

## Memorandum

**To:** Banks Code Assistance Project Management Team  
**From:** Serah Breakstone  
**Date:** June 15, 2020  
**Subject:** Task 2.8 - Zoning Ordinance Amendments Memorandum Final  
**Project No.:** 18940.A

The City of Banks (City) is preparing to undertake significant amendments to its Zoning Ordinance to implement recent policy updates, ensure consistency with state land use law, provide a more user-friendly and streamlined code, and strengthen support for smart development principles and techniques. In 2019, Siegel Planning Services conducted a code audit<sup>1</sup> on behalf of the City and recommended a list of potential code amendments for the City to consider. The code audit also included an annotated version of the Zoning Code with more detailed comments and recommendations. This TGM code assistance project will use that code audit as a framework to guide development of new and revised code language.

The overall objective for this code assistance project is to amend the Banks Zoning Ordinance to implement smart development practices and carry forward recommendations from the code audit. Smart development principles are those that support and encourage:

- Efficient use of land resources
- Full utilization of urban services
- Mixed-use development
- Multi-modal transportation options
- Detailed, human-scaled design for walkable communities

In addition to the smart development principles, the code audit identified several objectives, including:

- Streamline the Zoning Code to make it more user-friendly
- Consider approaches to housing design that support compatibility within neighborhoods
- Provide a full range of housing options, particularly middle housing types
- Implement design standards for the downtown commercial district to enhance walkability
- Enhance economic opportunities related to nearby bicycle trails and amenities

This memo identifies recommendations from the code audit that will not be carried forward as part of this code update work, or that will be carried forward but with significant changes. In addition, this memo provides a matrix that identifies all recommended amendments (including those from the annotated zoning code attached to the code audit) and indicates where in the Zoning Code the amendments will be located. This matrix will serve as an “action plan” for the actual code amendments that will be prepared as part of Task 3.

In addition to the code audit, the following documents were reviewed as part of this task.

- Banks Comprehensive Plan (1989)

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<sup>1</sup> *Development Code Concepts to Update the Banks Zoning Code*, Siegel Planning Services, July 11, 2019

- Banks Transportation System Plan (2010)
- Vision 2037 Plan (2017)
- Banks Bicycle and Pedestrian Plan (2015)
- Banks Main Street Revitalization (2014)
- Project Summary & Recommendations for Parking Management, Final Report (2015)
- Banks Economic Development Roadmap, Competitive Analysis (2018)
- Banks Urban Renewal Plan (2017)

Based on review of the code audit, there are several items that will not be carried forward in this code amendment process. Generally, these amendments will not be included in order to preserve project budget for higher priority items identified in the code audit. Higher priority items are those that relate to housing provision and design, complying with state law, and creating walkable communities with a vibrant downtown commercial core. The list of code amendments recommended in the audit is significant and cannot be wholly addressed within the scope and budget of this code assistance project. Therefore, the following item will not be carried forward:

1. Special use standards. The code audit notes that special use standards are needed to address development of certain types of uses that may have “special” impacts on surrounding properties (for example: home occupations, bed and breakfast establishments, and residential care facilities). Due to their potential to directly impact pedestrian comfort, special use standards for drive-through uses will be included with this project.

Again, while the above recommendation is important, it does not rise to the same level of priority as others in the code audit. The City should consider implementing this recommendation through other projects or future code update efforts.

<b>Banks TGM Code Amendments Matrix</b>		
<b>Recommended Code Amendment</b>	<b>Location for Amendment</b>	<b>Commentary</b>
Restructure code	Various locations	Restructure the code chapters and sections to create a cohesive and logical order and numbering system. Use the TGM Model Code for Small Cities as a framework.
New table of contents	Table of contents	The new table of contents will reflect the restructured code with any new sections and necessary renumbering. The restructured code will have a simple hierarchy with chapter, sections and subsections and associated numbering system.
Purpose statements	Various locations	All chapters (and sometimes sections) should have a purpose statement to provide a framework for the standards found within that section. Existing purpose statements will also be updated as needed to reflect new policy direction.
New and revised definitions	Section 151.003 Definitions	The definition section will be amended as follows: <ul style="list-style-type: none"> <li>✓ Add definition for all housing types under one general “dwelling types” section. Include needed revisions to definitions for existing housing types as well as new types that will be added.</li> <li>✓ Add other definitions as identified in various sections throughout the Code Audit and in the course of this project. Generally, definitions should be kept in one place in the code, with the exception of very specialized definitions such as those located in the Flood Damage Protection Chapter (151.215).</li> <li>✓ If duplicate definitions are found in the code, they should be highlighted and discussed to ensure any conflicting information can be removed</li> </ul>
Measurements and calculations section	Section 151.004 (new section, renumber as needed)	Add a new section of measurements and calculations to clearly define the following: <ul style="list-style-type: none"> <li>✓ How building height is measured, include illustration;</li> <li>✓ How density minimums and maximums are calculated; and</li> <li>✓ How yards are measured, include illustration.</li> </ul> As appropriate, relocate Appendices A-F to this section.

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Update zoning districts and overlay zones	Sections 151.020 - 023	This section should be reorganized for clarity and revised to achieve the following: <ul style="list-style-type: none"> <li>✓ Consistency with the Comprehensive Plan land use element;</li> <li>✓ Consider renaming “districts” as zones and “sub-districts” as overlays;</li> <li>✓ Update to reflect combined residential zones as noted below; and</li> <li>✓ Update to reflect new downtown mixed-use zone, as recommended below.</li> </ul>
Updates to zoning upon annexation rules	Section 151.025	Update for consistency w/ state statutes. Remove references to Portland Metro Area Boundary Commission (no longer exists).
Combine residential zones into three zones instead of five	Section 151.040	Current zones are: Low-Density Single-Family (LDSF); Single-Family Residential (R5 medium density); High-Density Single-Family (HDSF); Multi-family Residential (R2.5); and High-Density Multi-family (HDMF).  Consider combining to: Low-Density (LDR), Medium-Density (MDR) and High-Density (HDR).
Adjust permitted uses in the residential zones to allow more housing types and revise uses for the mixed-use zone.	Table 151-040-A	Update table to reflect new zones (three residential, one mixed-use). Revise list of permitted uses to achieve the following: <ul style="list-style-type: none"> <li>✓ Allow duplexes and cottage clusters in the LDR.</li> <li>✓ Allow duplex, triplex, and fourplex in MDR, along with townhomes and courtyard housing.</li> <li>✓ Allow all housing types in HDR, except single-family detached and duplexes.</li> <li>✓ Adjust/expand the list of uses that are permitted outright in the mixed-use zone.</li> </ul>
Adjust development standards for residential and mixed-use zones	Table 151-041-A	Amendments to the development standards table will include: <ul style="list-style-type: none"> <li>✓ Adjust minimum lot areas as needed to ensure higher density units can be achieved.</li> </ul>

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		<ul style="list-style-type: none"> <li>✓ Reduce front setbacks to accommodate a wider range of housing types.</li> <li>✓ Develop minimum and maximum density standards with clear calculations (in the new measurements section).</li> <li>✓ Adjust the maximum lot coverage standards to accommodate new housing types.</li> <li>✓ Consider building height transition standards.</li> </ul> <p>Create one section for development standards and one section for design standards.</p>
Restructure/reorder Section 151.041	Section 151.041	<p>Reorganize this section for clarity and cohesiveness.</p> <p>Create a separate section for special use standards.</p>
Revise standards specific to mixed-use development	Section 151.041(B)	<p>Mixed-use standards will be revised as follows:</p> <ul style="list-style-type: none"> <li>✓ Remove definitions and put them in the definitions section.</li> <li>✓ Apply standards to mixed-use buildings, not all uses in the zone (some buildings may not be mixed use).</li> <li>✓ Add flex standards so residential uses on the ground floor can be more easily converted to commercial when market demand calls for it</li> <li>✓ Remove minimum lot area per dwelling unit.</li> <li>✓ Consider replacing maximum FAR with minimum (or remove FAR).</li> <li>✓ Separate development standards from design standards.</li> <li>✓ Revise and add design standards that are clear and objective (may be able to use new commercial design standards and reference them in this section).</li> <li>✓ Consider adjusting the off-street parking minimum space and location requirements for mixed use buildings.</li> </ul>
Revise accessory dwelling unit standards	Section 151.041(D)	<p>Update the ADU standards and definition to be consistent with state law</p> <p>Remove requirement for ADUs to be owner-occupied.</p>
Revise landscaping standards	Section 151.041(E)	<p>Remove landscaping standards from this section and create a new chapter or new section that contains all landscape standards together in one place</p>

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		Ensure landscape standards are clear and objective. Integrate ORS 105.980 (xeriscaping) into commercial and industrial landscaping standards.
Consider re-designating/rezoning some land along Main Street to create a new downtown mixed-use zone separate from the general commercial zone. This would help to emphasize the three distinct districts as called for in the Vision 2037 document.	Various sections	Creating a downtown commercial zone might help create more cohesive Main Street type development, especially at the northern end near the bike trailhead and potential “foodie district” as called for in the Vision 2037 document. The new zone could include a wide range of uses and design standards appropriate to a downtown (residential, commercial, office, etc.) at scales that would support a pedestrian environment. The standard commercial zone could be maintained at the southern end of town and accommodate more traditional commercial uses (with additional development/design standards to incorporate multi-modal elements). With this approach, the existing MU zone could be incorporated into the new downtown commercial zone or left as a separate zone that can be used elsewhere in town as appropriate in the future.
Revise permitted use list for the General Commercial (C) zone.	Section 151.043	If a new downtown commercial zone is created, the C zone should be revised as appropriate for more auto-oriented uses, while still supporting bike/ped connectivity and safety. Remove the North Banks overlay - 151.043(B)(20) Establish special site design standards for drive-through uses to ensure compatibility with pedestrians.
Establish design standards for the Industrial zone This will serve to implement recommendations from the Vision 2037 document.	Section 151.044	Consider adding some design standards for industrial development where it is visible from the public realm. Standards should help blend industrial uses with nearby zones and provide more pedestrian-friendly elements. Use recent work in Donald as a starting point.
Remove Historic Resource Overlay Zone (H)	Section 151.045	The City does not currently use this zone and it appears to be outdated (est. 1989). This zone is established in the Comprehensive Plan, which also identifies four historic buildings. Consider updates to the zone language to make it more consistent with the Comprehensive Plan designation.

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Reorganize and update development standards section	Sections 151.060-080	The following revisions to the development standards should be implemented: <ul style="list-style-type: none"> <li>✓ Put zone-specific development standards with the appropriate zones</li> <li>✓ Create new chapters of supplemental development standards that apply city-wide to reduce redundancy in the code; including:                             <ul style="list-style-type: none"> <li>○ Off-street parking and loading</li> <li>○ Landscaping, buffering and screening</li> <li>○ Fences and walls (simplifying content and organization of 151.063)</li> <li>○ Access and circulation (vehicular and pedestrian)</li> <li>○ Outdoor lighting (use Coburg project as example)</li> <li>○ Amenities located in the public ROW (to regulate outdoor seating on sidewalks, etc.)</li> </ul> </li> <li>✓ Include purpose statements and clear applicability thresholds.</li> </ul>
Delete section 151.060 pertaining to maintenance of minimum lot area and setback requirements	Section 151.060	This section is outdated and not necessary. Consider deleting entirely.
Update and supplement accessory use and structure standards.	Section 151.062	The current accessory use/structure standards are restrictive and may prevent efficient use of property. Consider updating and include simple development standards, including more flexible setbacks.
Remove performance standards section	Section 151.064	Remove this section entirely and incorporate standards (such as design, landscaping, and screening standards) into the applicable zone (industrial and commercial) as appropriate. Specifically, the following elements could be retained and moved: <ul style="list-style-type: none"> <li>✓ (B)(9) Exterior storage of materials and equipment</li> <li>✓ (B)(11) Vehicular access, particularly language about shared access points if not covered in other sections of the code</li> <li>✓ (B)(12) Landscaping and screening</li> <li>✓ (C)(1) – (4) Development standards related to the transportation system. These standards are more appropriate to a land division code.</li> </ul>

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		Review Chapter 152 Land Divisions and consider how these standards could be incorporated as appropriate.
Remove standards related to parking in residential zones	Section 151.066	<p>These standards should be removed from the zoning code and incorporated into the Public Works Design Manual as appropriate.</p> <ul style="list-style-type: none"> <li>✓ Consider if LOS descriptions need to be retained at all.</li> <li>✓ The language about parking or storing heavy trucks and discarded vehicles may be more appropriate for Chapter 70.14 Storage of Motor Vehicles on Streets; check for redundancies and incorporate as appropriate.</li> </ul>
Revise, update and reorganize off-street parking requirements	Section 151.068-078	<p>Create a new chapter for off-street parking and loading standards to achieve the following:</p> <ul style="list-style-type: none"> <li>✓ A use list that is consistent with zoning lists;</li> <li>✓ Appropriate minimum and maximum parking ratios for vehicle parking that balance the need for parking with walkability, efficient use of land, and housing affordability;</li> <li>✓ Flexibility for shared parking arrangements and other parking reductions as appropriate for individual uses or developments,</li> <li>✓ A discretionary option for parking requirement determinations;</li> <li>✓ Standards for design, screening, and landscaping of parking areas to provide shade, safe connections, and visual/physical separation between parking areas and pedestrians; and</li> <li>✓ Bicycle parking ratios that require bike parking facilities in conjunction with most use types.</li> </ul>
Review provisions for nonconforming situations	Section 151.095	This section is relatively new but should be reviewed and revised as necessary to reflect other amendments made as part of this project. Specifically, review the non-conforming development (151.095.C) to evaluate whether new code language warrants a different approach to non-conforming buildings in the downtown zone.

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Remove or relocate general exceptions	Sections 151.096-098	<p>These sections provide exceptions to lot size, front yard and building height limits. Consider updating if needed and relocating to the zone-specific development standards in the appropriate zone. Specifically:</p> <ul style="list-style-type: none"> <li>✓ Locate 151.096 with the residential development standards, after Table 151-041-A, and simplify to ensure allowed densities can be achieved to the extent possible.</li> <li>✓ Locate 151.097-099 in the new chapter of supplemental development standards that apply city-wide.</li> </ul>
Revise the open space requirement for Concept Plan approval	Section 151.040(D)	The existing requirement for 30% open space may be creating a barrier to new development. Consider reducing the standard to 20%.
Create a new section for special use standards	Various locations	<p>Create a new chapter for all special use standards and relocate existing standards there, including:</p> <ul style="list-style-type: none"> <li>✓ Natural resource extraction standards</li> <li>✓ Auto wrecking and junk yard standards</li> <li>✓ Manufactured home park standards</li> <li>✓ Home occupation standards</li> <li>✓ Marijuana uses</li> </ul>
Review Master Planned Development provisions	Section 151.135-143	Review the current Master Planned Development provisions to ensure that they provide the right amount of flexibility for residential housing types and are consistent with new language regarding housing types.
Replace provisions for comprehensive plan and zoning amendments	Sections 151.155-159	The existing provisions for amending the comprehensive plan and zoning code are outdated and could be entirely replaced, using the <i>Model Development Code for Small Cities</i> as a guide.
Create a new application review procedures chapter	Sections 151.170-202	<p>Create a new chapter for review procedures and approval criteria that generally follows Article 4 of the <i>Model Development Code for Small Cities</i>. Chapter should include:</p> <ul style="list-style-type: none"> <li>✓ Procedures for Type I, II, III and IV land use reviews</li> </ul>

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		<ul style="list-style-type: none"> <li>✓ A summary table (updated version of existing Table 151.170) that lists all land use applications and their applicable review type</li> <li>✓ For each application type, include submittal requirements and approval criteria</li> <li>✓ Include new neighborhood contact provisions to require neighbor notification prior to certain types of land use submittals. Provisions should cover: address radius, notice contents, meeting requirements, meeting conduct and submittal materials</li> <li>✓ A new two-track site design review process that provides two options:                             <ul style="list-style-type: none"> <li>○ A clear and objective, non-discretionary path to approval of appropriate development types (including residential). The review would be administrative - no public hearing required for this path.</li> <li>○ A discretionary path where the applicant must demonstrate consistency with purpose statements and/or site design guidelines. This path provides extra flexibility but would require a public hearing before the Planning Commission.</li> </ul> </li> </ul> <p>Using the Model Code as a guide will help ensure consistency with state laws regarding needed housing, review timelines, noticing requirements and other procedural elements.</p>
Remove or relocate appendices as appropriate	Appendix A – F	Review for applicability and relocate (as appropriate) these measurement graphics to the new Measurements and Calculations chapter at the beginning of the code.
Relocate Appendix G	Appendix G	Relocate the off-street loading standards to the new Off-Street Parking & Loading chapter.
Review land division standards	Sections 152.001-061	Review the land division standards to ensure consistency with new standards created as part of this process.  In new procedures chapter, ensure land partitions are subject to administrative review, consistent with the clear and objective standards.

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		<p>Consider moving sections related to public ROW standards to the Public Works Design Manual. Specifically:</p> <ul style="list-style-type: none"> <li>✓ 152.052 Streets, subsection (B) Minimum ROW &amp; Roadway Width</li> <li>✓ 152.052 Streets, subsection (C) Reserve strips</li> <li>✓ 152.052 Streets, subsection (K) Grades and curves</li> <li>✓ 152.052 Streets, subsection (M) Access control, except language related to creation of private streets</li> </ul>
Relocate walkway connection requirements for development sites	Section 152.053(B)(4) and (C)	This language is located with the block standards but is really about on-site pedestrian connectivity. These standards should be removed from this section and located with the access and circulation standards in the new supplemental development standards section that applies city-wide.
Revise and relocate bicycle parking standards	Section 152.062	<p>Relocate bicycle parking standards to the new Off-Street Parking &amp; Loading chapter.</p> <p>Ensure that bike parking requirements are applicable to the appropriate range of uses.</p> <p>Bike parking design standards should be reviewed and updated as needed to ensure adequate spacing, safe and secure locations, and lighting.</p>

<b>Items from the Annotated Zoning Code Not Recommended for This Project.</b> Commentary in the annotated code provided with the Siegel code audit recommends several amendments that are not addressed in the matrix above. Those recommended amendments, while important, are generally not a high priority for this project and should be addressed through a separate, future code update process in order to preserve budget for higher priority items. For tracking purposes, they are listed below.	
<b>Zoning Code Section</b>	<b>Comment from Annotated Code</b>
Section 151.042 Community Facilities Zone	Page 31 of the annotate code recommends reviewing the permitted use list to determine if any uses are missing.

Section 151.043 General Commercial Zone	Page 32 of the annotated code identifies several uses that should have special use standards (light manufacturing, home occupations, etc). There is also a note that wholesale and distribution uses should have a maximum square footage limitation.
Section 151.044 General Industrial Zone	Page 33 of the annotated code recommends reviewing the permitted use list to determine if any uses should be added or if special use standards are needed.
Section 151.067 Performance Bonds	Page 44 recommends that updates to this section be considered to include more modern language and provide an option for developer guarantees.
Section 151.100 Variances	Page 56 of the annotated code recommends adding provisions for adjustments.
Section 151.118 Specific Conditional Uses	Page 59 of the annotated code recommends developing special use standards for several uses including daycares, bed and breakfasts, residential care facilities, etc.