



STAFF REPORT
CPA 16-01/ZC 16-01/CMP 16-01/PSA 16-01

DATE: April 18, 2016 for the April 26, 2016 Planning Commission Meeting

REQUEST: **CPA 16-01.** Comprehensive Plan Map Amendment to change the plan designation of the property from Industrial (I) to Single-Family Residential (R5).

ZC 16-01. Zoning Map Amendment to change the zoning of the property from Industrial (I) to Single-Family Residential (R5).

CMP 16-01. Concept Master Plan approval for 37 single-family lots and related open space.

PSA 16-01. Preliminary Subdivision approval for 37 single-family lots and related open space.

APPLICANT: South Banks Joint Venture
735 SW 158th Avenue
Beaverton, OR 97006

APPLICANT'S REPRESENTATIVE: Michael C. Robinson
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PROPERTY: Tax Lot 11400, Tax Map 2N3W31CD. The property is located in the undeveloped southeast corner of Arbor Village, south of the intersection of NW Buckshire Street and NW Ashton Drive. The property consists of approximately 8.25 acres.

ZONING: Industrial (I)

APPLICABLE CODE: Section 151.170-151.171 Application Procedures
Section 151.155-151.159 Comprehensive Plan Amendments and Zone Changes
Section 151.135-151.140 Mater Plans
Section 152, Land Divisions

1. EXECUTIVE SUMMARY

South Banks Joint Venture (“Applicant”) owns the property located at the SE Corner of Banks, known as Arbor Village Phase 9 (“Property”). The Property is the only portion of Arbor Village that has not been developed. Until recently, the Property was subject to a condition of approval (“Condition 9”), which required the Applicant to construct a secondary access across the Portland and Western and Port of Tillamook Bay railroads. The City approved a modification of the original Arbor Village Planned Unit Development (“PUD”) and Plan Amendment/Zone Change, which removed Condition 9 and required the Applicant to submit an application to change the Banks Comprehensive Plan and zoning designation of the Property from Industrial (I) to Single-Family Residential (R5).

The Applicant’s statement requests the following:

- Amend the Comprehensive Plan and zoning designation of the Property from Industrial (I) to Single-Family Residential (R5)
- Concept Master Plan approval for 37 single-family lots and related open space
- Subdivision approval for 37 single-family lots and related open space

2. SITE DESCRIPTION

Arbor Village is located in the southeast corner of the City of Banks and was approved in 1997. It consists of over 50 acres in nine (9) phases. Only Phase 9 remains unbuilt.

The Property is an approximately 8.4 acre vacant parcel located at the southeast corner of Arbor Village. It is identified as tax lot 11400 of Washington County Assessor’s Map 2N3W31CD. The property is zoned Industrial (I). Approximately 2.72 acres of the Property consist of wetland, wetland buffers, and a detention pond that drains much of Arbor Village.

The Property is bounded by Oregon Highway 6 to the south and the railroad to the east. It abuts single-family homes to the north and west. Street access to the site is provided by a stub of NW Ashton Drive at the site’s northeast corner and a second access to NW Buckshire Street through an undeveloped lot. A pedestrian accessway extends through NW Broadshire Lane and stubs to the Property.

3. LAND USE REVIEW PROCESSES

The Banks Zoning Ordinance (“BZO”) 151.171 provides that the Planning Commission review and make a recommendation to the City Council on the proposed Plan Amendment and Zone Change. BZO 151.170-171 provides for the Planning Commission to make a decision on the Concept Master Plan and Preliminary Subdivision, which may be appealed to the City Council. BZO 151.202(C) and ORS 227.175(2) allows the City to process these applications concurrently. Approval of the Concept Master Plan and Preliminary Subdivision applications shall be effective upon approval of the proposed Comprehensive Plan/Zone Change applications. The Applicant shall apply for a Detailed Development Plan and Final Plat after approval of the application.

The Planning Commission’s review of the land use applications must focus on the relevant code criteria and outlined herein and follow the procedures for a quasi-judicial review under the City of Banks Development and Zoning Code Section 151.115 through 151.117. The Planning Commission may approve the application only if the proposal conforms to the approval criteria as outlined in this Staff Report, or if it can be made to conform to the criteria through the imposition of reasonable conditions of approval.

It is recommended that the Planning Commission recommend approval of File Nos. CPA 16-01 and ZC 16-01 to the Banks City Council.

It is also recommended that the Planning Commission approve File Nos. CMP 16-01 and PSA 16-01, along with the proposed conditions of approval at the end of this report.

4. PROPOSED COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE

The Applicant states that re-designation of the Property from industrial to residential uses is appropriate for several reasons. First, the Property’s location is not suitable for industrial uses because it abuts existing and planned single-family development and is isolated from other commercial and industrial areas of the City. Staff concurs.

The Applicant states that any industrial traffic accessing the Property would have to use local streets in Arbor Village that are not adequately sized for industrial traffic. This situation could potentially cause conflicts with residential traffic. Staff concurs.

The Applicant states that the Property has been included from the City’s industrial land inventory and has provided Exhibit 2 demonstrating this fact. The Property was excluded due to the potential land use and transportation conflicts identified above and also because a portion of the

Property contains an undevelopable detention pond and wetlands. Staff concurs. The City has also identified a need for additional single-family dwelling units and the Applicant has supplied factual information as Exhibit 3. Thus, re-designation of the Property will not reduce the City's supply of developable industrial land and is consistent with the need for residential land. Staff concurs.

The Applicant provided a Traffic Impact Analysis ("TIA") which demonstrates that "under a reasonable worst-case development scenario, the Property would generate less traffic if zoned R5 than if zone for industrial uses". Staff concurs.

5. PROPOSED MASTER PLAN

The Applicant states that the proposed Master Plan includes 37 residential lots that area consistent in size and shape with existing lots in Arbor Village. Staff concurs. The proposed lots will be served by an extension of NW Ashton Drive and by a new local street, Walterwood Court, which runs east-west parallel with NW Buckshire Street. The existing detention pond will be preserved and wetland buffers required by Clean Water Services ("CWS") will be protected by granting access easements to CWS. All undeveloped property, including the proposed open space, will be owned and maintained by the Arbor Village Homeowners Association ("HOA").

Parking

Staff requested the Applicant propose the maximum amount of parking feasible within the development area. The Applicant complied. Each home will have parking for four (4) vehicles: two (2) each on the driveway and in the garage. The Applicant states that parking along the entirety of the proposed streets is impossible due to driveways, curb ramps for sidewalks, pedestrian ways and required sight triangles. Staff concurs. To provide the maximum possible amount of on-street parking, the Applicant proposes to alternate the location of on-street parking spaces with some on both sides of each street, but without parking spaces located on both sides of the street in the same street segment.

Street Access

The proposed internal street system will be connected to the existing street system via an extension of NW Ashton Drive and a connection between NW Buckshire Street and NW Walterwood Court, and "Street A." The Applicant proposes a pedestrian connection between the cul-de-sacs of NW Walterwood Court and NW Broadshire Lane. A stub of NW Ashton Drive will extend to the east property line.

Open Space and Pedestrian Connectivity

Staff advised the Applicant during the completeness review that the existing open space and pedestrian connectivity plan did not satisfy BZO 151.138(C). This section of the code requires public benefits in exchange for the flexibility of standards in Master Plan application. The initial plan proposed insufficient trails and active use open space areas.

The Applicant worked with Staff to provide a revised plan that satisfied our concerns. The new plan, which is before the Planning Commission, proposes a trail around and adjacent to the existing water quality pond located in Tract C and the development of an open space area near the water quality pond. The Applicant states that the pedestrian trail will use the existing CWS gravel maintenance road on the east side and south side of the pond. The Applicant will construct a trail on the west side of the pond in order to reach Walterwood Court. The construction of this trail is subject to approval by CWS to allow construction of the trail between the east boundary of lot 37 and the top of the water quality area. This portion of the trail will be five (5) feet wide, and will include a fence on the water quality side of the trail. The Applicant proposes a gravel trail.

The Applicant also proposes to construct a 50' by 50' (2,500 square feet) open space area in Tract C located southwest of the water quality pond that can be reached by the trail. The area would be seeded with low maintenance, "slow grow" grass such as Orchard Grass, and include several benches and picnic tables. The open space area can be used by the residents of Arbor Village and will be a low maintenance area, to avoid imposing an unnecessary additional financial burden on the Arbor Village Homeowners Association. The Applicant believes it is feasible to obtain CWS's consent to these improvements.

Consistent with the newly adopted Banks Bicycle and Pedestrian Plan, the Applicant proposed a 10-foot wide easement between the east side of lot 10 and the railroad right-of-way to provide a future connection for the City to extend its trail system to south Banks.

6. COMMENTS TO THE RECORD

DKS and Associates (City Traffic Engineer). DKS and Associates provided comments to the record in a letter dated April 15, 2016. Please refer to Attachment B to review the letter. Comments are incorporated to this staff report and conditions of approval.

Kennedy/Jenks (City Engineer). Kennedy/Jenks provided comments to the record in a letter dated April 8, 2016. Please refer to Attachment B to review the letter. Comments are incorporated to this staff report and conditions of approval.

Banks Public Works Director. A meeting occurred with the Banks Public Works Director and Staff on April 9, 2016. The Public Works Director wants to ensure that water lines are looped, for the benefit of fire flow and water pressure. If they cannot be looped, water main blow offs will be required. In addition, he would like the Applicant to submit a traffic construction plan addressing construction traffic, parking, dust control, hours of construction, etc. Lastly, water meters need to be radio read meters.

Banks Fire Department. A meeting occurred with the Banks Fire Department and Staff on April 9, 2016. Preliminary fire hydrant locations are acceptable. The Fire Chief would like to review the final plan. He will require 4” Stortz fittings for steamer ports.

Washington County Sheriff’s Department. A meeting occurred with the Washington County Sheriff’s Deputy on April 9, 2016. He would like to see the proposed trail around the water quality facility with a surface that can support his vehicle for police access. He currently handles calls in the northwest corner of the site, by the rail crossing and underpass.

Staff provided required public notice consistent with the BZO. No comments from the public were received.

7. LAND USE HISTORY

The subject Property has been subject to multiple planning approvals as indicated in the Applicant’s narrative and is shown below.

- **PA/ZC 8-96.** Changed the Comprehensive Plan and Zoning classifications of Arbor Village.
- **PUD 9-96.** Approved the preliminary site development plan for the Arbor Village PUD.
- **PUD 9.1-97.** Approved the final Arbor Village PUD plan.
- **SUB 12-97.** Plat approval of the Arbor Village subdivision.
- **PUD 9.3-98.** Denied application to remove Condition 9 from PUD approval.
- **MOD 1-14/ MOD 2-14.** Modified PA/ZC 8-96 and PUD 9-96 to remove Condition 9.

The most recent applications were MOD 1-14 and MOD 2-14, which modified PA/ZC 8-96 and PUD 9-96 to remove Condition 9. Those applications established several conditions of approval that are relevant to this Application. The Applicant has provided a list and comments regarding how each can be satisfied as follows:

1. Prior to development the applicant shall be required to apply for a zone change from

Industrial (I) to Single-Family Residential (R5).

RESPONSE: The Application requests a zone change from I to R5.

2. Contingent upon approval of the zone change required by Condition 1, development in Phase 9 shall contain single family residential uses only.

RESPONSE: The Application includes only single-family residential uses.

3. If rezoned to Single Family Residential (R5), the number of units shall be limited to a maximum of 42 dwelling units.

RESPONSE: The Proposed Development is for 37 single-family lots.

4. Prior to development the applicant shall contribute \$20,000 to a transportation study for an east/west connection.

RESPONSE: The Application shall comply with this condition.

5. Prior to development the applicant will stub a public right of way and dedicate it for Phase 9.

RESPONSE: The Application proposes an extension of NW Ashton Drive that will stub to the Property's east line to allow for a railroad crossing, if and when such a crossing is constructed.

6. The applicant shall enter into an agreement with the City of Banks, Oregon no later than thirty (30) days following the effective date of MOD1-14 and MOD2-14 that is substantially similar to the draft agreement placed before the Banks City Council at the public hearing on April 6, 2015.

RESPONSE: The Applicant has also entered into an agreement with the City (Washington County Document No. 2015-037807) that requires the Applicant to make certain improvements and repairs to the existing sidewalks and curbs in Arbor Village and replace certain street trees. The Applicant shall be obligated to make these repairs if the Application is approved.

Staff concurs that the Application complies, or can comply, with the conditions of MOD 1-14 and 2-14.

8. COMPLAINEE WITH APPLICABLE CODE

The following City of Banks Development and Zoning Code criteria are applicable to the request and are shown in *italics* and **bold**. Staff findings follow each code provision in regular typeface. The findings, which are based on information submitted by the applicant, are preliminary. The final decision notice will contain any additional findings resulting from the Planning Commission deliberation, which may include responses to the public testimony and/or additional agency comments received by the close of the hearing.

The Applicant may amend his proposal through the public hearing process, and Staff may supplement this Staff Report. The findings and recommendations contained in this report may be modified based on factual information entered into the public hearing record.

Members of the public who have questions about the proposal or who would like to submit oral or written testimony must appear at the public hearing or provide written testimony before the close of the hearing. Testimony should respond directly to the applicable criteria.

9. PLAN AMENDMENT AND ZONE CHANGE

151.157 Comprehensive Plan and Zoning Amendment Criteria

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

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

Finding: The Applicant states that Comprehensive Plan goals implicated by a plan and zone map amendment include Goal 2 - Land Use, Goal 9 - Economics, Goal 10 - Housing, Goal 11 - Public Facilities and Services, and Goal 12 - Transportation. Other goals are not applicable because the City's compliance with those goals is not affected by a re-designation of the Property from industrial to single-family residential. Only objectives and policies that apply to the proposed Plan Amendment/Zone Change are addressed below. Staff concurs with the Applicant statement and finds this section met.

Goal 2 - Land Use.

Objectives:

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

Finding: The proposed Development will rely on the existing streets, water, sewer, and utility connections that already serve Arbor Village. This section is met.

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

Finding: The Applicant states that industrial uses for which the Property is currently designated conflict with surrounding residential uses because of the potential for nuisances and because any industrial traffic accessing the Property must utilize the residential local streets in Arbor Village. The proposed R5 plan map and zoning designation will ensure that future uses on the Property are compatible with surrounding residential uses. Staff concurs and finds this section is met.

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

Finding: The Applicant states that Arbor Village is an essential part of Banks' community identity because it includes the majority of residential dwellings within the City. The Proposed Development enhances that identity by providing additional residential development and open space areas that are compatible with the existing homes within Arbor Village. Staff finds this section is met.

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

Finding: The Applicant states that as explained below in the discussion of Goals 9 and 10, the proposed Plan Amendment/Zone Change does not reduce the City's supply of useable industrial land and helps to satisfy a demonstrated need for additional residential dwellings. Staff concurs and finds this section is met.

Goal 9 - Economics.

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

Policies:

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

Finding: The Applicant states that as stated above and explained in more detail below, although the Property is currently zoned for industrial uses, it is not an effective component of the existing industrial land supply. As the proposed Plan Amendment/Zone Change will not reduce City's inventory of industrial land and because it does not propose to locate any incompatible uses adjacent to industrial or commercial lands, it does not violate the above policy. Staff concurs and finds this section is met.

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

Finding: The Applicant states that the proposed Plan Amendment/Zone Change will not result in a reduction of useable industrial lands in Banks because the City does not consider the Property to be part of its industrial land supply. The City adopted its current Economic Opportunities Analysis (“EOA”) in June, 2005. Exhibit 2. The EOA directly addressed the fact that the Property is unsuitable for industrial uses because of onsite wetlands and the large detention pond. The report noted the following:

“The City of Banks conducted an inventory of vacant non-residential land in 2003. This vacant land, however, is not all available for development. According to K.J. Won of the City of Banks, approximately 50% of the 8.5-acre Industrial parcel at the southeast corner of Banks is in wetlands and storm water drainage, and so is not buildable. This area is subtracted from the inventory of vacant acres in Table 4-5 under Constrained Acres.” Emphasis added.

The report then went on to address the remaining non-wetland acreage of the Property, and found that it also should be discounted from the City’s buildable lands inventory:

“The remaining 4.25 acres of Industrial land at the southeast corner of Banks is surrounded by suburban residential development. Approval of the Arbor Village PUD included a provision that the developer provide a secondary access road to this parcel so that truck traffic would not need to access the property via the residential area. Options for this secondary access road are to create a new road crossing the railroad or a new road under Highway 6 to connect to Wilkesboro Road. Both of these options are problematic, and the location of residential units adjacent to this parcel make it a poor location for industrial development. In addition, the property owner has expressed a desire to change the Industrial zoning on this parcel. In the context of the substantial amount of Industrial land that will be needed to accommodate potential employment growth in Banks, it appears that the City should seek to rezone this property and add Industrial land elsewhere to make up for the loss of this Industrial land.” Emphasis added.

A table showing the adjusted supply of buildable industrial land in Banks shows an existing inventory of 0.96 acres of buildable industrial land after the Property and certain other acreage was discounted from the City’s buildable lands inventory:

Table 4-5. Supply of buildable land in Banks by zoning, 2005

Zoning	Vacant Acres	Constrained Acres	Adjustments	Net Buildable Acres
Commercial	1.07	0.00	0.00	1.07
Industrial	12.76	- 4.25	- 7.55	0.96
Community Facilities	0.00	0.00	0.00	0.00
Total	13.83	- 4.25	- 7.55	2.03

Source: ECONorthwest.

Staff concurs with the analysis presented by the Applicant and finds this section is met.

Goal 10 - Housing.

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

Finding: The Applicant states that the proposed Plan Amendment/Zone Change will also be consistent with projected housing need.

The Applicant supplied the evidence in the table below. As demonstrated by the table, taken from the City's 2005 Housing and Residential Land Needs analysis, (Ord. 110.30) there is a need for 880 new dwelling units within the 2000-2024 planning period:

Template 2 Projected Future Housing Status as of 2024						
FA Future Population	FB Future Persons in Group Quarters	FC Future Persons per Household	FD Future Occupied Dwelling Units*	FE Current Total Dwelling Units	FF Dwelling Units Removed	FG New Dwelling Units Needed**
Estimated	Estimated	Estimated	(FA-FB)/FC	CF	Estimated	FD-FE+FF
3,739	0	2.75	1,360	480	10	880

* Number of non-Group Quarter Occupied Dwelling Units
 ** Excludes Group Quarter Dwelling Units

Staff concurs with the analysis and finds this section is met.

Objectives:

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 need.

Finding: This objective explains how the City is required to evaluate proposals of additional housing. As this is a requirement of the City, not the Proposed Development, it does not apply. Staff has evaluated the proposal for new housing consistent with this objective, throughout this report.

b. Housing should be developed in areas that reinforce and facilitate orderly and compatible community development.

Finding: The Applicant states that the Proposed Development is located in an area dominated by single-family residential development and is therefore compatible with the adjacent land use pattern. Locating additional housing at the Property takes advantage of the existing street system and available utilities to reduce the impact of new residents on public services. Staff finds the location compatible for residential development for the reasons presented here. This section is met.

e. Single family residential areas require settings conducive to the activities and needs of the family and need to be buffered from non-residential areas through landscaping or open spaces.

Finding: The Applicant states that the subject Property is bounded on the south by OR-6, the railroad to the east, and single-family homes to the north and west. The recently annexed land located east of the railroad is designated for single-family residential uses on the Comprehensive Plan map. Exhibit 6. Land zoned for industrial uses located south the Property is screened from the property by the elevated grade of OR-6. Preservation of the wetland area in the southern half of the Property will provide additional buffering from OR-6 and any incompatible uses to the south. Also, the Applicant proposes landscaped buffering in the back yards of lots 1–9 where they abut the railroad. See Sheet P5.1. Thus, the Property will not be located adjacent to any incompatible uses that are not otherwise screened from view and no incompatible uses require a transportation connection through the Property. Staff concurs and finds this section is met.

Policies:

4. Amendments to the comprehensive plan map and zoning map will be consistent with the City's housing needs projections.

Finding: As explained above, the City's adopted Housing and Residential Land Needs analysis calls for 880 new dwelling units by 2024. Exhibit 1. Staff concurs and finds this section met.

6. The City will ensure that adequate, buildable and serviceable land is zoned for all needed housing types.

Finding: The Applicant states that as explained above, the proposed Plan Amendment/Zone Change will help address an identified deficiency of single-family zoned land. Although the City may also need other types of housing, the Applicant is constrained by conditions of approval of MOD 1-14 and 2-14 that restrict the Property to single-family uses. Exhibit 1. Staff concurs and finds this section is met.

Goal 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:

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

Finding: The Applicant states that the Property is located within the Banks city limits and is part of Arbor Village, which is already served by streets and utilities. As demonstrated on Sheet P4.0, the proposed Development will connect to existing utilities in Arbor Village through an extension of NW Ashton Drive. The Application encloses memoranda addressing water and sewer capacity which demonstrate that the existing City utility system has adequate capacity to serve the Proposed Development. Exhibits 7 and 8. Staff concurs and finds this section is met.

d. Future use of underground utilities is aesthetically desirable and should be encouraged.

Finding: Utilities, including electrical, telephone, and cable lines will be located underground.

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

Finding: As stated above, police, fire protection, and other city services are already available to serve the Property. As the Property is located within the City Limits, the proposed Plan Amendment/Zone Change will not require an extension of such services outside of their current service areas. Staff reviewed the proposal with the Washington County Sheriff's Department, the Banks Fire Department and the City Public Works Director. All indicated that they have no concerns with the proposal. This section is met.

Goal 12: Transportation

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

Objectives:

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

Finding: The Applicant states that the Proposed Development will include an extension of the existing sidewalk system and sidewalks will be provided along both sides of each new street. This will provide for complete and safe pedestrian access throughout Phase 9. Also, the Proposed Development is located within a 1/2 mile walk of Banks Elementary and a shopping center, allowing Phase 9 residents to walk to such services if they choose. A pedestrian connection is also provided from Walterwood Court and NW Broadshire Street. Staff finds this section is met.

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; and

Finding: The Applicant states that the proposed Plan Amendment/Zone Change will protect the quality of the adjacent neighborhood and community by eliminating the likely conflicts between the transportation needs of industrial development and those of adjacent single-family residential development, which would occur if the Property developed for industrial uses. Staff concurs and finds this section met.

Provide for adequate street capacity optimum efficiency and effectiveness.

Finding: The Proposed Development will utilize the existing street system within Arbor Village. As demonstrated by the enclosed TIA (Exhibit 4), that system is adequate to serve the proposed Development. Although the Proposed Development does not include a secondary access across the railroad, it provides a stub street to facilitate such an access if one is ever built. Also, the Applicant will contribute \$20,000 to a transportation study for an east/west connection. Staff and the City's Traffic Engineer reviewed the TIA and find the system adequate to serve the proposed development. This section is met.

8. New land developments will be designed to reduce the percentage of land devoted to streets.

Finding: The Applicant states that the proposed street system extension is designed to efficiently serve the proposed single-family lots. As demonstrated on the enclosed subdivision plans, all

land abutting the proposed streets will be used for single-family development, except land reserved to protect wetlands, the detention pond, and public open space. Staff concurs and finds this section is met.

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

Finding: The Applicant states that the proposed development is for single-family homes. The Comprehensive Plan map indicates that lands to the north, south, and east (across the railroad) are designated for single-family residential uses. Existing land uses to the north and west are single-family residential.

Although land located across OR-6 is designated for industrial uses, there is no feasible direct access between that area and the Property, and the open space tracts and OR-6 constitute substantial buffers between that area and the Property. Staff concurs and finds this section is met.

(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.

Finding: The Applicant states that the Proposed Development will connect to the existing street and utilities serving Arbor Village at NW Ashton Drive and through a short connection to NW Buckshire Street ("Street A"). These utilities are sufficient to serve the proposed development as explained below:

Streets. The proposed internal street system will be connected to the existing street system via an extension of NW Ashton Drive and a short connection to NW Buckshire Street.

Two (2) new local streets are proposed: an extension of NW Ashton Drive and a new east-west street, Walterwood Court. The Banks Transportation System Plan (2010) (the "TSP") does not include any planned collector streets across or connecting to the Property; therefore, the proposed internal streets will be local streets, with a 32-foot wide paved improvement within a 50-foot wide right-of-way.

Water Service. The Application includes a memorandum by a registered civil engineer that addresses water service availability. It concludes as follows:

"The water system modeling supports the assumption that there is sufficient water available to supply the site as a proposed residential land use. A required fire flow of 1,500 gpm can be achieved at a pressure of 76.5 psi. The minimum pressure achieved at any of the buildings at the second story is 65.6 psi, which exceeds the 20 psi minimum."

Sanitary Sewers. The Application includes a memorandum by a registered civil engineer that addresses sewer service capacity. It concludes as follows:

“An 8-inch pipe flowing half-full, which a slope of 0.50%...will provide a flow capacity of 0.43 cfs at 2.45 fps. Using the design criteria from the CWS Master Plan update, the calculated design flow for Arbor Village No. 9 at the connection point to the existing sanitary system is 0.08 cfs. The existing system has adequate capacity to convey this additional proposed sanitary flow.”

Exhibit 8 at 1.

Stormwater Drainage. A complete stormwater drainage system is proposed, which will collect stormwater from the proposed internal streets and each lot and discharge the stormwater into the existing stormwater detention pond. The Applicant also proposes a connection to the existing stormwater line at the southwest corner of the site. The Applicant will extend a new drainage line eastward from this connection to discharge into an existing drainage channel, which in turn will outfall into the stormwater detention pond. See Sheet P4.0.

The City Engineer reviewed the proposed public facilities and submitted a memorandum which is attached as Attachment B. The City Engineer states that CWS has final approval of stormwater facilities; the Applicant shall provide a storm drainage report with development submittal. A condition will be added requiring the submittal of a storm drainage report with the final plan. As conditioned, this section can be met.

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

Finding: The City’s Comprehensive Plan implements the statewide planning goals and was acknowledged by the Land Conservation and Development Commission. The City’s goals expressly mirror the Oregon Statewide Planning Goals in substance and are numbered identically. Comprehensive Plan at 4. Consistency with the applicable goals of the Comprehensive Plan, discussed above under criterion (C) above, is therefore sufficient to demonstrate consistency with the same applicable statewide planning goals. Thus, the Applicant addresses Goal 2 (Land Use Planning, Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation) above. Staff concurs with this analysis.

In addition to the goals already addressed above, the proposed Plan Amendment/Zone Change is consistent with the following applicable goals. Goals not addressed below are not applicable because development of the Property does not affect those goals and/or because they apply only to local governments, not to private development proposals.

Goal 1 - Citizen Involvement.

Finding: This Application is subject to the citizen involvement requirements of the BZO and Comprehensive Plan. Specifically, the proposed Plan Amendment/Zone Change is subject to at least two (2) public hearings, one before the Planning Commission and another before the City Council. The City has provided public notice consistent with ORS 197.763. Finally, the Applicant conducted a public meeting to discuss the Application on October 22, 2015, although such a meeting was not required by the BZO. Staff finds this section is met.

Goal 5 - Natural Resources.

Finding: Goal 5 requires the City to designate and protect certain natural resources. Although the City does not identify any protected natural resources on the Property, onsite wetlands are considered protected natural resources under Goal 5. The Applicant proposes to protect such resources, including the existing stormwater detention pond, by meeting applicable CWS standards. The Applicant has conducted a complete Natural Resources Assessment (“NRA”) which identifies existing wetlands and explains how they will be either protected or mitigated. The Applicant proposes to reserve approximately 34 percent of the Property to protect existing natural resources and does not propose to fill any jurisdictional wetlands. Staff concurs and finds this section is met.

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

Finding: Pursuant to OAR 660-012-0060, a plan and land use regulation amendment “significantly affects a transportation facility” if it:

- (a) Changes the functional classification of an existing or planned transportation facility;
- (b) Changes the standards implementing a functional classification system;
- (c) Allows levels of development or land uses that would result in “types or levels of travel or access that are inconsistent with the functional classification” of a transportation facility;
- (d) Would reduce the performance standards of the facility below minimally acceptable levels identified in the transportation system plan (TSP); or
- (e) Would “[w]orsen the performance of an existing or planned transportation facility that is otherwise projected to perform below” the identified minimum performance standards.

The Applicant states that because the proposed Plan Amendment/Zone Change does not include a change to the functional classification of an existing or planned transportation system, or propose to change any street standards implementing a functional classification, it does not implicate (a) or (b), above. This Application includes a complete TIA which evaluates the capacity of the street system of Arbor Village to accommodate the Proposed Development. Exhibit 4. The traffic analysis is based on a “reasonable worst case” scenario of 42 dwelling units, the maximum permitted by MOD 1-14 and 2-14. As explained therein, the existing street system is sufficient to accommodate the maximum-permitted 42 additional homes and the Proposed Development will not cause any intersections to drop below minimum levels of service. The TIA also demonstrates that maximum build out of the Property for residential uses will generate fewer trips that it would for industrial uses. For these reasons, the proposed Plan Amendment/Zone Change does not implicate (c)–(e) above, and will not “significantly affect” a transportation facility.

The City’s Traffic Engineer DKS and Associates reviewed the TIA. No objections are raised to the Analysis provided by Kittelson and Associates, included in Attachment 1.

10. PROPOSED MASTER PLAN

A. Response to Procedural and Submittal Requirements

151.139 Concept Plan Submission.

(A) Written submission requirements. An application for a Concept Development Plan shall follow the submission requirements for a quasi judicial review under § 151.200, 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;

Finding: The Applicant states that objective of the proposed Master Plan is to allow clustered development of 37 single-family lots. The lots must be clustered in order to accommodate onsite constraints, which include the detention pond and wetlands. As a Subdivision process alone does not provide the flexibility necessary to alter required lot dimensions, a Master Plan is necessary to accomplish the needed lot clustering. The Applicant's approach is to develop only the portion of the Property that does not include physical constraints by concentrating the lots along the north and east sides of the Property, and leaving undeveloped much of the central and southern portions of the Property. Staff concurs with the project objectives discussed above.

The Proposed Master plan includes 37 residential lots. These lots range in size from 3,650 sq. ft. to 9,791 sq. ft. They are consistent in size and layout with existing lots in Arbor Village, which range in size from approximately 3,100 sq. ft. to 7,100 sq. ft. The lots will be served by a complete system of local streets with sidewalks and planting strips on both sides. In addition to preservation of the existing detention pond and wetlands in Tracts C and D, Tract B will provide additional active open space as a public amenity. In total, the Proposed Development constitutes an organic extension of Arbor Village.

(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;

Finding: The Applicant proposes to install site infrastructure, including public facilities, in the summer of 2016. Homebuilding will begin at the end of 2016 and may be completed by the end of 2017. There will be no subsequent development phases.

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

Finding: The proposed homes will be sold.

(4) Narrative report or letter documenting compliance with the applicable approval criteria contained in 151.140;

Finding: The Applicant has supplied a complete narrative report, consistent with this section.

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

Finding: The Applicant proposes the following tracts:

- Tract A: ten-foot wide pedestrian accessway between the cul-de-sac on NW Broadshire Street and the cul-de-sac on Walterwood Court. A public access easement will be provided to allow public use of the accessway.
- Tract B: public open space tract, consisting of approximately 5,409 sq. ft.
- Tract C: water quality tract for the existing detention pond, consisting of approximately 53,102 sq. ft. CWS shall be granted an easement that will allow it to access and maintain the detention pond. Due to the required CWS wetland buffers and public safety concerns, public access to Tract C is not proposed.
- Tract D: natural resources tract including most of the identified wetlands and required buffer areas. Due to required CWS wetland buffers and public safety concerns, public access to Tract D is not proposed.

The Applicant proposes these tracts will be owned by the Arbor Village HOA and incorporated into the HOA's Covenants, Conditions, and Restrictions (the "CC&Rs"). The Applicant notes that addition of property into the HOA is permissible under the CC&Rs. See Exhibit 9 at 2. As provided in the CC&Rs, "maintenance of the structures, landscaping, pathways and fencing in common areas and the entrance monuments and related landscaping in the non-private street Tracts shall be the responsibility of the Homeowners Association." Exhibit 9 at 6, Attachment 1.

B. Response to Applicable Criteria

151.140 Concept Plan Approval Criteria.

The city, in approving or approving with conditions a Concept Plan, shall make findings that all of the following criteria are met. The city must deny an application where not all of the criteria are met.

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

Finding: As explained in the Plan Amendment/Zone Change application narrative above, the Proposed Development is consistent with all applicable goals and policies of the Comprehensive Plan. Staff concurs and finds this section met.

(B) Land division chapter. Except as may be modified under § 151.138, all of the requirements for land divisions under Chapter 152, are met;

Finding: The applicable standards BZO Chapter 152 (Land Division) are addressed below. Please note that these are not approval criteria of the Master Plan, but rather design standards which all subdivisions must meet. The following discussion briefly explains how each standard is or can be satisfied, but the enclosed Master Plan sheets also provide substantial evidence that all applicable design standards can be satisfied. Where certain standards are not applicable, they are not addressed. Staff concurs and finds this section met.

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

(2) The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Finding: The Application includes a Preliminary Subdivision, which will be reviewed and decided by the Planning Commission. The Applicant shall submit a final plat application after this preliminary plat is approved.

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

Finding: The Applicant's submittal identifies the relevant chapters of ORS that applies including:

ORS 92.014. Approval of city or county required for specific divisions of land.

Finding: This Application seeks City approval of a subdivision. The Planning Commission can find that the Application is consistent with ORS 92.014.

ORS 92.016. Sale or negotiation to sell lot or parcel prior to approval of tentative plan.

Finding: The Applicant does not propose to sell or enter into a contract to sell any lots prior to approval of the Preliminary Subdivision plat. The Planning Commission can find that the Application is consistent with ORS 92.016.

ORS 92.025. Prohibition of sale of lot or parcel prior to recordation of plat.

Finding: The Applicant does not propose to sell or enter into a contract to sell any lots prior to approval of this Preliminary Subdivision plat. The Planning Commission can find that the Application is consistent with ORS 92.025.

ORS 92.040. Application for approval of subdivision or partition.

Finding: The Applicant proposes a Preliminary Subdivision plat in this Application. Review of the Application is governed by City standards adopted pursuant to ORS 92.044. The Application includes a tentative plan showing the general design of the Proposed Development.

Staff concurs with the Applicant's analysis and finds this section is met.

(D) Adequate utilities. 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.

Finding: Sheet P4.0 demonstrates how adequate utilities will be provided to each lot. These have been designed in conformance with the Public Works Design Standards Manual and the Banks Water Master Plan. The City Engineer reviewed the utility plan and has no objections. Conditions of approval will be added to require that all utilities, street and sidewalks be constructed in accordance with the City of Banks Public Works Design Standards, and ORS 333. As conditioned this section is met.

(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.

Finding: A complete stormwater drainage system is proposed, which will collect stormwater from the proposed internal streets and each lot and discharge the stormwater into the existing stormwater detention pond. The Applicant also proposes a connection to the existing stormwater line at the southwest corner of the site. The Applicant will extend a new drainage line eastward from this connection to discharge into an existing drainage channel, which in turn will outfall into the stormwater detention pond. See Sheet P4.0. This system has been designed according to applicable CWS standards, and the Applicant will grant a new easement to CWS for access to and maintenance of the existing stormwater detention pond. The City Engineer reviewed the

proposed Stormwater plan and states that all improvements shall conform to the requirements of CWS. No objections have been raised.

(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.

Finding: The Applicant worked closely with staff to ensure vehicle access and parking was maximized to the greatest extent practicable. As demonstrated by the enclosed Master Plan sheets, each lot will have direct frontage onto a public street. Proposed driveways and garages provide space for no less than four (4) off-street parking spaces. Staff finds this section is met.

(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.

Finding: The Applicant proposes all utilities be located underground, consistent with this requirement. Eight and one half (8.5)-foot public utility easements will be provided along the front of each lot. The City Engineer states that underground utility separation is required under Section 4.50 of the City of Banks Design Standards and ORS 333. Staff will require a condition of approval and finds this section can meet.

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;

Finding: The Applicant states that the Proposed Development meets or can meet all design standards applicable to lots, blocks, and proposed land uses, except where an alternative design has been proposed through the Master Plan process, pursuant to BZO 151.138, as explained in more detail below. Staff concurs and finds this section is met.

(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;

Finding: The Applicant states that the enclosed Master Plan sheets demonstrate how adequate utilities will be provided to each lot. These have been designed in conformance with the Public Works Design Standards Manual and the Banks Water Master Plan. Each lot will have direct

access to a public street. Staff and the City Engineer concur and find this section is met. Conditions of approval will be added to require that all utilities, streets and sidewalks be constructed in accordance with the City of Banks Public Works Design Standards, and ORS 333. As conditioned this section is met.

(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;

Finding: The Applicant states that the enclosed Master Plan sheets demonstrate how adequate utilities will be provided to each lot. These have been designed in conformance with the Public Works Design Standards Manual and the Banks Water Master Plan. The Proposed Development includes a public street stubbed to the east property line to provide for future access across the railroad in the event such an access is ever constructed. Otherwise, there are no other lands abutting the property that can be developed in the future.

Sheet P4.0 shows all proposed public improvements, including public streets, sidewalks, streetlights, water lines, sanitary and storm lines, public utility easements, and shared open space.

The City Engineer has reviewed the plan set and has no objections. Conditions of approval to require public improvements consistent with City of Banks Public Works Design Standards will be added as a standard condition of approval. This section is met.

(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;

Finding: The proposed plat name is Arbor Village No. 3. There is no other plat of that name in Washington County.

(5) Proposed open space in subdivisions shall not exceed 15% of the buildable land area (0 to 15%) within the subdivision and are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;

Finding: Staff advised the Applicant during the completeness review that the existing open space and pedestrian connectivity plan did not satisfy BZO 151.138(C), which can supersede the open space maximum listed in this section. BZO 151.138(C) requires public benefits in exchange for the flexibility of standards in Master Plan application. Staff believed the initial plan proposed insufficient trails and active use open space areas.

As stated in the beginning of this report, the Applicant worked with Staff to provide a revised plan that satisfied our concerns. The new plan, which is before the Planning Commission,

proposes a trail around and adjacent to the existing water quality pond located in Tract C and the development of an open space area near the water quality pond. The Applicant states that the pedestrian trail will use the existing CWS gravel maintenance road on the east side and south side of the pond. The Applicant will construct a trail on the west side of the pond in order to reach Walterwood Court. The construction of this trail is subject to approval by CWS to allow construction of the trail between the east boundary of lot 37 and the top of the water quality area. This portion of the trail will be five (5) feet wide, and will include a fence on the water quality side of the trail. The Applicant proposes a gravel trail.

The Applicant also proposes to construct a 50' by 50' (2,500 square feet) open space area in Tract C located southwest of the water quality pond that can be reached by the trail. The area would be seeded with low maintenance, "slow grow" grass such as Orchard Grass, and include several benches and picnic tables. The open space area can be used by the residents of Arbor Village and will be a low maintenance area, to avoid imposing an unnecessary additional financial burden on the Arbor Village Homeowners Association. The Applicant believes it is feasible to obtain CWS's consent to these improvements.

Consistent with the newly adopted Banks Bicycle and Pedestrian Plan, the Applicant proposes a 10-foot wide easement between the east side of lot 10 and the railroad right-of-way to provide a future connection for the City to extend its trail system to south Banks. This easement will also allow for police service to have access to the rear of the development.

Staff finds this section is met.

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

Finding: The sensitive lands and their associated buffers, located at the southeast corner of the property, are proposed to be preserved. The Applicant has conducted a complete Natural Resources Assessment ("NRA"), which includes a wetland delineation. The Oregon Department of State Lands ("DSL") has reviewed the Applicant's wetland delineation and determined that the wetlands proposed for development are not jurisdictional; therefore, a DSL removal/fill permit will not be required.

A CWS service provider letter shall also be required.

Finally, no new access to a state highway is proposed that would require an ODOT approach road permit.

A condition of approval will be required to ensure the Applicant provides evidence of any required CWS, state and federal permits. Staff finds this section can be met.

(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.

Finding: The Applicant has provided building envelopes on each lot, providing sufficient buildable area for one (1) single-family dwelling. This section is met.

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, 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.

Finding: The Application includes a complete system of public internal streets, which connect to existing streets within Arbor Village. Although the street layout is constrained by the shape and physical constraints of the Property, solar access is preserved by orienting the homes along Walterwood Court from north to south, and by the light exposure preserved by the undeveloped portions of the Property and the railroad. Staff concurs and finds this section is met.

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

(1) Unless otherwise approved in accordance with the provisions below or those of division (O) below, the street right-of-way and roadway widths shall not be less than the width in feet shown in the following table...:

Finding: The Applicant states that the Application proposes residential local streets, which must feature a 32-foot wide paved improvement within a 50-foot right-of-way. The proposed street sections include a 32-foot wide paved improvement within a 50-foot right-of-way. Additionally, each side of the street will include a 5.5-foot planter strip (measured from the face of the 6-inch curb), 6-foot sidewalk, and 8.5-foot public utility easement. See Sheet P2.0. A portion of this improvement, including a portion of the sidewalk, will be located within a public easement, as permitted under BZO 152.052(B)(4). Staff concurs and finds this section is met.

(3) On local streets parking shall be prohibited on one or both sides of the street, unless presently provided on an existing local street.

Finding: The Applicant states that they are aware for the desire of the neighborhood and the City generally for parking on both sides of the street. However, this is not permitted by the standard above. The Applicant therefore proposes an alternating arrangement of parking where some is located on one side of the street and some on the other. This accommodates the community's desire for maximum on-street parking as well as the practical limitation of driveways.

In order to ensure the proposed number of on-street parking is preserved, Staff is requesting the applicant provide markings on street to delineate the parking spots. The Applicant shall work with the Public Works Director regarding marking materials.

Staff concurs and finds this section met.

(4) Sidewalks shall be provided on both sides of all streets (unless otherwise approved by the Planning Commission) of at least 6 feet width in all zoning districts. The entire sidewalk width or any portion thereof may be included as a permanent easement in lieu of inclusion in the street right-of-way.

Finding: The Application includes 6-foot sidewalks, a portion of which shall be included within a public easement. See Sheet P2.0. This section is met.

(5) A parking strip at least 5 and 1/2 feet wide shall be provided between the face of curb and the sidewalk. Any portion of the parking strip may be included as a permanent easement in lieu of inclusion in the street right-of-way.

Finding: The Application includes 5.5-foot planting strips, measured from the face of the proposed 6-inch curb. See Sheet P2.0 of the plan set. This section is met.

(6) Pavement structure shall consist of 3 inches of asphalt and eight inches of crushed rock.

Finding: The proposed development can meet this standard.

(7) Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted but ordinarily not less than 50 feet. If necessary, slope easements may be required.

Finding: The proposed development can meet this standard.

(D) Alignment. As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuation of the centerlines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet

between the center lines of street having approximately the same direction and, in no case shall be less than 100 feet.

Finding: The Proposed Development does not include any staggered intersections. As demonstrated by the Master Plan sheets, the distances between street centerlines will all exceed 200 feet. This section is met.

(E) 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.

Finding: The Proposed Development includes an extension of NW Ashton Drive that will terminate at the edge of the railroad tracks, which is intended to allow for a railroad crossing if such a crossing becomes feasible in the future. Staff will require signage at the termination to alert the public that the roadway is stubbed and may continue as part of a future development or plan.

(F) 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.

Finding: As demonstrated on the Master Plan sheets, all proposed streets and street extensions intersect at a 90 degree angle. Each has a tangent of at least 50 feet adjacent to the intersection. This section is met.

(I) Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 500 feet and serve building site for not more than 20 dwelling units. A cul-de-sac shall terminate with a circular turnaround.

Finding: As demonstrated on the Master Plan sheets, the two proposed cul-de-sacs are as short as possible to provide a sufficient radii to accommodate abutting homes. Each cul-de-sac and the lots it serves are noted below:

- NW Ashton Drive. This street and cul-de-sac is approximately 450 feet long and serves lots 1–18.
- Walterwood Court: This street and cul-de-sac is slightly more than 100 feet long and serves lots 19-37.

As explained above, the proposed cul-de-sacs do not exceed 500 feet in length and no more than 20 lots are proposed to take access from the each of the proposed cul-de-sacs. Staff concurs and finds this section is met.

(J) 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.

Finding: The proposed street names include an extension of NW Ashton Drive and a new local street, Walterwood Court. These do not duplicate existing street names except where an existing street will be extended. This section is met.

(K) Grades and curves. Grades shall not exceed 6% on arterials, 10% on collector streets, and 12% on other street. Center line radii of curves shall not be less than 300 feet on arterials, 200 feet on collectors, or 100 feet on other streets and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide building sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope of 0.5%.

Finding: The proposed internal street system is essentially flat: it will vary in finished elevation from 204 feet to 201 feet above mean sea level. In order to facilitate drainage, constructed two percent (2%) slopes will direct rainwater into catch basins, as shown on Sheet P3.0. The City Engineer reviewed the plan sheet and has no objections.

(L) 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.

Finding: The Applicant states that NW Ashton Drive runs parallel to the railroad tracks and will be extended through the Property. The distance between the railroad and NW Ashton Drive provides sufficient depth for single-family lots (approximately 100 feet), except where a stub

street is proposed to terminate at the railroad right-of-way. This stub street is required as Condition of Approval 5 of MOD 1-14 and 2-14. Staff concurs and finds this section met.

(M) Access control. Where a land division abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a no-access reservation along the rear or side property line, minimum driveway and intersection spacing of 150 to 200 feet, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. The access control measures shall not have the effect of precluding at least 1 point of access onto a public road per existing lot of record.

Finding: The Applicant states that although the Property abuts OR-6 along its southern line, proposed dwellings are generally buffered from that highway by the existing wetlands, water quality swale, and existing vegetation. No access to OR-6 is proposed. Staff concurs and finds this section is met.

(P) Functional classification. Development should reflect functional classification of roadways as identified in the Banks Transportation Network Plan, including any bicycle, pedestrian or frontage requirements. There are no rural lands in Banks.

Finding: The nearest two streets to the Proposed Development, NW Ashton Drive and NW Buckshire Streets, are designated as local streets in the TSP. The TSP does not show any collector or higher-classification street planned within the Property. Therefore, the proposed extension of NW Ashton Drive and Walterwood Court are proposed to be local streets. Staff concurs and finds this section is met.

(Q) 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.

Finding: As explained above in the Applicant's response to subsection (E), there are no boundary streets which would require additional facilities. Curb ramps and cross walks at the terminus of the pedestrian pathway between NW Buckshire Street and NW Oak Way have been identified. This section is met.

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.

Finding: The proposed blocks are designed to accommodate the existing conditions of the

Property, including its physical constraints, and provide for adequate building size and street width. Staff concurs and finds this section is met.

(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.

Finding: The Proposed Development is constrained by the existing street grid of Arbor Village. The only proposed block is approximately 360 feet long. The resulting block between NW Groveshire Avenue and Street A will be approximately 450 feet long. As Street A will provide a second cross-block access to NW Walterwood Court, a separate pedestrian accessway is not necessary.

The proposed row of homes along Walterwood Court will provide “two tiers” (i.e. back-to-back development) of homes between Walterwood Court and NW Buckshire Street. Two tiers of homes will also be provided between the cul-de-sac at the terminus of NW Broadshire Lane and the cul-de-sac at the terminus of Walterwood Court. Staff finds the Applicant’s proposal meets this section.

(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.

Finding: NW Ashton Drive is the only street currently stubbed to the Property. NW Ashton Drive is proposed to extend into the Property to provide access to all lots via two separate cul-de-sacs. NW Ashton Drive will be stubbed to the railroad right-of-way to provide through-access if a railroad crossing is built in the future.

Extension of NW Ashton Drive and Walterwood Court all the way through the Property is not possible for the following reasons:

- The internal street system cannot connect with NW Broadshire Lane because that street terminates in a cul-de-sac that is fully developed.
- Extension of the street system to the southern lot line of the Property is not possible because of the water quality swale and nearby wetland area. Even if such environmental constraints were not present, a stub to the south lot line would be useless, as local street access onto OR-6 is not permissible. BZO 152.052(M)(4).

Staff agrees with this analysis and finds this section is met.

(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 districts. *Minimum of 100 foot block length and maximum of 600 foot length; maximum 1,400 feet block perimeter;*

Finding: The Proposed Development includes two (2) separate connections to the existing Arbor Village street system. The first is an extension of NW Ashton Drive and the second is a new cross-block street connection to NW Buckshire Street. The Proposed Development is constrained by the existing street grid of Arbor Village. The only proposed block is approximately 360 feet long. The resulting block between NW Groveshire Avenue and Street A will be approximately 450 feet long. Master Plan sheet P2.0 demonstrates that proposed blocks meet all applicable dimensional standards. Staff concurs and finds this section is met.

(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:*

Finding: The Proposed Development includes street connections meeting block length standards. The above provision does not apply. Staff concurs.

(a) Pedestrian/bicycle accessways shall be no less than 10 feet wide and located within a right-of-way or easement allowing public access and, as applicable, emergency vehicle access;

Finding: A 10-foot public accessway is proposed between the cul-de-sacs of NW Buckshire Street and NW Broadshire Lane, which will be improved with a 6-foot paved surface. This is consistent with the existing cross-block pedestrian ways throughout Arbor Village. This section is met.

(b) 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;

Finding: The Applicant can comply with this standard.

(c) A right-of-way or public access easement provided in accordance with division (b) 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;

Finding: Subsection (a), above, requires the pedestrian accessway to be a minimum of 10 feet wide. Staff finds that this standard does not apply.

(d) All pedestrian/bicycle accessways shall conform to applicable ADA requirements;

Finding: The Applicant can comply with this standard. ADA-compliant curb ramps will be provided for each end the pedestrian accessway.

(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.

Finding: Tract A provides access between the cul-de-sacs of NW Broadshire Street and Walterwood Court. The proposed sidewalk system provides pedestrian access to the existing street system, Tract B (the proposed public open space), and to the street stub at the railroad right-of-way.

The Applicant states that extending walkways further south through the natural areas surrounding the wetlands and detention pond is impractical for three (3) reasons. First, extensions southward would not connect to new development, because pedestrian pathways will not be able to cross OR-6. Second, extensions of such pathways through required CWS wetland buffers is unlikely to be permitted by CWS without additional mitigation. Finally, much of the southern boundary of the developed area shall be protected by retaining walls, which make southward extension of any walkways extremely difficult. See Sheet P2.0. Staff concurs with this analysis and finds this section is met.

(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.*

Finding: As shown on the Master Plan sheets, each lot will be fronted by a public sidewalk. Each home will have a paved pathway between the sidewalk and/or driveway and the front door. The proposed street connections and pedestrian accessway provide for direct pedestrian and bicycle travel, shortening walking distances.

Sidewalks and pedestrian walkways will be lit as required by the City to conform with BZO 152.053(B)(3)(b) , enhancing pedestrian safety. Staff finds this section is met.

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.*

Finding: As demonstrated on the Master Plan sheets, the proposed lots are of a size and configuration that is suitable for single-family residential development. As explained herein, the lots meet or can meet all applicable standards, except as those standards are proposed to be modified pursuant to BZO 151.138. This section is met.

(B) Access. *Each lot and parcel shall abut upon a street other than an alley for a width of at least 20 feet.*

Finding: The Applicant states that, as demonstrated on the Master Plan sheets, most lots have between 38 feet and 50 feet of direct street frontage, except for those located on cul-de-sacs. The lot with the narrowest frontage is lot 30, which shall have 20 feet of frontage due to the need to meet the radius of the Walterwood Court cul-de-sac.

The City Traffic Engineer, DKS and Associates provided comment on the Applicant's response to this standard. DKS requests further clarification if 20 foot frontage abutting street applies at the curb line or parcel boundary for parcels that do not have boundaries perpendicular to street. The site plan appears to show shared driveway aprons for some adjacent parcels on the cul-de-sac. Do these parcels allow for two-vehicle driveways on each parcel? Staff is requesting a response to this standard. Staff finds that if the standard can be met through the Master Plan process regardless as the process allows for flexibility in site design.

(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 curved streets they shall be radial to the curve.*

Finding: As demonstrated on the Master Plan sheets, except for lots surrounding cul-de-sacs, all lots have side lot lines that are at right angles to the streets they face. Angled side lots lines are proposed for lots 9–13, 15-17, and 26–33. In these instances, the side lot lines are radial to the curves of the streets and generally at right angles to those curves. Staff finds this section is met.

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

Finding: The steepest finished slope is proposed along the south lines of lots 31 through 37, which is proposed to be a 2:1 slope. In all areas where the slope would exceed 2:1, retaining walls are proposed. The City Engineer reviewed the finish and fill cut slopes and has no objections. This section is met.

(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.

Finding: The City Engineer has reviewed the grading plan. No objections were raised.

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.

Finding: The Arbor Village CC&Rs do not require setbacks deeper than those required in the BZO. Staff finds that this standard does not apply.

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.

Finding: Tract B is proposed as active public open space, which constitutes approximately 3 percent of the buildable land area. In addition, Greenville City Park was dedicated during prior phases of Arbor Village to comply with this requirement. BZO 152.061(D)(2) provides that open space may be preserved “by leasing or conveying title (including beneficial ownership) to a corporation, homeowners’ association or other legal entity.” The Applicant proposes that Tract B shall be open to the public but owned and maintained by the Arbor Village HOA. Staff finds that Tract B, along with the proposed trail surrounding the water quality facility and the open space grassy area with picnic tables and benches, satisfies the requirement for a public park dedication. Tracts C and D, which protect the existing detention pond, wetlands, and buffers, shall be preserved and owned by the Arbor Village HOA. Public access to Tracts C and D is not proposed for public safety reasons; however, easements for wetland protection and maintenance of the existing stormwater detention pond shall be granted to CWS. Staff concurs with the Applicant’s analysis and finds the land unsuitable for development shall be protected and easements necessary for maintenance of those lands shall be dedicated to the public by granting easements to CWS.

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.

Finding: All utilities will be located underground, consistent with this requirement. A looped water line is proposed. Staff finds that the Proposed Development can meet all other requirements listed above.

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.

Finding: The Application includes a landscaping plan that shows street trees located within the proposed planting strips, spaced at 30 feet on center except where installation of street trees is not

possible to accommodate curb ramps and driveways. The species of the street trees are indicated on the landscaping plan. See Sheet P5.0. Staff finds this section is met.

(C) Public facilities chapter. 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 § 151.138;

Finding: Sheet P4.0, the Applicant's preliminary utility plan, shows how water, storm, and sewer lines will be provided to serve the Proposed Development. These have been designed in conformance with the Public Works Design Standards Manual and the Banks Water Master Plan. The enclosed memoranda regarding water system and sewer system capacity demonstrate that sufficient capacity exist in these public systems to serve the Proposed Development. Exhibits 7 and 8. The City Engineer and the Public Works Director have reviewed the proposed public facilities and have no objections.

(D) Open space. Except as may be modified under § 151.138, master plans shall contain a minimum of 30% open space, which may be public, private, or a combination of public and private open space. 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, i.e., where the open space is deemed necessary, based on impacts of the development, to meet public recreational needs pursuant to the Comprehensive Plan.

Finding: The Applicant states that the Proposed Development includes approximately 2.81 acres of open space, constituting approximately 34 percent of the Property.¹⁰ See Sheet P0.0. This open space will preserve and protect the existing onsite wetlands and water quality facility. This area will be owned and maintained by the Arbor Village HOA. Tract B is proposed for public active open space. Due to public safety concerns and the extensive use of retaining walls around

the natural areas, the Applicant does not propose public access to the wetlands, stormwater detention pond, or associated CWS wetland buffers. Staff concurs and finds this section is met.

(E) Modifications to standards. Modifications to Code standards must conform to the criteria in 151.138.

Finding: The Applicant states that the Master Plan proposed modifications to the following standards, set forth in Table 151.041-A:

- **Minimum Lot Area.** The minimum lot area of the R5 zone is 5,000 sq. ft. BZO Table 151.041-A. The minimum dwelling unit density of the R5 zones is 8.71 dwelling units/net acre. Id. The conditions of MOD 1-14 and 2-14 imposed a requirement that the Property be zoned R5 and capped the number of single-family residential units at 42. The Applicant proposes 37 lots, slightly less than the maximum density permitted by and MODs 1-14 and 2-14. In order to achieve this density, the Applicant proposes 25 lots that will be less than 5,000 sq. ft. to allow clustering of lots and protection of existing wetlands and the stormwater detention pond. These will range in size between 3,650 sq. ft. and 4,956 sq. ft. Note that lots smaller than 5,000 sq. ft. are common throughout the existing phases of Arbor Village: such lots range in size from approximately 3,100 sq. ft. to 10,000 sq. ft. The range of lot sizes in the Proposed Development is between 3,650 sq. ft. and 9,790 sq. ft., virtually identical to the size range of existing lots in Arbor Village. Lots subject to the proposed modification include lots 1-11, lots 13-18, lots 22-24, lot 32, and lots 34-37, as shown on Sheet P2.1. Staff concurs with this analysis.
- **Minimum Lot Width.** The R5 zone requires a minimum lot width of 50 feet. BZO Table 151.041-A. Achieving the proposed density through lot clustering is not possible if all lots have a minimum 50-foot average width. The proposed lot widths are similar to those of existing lots in Arbor Village, which also vary. Staff concurs with this analysis and finds the flexible lot widths acceptable in order to allow for a cluster development to preserve wetlands and the detention pond.
- **Minimum Lot Depth.** The R5 zone requires a minimum lot depth of 100 feet. BZO Table 151.041-A. Achieving the proposed density through lot clustering is not possible if all lots have a minimum 100-foot average depth. The proposed lot depths are similar to those of existing lots in Arbor Village, which also vary. Staff concurs for the same reasons as identified under Minimum Lot Width. Modifying the development standards makes sense for this site because of the environmental constraints as well as allowing the Applicant to have a viable project. This section is met.

151.138 Modifications To Development Standards.

The standards of the underlying zoning and §§ 151.060 through 151.064 may be modified through the master plan development process without the need for variance under §§

151.100 through 151.102. In evaluating this criterion, the city decision making body 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 city decision-making body 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 zone.

Finding: The Applicant proposes to modify only certain single-family lot development standards. The Comprehensive Plan sets forth no goals, objectives, or policies that address residential lot and setback standards. There is no evidence that the proposed modifications conflict with any provision of the Comprehensive Plan.

The Applicant states that the minimum residential density required in the R5 zone is 8.71 dwelling units per net acre. BZO Table 151.041-A. The BZO does not include a definition of "net acre," but the plain meaning of the word "net" suggests that a "net acre" refers to the site area excluding undevelopable land and land required for public rights-of-way. Staff concurs. The subject property consists of approximately 8.36 acres, of which approximately 2.81 acres is undevelopable or otherwise proposed as open space. An additional 1.54 acres shall be used for public rights-of-way. This results in a minimum density under the BZO of 35 dwelling units. Maximum density is limited by a condition of approval to MOD 1-14 and 2-14 that restricts development to no more than 42 units. Staff concurs with the Applicant's density analysis and finds this section is met.

(B) Purpose and intent of Development Code. The modification meets the purpose and intent of the Development Code section(s) to be modified, as determined by the Planning Commission; and

Finding: The Applicant states that the BZO does not set forth purposes specific to lot dimensional standards, and therefore, the Planning Commission can find that the purpose of such standards must be among those the BZO itself, which are set forth below:

"The several purposes of this chapter are: to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open space for light and air; to lessen the congestion on streets; to give an orderly growth to the city; to prevent undue concentrations of population; to facilitate adequate provisions for community utilities and facilities such as water, sewage, electrical distribution systems, transportation, schools, parks, and other public requirements; and in general to promote public health, safety, convenience, and general welfare."

BZO 151.002. The Applicant further states, that of these various standards, the following are applicable to lot dimensional standards, and the Proposed Development is consistent with each for the reasons stated below.

- To encourage the most appropriate use of land. The Planning Commission and City Council have determined that the most appropriate use of the Property is for single-family residential development and have restricted use of the Property accordingly.
- To conserve and stabilize the value of property. The modifications to lot standards will result in a development that provides housing types very similar to those existing in Arbor Village. There is no evidence that the Proposed Development will have any adverse impact whatsoever on area property values.
- To provide adequate open space for light and air. Each proposed lot will have useful front, side, and back yards. Even the smallest lots will provide light and air consistent with other similar lots in Arbor Village. The proposed modifications will not appreciably reduce the access to light and air on the affected lots.
- To promote public health, safety, convenience, and general welfare. The proposed modifications will be consistent with the limitations imposed by the City and will allow for efficient use of the Property while protecting existing natural features. The proposed lots will allow for development of housing types similar to those in Arbor Village. For these reasons, the proposed modifications promote the public health, safety, and general welfare.

Staff concurs with the Applicant's analysis and finds this section is met.

(C) Public benefit. The modification provides a public benefit greater than would occur under the standard code provisions, by 1 or more of the following:

Finding: The proposed modifications provide several public benefits, as explained below.

(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;

Finding: By allowing for more flexibility in lot dimensional standards, the proposed modifications will allow a wider range of lot sizes than would otherwise be permissible. This will allow the construction of a greater variety of housing types.

(2) More open space or more usable open space than would be required under the standard Development Code provisions;

RESPONSE: Staff met with the Applicant on April 12, 2016 to discuss our concerns that the initial open space proposal did not satisfy the public benefit requirement for a Master Plan. Staff wished to see the water quality pond viewed as a natural resource amenity for the neighborhood and therefore provide additional trails and gathering areas. The Applicant submitted a letter dated April 14, 2016 with additional open space satisfying Staff concerns. Please refer to the letter from Perkins Coie to Stacey Goldstein dated April 14, 2016. Also included is an amenity plan for the Planning Commission's review. See Exhibit P.5

Consistent with Staff's request, the Applicant has provided a trail around and adjacent to the existing Stormwater quality pond located in Tract C and the development of an open space near the pond. The pedestrian trail will use the existing CWS gravel maintenance road to the east and south side of the water quality pond in order to reach NW Walterwood Court. The construction of this trail is subject to approval by CWS to allow construction of the trail between the east boundary of lot 37 and the top of the water quality area. This portion of the trail is proposed at five (5) feet in width and will include a fence on the water quality area side of the trail. The Applicant proposes this section of the trail to be gravel.

There are benefits to keep the trail gravel, most importantly, allowing for pervious surface and not adding additional impervious surface. There are also benefits to having the trail paved, as this would allow for year-round usage of the trail for strollers, bicycles, etc. Staff requests the Planning Commission deliberate on the required pavement surface for the trail and provide direction to Staff. CWS will have to approve the surface type.

The Applicant also proposes to construct a 50'by 50' (2,500 square feet) open space area in Tract C, located southwest of the water quality pond that can be reached by the trail. The area is proposed to be seeded with low maintenance "slow grow" grass such as Orchard Grass and include several benches and picnic tables.

Staff asked the Applicant to work with their designers to arrive at a solution that provides public benefit while balancing the need to avoid imposing an unnecessary additional financial burden on the Arbor Village Homeowners Association.

The Applicant notes that these improvements are conditioned upon the consent of CWS because the pedestrian path and open space are within an easement in favor of CWS for maintenance of the Stormwater area. The Applicant believes that it is feasible to obtain CWS's consent to the improvements. Staff finds that the public benefit standard is satisfied and this section is met.

(3) Greater protection of natural features than would be required under the minimum code standards;

Finding: The Applicant states that flexibility in lot sizes will allow development of the permitted number of homes while also allowing for additional open space around the water quality facility.

(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;

Finding: As demonstrated on the Master Plan, the Proposed Development is laid out to protect as much as possible onsite wetlands and the water quality facility. Achieving the minimum required density on the Property while providing such a high degree of natural resource protection is possible only with flexibility in lot dimensional standards. Staff concurs and finds this section met.

11. PROPOSED SUBDIVISION/PRELIMINARY PLAT

Finding: BZO 151.140(B), which is a criterion for the Master Plan application, requires the Applicant to demonstrate that, except as may be modified under § 151.138, all of the requirements for a land division under BZO Chapter 152, are met. The Applicant provided a detailed response to all land division criteria above. Staff concurs and finds this section met.

12. RECOMMENDATION

Based on the foregoing analysis and findings, Staff finds that the Planning Commission can find that the proposed Plan Amendment, Zone Change, Master Plan and Preliminary Subdivision Plat can meet all applicable criteria. The Applications can be approved **as proposed** subject to the Applicant fulfilling the following conditions:

A. General Conditions of Approval

1. The Applicant shall apply for Detailed Development Plan and Final Plat.
2. Prior to commencing any on-site improvements, the Applicant shall submit for final plat approval. That plan shall portray how the conditions of approval are met. The final plat shall be prepared consistent with the requirements of Chapter 152 of the BZO and comply with ORS Chapter 92. All easements and tracts shall be shown on the final plat.
3. Prior to commencing any on-site improvements, the Applicant shall obtain all required permits from Clean Water Services, demonstrating compliance with all applicable provisions of the District's Standards.
4. Prior to the issuance of building permits the Applicant shall obtain final plat approval and record the final plat.

5. All public improvements as required by these conditions of approval and conditions of the final plat shall be completed and accepted by the City, prior to final plat approval.
6. The development shall be constructed in accordance with the conditions of this decision, the approved final plans and the standards of the BZO and Public Works Design Standards v 2016.
7. This approval shall automatically expire four (4) years from the date of this approval, unless development has commenced, an application for extension is filed, or this approval is revoked or invalidated.
8. The Applicant shall obtain CWS consent for public use of portions of easements for public access.
9. All common areas shall be annexed to and maintained by the Arbor Village Homeowners Association.
10. No later than twelve (12) months following final plat recording the Applicant shall complete and obtain City acceptance of all work described in the West Hills Development Developer Agreement, Washington County Document No. 2015-037807.
11. Construction of public improvements is subject to inspection by the City Engineer or his/her designee.
12. Development on all lots created by this subdivision shall comply with all dimensional and development standards of the R5 zone, accept as modified by the Master Plan and this decision.

B. City Engineer Conditions of Approval

1. The narrative page 3, item C. 1. describes alternating side of the street parking however plans show one side parking on the street. Either method is acceptable provided emergency vehicles can pass easily.
2. Prior to final plat approval, the Applicant shall obtain Clean Water Services final approval of stormwater facilities; provide storm drainage report with development submittal.
3. Proposed retaining walls may results in fall hazards. Provide fall-prevention for drop-offs created by retaining walls as required by code.
4. Maintain underground utility separation as required under Section 4.50 of the City of Banks Design Standards and ORS 333.

5. Streets and sidewalks shall be constructed in accordance with the City of Banks Public Works Design Standards prior to final plat approval.
6. Water Mains and services shall be installed in accordance with City of Banks standards. City of Banks revised design standards for water meters were adopted in January 2016.
7. City of Banks design standards for Street Trees were adopted in January 2016, including species appropriate for each planting strip width. These standards shall be implemented in proposed development.

C. **Public Works Conditions of Approval**

1. The Applicant shall submit a proposal to provide markings on street to delineate the on-street parking spots. The Applicant shall work with the Public Works Director regarding marking materials.
2. All water lines shall be looped. If not possible, blow off valves are required.
3. The Applicant shall submit a traffic construction plan addressing construction traffic, parking, dust control, hours of construction, etc., with the final plan.
4. The Applicant shall install radio read meters for water meters.

D. **Banks Fire Department Conditions of Approval**

1. Require 4" Storts fittings for steamer ports.

E. **Washington County Sheriff**

1. The proposed trail around the water quality facility shall be surfaced with materials to support sheriff vehicles.

F. **Traffic Engineer Conditions of Approval**

1. The final plat shall demonstrate compliance with 152.054(B) requiring each lot and parcel have a minimum of twenty (20) of frontage, consistent with this standard.
2. Prior to final plat approval, the Applicant shall submit the detailed scope of improvements and repairs agreed upon between the City and Applicant. (Washington County Document No. 2015-037807).

3. A barricade shall be installed at the Ashton Drive cul-de-sac termination with a sign stating that the road may be extended with future development. See DKS memorandum dated April 15, 2016 for suggested signage.

PLANNING COMMISSION ACTION

After hearing the applicant's presentation and any public testimony, including any rebuttal, the Planning Commission will close the hearing and deliberate. The Commission has three options: Based on the relevant criteria, you may approve or deny the application, or approve it with modifications and/or conditions. The following motion is suggested:

"I move to recommend approval of CPA 16-01 and ZC 16-01 to the Banks City Council. I move to approve applications CMP 16-01 and PSA 16-01 based on the findings and subject to the conditions of approval contained in the staff report [as amended]."

The staff report may be amended during the course of the hearing. A motion to approve should itemize any modified or additional conditions of approval.

Respectfully submitted this 18th day of April, 2016:

Stacey Goldstein, Contract Planner, City of Banks
Reviewed by Jolynn Becker, City Manager
Daniel Kearns, City Attorney

Attachments:

1. Arbor Village Submittal from Perkins Coie, including land use form, land use narrative and preliminary plan set. Exhibits on file and on City of Banks website.
2. City Comments from Kennedy/Jenks and DKS Associates.