

# NARRATIVE & COMPLIANCE REPORT

## Sunset View at West Banks: Master Planned Development and Subdivision

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#### A COPY OF APPLICATION FORMS

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D PRELIMINARY PLAN SET  
E NEIGHBORHOOD MEETING MATERIALS  
F DRAFT CC&Rs  
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## I. PROPOSAL SUMMARY

### General Information

Property Owner:	Wolverine Financial, LLC 6770 SW Canyon Dr. Portland, OR 97225 Contact: Robert Bobosky
Property Owner:	Lone Oak land and Investment Company, LLC 34059 NW Mountaindale Rd. North Plains, OR 97133 Contact: Marty Cropp
Applicant:	David Weekley Homes 1905 NW 169 <sup>th</sup> Place, Suite 102 Beaverton, OR 97006 (503) 516-5078 Contact: Max Bondar, Land Development Manager Dave Cady, Land Development Manager
Applicant's Representative:	Pacific Community Design, Inc. 12564 SW Main Street Tigard, OR 97223 (503) 941-9484 Contacts: Stacy Connery, AICP Patrick Espinosa, PE
Site Location:	42580 NW Cedar Canyon Rd, Banks OR 97106 13203 NW Main St, Banks OR 97106
Map and Tax Lot:	2N4360000600, 2N331BC05200

Existing Comprehensive Plan Designation:	MDR-High, HDR, MU, I
Existing Zone:	City - MDR - Low & Washington County Zone Future Development 10 (FD-10)
Proposed Comprehensive Plan Designation:	MDR-Low, HDR, MU, I
Proposed Zones:	MDR-Low, HDR, MU, I
Request (Itemized applications):	Comprehensive Plan Amendment Zoning Map Amendment, 2 Minor Lot Partitions, Master Planned Development (Concept Plan + Detailed Development Plan), Variances, Subdivision, Site Design Review, Floodplain review

## Request

The applicant requests approval of a residential Master Planned Development (both Conceptual Plan Review and Detailed Plan Review) and associated Subdivision Preliminary Plat. Prior to this application, the applicant separately submitted a Property Line Adjustment for the subject site. Included with this application are two Minor Partitions, Variances, Site Design Review, Floodplain review, and a Comprehensive Plan and Zone Map amendment applications.

Preliminary plans (See Exhibit D) are attached to illustrate the proposed development. The proposed plat name is “West Banks”, and the development will be marketed as Sunset View. Due to the differing plat and community name, the development will be referred to as “Sunset View at West Banks” in this narrative. This narrative and the attached exhibits demonstrate compliance with the applicable criteria of the City of Banks Zoning Code and Land Division Regulations.

## Site Description

The development site in total is 30.2 acres and consists of tax lots 2N4360000600 and 2N331BC05200. The site is located within the City of Banks, and generally located 160 feet west of NW Main St, with the eastern boundary of the site abutting a single row of properties consisting of residential and commercial businesses along NW Main St, and the western boundary is directly adjacent to the Green Banks Wetland mitigation bank which is currently under construction. The northern boundary of the site ends at NW Cedar Canyon Rd, and to the south is directly adjacent to the privately owned Sunset Park. The site’s topography slopes in

a westerly direction towards the off-site wetlands which drain to West Fork Dairy Creek. There are two existing single-family residences and associated farm use structures on the property which will be removed to accommodate the development.

The site's existing zoning is Medium Density Residential- Low and Future Development 10 (FD-10), a County Designation which operates as a holding zone before a land use application is submitted to amend to City zoning. The land that will be Master Planned and subdivided for this development is approximately 19.26 acres and is proposed to be zoned Medium Density Residential- Low, High Density Residential, Mixed Use, and excludes the Industrial zoned area.

### Surrounding Area

The following tables identify land uses, utilities, and transportation facilities within the subject property's surrounding area.

*Table 1: Surrounding Land Use*

Direction	Land Use Classification	Current Use
North	FD-10	Across from NW Cedar Canyon Rd- 2 single-family residences and an Automotive Repair shop with associated outbuildings
East	NE: Commercial SE: MDR-L	Restaurants, auto body shop, veterinary clinic, single-family residences, roofing company, building company
South	Community Facilities	Privately owned recreational park- playground, baseball field, community hall, racetrack
West	EFU	Green Banks Wetland Mitigation Bank

*Table 2: Existing Utilities*

Utility	Service Provider	Size	Location
Water	City of Banks	8" 14"	8" water main lines along NW Cedar Canyon Rd, 14" water main line down HWY 47
Sanitary Sewer	Clean Water Services	15"	15" sewer line and pump station are located adjacent to the NW property boundary line
Storm Drainage	Clean Water Services	--	2 CWS storm pipes cross the property and outlet to Dairy Creek

Table 3: Transportation

Street Classification	Existing ROW	Travel Lanes	Bike Lanes	Sidewalks
NW Wilkes St (Local)	40'	2	No	Yes, both directions
NW Cedar Canyon (County Collector)	50'	2	No	No
Highway 47 (ODOT Arterial)	60'	2	No	Yes, both directions

### Project Goals

- Provide diverse, fee-simple housing choices to meet a variety of market needs within the City of Banks.
- Provide density and housing types compatible with the site's location at the edge of the City's UGB and next to existing commercial and single detached home development (Note: David Weekley Homes will propose use of the MDR-L zone in a portion of the site to facilitate greater compatibility with surrounding land uses).
- Meet minimum density requirements through provision of housing types that are compatible with the surrounding existing development patterns.
- Provide infrastructure and circulation connections that serve the proposed development and provide necessary connections with existing and planned facilities.
- Provide park and trail amenities that enhance the livability of the proposed neighborhood and surrounding existing development.
- Provide a functional and efficient lot layout that makes the best use of the unusual location and configuration of the property.

### Project Description

Sunset View at West Banks is a proposed residential neighborhood that would provide 83 single-family detached homes, and 61 single-family attached homes. All detached homes will be front loaded, and the attached homes will either be rear or front loaded, some of which will be served by shared private alleys to add frontage variety and promote a cohesive street network to the overall site layout. The proposed development would provide connectivity from NW Cedar Canyon Rd to NW Main St through an improved intersection at NW Cedar Canyon Rd and a new collector that would run North/South through the development and connect to a new intersection at NW Main St, as an extension of NW Wilkes St. Pedestrian and bicycle facilities are included at these intersections and continue along the North/South collector. A multi-modal trail is also proposed for the western boundary of the site, which would provide connection to the regional Banks-Vernonia trail northeast of the development and to the future Council Creek trail south of the site.

This trail corridor contributes to the 3.6 acres of common open space for the proposed development, and in addition to the trail, the development will also have a neighborhood park.

The neighborhood park will be dedicated to the City and will include active recreation facilities such as a nature play area, open field, dog park, combination pickle ball/ basketball court, swings, and cornhole. The passive recreation opportunities included are chess and checkers tables, benches, picnic tables large enough for parties of 5-10 people, and an amphitheater with sheltered stage area. The amphitheater will face the adjacent wetlands providing views and a community gathering space. The trail will connect to the park and have amenities such as benches, viewing overlooks, and educational placards about the wetlands. It will also include the site's stormwater management system planters which will treat and discharge the water collected from the site out to the adjacent mitigation bank.

The location of this site would allow the development to be integrated with adjacent natural resources as well as with the local Main St, which acts as the central hub for the City's activities. Though both of these features lend themselves to creating a unique character for this proposed neighborhood, they present constraints to the intended project goals of providing a variety of housing and park amenities, while meeting the required minimum density.

Therefore, in order to facilitate the proposed amenities and street network, the applicant is requesting amendments to the Comprehensive Plan map that will result in zoning with a more achievable minimum density, as well as a Zone map amendment to remove the FD-10 County zoning and replace with City zones Medium Density Residential- Low, High Density Residential, Mixed-Use and Industrial. Additionally, the applicant is requesting variances on Engineering Design Standards to implement street improvements required by the 2023 Banks Transportation System Plan, as well as a variance on Residential Building design to offer a home product that suits the needs of the proposed neighborhood and future residents. Along with the above amendments and variance, the applicant is requesting a Master Planned Development review to modify residential dimensional standards to lot area, lot width and street and side yard setbacks to better fit home products within the site. Full buildout of the site is expected to occur by 2030, and a phasing schedule can be found in Section III of this report, and phase lines can be found on the site plan on Sheets 8.1 and 8.2 in Exhibit D. This timing was approved through the Development Agreement that was entered into with the City, included here as Exhibit C.

### Master Planned Development Request Summary

The applicant is applying for a consolidated Master Planned Development, Subdivision, two Minor Partitions, Comprehensive Plan and Zone Map amendment, variances, and site design review. Through the Master Planned development process, the applicant is requesting minor modifications to certain standards of the zoning code to achieve the required minimum density of the site and incorporate the required street and park improvements. The requested modifications are summarized as follows:

*Table 4: Modified Standards*

Standard	Requested Modifications
§151.037 Table 2.2-B	Development Standards for Residential Zones: The applicant is requesting adjustments to lot width and setback dimensional development standards. <i>Table 7: Dimensional Standards Modifications</i> of this report provides a comparison of the lot width and setback standards required by Code to the proposed master planned development.

§ 151.205(3)	The applicant is requesting a Vision Clearance Waiver on certain street corners within the proposed development. See Section VI of this report for details.
§ 151.126	The applicant is requesting a variance to allow 2-car front-loaded townhome garages which exceed the allowable width and approach. This is detailed within the report in Section V. Adjustments and Variances.
§ 151.323	The applicant is requesting a variance for modifications to the Public Works Engineering Standards street cross sections. <i>See Table 6: Street Design Variance</i> for details of the request.
2.20.11(G) & 2.20.11(G)*	The applicant is requesting a variance to Public Works Design Standards on minimum driveway spacing for intersections and adjacent driveways as well as allowing driveway aprons to be constructed in certain curb returns. See Section V. Adjustments and Variances for details of the request.
§ 152.052(E)	The applicant is requesting a variance of allowable centerline tangent adjacent to collector intersections. See Section V. Adjustments and Variances for details of the request.

## II. COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT COMPLIANCE WITH THE CITY OF BANKS MUNICIPAL CODE

### TITLE XV: LAND USAGE

#### APPLICATIONS AND REVIEW PROCEDURES

##### § 151.234 TYPE IV (LEGISLATIVE DECISIONS).

(A) *Timing of requests.* The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time, including zone changes required when property is annexed to the City of Banks. Legislative requests are not subject to the 120-day review period under O.R.S. 227.178.

(B) *Application requirements.*

- (1) *Application forms.* Legislative applications shall be made on forms provided by the City Planning Official.
- (2) *Submittal information.* The application shall contain all of the following information:
  - (a) The information requested on the application form;
  - (b) A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
  - (c) The required fee, except when the City of Banks initiates the request; and
  - (d) One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and
  - (e) Evidence of neighborhood contact, pursuant to § 151.236.

**Response:** The applicant is applying for Comprehensive Plan amendment and Zone map amendment, which is a Type IV procedure. Included in this submittal is the required application form, Exhibit A, this narrative which addresses approval criteria, and maps that detail the

amendment, Exhibit D Sheet 3. The applicant is required to provide notice for residents within 300 feet of the subject site for which the amendments are requested. Mailing labels were included with this submittal for the City to send notice within the required timeframe before the public hearing. As this Comprehensive Plan and Zone Map amendment are being applied for concurrently with a Master Planned Development and Subdivision proposal, a neighborhood meeting was held on October 26<sup>th</sup>, 2023 to allow preliminary feedback from the community. Evidence of neighborhood contact is included as Exhibit E. The required fee will be paid at time of submittal.

**AMENDMENTS TO COMPREHENSIVE PLAN MAP, ZONING MAP OR CODE**

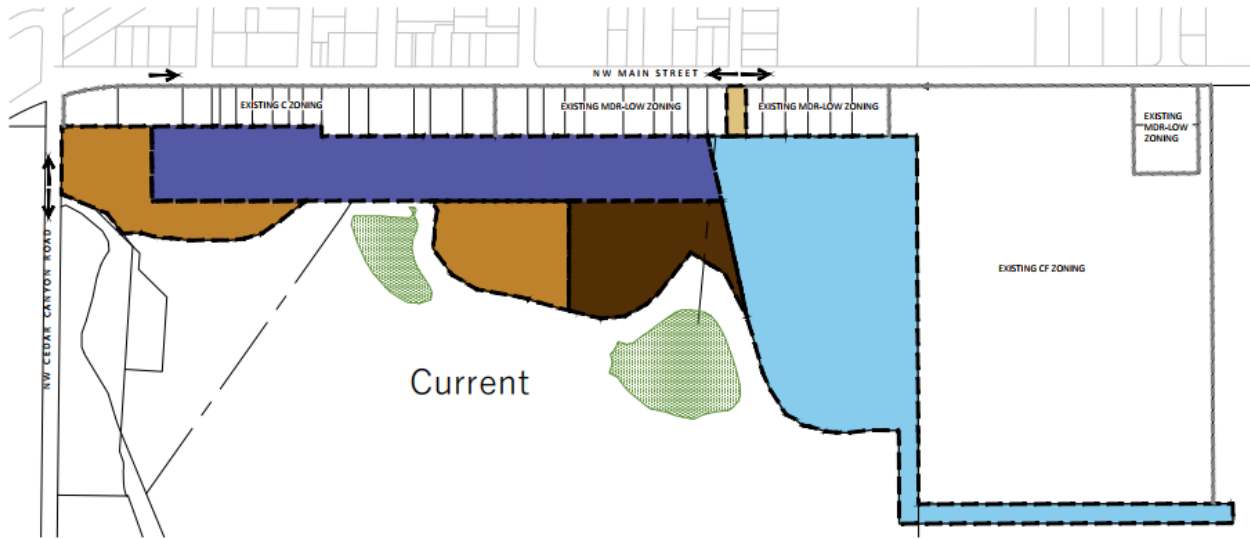
**§ 151.300 PURPOSE**

The purpose of this subchapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.






**Response:** This application is for a proposed amendment to the Comprehensive Plan and Zoning map to alter the zoning designations of Tax Lot 2N4360000600, see Exhibit D Sheet 3. The property is currently zoned FD-10, a County holding zone designation used after land is annexed into a City before it receives official City zoning. This application proposes to zone Tax lot 2N4360000600 as Medium Density- Low, High Density Residential, Mixed Use and Industrial which closely correspond with the existing Comprehensive Plan map designations of the property. The amendments to the Comprehensive Plan include replacing the area currently designated Medium Density- High to Medium Density- Low, transferring one acre of land currently designated Medium Density- High to Industrial, and transferring two acres of land currently designated Industrial to be distributed to High Density Residential and Mixed Use. The proposed Comprehensive Plan and Zone Map amendments would facilitate a proposed Master Planned development that would provide 144 single-family attached and detached homes, and a one-acre Water Treatment Facility to be conveyed to the City. The applicant will follow the standards and procedures that this subchapter requires.

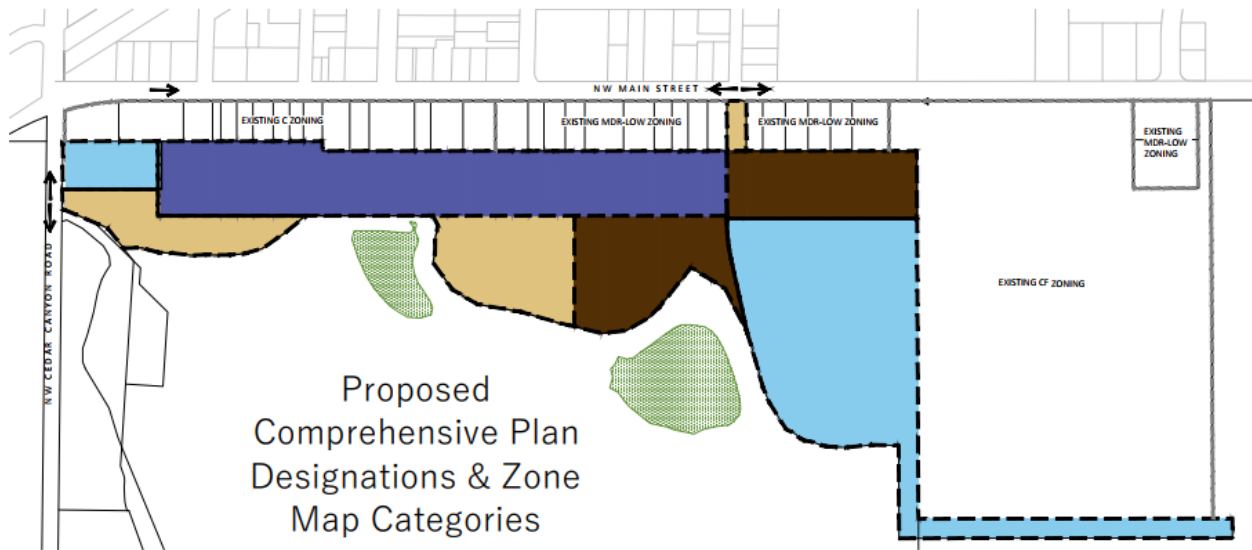
*Table 5: Current and Proposed Zoning*

City Comprehensive Plan Designation	Current designated acreage	Proposed acreage
MDR-High	5.50	0
MDR-Low	0.21	4.94
HDR	3.28	5.98
MU	8.34	8.36
Industrial	12.96	11.01
Total	30.29	30.29



Legend - Current Comprehensive Plan

	MDR-LOW	0.21 AC
	MDR-HIGH	5.50 AC
	HDR	3.28 AC
	MU	8.34 AC
	I	12.96 AC
<b>TOTAL SITE AREA:</b>		<b>30.29 AC</b>



Legend - Proposed Comprehensive Plan & Zone Map

	MDR-LOW	4.94 AC
	HDR	5.98 AC
	MU	8.36 AC
	I	11.01 AC
<b>TOTAL SITE AREA:</b>		<b>30.29 AC</b>

**§ 151.301 AUTHORIZATION TO INITIATE AND APPROVE AMENDMENTS.**

An amendment to the Comprehensive Plan text or map, and/or to the text or zoning map of this title may be initiated by the City Council, by the Planning Commission, or by application of a property owner or their authorized agent.

**Response:** This application is being initiated by the purchaser/ developer of the subject site.

**§ 151.302 PROCEDURE.**

(C) Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are legislative (Type IV) actions.

**Response:** This consolidated application includes a proposed Zone Map amendment that also requires corresponding Comprehensive Plan amendments therefore the application will be processed as a legislative Type IV action.

**§ 151.303 CRITERIA.**

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Zoning Code, or Comprehensive Plan shall be based on all of the following criteria:

- (A) If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

**Response:** The proposed Comprehensive Plan amendment complies with the applicable statewide planning goals and administrative rule requirements, specifically:

**GOAL 1: CITIZEN INVOLVEMENT-** To develop a citizen involvement program that ensures the opportunity for citizens to be involved in the planning process.

**Response:** Goal 1 requires public participation at all levels of land use planning processes. This application for a Type IV decision requires neighborhood contact. A neighborhood meeting was held on October 26<sup>th</sup>, 2023, see Exhibit E which provided the opportunity for the community to give feedback on the preliminary design. Through this application, the City will provide written notice to the Department of Land Conservation and Development, and public notice will be mailed to each affected resident and government agency about the planning application and information on how to provide comments during the required public hearings. Notice will also be published in the City's news outlet. The proposed amendments are in compliance with Goal 1.

**GOAL 2: LAND USE PLANNING-** To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Response:** Goal 2 requires jurisdictions to have a comprehensive land use plan and corresponding implementation regulations. This application for a Comprehensive Plan and Zone Map amendment proposes to amend the City's Comprehensive plan map and Washington County's FD-10 holding zone as it relates to the subject property. The Zoning and Development Code acts as the implementing regulation and the proposed Comprehensive Plan and Zone Map amendment are required to follow the guidelines and criteria set forth within the Code. As the Comprehensive Plan and Zoning Code is being amended, subsequent land use applications must adhere to the proposed Comprehensive Plan and Zone Map amendments. The proposed amendments are in compliance with Goal 2.

**GOAL 9: ECONOMIC DEVELOPMENT-** To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

**Response:** Goal 9, which requires local governments to have a suitable amount of land to provide for economic growth, typically focuses on major industrial, commercial developments and a supply of land ready for local investments. This proposed Comprehensive Plan and Zone Map amendment would lessen the designated industrial area of the subject site by approximately 2 acres. However, this is permitted under OAR 660-009-0010. The 2016 Banks Economic Development Strategic Plan identified the need for industrial sites ranging in size from 0.5 to 5 acres, as well as larger sites that can be divided. The zoned Industrial on the subject site would be 10.92 acres, which is an adequate amount of land to provide either one larger site or be divided to create the desired smaller parcels. This would allow a number of permitted General Industrial uses suitable for this zone, and help the site maintain industrial

opportunities adjacent to NW Main St. Additionally the adjustments in industrial areas result in a public benefit for the City through the provision of one (1) acre of Industrial land to be used by the City as a Water Treatment Facility, which would be an investment in local infrastructure and further development. The proposed amendments are in compliance with Goal 9.

**GOAL 10: HOUSING-** To provide for the housing needs of citizens of the state.

Table 4: City of Banks 2029 Projected New Housing Units by Land Use Type<sup>9</sup>

	LDSF <sup>1</sup>	R5	HDSF <sup>1</sup>	R2.5	HDMF <sup>1</sup>	MU <sup>1</sup>	Other	Total
Single Family Detached Units <sup>10</sup>	284	474	45	0	0	0	0	803
Manufactured Dwelling Park Units	0	36	0	0	0	0	0	36
Single Family Attached Units	0	0	181	0	0	0	0	181
Duplex Units	0	0	0	19	0	0	0	19
Tri-& Quad-plex Units	0	0	0	30	7	0	0	37
5+ Multi-Family Units	0	0	0	37	37	49	0	123
<b>Total Units Needed</b>	<b>284</b>	<b>510</b>	<b>226</b>	<b>86</b>	<b>45</b>	<b>49</b>	<b>0</b>	<b>1,199</b>

<sup>1</sup> Proposed zoning district to be adopted into Banks Zoning Ordinance following adoption of UGB expansion amendment into Banks Comprehensive Plan

Figure 1: (2011) City of Banks RNA 2029

**Response:** Goal 10 requires Cities to inventory and plan to meet and enhance the housing needs of its citizens. The City of Banks expanded their UGB in 2011 and included in their report the 2029 Residential Land Needs Analysis which identified a projected need for 984 New Single Family Detached and Attached Housing Units. This Comprehensive Plan and Zone Map amendment would facilitate the ability to provide 144 single-dwelling units, both attached and detached, which would help the city meet a significant part of its housing goal. The proposed amendments are in compliance with Goal 10.

**GOAL 11: PUBLIC FACILITIES AND SERVICES-** To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**Response:** Goal 11 requires the provision of adequate public facilities within a jurisdiction. This Comprehensive Plan and Zone Map amendment would help facilitate the provision of one

(1) acre of Industrial zoned land to be used by the City as a Water Treatment Facility, which would add to the City's inventory of public facilities. The proposed development resulting from the Comprehensive Plan and Zone map amendment would install public facilities and utilities in accordance with the City Code and regulations in a timely, orderly, and efficient arrangement in coordination with the City. The proposed amendments are in compliance with Goal 11.

**GOAL 12: TRANSPORTATION-** To provide and encourage a safe, convenient, and economic transportation system.

**Response:** In accordance with Goal 12, Banks has a recently updated Transportation System Plan (TSP) from September 2023. The Transportation Planning Rule (TPR) guides what must be addressed with a TSP and subsequent amendments to comprehensive plan and zoning designations. The proposed Comprehensive Plan and Zone Map amendments' compliance with the TPR is addressed later in this chapter. As demonstrated in subsequent sections of this report, the proposed improvements to NW Cedar Canyon Rd and NW Main St, and new North/South Collector, NW Wilkes St extension and local roads comply with Goal 12.

**GOAL 13: ENERGY CONSERVATION-** To consider the effects of Comprehensive planning decisions on energy consumption.

**Response:** Goal 13 emphasizes the importance of how land is utilized within the city for smart and efficient growth that would help conserve the City's energy and resources over time. This Comprehensive Plan and Zone Map amendment propose to alter the zones of the subject property, which is within existing city limits, to allow for a proposed development located adjacent to Main St and its commercial facilities and businesses. This location will help limit the number of local vehicular trips residents would take within the city. Trails and sidewalks within the proposed development that connect to Main St would encourage active alternative transportation options, thereby reducing energy consumption. The proposed amendments comply with Goal 13.

**GOAL 14: URBANIZATION-** To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**Response:** Tax lot 2N4360000600 of the subject properties was brought into the Banks urban growth boundary in 2011 and annexed into the City in 2017, and was planned for both residential and industrial land use. The site is currently zoned as FD-10, a Washington County designation operating as a holding zone prior to a Zone Map amendment application, which is included in this submittal. The proposed zoning is Medium Density Residential-Low, High Density Residential, Mixed use and Industrial, which closely correspond with the existing Comprehensive Plan map designations of the property. The proposed Comprehensive Plan map amendment would transfer approximately two (2) acres of land designated as Industrial over to residential, resulting in 10.97 acres for future industrial use and 19.26 acres for residential use. The amendments facilitate the City's ability to acquire a location for a future water treatment facility, which in turn enables orderly and efficient development of the property for the planned industrial and residential uses. The proposed amendments comply with Goal 14.

- (B) The proposed change is consistent with and supportive of the Comprehensive Plan goals, objectives, and policies (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);

### **City of Banks Comprehensive Plan Goals (1989)**

#### **1. Citizen Involvement**

**Goal:** *To promote a program of citizen involvement which facilitates the flow of information and ideas between the City and its residents, and ensures the opportunity for citizen involvement in the planning process.*

**Objective:** *Employ a variety of methods of informing citizens and obtaining their opinions and attitudes on matters relative to the planning and decision making process (i.e. questionnaires, public hearings, and advisory committees).*

**Policies:**

- 3.** *The development code will provide for citizen involvement opportunities in current planning decisions through notification and public hearing procedures.*

**Response:** *This Comprehensive Plan and Zone Map amendment follows the Goal 1 Citizen Involvement regulations. The applicant is required to provide notice to the residents within 300 feet radius of the subject site for which the amendments are requested. Mailing labels are included with this submittal for the City to send notice within the required timeframe before the public hearing. As this Comprehensive Plan and Zone Map amendment are being applied concurrently with a Master Planned Development and Subdivision proposal, a neighborhood meeting was held on October 26<sup>th</sup>, 2023, to allow feedback from the community. Evidence of neighborhood contact is included as Exhibit E.*

#### **2. Land Use**

**Goal:** *To provide a process and basis for decisions and actions related to the existing and future uses of land, and to ensure the orderly development of the City of Banks.*

**Response:** *This Comprehensive Plan and Zone Map amendment would help facilitate orderly development of a new Master Planned Development which is being applied for concurrently with this application. This would bring a community consisting of single-family attached and detached homes, street improvements, a new neighborhood park, and a regional trail segment. The single-family detached and attached housing provided through this development will meet the current and future housing needs for the City according to the 2029 Residential Land Needs Analysis. The Analysis states a need for 803 single-family detached and 181 single-family attached units. This Comprehensive Plan and Zone Map amendment would enable the provision of 144 new single-family homes (attached and detached) to the City of Banks.*

*Service provider letters from relevant utility and community services are included in this submittal as Exhibits M and N, and demonstrate adequate capacity for required neighborhood services. The collector and existing street improvements included in the Master Planned Development are detailed in the 2023 City of Banks Transportation System Plan. Preliminary plans meeting the requirements of these improvements are included in this submittal as Exhibit D and discussed within this report. Coordination meetings to discuss design elements of the street improvements were held with relevant agencies such as CWS and ODOT to ensure designs follow industry standards and match future planning. The neighborhood park and*

regional trail segment for this Master Planned development are included in the City of Banks 2023 Parks and Recreation Master Plan. The proposed designs for the park and trail are detailed within this report, and preliminary plans are included in the Landscape sheets of Exhibit D. The coordination with relevant agencies, inclusion of necessary and planned infrastructure improvements for the City and agency service provider letters demonstrate the provision of orderly development for the City of Banks.

**Objective:**

- a. *Land uses should be located to take advantage of existing public facility systems and physical features, and to minimize development costs.*

**Response:** This Comprehensive Plan and Zone Map Amendment would facilitate a proposed Master Planned Development located adjacent to NW Main St. The Master Plan proposes to utilize the nearby public facility system by connecting to the City of Banks Water mains, placed at NW Cedar Canyon Rd and NW Wilkes St. A preliminary water plan is included in this submittal as Exhibit D Sheets 11.1 and 11.2 and a service provider letter from the City of Banks Water Department is included in Exhibit N. CWS has sanitary/sewer pipes and pump station at the NW boundary of the site, and stormwater infrastructure crossing the southern portion of the site, see Exhibit D Sheets 12.1 and 12.2. Stormwater from the proposed Master Planned Development/ Subdivision will be treated prior to being released to the adjacent wetland mitigation bank on the western boundary of the site. Stormwater will be piped from the eastern boundary, and filtered into stormwater planters that will collect and treat the water before dispersing to the mitigation bank, which eventually outlets to the nearby West Fork Dairy Creek. See Exhibit D Sheets 13.1 and 13.2 for stormwater details. CWS will be the sanitary/ storm service provider for this development, and a service provider letter is included in this submittal as Exhibit M. Using adjacent infrastructure and physical features in these ways allows the applicant to minimize development cost and impact.

- b. *Land uses should be situated so as to achieve compatibility and to avoid conflicts between adjoining uses.*

**Response:** This Comprehensive Plan and Zone Map amendment would allow the applicant to better achieve compatibility with existing adjacent land uses. The subject site is currently zoned FD-10, a Washington County holding zone designation, and also already has Comprehensive Plan land use designations from the City. This Comprehensive Plan and Zone Map amendment proposes to keep most of these designations, replacing the MDR-H for MDR-L. The proposed development includes only single-family attached/ detached residential units. This would allow the proposed development to be compatible with the adjacent single-family residential on land designated as LDR, and also provide higher density attached housing that is cohesive with the surrounding existing single-family housing.

- c. *Development should occur in a manner which enhances community identity.*

**Response:** The proposed Comprehensive Plan/ Zone Map amendments are proposed to facilitate a Master Planned development that would provide single-family detached housing that fits with the existing residential community, and includes single-family attached housing to allow the city to integrate much needed higher density residential within the community. The proposed development would bring a neighborhood park open to the public and includes amenities such as an open sports field, nature play area for ages 2-12, dog park, combination pickleball/ basketball court, and cornhole, as well as passive recreation amenities like picnic tables, benches, chess/ checkers tables and an amphitheater with sheltered stage area. These amenities would bring more recreational opportunities and community gathering space to the

City and establish a sense of place for the west side of Banks that would be well integrated with the nearby natural resources.

- d. *Opportunities for a variety of land uses should be provided commensurate with population growth and demonstrated need.*

**Response:** This Zoning Map amendment proposes to amend the current FD-10 Washington County holding zone designation to City zoning of Medium Density Residential- Low, High Density Residential, and Mixed Use. The Comprehensive Plan Map amendment proposes to retain 4 land use designations- MDR-L on Tax lot 2N331BC05200, and on Tax Lot 2N4360000600 retain HDR, MU, and I, and replace MDR-H with MDR-L. These land uses facilitate a proposed Master Planned development that includes both single-family attached and detached housing, as well as a public neighborhood park and regional trail segment. The 144 single-family residential units included in this proposal help to meet an identified need for 984 single-family attached and detached housing as noted in the 2029 Banks Residential Needs Analysis. The neighborhood park and regional trail segment are included as future facilities in the City of Banks 2023 Parks and Recreation Master Plan.

**Policies:**

6. *Requests for plan and zoning map amendments must demonstrate compliance with the goals, objectives and policies of the Comprehensive Plan, and with the criteria and procedures in the Development Ordinance.*

**Response:** This narrative report for the Comprehensive Plan and Zone Map amendment, Master Planned Development and associated land use applications demonstrate compliance with the goals, objectives, and policies of the Comprehensive Plan and the criteria and procedures included in the Development Ordinance.

## 5. Open Space, Scenic and Historic Areas, and Natural Resources

**Goal:** *To protect and enhance through proper use and development the open spaces, and scenic and historic areas, and natural resources of the area.*

**Response:** The subject site is not located on a historic area; however it is located next to a wetland mitigation bank and a portion of the western boundary of the site falls within the the 100-year floodplain. Section V of this report addresses the Flood Damage Prevention chapter of the Banks Zoning Code and ensures there would be no discernable impact to the base flood elevation due to the width and size of the floodplain. Furthermore, the proposed Comprehensive Plan and Zone map amendments facilitate creating a Master Planned development that would provide a regional trail and stormwater facilities along the western boundary, minimizing the amount of development that would occur in the floodplain. Having the trail located here will help retain views of the adjacent wetlands and will include educational signage, benches and overlooks. A public park is also proposed to create a neighborhood gathering space and open space amenity that is well integrated with the native vegetation of the surrounding area, and will include an amphitheater to provide more viewing opportunities of the wetland mitigation bank.

## 6. Air, Water, and Land Resource

**Goal:** *To maintain and improve the quality of the air, water, and land in the Banks area.*

**Response:** The proposed Comprehensive Plan and Zone map amendments facilitate creating a Master Planned development that would include a stormwater management system for treating runoff from adjacent properties to the east and properties within the site. The development also includes dedicating a 1-acre lot to the City for a future water treatment facility, as well as water rights from the current property owner to Dairy Creek. The proposed development is also located adjacent to NW Main St, near the center of town. This location will help cut down local driving trips within town, lessening the impact that driving has on air quality within the city. The land within the subject site will be used efficiently to maximize the amount of single-family attached/detached housing that can fit on the property (in order to meet the minimum density required for the site), while also providing 25% open space. The open space includes a public park and regional trail segment, adding to the City's land inventory for parks and recreation amenities.

## **7. Areas Subject to Natural Disasters and hazards**

**Goal:** To protect life and property from natural disasters and hazards.

**Response:** Included in this submittal is a geotechnical report by a professional engineer that documents the ground conditions of the subject site and includes a statement on whether the site is fit for such a development. The Geotech report by GeoPacific Engineering Inc. in Exhibit I concludes that the proposed development is suitable based on-site conditions and no identified presence of geologic hazards. The report also provides design recommendations based on the analysis that the applicant will follow. The western boundary of the site does fall within the 100-year floodplain, however the development will not cause a discernable impact to the base flood elevation, which is demonstrated in Exhibit V Floodplain Assessment.

## **8. Recreation**

**Goal:** To provide programs and facilities to meet the recreational needs of area residents and visitors.

**Response:** The proposed Comprehensive Plan and Zone map amendments facilitate creating a Master Planned development that would include a public park and regional trail segment, equating to 25% open space of the subject site. The proposed park is identified in the Banks 2023 Parks and Recreation Master Plan as the 'Westside Neighborhood Park' and would help meet the recreational needs for City of Banks residents. The trail included in the proposed development is also identified in the Banks 2023 Parks and Recreation Master Plan as a regional trail segment for the Banks Vernonia trail to the northeast and a future connection to the Council Creek trail to the south. This proposed trail segment would be used not only by City of Banks residents but recreational visitors of the area as well. See the Landscape sheets in Exhibit D for the Park and Open Space plans.

## **9. Economics**

**Goal:** To provide for the economic diversification and stability of the area.

**Objective:**

- a. A balance should be achieved between commercial and industrial opportunities in the City.

**Response:** This application proposes to amend the FD-10 County designated zoning of the subject site to City zoning Medium Density Residential- Low, High Density Residential, Mixed Use and Industrial, which closely correspond with the current Comprehensive Plan map designations. The proposed Comprehensive Plan and Zone Map amendment would lessen the designated industrial area of the subject site by approximately 2 acres. However, this is permitted under OAR 660-009-0010, which allows cities to reduce their industrial land area by up to 2 acres without reevaluating the status of their industrial land supply. The 2016 Banks Economic Development Strategic Plan identified the need for industrial sites ranging in size from 0.5 to 5 acres, as well as larger sites that can be divided. The Comprehensive Plan designated Industrial area on the subject site would remain almost 11 acres, which is an adequate amount of land to continue to provide either one larger site or be divided to create the desired smaller parcels. This would allow a variety of permitted General Industrial uses suitable for this zone, and help the site maintain industrial opportunities adjacent to NW Main St. The proposed Comprehensive Plan and Zone Map amendment does not alter the City's commercial uses or land area.

**Policies:**

2. *The City will continually research and study the need for industrial/ commercial sites and maintain an inventory of such lands.*

**Response:** Although the proposed Comprehensive Plan and Zone Map amendment would lessen the zoned industrial area of the subject site by approximately 2 acres, this is permitted under OAR 660-009-0010, which allows cities to reduce their industrial land area by up to 2 acres without reevaluating the status of their industrial land supply. The remaining zoned Industrial on the subject site would be almost 11 acres, which is a sufficient size to provide a number of permitted uses for this zone. This would help the site maintain industrial opportunities adjacent to NW Main St. The proposed Comprehensive Plan and Zone Map amendment does not alter the City's commercial uses or land area.

4. *The City will protect existing and planned industrial and commercial areas from encroachment by incompatible uses.*

**Response:** Although the proposed Comprehensive Plan and Zone Map amendment would reduce the amount of Industrial land, it would be replaced with High Density Residential and Mixed-Use zones, which are compatible with the existing comprehensive plan designations on the site, existing surrounding uses, and planned uses.

6. *The City will encourage economic development and diversification by providing sufficient zoned, buildable, and serviceable land for industrial and commercial uses.*

**Response:** The 2011 Urban Growth Boundary Expansion Justification Technical Report included an update to the Employment and Related Land Needs and the City identified a need for 76.39 General Industrial acres between 2009-2029. The subject site of the proposed Comprehensive Plan and Zone Map amendments was brought into the UGB to help meet both Residential and Employment Land needs. The subject site was identified to have an industrial zone of almost 13 acres adjacent to Main St, and acquired a Comprehensive Plan map designation for this. However the proposed Comprehensive Plan and Zone Map amendment would shift two Industrial acres to Residential use. The zoned Industrial area on the subject site would remain almost 11 acres. The 2016 Banks Economic Development Strategic Plan identified the need for industrial sites ranging in size from 0.5 to 5 acres, as well as larger sites that can be divided. As the zoned Industrial on the subject site would still be almost 11 acres, this is sufficient to provide either one larger site or be divided to create the desired

smaller parcels. This would allow a variety of permitted General Industrial uses suitable for this zone, and help the site maintain industrial opportunities adjacent to NW Main St. The proposed Comprehensive Plan and Zone Map amendment does not alter the City's commercial uses or land area.

## 10. Housing

**Goal:** *To increase and improve the supply of housing commensurate with the community's needs.*

**Response:** *The proposed Comprehensive Plan amendment and Zone Map amendment is consistent with and supportive of the Comprehensive Plan goals, objective, and policies. The City of Banks Aspirations, adopted January 2009 and included in the UGB Expansion amendment to the Comprehensive Plan in 2011, details aspirations for residential development to move west of Main St. Also included for the 2011 UGB Expansion amendment was the 2029 Residential Land Needs Analysis which identified a projected need for 984 New Single Family Detached and Attached Housing Units. The necessary first step in providing needed housing on the site is a Zone Map amendment which would alter the current FD-10 County designation to City zoning Medium Density Residential-Low, High Density Residential, Mixed Use and Industrial, which closely correspond with the current Comprehensive Plan designations. The Comprehensive Plan amendment would include swapping the Medium Density Residential-High for Medium Density Residential- Low on Tax lot 2N4360000600, and also alter the acreage of the rest of the current comprehensive zoning designations on Tax lot 2N4360000600 to allow for the ability to meet the minimum density required for the site, which would provide 144 single-dwelling units, both attached and detached, just west of Main St.*

**Objective:**

- a. *The City should evaluate proposals for new housing in terms of the impact of additional numbers of people on the natural environment, community services, utility support systems and projected housing needs.*
- b. *Housing should be developed in areas that reinforce and facilitate orderly and compatible community development.*
- c. *Future residential development should continue to provide prospective buyers and renters with a variety of residential lot sizes and a diversity of housing types.*

**Response:** *This Comprehensive Plan and Zone Map amendment would help facilitate orderly development of the new Master Planned Development being applied for concurrently with this application. This would help facilitate a community consisting of single-family attached and detached housing, street improvements, a new neighborhood park, and a regional trail segment to Banks. The fee-simple single-family detached and attached housing provided through this application is a current and future need for the city identified in the 2029 Residential land Needs Analysis. The analysis states a need for 803 single-family detached and 181 single-family attached units, see Figure 1 on page 12. The necessary first step in providing needed housing on the site is a Zone Map amendment which would alter the current FD-10 County designation to City zoning Medium Density Residential- Low, High Density Residential, Mixed Use and Industrial, which correspond with the current Comprehensive Plan designations. The Comprehensive Plan amendment would alter the acreage of the current comprehensive zoning designation to allow for the ability to meet the minimum density required for the site, which would provide 144 single-dwelling units. These would be attached and detached homes with both rear-loaded and front-loaded products in multiple lot size options.*

Service provider letters from relevant utility and community services are included in this submittal as Exhibits M and N, and demonstrate adequate capacity for required neighborhood services. The collector and existing street improvements included in the Master Planned Development are detailed in the 2023 City of Banks Transportation System Plan. Preliminary vehicle circulation plans detailing the required improvements are included in this submittal as Exhibit D Sheet 14.1 and discussed within this report. Coordination meetings to discuss design elements of the street improvements were held with relevant agencies such as CWS and ODOT to ensure concept designs follow industry standards and future planning goals. The neighborhood park and regional trail segment for this Master Planned development are included in the City of Banks 2023 Parks and Recreation Master Plan. The designs for the park and trail are detailed within this report, and preliminary plans are included in the Landscape sheets in Exhibit D. The coordination with relevant agencies, inclusion of necessary and planned infrastructure improvements for the City, and provision of service provider letters demonstrates the provision of orderly development for the City of Banks.

**Policies:**

3. *The City will encourage the use of planned unit development consistent with stated goals, objectives and policies to permit flexibility in housing site, design, and density.*

**Response:** This Comprehensive Plan and Zone Map amendment would help facilitate a Master Planned residential development. As evidenced in Section II of this report, the proposed development is consistent with stated City goals, objectives, and policies. The Master Planned development will propose modifications to the dimensional standards of the Banks Zoning Code, as discussed in Section III. The design standards are not proposed to be modified. The applicant will provide a variety of façade designs for the single-family detached and attached homes, which have either rear-loaded or front-loaded products, and multiple lot size options. The proposed Comprehensive Plan and Zone Map amendments would enable a change in density for the subject site and allow the applicant to meet the minimum unit requirement of 143 homes and provide needed single-family attached/detached ownership options as identified in the 2029 Residential Land Needs analysis. The flexibility of dimensional standards through the Master Planned development process also allows the applicant to provide 25% open space, which will include amenities such as a Neighborhood Park, community amphitheater, and regional trail segment.

4. *Amendments to the comprehensive plan map and zoning map will be consistent with the City's housing needs projections (PROJECTED RESIDENTIAL USE, Table 3, page 40).*

**Response:** The above referenced table has since been updated in the 2029 Residential Land Needs Analysis. The Analysis states a need for 803 single-family detached and 181 single-family attached units. This Comprehensive Plan and Zone Map amendments would help facilitate a Master Planned residential development which would provide 144 fee-simple single-family detached and attached housing.

## 11. Public Facilities and Services

**Goal:** *To coordinate and arrange for the provision of public facilities and services in an efficient, orderly and timely manner.*

**Objectives:**

- a. *Public water and sewer should be improved and provided to all areas with the established urban growth boundary.*

**Response:** Goal 11 requires the provision of adequate public facilities within a jurisdiction. The subject site of this Comprehensive Plan and Zone Map amendment is located adjacent to NW Main St. and utilizes the nearby public facility system by connecting to the City of Banks Water Mains, placed at NW Cedar Canyon Rd and NW Wilkes St. A preliminary water plan is included in this submittal as Exhibit D Sheets 11.1 and 11.2 and a service provider letter from the City of Banks Water Department is included in Exhibit N. CWS has sanitary/sewer pipes and pump station at the NW boundary of the site and stormwater infrastructure crossing the southern portion of the site see, Exhibit D Sheets 12.1 and 12.2. The stormwater management of the proposed Master Planned Development plans to utilize the adjacent wetland mitigation bank on the western boundary of the site. Stormwater will be piped from the eastern boundary, and filtered into stormwater planters that will collect and treat the water before dispersing to the mitigation bank, which eventually outlets to the nearby West Fork Dairy Creek. Stormwater details can be found on Exhibit Sheets 13.1 and 13.2 CWS will be the sanitary/ storm service provider for this development, and a service provider letter, indicating adequate capacity exists to serve the proposed development, is included in this submittal as Exhibit M.

- b. New development should occur in areas where public utilities are available before reaching out into areas that are not served.

**Response:** The subject site of this Comprehensive Plan and Zone Map amendment is located adjacent to NW Main St. and utilizes the nearby public facility system by connecting to the City of Banks Water Mains, placed at NW Cedar Canyon Rd and NW Wilkes St. A preliminary water plan is included in this submittal as Exhibit D Sheet 11.1 and 11.2 and a service provider letter from the City of Banks Water Department, indicating adequate capacity to serve the proposed development, is included in Exhibit N. One of the existing tax lots, 2N331BC05200 is already being serviced by Clean Water Services (CWS), and though the tax lot 2N4360000600 is in the process of being annexed into CWS, the department already has sanitary/sewer pipes and pump station at the NW boundary of the site and stormwater infrastructure crossing the southern portion of the site see Exhibit D Sheets 12.1, 12.2 and 13.1, 13.2. CWS will be the sanitary/ storm service provider for this development, and a service provider letter, indicating adequate capacity to serve the proposed development, is included in this submittal as Exhibit M.

- e. Development of the City should occur in such a way as to facilitate the provision of police, fire protection and other services.

**Response:** The Master Planned development application, facilitated through the proposed Comprehensive Plan and Zone Map Amendment includes service provider letters ensuring that the Washington County Sheriff's Department, City of Banks Fire Department, and City of Banks Water Department and School District have adequate capacity to serve the proposed development. See Exhibit N for the above service provider letters.

**Policies:**

1. The City will require the following preconditions to development:
  - a. A proposed use must be connected to a public water and sanitary sewer system.

**Response:** The subject site of this Comprehensive Plan and Zone Map amendment is located adjacent to NW Main St. and will connect to the City of Banks Water Mains, placed at NW Cedar Canyon Rd and NW Wilkes St. A preliminary water plan is included in this submittal as Exhibit D Sheets 11.1 and 11.2 and a service provider letter from the City of Banks Water Department,

indicating adequate capacity to serve the proposed development, is included in Exhibit N. CWS has sanitary/sewer pipes and pump station at the NW boundary of the site and stormwater infrastructure crossing the southern portion of the site, see Exhibit D Sheets 12.1, 12.2, and 13.1 and 13.2 for details. CWS will be the sanitary/ storm service provider for this development, and a service provider letter indicating adequate capacity to serve the proposed development, is included in this submittal as Exhibit M.

- b. *Surface water run-off can be handled on site, or adequate provisions can be made for run-off which will not adversely affect water quality in adjacent streams, ponds, lakes, or other draining on adjoining lands; nor will such run-off adversely affect the use of adjoining properties.*

**Response:** *The stormwater management of the proposed Master Planned Development plans will be designed to outlet to the adjacent wetland mitigation bank on the western boundary of the site. Stormwater will be piped from the eastern boundary and filtered into stormwater planters that will collect and treat the water before dispersing to the mitigation bank, which eventually outlets to the nearby West Fork Dairy Creek. See Exhibit D Sheets 12.1, 12.2, 13.1 and 13.2 for stormwater details. CWS will be the sanitary/ storm service provider for this development, and a service provider letter is included in this submittal as Exhibit M.*

- c. *Adequate water pressure will be present for firefighting.*

**Response:** *Water flow modeling was conducted for the proposed Master Planned Development which concluded that there was adequate water pressure for firefighting. The analysis can be found in Exhibit L of this submittal.*

- d. *Development proposals will be required to conform to the design standards for street, water and sewer.*

**Response:** *The Master Planned Development that the proposed Comprehensive Plan and Zone Map amendments facilitate proposes water and sewer facilities that conform to relevant design standards. Preliminary plans meeting the requirements of these standards are included in this submittal as Exhibit D Sheets 11.1, 11.2, 12.1, 12.2 and are addressed throughout this report. The applicant is requesting variances concurrent with this application to modify Engineering Design standards and Street Design Standards to proposed street cross sections and intersections. Preliminary vehicle circulation plans detailing the proposed cross-sections are included in this submittal as Exhibit D Sheet 14.1, the intersection variances are included as Exhibit U and addressed in Section V Adjustments and Variances in this report. Coordination meetings to discuss design elements of the street improvements were held with relevant agencies such as CWS and ODOT to ensure designs follow industry standards and future planning goals.*

- e. *The appropriate school district has had an opportunity to review and comment on the proposed residential use.*

**Response:** *A Service Provider Letter from the City of Banks School District for the Master Planned Development that this proposed Comprehensive Plan and Zone Map amendment facilitates is included in this submittal in Exhibit N. The Service Provider Letter indicates adequate capacity exists to serve the proposed development.*

## **12. Transportation**

**Goal:** *To develop and encourage a safe, convenient, and economic transportation system.*

**Response:** Although this proposed Comprehensive Plan and Zone Map amendment does not directly provide transportation facilities, improvements or services, the Master Planned Development submitted concurrently with this application proposes improvements to the NW Cedar Canyon Rd and proposed North/South collector intersection and the Hwy 47 and NW Wilkes Rd extension to ensure safety and convenience. Proposed improvements were identified in the City of Banks 2023 Transportation System Plan, and exact design details were based on data derived from the TIA, Exhibit G. Coordination meetings to discuss the proposed design elements of the street improvements were held with relevant agencies such as CWS and ODOT to ensure designs follow industry standards and future planning goals. The preliminary vehicle circulation plans, Exhibit D Sheet 14.1, detail the proposed improvements. A funding plan is included in the Developer's Agreement (DA) the applicant entered into with the City, as well as detailed in the City's Transportation System Plan (TSP). In both the DA and TSP, it is stated that identified improvements will be funded by both the applicant and applicable Transportation SDC credits.

**Objectives:**

- a. *City street improvements should be priority and a better maintenance program should be developed.*

**Response:** Although this proposed Comprehensive Plan and Zone Map amendment does not directly provide transportation facilities, improvements or services, the Master Planned Development submitted concurrently with this application proposes improvements to the NW Cedar Canyon Rd and, and the Hwy 47 and NW Wilkes Rd intersection, as well as a new North/South Collector and a west extension of NW Wilkes Rd. Proposed improvements were identified in the City of Banks 2023 Transportation System Plan, and the exact design details were based on data derived from the TIA, Exhibit G. Coordination meetings to discuss the proposed design elements of the street improvements were held with relevant agencies such as CWS and ODOT to ensure designs were following industry standards and future planning. The applicant is requesting variances concurrent with this application to modify Engineering Design standards and Street Design Standards to proposed street cross sections and intersections. Preliminary vehicle circulation plans detailing the proposed cross-sections are included in this submittal as Exhibit D Sheet 14.1, the intersection variances are included as Exhibit U and addressed in Section V Adjustments and Variances in this report. The planned street improvements are public, and the ROW will be dedicated to the city. As such, it will be the City's responsibility to maintain them once they are improved to the City's standards.

- b. *Development should occur in such a manner as to encourage and facilitate pedestrian movements.*

**Response:** The Master Planned Development proposed concurrently with this Comprehensive Plan and Zone Map amendment includes street and block improvements to the subject site. The proposed North/South Street improvements include a pedestrian sidewalk that connects from NW Cedar Canyon Dr to the NW Wilkes St extension to NW Main St. There is also a multi-use trail that runs the length of the development and connects to NW Cedar Canyon Dr and NW Wilkes St. Included with the on-site circulation are pedestrian paths placed at the eastern boundary of the site that provide access from mid-block crossings within the site to lots adjacent to NW Main St. A preliminary pedestrian circulation plan with the above details is included in this submittal as Exhibit D Sheet 14.2.

- c. *Alternative modes of transportation, such as public transit and bicycles, should be encouraged and promoted.*

**Response:** The Master Planned Development proposed concurrently with this Comprehensive Plan and Zone Map amendment includes street and block improvements to the subject site. The proposed North/South Street improvements include a bike lane that connects from NW Cedar Canyon Dr to the NW Wilkes St extension to NW Main St. There is also a multi-use trail that runs the length of the development and connects to the NW Cedar Canyon Dr and NW Wilkes St. Preliminary circulation plans with the above details is included in this submittal as Exhibit D Sheets 14.1 and 14.2.

#### **Policies**

1. The City will promote a balanced, safe and efficient transportation system. In evaluating parts of the system, the City will support proposals which:
  - Protect the quality of neighborhoods and the community
  - Provide for adequate street capacity optimum efficiency and effectiveness.

**Response:** Although this proposed Comprehensive Plan and Zone Map amendment does not directly provide transportation facilities, improvements or services, the Master Planned Development submitted concurrently with this application proposes improvements to the NW Cedar Canyon Rd and, and the Hwy 47 and NW Wilkes Rd intersection, as well as a new North/South Collector and a west extension of NW Wilkes Rd. The proposed North/South collector improvements include a pedestrian sidewalk and bike lane that connects from NW Cedar Canyon Dr to the NW Wilkes St extension to NW Main St. There is also a multi-use trail that runs the length of the development and connects to NW Cedar Canyon Dr and NW Wilkes St. Additionally, pedestrian paths will be provided at the eastern boundary that facilitate access from mid-block crossings within the site to lots adjacent to NW Main St. Preliminary circulation plans with the above details is included in this submittal as Exhibit D Sheets 14.1 and 14.2. Proposed improvements were identified in the City of Banks 2023 Transportation System Plan, and the exact design details were based on data derived from the TIA, Exhibit G. The applicant is requesting variances concurrent with this application to modify Engineering Design standards and Street Design Standards to proposed street cross sections and intersections. Preliminary vehicle circulation plans detailing the proposed cross-sections are included in this submittal as Exhibit D Sheet 14.1, the intersection variances are included as Exhibit U and addressed in Section V. Adjustments and Variances in this report. Coordination meetings to discuss the proposed design elements of the street improvements were held with relevant agencies such as CWS and ODOT to ensure designs follow industry standards and future planning goals. The preliminary vehicle circulation plan, Exhibit D Sheet 14.1 detail the proposed improvements.

### **13. Energy**

#### **Goal: To conserve energy**

**Response:** Goal 13 emphasizes the importance of how land is utilized within the city for smart and efficient growth to help conserve the City's energy and resources over time. These Comprehensive Plan and Zone Map amendments propose to alter the zones of the subject property, which is within existing city limits, to allow for the proposed development located adjacent to Main St. This location will help limit the amount of local vehicular trips residents would take from the neighborhood. Trails and sidewalks within the proposed development and connecting to Main St would encourage active transportation, thereby reducing energy consumption.

#### **Objectives:**

- a. *Development should minimize the consumption of fuels and maximize the efficiency of utilities and residential space heating.*

**Response:** This Comprehensive Plan and Zone Map amendment facilitates a residential Master Planned development that promotes multi-modal connectivity, minimizing fuel consumption for on-site and local vehicle trips. A bike lane and sidewalk are included along the proposed North/South collector to provide a continuous path throughout the development from NW Cedar Canyon Rd to NW Wilkes St. A multi-modal trail is also included along the western boundary of the site that would connect to the existing Banks-Vernonia Trail to the north, and the future extension of Council Creek trail to the south. Pedestrian paths also proposed at mid-block locations provide more convenient access to NW Main St. Homes will be well insulated and use energy efficient heating and cooling in order to minimize energy consumption while providing comfortable living spaces.

**Policies:**

1. *The City will encourage practices and development which:*

- a. *Provide recreation in proximity to developed areas.*

**Response:** This Comprehensive Plan and Zone Map amendment facilitate a residential Master Planned development that includes 3.6 acres of open space, amounting to 25% of the development. A variety of recreational activities are proposed for the neighborhood park and open space, which are all located within walking distance to the residences of the development. A regional trail segment is also proposed and provides access to regional amenities, ultimately connecting to the existing Banks-Vernonia Trail to the north and the future extension of Council Creek trail to the south.

- b. *Reduce or shorten energy consuming trips by increasing density and intensity of development to reinforce transit corridors, employment and commercial centers.*

**Response:** This Comprehensive Plan and Zone Map amendment facilitates a residential Master Planned development that includes 144 single detached and attached homes, with an average site density of 11.82 dwelling units per net developable acre. This proposed development is adjacent to NW Main St, the main commercial thoroughfare of the city. NW Main St also provides direct connection to HWY 47 and HWY 6, less than half a mile from the NW Wilkes St intersection. NW Main St (HWY 47) also provides connection to HWY 26, further north of the city. Placing the proposed development between two major highways facilitates quicker access to employment opportunities outside of the city.

#### **14. Urbanization**

**Goal:** *To provide for the orderly and timely conversion of rural land to urban use.*

**Response:** The City of Banks brought the subject site into their UGB in 2011. The site was previously designated for rural use according to the Washington County- City of Banks Urban Planning Area Agreement but was updated and redesignated as urban after an amendment to the City's Comprehensive Plan. The land was previously zoned EFU, but has since been annexed into the city and zoned FD-10, a Washington County interim designation used before a land use application is approved for City zoning. This application includes a Zone Map amendment to alter the FD-10 zoning to closely correspond with the site designations from the Comprehensive Plan- Medium Density Residential- Low, High Density Residential, Mixed use, and Industrial. This application also includes a Comprehensive Plan map amendment to alter the acreage of the map designations for the site, which the included Zone Map amendment would match.

**Objectives:**

- c. The City should give priority to residential and light industrial land development.*

**Response:** *The subject site for the Comprehensive Plan and Zone Map amendment is proposed to retain both residential and industrial uses. The area currently designated in the Comprehensive Plan as Medium Density Residential-High (MDR-H) is proposed to be replaced with Medium Density Residential-Low (MDR-L). In the southeastern corner of the property, approximately 2 acres of Industrial designation would be replaced with High Density Residential zone. Retaining some HDR facilitates a higher density housing option that helps meet identified market needs, and the placement of this zone next to the existing HDR designation on the site and near the commercial uses on NW Main St is more compatible than the existing designations. In total, these Comprehensive Plan and Zone Map amendments would add approximately 2 acres of residential land to the subject site, while still providing almost 11 acres for future Industrial use. There will also be Industrial use in the northeast corner of the site for a 1-acre lot to be conveyed to the city for a future Water Treatment Facility.*

**Policies:**

- 1. The City has established an urban growth boundary; growth and development will be directed and encouraged within this area on developable lands (as shown and defined in the plan element section). Development will be consistent with the capacity and capability of public services.*

**Response:** *The subject site was brought into the City's UGB in 2011 and was annexed into City limits in 2017. The subject site of this Comprehensive Plan and Zone Map amendment is located adjacent to NW Main St. and takes advantage of the nearby public facility system by connecting to the City of Banks Water Mains, located at NW Cedar Canyon Rd and NW Wilkes St. A preliminary water plan is included in this submittal as Exhibit D Sheets 11.1 and 11.2 and a service provider letter from the City of Banks Water Department indicating capacity to serve the proposed development is included in Exhibit N. One of the existing tax lots, 2N331BC05200 is already served by Clean Water Services (CWS). Tax lot 2N4360000600 is in the process of being annexed into CWS, and already has CWS sanitary/sewer pipes and pump station at the NW boundary of the site and stormwater infrastructure crossing the southern portion of the site, see Exhibit D Sheets 12.1, 12.2, 13.1 and 13.2. CWS will be the sanitary/ storm service provider for this development, and a service provider letter indicating capacity to serve the proposed development is included in this submittal as Exhibit M. The Banks Fire department, Washington County Sheriff's Office, and the Banks School district have provided Service Provider Letters confirming capacity and capability to serve the proposed Master Planned Development on the subject site, see Exhibit N.*

**Response (§ 151.303 CRITERIA.(B):** As detailed above, the proposed Comprehensive Plan amendment and Zone Map amendment are consistent with and supportive of the Comprehensive Plan goals, objectives, and policies. The City of Banks Aspirations, adopted January 2009 and included in the UGB Expansion amendment to the Comprehensive Plan in 2011 details aspirations for residential development to move west of Main St. Also included for the 2011 UGB Expansion amendment was the 2029 Residential Land Needs Analysis which identified a projected need for 984 New Single Family Detached and Attached Housing Units, see Figure 1 on page 12. When the subject site was annexed into the City, it received the Washington County FD-10 zoning designation as an interim zone prior to a zone map application being approved for city zoning. This application includes a Zone Map amendment to add City zoning

to the site- Medium Density Residential- Low, High Density Residential, Mixed Use, and Industrial, which closely corresponds to the current Comprehensive Plan map designations. This Comprehensive Plan and Zone Map amendment include amendments to the acreage of the Comprehensive Plan designations which would more feasibly provide 144 single-dwelling units, both attached and detached.

The proposed amendments slightly alter the sizes and locations of the designated areas, as well as replace a residential designation. The area currently designated as Medium Density Residential-High (MDR-H) is proposed to be replaced with Medium Density Residential-Low (MDR-L). This transition from MDR-H to MDR-L better facilitates meeting the need for single-dwelling ownership as MDR-H plans for higher density such as multi-family units. The location of the proposed MDR-L also enables a more complementary density for the edge of the UGB and adjacent wetland mitigation bank. In the southeastern corner of the property, approximately 2 acres of designated Industrial would be replaced with High Density Residential zone allowing for additional single attached housing units adjacent to NW Main St. Retaining some HDR facilitates a higher density housing option that helps meet identified market needs, and the placement of this zone near commercial uses on NW Main St is more compatible. In total, these amendments to the Comprehensive Plan and Zone Map would add approximately 2 acres of residential land to the subject site, while still providing almost 11 acres for future Industrial use.

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

**Response:** The table below lists the surrounding land use classifications and current uses on the surrounding properties. The proposed Comprehensive Plan and Zone Map amendment is compatible with surrounding existing uses as it will maintain both its residential and industrial designations. About half of the adjacent land east of the subject properties is zoned as MDR-Low. The proposed Comprehensive Plan and Zone Map amendment requests that the current MDR-H designation be replaced with MDR-L. This would facilitate more single-family detached dwellings, which offers a density and housing type that better complements the wetland mitigation bank adjacent to the proposed zone. MDR-L would also match the residential zoning along the west side of NW Main St, and the existing Commercial zoning on NW Main St would serve the proposed residential development.

Table 1: Surrounding Land Use

Direction	Land Use Classification	Current Use
North	FD-10	Across from NW Cedar Canyon Rd- 2 single-family residences and an Automotive Repair shop with associated outbuildings
East	NE: Commercial SE: MDR-L	Restaurants, auto body shop, veterinary clinic, single-family residences, roofing company, building company
South	Community Facilities	Privately owned recreational park- playground, baseball field, community hall, racetrack
West	EFU	Green Banks Wetland Mitigation Bank

The proposed Comprehensive Plan and Zone Map amendment is compatible with planned land use pattern. The City of Banks Aspirations, adopted January 2009 and included in the UGB Expansion amendment to the Comprehensive Plan in 2011 details aspirations for residential Sunset View at West Banks

development to move west of Main St. Also included for the 2011 UGB Expansion amendment was the 2029 Residential Land Needs Analysis which identified a projected need for 984 New Single Family Detached and Attached Housing Units, see Figure 1 on page 12. This Comprehensive Plan and Zoning Map amendment would allow for provision of 144 single-dwelling units, both attached and detached, just west of Main St on land currently designated Industrial and Medium-Density Residential-High, High Density Residential and Mixed Use. The proposed amendments slightly alter the sizes and locations of the designated zoning areas, as well as replace a residential zone. The area currently designated as Medium Density Residential-High (MDR-H) is proposed to be replaced with Medium Density Residential-Low (MDR-L). This transition from MDR-H to MDR-L better facilitates meeting the need for single-dwelling ownership as MDR-H plans for higher density such as multi-family units. The location of the MDR-L also enables a more complementary density and housing type on the edge of the UGB and adjacent wetland mitigation bank. In the southeastern corner of the property, approximately 2 acres of designated Industrial would be replaced with High Density Residential zone allowing for attached housing units in areas closest to NW Main St. Having a higher density housing option helps meet identified market needs, and the placement is more appropriate near commercial uses on NW Main St.

- (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.

**Response:** Public facilities included in the Master Planned development proposal for this subject site are capable of supporting the uses permitted in the proposed zones. This Comprehensive Plan and Zone Map amendment would allow for the inclusion of a 1-acre Industrial lot on the northeastern corner of the subject site that would be conveyed to the City to use for a Water Treatment Facility. The subject site also has water rights to Dairy Creek that are intended to be transferred to the City to help support future residential use. A new water main loop will be constructed to support the proposed development with connections to the Main Street water main at Cedar Canyon Rd and NW Wilkes St. A City of Banks Water department service provider letter indicating adequate capacity to serve the proposed development is included in this submittal as Exhibit N. The proposed intersection improvements and new roads for the development will be constructed to the standards derived from the TIA. These improvements are sufficient to serve the anticipated traffic volume that the proposed land use amendments would generate. See Exhibit G for the TIA. Clean Water Services will provide sanitary and storm service to the subject site with sufficient capacity for the proposed land uses, see Exhibit M for the service provider letter. Fire protection service will also be provided to the proposed development, a service provider letter from Banks Fire Department is included in this submittal as Exhibit N.

#### **§ 151.304 RECORD OF AMENDMENTS.**

The City Recorder shall maintain records of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

**Response:** This section is procedural and will be met by the City Recorder.

#### **§ 151.305 TRANSPORTATION PLANNING RULE COMPLIANCE.**

- (A) *Amendments that affect transportation facilities.* Amendments to the Comprehensive Plan and Zoning Code 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:

**Response:** The subject site is currently zoned FD-10, a Washington County holding zone designation used as an interim zone prior to a zone map application being approved for city zoning. This application includes a Zone Map amendment to add City zoning to the site- Medium Density Residential- Low, High Density Residential, Mixed Use, and Industrial, which closely corresponds to the current Comprehensive Plan map designations. This Comprehensive Plan and Zone Map amendment include amendments to the acreage of the Comprehensive Plan designations which would more feasibly provide 144 single-dwelling units, both attached and detached. The proposed Comprehensive Plan Land Use map and Zone Map amendments request to replace Industrial designated land with High Density Residential (HDR) and Mixed-Use and replace Medium Density Residential- High (MDR-H) with Medium Density Residential- Low (MDR-L). The proposed amendments are consistent with the planned function of the existing roads that the subject site abuts, Hwy 47 (NW Main St) and NW Cedar Canyon Rd. Hwy 47 is an arterial road, which has the highest functional classification and is supportive of higher traffic volumes. One (1) acre of land proposed to be rezoned from MDR-H to Industrial is adjacent to NW Cedar Canyon Rd on the northern boundary of the site. NW Cedar Canyon Rd is designated as a county collector road. A Traffic Impact Analysis (TIA) was conducted for the proposed development to identify whether improvements were required for the adjacent roads to maintain their planned function. The TIA, Exhibit G, evidenced that the proposed Comprehensive Plan and Zone Map amendments would not significantly affect the surrounding transportation facilities. However, based on the analysis, the TIA recommended the following improvements for the site:

- Construct a westerly extension of NW Wilkes Street from OR 47 (Main Street) to the western study area at a modified City Collector standard (to be determined in consultation with City staff).
- At the new NW Wilkes Street connection to OR 47 (Main Street), stop control the future eastbound approach through the installation of a new STOP (R1-1) sign in accordance with City/ODOT standards and the MUTCD.
- Construct a new north-south roadway from the southern study area boundary to NW Cedar Canyon Road at a modified City Collector standard (to be determined in consultation with City staff).
- At the proposed collector roadway connection to NW Cedar Canyon Road, stop control the northbound approach through the installation of a new STOP (R1-1) sign in accordance with City/Washington County standards and the *Manual on Uniform Traffic Control Devices* (MUTCD).
- Prepare a final sight distance evaluation post construction and prior to site occupancy at the proposed collector roadway connection to NW Cedar Canyon Road

The developer will be constructing the above recommended improvements and provide a final sight distance evaluation during the Master Planned Development/Subdivision phase of the project. However, a variance will be requested on the proposed Wilkes St extension and North/South roadway cross-sections due to site constraints. These are discussed in Section V. Adjustments and Variances. The proposed cross-sections were reviewed by the TIA traffic

engineer, as the TIA calls for these two streets to be constructed at *modified City Collector standard*. The allowed residential land use is consistent with the planned function of the adjacent existing and internally proposed transportation facilities.

### III. MASTER PLANNED DEVELOPMENT COMPLIANCE WITH THE CITY OF BANKS MUNICIPAL CODE

#### MASTER PLANNED DEVELOPMENTS

##### § 151.335 PURPOSE.

The purposes of this subchapter are to:

- (A) Implement the Comprehensive Plan and by providing a means for master planning large development sites as an alternative to piecemeal subdivision development;
- (B) Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;
- (C) Encourage housing options for a range of household sizes, incomes, and lifestyles;
- (D) Encourage mixed-use development and diversified employment opportunities;
- (E) Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- (F) Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
- (G) Encourage energy efficiency and improved air and water quality;
- (H) Implement public facility master plans; and
- (I) Provide flexibility in development standards, consistent with the above purposes.

**Response:** The applicant is applying for a Master Planned Development in order to provide a large development site where a variety of homes can be brought to the City to meet market needs. Master Planning is crucial for this site as it has multiple topographical and built environment constraints. The site is located at the edge of the UGB and is bordered by existing single-family residential and commercial development to the east, an offsite wetland mitigation bank to the west, and a private park to the south. A Master Planned Development is pursued to utilize flexibility in planning around the site's constraints through modified dimensional standards that allow the design to meet the minimum density while providing amenities of a neighborhood park, regional trail corridor, and multi-modal connections to the trail and to Main Street. With the proposed dimensional modifications included in this submittal, the development will provide 144 homes, including 83 single detached dwelling units and 61 attached single dwelling units. Additionally, the proposed Master Planned development will provide approximately 3.60 acres of park and trail space which will serve the development and the general public and add to the City of Banks parks inventory and amenities. The trail to be provided within the development will connect to the Banks-Vernonia trail, which will add to

the region's trail provisions. This combined with the pedestrian connections to Main St will allow the residents of the proposed neighborhood to depend less on their car for local trips. The neighborhood park and trail are both included in the 2023 Banks Parks and Recreation Master Plan, and two of the proposed streets, a N/S collector and NW Wilkes St extension are included in the 2023 Banks Transportation System Plan.

**§ 151.336 APPLICABILITY.**

The master planned development designation may be applied over any of the city's zones on sites of 2 acres or more. It is an option available to developers of land.

**Response:** The size of this Master Planned development will be 19.31 acres, meeting this requirement. Boundary details of the site can be found on Exhibit D Sheet 6.

**§ 151.337 REVIEW AND APPROVALS PROCESS.**

Review steps. There are 3 required steps to master planned development approval, which may be completed individually or combined for concurrent review:

- (A) Application for master planned development concept plan approval.
- (B) Application for detailed development plan approval, which may include a preliminary subdivision plan.
- (C) Application(s) for final development plan (e.g., final plat and/or site design review) approval per § 152.009 Final Plat and/or §§ 151.250 through 151.256 Site Design Review.

**Response:** Included in this submittal is a concept plan for approval, Exhibit D Sheet 6 as well as a detailed development site plan for a preliminary subdivision, Exhibit D Sheets 8.1 and 8.2. A final plat will be submitted following preliminary subdivision approval.

- (D) Approval process.
- (E) The master planned development concept plan shall be reviewed pursuant to the Type III procedure in § 151.233, the submission requirements in § 151.339, and the approval criteria in § 151.340.

**Response:** This proposed Master Planned development is submitted as a Type III application and the above required code sections are addressed herein.

- (F) The detailed development plan and preliminary subdivision plan shall be reviewed using the Type III procedure in § 151.233 to ensure substantial compliance with the approved concept plan.

**Response:** The detailed development plan and preliminary subdivision plan are submitted as a Type III application subject to planning commission approval.

- (G) Site design review applications for approved planned developments shall be reviewed using the procedures in §§ 151.250 through 151.256 to ensure substantial compliance with the approved concept plan.

**Response:** This application includes a site design review as the proposed Master Planned development exceeds 100 average daily trips.

- (H) Steps (A) through (C), above, may be combined in any manner, so long as the decision-making sequence follows the above order. Notification and hearings may be combined.

**Response:** Included in this submittal is a concept plan for approval as well as a detailed development plan for a preliminary subdivision.

#### § 151.338 MODIFICATIONS TO DEVELOPMENT STANDARDS.

The development standards of this chapter may be modified through the master plan development process without the need for variance under §§ 151.320 through 151.324. In evaluating this criterion, the Planning Commission shall consider whether the proposal, on balance, exceeds the city's minimum requirements and provides greater public benefit than would otherwise occur under the base Development Code requirements. In evaluating public benefits, the Planning Commission shall apply the following criteria; the city may deny an application for master planned development concept plan approval that does not meet all of the following criteria:

- (A) **Comprehensive Plan.** The modification does not conflict with the Comprehensive Plan. A master planned development shall not exceed the maximum residential density permitted by the underlying zones.

**Response:** The proposed Master Planned Development application is submitted concurrently with a Comprehensive Plan and Zone Map amendment. This amendment is for the Land Use zones of the subject property. The density calculations completed for the proposed Master Planned development follow the proposed Comprehensive Plan and Zone map amendments and comply with those resulting density requirements. Therefore, the Master Planned Development complies with the Comprehensive Plan as documented within Section II of this report. Both requested amendments and the Master Planned Development application are necessary to meet the minimum density, given the unique configuration and the location of the site. The proposed development is well below the maximum residential density of the underlying zones. See Exhibit D Sheet 7 for the density calculation.

- (B) **Purpose and intent of Development Code.** The modification equally or better meets the purpose and intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.

**Response:** A Master Planned Development application allows the applicant to provide a residential development that meets the minimum density requirements, as well as a neighborhood park, regional trail corridor, and multi-modal connections to existing development in the City. Due to the constraints of the subject site such as topography, size, shape, and existing surrounding development, the applicant requests to modify lot size and setback standards to meet the planned density for the site using a variety of residential housing types compatible with the site's location next to existing detached homes to the east, and rural, natural uses to the west. The trail corridor and neighborhood park are identified within the City of Banks Parks and Recreation Master Plan and generate 25% open space, which exceeds open space requirements. The proposed development also includes a North/South Collector identified in the City of Banks TSP. The base dimensional requirements for the zones would not have afforded a configuration such as this, but with modifications to the standards, the applicant was able to provide these amenities. The requested dimensional standard modifications can be found in this section below.

- (C) **Public benefit.** The modification provides a public benefit greater than would result from a project that strictly conforms to code standards, by 1 or more of the following:

- (1) **Greater variety of housing types, such as a mix of attached and detached housing, or a wider range of lot sizes, than would be allowed under the standard Development Code provisions;**

- (2) Recreational amenities. Required open space may be reduced from 20% to not less than 15% proportionately (Any reduction in required open space shall be roughly proportional to the estimated value of the offsetting improvements or amenities, as determined by the City Engineer based on a professional appraisal and an applicable construction cost estimate) where the development provides one or more of the following improvements:
- (a) Improvements identified in the City of Banks Parks and Recreation Master Plan.
  - (b) Trail identified in the City of Banks Bicycle and Pedestrian Plan.
  - (c) Enhanced play environment consisting of a nature play area, universal/all-inclusive play area, or adventure/challenge play area.
  - (d) Other recreational resource or amenity not listed above but for which the Banks City Council finds is similar.
- (3) Greater protection of natural features than would be required of a project that strictly conforms to code standards under the standard Development Code provisions;
- (4) Incorporation of natural features into subdivision design, or avoidance of natural hazards [e.g., geological hazards, stream corridor, or flood hazards) necessitating flexible lots sizes, cluster development plan, or other innovative design;
- (5) Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be required under minimum code standards;
- (6) Sustainable development design meeting the certification criteria of a nationally recognized sustainable development/green building rating system; and/or
- (7) Other public benefit, such as the provision of affordable housing.

**Response:** The Master Planned Development standards allow modifications to promote a greater variety in housing types to meet minimum density requirements, which would otherwise conflict with the standard zone development code. The development proposes 144 homes including 83 single detached dwelling units and 61 attached single dwelling units offered in multiple lot sizes. Modifications to the dimensional standards in section 151.037 are requested to facilitate this variety of homes. Below are the requested modifications, and Table 7 in the Residential Zoning Regulations sections compares these modifications to the Banks Dimensional Standards.

- Minimum single-detached Lot Area in the Medium Density Residential-Low zone- modify from 5,000 SF to 2,805 SF.
- Minimum Townhome Lot Area in the Mixed Use and High Density Residential- modify from 2,000 SF to 1,804 SF.
- Minimum Single-Family Detached lot width in the Medium Density Residential-Low, High Density Residential, and Mixed Use zones- modify from 40' to 25'. (The 25' widths occur only on the 'pie' shaped lots on the left corner of B street).
- Minimum Townhome Corner lot width in the Mixed Use and Medium Density Residential-Low zones- Modify from 40 ft to 30 ft.
- Minimum side yard setbacks in the Medium Density Residential- Low and Mixed Use zones- Modify from 5 ft to 3 ft.

The proposed Master Planned development provides recreational amenities and open space that amount to 25% of the site, which exceeds the standard subdivision requirements. The proposed development will provide approximately 3.6 acres of park and trail space to serve the development and the public, which the City of Banks will add to their parks inventory and amenities. This trail and neighborhood park were improvements identified in the 2023 Banks Park and Recreation Master Plan update, and the trail was also included in the 2015 Banks Bicycle and Pedestrian Plan. The neighborhood park will be dedicated to the City and will include active recreation facilities such as a nature play area, open field, dog park, combination pickleball/ basketball court, swings, and cornhole. The passive recreation opportunities included are chess and checkers tables, benches, picnic tables large enough for parties of 5-10 people, and an amphitheater with sheltered stage area. The amphitheater will face the adjacent wetlands providing views and a community gathering space. The trail will connect to the park and have amenities such as benches, viewing overlooks, and educational placards about the wetlands. The trail will also include the site's stormwater management system planters which will treat and discharge the water collected from the site out to the adjacent mitigation bank.

Improvements to the City's transportation network will also be provided in the form of a new collector road that will run North/South from NW Cedar Canyon Rd and connect to NW Wilkes St. These two intersections will be improved to account for added traffic volume due to the proposed development. Bicycle and pedestrian connections will be provided at these intersections and along the corridor. These improvements were identified in the Banks 2023 Transportation System Plan update. The development will provide another public benefit in the form of a one (1)-acre parcel which will be conveyed to the City for a future water treatment facility.

**(B) Engineering design standards. Modifications to the city's engineering design standards require separate variance to such standards approved by the City Engineer. The city may grant such variances concurrently with the master planned development.**

**Response:** The proposed collector and local streets vary from the minimum right-of-way width of the Public Works Design Standards. Preliminary modifications to the street design standards have been discussed with City Engineer during a meeting on December 13<sup>th</sup> 2023, and designs have since been sent for comment prior to this submittal. These cross-section design variances are due to the surrounding built development and topographical constraints. The site abuts single-family residential and commercial development to the east, private park to the south, and has topographical constraints from the offsite wetlands to the west. Additionally, these constraints must be balanced with meeting the minimum density requirement. Below are modifications proposed for street design throughout the development. Alleys are included in the site design to provide vehicular access for rear loaded townhomes that front onto public streets or pedestrian connections. Additional details are discussed in Section V Adjustments and Variances of this report and Exhibit U Variance exhibits, and the street cross sections can be found on the Vehicle Circulation plan in Exhibit D Sheet 14.1.

Table 6: Street Design Variance

Street Type	Right of way	Pedestrian Walkway: Sidewalk, and Furnishings/ Landscape Zone		Parking Lane width	Bike Lane	Vehicular travel lanes	
		Sidewalk	Planter strip			Number	Width
(City) 2-lane Collector w/ Parking	74'-76'	8' Residential	5'	8' 2 Lanes	6' 2 Lanes	2	11'
'A' Cross-section	<u>70'</u>	<u>6'</u>	<u>2.5'-15'</u>	<u>8'</u> <u>1 Lane</u>	6' 2 Lanes	2	11'
(City) 2-Lane Collector w/out Parking	58'-60'	8' Residential	5'	--	6' 2 Lanes	2	11'
'B1' Cross-section	60'	<u>6'</u>	<u>6'</u>	--	6' 2 Lanes	2	11'
(City) 2-Lane Collector w/out Parking	58'-60'	8' Residential	5'	--	6' 2 Lanes	2	11'
'B2' Cross-section	60'	<u>6'</u>	<u>4'</u>	--	<u>7'</u> 2 Lanes	2	12'
(City) Local w/ Parking	54'	6'	5'	7' 2 Lanes	-	2	9'
'C' Cross-section	<u>52'</u>	6'	5'	<u>8'</u> <u>1 Lane</u>	--	2	<u>10'</u>
(City) Local w/Parking	54'	6'	5'	7' 2 Lanes	--	2	9'
'D' Cross-section	<u>44'</u>	6'	5'	--	--	2	<u>10'</u>
(City) Local w/ Parking	54'	6'	5'	7' 2 Lanes	--	2	9'

Street Type	Right of way	Pedestrian Walkway: Sidewalk, and Furnishings/ Landscape Zone		Parking Lane width	Bike Lane	Vehicular travel lanes	
		Sidewalk	Planter strip			Number	Width
'E' Cross-section	<b><u>32'</u></b>	6'	==	==	--	2	9'
'F1 alley' Cross-section	20' Pavement Tract	--	--	--	--	2	10'
'F2 alley' Cross-section	20' Pavement Tract	--	--	--	--	2	10'
(City) Local w/ Parking	54'	6'	5'	7' 2 Lanes	--	2	9'
'G' Cross-section (Proposed)	<b><u>34'</u></b>	6'	==	==	--	2	<b><u>10'</u></b>

- 'A' Cross-section, a North/South collector is proposed to have a 70' R.O.W. with a modification to the paved width, sidewalk width and planter strip widths. The collector is proposed to include one 8' parking lane as opposed to two 8' parking lanes. The applicant is proposing a 2.5' planter strip, which will not include street trees, and wider planter strips up to 15' with capacity for street trees. The sidewalks are proposed to be 6' wide, a variance from the residential sidewalk standard of 8'.
- The Depot St stub, identified as 'B1' Cross-section is proposed to have 60' R.O.W. with a variation to the sidewalk widths and planter strips. The sidewalks are proposed to be 6' wide, a variance from the residential sidewalk standard of 8' and the planter strips are proposed to be 6' wide, a variance from 5'.
- The Wilkes St extension, identified as 'B2' Cross-section in the street sections sheet is proposed to have 60' R.O.W. with a variation to the sidewalk, planter strips and bike lane widths. The sidewalks are proposed to be 6' wide, a variance from the residential sidewalk standard of 8', the planter strips are proposed to be 4' wide, a variance from 5', and the bike lanes are proposed to be 7' wide, a variance from the standard 6'.
- 'C' Cross-section, a local residential with parking on one side, is proposed to have a 52' R.O.W. with a 28' paved width. Drive lanes are proposed to have a 10' width and one 8' parking lane is proposed as opposed to the standard two 7' parking lanes. This is due to the paired driveway spacing on one side of the street.

- ‘D’ Cross-section, a local residential with no parking, is proposed to have a 44’ R.O.W. with a 20’ paved width. Drive lanes are proposed to have a 10’ width, and no parking is proposed due to paired driveway spacing on either side of the street.
- ‘E’ Cross-section, a local residential with no parking and no planter strip, is proposed to have a 32’ R.O.W. This street does not include parking or planter strips but does include the required 6’ sidewalk. This street is proposed to take the place of an alley and allow front-loaded homes to abut a public street.
- Two alley cross-sections, F1 and F2 are proposed for this development. Both alleys are proposed to be located in a 20’ pavement tract, with 10’ two-way drive lanes. Only rear loaded homes will abut the two alleys.
- ‘G’ Cross-section, a local residential with no parking and no planter strip, is proposed to have a 34’ R.O.W. This street does not include parking or planter strips but does include the required 6’ sidewalk. This street is proposed to take the place of an alley and allow front-loaded homes to abut a public street.

#### § 151.339 CONCEPT PLAN SUBMISSION.

(A) **Submission requirements.** An application for a concept development plan shall follow the submission requirements for a quasi-judicial review under § 151.233, and shall include all of the following:

- (1) A statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

**Response:** Planning objectives detailing the character of the proposed development is included herein within the Project Request and Description in Section I.

- (2) A development schedule indicating the approximate dates when construction of the project and its various phases, if any, including public facilities, are expected to be initiated and completed;

**Response:** The schedule aligns with the timeframe included in the Developer’s Agreement that allows for a maximum of 10 years between preliminary plat and final plat recordation. The following is a phasing schedule for home building and public improvements. Phase lines can be found on Sheets 8.1 and 8.2 in Exhibit D.

#### Phase I

Land Development construction start May 2025  
Public improvement complete June 2026  
Begin Home construction June 2026

#### Phase II

Land Development construction start May 2026  
Public improvements complete May 2027

### Phase III

Land Development construction start May 2027  
Public improvements complete May 2028

(3) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development;

**Response:** The applicant intends for all housing product in the proposed Master Planned Development to be fee simple, available for purchase.

(4) Narrative report or letter documenting compliance with the applicable approval criteria contained in § 151.340;

**Response:** This narrative demonstrates compliance with the applicable approval criteria, addressed herein.

(5) Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple; and

**Response:** A maintenance plan will be drafted for any common areas not dedicated to the City.

(6) Additional reports or studies prepared by qualified professionals, as required by the City Planning Official, to determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.

**Response:** Additional reports prepared by qualified professionals included in this submittal are:

- Traffic Impact Analysis, Exhibit G
- Wetland Delineation, Exhibit H
- Preliminary Storm Report, Exhibit J
- Water Modeling Analysis, Exhibit L

(7) Assurances, including assurances of proposed public benefits under § 151.338(B)(7).

**Response:** These will be provided at the necessary stages as the project progresses through the review process.

(B) Additional information. In addition to the written information described in division (A) above, the concept plan application shall include all of the following plans, exhibits and information:

(1) Existing conditions map, consistent with § 151.253;

(2) Conceptual site plan, including general land use plan, building envelopes, circulation plan, open space network, general utility connections and alignments, and other information necessary to convey the concept plan;

(3) Grading concept;

(4) Landscape concept, including plan for retention of existing vegetation and general planting areas;

(5) Architectural concept, including plans illustrating intended architectural styles, building heights, massing, and general materials;

**Response:** The above required plans are included in this submittal as Exhibit D and Architectural concepts are included as Exhibit K.

(6) Sign concept plan, including locations, general size, style and materials of signs, such as entry monument and wayfinding signs, as applicable; and

**Response:** Wayfinding sign concepts for the proposed regional trail segment are included in this Submittal as Exhibit D Sheet L2.01.

(7) Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, private drives, if any, parking, and the like).

**Response:** A draft version of the Covenants, Conditions and Restrictions are included in this submittal as Exhibit F.

#### § 151.340 CONCEPT PLAN APPROVAL CRITERIA.

The Planning Commission, in approving or approving with conditions a concept plan, shall make findings that all of the following criteria are met. The Planning Commission must deny an application where not all of the criteria are met.

(A) Comprehensive Plan. The proposal conforms to the Comprehensive Plan;

**Response:** This application conforms to the Banks Comprehensive Plan policies and goals as addressed in this report, see Section II Comprehensive Plan and Zone Map amendments.

(B) Land division chapter. Except as may be modified under § 151.338, all of the requirements for land divisions under Chapter 152, are met;

**Response:** The Land Division chapter and how the application complies to the standards of this chapter is addressed in this report, see Section VI Subdivision and Partition.

(C) Zones and regulations and community design standards. Except as may be modified under § 151.338, all of the requirements of §§ 151.020 et seq. and §§ 151.110 et seq. are met;

**Response:** This application includes a Comprehensive Plan and Zone Map amendment which proposes to amend the underlying designations of the subject properties. Through the proposed amendments, the resulting zones would be Medium Density Residential- Low, High Density Residential, and Mixed Use. This Comprehensive Plan and Zone Map amendments would enable a Master Planned Residential development that meets the minimum density of the underlying designations. The zoning regulations for the applicable zones are addressed within this section below, and standards are either met or proposed to be modified through the Master Planned Development. These proposed modifications can be found in this Section III.

(D) Public facilities. The proposal shall demonstrate adequate public facility capacity to serve the proposed development including sewer, water, and the transportation system, except as may be modified under § 151.338;

**Response:** The proposed Master Planned development will have adequate public facility capacity. Clean Water Services will provide sanitary and sewer service to the proposed

development; a service provider letter indicating adequate capacity to serve the proposed development is included in this submittal as Exhibit M. Sheets 12.1 and 12.2 in Exhibit D detail the planned sanitary for the development, and Sheets 13.1 and 13.2 in Exhibit D includes the stormwater plans. Water will be provided by the City of Banks, and a service provider letter indicating adequate capacity to serve the proposed development is included in this submittal as Exhibit N. A new North/South Collector and East/West Wilkes Rd extension will be constructed to serve as the internal street network for the proposed development. See preliminary vehicle circulation plan in Sheet 14.1 in Exhibit D for street details. Along with the new internal streets, the adjacent intersections of NW Wilkes St and NW Main St, and NW Cedar Canyon Rd and proposed North/South collector will be improved to serve the anticipated traffic volume from the proposed development. Street improvements were based on traffic data derived from the Traffic Impact Analysis report completed for this proposed development, included as Exhibit G.

(E) **Open space.** Master plans shall contain a minimum of 20% open space, which may be public, private, or a combination of public and private open space. Modifications in the amount of open space provided may be approved with the provision of public benefit per § 151.338(C). Such open space shall be integral to the master plan and connect to a majority of the proposed residential lots. Plans shall provide space for both active and passive recreational uses, and may include but are not limited to: neighborhood parks, pathways/trails, natural areas, plazas, and play fields. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; and the open space shall be conveyed in accordance with one of the following methods:

(1) By dedication to the city as publicly owned and maintained open space. Open space proposed for dedication to the city must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or

(2) By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the city. The city, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development, to meet public recreational needs pursuant to the Comprehensive Plan.

**Response:** This Master Planned development proposes to include 3.6 acres of open space, which is 25% of the subject site. The proposed open space would include a public neighborhood park and regional trail segment. The park will have active recreation facilities such as a nature play area, open field, dog park, combination pickle ball/ basketball court, swings, and cornhole. The passive recreation opportunities included are chess and checkers tables, benches, picnic tables large enough for parties of 5-10 people, and an amphitheater with sheltered stage area. The amphitheater will face the adjacent wetlands providing views and a community gathering space. The regional trail corridor will connect to the park and have amenities such as benches, viewing overlooks, and educational placards about the wetlands. The trail will also include the site's stormwater management system planters, which will treat and discharge the water collected from the site out to the adjacent mitigation bank. The Park and Open Space landscape sheets in Exhibit D demonstrate that the proposed open space areas are integral to the neighborhood, and that the park is accessible from all homes via pathways throughout the site. The neighborhood park and trail corridor will be conveyed to the City, while the smaller multi-modal, mid-block connections will be owned and maintained by the HOA and have public access easements.

(F) Modifications to standards. Modifications to Code standards must conform to the criteria in § 151.338.

**Response:** The proposed dimensional modifications comply with the criteria in code section 151.338, and are addressed within this report in Section III.

#### § 151.341 CONCEPT PLAN AND EXPIRATION.

- (A) Upon approval of a Concept Plan, the approved plan, including any conditions of approval, shall be binding on future uses and development of the property, except where an approval expires.
- (B) Expiration. Except as provided by division (C), below, a concept plan shall become void 3 years after the date of approval if the applicant, or successor, has not filed with the city an application for detailed development plan and final plat approval in conformance with §§ 151.342 and 151.343.
- (C) Extension. The city may grant extensions of the concept plan approval period, not to exceed 1 year per extension, provided that the extension request is made before expiration of the master planned development approval, the applicant can show intent of applying for detailed development plan review within the 1-year extension period, and there have been no substantive changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

**Response:** Both a concept plan and detailed development plan are included in this submittal for approval. In the event of the detailed development plan needing amendment, it will be submitted within 3 years of concept plan approval. Upon approval of the detailed development plan, the applicant will comply with the Conditions of Approval.

#### § 151.342 DETAILED DEVELOPMENT PLAN SUBMISSION.

Detailed development plan submittal requirements are determined based on the conditions of approval for the Concept Plan. At a minimum, the detailed development plan submittal shall meet the minimum requirements for final plat submission under § 152.009, and shall contain information demonstrating compliance with the Concept Plan. The detailed development plan and preliminary subdivision plan, if proposed, shall be reviewed using the Type III procedure in § 151.232 to ensure substantial conformance to the approved Concept Plan. Where the proposal is for a multifamily development. Site design review is required, pursuant to §§ 151.250 through 151.256; Site Design Reviews for multifamily development on detailed development plans shall be processed through the Type II procedure.

**Response:** A detailed development plan review is being applied for concurrently with the concept plan through this application. The site plan can be found in Exhibit D Sheets 8.1 and 8.2.

#### § 151.343 DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA.

Approval of the detailed development plan shall be based upon a finding that the final plan substantially conforms to the Concept Plan, including any Concept Plan conditions of approval. Minor changes to the approved Concept Plan may be approved with the detailed plan where the Planning Commission finds that the modification is necessary to correct an error, or to address changes in circumstances beyond the applicant's control that have occurred since the date of project approval. Other changes must be reviewed as modifications under §§ 151.285 through 151.288.

**Response:** A detailed development plan review is applied for with this application, and substantially conforms to the concept plan, which is also included in this application.

### § 151.344 SUBSEQUENT DEVELOPMENT REVIEWS.

Notwithstanding the provisions of § 151.252, where the city has previously approved a development project in concept as part of a master planned development approval, as determined by the City Planning Official, subsequent land use applications for the same project may be processed through a Type I review.

**Response:** This criterion is not applicable as this is the first submittal for a detailed development plan review.

## RESIDENTIAL ZONING REGULATIONS

### § 151.035 PURPOSE.

- (A) This subchapter regulates allowed land uses in the residential zones ("uses") and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Banks Comprehensive Plan and the purposes of this Code, per §§ 151.001 and 151.002.
- (B) The intent and purpose of each residential zone is described as follows:
- (4) The Medium Density Residential-Low (MDR-L) zone is intended to provide for a blend of detached and attached single-family housing units and multi-family housing types at a density of 8.0 to 12.9 dwellings per net acre.
  - (5) The High Density Residential (HDR) zone is intended to provide for a broad range of housing types at a density of 17.0 to 30.0 dwellings per net acre. The HDR zone also provides opportunities for a limited amount of neighborhood-scale commercial uses.
  - (6) Mixed-Use (MU) zone is intended to provide a mix of medium density residential uses together with small to medium scale retail commercial and civic uses that emphasize a pedestrian environment.

<i>Land Use</i>	<i>MDR-L</i>	<i>HDR</i>	<i>MU</i>
Minimum Density (DU/Net Acre)	8.0	17.0	10.0
Maximum Density (DU/Net Acre) (see § 151.110)	12.9	30.0	16.9

Master Planned Development	MDRL Zone (8 Units/AC min. & 12.9 Units/AC max.)	HDR Zone (17.0 Units/AC min. & 30.0 Units/AC max.)	MU Zone (10.0 Units/AC min. & 16.9 Units/AC max.)	Total
Total Project Area	4.94	5.98	8.36	19.28
Less Public ROW/Private Streets (25%)	1.24	1.49	2.09	4.82
Sub Development Area	3.71	4.48	6.27	14.46
Less Open Space (15%)	0.56	0.67	0.94	2.17
Net Development Area	3.15	3.81	5.33	12.29
Total Maximum Units	41	114	90	245
Total Minimum Units	25	65	53	143
Proposed Units				144
Units Below Maximum				101

Figure 2: Project Density

**Response:** This application is for a Master Planned Development, on land that will be zoned MDR-L, HDR, and MU. There will be a mix of single-family attached and detached homes proposed for the development, with some single-family detached occurring in the HDR and MU zone. Therefore, the applicant is applying for a Master Planned Development in order to provide single-family detached in these two zones. Through this process the applicant is also meeting the minimum density requirement of 143 units by providing 144 homes on the site, as shown in Figure 2 above.

**§ 151.036 PERMITTED LAND USES IN RESIDENTIAL ZONES.**

The land uses listed in Table 2.2-A as "P" are permitted in the residential zones, subject to the provisions of this Code. Uses listed as "S" are permitted subject to the specific standards in §§ 151.075 through 151.085. Land uses designated with a "CU" require conditional use approval prior to development or a change in use, in accordance with §§ 151.270 through 151.273. Only land uses which are specifically listed as "P", "S" or "CU" in Table 2.2-A and land uses which are approved as "similar" to those listed in this table may be permitted.

Land Use	MDR-L	HDR	MU
Single Dwelling, Detached	P	MPD	MPD
Townhome	P	P	P

**Response:** Single attached dwellings are permitted outright in all zones, whereas single detached dwellings are permitted outright only in the MDR-L zone and subject to a Master Planned Development in the HDR and MU zones. Therefore, the applicant is applying for a Master Planned Development in order to achieve the desired mix of housing and reach the required minimum unit count for the site.

§ 151.037 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONES.

The development standards in Table 2.2-B apply to all uses, structures, buildings, and development allowed in the residential zones.

TABLE 2.2-B DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES						
Development Standard	RE	LDR	MDR-L	MDR-H	HDR	MU
Minimum Density (DU/Net Acre)	2.9	6.0	8.0	13.0	17.0	10.00
Maximum Density (DU/Net Acre) (see § 151.110)	5.9	7.9	12.9	16.9	30.0	16.9
Minimum Lot Area (square feet) <sup>1</sup>						
Single-Family Detached	10,000 <sup>2</sup>	7,000	5,000	4,500	NA	NA
Duplex	10,000	7,000	5,000	4,500	NA	NA
Triplex	NA	NA	6,000	5,000	5,000	5,000
Fourplex	NA	NA	6,000	5,000	5,000	5,000
Townhome	NA	NA	2,000	2,000	2,000	2,000
Townhome Center Lot	NA	NA	4,000	4,000	4,000	4,000
Cottage Cluster	NA	7,000	7,000	7,000	7,000	NA
Multi-Family	NA	NA	NA	NA	5,000 <sup>3</sup>	5,000 <sup>3</sup>
Minimum Lot Width (feet)						
Townhome	NA	NA	20	20	20	20
Townhome Corner Lot	NA	NA	40	40	40	40
All Other	70	50	40	40	40	40
Minimum Lot Depth (feet)	1.5 times the minimum lot width, or 100 feet, whichever is less					
Maximum Building Coverage (%)						
Single-Family Detached	50	50	50	50	NA	NA
Duplex	NA	60	60	60	NA	NA
Triplex	NA	NA	None	None	None	None
Fourplex	NA	NA	None	None	None	None
Townhome	NA	NA	70	70	80	80
Cottage Cluster	NA	60	70	70	70	NA
Multi-Family	NA	NA	NA	NA	80	80
Setback Requirements:						
Minimum Front Yard (feet) <sup>4</sup>	15	15	15	10	5	0
Minimum Side Yard (feet)	5	5	5	5	0	0 <sup>4</sup>
Townhome (interior side yard)	NA	NA	0	0	0	0
Accessory Structures <sup>5</sup>	2	2	2	2	2	2
Minimum Street Side Yard (feet)	10	10	10	10	5	5
Minimum Rear Yard (feet)						
Accessory Structure	2	2	2	2	2	2
All Other	10	10	10	10	10	10
Maximum Building Height (feet) <sup>6</sup>	30	30	35	35	40	35 or 45 <sup>7</sup>
Minimum Landscaping (percent of total site) (see §§ 151.155 - 151.157)	15	15	15	15	15	10
Notes:						
1. Minimum lot sizes may vary from these standards per the lot size averaging provisions in § 152.005						
2. Maximum lot size in RE Zone is 15,000 sf. and in the LDR Zone is 10,000 sf.						
3. For multi-family, minimum lot size is 5,000 sf. for the first four units, plus 1,000 per unit for additional units						
4. A front setback may be reduced by up to 5 feet for unenclosed front porches with a minimum front yard setback of 5 feet where these reductions are permitted. There shall be no encroachment into public utility easements.						
5. In the MU Zone, there is no minimum side yard requirement unless abutting LDR, MDR-L or MDR-H zoning, in which case the minimum side yard requirement is 5 feet.						
6. Accessory structures located within 5 feet of a side yard shall be less than 15 feet in height.						
7. The maximum building height for residential only buildings in the MU Zone is 35 feet. The maximum building height for mixed use buildings in the MU Zone is 45 feet.						
8. In all zones, the maximum building height for cottage cluster buildings is 25 feet or 2 stories, whichever is greater.						

**Response:** As the proposed development will occur in the MDR-L, HDR, and MU zones, the standards of these zones are applicable. The proposed development complies with the minimum and maximum density of the applicable zones, as shown in Table 2.2-A: Development Standards in Residential Zones. Based on the applicant’s density calculations of the site and applicable

zoning, the maximum density is 245, and the minimum density is 143. The proposed development would provide 144 homes, which results in an average density of 11.71 dwelling units per 12.29 net developable acres. See Exhibit D Sheet 7 for the full density calculations.

The table below shows the dimensions of both the single detached and attached product type for the proposed Master Planned Development. Modifications to the code standards are underlined, bolded, and italicized, and listed below. See Exhibit Sheet 8.1 and 8.2 for the Preliminary Plats which show lot dimensions.

The requested Dimensional Standards modifications are as follows:

- Minimum single-detached Lot Area in the Medium Density Residential-Low zone- modify from *5,000 SF* to *2,805 SF*.
- Minimum Townhome Lot Area in the Mixed Use and High Density Residential- modify from *2,000 SF* to *1,804 SF*.
- Minimum Single-Family Detached lot width in the Medium Density Residential-Low, High Density Residential, and Mixed-Use zones- modify from 40' to *25'*. (The 25' widths occur only on the 'pie' shaped lots on the left corner of B Street).
- Minimum Townhome Corner lot width in the Mixed Use and Medium Density Residential-Low zones- Modify from *40 ft* to *30 ft*.
- Minimum side yard setbacks in the Medium Density Residential- Low and Mixed-Use zones- Modify from *5 ft* to *3 ft*.

Table 7: Dimensional Standards Modifications

Banks Zoning Code Ch. § 151.037	Existing MDR-L	Existing HDR	Existing MU	Single-Family Lots (MDR-L, HDR, MU)	Townhome Lots (HDR, MU)
<u>Lot Area (Min)</u>					
Single-Family Detached	5,000 SF	N/A	N/A	<b><u>2,805 SF</u></b>	--
Townhome	2,000 SF	2,000 SF	2,000 SF	--	<b><u>1,804 SF</u></b>
<u>Lot Width (Min)</u>					
Single-Family Detached	40'	40'	40'	<b><u>25'</u></b>	--
Townhome	20'	20'	20'	--	21'
Townhome Corner Lot	40'	40'	40'	--	<b><u>30'</u></b>
<u>Lot Depth (Min)</u>	1.5x Width or 100 ft	1.5x Width or 100 ft	1.5x Width or 100 ft	85'	85'

<u>Building Coverage (Max)</u>					
Single-Family Detached	50%	N/A	N/A	45%	--
Townhome	70%	80%	80%	--	59%
Front yard (Min) <sup>1</sup>	15'	5'	0'	10'	10'
Side Yard (Min) <sup>2</sup>	5'	0'	0' <sup>2</sup>	<u>3'</u>	--
Townhome (interior side yard)	0'	0'	0'	--	0'
Street Side Yard (Min)	10'	5'	5'	10'	5'
Rear Yard (Min)	10'	10'	10'	10'	10'
Building Height (Max) <sup>1</sup>	35'	40'	35'	2 stories	2 stories

#### IV. SITE DESIGN REVIEW COMPLIANCE WITH THE CITY OF BANKS MUNICIPAL CODE

##### § 151.252 REVIEW PROCEDURE.

(A) Site design review shall be conducted using the Type II procedure in § 151.232, except those proposals that exceed any one of the thresholds in division (B) below.

(B) Proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in § 151.233:

(1) The proposed use's estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual;

**Response:** A Traffic Impact Analysis was completed for this proposed Master Planned residential development, see Exhibit G. The analysis anticipates that the proposed development will exceed 100 average daily trips. Therefore, a site design review is necessary and is consolidated with the rest of this application, which will receive Type III and IV review.

##### § 151.253 APPLICATION SUBMISSION REQUIREMENTS.

All of the following information is required for site design review application submittal, except where the City Planning Official determines that some information is not pertinent and therefore is not required.

(A) *General submission requirements.*

<sup>1</sup> A front setback may be reduced by up to 5 feet for unenclosed front porches with a minimum front yard setback of 5 feet where these reductions are permitted. There shall be no encroachment into public utility easements

<sup>2</sup> In the MU Zone, there is no minimum side yard requirement unless abutting LDR, MDR-L or MDR-H zoning, in which case the minimum side yard requirement is 5 feet.

(1) Information required for Type II or Type III review, as applicable (see §§ 151.230 through 151.238).

(2) *Public facilities and services impact study.* The impact study shall quantify and assess the effect of the development on public facilities and services. The city shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet city requirements. The city may require a traffic impact analysis pursuant to § 151.216.

**Response:** Below are responses addressing the impacted public facilities.

**Transportation:** The street improvements will be constructed based on traffic data derived from the Traffic Impact Analysis report completed for this proposed development, included as Exhibit G. A new North/South Collector and East/West Wilkes Rd extension, identified in the City's 2023 TSP, will be constructed to serve as the internal street network for the proposed development, along with new local roads and alleys. See Sheet 14.1 in Exhibit D for street details. Along with the new internal streets, the adjacent intersections of NW Wilkes St and NW Main St and NW Cedar Canyon Rd and proposed North/South collector will be improved to serve the anticipated traffic volume from the proposed development. Pedestrian facilities will be provided throughout the development along the proposed streets and an off-street regional trail segment, see Exhibit D Sheet 14.2 for Pedestrian Circulation plans.

**Parks:** A neighborhood park is proposed for this Master Planned development. The park was included in the 2023 Banks Parks Master Plan update and follows many of the preferred and recommended amenities included therein. The neighborhood park will be dedicated to the City and will include active recreation facilities such as a nature play area for 2-12 year olds, an open field, a dog park, combination pickleball/ basketball court, swings, and cornhole. The passive recreation opportunities included are chess and checkers tables, benches, picnic tables large enough for parties of 5-10 people, and an amphitheater with sheltered stage area. The amphitheater will face the adjacent wetlands providing views and a community gathering space. The trail will connect to the park and have amenities such as benches, viewing overlooks, and educational placards about the wetlands. The trail will also include the site's stormwater management system planters that will treat and discharge the water collected from the site out to the adjacent mitigation bank. See the Park and Open Space sheets in Exhibit D for details. The park will serve the proposed development, and the general public. In this way the neighborhood park mitigates the impact of the future residents from the proposed development and adds to the City's overall park inventory.

**Water:** The proposed development mitigates its impact on the City's water capacity by providing two identified resources to the City. Through the Comprehensive Plan and Zone Map amendment being applied for concurrently with this application, a one (1)-acre industrial site will be conveyed to the City to use as a water treatment facility. Additionally, the property owner will transfer their water rights to West Fork Dairy Creek to the City. The proposed development will construct new water lines to connect to existing water mains at NW Cedar Canyon Rd and NW Wilkes St, see Sheets 11.1 and 11.2 in Exhibit D for details. The construction of these lines is included in the 2023 Banks Water Master Plan, distinguished as the *Westside*

*Loop.* A Service Provider Letter from the City's Water Department ensuring adequate capacity to serve the development is included with this submittal in Exhibit N.

**Sanitary/Storm:** The proposed development will have a newly constructed sanitary system that connects to the City's infrastructure and will be serviced by CWS. The stormwater system for the proposed development will gather stormwater from the development and abutting properties on the eastern boundary. Stormwater flows will be treated using stormwater planters that drain to the offsite wetland mitigation bank to the west. This will provide opportunities to recharge groundwater aquifers and drain any overflow to the nearby West Fork Dairy Creek. See sheets 12.1, 12.2, 13.1 and 13.2 in Exhibit D for Sanitary/ Storm details. A CWS Service Provider Letter is Included in this submittal as Exhibit M.

- (D) *Site design review information.* In addition to the general submission requirements per §§ 151.230 through 151.238, an applicant for site design review shall provide the following information, as deemed applicable by the City Planning Official. The City Planning Official may request any information they need to review the proposal and prepare a complete staff report and recommendation to the approval body.

**Response:** The Site Design Review is being submitted concurrently with the proposed Master Planned Development and Comprehensive Plan and Zoning Amendments.

(1) *Site analysis/existing conditions map.* The site analysis map shall contain all the following information, as the City Planning Official deems applicable:

- (a) The applicant's entire property and the properties within 100 feet, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
- (b) Topographic contour lines at 2-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;
- (c) Identification of slopes greater than 15%, with slope categories identified in 5% increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);
- (d) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
- (e) Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the city, county, or state as having a potential for geologic hazards;
- (f) Areas subject to overlay zones;
- (g) Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
- (h) The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade (DBH);
- (i) North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed; and
- (j) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

**Response:** An existing conditions map that meets the above criteria is included in this submittal as Exhibit Sheets 2.1, 2.2, and 2.3. Owner, project engineer, surveyor and planner information are on the Cover, Sheet 1 of Exhibit D.

(2) *Proposed site plan.* The site plan shall contain all the following information:

- (a) The proposed development site, including boundaries, dimensions, and gross area;
- (b) Features identified on the site analysis map that are proposed to remain on the site;
- (c) Features identified on the site analysis map, if any, which are proposed to be removed or modified by the development;
- (d) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
- (e) The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- (f) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- (g) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- (h) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- (i) Loading and service areas for waste disposal, loading, and delivery;
- (j) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- (k) Location, type, and height of outdoor lighting;
- (l) Location of mailboxes, if known;
- (m) Name and address of project designer, if applicable;
- (n) Locations of bus stops and other public or private transportation facilities; and
- (o) Locations, sizes, and types of signs.

**Response:** A site plan that contains the applicable information from the above list is included in this submittal as Exhibit D Sheets 8.1 and 8.2. Name and address of project designer is included on the Cover, Sheet 1 of Exhibit D. Waste disposal delivery plans are shown in Exhibit N with the SWATCO Service Provider Letter.

(3) *Architectural drawings.* Architectural drawings shall include, as applicable:

- (a) Building elevations with dimensions;
- (b) Building materials, colors, and type; and
- (a) Name and contact information of the architect or designer.

**Response:** Preliminary Architectural drawings with the above information are included in this submittal as Exhibit K.

(4) *Preliminary grading plan.* A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the city. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

**Response:** A preliminary grading plan prepared by a registered engineer is included in this submittal as Exhibit D Sheets 10.1 and 10.2.

(5) *Landscape plan.* Where a landscape plan is required, it shall show the following, pursuant to §§ 151.155 through 151.157:

- (a) The location and height of existing and proposed fences, buffering, or screening materials;
- (b) The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
- (c) The location, size, and species of the existing and proposed plant materials (at time of planting);
- (d) Existing and proposed building and pavement outlines;
- (e) Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and
- (f) An arborist's report may be required for sites with trees of 6 inches DBH or greater that are to be retained and protected.

**Response:** A landscape plan that complies with §151.155 and §151.157 that includes the above information is included in this submittal as Exhibit D. Proposed fencing details will be provided with Construction documents following this submittal.

(6) *Deed restrictions.* Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

**Response:** A draft copy of CC&Rs for the proposed Master Planned development is included in this submittal as Exhibit, as well as a preliminary title report in Exhibit F.

(7) *Narrative.* Letter or narrative report documenting compliance with the applicable approval criteria contained in § 151.255.

**Response:** This report documents compliance with the applicable Site Design Review approval criteria.

(8) Traffic impact analysis, when required by § 151.216.

**Response:** A Traffic impact analysis is included in this submittal is Exhibit G.

(9) *Other information determined by the City Planning Official.* The city may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts

(e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

**Response:** The applicant will provide additional studies or exhibits as required by the City Planning Official.

#### § 151.254 APPROVAL CRITERIA.

- (A) An application for site design review shall be approved if the proposal meets all the following criteria. The city decision-making body, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.

**Response:** The applicant is applying for site design review to be reviewed concurrent with the land use applications included with this submittal. The applicant will comply with the conditions of approval set for this site design review.

- (1) The application complies with all of the applicable provisions of the underlying land use zone, including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, and other applicable standards;

**Response:** The above residential building design and dimensional standards are addressed within this report. The proposed development's housing product either complies with the dimensional standards or requests modification through a Master Planned development. The dimensional standard compliance and requested modifications can be found in Section III. The proposed housing product complies with the applicable residential building design standards. See Exhibit K for the Architectural Elevations.

- (2) The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use zone standards, pursuant to § 151.355 Nonconforming Situations;

**Response:** This proposed Master Planned development application does not include any required upgrades to existing developments that are currently non-conforming. Therefore, this criterion is not applicable.

- (3) The proposal complies with all of the community design standards of this chapter as applicable.

**Response:** This application is for a site design review of a residential Master Planned development. Therefore, this criterion is not applicable.

- (4) For Type III reviews of commercial and residential developments that do not meet clear and objective building design standard in §§ 151.110 and 151.111 or §§ 151.125 through 151.127, the proposal must demonstrate how it meets the stated guideline(s) for those standard(s) not being met.

**Response:** The proposed housing product for this Master Planned development complies with the applicable Residential Building Design in § 151.125, except for standards §151.126M(1.B, C & D) regarding frontloaded townhomes. A variance is requested in Section V of this report for garage widths and driveway approach widths that vary from the standard. See below for details on housing products that do comply with the standards. Architectural elevations can be found in Exhibit K.

(5) The proposal complies with any applicable regulations of:

- (a) Sections 151.075 through 151.085 Special Use Standards
- (b) Sections 151.270 through 151.273 Conditional Use Permits.
- (c) Section 151.355 Nonconforming Situations.

**Response:** The applicant is not applying for any uses included in the above sections, therefore this criterion is not applicable.

(6) For nonresidential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and

**Response:** All proposed development included in this application is for residential use, therefore this criterion is not applicable.

(7) The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

**Response:** An application for a property line adjustment was submitted prior to and separately from this application. Any conditions of approval for the property line adjustment will be met prior to implementation of the development proposed with this application. The property line adjustment supports the necessary transfers of land to separate the industrial areas on the property from the residential areas and phases of the proposed residential development.

(8) *Note.* Compliance with other city codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

**Response:** The applicant will comply with the above criteria if required.

## RESIDENTIAL BUILDING DESIGN

### § 151.126 RESIDENTIAL DESIGN STANDARDS.

- (A) *Applicability.* The standards in this section apply to all new single detached, duplex, triplex, fourplex, and townhome development, unless otherwise indicated per the divisions below. The standards in this section also apply to conversion of an existing dwelling into one of the subject dwelling types (for example, conversion of a single detached dwelling into a duplex).
- (B) *Entry location and orientation standard.* At least one main entrance for each structure that faces a street, and each townhome unit that faces a street, must meet the following standards.
  - (1) Be set back no further than 20 feet from the abutting public street or public pedestrian way.
  - (2) Either:
    - (a) Face the street;
    - (b) Be at an angle of up to 45 degrees from the street;
    - (c) Face a common open space that is adjacent to the street; or

(d) Open onto a porch. If the entrance opens onto a porch, the porch must:

1. Be at least 24 square feet in area with a minimum four-foot depth.
2. Have at least 1 porch entry facing the street.
3. Have a roof that is no more than 12 feet above the floor of the porch.
4. Have a roof that covers at least 30% of the porch area.

**Response:** Each of the single detached/ attached dwellings included in this proposal meet the above entry location and orientation standards. See Exhibit D Sheets 8.1 and 8.2 for the site plan and Exhibit K for the conceptual Architectural Elevations.

(C) *Entry location and orientation guideline.* Building elevations facing streets, shared courts, and common greens should include pedestrian oriented entrances. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.

**Response:** Front entrances for the side units on the frontloaded townhomes will be located on the side façade, rather than the front. These primary entrances will be enhanced by having a covered porch and walkway. See Exhibit K for Architectural Elevations.

(D) *Limitation on parking.* Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage.

**Response:** Parking for each dwelling is either provided through front loaded garages or rear-loaded garages, and driveways. See Exhibit D Sheet 15 for the parking plan and Exhibit K for Architectural Elevations.

(E) *Garage standards.* Where 1 or more garages face a street, the following standards apply:

- (1) The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure.
- (2) The width of all garages on the street-facing elevation shall not exceed 60% of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall.
- (3) If the front elevation of the garage is set back at least 5 feet from the street-facing elevation of the primary dwelling structure, the garage width standard in division (E)(2) does not apply.

**Response:** The proposed single-family detached homes and front-loaded townhomes have front-loaded garages that are set-back at least 5 feet from the street facing elevation of the primary dwelling. See Exhibit K for Architectural Elevations.

(4) Garages that face a street shall contain at least one of the following design features:

- (a) Garage trellis or pergola extending at least 12 inches from the building face;
- (b) Windows on 15% of the garage door;
- (c) Decorative hardware;
- (d) Natural wood finish;

- (e) A recess of at least 3 feet behind the primary dwelling; or
- (f) Multiple materials finish or colors are used.

**Response:** The garages for the single-family detached homes include windows on at least 15% of the garage door. The front-loaded townhome garages also include windows on at least 15% of the garage door, as well as decorative hardware. See Exhibit K for Architectural Elevations.

- (F) *Garages guideline.* Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.

**Response:** The above Garage standards have been met, therefore the guideline is not necessary.

- (G) *Windows standard.* A minimum of 15% of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard.

**Response:** All dwellings proposed for this Master Planned development have windows or entrance doors occupying a minimum of 15% of their street facing façade. See Architectural Elevations in Exhibit K for details.

- (H) *Windows guideline.* Building elevations facing streets, shared courts, and common greens should include ample levels of glazing to ensure articulation on the facade, daylighting of interior spaces and visibility into the public realm.

**Response:** The above Windows standard has been met, therefore the guideline is not necessary.

- (I) *Detailed design standards.*

- (1) All single detached dwellings, duplexes, triplexes and fourplexes shall incorporate at least 5 of the following elements on the street-facing facade. All townhome units shall incorporate at least 2 of the following elements on the street-facing facade. For corner lots, this standard applies to both street-facing facades.
  - (a) Covered porch at least 36 square feet with a depth not less than 6 feet as measured perpendicular from the face of the main building facade to the edge of the porch.
  - (b) Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building facade, and at least 5 feet wide.
  - (c) Offset on the building face of at least 16 inches from one exterior wall surface to the other.
  - (d) Dormer that is at least 4 feet wide.
  - (e) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
  - (f) Roof line offsets of at least 2 feet from the top surface of 1 roof to the top surface of the other.
  - (g) Tile shingle roofs.

- (h) Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed).
- (i) Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing facade.
- (j) Gable roof, hip roof, or gambrel roof design.
- (k) Window trim around all windows at least 3 inches wide and 5/8 inches deep.
- (l) Window recesses, in all windows, of at least three inches as measured horizontally from the face of the building facade.
- (m) Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
- (n) Bay window at least 1 foot deep and 3 feet wide.
- (o) Attached garage width, as measured between the edges of the exterior finished garage wall, of 30% or less of the total width of that elevation.
- (p) Permanent solar rooftop panels covering at least 60% of the roof area.
- (q) Workable shutters on the exterior of ground floor windows.

**Response:** All single-family detached dwellings proposed for this Master Planned development include at least 5 of the above detailed design elements on all street facing facades. All single-family attached townhomes for this development include at least 2 of the above detailed design elements on all street facing facades. Architectural elevations providing the above details are included in this submittal as Exhibit K.

- (J) *Detailed design guideline.* Building elevations facing streets, shared courts, and common greens should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.

**Response:** The above Detailed Design standards have been met, therefore the guideline is not necessary.

- (K) *House plan variety standards.* This standard applies to new detached single dwelling developments only.

(1) No 2 directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least 3 of the elements listed in divisions (K)(2) through (K)(7) below. Where facades repeat on the same block face, they must have at least 3 intervening lots between them that meet this standard.

(2) *Materials.* The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.

(3) *Articulation.* The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of 4 feet and a projection or offset must be at least 4 feet in depth.

(4) *Variation in roof elevation.* The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10%), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.

(5) *Entry or porch.* The plans have different configuration or detailing of the front porch or covered entrance.

(6) *Fenestration.* The plans have different placement, shape, or orientation of windows or different placement of doors.

(7) *Height.* The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than 4 feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of 8 feet or more from 1 lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.

**Response:** The applicant is applying for the House plan variety guideline in place of the standard. Details of which are provided below.

(L) *House plan variety guideline.* New residential developments should provide a variety of house styles and means of articulation along the front facade to avoid repetitive facades along a block face.

**Response:** Three different single-family detached products are proposed for the development. The products each have different exterior materials with a variety of spacing, and cladding dimensions to provide diversity in the façades. See Exhibit K for Architectural Elevations.

(M) *Access and parking.* This standard applies to new townhome development only. Townhomes with frontage on a public street shall meet the following standards:

(1) Garages on the front facade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are prohibited unless the following standards are met. For the purposes of this section, "driveway approach" means the edge of a driveway where it abuts a public right-of-way.

(a) Each townhouse lot has a street frontage of at least 15 feet on a local street.

(b) A maximum of 1 driveway approach is allowed for every townhouse. Driveways may be shared.

(c) Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

(d) The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

**Response:** Each townhome lot has street frontage of 22 feet, however the front-loaded townhomes have garages that exceed the above width and driveway maneuvering area standards in order to provide for 2-car garages. Therefore, a variance is included in this submittal to request modifications for 16-foot-wide garage doors, and 16-foot-wide maneuvering areas. This is detailed within the report in Section V. Adjustments and Variances. Also see Exhibit K for Architectural Elevations.

(N) *Driveway approach.* This standard applies to new triplex and fourplex developments only. Driveway approaches shall comply with the following:

**Response:** No triplexes or fourplexes are proposed for this Master Planned development.

(O) There is no design guideline associated with divisions (M) or (N) related to access, parking, or driveways. Adjustments to those standards require an adjustment or variance approval pursuant to §§ 151.320 through 151.324.

**Response:** The applicant will be requesting a variance for frontloaded townhomes which are proposed to have 2-car garages. The garage door and driveway maneuvering area exceed the allowable 12-foot width. See Section V. Adjustments and Variances for further details, and Exhibit K for Architectural Elevations.

## LANDSCAPING, SCREENING AND FENCING

### § 151.155 LANDSCAPING REQUIREMENTS.

(A) *Applicability.* The standards in this section apply to all new development requiring Site Design Review per §§ 151.250 through 151.256.

(B) *Minimum landscape area.* All lots shall conform to the minimum landscape area standard of the applicable zone.

**Response:** The proposed development falls within the MDR-L and HDR zones which have 15% landscape requirements, and the MU zone which has a 10% landscape requirement. All proposed lots comply with the minimum landscape standard.

(C) *Plant selection.* A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth. The selection of plants shall be based on all the following standards and guidelines:

- (1) Use plants that are appropriate to urban areas and the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered. The city may rely on Oregon State University Extension Service bulletins/University of Washington Urban Forestry Program guidelines/or other expert sources in evaluating landscape plans.
- (2) Plant species that do not require irrigation once established (naturalized) are required.
- (3) Trees shall be not less than 2-inch caliper at the time of planting. Trees to be planted under or near power lines shall be selected so they will not conflict with power lines at maturity.
- (4) Shrubs shall be planted from 5-gallon containers, minimum, where they are for required screens or buffers, and 2-gallon containers minimum elsewhere.
- (5) Shrubs shall be spaced in order to provide the intended screen or canopy cover within 2 years of planting.
- (6) All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than 75% at maturity.

- (7) Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than 25% of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
- (8) Where storm water retention or detention, or water quality treatment facilities are proposed, they shall be planted with water-tolerant species.
- (9) Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health and do not present a hazard.
- (10) Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
- (11) Evergreen plants shall be used where a sight-obscuring landscape screen is required.
- (12) Deciduous trees should be used where summer shade and winter sunlight are desirable.
- (13) Landscape plans should provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.
- (14) Landscape plans should use a combination of plants for seasonal variation in color and yearlong interest.
- (15) Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, storm water detention facilities, and similar grading, is proposed.
- (16) When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are established and able to grow on their own.

**Response:** The plant selection for the proposed Master Planned development complies with the above requirements. See Exhibit D for Landscape planting plan and details. The preliminary grading plan on Sheet 10.1 and 10.2 in Exhibit D details erosion control measures.

- (D) *Xeriscape requirements.* All industrial and commercial development that is subject to the requirements of this chapter must incorporate the following xeriscape methods in any landscape plan submitted for city review. For residential development, xeriscape methods are encouraged but not required.

**Response:** As this application is for a residential development, the above xeriscape requirements are not applicable. However, plants have been selected that are drought-tolerant, see Exhibit D for the Landscape planting plan and details.

#### § 151.156 SCREENING AND BUFFERING.

- (A) *Screening.* Screening shall be used to eliminate or reduce the visual impacts of the following uses:
- (1) Commercial and industrial uses when abutting residential uses.
  - (2) Industrial uses when abutting commercial uses.
  - (3) Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.

- (4) Outdoor storage areas.
- (5) Parking areas for 20 or more vehicles.
- (6) At and above grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.

**Response:** The proposed development is residential and park/open space. No screening is required for the proposed uses. There are abutting industrial uses outside the Master Planned Development area that are not currently proposed for development. When these areas develop, their design will be required to address screening adjacent to the residential uses.

**§ 151.157 FENCES.**

(A) *Purpose.* This section contains the general policies and requirements regarding the location, placement, restrictions, permitting, and fees associated with fences.

(B) *Permitting and fees.* All new fences and major renovations that change the height or location of an existing fence must have permits. It shall be unlawful for any person, firm, or corporation to construct a fence or modify an existing part thereof without compliance with the standards described herein and first obtaining a permit from the city. A fence permit application signed by the property owner shall include information regarding the type, height, and location of the proposed fence; agreement to maintain the landscape strip in the front yard (if applicable); and be accompanied by a filing fee to cover the cost of permit review and site inspection.

**Response:** The applicant will follow the above standard when applying for fencing within the development.

(C) *General fence provisions.*

- (1) A fence on a corner lot shall not violate the 20-foot vision clearance triangle as specified in § 151.205.

**Response:** Future corner lot fencing within the development will not impede clear vision standards.

- (2) In no instance shall a fence extend beyond the property line or be constructed higher than 6 feet above the finished grade of the lot. (A lower height fence may be required as described under division (E) below.)
- (1) Fencing shall be installed at least 3 feet from a utility pedestal or electrical transformer and not completely enclose them.

**Response:** Fencing is not proposed at the time of this submittal. Future fencing permit applications will comply with the above criteria.

- (2) Requirements specified under divisions (C)(1) through (C)(3) above and the specific restrictions specified under divisions (E) through (G) below are applicable to site landscaping such as hedges, trees, and shrubbery.

**Response:** Any site landscaping proposed will comply with the above criteria.

- (3) Fencing for residential swimming pools shall comply with the barrier requirements specified in the International One- and Two-Family Dwelling Code, as administered by the Washington County Building Services Division.

**Response:** A swimming pool is not included in this proposal.

- (4) The use of barbed wire, electric fencing (above grade), or other types of injury causing fencing material shall be prohibited in the residential and CF Zones.

**Response:** There is not any type of injury causing fencing material included in this proposal.

(D) *Specific front and street side yard fence restrictions.*

(1) A fence located in a required front yard or street side yard shall not exceed 3.5 feet in height measured from the original finished grade of the lot, except as provided in (D)(2) below.

(2) Street side yards of corner lots may have a 6-foot fence or hedge installed in the street side yard, provided the following requirements are satisfied.

**Response:** No fencing is included with this application. The applicant will comply with the above criteria when applying for a fencing permit.

- (a) The street intersection for the corner lot shall be controlled by stop signs on at least 1 of the intersecting streets.

**Response:** A stop sign will be provided on at least 1 of the intersecting streets for corner lots.

- (b) A minimum clear sight distance of up to 250 feet measured from the street intersection along the side yard street shall be provided for a street with a speed limit of 25 mph. For streets with higher speed limits, the minimum clear sight distance shall be equal to 10 times the legal speed of the street.

**Response:** The above clear sight distance standards will be followed. Sight distance certification will be provided after land use approval.

- (c) Driveway access is allowed in the street side yard on the subject property or abutting lot so long as such access is not obscured by a fence.

**Response:** Driveway access in the street side yards is not proposed for lots within this development.

(E) *Specific side and rear yard fence restrictions.* Fences located within a required side or rear yard shall not exceed 6 feet in height as measured from the ground on either side of the fence. The fence may be located on the common lot line.

**Response:** No fencing is included with this application. The applicant will comply with the above criteria when applying for a fencing permit.

(F) *Through lot fence restrictions.* In the case of a through lot, the yard facing the rear of the house may be considered a rear yard for fence height purposes, provided there is no driveway access from the rear yard and the minimum clear sight distance for adjacent driveways on either side of the lot is maintained as required under division (D)(3)(b) above. See the illustration in § 151.009.

**Response:** There are no through lots included in this proposal.

## **PARKING AND LOADING**

### **§ 151.170 PURPOSE.**

This section contains requirements for vehicle and bicycle parking. It provides standards for the location, size, and design of parking areas to ensure such areas can be accessed safely and efficiently. The code also encourages non-motorized transportation by requiring bicycle parking for some uses.

**§ 151.171 GENERAL PROVISIONS.**

(A) *Where the regulations apply.* The regulations of this chapter apply to all parking areas in all zones, at all times, whether parking is required by this Code or put in for the convenience of property owners or users.

(B) *Occupancy.* All required parking areas must be developed in accordance with the requirements of this code prior to occupancy of any structure on the subject site. Where landscaping, screening or other improvements are required pursuant to this Code, all such improvements must be installed and approved by the Planning Official prior to occupancy.

**Response:** Parking and any landscaping improvements will be developed prior to any occupancy of the proposed homes on the subject property.

(C) *Calculations of amounts of required and allowed parking.*

**Response:** This criterion is not applicable to this development due to the proposed single-family detached and townhome residential uses.

(D) *Use of required parking spaces.* Required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to § 151.172(D).

**Response:** Parking spaces will be available for each dwelling proposed in this application.

(E) *Proximity of parking to use.* Required parking spaces for nonresidential uses must be located on the site of the use or in a parking area that has its closest pedestrian access point within 1,320 feet of the site.

**Response:** This criterion is not applicable as there are no nonresidential uses proposed for the site.

(F) *Improvement of parking areas.* Motorized vehicle parking is allowed only within garages, carports, and other approved structures, and on driveways or parking lots. For residential uses, tandem parking arrangements are allowed.

**Response:** Parking will only be provided within garages and driveways of the proposed homes. See Exhibit D Sheet 15 for the Parking Plan.

**§ 151.172 NUMBER OF REQUIRED PARKING SPACES.**

<b>TABLE 3.6-A: VEHICLE PARKING SPACE REQUIREMENTS</b>	
<b>Use</b>	<b>Minimum Number of Vehicle Parking Spaces Required</b>
<b>Residential Uses</b>	
Single-family detached dwelling	2 per dwelling
Duplex	2 per unit (4 total)

Townhome	2 per unit
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**Response:** Each single detached dwelling and townhome is required to have a minimum of 2 parking spaces per dwelling. This proposal complies with the above parking requirements by providing 4 parking spaces (2 in garage & 2 in driveway) per Single-family detached and Townhome dwellings. See Exhibit D Sheet 15 for the Parking Plan.

(C) *Maximum amount of parking allowed.* In the nonresidential zones, the maximum number of off-street parking spaces allowed per use is:

- (1) One and one-fifth times the minimum parking required for uses fronting a street with adjacent on-street parking spaces; or
- (2) One and one-half times the minimum parking required for uses fronting a street with no adjacent on-street parking

(D) *Shared parking.* Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

**Response:** As this is a proposed residential development, off-street parking maximums are not applicable. There is no shared parking proposed within the development.

#### § 151.174 OFF-STREET PARKING DESIGN STANDARDS.

**Response:** There is no off-street parking proposed in the development apart from parking provided in garages and driveways of private homes.

#### § 151.175 PARKING LOT LANDSCAPING.

**Response:** There are no parking lots proposed for the development.

#### § 151.177 BICYCLE PARKING.

All uses that are subject to site design review shall provide bicycle parking, in conformance with the standards in the table below, and following divisions:

**Response:** This Master Planned development is subject to site design review since the anticipated vehicle trip generation exceeds 100 daily trips as concluded in the supplementary Traffic Impact Analysis report, included here as Exhibit G. This proposed development includes all single-family residential, and each home will have bicycle parking provided within the garage/yard area. Two (2) bike racks for a total of 4 bicycle parking spots will be provided at the proposed neighborhood park, see Landscape Sheet L3.03 in Exhibit D.

### OUTDOOR LIGHTING

#### § 151.190 PURPOSE.

This section includes provisions intended to control outdoor lighting in order to reduce light pollution, preserve the night sky for astronomy, protect flora and fauna from the negative effects of artificial light, and conserve energy.

#### § 151.191 APPLICABILITY.

The standards in this subchapter apply to all new development in all zones.

**Response:** This proposed Master Planned development is subject to the standards of this section.

Figure 3.7-A



**§ 151.192 STANDARD.**

All exterior lighting shall be shielded and reflected downward, as shown in Figure 3.7-A, to minimize glare and prevent light trespass on adjacent parcels, other land uses, and street rights-of-way.

**Response:** Lighting provided throughout the proposed development will comply with the above Figure 3.7 standards. Details will be submitted with construction documents after land use approval.

**§ 151.205 VISION CLEARANCE REQUIREMENTS.**

(A) **Generally.** Corner lots shall have vision clearance as follows.

**(B) Specifically.**

- (1) In zones where front yards are required, each leg of the vision clearance triangle shall be a minimum of 20 feet in length.
- (2) Vision clearance triangles shall be kept free of all visual obstructions from 2 and 1/2 feet to 9 feet above the curb line. Where curbs are absent, the crown of adjacent streets shall be used as the point of reference.
- (3) Vision clearance requirements on corner lots may be waived by the City Council or his or her designee, if the City Council finds that:
  - (a) Traffic entering the intersection is controlled by traffic signals or stop signs;
  - (b) The distance from the curb line to the property line is 10 feet or more; and
  - (c) On-street vehicle parking, street trees or other plantings do not interfere with necessary vision clearance; or, in lieu of these 3 findings, that;
  - (d) Topographic conditions are so extreme that it is not practical to provide required vision clearance

**Response:** The proposed development requests a waiver for the vision clearance requirements for corner lots on 'D' Street, 'E Street', 'F Street' and 'G' Street, and the Depot St. stub. See Exhibit U for Waiver exhibits. The rest of the corner lots within the development comply with the above clear vision standard. See Exhibit D Sheets 8.1 and 8.2 for the Site Plan illustrating compliance with the above standard.

**PUBLIC FACILITIES****§ 151.215 TRANSPORTATION FACILITIES.**

All land use and development applications shall comply with the following standards and procedures for the purpose of protecting the future operation of the Banks transportation system:

- (A) Development standards.** The following standards shall be met for all new uses and developments:
- (1) All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street.

**Response:** All new lots will have frontage on a public street/accessway. See the Vehicle Circulation Plan in Exhibit D Sheet 14.1.

- (2) Streets within or adjacent to a development shall be improved in accordance with the Banks street design standards (§ 152.052).

**Response:** There are both offsite and onsite street improvements included with this proposed development. However, variances are requested with this submittal to modify certain engineering design standards and street design standards for these improvements. See Section V. Adjustments and Variances for the requested modifications. See also Sheet 14.1 in Exhibit D for street cross-section details and Exhibit U for intersection variance details.

- (3) Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable road authority.

**Response:** All new streets and existing street improvements will be constructed in accordance with this section however variances are requested with this submittal to modify certain engineering design standards, and standards within §152.052 and will be processed in accordance to this section. Public streets will be dedicated to the applicable road authority.

(4) New streets and drives shall be paved.

**Response:** All new streets and drives within the proposed development will be paved.

(B) *Guarantee.* The city may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

- (1) A partial improvement would create a potential safety hazard to motorists or pedestrians;
- (2) Due to the developed condition of adjacent properties, it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
- (3) The improvement would be in conflict with an adopted capital improvement plan; or
- (4) The improvement is associated with an approved land partition in a residential zone and the proposed land partition does not create any new streets.

**Response:** If the applicant needs a future improvement guarantee they will comply with the above criteria.

(C) *Creation of rights-of-way for streets and related purposes.* Streets shall be created through the approval and recording of a final subdivision or partition plat; except the city may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Comprehensive Plan, and the deeded right-of-way conforms to the standards of this code.

**Response:** The applicant will follow the above standard when creating rights-of-way for streets.

(D) *Creation of access easements.* The city may approve an access easement when the easement is necessary to provide for access and circulation in conformance with §§ 152.052 (Streets); 152.053 (Blocks) and; 152.054 (Building Sites). Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

**Response:** Public utility and access easements will be necessary to allow access to utilities from Parcel 1 to Parcel 2, shown on the preliminary plat Sheets 4 and 5 in Exhibit D. They will be created and maintained in accordance with the above criteria.

#### § 151.216 CITY MAY REQUIRE TRAFFIC IMPACT ANALYSIS.

(A) The city may require a traffic impact analysis (TIA) prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with TIA results. TIA's shall be required for all proposed development that will generate more than 100 a.m. or p.m. peak hour trips per day or 600 average daily trips. Trip calculation shall be based upon Trip Generation, 8th Edition (2008) published by the Institute of Transportation Engineers.

**Response:** A TIA report that complies with the above criteria is included in this submittal as Exhibit G.

- (B) Amendments that affect transportation facilities. 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. This shall be accomplished by one of the following:
- (1) Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility;
  - (2) Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period;
  - (3) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation;
  - (4) Amending the planned function, capacity, or performance standards of the transportation facility; or
  - (5) Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

**Response:** A Comprehensive Plan and Zone Map amendment is included in this consolidated application. These amendments are consistent with the planned function of the surrounding transportation facilities.

#### § 151.217 WHEN TRAFFIC IMPACT STUDY IS REQUIRED; PREPARATION.

The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a traffic impact analysis; and who is qualified to prepare the study.

- (A) *When a traffic impact study is required.* The city or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use or a change in access. A TIA shall be required when a land use application involves one or more of the following actions:
- (1) A change in zoning or a plan amendment designation;
  - (2) Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);
  - (3) An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
  - (4) An increase in peak hour volume of a particular movement to and from the state highway by 20% or more; or
  - (5) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;

- (6) The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway creating a safety hazard; or
- (5) A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

**Response:** The applicant is requesting a Comprehensive Plan and Zone map amendment, therefore Traffic Impact Analysis is required for this application and is included as Exhibit G.

- (B) *Traffic impact study preparation.* A traffic impact analysis shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

**Response:** The Traffic Impact Analysis included in this application as Exhibit G was prepared by a professional engineer from Kittleson & Associates.

#### § 151.218 PERFORMANCE BONDS.

Performance bonds may be required in the cases where the City Council determines that such shall be necessary to guarantee proper completion of required improvements within time periods specified

**Response:** A performance bond will be required for the proposed development of this application and will be coordinated with the City to determine specific improvement completion and timelines.

#### APPLICATIONS AND REVIEW PROCEDURES

##### § 151.233 TYPE III PROCEDURE (QUASI- JUDICIAL REVIEW; PUBLIC HEARING).

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

##### (A) *Application forms.*

- (1) *Application forms.* Applications shall be made on forms provided by the City Planning Official.
- (2) *Submittal information.* The City Planning Official shall advise the applicant on what constitutes a complete application. At a minimum, the application shall include all of the following information:
  - (a) The information requested on the application form;
  - (b) Plans and exhibits required for the specific approval(s) being sought;
  - (c) A written statement or letter explaining how the application satisfies each and all of the relevant code criteria and standards in sufficient detail;
  - (d) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
  - (e) Other information, studies, exhibits, or data as the Planning Official deems necessary to demonstrate compliance with city policies and ordinances; and
  - (f) The required fee; and
  - (g) Evidence of neighborhood contact, as applicable, pursuant to § 151.236.

**Response:** Master Planned Developments are reviewed as a Type III procedure, subject to a planning commission decision. This submittal includes the above required application form, narrative, relevant plans and exhibits, and the required fee. The applicant will provide other studies, exhibits or data as required by the Planning Official. See response below to section 151.236 for compliance with evidence of neighborhood contact.

(B) *Procedure.*

(1) *Mailed and posted notice.*

(2) *Content of notice.*

(C) *Conduct of the public hearing.*

(D) *Notice of decision.*

(E) *Appeal of Planning Commission decision.*

(F) *Record of the public hearing.*

(G) *Final date and appeals to State Land Use Board of Appeals.*

**Response:** The above criteria are procedural and will be met by the City's Planning Staff.

#### § 151.236 NEIGHBORHOOD CONTACT.

(A) *Purpose and applicability.* Applicants for master planned development, subdivision, or site design review on projects involving parcels or lots larger than one acre, and property owner-applicants for zone changes, are required to contact neighboring property owners, residents and tenants and offer to hold a meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the city, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

(B) *Notice.* Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners, residents and tenants whose property is located within 300 feet of the site, at their addresses of record at the Washington County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the city. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.

**Response:** The applicant gave sufficient notice of the neighborhood meeting following the requirements of this criteria, details of this compliance can be found in Exhibit E.

(C) *Meeting place, date, and time.* The meeting must be held within the city limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners, typically weekdays after 6:00pm or on weekends.

**Response:** The applicant held a neighborhood meeting for this application on October 26<sup>th</sup>, 2023 within City limits. Further details of this compliance can be found in Exhibit E.

(D) *Conduct of meeting.* At the meeting, the applicant, or the applicant's agent/representative, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions

and make comments. The applicant, or the applicant's agent/representative, must make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.

**Response:** Minutes of this meeting demonstrating compliance with this criterion can be found in Exhibit E.

(E) *Filing requirements.* Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the city with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service for those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.

**Response:** The above required copies, and meeting minutes with list of attendees are included in this submittal as Exhibit E.

## V. FLOOD DAMAGE PREVENTION COMPLIANCE WITH THE CITY OF BANKS MUNICIPAL CODE

### § 151.367 APPLICABILITY.

This subchapter shall apply to all areas of special flood hazards within the City of Banks.

**Response:** FIRM map 41067C0301E panel 301 of 650 maps the subject property as containing 100-year flood plain. The FIRM map identifies 100-year flood plain elevations of 197 feet at the north end of the site to 196 feet at the south end of the site. See Existing Condition sheets 2.1, 2.2, 2.3 in Exhibit D which shows the mapped 100-year flood plain and the field verified 100-year flood plain per the elevations identified on the Firm Map 41067C0301E. Therefore, development of the site is subject to this code section. A Preliminary Floodplain Assessment included in this submittal as Exhibit V, was provided by a professional engineer who determined that the development of the site and proposed fill area would have a negligible impact to the capacity of the floodplain area, and it is unlikely that the development would increase the floodplain elevation.

### § 151.368 BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Banks" dated MONTH, DAY, YEAR, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this subchapter. The Flood Insurance Study is on file at City Hall. The best available information for flood hazard area identification is outlined in § 151.375 and shall be the basis for regulation until a new FIRM is issued which incorporates the date under § 151.375.

**Response:** FIRM map 41067C0301E panel 301 of 650 maps the subject property as containing 100-year flood plain, Zone AE. The FIRM map identifies 100-year flood plain elevations of 197 feet at the north end of the site to 196 feet at the south end of the site. See Existing Condition sheets 2.1, 2.2, and 2.3 in Exhibit D which shows the mapped 100-year flood plain and the field verified 100-year flood plain per the elevations identified on the Firm Map 41067C0301E.

### § 151.369 PENALTIES FOR CONFORMANCE.

sunset view at west banks

Master Planned Development and Subdivision

May 2024

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this subchapter and other applicable regulations. Violations of the provisions of this subchapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this subchapter or fails to comply with any of its requirements shall be fined for the violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contain shall prevent the City of Banks from taking such other lawful action as is necessary to prevent or remedy any violation.

**Response:** The application materials include a request for review of a development permit for compliance with this code section. No activities will occur on site prior to approval of the proposed development permit.

**§ 151.373 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

- (A) *Development permit required.* A development permit shall be obtained before construction or development begins with any area of special flood hazard established in § 151.368. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions" and for all development including fill and other activities, also set forth in the "Definitions."

**Response:** A development permit for the proposed Master Planned development will be obtained prior to construction.

- (B) *Application for development permit.* Application for a development permit shall be made of forms furnished by the City of Banks and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level of floodproofing in any structure;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods of any nonresidential structure meet the floodproofing criteria in § 151.377(B); and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

**Response:** These application materials include information mapping the existing 100-year flood plain, see Exhibit D Existing Conditions Plan Sheets 2.1, 2.2, and 2.3, and the 100-year flood plain after it is relocated with proposed grading and construction activities associated with the proposed development, see Preliminary Grading Plan Sheets 10.1 and 10.2 of Exhibit D.

**§ 151.376 GENERAL STANDARDS.**

- (A) *Anchoring.*

- (1) All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.

**Response:** The attached plans illustrate that proposed homes will be located outside the limits of the relocated 100-year flood plain. Therefore, proposed homes are not required to be anchored.

**(B) Construction materials and methods.**

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**Response:** The attached plans in Exhibit D illustrate that proposed homes and substantial improvements will be located outside the limits of the relocated 100-year flood plain. Therefore, this standard does not apply.

**(C) Utilities.**

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designated to minimize or eliminate infiltration of flood waters; and
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

**Response:** The attached plans in Exhibit D illustrate that proposed utilities will be located outside the limits of the relocated 100-year flood plain. Therefore, this standard does not apply.

**(D) Subdivision proposals.**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contains at least 50 lots or 5 acres (whichever is less).

**Response:** This proposed Master Planned development includes a subdivision application and will therefore be consistent with the need to minimize flood damage. This narrative and Exhibit D Preliminary Plans provide preliminary details on the public utilities and facilities including sewer, gas, electrical, and water systems planned for the proposed subdivision and

demonstrates that these utilities will be located outside the relocated 100-year flood plain. Subsequent construction documents will further document this. Adequate drainage will be provided on site as detailed on the Preliminary Grading plan sheets 10.1 and 10.2 in Exhibit D, and stormwater will be conveyed and treated through stormwater planters and drain to the adjacent offsite wetland mitigation bank. This is shown on the preliminary Stormwater plan sheets 13.1 and 13.2 in Exhibit D. Base Flood elevation data was provided through FIRM map 41067C0301E, and through ground truthing in the field, these are shown on the Existing Conditions sheets 2.1, 2.2, and 2.3 in Exhibit D.

- (E) *Review of building permits.* Where elevation data is not available either through the Flood Insurance Study, FIRM, or from other authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, and the like, where available. Failure to elevate at least 2 feet above grade in these zones may result in higher insurance rates.

**Response:** Elevation data was provided through FIRM map 41067C0301E and through field verification as shown on Existing Conditions sheets 2.1, 2.2, and 2.3 in Exhibit D. Preliminary grading plans are included in this submittal as sheets 10.1 and 10.2 in Exhibit D, and subsequent construction documents will confirm that homes will be located outside the relocated 100-year flood plain.

- (F) *AH Zone drainage.* Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

**Response:** There are no AH Zones present on the site according to FIRM map 41067C030E1, therefore this criteria is not applicable.

#### § 151.377 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH and AE) as set forth in § 151.368, Basis For Establishing the Areas of Special Flood Hazard or § 151.375(A)(2), Use of Other Base Flood Data (in A and V Zones), the following provisions are required:

- (A) *Residential construction.*
- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
  - (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - (a) A minimum of 2 openings have a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
    - (b) The bottom of all openings shall be no higher than 1 foot above grade.
    - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**Response:** This proposed Master Planned Development and Subdivision includes new residential construction of single family attached and detached homes. The attached plans demonstrate that proposed residential construction is located outside the relocated 100-year flood plain. Therefore, the above standards are not applicable.

#### § 151.379 FLOODWAY.

Located within areas of special flood hazard established in § 151.368 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (A) Except as provided in division (C) of this section, prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provide demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) If division (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 151.376 through 151.380.

**Response:** According to FIRM map 41067C0301E, all regulatory floodways are offsite in the adjacent property to the west, therefore this criterion is not applicable.

- (C) Projects for stream habitat restoration may be permitted in the floodway provided:

**Response:** This proposed Master Planned development does not include stream habitat restoration, therefore this criterion is not applicable.

#### § 151.380 STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES).

Shallow flooding areas appear on the FIRM as AO Zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas the following provisions apply.

**Response:** This proposed Master Planned Development does not fall within any AO zones according to FIRM map 41067C0301E, therefore this criterion is not applicable.

## VI. ADJUSTMENTS AND VARIANCES COMPLIANCE WITH THE CITY OF BANKS MUNICIPAL CODE

### APPLICATIONS AND REVIEW PROCEDURES

#### § 151.233 TYPE III PROCEDURE (QUASI- JUDICIAL REVIEW; PUBLIC HEARING).

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

- (A) *Application forms.*

(1) *Application forms.* Applications shall be made on forms provided by the City Planning Official.

(2) *Submittal information.* The City Planning Official shall advise the applicant on what constitutes a complete application. At a minimum, the application shall include all of the following information:

- (a) The information requested on the application form;
- (b) Plans and exhibits required for the specific approval(s) being sought;
- (c) A written statement or letter explaining how the application satisfies each and all of the relevant code criteria and standards in sufficient detail;
- (d) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
- (e) Other information, studies, exhibits, or data as the Planning Official deems necessary to demonstrate compliance with city policies and ordinances; and
- (f) The required fee; and
- (g) Evidence of neighborhood contact, as applicable, pursuant to § 151.236.

**Response:** The applicant is applying for a Type III Variance, subject to Planning Commission approval. This variance is to modify Engineering design standards, Street standards and a Residential Design standard as detailed in the subsequent pages of this narrative. Included in this submittal is the required application form, this narrative which addresses approval criteria, and Vehicle Circulation map, Exhibit D Sheet 14.1 that details the proposed street cross sections, Exhibit U includes the Variance Requests, and Architectural Elevations in Exhibit K that show the proposed 2-Car garage Front-loaded Townhomes. The required fee will be paid at time of submittal. A neighborhood meeting was held on October 26<sup>th</sup>, 2023, details of which can be found in Exhibit E.

#### § 151.236 NEIGHBORHOOD CONTACT.

(A) *Purpose and applicability.* Applicants for master planned development, subdivision, or site design review on projects involving parcels or lots larger than one acre, and property owner-applicants for zone changes, are required to contact neighboring property owners, residents and tenants and offer to hold a meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the city, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

(B) *Notice.* Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners, residents and tenants whose property is located within 300 feet of the site, at their addresses of record at the Washington County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the city. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.

**Response:** The applicant is applying for these variances concurrently with a Master Planned Development/ Subdivision application, which the applicant held a neighborhood meeting for on October 26<sup>th</sup>, 2023. The applicant gave sufficient notice for the meeting following the requirements of these criteria; details of this compliance can be found in Exhibit E.

(C) *Meeting place, date, and time.* The meeting must be held within the city limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The

meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners, typically weekdays after 6:00pm or on weekends.

**Response:** A neighborhood meeting was held for the subdivision application being applied for concurrently with these variance applications. The meeting was held within City limits on October 26<sup>th</sup>, 2023 at 6:30 pm. Details of this compliance can be found in Exhibit E.

- (D) *Conduct of meeting.* At the meeting, the applicant, or the applicant's agent/representative, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent/representative, must make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.

**Response:** Minutes of this meeting demonstrating compliance with this criterion can be found in Exhibit E.

- (E) *Filing requirements.* Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the city with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service for those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.

**Response:** The above required copies, and meeting minutes with list of attendees are included in this submittal as Exhibit E.

### § 151.323 VARIANCES.

- (A) *Applicability.* A variance is required if a request exceeds the thresholds of § [151.322](#).

**Response:** The applicant is requesting modifications to the Engineering Design standards for street cross-sections, which exceeds the thresholds of §151.322.

- (B) *Approval criteria.* The Planning Commission through a Type III procedure may approve a variance upon finding that it meets all of the following criteria:
- (1) The variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance;
  - (2) The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;

Table 8: Requested Variances

Applicable Standard	Requested variance
RESIDENTIAL DESIGN STANDARDS §151.126M(1.B, C & D)	A variance for a two-car garage on frontload townhomes, 16 ft wide garage door and driveway approach.

§ 152.052(E) STREETS	A variance for a 15 ft centerline tangent on ‘A Street’ and ‘E Street’ intersection, and 10.73 ft of centerline tangent on ‘A Street’ and ‘B Street’.
PUBLIC WORKS DESIGN STANDARDS-DRIVEWAYS 2.20.11(G) and 2.20.11(G)*.	A variance for minimum driveway spacing standards for certain driveways to be 6 ft apart from adjacent driveways, for certain driveways to be 46 ft from intersection centerline, and allow certain driveway aprons to be constructed in certain curb returns.
PUBLIC WORKS DESIGN STANDARDS-DWG.NO.102, DWG.NO.102A, DWG 103	A variance for street cross-section design including ROW, travel lane, sidewalk and planter strip width, and number of parking lanes.

**Response:** The applicant is requesting a variance to modify the Public Works Engineering Design standards and Street standards for streets located in the proposed Master Planned development, and a variance to the Residential Design Standards for two-car Frontloaded Townhomes. These variances are requested due to the project site having unique physical circumstances that limit the possible site design layout. The project site is bounded by topographical and existing development constraints. The western boundary line was determined by the offsite 100-year floodplain, resulting in a unique border with a wetland mitigation bank currently being constructed in the floodplain west of the site. To the north the site is bounded by NW Cedar Canyon Ln, a county collector road. Along the eastern boundary are existing single-family detached residential and small-scale commercial, and to the south the site is bordered by a privately owned recreational park. Therefore, four variances are requested in order to provide for multi-modal improvements & connections, the vehicular road improvements indicated on the 2023 Banks TSP, and the park and trail improvements identified in the 2023 Banks Parks and Recreation Master Plan, all while also meeting minimum density requirements of the site. The requested variances are the minimum necessary to address the unique combination of requirements and physical constraints affecting potential development of the property.

The variance requested for the two-car Frontloaded Townhomes is in order to provide sufficient parking for residents of the neighborhood. Two-car garages are proposed instead of single car due to the limited on-street parking available within the development. The streets that the two-car Front Loaded Townhomes abut do not have the width required for on-street parking due to the project site’s topographical and existing development constraints, further detailed above. Two-car garages for these townhomes are in line with the need to accommodate larger cars that are typical for the rural community. In addition to this, Banks has limited access to public transit, and approximately 80% of households<sup>2</sup> in Banks are two adult households, which indicate more of a need for double car garages. Furthermore, many of the off-street spaces will be utilized for the neighborhood park, which is an amenity open to the public in Banks. The two-car garages will also help keep resident parking from occurring outside of the neighborhood and onto adjacent streets, where parking is also limited. The variance request is for the townhomes to have garage widths of 16 feet as opposed to the standard 12 feet and

<sup>2</sup> United States Census Bureau, 2020 Decennial Census. [Banks city, Oregon - Census Bureau Profile](#)

maneuvering areas 16 feet wide instead of 12 feet wide. See the Architectural exhibits for the frontloaded townhomes in Exhibit K.

The proposed collector and local streets are requested to vary from the minimum street design drawings NO.102, NO.102A, and 103 of the Public Works Engineering Design Standards. The variances are for right of way width, travel lane and number of parking lanes and widths, and sidewalk and planter strip widths. Additionally, alleys are included in the site design to provide vehicular access for rear loaded townhomes that front onto public streets or pedestrian connections. Below are the requested street design modifications. For additional details see the Vehicle Circulation plan in Exhibit D Sheet 14.1 and Variance Requests in Exhibit U.

In addition to the street-cross section design, the applicant also requests a variance for the 'B Street' and 'A Street' intersection's centerline tangent, and 'A Street' and 'E Street' intersection's centerline tangent, both of which do not have at least 100 feet of centerline tangent adjacent to the intersection, as the code section § 152.052(E) STREETS requires. A variance is requested as the street layout cannot meet this standard due to constraints from the site's surrounding topography and built environment. The site is located at the edge of the UGB and is bordered by existing single-family residential and commercial development to the east, an offsite wetland mitigation bank to the west, and a private park to the south. This has resulted in road layouts that inhibit the 'B Street' and 'A Street' intersection from having at least 100 feet of centerline adjacent to the intersection. This intersection is requested to have 10.73 feet of centerline tangent adjacent to the intersection, and the 'A Street' and 'E Street' intersection is requested to have 15 feet of centerline tangent adjacent to the intersection. This is illustrated in the Variance Requests of Exhibit U.

A variance is also requested for the Public Works Design Standard DRIVEWAYS 2.20.11(G) and 2.20.11(G)\*.

- Due to the two-car garage townhomes with 16-foot-wide maneuvering areas, the driveway spacing for the frontloaded townhomes is requested to vary from the standard, with 6 feet spacing instead of 10. The two car frontloaded townhomes requiring this variance is in order to provide sufficient off-street parking for residents. 102 additional off-street parking spaces would be provided through allowing two-car garages and driveways for townhomes fronting public streets. This allows the 62 on-street parking spaces to be primarily reserved for guests and neighborhood park visitors.
- Additionally, the driveways along the N/S collector will be constructed with driveway aprons as this is required for standard curbs and gutters per Public Works Design standard 2.20.10(a). As a result the corner lot driveway aprons on either side of the Depot St. stub are 46 feet from the intersection centerline as opposed to the 50-foot requirement for local intersections.
- The driveway aprons on these corner lots also impact the curb returns for the Depot St. stub. Therefore a variance is requested for Public Works Design Standard DRIVEWAYS 2.20.11(G)\* prohibiting driveways from being constructed in the curb returns of street intersections. This is illustrated in the Variance Requests of Exhibit U.

- (3) The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant;**

**Response:** The variance requests are not self-imposed as the topographical and existing development pattern constraints and the combination of required elements were present before initial site design.

(4) The variance does not conflict with other applicable city policies or regulations;

**Response:** The requested variances modify Public Works Engineering Design Standards, Residential Design Standards, and Street standards in order to enable meeting minimum density requirement, parks and open space requirements, and provide for multi-modal improvements and connections, and thereby do not conflict with other applicable city policies or regulations. The requested variances are necessary to enable the project to comply with other applicable city requirements.

(5) The variance will result in no foreseeable harm to adjacent property owners or the public; and

**Response:** The variances request to modify Engineering design standards, Street standards and Residential Design Standards for street cross-sections and two-car garage frontloaded Townhomes will not result in any foreseeable harm to adjacent property owners or the public as the modifications are minor.

(6) All applicable Building Code requirements and engineering design standards shall be met.

**Response:** All applicable building code requirements will be met, as well as all engineering design standards, other than those proposed for modification as listed below.

The proposed collector and local streets vary from the minimum street design of the Public Works Engineering Design Standards. This is due to constraints from the site's surrounding topography and built environment. The site is located at the edge of the UGB and is bordered by existing single-family residential and commercial development to the east, an offsite wetland mitigation bank to the west, and a private park to the south. Therefore, the applicant is pursuing a variance for modified street design standards in order to meet the minimum density while providing amenities of a neighborhood park, regional trail corridor, and multi-modal connections to the trail and to Main Street. Alleys are included in the site design to provide vehicular access for rear loaded townhomes that front onto public streets or pedestrian connections. Below are the requested street design modifications, signified in bolded, underlined, and italicized font. For additional details see the vehicle circulation plan in Exhibit D Sheet 14.1.

Table 6: Street Design Variance

Street Type	Right of way	Pedestrian Walkway: Sidewalk, and Furnishings/ Landscape Zone		Parking Lane width	Bike Lane	Vehicular travel lanes	
		Sidewalk	Planter strip			Number	Width
(City) 2-lane Collector w/ Parking	74'-76'	8' Residential	5'	8' 2 Lanes	6' 2 Lanes	2	11'

Street Type	Right of way	Pedestrian Walkway: Sidewalk, and Furnishings/ Landscape Zone		Parking Lane width	Bike Lane	Vehicular travel lanes	
		Sidewalk	Planter strip			Number	Width
'A' Cross-section (Proposed)	<b><u>70'</u></b>	<b><u>6'</u></b>	<b><u>2.5', 15'</u></b>	<b><u>8'</u></b> <b><u>1 Lane</u></b>	6' 2 Lanes	2	11'
(City) 2-Lane Collector w/out Parking	58'-60'	8' Residential	5'	--	6' 2 Lanes	2	11'
'B1' Cross-section	60'	<b><u>6'</u></b>	<b><u>6'</u></b>	--	6' 2 Lanes	2	11'
(City) 2-Lane Collector w/out Parking	58'-60'	8' Residential	5'	--	6' 2 Lanes	2	11'
'B2' Cross-section (Proposed)	60'	<b><u>6'</u></b>	<b><u>4'</u></b>	--	<b><u>7'</u></b> 2 Lanes	2	12'
(City) Local w/ Parking	54'	6'	5'	7' 2 Lanes	--	2	9'
'C' Cross-section (Proposed)	<b><u>52'</u></b>	6'	5'	<b><u>8'</u></b> <b><u>1 Lane</u></b>	--	2	<b><u>10'</u></b>
(City) Local w/Parking	54'	6'	5'	7' 2 Lanes	--	2	9'
'D' Cross-section (Proposed)	<b><u>44'</u></b>	6'	5'	=	--	2	<b><u>10'</u></b>
(City) Local w/ Parking	54'	6'	5'	7' 2 Lanes	--	2	9'
'E' Cross-section (Proposed)	<b><u>32'</u></b>	6'	=	=	--	2	9'

Street Type	Right of way	Pedestrian Walkway: Sidewalk, and Furnishings/ Landscape Zone		Parking Lane width	Bike Lane	Vehicular travel lanes	
		Sidewalk	Planter strip			Number	Width
(City) Local w/Parking	54'	6'	5'	7' 2 Lanes	--	2	9'
'G' Cross-section (Proposed)	<b><u>34'</u></b>	6'	--	--	--	2	<b><u>10'</u></b>

- 'A' Cross-section, a North/South collector is proposed to have a 70' R.O.W. with a modification to the paved width, sidewalk width and planter strip widths. The collector is proposed to include one 8' parking lane as opposed to two 8' parking lanes. The applicant is proposing a 2.5' planter strip, which will not include street trees, and wider planter strips up to 15' with capacity for street trees. The sidewalks are proposed to be 6' wide, a variance from the residential sidewalk standard of 8'.
- The Depot St stub, identified as 'B1' Cross-section is proposed to have 60' R.O.W. with a variation to the sidewalk widths and planter strips. The sidewalks are proposed to be 6' wide, a variance from the residential sidewalk standard of 8' and the planter strips are proposed to be 6' wide, a variance from 5'.
- The Wilkes St extension, identified as 'B2' Cross-section in the street sections sheet is proposed to have 60' R.O.W. with a variation to the sidewalk, planter strips and bike lane widths. The sidewalks are proposed to be 6' wide, a variance from the residential sidewalk standard of 8', the planter strips are proposed to be 4' wide, a variance from 5', and the bike lanes are proposed to be 7' wide, a variance from the standard 6'.
- 'C' Cross-section, a local residential with parking on one side, is proposed to have a 52' R.O.W. with a 28' paved width. Drive lanes are proposed to have a 10' width and one 8' parking lane is proposed as opposed to the standard two 7' parking lanes. This is due to the paired driveway spacing on one side of the street.
- 'D' Cross-section, a local residential with no parking, is proposed to have a 44' R.O.W. with a 20' paved width. Drive lanes are proposed to have a 10' width, and no parking is proposed due to paired driveway spacing on either side of the street.
- 'E' Cross-section, a local residential with no parking and no planter strip, is proposed to have a 32' R.O.W. This street does not include parking or planter strips but does include the required 6' sidewalk. This street is proposed to take the place of an alley and allow front-loaded homes to abut a public street.
- 'G' Cross-section, a local residential with no parking and no planter strip, is proposed to have a 34' R.O.W. This street does not include parking or planter strips but does

include the required 6' sidewalk. This street is proposed to take the place of an alley and allow front-loaded homes to abut a public street.

Three additional variances are also requested in addition to the street-cross section design.

The applicant also requests a variance for the 'B Street' and 'A Street' intersection's centerline tangent, and 'A Street' and 'E Street' intersection's centerline tangent, both of which do not have at least 100 feet of centerline tangent adjacent to the intersection, as the code section § 152.052(E) STREETS requires. A variance is requested as the street layout cannot meet this standard due to constraints from the site's surrounding topography and built environment. The site is located at the edge of the UGB and is bordered by existing single-family residential and commercial development to the east, an offsite wetland mitigation bank to the west, and a private park to the south. This has resulted in a road layout that inhibit the 'B Street' and 'A Street' intersection from having at least 100 feet of centerline adjacent to the intersection. This intersection is requested to have 10.73 feet of centerline tangent adjacent to the intersection, and the 'A Street' and 'E Street' intersection is requested to have 15 feet of centerline tangent adjacent to the intersection. This is illustrated in the Variance Requests of Exhibit U.

A variance is also requested for the Public Works Design Standard DRIVEWAYS 2.20.11(G) and 2.20.11(G)\*.

- Due to the two-car garage townhomes with 16-foot-wide maneuvering areas, the driveway spacing for the frontloaded townhomes is requested to vary from the standard, with 6 feet spacing instead of 10. The two car frontloaded townhomes requiring this variance is in order to provide sufficient off-street parking for residents. 102 additional off-street parking spaces would be provided through allowing two-car garages and driveways for townhomes fronting public streets. This allows the 62 on-street parking spaces to be primarily reserved for guests and neighborhood park visitors.
- Additionally, the driveways along the N/S collector will be constructed with driveway aprons as this is required for standard curbs and gutters per Public Works Design standard 2.20.10(a). As a result the corner lot driveway aprons on either side of the Depot St. stub are 46 feet from the intersection centerline as opposed to the 50-foot requirement for local intersections.
- The driveway aprons on these corner lots also impact the curb returns for the Depot St. stub. Therefore a variance is requested for Public Works Design Standard DRIVEWAYS 2.20.11(G)\* prohibiting driveways from being constructed in the curb returns of street intersections. This is illustrated in the Variance Requests of Exhibit U.

The 4<sup>th</sup> variance requested is for two-car Frontloaded Townhomes in order to provide sufficient parking for residents of the neighborhood. Two-car garages are proposed instead of single car due to the limited on-street parking available within the development. The streets that the two-car Front Loaded Townhomes abut do not have the width required for on-street parking due to the project site's topographical and existing development constraints, further detailed above. Two-car garages for these townhomes are in line with the need to accommodate larger cars that are typical for the rural community. In addition to this, Banks has limited access to public transit, and approximately 80% of households<sup>3</sup> in Banks are two adult households, which

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<sup>3</sup> United States Census Bureau, 2020 Decennial Census. [Banks city, Oregon - Census Bureau Profile](#)

indicate more of a need for double car garages. Furthermore, many of the off-street spaces will be utilized for the neighborhood park, which is an amenity open to the public in Banks. The variance request for the townhomes to have garage widths of 16 feet as opposed to the standard 12 feet and maneuvering areas 16 feet wide instead of 12 feet wide. See the Architectural exhibits for the frontloaded townhomes in Exhibit K.

## VII. SUBDIVISION AND PARTITION COMPLIANCE WITH THE CITY OF BANKS MUNICIPAL CODE

**Note to staff-** Both the two Minor Partitions and Subdivision are addressed in this section. Responses have been organized by Partitions and Subdivision for clarity.

### APPLICATIONS AND REVIEW PROCEDURES

#### § 151.233 TYPE III PROCEDURE (QUASI- JUDICIAL REVIEW; PUBLIC HEARING).

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

#### (A) *Application forms.*

(1) *Application forms.* Applications shall be made on forms provided by the City Planning Official.

(2) *Submittal information.* The City Planning Official shall advise the applicant on what constitutes a complete application. At a minimum, the application shall include all of the following information:

- (a) The information requested on the application form;
- (b) Plans and exhibits required for the specific approval(s) being sought;
- (c) A written statement or letter explaining how the application satisfies each and all of the relevant code criteria and standards in sufficient detail;
- (d) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
- (e) Other information, studies, exhibits, or data as the Planning Official deems necessary to demonstrate compliance with city policies and ordinances; and
- (f) The required fee; and
- (g) Evidence of neighborhood contact, as applicable, pursuant to § 151.236.

**Partitions Response:** The applicant is applying for two Minor Partitions, which are Type III procedures, subject to a Planning Commission decision. Included in this submittal is the required application form, this narrative which addresses approval criteria, and 2 preliminary plat maps that detail the minor land partitions. The required fee will be paid at time of submittal. Minor Partition 1 applies to the northern portion of the site and proposes to partition the tax lot into two legal lots. Minor Partition 2 applies to the southern portion of the site and proposes to partition the tax lot into three legal lots. See Exhibit D Sheets 4 and 5 for details. See response below to section 151.236 for compliance with evidence of neighborhood contact.

**Subdivision Response:** The applicant is applying for a Type III Subdivision, subject to a Planning Commission decision. Included in this submittal are the required application form, narrative, relevant plans and exhibits, and fee. The applicant will provide other studies, exhibits or data as required by the Planning Official. See response below to section 151.236 for compliance with evidence of neighborhood contact.

**§ 151.236 NEIGHBORHOOD CONTACT.**

(A) *Purpose and applicability.* Applicants for master planned development, subdivision, or site design review on projects involving parcels or lots larger than one acre, and property owner-applicants for zone changes, are required to contact neighboring property owners, residents and tenants and offer to hold a meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the city, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

(B) *Notice.* Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners, residents and tenants whose property is located within 300 feet of the site, at their addresses of record at the Washington County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the city. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.

**Subdivision Response:** The applicant has given sufficient notice of the neighborhood meeting following the requirements of this criteria, details of this compliance can be found in Exhibit E.

(C) *Meeting place, date, and time.* The meeting must be held within the city limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners, typically weekdays after 6:00pm or on weekends.

**Subdivision Response:** The applicant held a neighborhood meeting within city limits for this subdivision application on October 26<sup>th</sup>, 2023 at 6:30 pm. Details of this compliance can be found in Exhibit E.

(D) *Conduct of meeting.* At the meeting, the applicant, or the applicant's agent/representative, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent/representative, must make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.

**Subdivision Response:** Minutes of this meeting demonstrating compliance with this criterion can be found in Exhibit E.

(E) *Filing requirements.* Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the city with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was

mailed (e.g., copy of mailing labels), a certificate of personal service for those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.

**Subdivision Response:** The above required copies, and meeting minutes with list of attendees are included in this submittal as Exhibit E.

## LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

### § 152.002 APPLICABILITY.

This chapter applies to applications for approval of partitions, subdivisions and property line adjustments, as follows:

- (A) Partitions are the dividing land to create not more than 3 parcels of land within a calendar year.

**Partitions Response:** Two Minor Partitions are included in this submittal. Partition 1 in the northern portion of the site would divide the lot into 2 parcels. Partition 2 in the southern portion of the site would divide the lot into 3 parcels. See Exhibit D Sheets 4 and 5 for the individual partition plan maps.

- (B) Subdivisions are the dividing of land to create 4 or more lots within a calendar year.

**Subdivision Response:** This Subdivision application proposes to divide Parcel 1 Lot 1 into more than 4 lots, Parcel 2 Lot 1 into more than 4 lots and Parcel 2 Lot 2 into more than 4 lots. See Exhibit D Sheets 9.1 and 9.2 for the preliminary subdivision plat.

### § 152.003 GENERAL REQUIREMENTS.

- (A) Subdivision and partition approval through 2-step process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following 2 steps:

- (1) The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
- (8) The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

**Partitions Response:** Two preliminary partition plats are included in this submittal. Partition plat 1 would divide the northern portion of the property into 2 lots included with this submittal as Exhibit D Sheet 4, and Partition plat 2 would divide the southern portion of the property into 3 lots, included as Exhibit D Sheet 5. Final plats for both partitions will be submitted following Land Use approval.

**Subdivision Response:** A Preliminary subdivision plat is included in this submittal as Exhibit D Sheets 9.1 and 9.2. A final plat will be submitted following Land Use approval and substantial completion of public improvements as deemed by the City.

- (B) Compliance with O.R.S. Chapter 92. Subdivisions and partitions shall conform to O.R.S. Chapter 92, Subdivisions and Partitions.

**Partitions Response:** The two Minor Partition proposals comply with the O.R.S. Chapter 92.

**Subdivision Response:** This Subdivision proposal complies with the O.R.S. Chapter 92.

- (F) Future re-division plan. When subdividing or partitioning tracts into large lots (i.e., greater than 3 times or 300% the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The applicant shall submit a future re-division plan, or shadow plan, indicating how re-division of dividable lots and extension of planned public facilities to adjacent parcels can occur in the future, in accordance with this Code.

**Partitions Response:** The two Minor lot partitions create lots greater than 3 times the min lot size for the purpose of future subdividing. The subdivision application is being applied for concurrently with the minor lot partitions.

**Subdivision Response:** The Subdivision plat will not be dividing tracts into large lots. The subdivision is being applied for concurrently with Master Planned Development, through which modifications to the minimum lot size are being requested. However, these modifications do not result in lots greater than 300% of the minimum lot size.

(D) Adequate utilities.

- (1) All lots created through land division shall have adequate public utilities and facilities, including streets, water, sewer, gas, and electrical systems, consistent with the Public Works Design Standards Manual. Water system improvements shall conform to the Banks Water Master Plan.

**Partitions Response:** As previously noted, the purpose of the two (2) partition plats is to separate the industrial areas from the residential areas on the site and to prepare the residential areas for phased purchase and development by the Applicant/Developer. No development will occur with the partitions. Development is proposed with the subsequent phased subdivision. The 5 lots created through the two proposed Minor Partition plats will not have extended public utilities and facilities beyond existing utilities and facilities that serve the two (2) existing tax lots. They will be provided with access to public streets and access to the existing utilities. See the preliminary partition plats on Sheets 4 and 5 in Exhibit D for planned access details. The proposed water system improvements conform to the Banks Water Master Plan, as shown on Exhibit D Sheet 11.1 and 11.2.

**Subdivision Response:** The proposed subdivision will provide adequate access to all required public utilities and facilities, consistent with the Public Works Design Standards Manual. The water system improvements conform to the Banks Water Master Plan. See Exhibit D Sheets 8.1 and 8.2 for the Site Plan, and Sheets 11.1 and 11.2 for access and water provision details.

- (2) For land divisions that anticipate new water service connections, the applicant shall provide written confirmation from the City Engineer verifying that the city's public water system has adequate capacity to serve the proposed number of new water service connections. Alternatively, the applicant may provide documentation satisfactory to the City Engineer of its own alternative source of water that is legally capable of being dedicated to and annexed to the city's municipal water system and of sufficient capacity to serve the proposed number of new water service connections.

**Partitions Response:** There are no new water service connections proposed with the two Minor Partitions. Easements are included in the preliminary partition plats Exhibit D Sheets 4 and 5 to provide utility access during the subsequent subdivision of these lots.

**Subdivision Response:** A Service Provider letter from the City has been included in this submittal as Exhibit M which provides confirmation of the City's adequate water capacity to serve the proposed Subdivision development.

- (E) Adequate drainage. All lots created through land division shall have adequate surface water drainage facilities that avoid exposure to flood damage and protect water quality. Water quality or quantity control improvements shall conform to the requirements of Clean Water Services.

**Partitions Response:** Neither of the two Minor Partitions propose any new development, therefore current surface water drainage facilities will suffice.

**Subdivision Response:** A preliminary stormwater plan is included in this submittal as Exhibit D Sheet 13.1 and 13.2. Plans have been sent to CWS to confirm the facilities meet their requirements. Approval of this design from CWS is included in this submittal as Exhibit M.

- (F) Adequate access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, consistent with the Public Works Design Standards Manual.

**Partitions Response:** For Partition Plat 1, both resultant lots front NW Cedar Canyon Road, providing access. Additional parking is not required as there is no proposed development with this 2-lot partition. Partition Plat 2 Lot 1 has existing access to NW Main St, and a public utility and access easement is shown on the preliminary plat in Exhibit D Sheet 5 to provide for access for lots 2 and 3. Additional parking is not required at this time as there is no proposed development with this 3-lot partition.

**Subdivision Response:** All lots have adequate access and parking as demonstrated on the preliminary parking plan included in this submittal as Exhibit D Sheet 15 and Sheet 14.1 Vehicle Circulation.

- (G) Underground utilities. All new lots shall be served with utilities located and constructed underground, consistent with the Public Works Design Standards Manual, except where the City Engineer determines that underground placement of utilities is infeasible.

**Partitions Response:** The two Minor Partitions do not propose any new development, therefore there are not any proposed utilities included for these. Access provided through easements for future utilities are included on the preliminary plats in Exhibit D Sheets 4 and 5. With the subsequent Subdivision application, a site plan detailing extensions of existing utilities and proposed utilities will be included.

**Subdivision Response:** All utilities on site for the proposed subdivision have been designed to be underground. Undergrounding details will be provided in subsequent Construction Documents submittals. Above ground utility lines at the NW Cedar Canyon Road access will be placed underground. The power pole supporting the above ground utility lines at the NW Wilkes St and NW Main St intersection will be relocated to enable the NW Wilkes St. extension. Undergrounding is not possible in this scenario due to surrounding power lines.

#### § 152.004 PRELIMINARY PLAT APPROVAL PROCESS.

- (A) Review of preliminary plat. Preliminary plats shall be processed using the quasi-judicial procedure under § 151.233. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in § 152.007.

**Partitions Response:** Two preliminary partition plats are included in this submittal as Exhibit D Sheets 4 and 5 and adhere to the criteria of § 152.007, which is addressed herein.

**Subdivision Response:** One preliminary subdivision plat is included in this submittal as Exhibit D Sheets 9 and 9.1 and adheres to the criteria of § 152.007, which is addressed herein.

- (B) Preliminary plat approval period. Preliminary plat approval shall be effective for a period of 2 years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant with § 152.008, within the 2-year period. The Planning Commission may approve phased subdivisions, pursuant with this chapter, with an overall time frame of more than 2 years between preliminary and final plat approvals.

**Partitions Response:** The applicant has entered into a Development Agreement with the City, in which it is stated that the developer has a 10-year time frame from preliminary plat to recordation of all final plats. The Development Agreement is included in this submittal as Exhibit C.

**Subdivision Response:** The applicant has entered into a Development Agreement with the City, in which it is stated that the developer has a 10-year time frame from preliminary plat to recordation of all final plats. The Development Agreement is included in this submittal as Exhibit C.

- (C) Modifications and extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in this chapter. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period not to exceed 1 year per extension, provided that all of the following criteria are met:
- (1) Any changes to the preliminary plat follow the procedures in this chapter;
  - (2) The applicant has submitted written intent to file a final plat within the 1-year extension period;
  - (3) An extension of time will not prevent the lawful development of abutting properties;
  - (4) There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
  - (5) The extension request is made before expiration of the original approved plan.

**Partitions Response:** The applicant has entered into a Development Agreement with the City, in which it is stated that the developer has a 10-year time frame from preliminary plat to recordation of all final plats. However, in the event that the applicant has to file for extensions or modification the above procedures will be followed. The Development Agreement is included in this submittal as Exhibit C.

**Subdivision Response:** The applicant has entered into a Development Agreement with the City, in which it is stated that the developer has a 10-year time frame from preliminary plat to recordation of all final plats. However, in the event that the applicant has to file for extensions or modification the above procedures will be followed. The Development Agreement is included in this submittal as Exhibit C.

- (D) Phased subdivision. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria:
- (1) In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than 1 year;

- (2) Public facilities shall be constructed in conjunction with or prior to each phase;
- (3) The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;
- (4) The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and
- (5) Planning Commission approval is required for modifications to phasing plans.

**Subdivision Response:** The schedule aligns with the timeframe included in the Development Agreement that allows for a maximum of 10 years between preliminary plat and final plat recordation. The following is a phasing schedule for home building and public improvements. Phase lines are shown on the site plan on Sheets 8.1 and 8.2 in Exhibit D.

#### Phase I

Land Development construction start May 2025  
 Public improvement complete June 2026  
 Begin Home construction June 2026

#### Phase II

Land Development construction start May 2026  
 Public improvements complete May 2027

#### Phase III

Land Development construction start May 2027  
 Public improvements complete May 2028

### § 152.006 PRELIMINARY PLAT SUBMISSION REQUIREMENTS.

Applications for preliminary plat approval shall contain all of the following information:

- (A) Application for quasi-judicial review. Application materials for a quasi-judicial review, including application form, fee, narrative, and plan exhibits, are required. See § 151.233.

**Partitions Response:** This application is being submitted for quasi-judicial review and includes the required application materials.

**Subdivision Response:** This application is being submitted for quasi-judicial review and includes the required application materials.

- (B) Public facilities and services impact analysis. The impact analysis shall quantify and assess the effects of the proposed development on public facilities and services. The City Engineer and City Planning Official shall advise as to the scope of the study, which shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for subdivisions and master planned developments); water system; and sewer system. For each system and type of impact, the analysis shall propose improvements necessary to meet the City Public Works Design Standards

Manual, other applicable adopted ordinances and facility master plans. The city may require a separate traffic impact analysis.

**Partitions Response:** The preliminary plat applications for the two Minor Partitions include no proposed development and are being submitted to facilitate a Master Planned development. The proposed development will have an impact on public facilities. Mitigation will be provided during the Master Planned development/ Subdivision phase. The purpose of the two (2) partition plats is to separate the industrial areas from the residential areas on the site and to prepare the residential areas for phased purchase and development by the Applicant/Developer. No development will occur with approval of the partitions; development is proposed with the subsequent phased subdivision. No public facility or utility extension is proposed through the Minor Partition Plats. Existing utilities and access to the existing lots will be maintained during the partition process through easements. The proposed utility and public access easements also serve the subsequent subdivision phasing by providing access to public utilities and facilities. See Exhibit D Sheets 4 and 5 for the partition plats detailing the easements. The water system improvements proposed with the Master Planned Development application conform to the Banks Water Master Plan. A neighborhood park will be developed through the Master Planned development phase of the project.

**Subdivision Response:** This preliminary plat application for a proposed subdivision is being submitted concurrently with a proposed Master Planned Development. The effects of the proposed development on public facilities are described as follows:

**Transportation:** The street improvements will be constructed based on traffic data derived from the Traffic Impact Analysis report completed for this proposed development, included as Exhibit G. A new North/South Collector and East/West Wilkes Rd extension will be constructed to serve as the internal street network for the proposed development, along with new local roads and alleys. See Sheet 14.1 in Exhibit D for street details Vehicle Circulation. Along with the construction of new internal streets, the adjacent intersections of NW Wilkes St and NW Main St and NW Cedar Canyon Rd and proposed North/South collector will be improved to better serve the anticipated increase in traffic volume from the proposed development. Pedestrian facilities will be provided throughout the development along the proposed streets and an off-street regional trail segment, see Exhibit D Sheet 14.2 for Pedestrian Circulation. Apart from the variances discussed in Section V of this report, improvements will comply with the Banks Public Works Design Standards.

**Parks:** A neighborhood park is proposed for this Master Planned Development. The park was included in the 2023 Banks Parks Master Plan update and includes many of the recommended facilities. For active recreation opportunities, the park will have an open sports field, swings, a combination pickleball and basketball court, dog park, cornhole, and a nature play area for ages 2-12. Passive recreation facilities include chess/ checkers tables, picnic tables and benches, and an amphitheater with sheltered stage area. See Landscape sheets in Exhibit D for park and open space details. The park will serve the proposed development and be open to the public, serving all residents of Banks. In this way the neighborhood park mitigates the impact of the future residents from the proposed development and adds to the City's overall park inventory.

**Water:** The proposed development mitigates its impact on the City's water capacity by providing two resources to the City. Through the Comprehensive Plan and Zone Map amendment applied for concurrently with this application, a 1-acre industrial site will be established and is

intended to be conveyed to the City to use as a water treatment facility. Additionally, the property owner will transfer their water rights to West Fork Dairy Creek to the City. The proposed development will construct new water lines to connect to existing water mains at NW Cedar Canyon Rd and NW Wilkes St. The construction of these lines is included in the 2023 Banks Water Master Plan, distinguished as the *Westside Loop*. These details can be found on Sheets 11.1 and 11.2 in Exhibit D. A Service Provider Letter from the City's Water Department assuring adequate capacity to serve the development is included with this submittal in Exhibit N. Improvements will comply with the Banks Public Works Design Standards.

**Sanitary/Storm:** The proposed development will have a newly constructed sanitary system that connects to the City's infrastructure and will be serviced by CWS, see Sheets 12.1 and 12.2 in Exhibit D for details. The stormwater system for the proposed development will collect stormwater from the development and abutting properties on the eastern boundary. Stormwater flows will be treated through stormwater planters that drain to the offsite wetland mitigation bank to the west. This will provide opportunities to recharge groundwater aquifers and drain any overflow to the nearby West Fork Dairy Creek. Details can be found on Sheets 13.1 and 13.2 in Exhibit D. A CWS Service Provider Letter is included in this submittal as Exhibit M that details service for both Sanitary and Stormwater sewer systems. Improvements will comply with the Banks Public Works Design Standards.

(C) Preliminary plat map(s). An engineer or professional land surveyor licensed by the State of Oregon shall prepare the preliminary plat map(s), at a scale determined by the City Engineer, which shall consist of at least the following information:

(1) Name of proposed partition or subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Washington County (check with County Surveyor);

(2) Date, north arrow, and scale of drawing;

(3) Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;

(4) Zoning of parcel to be divided, including any overlay zones; and

(5) A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey;

(6) Identification of the drawing as a "preliminary plat"; and

**Partitions Response:** A professional engineer prepared the two preliminary partition plat maps, both of which were reviewed by a professional land surveyor. The maps include the above detail and are included in this submittal as Exhibit D Sheets 4 and 5. The cover sheet includes the property owners, name of engineer, and surveyor. The plat name is not duplicative of another Washington County land division.

**Subdivision Response:** A professional engineer prepared the preliminary subdivision plat map, which was reviewed by a professional land surveyor. The map includes the above detail and is included in this submittal as Exhibit D Sheets 9.1 and 9.2. The plat name is not duplicative of another Washington County land division, and subdivision name approval can be found in Exhibit O.

- (7) Existing conditions. Except where the City Planning Official deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:
- (a) Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
  - (b) Easements. Width, location and purpose of all existing easements of record on and abutting the site;
  - (c) Utilities. Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
  - (d) Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Planning Commission may waive this standard for partitions when grades, on average, are less than 6%;
  - (e) The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
  - (f) The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;
  - (g) North arrow and scale; and
  - (h) Other information, as deemed necessary by the City Planning Official for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

**Partitions Response:** An Existing Conditions map with the above details is included in this submittal as Exhibit D Sheets 2.1, 2.2 and 2.3.

**Subdivision Response:** An Existing Conditions map with the above details is included in this submittal as Exhibit D Sheets 2.1, 2.2, and 2.3.

- (8) Proposed development (may be depicted on more than 1 map). Except where the City Planning Official deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:
- (a) Proposed lots, streets, tracts, including private open space, common area, or streets, if any, and approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;
  - (b) Location, names, right-of-way dimensions, approximate radius of street curves, and approximate finished street center line grades;
  - (c) Any streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

**Partitions Response:** Two preliminary Minor Partitions are included in this submittal as Exhibit D Sheets 4 and 5 and detail the above information.

**Subdivision Response:** A preliminary subdivision plat is included in this submittal as Exhibit D Sheets 9.1 and 9.2 and details the above information.

- (d) The Planning Commission shall also require a dedication of land for public park and recreation purposes. The public park dedication shall not exceed 15% (0 to 15%) of the buildable land area within the subdivision;

**Partitions Response:** These two Minor Partitions are to help facilitate a proposed Master Planned development/ Subdivision. No park dedication is required with the two Minor Partitions.

**Subdivision Response:** The applicant took into consideration the 2023 Banks Parks and Recreation Master plan, and its recommended neighborhood park size of 2-4 acres. This Master Planned development/ Subdivision includes a 0.89-acre neighborhood park, which is 6% of the total 14.33 buildable land area. With the inclusion of the 2.71 acre regional trail segment, the total park and open space dedication would be 25% of the site. Concurrent with this Subdivision application, the applicant is applying for a Master Planned development which allows modifications to the parks and open space. Park and open space size are shown on the Landscape sheets in Exhibit D, and park dedication will be distinguished on the final plat.

- (e) Easements: location, width and purpose of all proposed easements;
- (f) Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;

**Partitions Response:** The two preliminary Minor Partition plats included in this submittal as Exhibit D Sheets 4 and 5 detail the location, width and purpose of all proposed easements.

**Subdivision Response:** The preliminary subdivision plat included in this submittal as Exhibit D Sheets 9.1 and 9.2 detail the location, width and purpose of all proposed easements.

- (g) Proposed public street improvements, consistent with the Public Works Design Standards Manual, including evidence of contact with the applicable road authority, if different than the city, where a new street connection is proposed;

**Partitions Response:** There are no public street improvements proposed for the two Minor Partitions.

**Subdivision Response:** The proposed collector and local streets vary from the minimum street design of the Public Works Design Standards. This is due to constraints from the sites surrounding topography and built environment. The site is located at the edge of the UGB and is bordered by existing single-family residential and commercial development to the east, an offsite wetland mitigation bank to the west, and a private park to the south. Therefore, the applicant is pursuing a variance for modified street design standards to meet the minimum density while providing amenities including a neighborhood park, regional trail corridor, and multi-modal connections to the trail and to Main Street. Alleys are also included in the site design to provide vehicular access for rear loaded townhomes that front onto public streets or pedestrian connections. Variances are discussed in Section V of this report. The applicant has had ongoing discussions and a formal meeting on January 9<sup>th</sup>, 2024 with Washington County about the proposed public street improvements for NW Cedar Canyon Rd. The applicant had a pre-app meeting on June 13<sup>th</sup>, 2023 with ODOT to discuss the NW Wilkes St and Hwy 47 intersection design, and discussed all roads with the City of Banks between a site design meeting on December 13<sup>th</sup> 2023, and the pre-app on September 18<sup>th</sup>, 2023. See Exhibit D Sheet 14.1 for the Vehicle Circulation Plan.

- (h) On slopes exceeding an average grade of 10%, as determined by the City Engineer, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards for streets, driveways, drainage, and retaining walls, as applicable;

**Partitions Response:** No development is proposed with the two Minor Partition.

**Subdivision Response:** A grading plan is included in this submittal as Exhibit D Sheets 10.1 and 10.2, and the preliminary Subdivision plat is included as Exhibit D Sheets 9.1 and 9.2. These two maps demonstrate that future development can meet the applicable minimum dimensional and engineering design standards. A geotechnical report is included in Exhibit I which concludes the proposed development can occur on the site and provides design guidelines that the applicant has taken into account.

- (i) Preliminary design for extending city water service to each lot consistent with the Public Works Design Standards Manual;

**Partitions Response:** No development is proposed with the two preliminary Minor Partitions.

**Subdivision Response:** A preliminary water plan is included in this submittal as Exhibit D Sheets 10.1 and 10.2 and demonstrates that each lot created through the subdivision will have access to water service from the City.

- (j) Preliminary design for extending sanitary sewer service to each lot, and a Service Provider Letter from Clean Water Services;

**Partitions Response:** No development is proposed with the two Minor Partitions.

**Subdivision Response:** A preliminary sanitary plan is included in this submittal as Exhibit D Sheets 12.1 and 12.2 and details the planned extension of sanitary sewer service to each lot. A CWS service provider letter is included as Exhibit M.

- (k) Proposed method of storm water drainage and treatment, if required, consistent with the Public Works Design Standards Manual and a Service Provider Letter from Clean Water Services;

**Partitions Response:** No development is proposed with the two Minor Partitions.

**Subdivision Response:** A preliminary stormwater plan is included in this submittal as Exhibit D Sheets 13.1 and 13.2 and details the storm water management plan and treatment for the future lots, consistent with the Public Works Design Standards Manual. A CWS service provider letter is included as Exhibit M.

- (l) The approximate location and identity of other utilities, consistent with the Public Works Design Standards Manual including the locations of street lighting fixtures, as applicable;

**Partitions Response:** No development is proposed with the two Minor Partitions.

**Subdivision Response:** Utility plans are included in Exhibit D of this submittal. Street light locations are shown on the site plan in Exhibit D Sheets 8.1 and 8.2. Franchise utility details to service future lots will be included in subsequent Construction documents.

- (m) Evidence of compliance with applicable overlay zones, including but not limited to those regulating development in flood hazard areas.

**Partitions Response:** The subject site of the two preliminary Minor Partitions is not subject to any overlay zones other than the base zones which were addressed earlier in this narrative.

**Subdivision Response:** The subject site of the subdivision is not subject to any overlay zones other than the base zones which were addressed earlier in this narrative in Section III.

**§ 152.007 PRELIMINARY PLAT APPROVAL CRITERIA.**

(A) **Approval criteria.** The Planning Commission shall approve, approve with conditions, or deny a preliminary plat application. The Planning Commission decision shall be based on findings of compliance with all of the following approval criteria:

- (1) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the underlying zoning, unless a variance is approved pursuant to this chapter;

**Partitions Response:** The proposed two Minor Partitions would occur on land zoned for Industrial, Medium Density Residential- High, High Density Residential, and Mixed Use. The lots would continue to conform to the provisions of these zones.

TABLE 2.2-B DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES					TABLE 2.3-B DEVELOPMENT STANDARDS IN NONRESIDENTIAL ZONES	
Development Standard	MDR-L	MDR-H	HDR	MU	Development Standard	I
Minimum Lot Area (sq ft) Single-Family Detached	5,000	4,500	NA	NA	--	--
Minimum Lot Width Single-Family Detached	40	40	40	40	Minimum Lot Width and Depth	None, unless setbacks are required
Minimum Lot Depth (feet)	1.5 times the minimum lot width, or 100 feet, whichever is less					
Maximum Building Coverage (%) Single-Family Detached	50	50	NA	NA		
	Setback Requirements				Setback Requirements	
Minimum Front Yard (feet)	15	10	5	0	Minimum Front yard (feet)	20
Minimum Side Yard (feet)	5	5	0	0	Minimum Side Yard (feet) Abutting residential zone All Other	20  None
Minimum Street Side Yard	10	10	5	5	Minimum Street Side Yard	20
Minimum Rear Yard (feet) All Other	10	10	10	10	Minimum Rear yard (feet) Abutting Residential zone	20

					All other	10
Maximum Building Height (feet)	35	35	40	35 or 45	Maximum Building Height (feet)	35, or 3 stories, whichever is less
Minimum Landscaping (percent of total site) (see §155.155-151.157)	15	15	15	10	Minimum landscaping (percent of total site) (see §155.155-151.157)	5
--		--	--	--	Build-to-line requirement	None

- Partition Response- Residential Zone:** The resulting parcels conform to the applicable lot standards of the underlying zones- Industrial, Medium Density Residential-High, High Density Residential, and Mixed Use. Parcel 1 Lot 1 has a lot area of 348,630 sq ft. Parcel 2 Lot 1 has a lot area of 380,503 sq ft, and Parcel 2 Lot 2 has a lot area of 109, 695 sq ft. Medium Density residential-High, High Density Residential, and Mixed Use zones do not have a maximum lot area. The partitions do not impact the placement of the existing 2 Single-Family dwellings on the property, and therefore continues to comply with the above standards. No development is proposed with these partitions. There are not any flood hazard area overlay requirements for the subject properties.
- Partition Response Nonresidential Zone:** The resulting parcel conform to the applicable lot standards of the underlying Industrial zone. Parcel 1 Lot 2 has a lot area of 43,560 sq ft. and Parcel 2 Lot 3 has a lot area of 434,382 sq ft. Industrial zones do not have a maximum lot area. There are no existing structures or dwellings In the Industrial zone, and no development is proposed with these partitions. There are not any flood hazard area overlay requirements for the subject properties.

**Subdivision Response:** As this Master Planned development/ Subdivision is being submitted concurrently with a proposed Comprehensive Plan and Zone Map amendment, the subdivision would occur on land zoned for Medium Density Residential- Low, High Density Residential, and Mixed Use. The lots would continue to conform to the provisions of these zones or be modified as allowed by the Master Planned development process. The lot dimensions and modifications are detailed within this report in Section III.

- (2) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer, storm drainage, and streets, shall conform to the Public Works Design Standards Manual, to applicable city standards and the requirements of the respective service providers;

**Partitions Response:** Access easements to individual lots will be created through the two preliminary Minor Partitions and will comply with the above criteria, see Sheets 4 and 5 in Exhibit D. Though no development is proposed through the two partitions applications, they ultimately help facilitate future development. See the preliminary neighborhood circulation

plan on Sheet 14.1 in Exhibit D for proposed improvements for the proposed Master Planned Development/ subdivision.

**Subdivision Response:** Access to individual lots will comply with the above criteria, and utilities shall conform to the Public Works Design Standards. However certain street design will vary from the standards, as discussed in Section V. Adjustments and Variances. See Sheets 11.1 and 11.2 for the water plan, Sheets 12.1 and 12.2 for sewer, and Sheets 13.1 and 13.2 for storm drainage in Exhibit D. The preliminary vehicle circulation plan in Exhibit D Sheet 14.1 for proposed street improvements. A CWS service provider letter is included in Exhibit M and Banks Water Dept, Banks Fire Dept and SWATCO Service provider letters are included in Exhibit N.

- (3) The proposed streets, utilities, and water facilities conform to City of Banks Public Works Design Standards Manual, adopted public facility master plans and allow for logical transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

**Partitions Response:** There are not any proposed streets, utilities and water facilities included in the two preliminary Minor Partitions, however the partitions will facilitate the future master planned development/ subdivision.

**Subdivision Response:** Proposed utilities and water facilities will comply with the above criteria. Preliminary sewer and stormwater design, Sheets 12.1, 12.2, 13.1, and 13.2 in Exhibit D respectively comply with the Banks Public Works Design Standards. The preliminary water plan is included in Exhibit D Sheets 11.1 and 11.2 and shows the proposed water facilities, which comply with the planned water infrastructure of the site as detailed in the 2023 Banks Water Master Plan. Street design within the development is being applied for through a variance, which can be found in Section V of this report. Street layout and cross-sections are shown on Sheet 14.1 in Exhibit D. Street location and classification comply with the 2023 Banks Transportation System Plan. All proposed utilities and streets allow for logical transitions to existing and potential future development on adjacent lands.

- (4) The proposed plat name is not already recorded for another subdivision, and the plat is consistent with the provisions of O.R.S. Chapter 92;

**Partitions Response:** Plat names are not required for partitions.

**Subdivision Response:** The proposed plat name, West Banks, is not already recorded for another subdivision, and the plat is consistent with the provisions of O.R.S. Chapter 92. The plat name reservation is included in this proposal as Exhibit O.

- (5) Subdivisions shall contain a minimum 15% open space except as modified by other provisions of this code. Open space areas meeting this standard include lands designated for public parks, trails, common areas maintained by homeowners' associations, and areas with protected natural resources. Open space shall be identified on the preliminary plat, and maintenance of such areas is assured through appropriate legal instrument;

**Subdivision Response:** Included in Exhibit D of this submittal are landscape plans that illustrate the open space being provided within the proposed subdivision. The proposed Master Planned development/ subdivision provides 25% open space and includes a neighborhood park and a regional trail segment designated in the 2023 Banks Parks and Recreation Master Plan. The preliminary subdivision plat identifies the open space included in the proposed development, and maintenance of the common open space is detailed in the West Banks CC&Rs, included here as Exhibit F. The neighborhood park and trail will be dedicated to the city through an appropriate legal instrument at the time of plat recordation.

- (6) Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to the final plat;

**Partitions Response:** No state or federal permits are required for the partitions.

**Subdivision Response:** Evidence will be provided if any applicable state or federal permits are required prior to the final subdivision plat.

- (7) Evidence that improvements or conditions required by the city, road authority, Washington County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

**Partitions Response:** No development improvements are included in the two Minor Partitions.

**Subdivision Response:** A CWS Service Provider Letter is included in Exhibit M and a Banks Fire Department Service Provider Letter is included in Exhibit N. The preliminary utility plans are provided in Exhibit D and illustrate that all proposed utilities are designed to comply with CWS, City, and county requirements. Public street improvements included in this proposal are being applied for through a variance in order to modify City Public Works Design Standards. Street design details are shown in Exhibit D Sheet 14.1. Compliance with Washington County's requirements for road improvements within their jurisdiction will be addressed with engineering plans, to be submitted to Washington County Development Services. The applicant has already had discussions with Washington County on NW Cedar Canyon half-street design, including a meeting on January 9<sup>th</sup>, 2024.

- (8) All proposed lots, except those reserved as common area or open space, contain sufficient buildable area for at least 1 dwelling, given existing natural features, if any, and the setback and lot coverage standards of the underlying zone.

**Partitions Response:** All proposed lots for the two Minor Partitions contain sufficient buildable area for at least one dwelling and comply with the required setback and lot coverage standards of the underlying zones.

**Subdivision Response:** All lots for the proposed subdivision contain sufficient buildable area for at least one dwelling and comply with the required setback and lot coverage standards of the underlying zones, or modified standards proposed through the master planned development process. Section III of this report details those modifications.

- (B) Conditions of approval. The Planning Commission may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

**Partitions Response:** The applicant will adhere to the conditions of approval placed on the two proposed Minor Partitions that may come from the Planning Commission.

**Subdivision Response:** The applicant will adhere to the conditions of approval placed on the proposed subdivision that may come from the Planning Commission.

## DESIGN STANDARDS

### § 152.050 PRINCIPLES OF ACCEPTABILITY.

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any approved development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by these regulations, the

policies and elements of the city's Comprehensive Plan, and any other ordinances or laws not in conflict herewith.

**§ 152.051 REQUIRED IMPROVEMENTS.**

- (A) The person making a land division shall have the responsibility of providing the following improvements and pursuant to plans and specifications as approved by the City Engineer and in conformance with the design standards contained in this chapter:
- (1) All street grading;
  - (2) Installation of roadway curbs and permanent roadway paving;
  - (3) Installation of facilities for proper storm drainage and erosion control facilities;
  - (4) Installation of sidewalks;
  - (5) Sanitary sewers;
  - (6) Water mains;
  - (7) Street trees;
  - (8) Street lights; and
  - (9) Landscaping and other improvements of common areas, buffer areas, playgrounds, trails entry features, and the like.

**Partitions Response:** There is no development proposed for the two Minor Partitions. All improvements to the site would occur with the Master Planned development/ Subdivision, which is being applied for concurrently with this application.

**Subdivision Response:** The above required plans are included in this submittal as Exhibit D to be reviewed for conformance by the City Engineer.

(B) The city shall not issue a building permit and shall withhold all public improvements of whatsoever nature, including the maintenance of streets, furnishing sewer facilities and water and electric services in all subdivisions or partitions until adequate provision for the installation of the improvements required shall have been made by the divider or his or her successor in interest. The advance provisions for public improvements may include the formation of a local improvement district, cash deposits, surety bonds, or legally binding escrows sufficient to discharge the full amount of the divider's liability for necessary and required facilities and improvements. The advance provisions for other improvements may also include the bonds and other binding agreements as may be acceptable to the city. In addition, the city may require a maintenance bond or insurance to assure repair or replacement of defective improvements within the subdivision up to 3 years after acceptance by the city.

**Partitions Response:** There are no public improvements or development being proposed with the two Minor Partitions.

**Subdivision Response:** The applicant will comply with the required bonds and substantial improvement completion prior to having building permits issued.

**§ 152.052 STREETS.**

- (A) Generally. All streets shall be dedicated to the public and shall be constructed in accordance with the design standards of this chapter and the Public Works Design Standards, unless otherwise approved. The location, width, and grade of streets shall be considered in their

relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Street layout shall optimize solar access. Where location is not shown in a development plan, the arrangement of streets shall either:

- (1) Provide for the continuation or appropriate projection of existing collector or arterial streets in surrounding areas;
- (2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- (3) Provide adequate pedestrian and bicycle access and circulation for all neighborhood activity centers, including existing and planned schools, parks, shopping areas, transit stops and employment centers; or
- (4) Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the street standards of the Public Works Design Standards. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner. Bikeways or bicycle lanes shall be required along collectors. Sidewalks shall be required along collectors.

**Partitions Response:** No street improvements are proposed with the two Minor Partitions.

**Subdivision Response:** A preliminary vehicle circulation plan is included in this submittal as Exhibit D Sheet 14.1. The proposed North/South collector street is included in the 2023 Banks TSP update and will connect to the existing NW Cedar Canyon intersection on the northern boundary of the site. The extension of NW Wilkes St is also included in the 2023 Banks TSP and is identified to be a collector that will connect to the proposed North/ South collector. Bike lanes are provided for the proposed collector streets, and sidewalks and planter strips are provided throughout the development in locations best suited for pedestrian access. Sidewalks and planter strips will be maintained by the proposed development's HOA. The applicant is requesting a variance to modify the Public Works Engineering Design standards and Street standards for streets located in the proposed Master Planned/ Subdivision development. See response below for a description of requested street design modifications.

**(B) Minimum right-of-way and roadway width.**

- (1) Unless otherwise approved in accordance with the provisions below or those of division (K) below, the street right-of-way and roadway widths shall comply with the Public Works Design Standards.

**Partitions Response:** No street improvements are proposed with the two Minor Partitions.

**Subdivision Response:** The proposed collector and local streets vary from the minimum street design of the Public Works Design Standards due to constraints from the sites surrounding topography and built environment. The site is located at the edge of the UGB and is bordered by existing single-family residential and commercial development to the east, an offsite wetland mitigation bank to the west, and a private park to the south. Therefore, the applicant is pursuing variances for modified street design standards in order to meet the minimum density while providing amenities of a neighborhood park, regional trail corridor, and multi-modal

connections to the trail and to Main Street. Alleys are included in the site design to provide vehicular access for rear loaded townhomes that front onto public streets or pedestrian connections. Below are the requested street design modifications, signified in bolded, underlined and italicized font. For additional details see the vehicle circulation plan in Exhibit D Sheet 14.1.

Table 6: Street Design Variance

Street Type	Right of way	Pedestrian Walkway: Sidewalk, and Furnishings/ Landscape Zone		Parking Lane width	Bike Lane	Vehicular travel lanes	
		Sidewalk	Planter strip			Number	Width
(City) 2-lane Collector w/ Parking	74'-76'	8' Residential	5'	8' 2 Lanes	6' 2 Lanes	2	11'
'A' Cross-section (Proposed)	<b><u>70'</u></b>	<b><u>6'</u></b>	<b><u>2.5', 15'</u></b>	<b><u>8'</u></b> <b><u>1 Lane</u></b>	6' 2 Lanes	2	11'
(City) 2-Lane Collector w/out Parking	58'-60'	8' Residential	5'	--	6' 2 Lanes	2	11'
'B1' Cross-section (Proposed)	60'	<b><u>6'</u></b>	<b><u>6'</u></b>	--	6' 2 Lanes	2	11'
(City) 2-Lane Collector w/out Parking	58'-60'	8' Residential	5'	--	6' 2 Lanes	2	11'
'B2' Cross-section (Proposed)	60'	<b><u>6'</u></b>	<b><u>4'</u></b>	--	<b><u>7'</u></b> 2 Lanes	2	12'
(City) Local w/ Parking	54'	6'	5'	7' 2 Lanes	-	2	9'
'C' Cross-section (Proposed)	<b><u>52'</u></b>	6'	5'	<b><u>8'</u></b> <b><u>1 Lane</u></b>	--	2	<b><u>10'</u></b>
(City) Local w/Parking	54'	6'	5'	7' 2 Lanes	--	2	9'

Street Type	Right of way	Pedestrian Walkway: Sidewalk, and Furnishings/ Landscape Zone		Parking Lane width	Bike Lane	Vehicular travel lanes	
		Sidewalk	Planter strip			Number	Width
'D' Cross-section (Proposed)	<b><u>44'</u></b>	6'	5'	=	--	2	<b><u>10'</u></b>
(City) Local w/ Parking	54'	6'	5'	7' 2 Lanes	--	2	9'
'E' Cross-section (Proposed)	<b><u>32'</u></b>	6'	=	=	--	2	9'
'F1 alley' Cross- section (Proposed)	20' Pavement Tract	--	--	--	--	2	10'
'F2 alley' Cross- section (Proposed)	20' Pavement Tract	--	--	--	--	2	10'
(City) Local w/ Parking	54'	6'	5'	7' 2 Lanes	--	2	9'
'G' Cross-section (Proposed)	<b><u>34'</u></b>	6'	=	=	--	2	<b><u>10'</u></b>

- 'A' Cross-section, a North/South collector is proposed to have a 70' R.O.W. with a modification to the paved width, sidewalk width and planter strip widths. The collector is proposed to include one 8' parking lane as opposed to two 8' parking lanes. The applicant is proposing a 3' planter strip, which will not include street trees, and wider planter strips up to 15' with capacity for street trees. The sidewalks are proposed to be 6' wide, a variance from the residential sidewalk standard of 8'.
- The Depot St stub, identified as 'B1' Cross-section is proposed to have 60' R.O.W. with a variation to the sidewalk widths and planter strips. The sidewalks are proposed to be 6' wide, a variance from the residential sidewalk standard of 8' and the planter strips are proposed to be 6' wide, a variance from 5'.
- The Wilkes St extension, identified as 'B2' Cross-section in the street sections sheet is proposed to have 60' R.O.W. with a variation to the sidewalk, planter strips and bike lane widths. The sidewalks are proposed to be 6' wide, a variance from the residential

sidewalk standard of 8', the planter strips are proposed to be 4' wide, a variance from 5', and the bike lanes are proposed to be 7' wide, a variance from the standard 6'.

- 'C' Cross-section, a local residential with parking on one side, is proposed to have a 52' R.O.W. with a 28' paved width. Drive lanes are proposed to have a 10' width and one 8' parking lane is proposed as opposed to the standard two 7' parking lanes. This is due to the paired driveway spacing on one side of the street.
- 'D' Cross-section, a local residential with no parking, is proposed to have a 44' R.O.W. with a 20' paved width. Drive lanes are proposed to have a 10' width, and no parking is proposed due to paired driveway spacing on either side of the street.
- 'E' Cross-section, a local residential with no parking and no planter strip, is proposed to have a 32' R.O.W. This street does not include parking or planter strips but does include the required 6' sidewalk. This street is proposed to take the place of an alley and allow front-loaded homes to abut a public street.
- Two alley cross-sections, F1 and F2 are proposed for this development. Both alleys are proposed to be located in a 20' pavement tract, with 10' two-way drive lanes. Only rear loaded homes will abut the two alleys.
- 'G' Cross-section, a local residential with no parking and no planter strip, is proposed to have a 34' R.O.W. This street does not include parking or planter strips but does include the required 6' sidewalk. This street is proposed to take the place of an alley and allow front-loaded homes to abut a public street.

- (C) **Reserve strips.** Reserve strips or street plugs controlling access to the street will not be approved unless necessary for the protection of the public welfare or the substantial property rights and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission.

**Partitions Response:** No reserve strips or street plugs are proposed.

**Subdivision Response:** No reserve strips or street plugs are proposed.

- (D) **Future extensions of streets.** Where necessary to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved with a turn around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

**Partitions Response:** Street extensions are not proposed for the Minor Partitions.

**Subdivision Response:** NW Wilkes St will be extending into the proposed Master Planned development/ Subdivision. A Depot St. stub is provided up to the property's eastern boundary. See Exhibit D Sheet 14.1 for preliminary vehicle circulation plan.

- (E) **Intersection angles.** Streets may be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of centerline tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless

topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial or collectors street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway radius of 10 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than 2 streets at any 1 point will not be approved.

**Partitions Response:** No streets are proposed to be constructed with the Minor Partitions.

**Subdivision Response:** A variance is requested as the street layout cannot meet this standard due to constraints from the site's surrounding topography and built environment. The site is located at the edge of the UGB and is bordered by existing single-family residential and commercial development to the east, an offsite wetland mitigation bank to the west, and a private park to the south. This has resulted in a road layout that inhibits certain intersections from having 100 feet of centerline tangent. The 'A Street' and 'B Street' intersection is proposed to have 10.73 feet of tangent adjacent to the centerline. The 'A Street' and 'E Street' intersection is proposed to have less than 100 feet of tangent adjacent to the centerline. A variance is being applied for in order to request 15 feet of tangent adjacent to the centerline. See Exhibit U for Variance Requests illustrations.

- (F) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

**Partitions Response:** Additional right-of-way will be dedicated where needed.

**Subdivision Response:** Additional right-of-way will be dedicated where needed.

- (G) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within the tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

**Partition Response:** Half-street improvements are not proposed for the two proposed Minor Partitions.

**Subdivision Response:** NW Cedar Canyon Rd will have a half-street improvement east of the proposed North/ South collector intersection to the HWY 47 intersection. Improvements are detailed in Exhibit D Sheet 14.1 as cross-section 'H'.

- (H) Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building site for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround.

**Partitions Response:** Cul-de-sacs are not proposed for either the two Minor Partitions.

**Subdivision Response:** Cul-de-sacs are not proposed for this Subdivision development.

- (I) Street names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established plan of the city and shall be subject to the approval of the Planning Commission.

**Partitions Response:** No streets are proposed to be constructed in either of the two Minor Partitions.

**Subdivision Response:** Interim street names in the form of 'A Street, B Street' etc. are shown on the preliminary plans. On March 12<sup>th</sup>, 2024 the applicant met with Banks High School to collaborate with students on street names that are historic to the town and indigenous history. These names will be finalized and presented to the Planning Commission for approval during the application's public hearing.

- (J) Streets adjacent to railroad right-of-way. Whenever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of the right-of-way at a distance suitable for the appropriate use of the land between the street and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grade to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

**Partitions Response:** There are no streets adjacent to railroad right-of-way included in the two Minor Partitions.

**Subdivision Response:** There are no streets adjacent to railroad right-of-way included in this Subdivision proposal.

- (3) Access permit required. Access to a public street (e.g., a new curb cut or driveway approach) requires an access permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the applicable road authority, as determined through the city's review procedures.

**Partitions Response:** No development is proposed with the Minor Partitions.

**Subdivision Response:** The applicant will be applying for an access permit for NW Cedar Canyon Dr (Facility Permit with Washington County) and NW Wilkes St connection to Main Street with ODOT to serve the development proposed with the residential subdivision.

- (4) Access to state highways. No new access shall be allowed to OR 6. Any new access to OR 47 requires an ODOT-approved approach road permit.

**Partitions Response:** No development is proposed with the Minor Partitions.

**Subdivision Response:** The applicant will be applying for a state highway approach permit with ODOT after this land use application is approved.

- (K) Creation of a sub-standard public or private street. The creation of a street and the resultant separate land parcels, if any, shall be in conformance with the requirements for subdivision, including the street design standards of this section. However, the Planning Commission may approve the creation of a public street or of a private street to be established by deed without full compliance with the regulations applicable to subdivisions provided the following conditions exist:
- (1) The establishment of the public street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;

- (2) The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over 1 acre or of the size and characteristics as to make it impossible to develop building sites for more than 3 dwelling units;
- (3) The street has been approved by the Fire Marshal and has been found to provide adequate emergency vehicle access;
- (4) The street has been found to provide adequate access for utilities; and
- (5) In the case of a private street, provisions have been made to insure adequate maintenance of the street and any utilities within it.

**Partitions Response:** Neither sub-standard public or private streets are proposed for the two Minor Partitions.

**Subdivision Response:** No substandard streets are proposed. Proposed street modifications are allowable through § 151.338 (B) which requires a variance for these modifications. The variances are included in this submittal and addressed in Section V of this narrative.

- (L) Functional classification. Development should reflect functional classification of roadways as identified in the Banks Transportation System Plan, including any bicycle, pedestrian or frontage requirements. There are no rural lands in Banks.

**Partitions Response:** There is no development proposed for the two Minor Partitions.

**Subdivision Response:** The planned roadway improvements included in the subdivision proposal are designated as identified in the 2023 Banks TSP. The planned and proposed streets vary from the Public Works Design Standards for their functional classification. The designs were reviewed by the City Engineer and are being applied for through a variance, included in this submittal and addressed in Section V of this narrative.

- (M) Off-site road improvements. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors and projects identified in the Banks Bicycle and Pedestrian Plan.

**Partitions Response:** There are no off-site improvements proposed with the two Minor Partitions.

**Subdivision Response:** Off-site road improvements will be constructed as part of this development on the intersection of NW Cedar Canyon Rd, and future intersection of NW Wilkes St. Both intersections will have bike and pedestrian facilities. See the vehicle circulation plan in Exhibit D Sheet 14.1 for details.

#### § 152.053 BLOCKS.

- (A) Generally. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

**Partitions Response:** There is no proposed development in either of the two Minor Partitions.

**Subdivision Response:** The blocks within this proposed development take into consideration the site size and shape. The street width and location are designed to provide adequate building sites for single-family residential. Due to existing topographical constraints, the block perimeters do not fully comply with this section's standards, as discussed below.

- (B) **Size.** No block shall be more than 1,200 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. In blocks over 600 feet in length, there shall be a crosswalk not less than 20 feet in width near the middle of the block. A block shall have sufficient width to provide for 2 tiers of building sites unless topography or location of adjoining street justifies an exception. In blocks over 600 feet in length, and where appropriate at the end of cul-de-sacs, there shall be a dedicated public way of not less than 10 feet in width for pedestrian access through the block, or to provide access to school, parks, or other activity centers.

**Partitions Response:** There is no proposed development in either of the two Minor Partitions.

**Subdivision Response:** Blocks within the proposed subdivision and Master Planned development are designed to comply with the above block size criteria unless precluded by topography or existing development patterns. The topographic preclusion for the site is its location adjacent to a wetland mitigation bank and the existing development pattern constraints are the arterial and local roads, as well as existing single-family and commercial development to the east, and an existing private park to the south. Pedestrian accessways meeting the above width standards have been provided for block lengths that exceed 600 ft. These mid-block pedestrian paths give access from the proposed North/South collector, 'A Street' to NW Main St. and access from proposed 'B Street' to the neighborhood park and trail. See block details on the site plan in Sheets 8.1 and 8.2, and pedestrian circulation on Sheet 14.2 in Exhibit D.

- (1) All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

**Partitions Response:** No development is proposed with the two Minor Partitions.

**Subdivision Response:** One collector street, NW Wilkes St, will extend into the proposed Subdivision/ Master Planned Development. Though it does not currently extend to the property line, a stub has been included on the northeastern boundary to provide for future access to Depot St. Stubs were not placed for future streets along the western boundary as this is the edge of the urban growth boundary and adjacent to a wetland mitigation bank. See Vehicle Circulation plan in Exhibit D Sheet 14.1.

- (2) **Street connectivity and formation of blocks.** In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than 2 acres shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between 2 streets or a street and its nearest accessway):

- (a) Residential zones. Minimum of 100 foot block length and maximum of 600 foot length; maximum 1,600 feet block perimeter;
- (b) Main Street area. Minimum of 100 foot length and maximum of 400 foot length; maximum 1,200 foot perimeter;

**Partitions Response:** There is no development proposed with the two Minor Partitions.

**Subdivision Response:** All blocks within the proposed subdivision and Master Planned development comply with the above block size criteria unless precluded by topography or existing development patterns. The topographic preclusion for the site is its location next to a wetland mitigation bank; the existing development pattern constraints are the arterial and local roads, existing single-family and commercial development to the east, and an existing private park to the south. Pedestrian accessways meeting the width standards of this section have been provided for block lengths that exceed 600 ft, which will provide mid-block access from the proposed North/South collector, 'A Street' to NW Main St and access from proposed 'D Street' to the neighborhood park and trail. See block details on the site plan in Exhibit D Sheets 8.1 and 8.2.

- (3) Pedestrian/bicycle accessway standards. Where a street connection in conformance with the maximum block length standards in division (B) is impracticable, a pedestrian/bicycle accessway shall be provided at or near the middle of a block in lieu of the street connection. The city may also require developers to provide a pedestrian/bicycle accessway where a cul-de-sac or other street is planned and the accessway would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:

**Partitions Response:** There is no development proposed with the two Minor Partitions.

**Subdivision Response:** Pedestrian and bicycle accessways have been provided throughout the development when practical. Preclusions occur in several locations that limit the availability of certain accessways due to existing single-family residences and commercial development along the eastern boundary of the site. Pedestrian accessways and a stub to a future street connection have been included to provide connections within the block. The multi-modal regional trail segment and proposed North/ South collector, 'A Street', includes pedestrian and bicycle facilities that stub to the adjacent Sunset Park to the South. See Exhibit D Sheet 14.2 for the Pedestrian Circulation plan.

- (a) If the streets within the subdivision or neighborhood are lighted, all accessways in the subdivision shall be lighted. Accessway illumination shall provide at least 2-foot candles;

**Partitions Response:** There is no development proposed with the two Minor Partitions.

**Subdivision Response:** Lighting will be provided for all accessways. Preliminary street lighting locations are provided on the site plan on Sheets 8.1 and 8.2 in Exhibit D.

- (b) A right-of-way or public access easement provided in accordance with division (a) that is less than 20 feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;

**Partitions Response:** There are no steep slopes within the subject site.

**Subdivision Response:** There are no steep slopes within the subject site.

- (c) All pedestrian/bicycle accessways shall conform to applicable ADA requirements;

- (d) The city may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the accessway does not exceed 4 feet in height; and
- (e) Which may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists.

**Partitions Response:** There is no development proposed with the two Minor Partitions.

**Subdivision Response:** Pedestrian/ bicycle accessways conform to applicable ADA requirements and are buffered from adjacent vehicles. See Exhibit D Sheets 14.1 and 14.2 for Vehicle and Pedestrian Circulation plans.

- (4) Connections within development. Connections within developments shall be provided as required in divisions (a) through (c), below:
  - (a) Walkways shall connect all building entrances to one another to the extent practicable;
  - (b) Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and
  - (c) Large parking areas shall be broken up so that no contiguous parking area exceeds 3 acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features, street-like features, for the purpose of this section, means a raised sidewalk of at least 4 feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

**Partitions Response:** There is not any development proposed for the two Minor Partitions.

**Subdivision Response:** Connections via walkways will be provided throughout the site to provide access at mid-block crossings, to the neighborhood park and regional trail, and access off site to NW Main St. There are no large parking areas proposed within the site. Vehicle and pedestrian circulation plans are included in this submittal as Exhibit D Sheets 14.1 and 14.2.

- (C) Easements. Pedestrian and bicycle ways. When desirable for public convenience and access, a pedestrian or bicycle way easement may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation. To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards below:
  - (1) Continuous walkway system. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose.

**Partitions Response:** Pedestrian and bicycle easements are not necessary for the two Minor Partitions as there is no proposed development.

**Subdivision Response:** Walkways within the development will be provided throughout the site and will be designed to connect to all existing future phases of development, including off-site adjacent trails. A pedestrian circulation plan is included in this submittal as Exhibit D Sheet 14.2.

- (2) Safe, direct, and convenient walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
- (a) **REASONABLY DIRECT.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of- direction travel for likely users.
  - (b) **SAFE AND CONVENIENT.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - (c) **PRIMARY ENTRANCE** for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
  - (d) **PRIMARY ENTRANCE** for residential buildings is the front door (i.e., facing the street). For multi-family buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

**Partitions Response:** There is no development proposed for the two Minor Partitions.

**Subdivision Response:** Walkways within the development will be provided throughout the site and will be reasonably direct and safe and convenient. There are only residential buildings proposed for this Subdivision and Master Planned Development, of which all buildings use front doors as their primary entrance. A pedestrian circulation plan is included in this submittal as Exhibit D Sheet 14.2 and Architectural elevations showing residential primary entrances are included in Exhibit K.

#### **§ 152.054 BUILDING SITES.**

- (A) **Size and shape.** The size, width, shape, and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance and Comprehensive Plan with the following exceptions.

**Partitions Response:** The two Minor Partition boundaries are proposed to facilitate a future subdivision, which is being applied for concurrent to this application. No development is proposed to occur with the two Minor Partitions. See Exhibit D Sheets 4 and 5 for partition boundaries.

**Subdivision Response:** All proposed building sites will be appropriate for the location of the land division and be consistent with the Comprehensive Plan. Comprehensive Plan goals are addressed herein in Section II. See the preliminary site plan in Exhibit D Sheets 8.1 and 8.2.

- (1) **In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problem of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by subsurface or other means.**

**Partitions Response:** No development is proposed with the two Minor Partitions.

**Subdivision Response:** All lots created through the subdivision will be served by public sewer. See Exhibit D Sheets 12.1 and 12.2 for preliminary sanitary/sewer plan. A Clean Water Services provider letter is included in this submittal as Exhibit M.

- (2) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use and development contemplated.

<i>TABLE 2.3B DEVELOPMENT STANDARDS IN NONRESIDENTIAL ZONES</i>	
Development Standard	I
Minimum Lot Width and Depth	None, unless setbacks are required
Setback Requirements	
Minimum Front yard (feet)	20
Minimum Side Yard (feet) Abutting residential zone All Other	20 None
Minimum Street Side yard	20
Minimum Rear yard (feet) Abutting Residential zone All other	20 10
Maximum Building Height (feet)	35, or 3 stories, whichever is less
Minimum landscaping (percent of total site) (see §155.155-151.157)	5
Build-to-line requirement	None

**Partitions Response:** Partition Plat 2 Lot 3 occurs on land zoned Industrial. Lot 3 is 434,382 sf which exceeds the minimum lot width and depth. There are no existing dwellings or structures on the property and no development is proposed with this partition plat. The lot is adequately sized for future uses.

**Subdivision Response:** The proposed subdivision occurs on land zoned for residential, therefore this criterion is not applicable.

- (B) Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 20 feet.

**Partitions Response:** No development is proposed with the two Minor Partitions.

**Subdivision Response:** Each lot included in the proposed Master Planned Development/ Subdivision abuts a street for a width of at least 20 feet. See Exhibit D Sheets 9.1 and 9.2 for the preliminary plat lot details.

- (C) Through lots and parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of development from major traffic arterials or adjacent incompatible activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 5 feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

**Partitions Response:** There are no through lots proposed with the two Minor Partitions.

**Subdivision Response:** There are no through lots proposed with this subdivision development.

- (D) Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curves streets they shall be radial to the curve.

**Partitions Response:** Parcel side lines meet this standard as evidenced on Exhibit D Sheets 4 and 5 for the preliminary partition plat.

**Subdivision Response:** Side lot lines within the proposed subdivision run at either a right angle or are radial to the curve of the street. See Exhibit D Sheets 9.1 and 9.2 for the preliminary Subdivision Plat.

- (E) Flag lots.

**Partitions Response:** The two proposed Minor Partitions will not result in any flag lots.

**Subdivision Response:** There are no flag lots proposed with the proposed subdivision.

#### § 152.055 GRADING OF BUILDING SITES.

Grading of building sites, and excavation of the placement of fill, shall conform to the requirements of Chapter 70 of the Uniform Building Code, hereby adopted by reference, and to the following standards, unless physical conditions demonstrate the propriety of other standards or methods of grading, including but not limited to, retaining walls, stabilized slopes, and vegetative cover:

- (A) Finish and fill cut slopes shall not exceed 1 foot vertically to 2 feet horizontally; and
- (B) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

**Partitions Response:** There is no proposed grading with the two Minor Partitions.

**Subdivision Response:** Grading on site will comply with the above criteria. A preliminary grading plan is included in this submittal as Exhibit D Sheets 10.1 and 10.2.

#### § 152.056 BUILDING LINES.

If building setback lines in excess of those set forth in the City Zoning Ordinance are to be established in a subdivision, they shall be included in the deed restrictions.

**Partitions Response:** There is no proposed development with the two Minor Partitions.

**Subdivision Response:** There are no proposed setbacks in excess of those included in the City Zoning Ordinance. Modifications to the minimum setbacks are included in Section III of this report.

#### § 152.057 LARGE BUILDING SITES.

In dividing tracts into large lots or parcels which at some future time are likely to be again divided, the Planning Commission may require that the blocks be of the size and shape, be so divided into building sites and contain the site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

**Partitions Response:** Included with the two (2) Minor Partition application is the Master Planned Development and residential subdivision illustrating the planned subsequent development and land division of the residential areas on the property. The resulting Industrial properties have potential for future redivision; they are located, sized, and shaped in a manner that provides for the ability of these parcels to be developed. See sheets 4 and 5 in Exhibit D for the preliminary partition plat.

**Subdivision Response:** The proposed residential subdivision will not result in any large lots with potential for future redivision, see Sheets 9.1 and 9.2 in Exhibit D for the preliminary plat.

#### § 152.058 LAND FOR PUBLIC PURPOSES.

- (A) Land subject to flooding, wetland, or land adjacent to a street, highway, or other incompatible land use, or environmentally sensitive or unusual terrain unsuitable as a park or recreation area, and unsuitable for real estate development or improvement shall be preserved for its proper use as flood control land or open space and dedicated to the public for the use. The Planning Commission shall also require a dedication of land for public park and recreation purposes. The public park dedication shall not exceed 15% of the buildable land area within the subdivision.

**Partitions Response:** There is no development proposed with the two Minor Partitions.

**Subdivision Response:** A Preliminary Grading Plan with erosion control details are included in this submittal in Exhibit D Sheets 10.1 and 10.2. 3.6 acres of open space in the form of a neighborhood park and trail are designed for the site and will be dedicated to the city. See the landscape sheets in Exhibit D for Park and Open space details.

- (B) Where a park playground, school, or other public use is determined to be needed in whole or in part within a subdivision, to carry out the goals and policies of the Banks Comprehensive Plan, the subdivider shall dedicate and reserve adequate space for the purpose, provided however, that the city or other public authority shall thereupon declare its intention to utilize the area within the land division when the Planning Commission finds the requirements to be reasonably necessary for the public health and safety. Where the city or other public authority has declared its intention to acquire the area, it shall proceed to perfect the title or a contract right to the same within 3 years from the date of platting, and failing such, this reservation shall automatically expire. The public body shall expeditiously proceed, within its financial ability, to consummate the acquisitions.

**Partitions Response:** This criterion is not applicable to partition applications.

**Subdivision Response:** A 0.89 acre neighborhood park and 2.71 acre regional trail segment as designated by the Banks Parks and Trail Acquisition Guidelines is proposed for the site and will be dedicated to the City. The park includes a number of recommended facilities for neighborhood parks from the 2023 Banks Parks and Recreation Master Plan. The park will include an open sports field, a nature play area for ages 2-12, a dog park, combination pickleball/ basketball court, and swings. Passive recreation features like chess/ checkers tables, picnic tables and benches, and an amphitheater with sheltered stage area are also proposed. The trail will include benches, scenic overlooks to the wetland, and educational placards about the surrounding nature. See the landscape sheets in Exhibit D for park details.

#### § 152.059 PUBLIC IMPROVEMENTS.

All utilities shall be installed underground unless otherwise approved by the Planning Commission. Plans and specifications for public improvements are subject to approval by the City Engineer. Where feasible, water mains shall be looped. Sizing and spacing of waterlines and fire hydrants is subject to review by the Fire Chief. In addition, sanitary sewer facilities, storm drainage and erosion control facilities are subject to approval by the Unified Sewerage District. Erosion control measures are required in accordance with City of Banks Resolution No. 12-89.

**Partitions Response:** There are no new utility connections proposed with the two Minor Partitions.

**Subdivision Response:** Proposed utilities for Sanitary Sewer Facilities are detailed on Exhibit D Sheets 12.1 and 12.2, Storm Drainage details are included on Exhibit D Sheets 13.1 and 13.2, and the Water Plan is included on Exhibit D Sheets 11.1 and 11.2. Erosion control can be found on the preliminary Grading Plan on Exhibit D Sheets 10.1 and 10.2.

#### § 152.060 STREET TREES.

Street trees shall be installed by the subdivider at a spacing of 30 feet on center within the parking strip of all streets. Species and size of proposed street trees shall be indicated on a landscaping plan to be submitted as part of the tentative subdivision plan.

**Partitions Response:** There are no street trees proposed to be installed with the two Minor Partitions.

**Subdivision Response:** Proposed street trees will adhere to the above criteria as indicated on the street tree plans provided in Exhibit D Sheets L1.01, L1.02 and L1.03.

#### § 152.061 VEHICLE STORAGE AREA.

In subdivisions of more than 20 dwelling units, the Planning Commission may require that a common area be set aside for the storage of vehicles such as recreational vehicle, boats, trailers, or vehicle in excess of the number of vehicles for which adequate off-street parking space has been otherwise provided.

**Partitions Response:** This criterion is not applicable to the two proposed Minor Partitions.

**Subdivision Response:** The proposed residential subdivision does not include a vehicle storage area. Each home will have 4 parking spaces, with 2 garage and 2 driveway spaces. There are also 60 on-street parking spaces available throughout the development. See Exhibit D Sheet 15 for the Parking Plan.

## EXCEPTION AND VARIANCES

### § 152.075 VARIANCE APPLICATION.

(A) The Planning Commission or City Council, as the case may be, may authorize condition variances to requirements of these regulations. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan.

(B) A variance may be granted only in the event that all of the following circumstances exist.

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography of other circumstances over which the owners of property since enactment of this chapter have had no control.

(2) The variance is necessary for the preservation of a property right of the application substantially the same, as owners of other property in the same vicinity possess.

(3) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same vicinity in which the property is located or otherwise conflict with the objectives of any city plan or policy.

(4) The variance requested is the minimum variance which would alleviate the hardship.

**Response:** A variance is requested for the design standard, § 152.052(E) STREETS. The applicant is requesting 10.73 feet of centerline tangent adjacent to the intersection of 'A Street' and 'B Street', and the 'A Street' and 'E Street' is requested to have 15 feet of tangent adjacent to the centerline. This variance is requested due to the project site having unique physical circumstances that limit the possible street design layout. The project site is bounded by topographical and existing development constraints. The western boundary line was determined by the offsite 100-year floodplain, resulting in a unique border with a wetland mitigation bank currently being constructed in the floodplain west of the site. To the north the site is bounded by NW Cedar Canyon Ln, a county collector road. Along the eastern boundary are existing single-family detached residential and small-scale commercial, and to the south the site is bordered by a privately owned recreational park. Therefore, the variance is requested in order to provide for multi-modal improvements & connections, the vehicular road improvements indicated on the 2023 Banks TSP, and the park and trail improvements identified in the 2023 Banks Parks and Recreation Master Plan, all while also meeting minimum density requirements of the site. The requested variance is the minimum necessary to address the unique combination of requirements and physical constraints affecting potential development of the property. This variance will not be materially detrimental to the purposes of this chapter, or to the surrounding property of the project site. It does not conflict with the objectives of any city plan or policy. See Exhibit U for Variance request details.

## ADMINISTRATION

### § 152.090 APPROVING AGENCY.

The City Planner and City Planning Commission shall review, recommend, and approve or disapprove land division plans and shall administer the provisions of these regulations. Whenever a land division plan is disapproved, a similar application cannot be submitted for the property following a 6-month period from the disapproval date, unless the reason(s) for the denial has been corrected by the applicant. The corrected application will be considered as a new application.

**Response:** The applicant will comply with the above criterion pertaining to approval or disapproval of this land division application.

#### § 152.091 APPEAL.

An action or ruling of the City Planner or the Planning Commission authorized by this chapter may be appealed to the Planning Commission or City Council respectively by filing written notice of appeal with the City Recorder within 10 days after the City Planner or Planning Commission has rendered its decision. If no appeal is taken within the 10-day period, the decision of the Planning Commission or City Council shall receive a report and recommendation from the City Planner or Planning Commission and shall hold a public hearing on the appeal of the public hearing shall be by publication in a newspaper of general circulation.

**Response:** The applicant will comply with the above procedures in the event of an appeal.

#### § 152.092 FORMS OF PETITIONS, APPLICATIONS, AND APPEALS.

Petitions, applications, and appeals provided for in these regulations shall be made on forms provided for this purpose or as otherwise prescribed by the Planning Commission in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record.

**Response:** This application has been made on forms provided for a Land Division.

#### § 152.093 HEARINGS.

Notice of the purpose and time and place of any public hearing required by these regulations shall be given by the City Recorder in the following manner.

(A) Notice of public hearing shall be mailed not less than 10 days prior to the hearing to owners of property within 250 feet of the boundaries of the area proposed to be partitioned or subdivided. The list of property owners shall be based on records at the Washington County Department of Assessment and Taxation.

(B) In addition, notices shall be posted at 1 or more locations in the city, including City Hall and the site proposed to be partitioned or subdivided, at least 10 days prior to the hearing.

**Response:** This section is procedural and will be completed by City Staff.

## VIII. CONCLUSION

This proposed Master Planned Development would bring 144 new single-family attached/detached homes to the City of Banks, as well as a neighborhood park and a regional trail segment both open to the public, providing critical parks and open space infrastructure to the City. The proposed development will also include street improvements for a NW Wilkes St extension and a planned North/South collector connecting NW Cedar Canyon Rd to NW Wilkes St. The design for these improvements will be modified through variances to the Public Works Design standards and Street Design standards of this section. The proposed neighborhood park, trails, and street improvements are included in the City of Banks planning documents, including the 2023 Parks and Recreation Master Plan and 2023 Transportation System Plan, respectively. This narrative and the attached exhibits provide details on the above proposed improvements and demonstrate compliance with the applicable provisions of the City of Banks Zoning Code and Land Division Regulations pertaining to Comprehensive Plan and Zone Map amendments, Master Planned Development, Site Plan Review, Floodplain Review, Variance and Partitions/ Sunset View at West Banks

Subdivisions. Therefore, the Applicant respectfully requests approval of the proposed Master Planned development and associated applications.