	Total Demand (gpd)	Average Daily Demand (gpm)	Peaking Factor ³	Maximum Daily Demand (gpm)
SFR4	85.62	152	2.4	205	31,234	21,690	2.3	50
SFR5	105.84	152	2.4	254	30,610	26,813	2.3	62
TOTAL								112

Assumptions:

- ¹ Gallons per capita day demand projections are from the Water System Master Plan, City of Banks, dated June 2009.
- ² Peaking factors are from the Water System Master Plan, City of Banks, dated June 2009.
- ³ Zoning and Density are: Table & Site Plan per City of Banks UGD Report.
- ⁴ Value from Clear Water Services Master Plan, dated March 2009, Table 2.2 for Specific Land Use.

VAN DYKE FAMILY FARM LAND ANNEXATION
 PRELIMINARY SANITARY SEWER FLOW PROJECTIONS

Prepared by: RPM
 Date: 5/22/2014

Land Use Type	Site Area (AC)	Units	Unit Flow
SFR4 (Low Density SF)	14.27	6 du/acre	67.0 gallons per capita day ¹
SFR5 (Single Family Res)	13.23	8 du/acre	67.0 gallons per capita day ¹

A) Residential	Number of Units ³	Unit Flow Rate (gpcd) ¹	People per Dwelling Unit ⁴	People	Total Sewage (gpd)	Total Sewage (cfs)	Total Sewage (Residential Equivalent)	Peaking Factor ²	Peak Flow (gpd)	I/I Inflow Factor (g/ac/d) ³	I/I Inflow (gpd)	Total Peak Flow (cfs)
SFR4	85.62	67	2.4	205	13,768	0.021	86	2.5	34,419	4,000	57,080	0.142
SFR5	105.84	67	2.4	254	17,019	0.026	106	2.5	42,548	4,000	52,920	0.148
Subtotal												0.289
TOTAL												0.289

Assumptions:

- ¹ Gallons per capita day demand projections are from the Clean Water Services Master Plan, dated March 2009, Table 2-2 for Specified Land Use.
- ² Peaking factors are from CWS email from Jackie Humphreys, dated 7/15/2013.
- ³ I/I Inflow factor is from CWS email from Jackie Humphreys, dated 7/15/2013.
- ⁴ Value from Clean Water Services Master Plan, dated March 2009, Table 2-2 for Specified Land Use.
- ⁵ Zoning and Density per Table & Site Plan per City of Banks UGB Report.

Van Dyke Family Land, LLC
12415 NE 36th PL
Bellevue, WA 98005

Mar 5, 2014

City of Banks
City Planner
13680 NW Main Street
Banks, OR 97106

RE: Written Consent to Annex Land

Dear Sir:

Van Dyke Family Land LLC hereby requests that Tax Lot 2N3310000600 account R800137 be annexed into the City of Banks. This letter serves as written consent to annex the land as required by Ordinance 102500 section 3.A.

Attached is the Annexation Application, an advance deposit of \$2,500 for anticipated staff costs, a list of all property owners within 300 feet of the annexation property, and a legible scale drawing of the site. Also attached are 12 copies of the other information required by the Ordinance.

Sincerely,



Clifford P. Van Dyke
Member Manager



ANNEXATION APPLICATION

NAME OF APPLICANT: Van Dyke Family Land LLC
ADDRESS: 12415 NE 36 PL, Bellevue WA 98005
PHONE NO: 425-702-8908 EMAIL ADDRESS cliffvandyke@gmail.com
SIGNATURE: [Signature]
DATE: 3-5-2014 DO YOU OWN THE PROPERTY? YES NO

NAME OF OWNER*: (if different than applicant) _____
ADDRESS: _____
PHONE NO: _____ EMAIL ADDRESS _____
SIGNATURE: _____
DATE: _____

* "Owner" means any person shown as the owner of land on the last available assessment roll; however, where such person no longer holds the title to the property, then the term means any person entitled to be shown as owner of the land on the next assessment roll; or, where land is subject to a written agreement of sale, the term means any person shown in the agreement as purchaser to the exclusion of the seller; and the term includes any public agency owning land.

Municipal Ordinance No. 102500 (attached) establishes policies and procedures for annexing land into the City of Banks. In order to be eligible for annexation, the proposed annexation area must be contiguous to the existing city limits and located within the Banks Urban Growth Boundary. You should also know that the City Charter requires a referendum to approve the annexation. A summary of the City's annexation process is attached.

In addition, City Resolution #2006-22 (attached) requires an application fee deposit for major and minor annexations. Major annexations, which are defined as annexations of two acres or larger in area, requires an advance deposit against anticipated staff cost of \$2,500 of which \$500 is non-refundable. Minor annexations, which are defined as annexations of land less than two acres in area, requires an advance deposit against anticipated staff cost of \$1,000 of which \$500 is non-refundable.

The annexation application will be processed in conformance with Ordinance No. 102500 and state statute provisions. You will need to submit the following items (12 copies of items 1-10.) as specified under Section 3.A. of Ordinance No. 102500:

1. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both within the area to be annexed, as provided by state law;
2. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor, including:
 - A. "*Certification of Legal Description and map*" form signed by Washington County Cartography staff (blank form attached);
 - B. "*Certification of Property Ownership of at least One-Half Land Area*" form signed by Washington County Cartography staff (blank form attached);
 - C. "*Certification of Registered Voters*" form signed by Washington County Elections Department staff (blank form attached);
3. Map of the area to be annexed including adjacent City territory;
4. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, open space, and adjoining development;
5. A detailed statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced;
6. A detailed statement of additional facilities required to meet any increased demand and a plan for the phasing in of any such facilities in accordance with the projected demand;
7. A detailed statement outlining method and source of financing required to provide the additional facilities;
8. A detailed statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;

9. Comprehensive narrative of potential negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller sub-community or neighborhood that it will become a part of, and proposed actions to mitigate such effects;
10. Narrative demonstrating need for the urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:
 - A. Availability within the current City limits of undeveloped land designated for proposed urban development;
 - B. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development; and
 - C. Probable phasing of proposed urban development consistent with projected demand for the period that the annexation area is expected to be developed;
11. List of property owners (printed on self-adhesive labels) within three hundred (300) feet of the exterior boundary of the annexation property; the list shall be based on the latest tax assessment records at the Washington County Department of Assessment and Taxation; and a legible scale drawing of the site.

FOR OFFICIAL USE ONLY		FILING FEE DEPOSIT _____
DATE RECEIVED	DATE APPROVED	REVIEWED BY

Date of Form: 3-22-13

Becker, Donald E. &
Gen Revoc Lic Trust
41940 NW Banks Rd
Banks, OR 97106

Banks Lumber Co
PO Box 8
Banks, OR 97106

Quail Valley Golf Corp
DBA: Quail Valley Golf Course
PO Box 200
Banks, OR 97106

Port of Tillamook Bay
By San Francisco Regional Of
Real Estate
One Market Plaza, Suite 912
San Francisco, CA 94105

Crawford, Linda M.
13320 NW Parmley Ave
Banks, OR 97106

Fowler, Rob L
13328 NW Parmley Ave
Banks, OR 97106

Parrish, Bryan D
13280 NW Parmley Ave
Banks, OR 97106

Morris, Cameron M
13282 NW Parmley Ave
Banks, OR 97106

Kaiser, Kenneth E
13284 NW Parmley Ave
Banks, OR 97106

Woodcock, Michael R &
Woodcock, Kristy M
41943 NW Palace Dr
Banks, OR 97106

Wert, Dale J / Margaret L
45017 NE Hartwick Rd
Banks, OR 97106

Orlowski, Robert C, and
Pamela A
42065 NW Wilkes ST
Banks, OR 97106

Graham, Sherri
42045 NW Wilkes ST
Banks, OR 97106

Becker, Jason Daniel &
Becker, Tiffany Nicole
42025 NW Wilkes ST
Banks, OR 97106

Hubbard, Michael Robin
42005 NW Wilkes ST
Banks, OR 97106

Sinner, Christopher M &
Weber, Rebecca Y
41995 NW Wilkes ST
Banks, OR 97106

Pittman, Kenneth D
41986 NW Wilkes ST
Banks, OR 97106

Dolman, Michelle M &
Hertel, Timothy J
41976 NW Wilkes ST
Banks, OR 97106

Stone, Jacky J &
Stone, Therese L
42010 NW Wilkes ST
Banks, OR 97106

Lopez, Vincent A
42030 NW Wilkes ST
Banks, OR 97106

Foster, Carol Trust
42050 NW Wilkes ST
Banks, OR 97106

Banks School Dist #13
13050 NE Main ST
PO Box 38
Banks, OR 97106

Geraci, Lisa
13028 NE Scottston TER
Banks, OR 97106

Zimmerman, John R & Vicki J
13020 NE Scottston TER
Banks, OR 97106

M Gilliam, Katrina
13014 NE Scottston TER
Banks, OR 97106

Nieland, William G
12994 Maplecrest Way
Banks, OR 97106

Schillereff, Jason
PO Box 425
Banks, OR 97106

Reichen, Ronald F & Penny L
9025 NW Old Cornelius Pass Rd
Hillsboro, OR 97124

Rossman, Jason T &
Mauricio, Marveli
12958 Maplecrest Way
Banks, OR 97106

McAllister, Jeffrey D
12946 Maplecrest Way
Banks, OR 97106

Fuhrman, Eric &
Furhman, Melisse:ther Martin
12934 Maplecrest Way
Banks, OR 97106

Harrison, Nicholas R & Tiffa
12898 Maplecrest Way
Banks, OR 97106

Hall, Brad R &
Hall, Angela M
350 NW Wildwood ST
Hillsboro, OR 97124

Van Dyke Family Land LLC
12415 NE 36th PL
Bellevue, WA 98005

Derrick, Ronald L & Janet M
5485 NE Osprey PL
Portland, OR 97229

Rosa, Lawrence K &
Rosa, Michelle V
12886 Maplecrest Way
Banks, OR 97106

Tran, Luong
12850 Maplecrest Way
Banks, OR 97106

Aerts, Jean M
12910 Maplecrest Way
Banks, OR 97106

Weber, Jeffrey E &
Shelly A
12874 Maplecrest Way
Banks, OR 97106

Christy Ridge Farms
38030 Mountaindale Rd
Banks, OR 97106

Annexation Application - Van Dyke Family Farm Land

Appendix B - Washington County Certifications

Van Dyke Family Land, LLC
12415 NE 36th PL
Bellevue, WA 98005

February 18, 2014

City of Banks
City Planner
13680 NW Main Street
Banks, OR 97106

RE: Legal Description of Annexation Land

Dear Sir:

Van Dyke Family Land LLC has requested that Tax Lot 2N3310000600 account R800137 be annexed into the City of Banks. This letter contains a legal description of the annexation land and Quarter Section map as required by Ordinance 102500 section 3.A.

The Washington County Cartography Division has supplied a legal description of the portion of tax lot 2N3310000600 that has not yet been annexed into the City of Banks. That legal description is attached.

Thank you for your attention to this matter.

Sincerely,



Clifford P. Van Dyke
Member Manager

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 2N 3 31) has been checked by myself, and it is a true and exact description of the property in Washington County under consideration. The description corresponds to the attached map indicating the property in Washington County under consideration.

NAME TEJ FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

DATE 2/21/14

ANNEXATION CERTIFIED

BY TF

FEB 21 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY

Legal Description for annexation to the City of Banks

Beginning at the SE corner of the NW 1/4 of Section 31, T2N, R3W, W.M. and running thence North 19.80 chains to a stone; thence West 1169 feet to the most Southerly NE corner of the property described in Book 550, Page 486, Washington County Records; thence S 15° 50' E along the southeast line of said property to The City of Banks boundary; thence along City boundary S 32° 18' E to the East/West centerline of section 31; thence East along said line to the place of beginning.

ANNEXATION CERTIFIED

BY VF

FEB 21 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY

8127

REAL PROPERTY PURCHASE CONTRACT

This Real Property Purchase Contract executed in duplicate, between VICTOR E. WICKSTROM and GORDON GIRARD, a co-partnership, dba BANKS LUMBER CO., hereinafter called the Seller, and VERNONIA, SOUTH PARK & SUNSET STEAM RAILROAD, INC., a non-profit Oregon corporation, hereinafter called Purchaser.

WITNESSETH

In consideration of the promises herein contained seller agrees to sell and purchaser agrees to buy the the following described real property situate in the County of Washington, State of Oregon:

Beginning at the southeast corner of the northwest quarter of Section 31, Township 2 North, Range 3 West of the Willamette Meridian, in Washington County, Oregon and running thence north 19.80 chains to a stone; thence west on the north line of that tract conveyed to Cyril VanDyke, et ux, by deed in deed book 305, page 563, a distance of 1169 feet to the center of the ditch, the TRUE PLACE OF BEGINNING; thence continuing north 89° 49' west a distance of 94 feet to a point which was marked by a stone corner on a survey of October, 1923; thence north 01° 20' west a distance of 1007.3 feet along a line which is the easterly line of the property now owned by seller to a point; thence north 88° 17' west along the northerly line of the property now owned by seller a distance of 40 feet to a point; thence south 01° 20' east a distance of 895.7 feet to a point; thence south 28° 51' west 124 feet to a point; thence south 07° 50' west a distance of 234.8 feet to a point in the northeasterly line of the right of way of the SP&S Rwy; thence southeasterly along said right of way south 32° 18' east a distance of 208.2 feet to a point; thence in a line north 15° 50' east 420.4 feet to the PLACE OF BEGINNING.

Together with an EASEMENT for vehicles and foot access purposes over that portion of the seller's land which forms a triangle described as follows: The course and distance in the above description reading south 07° 50' west a distance of 234.8 feet, and a line from the beginning point of said course running north 88° 49' west a distance of 182.5 feet, and the right of way of the SP&S Rwy.

SUBJECT TO AN EASEMENT 20 feet wide described in deed dated April 13, 1961 and recorded May 4, 1961 in deed book 443, page 693; in favor of property lying EASTERLY of the above described premises. SELLERS retain an EASEMENT over and across the north forty (40) feet of the property herein sold; area of easement 40' by 40'; all comprising 2.29 acres for the sum of \$2,290, \$200 on account of which receipt is hereby acknowledged, and a balance of \$2,090 to be paid to the order of the seller together with interest at the rate of 6% per year from the date hereof as follows:

Page 1
AFTER RECORDING RETURN TO: Bartlett F. Cole, 1125 Failing Building, Portland, Ore.

BOOK 550 PAGE 486

8127
APR 28 1965

Van Dyke Family Land, LLC
12415 NE 36th PL
Bellevue, WA 98005

February 18, 2014

City of Banks
City Planner
13680 NW Main Street
Banks, OR 97106

RE: Certification of Property Ownership

Dear Sir:

Van Dyke Family Land LLC has requested that Tax Lot 2N3310000600 account R800137 be annexed into the City of Banks. This letter certifies that the property is owned by Van Dyke Family Land LLC at the above named address..

Thank you for your attention to this matter.

Sincerely,



Clifford P. Van Dyke
Member Manager

ANNEXATION CERTIFIED

BY TF

FEB 21 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY

CERTIFICATION OF PROPERTY OWNERSHIP OF

AT LEAST ONE-HALF LAND AREA

(DOUBLE MAJORITY METHOD)

I hereby certify that the attached description for a proposed boundary change involving the territory described in the petition contains the names of the owners* of at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll for Washington County.

ANNEXATION CERTIFIED

BY TF

FEB 21 2014

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

NAME TED FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

DATE 2/21/14

* "Owner" means any person shown as the owner of land on the last available assessment roll; however, where such person no longer holds the title to the property, then the term means any person entitled to be shown as owner of the land on the next assessment roll; or, where land is subject to a written agreement of sale, the term means any person shown in the agreement as purchaser to the exclusion of the seller; and the term includes any public agency owning land.

Van Dyke Family Land, LLC
12415 NE 36th PL
Bellevue, WA 98005

February 18, 2014

City of Banks
City Planner
13680 NW Main Street
Banks, OR 97106

RE: Certification of Registered Voters

Dear Sir:

Van Dyke Family Land LLC has requested that Tax Lot 2N3310000600 account R800137 be annexed into the City of Banks. This letter certifies that there are Zero (0) registered voters for this Tax Lot.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cliff P. Van Dyke".

Clifford P. Van Dyke
Member Manager

CERTIFICATION OF REGISTERED VOTERS

(DOUBLE MAJORITY METHOD)

I hereby certify that the attached petition for annexation of territory described herein to the City of Banks contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME JOHN MONTOYA

TITLE AD MIN II

WASHINGTON COUNTY,
DEPARTMENT A&I / ELECTIONS

DATE 2/20/14



**CERTIFICATION OF REGISTERED VOTERS
FOR ANNEXATION PURPOSES***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Banks contains, as of the date listed, the following information:

*No petition submitted

- 0 Number of signatures of individuals on petition.
- 0 Number of active **registered voters** within the territory to be annexed.
- 0 Number of **VALID signatures of active registered voters** within the territory to be annexed, on the petition.

Tax lot number(s): 2n331-600 _____

DIVISION: ELECTIONS
COUNTY: WASHINGTON
DATE: February 20, 2014
NAME: John Montoya
TITLE: Administrative Specialist II



(Signature of Election Official)



*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev4-043009

Annexation Application - Van Dyke Family Farm Land

Appendix C - Maps of the Area

This appendix contains a map of the annexed area and adjacent city territory. The area dashed line indicates the boundary of Tax Lot 2N3310000600. The shaded area within the dashed lines is already within the city limits of the City of Banks.

This map was taken from the Washington County Intermap website.



Figure 1 - Map of Area

Annexation Application - Van Dyke Family Farm Land

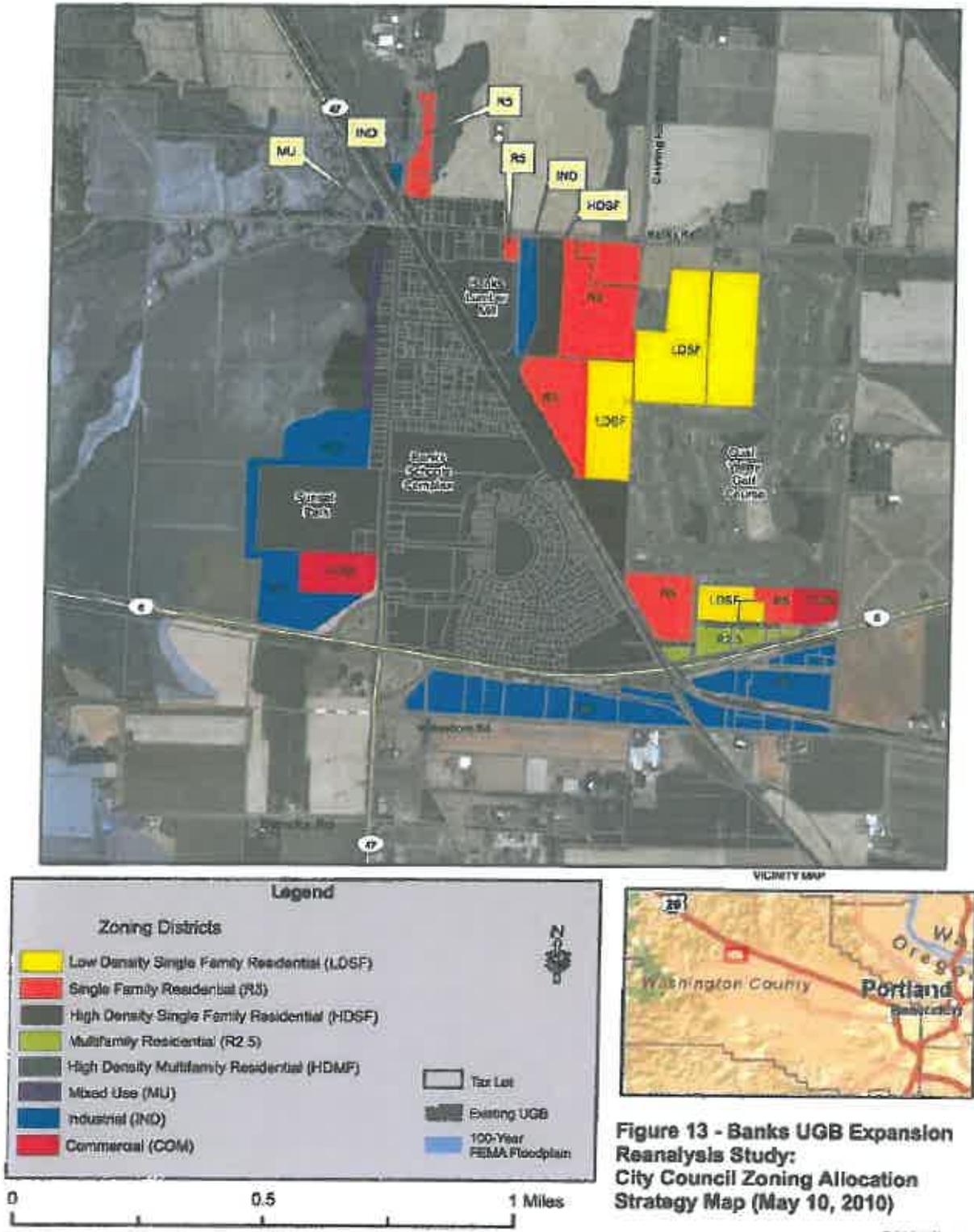


Figure 2 - Zoning from Banks UGB Study

Annexation Application - Van Dyke Family Farm Land

FIGURE 5: CONCEPTUAL UGB EXPANSION AREA ROADWAY CIRCULATION USED FOR TRIP GENERATION ESTIMATION

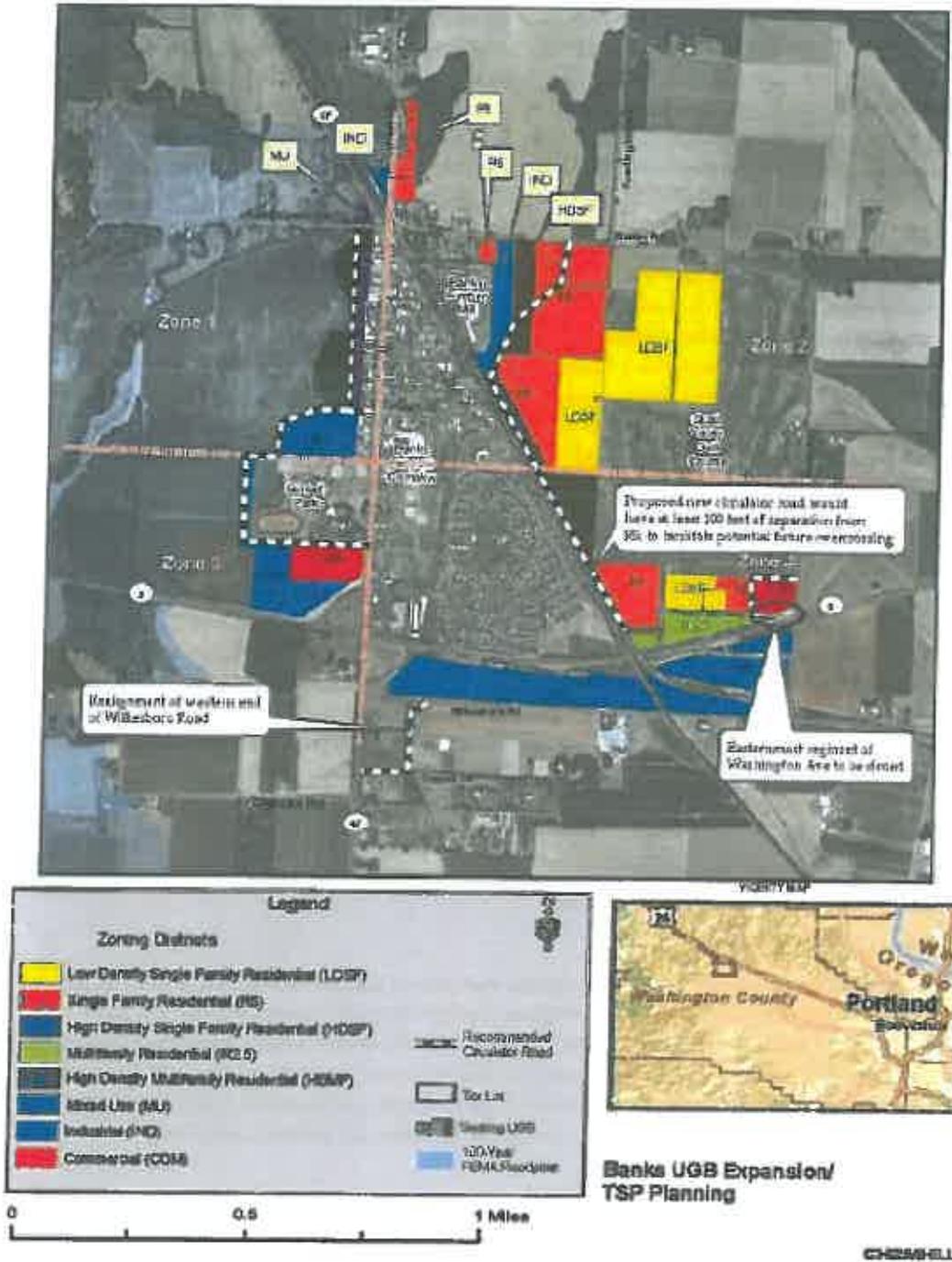
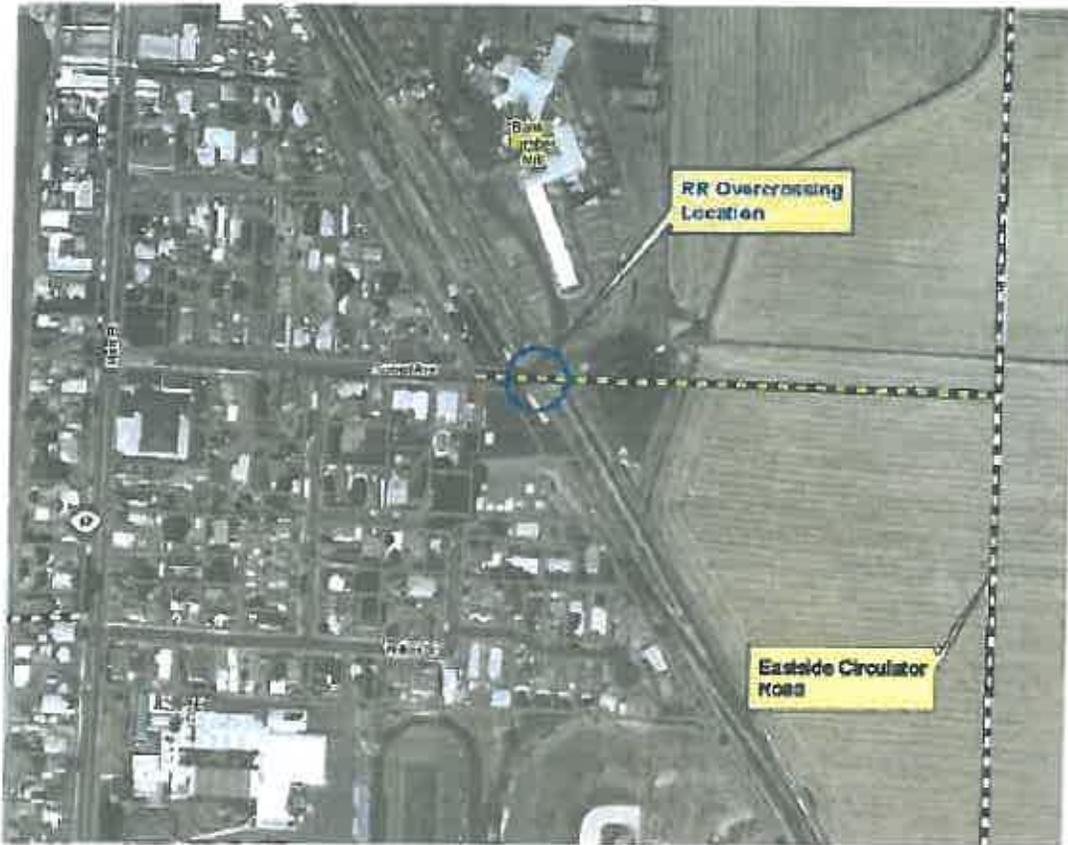


Figure 3 - Transportation System Plan Circulator Road

Annexation Application - Van Dyke Family Farm Land

FIGURE 12: CONCEPT #3B - LOCATION OF RR OVERCROSSING FROM SUNSET AVENUE TO EASTSIDE



42

BANKS TRANSPORTATION SYSTEM PLAN
October, 2010

Figure 4 - Transportation System Plan - Railroad Crossing

Annexation Application - Van Dyke Family Farm Land



Figure 5 - Clean Water Services - Storm Map 1787

Annexation Application - Van Dyke Family Farm Land



Figure 6 - Clean Water Services - Sanitary Map 1787

EXHIBIT B

INBOX: FW: Van Dyke Annexation - CWS (32 of 2503)  

[Move](#) | [Copy](#)

[Delete](#) | [Reply](#) | [Reply to All](#) | [Forward](#) | [Redirect](#) | [Message Source](#) | [Save](#) | [Back to INBOX](#) 
 [as](#) | [Print](#) 

Date: Thu, 26 Jun 2014 22:51:07 +0000

From: "Michael Cerbone (Portland)" <Michael.Cerbone@cardno.com>

To: "stacey@siegelplanning.com" <stacey@siegelplanning.com>

Cc: "Cliff VanDyke' (cliffvandyke@gmail.com)" <cliffvandyke@gmail.com>, "Laurie Harris (HarrisL@CleanWaterServices.org)" <HarrisL@CleanWaterServices.org>

Subject: FW: Van Dyke Annexation - CWS

 1.2 [unnamed](#) text/html 18.65 KB 

Stacy,

See the response below from CWS, I assume this will be OK for the annexation. Let me know if you need more detail or something else.

MC

Michael Cerbone, AICP

Project Manager

CARDNO

From: Laurie Harris [mailto:HarrisL@CleanWaterServices.org]

Sent: Wednesday, June 25, 2014 3:22 PM

To: Michael Cerbone (Portland)

Subject: RE: Van Dyke Annexation

Hello Michael,

Thanks for the reminder. Do you need the form completed? This form is for use by Washington County and it's meant more for specific development proposals rather than annexation requests.

With regard to service availability I can tell you the following:

1. Clean Water Services is the sanitary sewer and storm conveyance provider for the area.
2. The subject properties will need to be annexed into Clean Water Services' service area

upon annexation to the City of Banks,

3. Public sanitary sewer and storm conveyance systems exist within the current city limits,
4. Extension of public sanitary sewer and public storm conveyance will be required in order to serve the proposed annexation area,
5. Per the Urban Grown Boundary Expansion Justification Technical Report (October 2010) the City of Banks found that the "UGB expansion areas can be efficiently served with sanitary sewer and storm conveyance," and
6. Proposals for future development will require service availability letters that will indicate whether conveyance improvements need to be made in order for the proposed development to comply with Clean Water Services' Design and Construction Standards.

Let me know if this e-mail is sufficient for your annexation packet.

Sincerely,

Laurie Harris

Development Services

Plan Review

Clean Water Services
2550 Southwest Hillsboro Highway
Hillsboro, Oregon 97123
ph: (503) 681-3639
fax: (503) 681-4439

harrisl@cleanwaterservices.org

www.cleanwaterservices.org

From: Michael Cerbone (Portland) [<mailto:Michael.Cerbone@cardno.com>]
Sent: Tuesday, June 24, 2014 10:08 AM
To: Laurie Harris
Subject: Van Dyke Annexation

Laurie,

Can you please help me out with this SPL for annexation to Banks?

Let me know if there are questions.

MC

Michael Cerbone, AICP

Project Manager

CARDNO

Phone (+1) 503-419-2500 Fax (+1) 503-419-2600 Direct (+1) 503-419-2585 Mobile (+1) 503-730-8618

Address 5415 SW Westgate Drive, Suite 100 Portland, OR 97221

Email michael.cerbone@cardno.com Web www.cardno.com

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WASHINGTON COUNTY
 Dept. of Land Use & Transportation
 Planning and Development Services Division
 Current Planning Section
 155 N. 1st Avenue, #350-13
 Hillsboro, OR 97124
 Ph. (503) 846-8761 Fax (503) 846-2908
 http://www.co.washington.or.us

Request For Statement Of Service Availability (Service Provider Letter)

- WATER DISTRICT: _____
- FIRE DISTRICT: Banks Fire District #13
- CITY OF: _____
- CLEAN WATER SERVICES (Sanitary Sewer)

Additionally, you'll need our separate, individual request forms titled:

- ◆ Clean Water Services (Surface Water Mgmt.)
- ◆ Tri-Met
- ◆ School
- ◆ Sheriff / Police
- ◆ Tualatin Hills Park & Recreation District

PROPOSED PROJECT NAME: Van Dyke Family Farm

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)

No development is proposed at this time, the applicant is requesting approval of an annexation only

EXISTING USE: Family Farm

PROPOSED USE: Residential

IF RESIDENTIAL: 190

IF INDUSTRIAL/COMMERCIAL: _____

IF INSTITUTIONAL: _____

NO. OF DWELLING UNITS: _____
 SINGLE FAM. 190 MULTI-FAM. _____

TYPE OF USE: _____
 NO. OF SQ. FT. (GROSS FLOOR AREA) _____

NO. SQ. FT. _____
 NO. STUDENTS/EMPLOYEES/MEMBERS: _____

*******ATTENTION SERVICE PROVIDER*******

- PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).
- RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.
- (Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)
 Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

The land is in the Banks Fire District. We will need to review all plans before anything is built.

SIGNATURE: [Signature] POSITION: Captain DATE: 6/10/14

SERVICE LEVEL IS INADEQUATE TO SERVICE THE PROPOSED PROJECT.
 Please indicate why the service level is inadequate.

PRE-APPLICATION DATE: _____

Service Provider: PLEASE RETURN THIS FORM TO: APPLICANT:

COMPANY: Cardno
 CONTACT: Michael Cerbone
 ADDRESS: 5415 SW Westgate Drive
Portland, Oregon 97221
 PHONE: 503 419 2500

OWNER(S):

NAME: Van Dyke Family Farm, LLC

ADDRESS: 12415 NE 36th Place
Bellevue, WA 98005

PHONE: _____

Property Desc.: Tax Map(s): 2n331 Lot Number(s): 600

Site Size: 27.5 acres

Site Address: _____

Nearest cross street (or directions to site):
Aerts and Washington

SIGNATURE: _____ POSITION: _____ DATE: _____



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**Request For Statement Of Service
 Availability (Service Provider Letter)**

- WATER DISTRICT: _____
- FIRE DISTRICT: _____
- CITY OF: Banks
- CLEAN WATER SERVICES (Sanitary Sewer)

Additionally, you'll need our separate, individual request forms titled:

- ◆ Clean Water Services (Surface Water Mgmt.)
- ◆ Tri-Met
- ◆ School
- ◆ Sheriff / Police
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PROPOSED USE: Residential

IF RESIDENTIAL: 190

IF INDUSTRIAL/COMMERCIAL:

IF INSTITUTIONAL:

NO. OF DWELLING UNITS: _____

TYPE OF USE: _____

NO. SQ. FT. _____

SINGLE FAM. 190

MULTI-FAM. _____

NO. OF SQ. FT. (GROSS FLOOR AREA) _____

NO. STUDENTS/EMPLOYEES/MEMBERS: _____

******* ATTENTION SERVICE PROVIDER *******

PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).

RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.

(Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS **ADEQUATE** TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)
 Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: Brian Hunter POSITION: Superintendent DATE: 6/09/14

SERVICE LEVEL IS **INADEQUATE** TO SERVICE THE PROPOSED PROJECT.
 Please indicate why the service level is inadequate.

SIGNATURE: _____ POSITION: _____ DATE: _____

PRE-APPLICATION DATE: _____

Service Provider: **PLEASE RETURN THIS FORM TO:
 APPLICANT:**

COMPANY: Cardno

CONTACT: Michael Cerbone

ADDRESS: 5415 SW Westgate Drive

Portland, Oregon 97221

PHONE: 503 419 2500

OWNER(S):

NAME: Van Dyke Family Farm, LLC

ADDRESS: 12415 NE 36th Place

Bellevue, WA 98005

PHONE: _____

Property Desc.: Tax Map(s):

Lot Number(s):

2n331

600

Site Size: 27.5 acres

Site Address: _____

Nearest cross street (or directions to site):

Aerts and Washington

15 July 2014

Memorandum

To: Stacey Goldstein, Siegel Planning Services, LLC

From: Rob Peacock, PE
Gordon Munro, PE

Subject: Van Dyke Family Farm Land Annexation Application
City of Banks, Oregon
K/J 0791015.00

We reviewed the Annexation Application for the Van Dyke Family Farm Land Annexation for consideration of services provided by the City of Banks, and have the following comments. Note that sanitary sewer and storm water services are provided by Clean Water Services (CWS) and they should provide comment on these services. However, we have provided comments as well which would be superseded by anything that CWS indicates.

Sanitary Sewer

Sanitary sewer exists within the current city limits, and can be extended to the area proposed for annexation. Consult with Clean Water Services, the provider of sanitary sewer services for the City of Banks, for more detailed comments.

Stormwater

Stormwater treatment, detention, and conveyance can be accomplished on the area proposed for annexation. Consult with Clean Water Services, the provider of stormwater services for the City of Banks, for more detailed comments.

Water Service

The water system is sufficient to support the proposed annexation. There is sufficient water source and supply to provide service to the proposed annexation. The City has plans to acquire additional water supply as growth requires. The water distribution system within the current city limits can be extended to the area proposed for annexation and provide sufficient potable water service. The potable water system extension would need to be looped and connected to the City system in at least two locations. This would occur with an actual development in the future.

Streets

The transportation system is sufficient to support the proposed annexation. The proposed annexation will require construction of new streets to access the area. The Banks Transportation System Plan suggests a railroad crossing in the area of the proposed annexation to access town west of the site. Existing streets required to access the site may require improvements, and streets may be required to be extended, which would occur with an actual development in the future.