

# Aerts Addition Master Planned Development Consolidated Land Use Application

---

**Date:** May 2024 (Updated August 2024)

**Submitted to:** City of Banks  
Community Development, Planning & Zoning  
13680 NW Main Street  
Banks, OR 97106

**Applicant:** The Holt Group, Inc.  
1301 SE Tech Center Drive, Suite 150  
Vancouver, WA 98683

**AKS Job Number:** 4920-01



**AKS**  
ENGINEERING & FORESTRY

12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151

---

## Table of Contents

<b>I. Executive Summary.....</b>	<b>3</b>
History .....	3
City Master Planning and Project Response .....	4
Parks and Recreation .....	4
Water System.....	5
Transportation System.....	6
Development Agreement.....	8
<b>II. Site &amp; Application Information .....</b>	<b>8</b>
Site Description/Setting .....	8
Summary of Applications .....	11
<b>III. Applicable Review Criteria .....</b>	<b>14</b>
Division 15 Statewide Planning Goals and Guidelines.....	19
BANKS COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES .....	25
BANKS MUNICIPAL CODE SECTIONS .....	38
Chapter 30: General Provisions.....	38
Annexation Policies and Procedures.....	38
Chapter 151: Zoning Code.....	40
Residential Zoning Regulations .....	40
Nonresidential Zoning Regulations .....	43
Residential Building Design .....	45
On-site Pedestrian Access and Circulation.....	52
Landscaping, Screening and Fencing.....	53
Parking and Loading .....	57
Outdoor Lighting .....	65
Public Facilities .....	67
Applications and Review Procedures.....	70
Site Design Review .....	73
Conditional Use Permits.....	80
Amendments to Comprehensive Plan Map, Zoning Map or Code .....	82
Master Planned Developments.....	85
Chapter 152: Land Division Regulations .....	95
Land Divisions and Property Line Adjustments.....	95
Design Standards.....	104
<b>IV. Conclusion .....</b>	<b>117</b>

## Figures

Figure 1: Recommended Parks and Trails.....	4
Figure 2: Future Roadway Functional Classification .....	7
Figure 3: Aerial Image of Master Plan Area .....	9
Figure 4: Existing Comprehensive Plan Designations .....	10
Figure 5: Existing Zoning Districts .....	10
Figure 6: Planned Comprehensive Plan and Zoning Designations.....	12

---

## Tables

Table 1: Surrounding Land Description.....	11
Table 2: Existing and Planned Comprehensive Plan and Zoning Designations.....	12
Table 3: Residential Land Need per Johnson Economics Need Analysis (Exhibit P) .....	24
Table 4: Residential Land Need.....	34
Table 5: Proposed Residential Lot Development Standards (Modifications to BDC Table 2.2-B) .....	41
Table 6: Summary of Modifications to Development Standards.....	87

## Exhibits

<b>Exhibit A:</b> Preliminary Plans (Updated August 2024)	
<b>Exhibit B:</b> Application Forms and Checklists	
<b>Exhibit C:</b> Property Ownership & Tax Payment Information	
<b>Exhibit D:</b> Washington County Assessor’s Maps	
<b>Exhibit E:</b> Mailing Labels of Owners	
<b>Exhibit F:</b> Neighborhood Meeting Documentation	
<b>Exhibit G:</b> CWS Service Provider Letter (Updated June 2024)	
<b>Exhibit H:</b> Service Provider Letters/Correspondence	
<b>Exhibit I:</b> Preliminary Stormwater Report	
<b>Exhibit J:</b> Development Agreement	
<b>Exhibit K:</b> Transportation Impact Analysis & Transportation Planning Rule Assessment	
<b>Exhibit L:</b> Water System Improvement Plan & TVID Agreement	
<b>Exhibit M:</b> City Engineer Water Memo	
<b>Exhibit N:</b> Draft Covenants, Conditions, & Restrictions	
<b>Exhibit O:</b> Van Dyke and Quail Valley Annexation Agreements	
<b>Exhibit P:</b> Need Analysis for Residential Capacity	
<b>Exhibit Q:</b> Need Analysis for Commercially Zoned Land	
<b>Exhibit R:</b> Subdivision Name Approval	
<b>Exhibit S:</b> Public Works Design Exceptions	
<b>Exhibit T:</b> Site Design Review Materials (Updated August 2024)	
<b>Exhibit U:</b> Sample Home Designs	
<b>Exhibit V:</b> Proposed Street Names	
<b>Exhibit W:</b> Transportation System Plan Amendment	
<b>Exhibit X:</b> Draft Conditions of Approval	
<b>Exhibit Y:</b> Conceptual Bicycle/Pedestrian Bridge Design	
<b>Exhibit Z:</b> Tree Inventory (Added June 2024)	
<b>Exhibit AA:</b> ODOT Roundabout Conceptual Approval (Added August 2024)	

---

# Aerts Addition Master Planned Development Consolidated Land Use Application

<b>Submitted to:</b>	City of Banks Community Development, Planning & Zoning 13680 NW Main Street Banks, OR 97106
<b>Applicant:</b>	The Holt Group, Inc. 1301 SE Tech Center Drive, Suite 150 Vancouver, WA 98683
<b>Property Owners:</b>	Quail Valley Golf Corporation 12565 NW Aerts Road Banks, OR 97106  Van Dyke Family Land, LLC 12415 NE 36 <sup>th</sup> Place Bellevue, WA 98005
<b>Applicant's Consultant:</b>	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contacts: Mimi Doukas, AICP, RLA, and Melissa Slotemaker, AICP Email: mimid@aks-eng.com, and slotemakerm@aks-eng.com Phone: (503) 563-6151
<b>Applicant's Transportation Consultant:</b>	Kittelsohn & Associates, Inc 851 SW 6 <sup>th</sup> Avenue, Suite 600 Portland, OR 97204 Contact: Chris Brehmer, PE, and Matt Hughart, AICP Email: cbrehmer@kittelsohn.com, and mhughart@kittelsohn.com Phone: (503) 535-7433, and (503) 535-7425
<b>Applicant's Water Consultant:</b>	Summit Water Resources, LLC 4784 SE 17 <sup>th</sup> Avenue, Suite 111 Portland, OR 97202 Contact: Jason Melady, RG, CWRE Email: jmelady@summitwr.com Phone: (503) 967-7050



**Applicant’s Economics Consultant:**

Johnson Economics  
621 SW Alder Street  
Portland, OR 97205  
Contact: Brendan Buckley  
Email: bwb@johnsoneconomics.com  
Phone: (503) 295-7832

**Site Location:**

East of the Port of Tillamook Bay and State of Oregon railroad rights-of-way, west of NW Aerts Road, south of NW Banks Road, and north of NW Washington Avenue and NW Rose Avenue within the existing city limits.

**Washington County Assessor’s Map:**

2N 3 31; Tax Lots 100, 201, 500, 600  
2N 3 31D; Tax Lots 100, 101, 400, and 1000  
2N 3 31CA; Tax Lot 6900

**Site Size:**

±204 acres

**Existing and Proposed Comprehensive Plan and Zoning Map Designations:**

Comprehensive Plan & Zoning Designation	Existing Gross Acreage	Planned Gross Acreage
Low Density Residential (LDR)	±21.1	±132.4
Medium Density Residential – Low (MDR-L)	±12.6	±30.2
Medium Density Residential – High (MDR-H)	±22.0	±13.0
Community Facilities (CF)	±140.8	±20.0
Industrial (I)	±4.1	±3.5
Commercial (C)	±3.5	±5.0
<b>Total</b>	<b>±204.1</b>	<b>±204.1</b>

**Proposed Applications:**

Comprehensive Plan Map and Zoning Map Amendments  
Transportation System Plan Amendment (Separate Application)  
Master Planned Development  
Subdivision  
Property Line Adjustment  
Conditional Use Permit (Citywide Park)  
Site Design Review (Citywide Park, HOA Clubhouse, Single-family Attached Dwellings)



---

## **I. Executive Summary**

The Holt Group, Inc. (Applicant) is pleased to submit this consolidated land use application for the Aerts Addition Master Planned Development (Master Plan) in the City of Banks (City). This application is the result of extensive coordination and planning between the Holt Group, the City of Banks, and numerous other stakeholders within the City and surrounding community. The vision and goal of this application is the creation of a new comprehensive residential neighborhood with numerous community amenities on the east side of the City of Banks that incorporates the ponds and natural features of the existing golf course into the community design.

The ±204-acre Aerts Addition Master Planned Development area will include a diverse mix of single-family homes, a 20-acre developed public citywide park with sports fields and numerous public amenities, over 26-acres of additional open space areas, a comprehensive network of trails and pedestrian pathways winding around the existing ponds, and sites for future commercial and industrial uses to serve Banks residents. Improvements will also include everything needed to support the new uses, including new roadways, utility extensions, and improvements to the City’s water supply and system. While streets will not be connected across the existing railroad tracks with this application, a bicycle/pedestrian bridge over the tracks is included in the application to provide pedestrian connectivity between the existing Banks High School sports fields and the planned 20-acre public park.

### **History**

Approximately 145 acres of the project area are currently developed as the Quail Valley Golf Club. Quail Valley was developed in 1993, opened in 1994, and has been available for public use for the past 30 years. The remaining ±60 acres of the project area are undeveloped or agricultural properties owned by the Quail Valley Golf Corporation or the Van Dyke family. The City of Banks included the entire ±204-acre project area within the City’s Urban Growth Boundary (UGB) in 2011 and the properties were annexed to the City in 2014.

While the project area has been in the City for almost a decade, new development has not occurred. This is due in large part to the limited City water supply. Beginning in 2014, the City recognized the shortage of available water. In 2018 the City declared a moratorium on new development in the City until the municipal water supply problem was resolved. The moratorium was lifted in 2022 after improvements were made to the water system and a provision was added to the Banks Development Code (BDC) requiring new residential subdivisions to provide one or more new sources of water to sufficiently serve 100 percent of a development’s projected water needs.

Approximately three years ago, the Quail Valley Golf Course ownership determined that the golf course use would not be economically viable in the long term and began looking at other uses for their property. This began a long conversation with City staff and the City Council about the potential redevelopment options for the property. Given the existing use of the site, the future recreational needs of the City, and the demonstrated need for housing throughout the region, it was determined that the land-intensive single-purpose golf course would need to be replaced with a more compact multipurpose recreational use suitable for serving the recreational needs of a broader range of residents along with needed housing. The *Banks Park and Recreation Master Plan* (September 2023) was updated to allow for this potential transformation. The Holt Group began looking at the site to determine the feasibility of a master planned community and has spent the last few years working on infrastructure studies and coordinating with numerous stakeholders in the City.

## City Master Planning and Project Response

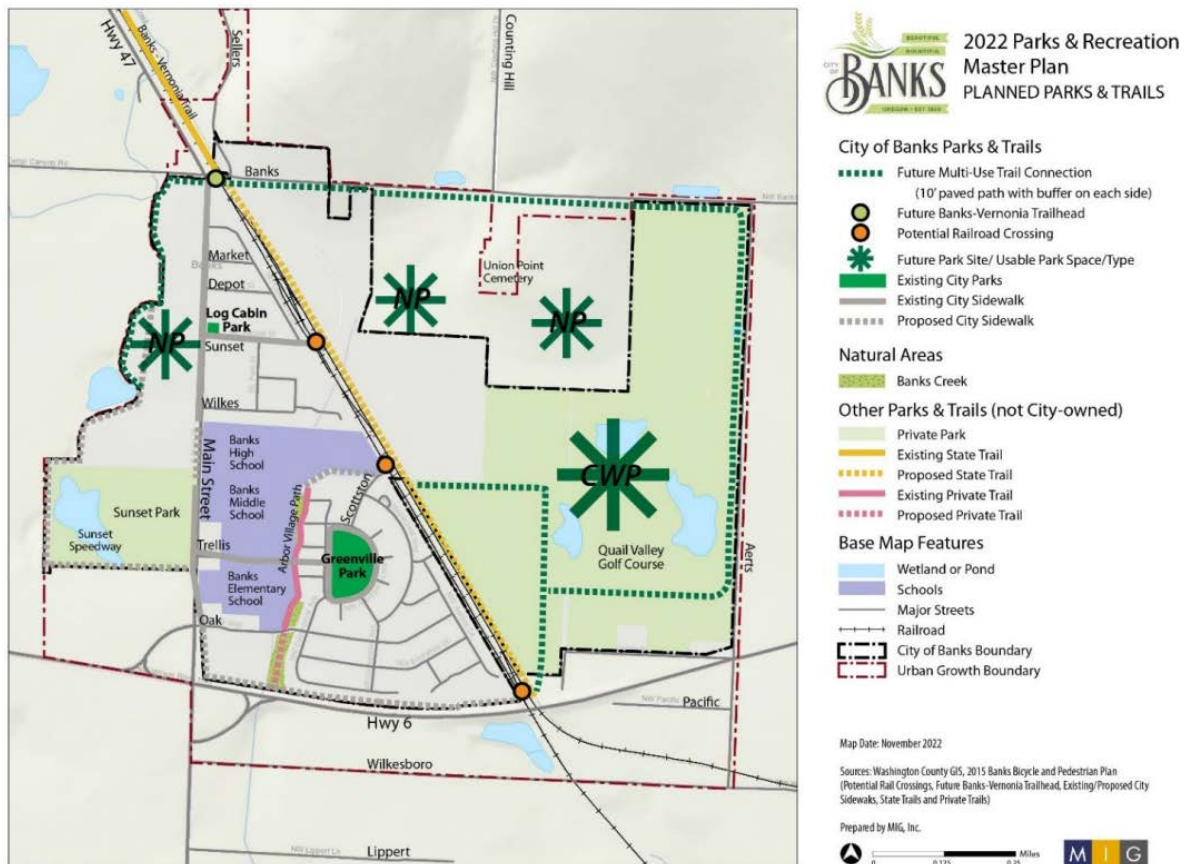
In recent months, the City of Banks has made updates to the Banks Park and Recreation Master Plan, the Banks *Water System Master Plan* (March 2023), and the Banks *Transportation System Plan* (TSP) was adopted in February 2024. These master plans are part of the City’s Comprehensive Plan and provide policy direction related to parks, water, and transportation. The Aerts Addition Master Planned Development has incorporated all the applicable elements of the City master plans in the project design as described below.

### Parks and Recreation

The City of Banks adopted a new Park and Recreation Master Plan in September 2023. The master plan had not been updated since 2010 and as described above, many changes have occurred since that time. The updated master plan includes the annexed eastern portion of the City within the plan and reassesses the recreational needs for the existing and future City population. As part of the park and recreation master planning process, the City also updated the Banks Comprehensive Plan goals, objectives, and policies related to recreation in the City to make them consistent with the new master plan.

The new Park and Recreation Master Plan, as well as the updated Comprehensive Plan, require a minimum 20-acre citywide park to be provided at the Quail Valley Golf Course site when the site redevelops to meet the City’s level of service goals as well as specific policy language addressing development of the golf course. Additional trails and open space areas are also required in the master plan to support a comprehensive park and trail system as new development is anticipated in the City.

**Figure 1: Recommended Parks and Trails  
(City of Banks Park & Recreation Master Plan, Figure 4)**



---

The Holt Group has understood the need to provide a significant recreational component within the Master Plan area. Consistent with the Park and Recreation Master Plan requirements, this application includes a citywide park to provide a multipurpose and amenitized recreational use that replaces the land-intense, single-purpose golf course use. The Holt Group conducted outreach to the Banks School District, the sports community in the school district, the Banks Park, Recreation and Tree Board, and City staff to determine the preferred programming for the planned field complex within the citywide park. The Preliminary Plans included in this application (Exhibit A) illustrate the result of this outreach. The park includes a multiuse artificial turf facility with lights and amenities as well as playgrounds for different age groups, picnic shelter, restroom facility, basketball court, pickleball courts, open areas for unstructured play and parking.

The park is purposely located adjacent to the railroad tracks to provide connectivity to the school campuses. A key component of the project design is a new bridge over the railroad tracks that will allow pedestrians and cyclists to easily walk or ride between the existing school campuses and the future citywide park.

In addition to the citywide park, a public open-space trail network is included in the design to connect the existing golf course ponds and create a natural greenway network. The trail system is proposed to be paved, providing a high level of connectivity and access to nature. Amenities will be provided along the pathways such as benches, trash receptacles, and interpretive signage as well as additional homeowners' association (HOA) amenities.

### **Water System**

The City recently completed several capital projects and other improvements to the municipal water system that have significantly improved the City's water transmission, as well as the distribution and storage systems. Given the changes to the water system, the ongoing water supply limitations, land annexed into the City, and anticipated development to serve population growth, the previous Water System Master Plan (completed in 2009 and amended in 2011) was in need of an update. The City adopted a new Water Master Plan in March 2023. While the new Water System Master Plan indicates there is capacity to serve some limited development in the City, new residential subdivisions are required by Section 152.003 of the BDC to demonstrate that water sources are available with sufficient capacity to serve the proposed number of new water service connections.

Summit Water Resources, LLC completed a Water System Improvement Plan (included in Exhibit L) that includes projections of water demand from the Master Plan and the improvements necessary to meet the demand. The Aerts Addition Master Plan includes numerous improvements to the municipal water system that have been coordinated with the City. As illustrated on the Preliminary Composite Utility Plan sheets in the Preliminary Plans (Exhibit A) and further detailed in the Development Agreement between the Holt Group and the City of Banks (Exhibit J), the improvements to the water system include:

- Deep Well #3 – This new well, located at the northeast corner of the Master Plan area at the NW Aerts Road and NW Banks Road intersection, will be designed and constructed by the Applicant prior to the occupancy of any new homes in the Master Plan area. The well and associated 6-inch water main will be built to City standards and will become part of the municipal water system and will include components supportive of the City's planned aquifer storage and recovery (ASR) system.
- New Reservoir – The Applicant has committed to constructing a new 1.0-million-gallon reservoir north of NW Banks Road and providing a 12-inch distribution main according to the City's design.
- Additional Water Supply Improvements – The Applicant has committed to construct water supply improvements identified in the Water System Master Plan as being a part of the East Springs Phase 1

---

project, including a mechanical prefiltration unit, filter plant piping gallery improvements, and retrofitting the existing sedimentation basin to slow sand filter.

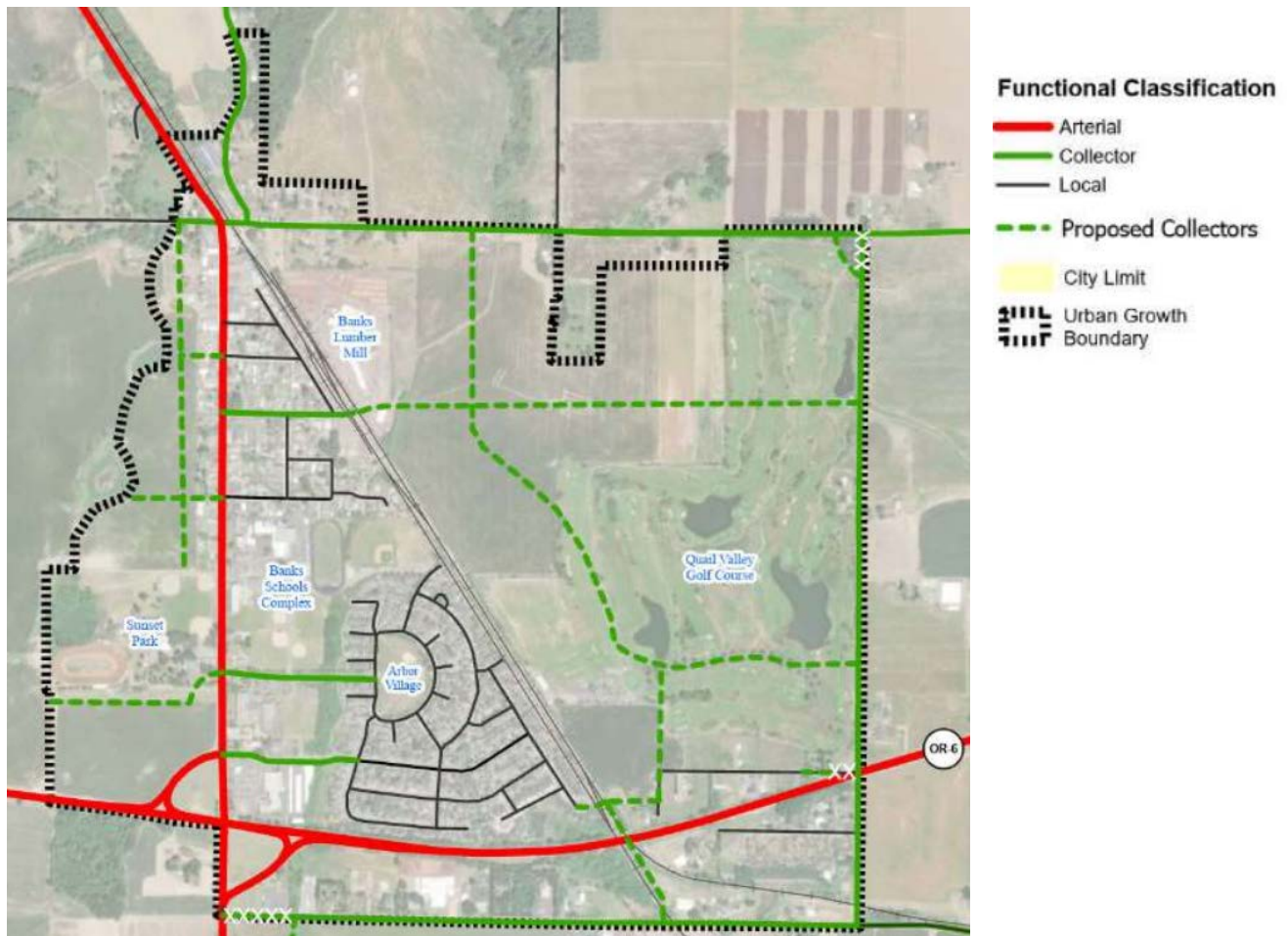
- Chlorination Facility – The Applicant will contribute up to \$75,000 towards the costs of a new City chlorination facility at the existing City Well #2.
- Railroad Water Main Crossings – The Applicant will design and construct water main crossings of the railroad tracks for looping and redundancy.
- East Loop/Aerts Road Water Main – The Applicant will install a new water main loop connecting to existing City water lines and built to City standards.
- Tualatin Valley Irrigation District (TVID) Water – The Applicant has come to an agreement with TVID for the transfer of TVID-managed water rights associated with the Quail Valley Golf Course for the use of interruptible water for irrigation of the open spaces and parks (see Exhibit L). The Applicant will install non-potable “purple pipe” to serve the irrigation needs for open spaces, stormwater facilities, and HOA maintained landscape areas within the Master Plan area.

The City Engineer has also provided a memo (Exhibit M) stating that the above water system improvements provide sufficient water capacity to serve the proposed uses in the Aerts Addition Master Planned Development area in compliance with the City’s requirements.

#### **Transportation System**

Similar to the Park and Recreation Master Plan and the Water System Master Plan, the Banks TSP was recently updated and adopted in February 2024. The previous TSP was adopted in 2011 before the eastern part of the City was annexed, and was then updated in 2019 to include the annexed areas. The newly adopted TSP addresses all land within the City limits plus land within the City’s UGB that has not yet been annexed and identifies the transportation projects within the City that are needed over the next 20 years. The TSP then identifies and prioritizes potential funding sources for those improvements.

**Figure 2: Future Roadway Functional Classification  
(City of Banks Transportation System Plan, Figure 10)**



The Aerts Addition Master Plan includes numerous transportation improvements, both internal to the project area and in those areas where it has been determined through the *Transportation Impact Analysis and Transportation Planning Rule Assessment* (TIA & TPR Assessment) completed by Kittleson & Associates, Inc. (Kittleson & Associates) (Exhibit K) that improvements are needed to mitigate for the impacts of the development. The planned improvements that will be completed as part of the Aerts Addition Master Planned Development include the following:

- New Roundabout at the Oregon Route (OR) 6/NW Aerts Road Intersection – As detailed in the TIA & TPR Assessment (Exhibit K), a single-lane roundabout is initially needed at the OR 6/NW Aerts Road intersection. A separate westbound right-turn lane will be required prior to full build-out of the project. The roundabout improvement will also include the closure of NW Washington Avenue at the intersection.
- NW Banks Road/NW Aerts Road Intersection – NW Aerts Road will be realigned to the west to meet sight distance requirements, resolving an existing safety issue. Additionally, a westbound left turn lane on NW Banks Road will be constructed.
- NW Banks Road and NW Aerts Road Upgrade – Both NW Banks Road and NW Aerts Road will be improved as Collector roadways with a multiuse pathway. These are both Washington County

---

facilities today but are expected to be transferred to the City of Banks. In discussions with the County and the City, it was agreed to include multiuse pathways along the NW Banks Road and NW Aerts Road frontages. A two-way multiuse pathway will be provided instead of only one bicycle lane in one direction that would have been included in typical roadway improvements.

- Oak Way/Main Street Intersection Improvements – Widening of the eastbound approach (the OR 6 westbound off-ramp for Main Street) to allow for increased space for queueing at the intersection.
- New Collector Roadways – Two new Collector roads are planned to be built within the Aerts Addition Master Planned Development area. These roadways will also provide multiuse bike/pedestrian paths on both sides, consistent with the NW Aerts Road and NW Banks Road designs.
- Bike/Pedestrian Railroad Overcrossing – This bridge will be completed with the citywide park improvements as described under the Parks and Recreation discussion above to provide increased connectivity to the school campuses on the west side of the railroad tracks.

The Banks TSP currently includes a single-lane roundabout at the OR 6/NW Aerts Road intersection. As part of the Comprehensive Plan Map and Zoning Map Amendments, a TPR analysis, included in the TIA & TPR Assessment (Exhibit K), analyzes the hypothetical “worst-case” scenario of all property within the City’s UGB completely building out, and concludes that a multilane roundabout at the OR 6/NW Aerts Road intersection will potentially be needed by 2042. To mitigate for this long-range significant effect under the TPR, an application to amend the TSP was submitted separately to the City. The amendment to the TSP is to include a second phase to the roundabout improvement with additional through/turn lanes on the northern, western, and eastern approaches of the roundabout and to update the projected project funding. The TSP amendment is being processed separately from this consolidated Master Planned Development application and is anticipated to be approved ahead of the master plan approval. While the right-of-way needed for the future additional lanes of the roundabout will be dedicated with the master plan, the multilane roundabout is not necessary to address impacts from the actual Aerts Addition Master Planned Development. The development’s full build-out impacts will be mitigated by the construction of a single-lane roundabout with a separate right-turn lane.

### **Development Agreement**

In order to provide certainty about infrastructure needs, the City, the public, and the Applicant worked to create a Development Agreement that specifies the infrastructure needed for the Master Plan and the methods to fund the improvements. The planned infrastructure includes the park, water, and transportation facilities described above and are detailed in the Development Agreement included as Exhibit J. The Development Agreement was signed and became effective on April 5, 2024 after public hearings in February and March of 2024.

## **II. Site & Application Information**

### **Site Description/Setting**

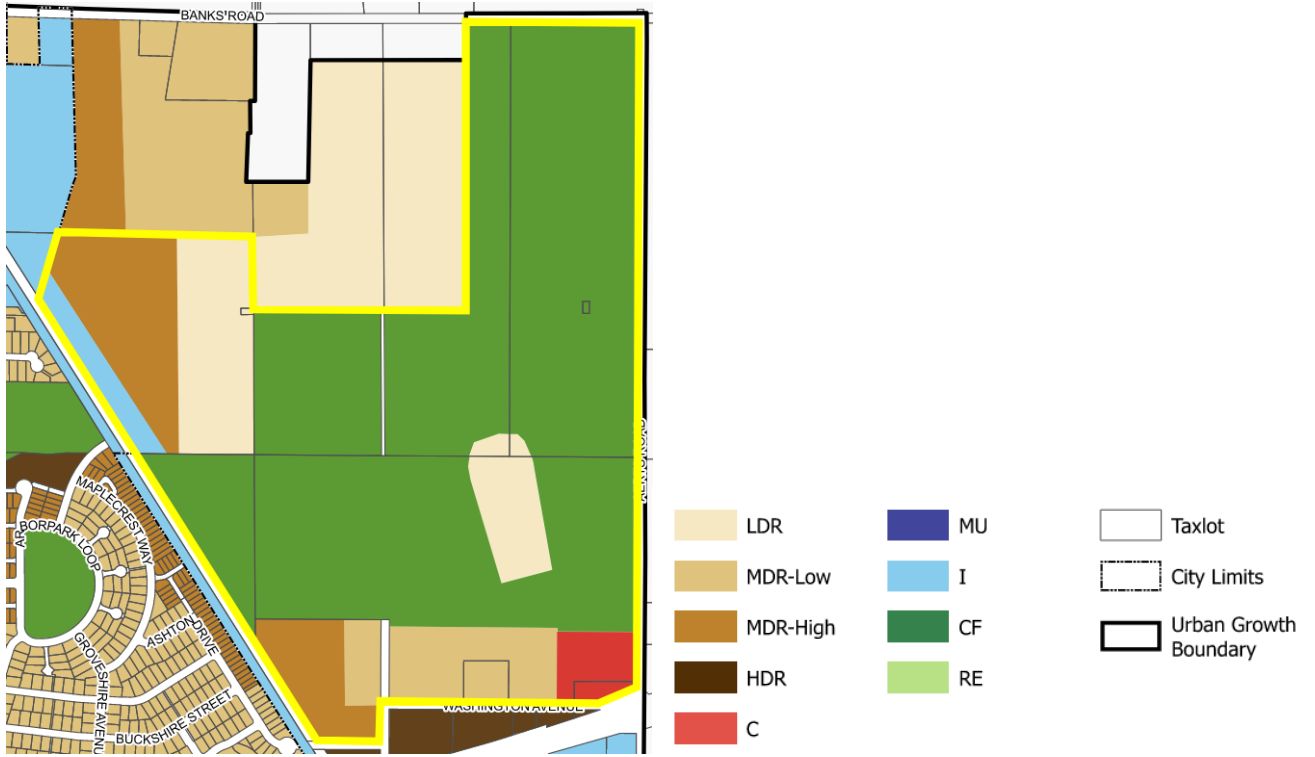
The subject ±204-acre site is currently composed of nine tax lots, owned by the Quail Valley Golf Corporation and the Van Dyke family. The site is generally located east of two railroad tracks (within right-of-way owned by the Port of Tillamook Bay Railroad and Oregon Department of Transportation), west of NW Aerts Road, south of NW Banks Road, and north of OR 6 within the city limits. The subject properties currently have the City’s Community Facilities (CF), Low Density Residential (LDR), Medium Density Residential-Low (MDR-L), Medium Density Residential-High (MDR-H), General Commercial (C), and Industrial (I) Comprehensive Plan and Zoning designations.

The majority of the site is developed as a golf course with a clubhouse, maintenance buildings, paved parking areas, roads and golf cart paths, manicured golf course greens, sand traps, and water hazards. Tax Lots 400 and 600 are currently agricultural fields planted with tall false rye grass and red clover. The remainder of the site includes paved roadways and existing stormwater infrastructure. The properties generally slope down from the north to the southwest, south, and southeast with four managed manmade ponds within the golf course. There are wetlands and waters of the state within the site boundary.

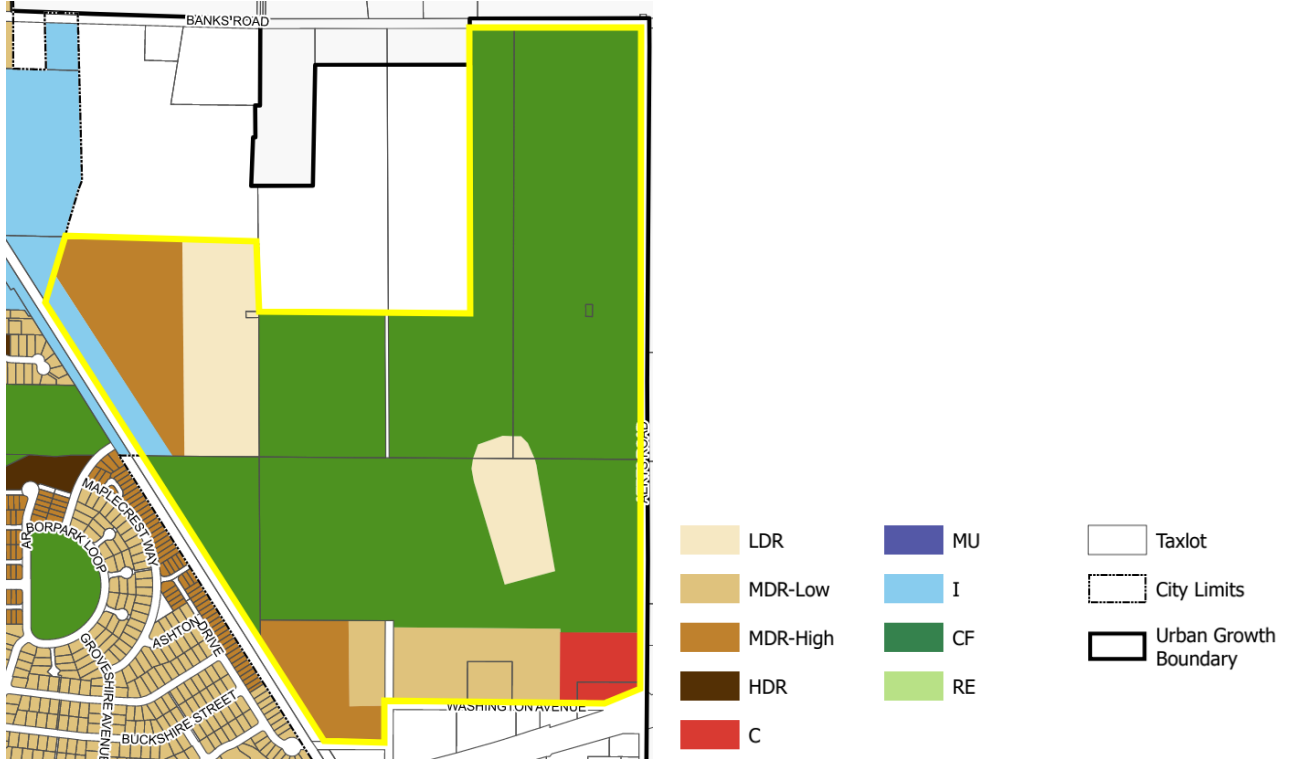
**Figure 3: Aerial Image of Master Plan Area**



**Figure 4: Existing Comprehensive Plan Designations**



**Figure 5: Existing Zoning Districts**



Adjacent uses include the following:

**Table 1: Surrounding Land Description**

Area	Jurisdiction	Zoning	Land Uses
North	Washington County	Future Development (FD-10) and Agriculture and Forest (AF-20)	Residentially designated properties within the Banks UGB but currently outside the City limits and under agricultural use. NW Banks Road (a Washington County Collector roadway) borders the northeast portion of the site and is also the City boundary. The agricultural land north of NW Banks Road has the Washington County AF-20 zoning designation.
East	Washington County	Exclusive Farm Use (EFU)	NW Aerts Road, a Washington County Collector roadway is the eastern project boundary and the City boundary. Agricultural land to the east of NW Aerts Road has the Washington County EFU zoning designation.
South	Washington County	FD-10	NW Washington Avenue, a gravel roadway, is the southern project boundary and the City boundary. Large lot residential development south of NW Washington Avenue has the Washington County FD-10 zoning designation.
West	City of Banks	MDR-L, MDR-H, CF, and I	Two sets of railroad tracks run along the west side of the subject site. The Portland and Western Railroad operates both tracks within rights-of-way owned by the State of Oregon and the Port of Tillamook Bay. The core of the City is located west of the railroad tracks with primarily residential uses and school properties with various residential and CF zoning designations closest to the site.

**Summary of Applications**

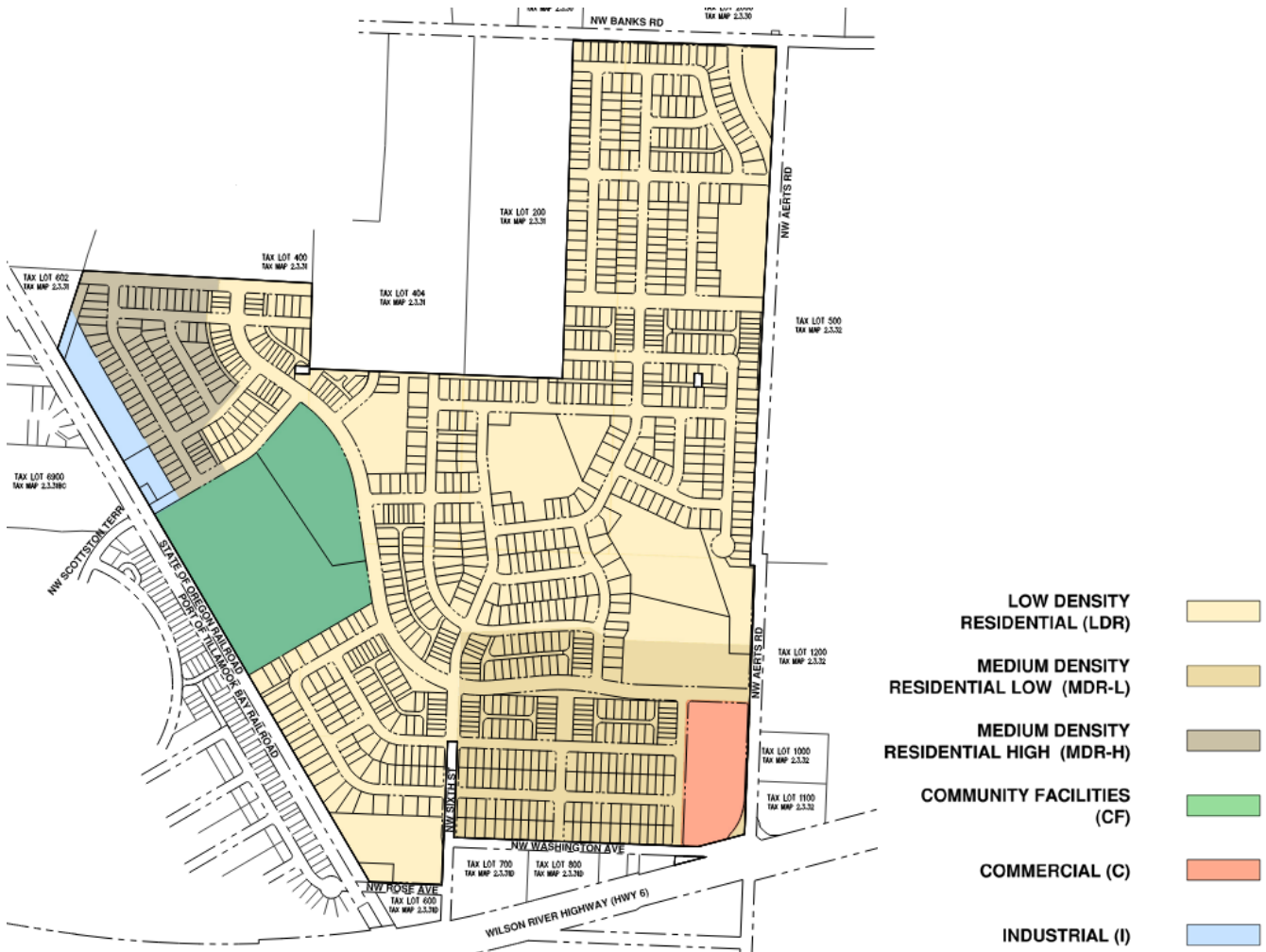
This application package includes numerous land use applications that have been consolidated and will be processed together for continuity and predictability for the decision-making bodies. The following applications are included in this submittal package:

- Comprehensive Plan Map & Zoning Map Amendments – The Comprehensive Plan and Zoning designations within the ±204-acre project area have been reconfigured and include the following changes:

**Table 2: Existing and Planned Comprehensive Plan and Zoning Designations**

Comprehensive Plan & Zoning Designation	Existing Gross Acreage	Planned Gross Acreage
Low Density Residential (LDR)	±21.1	±132.4
Medium Density Residential – Low (MDR-L)	±12.6	±30.2
Medium Density Residential – High (MDR-H)	±22	±13.0
Community Facilities (CF)	±140.8	±20.0
Industrial (I)	±4.1	±3.5
Commercial (C)	±3.5	±5.0
<b>Total</b>	<b>±204.1</b>	<b>±204.1</b>

**Figure 6: Planned Comprehensive Plan and Zoning Designations**



---

This application also includes responses to the Oregon Administrative Rules (OARs) including the TPR and the Statewide Planning Goals, as well as responses to the applicable City of Banks Comprehensive Plan Goals, Objectives, and Policies to demonstrate that the planned map changes are consistent with state and local land use regulations. As detailed in the TIA & TPR Assessment completed by Kittelson & Associates and included as Exhibit K, a TSP Amendment is needed for the TPR to be met. Therefore, a TSP Amendment application was submitted separately from this consolidated Master Planned Development application.

- TSP Amendment – In order for the Statewide TPR to be met for the proposed rezone, a minor change is needed to the Banks TSP. A separate TSP Amendment application was submitted to the City to include a second phase to the roundabout improvement at the OR 6/NW Aerts Road intersection, adding a lane to the roundabout and updating the projected project cost and funding plan. Please see Exhibit W for anticipated changes to the text and the project description on the Capital Improvement Plan (CIP) project list in the Banks TSP narrative. It is expected that the TSP Amendment will be approved by the City ahead of the consolidated Master Planned Development application. Because the expanded roundabout improvement will be included in the TSP, the proposed rezone will not have a significant effect on the transportation system.
- Master Planned Development – As described in the purpose statements of the Master Planned Development code (Banks Municipal Code 151.335), the Master Planned Development process provides a means for master planning large development sites in an innovative way that allows for greater efficiency in land use and transportation, improved protection of open spaces, and provision of housing choices. The Aerts Addition Master Planned Development provides an array of community benefits and implements the City’s master plans. This application includes flexibility to particular development standards as allowed through the Master Planned Development process in order to achieve the broader community goals. The modifications needed to the development standards are summarized in Table 6 in the responses to the Master Planned Development Modifications in Section 151.338 of this narrative. One of the Master Plan Development approval requirements is to provide a minimum of 20 percent open space throughout the master plan area. The Aerts Addition Master Planned Development includes ±31 percent of the net site area as open space. The open space areas include the citywide park, an extensive network of public multiuse trail corridors, protected wetland and natural areas, and smaller neighborhood parks with amenities. The HOA amenities include a ±2,400 square-foot clubhouse with multipurpose space and a pond overlook, dog parks, community gardens, and playgrounds. Both Concept Plans and Detailed Development Plans (implemented through the Subdivision and Site Design Review applications) are included in this submittal.
- Subdivision – This application includes the preliminary plat for the phased subdivision of the Master Plan area. A final plat will be submitted for each phase at the time of development. The subdivision is planned in eight phases as demonstrated on the Preliminary Plans (Exhibit A) and will be completed in accordance with the timeline that was included in the Development Agreement (Exhibit J). As noted on the Preliminary Phasing Plan of the Preliminary Plans (Exhibit A), phase lines may change slightly with final plat review and/or the planned phases may need to be separated into subphases for construction purposes.

- 
- Property Line Adjustment – A property line adjustment is also included in this application to align the existing property lines with the planned subdivision phasing. See the Preliminary Property Line Adjustment Plan sheet in the Preliminary Plans (Exhibit A) for details.
  - Conditional Use for Citywide Park – The reconfigured Comprehensive Plan and Zoning Designations include the park site designated as CF. The CF zoning designation is typically applied to properties owned by public or semi-public agencies, and all uses are required to obtain conditional use permit approval to ensure compatibility with surrounding uses and development.
  - Site Design Review for Citywide Park, Clubhouse, and Townhomes – As further discussed under the response to the Applicability section of the Site Design Review code (see Section 151.251 below), the planned detached single-family homes are not required to obtain Site Design Review approval. Additionally, the bicycle/pedestrian bridge, wellhouse, and sewer pump station are “public improvements” and are likewise exempt. While this application includes conceptual bridge plans to illustrate the modification that is needed for the bridge height over the railroad tracks, final design will be subject to review by the railroads and the City.

The other planned buildings within the Master Plan area, including the picnic shelter and bathroom structures in the citywide park, the HOA clubhouse for residents, and the attached townhome buildings are required to obtain Site Design Review approval. Future uses and improvements to the Commercial(C) and Industrial(I) designated areas of the master plan will be required to obtain separate Site Design Review approval.

This written narrative, together with Preliminary Plans and other documentation included in the application materials, establishes that this application satisfies the applicable approval criteria outlined within the BDC and Banks Comprehensive Plan. This documentation represents substantial evidence and provides the basis for the City to approve the application.

### **III. Applicable Review Criteria**

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197A.400 states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. The statute also provides the Applicant the ability to opt-in to a discretionary process, such as the master plan, in which case discretionary criteria can be applied. ORS 19A.400(3). However, criteria that are not included in the Master Plan process must be clear and objective. In addition, this application involves a “limited land use decision” as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA) have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (*Rogue Valley Association of Realtors v. City of Ashland*, 35 OR LUBA 139, 158 [1998] *aff’d*, 158 OR App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that

---

are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. The exceptions in ORS 197A.400(2) do not apply to this application.

ORS 197.195(1) describes how certain standards can be applied to a limited land use application. The applicable land use regulations for this application are found in the Banks Municipal Code (BMC). Pursuant to ORS 197.195(1), comprehensive plan provisions (as well as goals, policies, etc. from within the adopted elements of the comprehensive plan) may not be used as a basis for a decision or an appeal of a decision on a limited land use application unless they are specifically incorporated into the land use regulations. The City reinforces the limitations in ORS 197.195(1) by Banks Comprehensive Plan, Goal 2, Policy 5, which provides, “[d]evelopment proposals will be required to conform to the City's Zoning and Subdivision Ordinances, which fully implement the Comprehensive Plan. Consideration of the goals, objectives and policies of the Comprehensive Plan are not required unless specifically stated.” While this application may respond to comprehensive plan and/or related documents, such a response does not imply or concede that said provisions are applicable approval criteria. Similarly, the Applicant does not waive its right to object to the attempted implementation of these provisions unless they are specifically listed in the applicable land use regulations, as is required by ORS 197.195(1).

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the Applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. In fact, the local government is obligated to consider and impose any conditions of approval proposed by the applicant if such conditions would allow the local government to approve an application that would not otherwise meet applicable approval criteria.

### OREGON ADMINISTRATIVE RULES (OARs) and STATEWIDE PLANNING GOALS

The OARs and Statewide Planning Goals are applicable only to the proposed amendments to the Comprehensive Plan Map and Zoning Map.

#### Chapter 660

Division 12      Transportation Planning  
660-012-0060    Plan and Land Use Regulation Amendments

**Response:**      The TPR implements Statewide Planning Goal 12, Transportation, and is an independent approval standard in addition to Goal 12 for map amendments. OAR 660-012-0060(1) and (2) apply to amendments to acknowledged Comprehensive Plan and Zoning Maps, as is the case with this application.

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the Applicant must determine if the application has a “significant effect,” as that term is defined in OAR 660-012-0060(1). The City may rely on transportation improvements planned in TSPs, as allowed by OAR 660-012-0060(3)(a), (b), and (c), to show that failing intersections will not be made worse or intersections not now failing will not fail. If there is a “significant effect,” then the Applicant must demonstrate appropriate mitigation under OAR 660-012-0060(2).

- (1)      **If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the**

---

amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

**Response:** As discussed in the TIA & TPR Assessment (Exhibit K) prepared by Kittelson & Associates, the planned map amendments and TSP amendment do not warrant changes to the functional street classifications or standards as defined in the City’s 2024 TSP. Therefore, no significant effect occurs as defined in OAR 660-12-0060(1)(a).

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

**Response:** This application does not request a change to the standards implementing the functional classification systems identified in the TSP. Therefore, no significant effect occurs as defined in OAR 660-0060(1)(b).

- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

**Response:** As discussed in the TIA & TPR Assessment (Exhibit K) prepared by Kittelson & Associates, the planned map amendments would constitute a “significant effect” on the local transportation system as defined in OAR 660-012-0060(1)(c)(C) at the OR 6/NW Aerts Road intersection if the roundabout at the OR 6/NW Aerts Road intersection included a single lane, and that the significant effect would be mitigated by enlarging the roundabout to a double lane. Because the TSP amendment approval to enlarge the OR 6/NW Aerts Road intersection roundabout to a double lane as a funded improvement precedes the zone change application, this planned map amendments do not have a significant effect on the transportation system. Please see Exhibit K for further detail.

- 
- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measured or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through (e) below, unless the amendment meets the balancing test in subsection (e) or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.
- (a) Adopting measures that demonstrate allowed land uses are consistent with the performance standards of the transportation facility.
  - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses consistent with the requirements of this division. Such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
  - (c) Amending the TSP to modify the performance standards of the transportation facility.
  - (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
  - (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:
    - (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;
    - (B) The providers of facilities being improved at other locations provide written statements of approval; and
    - (C) The local jurisdictions where facilities are being improved provide written statements of approval.

**Response:** As noted above, because the TSP amendment to enlarge the OR 6/NW Aerts Road roundabout to a funded double lane improvement precedes this zone change application, there is no significant effect. The Applicant will contribute the right of way needed for the enlarged roundabout so that the second phase of the roundabout (the second lane) can be constructed in the future when it is warranted. Please see Exhibits K and W for further detail.

...

- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

- 
- (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.
  - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements, and services:
    - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
    - (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements, or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
    - (C) Transportation facilities, improvements, or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
    - (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
    - (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement, or service is reasonably likely to be provided by the end of the planning period.
  - (c) Within interstate interchange areas, the improvements included in paragraphs (b)(A)–(C) are considered planned facilities, improvements, and services, except where:
    - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
    - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements

---

identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

- (d) As used in this section and section (3):
- (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
  - (B) Interstate highway means Interstates 5, 82, 84, 105, 205, and 405; and
  - (C) Interstate interchange area means:
    - (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or
    - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement, or service is a planned transportation facility, improvement, or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements, and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

**Response:** This section of the TPR requires coordination with affected transportation service providers. The City, county, and state provide the roads that serve the subject property, as follows:

- OR 6 is functionally classified as an Arterial and is under ODOT jurisdiction.
- NW Banks Road and NW Aerts Road are Collector roadways and are under Washington County jurisdiction.
- NW Washington Avenue and NW 6<sup>th</sup> Avenue are existing Local streets within the subject map amendment area. Additional Local and Collector streets are also identified on the TSP within the map amendment area. These streets are under City jurisdiction.

Upon receipt of this land use application, the City has a duty to coordinate with transportation facility and service providers and other affected agencies, as applicable. Therefore, the criteria of OAR 660-012-0060 (1-4) can be met upon City coordination with other affected providers and governments. For further information, please see the TIA & TPR Assessment (Exhibit K).

#### Division 15      Statewide Planning Goals and Guidelines

This application includes changes in area of various Comprehensive Plan Map and Zoning Map designations within the Aerts Additional Master Planned Development area. See the Existing and Proposed Comprehensive Plan Map and Zoning Map sheets in the Preliminary Plans (Exhibit A). Only the Statewide Planning Goals applicable to the subject

---

changes are required to be addressed to demonstrate that the planned changes are consistent with the Statewide Planning Goals (per Criterion A of Section 151.303).

**660-015-0000 – Statewide Planning Goals and Guidelines #1 through #14**

The following Oregon Statewide Planning Goals are applicable to this application:

**Goal 1 – Citizen Involvement**

**Goal 2 – Land Use Planning**

**Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

**Goal 6 – Air, Land, and Water Resources Quality**

**Goal 8 – Recreational Needs**

**Goal 9 – Economic Development**

**Goal 10 – Housing**

**Goal 11 – Public Facilities and Services**

**Goal 12 – Transportation**

Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) are not applicable to lands within the City's acknowledged UGB and have been omitted for brevity.

Goal 6 (Air, Water, and Land Resource) generally relates to resources that are regulated by the Oregon Department of Environmental Quality (DEQ). Goal 6 is not applicable because the planned amendments do not affect the City of Banks goals, objectives, or policies governing air, water, and land resources.

Goal 7 (Areas Subject to Natural Hazards) is not applicable and has been omitted because the subject site does not contain mapped areas of steep slopes 25 percent or greater or other known hazard areas.

Goal 13 (Energy Conservation) generally imposes obligations on jurisdictions to develop plans and implements measures that conserve energy. Goal 13 is not applicable because the planned amendments do not affect the City of Banks or Washington County goals or policies governing energy conservation.

Goal 14 (Urbanization) is not applicable since the subject site is already included within the Banks UGB.

Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) are not applicable because the subject site does not contain lands described in those goals. Thus, they have been omitted for brevity.

**Goal 1 Citizen Involvement**

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

**Response:** Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process. The City of Banks has an established citizen involvement program. The application will be processed according to Chapter 151 of the BMC, which involves neighborhood contact, public notification, public hearings, and decision appeal procedures, as established in BMC Sections 151.230 through 151.238.

Regarding neighborhood contact, a neighborhood meeting was held prior to application submittal. An in-person neighborhood meeting was held on April 11, 2024, from 6:00 p.m. to 8:00 p.m. Notice was provided to all property owners in the City as well as residents within 300 feet of the subject site. Approximately 50 members of the public participated

---

in the meeting and two community members contacted the Applicant team outside the neighborhood meeting with questions or to provide comment. The preliminary plans and project information presented at this meeting are included as Exhibit F as well as a summary of the topics that were discussed and the questions asked.

In addition to the neighborhood meeting, direct outreach was made to the following stakeholders:

- Banks School District
- Sports Groups including the Banks High School Athletic Director
- ODOT
- Clean Water Services (CWS)
- Washington County Land Use and Transportation Department
- TVID
- Banks Park, Recreation and Tree Board
- Washington County Sheriff
- Banks Fire District No. 13
- Swatco Sanitary Service
- Portland General Electric (PGE)
- NW Natural
- Zply Fiber

Please see the Neighborhood Meeting Documentation (e.g. public notification, list of attendees, meeting materials, etc.) within Exhibit F, demonstrating consistency with the provisions of BMC Section 151.236 as well as correspondence with applicable service providers. Therefore, Goal 1 Citizen Involvement is satisfied.

## Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Response:** The City will review and process the application consistent with BMC procedures, including consideration of any public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established.

The City can also find that the other two substantive requirements of Goal 2 are satisfied. First, the application provides an accurate factual basis for the City to approve the application because it describes the proposal and applies those facts to the relevant approval criteria. Second, Goal 2 requires the City to coordinate the application with affected governmental entities. Coordination requires notice of an application, an opportunity for the affected government entity to comment on the application, and the City's incorporation of the comments to a reasonable extent. The City can find that coordination of the application will be accomplished in two ways: by the Applicant prior to submittal of the application and by the City in the review process for the application.

...

## Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

---

**Response:** Goal 5 requires the City to inventory natural resources and historic resources and then adopt local regulations to protect those resources. The City’s acknowledged wetlands protection ordinance, Historic Resources Overlay Zone, and Goal 5 provisions of its Comprehensive Plan comply with these Goal 5 requirements.

The property does not include any City-inventoried wetlands or any inventoried historical sites, so the City’s local wetland standards and Historic Resources Overlay Zone do not apply. The proposed Comprehensive Plan Map and Zoning Map amendments do not affect any locally designated Goal 5 resource. Accordingly, the amendments comply with Goal 5, and the administrative rules implementing Goal 5 do not apply (OAR 660-023-0250[3]).

...

#### Goal 8 Recreation Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**Response:** Goal 8 is implemented by the City’s Park and Recreation Master Plan (adopted September 2023) and the Goal 8 policies within the City’s Comprehensive Plan. The Park and Recreation Master Plan assumes the redevelopment of the Quail Valley Golf Corporation property and identifies a citywide park, public multiuse trails, and an extension of the state Banks-Vernonia trail within or adjacent to the project site boundary. The Comprehensive Plan anticipates the conversion of the Quail Valley Golf Course to a citywide park and residential use. The proposed Comprehensive Plan and Zoning Map amendments are consistent with and implement the City’s Park and Recreation Master Plan and Goal 8 Comprehensive Plan policies because it includes a ±20-acre area that is zoned CF that will accommodate the citywide park. This Master Planned Development application includes a ±20-acre citywide park as well as a public multiuse trail system that provides pedestrian and bicycle circulation throughout the ±200-acre area connecting the future residential uses and residents with the preserved natural areas and developed city and private parks. In addition, a bicycle/pedestrian bridge is planned to provide a connection over the railroad tracks between the new citywide park and the public school properties allowing for students and existing residents to easily access the sports fields and for students to walk to school. The proposed Comprehensive Plan and Zoning Map amendments and the proposed park and recreation facilities meet and implement the Park and Recreation Master Plan and Comprehensive Plan’s Goal 8 policies, in compliance with Goal 8.

#### Goal 9 Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

**Response:** Goal 9 imposes an obligation on local governments to adopt comprehensive plans and implement policies that support a wide variety of economic development opportunities. In 2005, the City adopted the Economic Opportunities Analysis under Ordinance 110.20. As part of the UGB expansion process in 2010 and 2011, the horizon year of the buildable employment land need was extended from 2024 to 2029. The *UGB Expansion Justification Technical Report* (October 2010) concluded that a total of 93.55 acres of new buildable

---

acres of commercial and industrial land was needed by 2029. The resulting UGB expansion area included 81.5 acres of Industrial (I) designated lands and 12 acres of Commercial (C) designated lands. The majority of the industrially designated area within the UGB is located south of OR 6 and is not part of this application.

The overall employment land (both C and I lands) within the Master Plan area, is increasing from  $\pm 7.6$  acres to  $\pm 8.5$  acres (see Table 2, above). Because the amendments result in a change of employment land designations that are less than 1 acre, OAR 660-009 is not applicable (OAR 660-009-0010[4]). The map amendments preserve the opportunities for economic activities within the City of Banks and are therefore consistent with Goal 9.

#### Goal 10 Housing

To provide for the housing needs of citizens of the State.

**Response:** Goal 10 requires the City to project and plan for a supply of residential land that is at least adequate to accommodate the amount of needed housing. Goal 10 and its rules are a floor, not a ceiling. Meaning, it requires that a minimum amount of residential land must be provided but does not impose a maximum amount of residential land within the City's UGB. The City has implemented Goal 10 through its *Residential Land Needs Analysis* which was completed in 2005 and updated in 2009 at the time the subject site was brought into the UGB. Approximately 90 acres of residential land was within the UGB in 2009. The 2009 analysis determined that a total of  $\pm 155$  new buildable residential acres and a total of  $\pm 1,199$  new housing units were needed by 2029 to serve the forecasted 2029 population of 4,660 people. However, as of 2020 according to US Census data, the City of Banks has a total of  $\pm 617$  housing units and a population of  $\pm 1,839$  residents. The proposed Comprehensive Plan and Zoning Map amendments address the City's identified deficiency in residential land and housing units. As shown on Table 2, the proposed amendments result in a net increase of  $\pm 120$  acres of residentially designated land.

In order to provide a more recent accounting of housing needs within the City and additional evidence in support of the proposed amendments, Johnson Economics completed a *Need Analysis for Residential Capacity* in August 2022 (see Exhibit P). Due to the shortage of municipal water and the resulting development moratorium that was enacted in the City from 2018 to 2022, growth in the number of dwelling units within the City has been constrained. With the removal of this constraint and given the regional need and high growth rate within Washington County, the Need Analysis concludes that there will be a significant shortage in the supply of dwelling units within Banks over the next 20 years. The study concludes that a total of  $\pm 277$  acres of residential land and  $\pm 2,275$  dwelling units are needed by 2042, with an average density of  $\pm 8.2$  dwelling units per acre. There are currently only  $\pm 66$  acres of available, vacant, and buildable residentially zoned land within the City, and therefore, a deficit of  $\pm 211$  acres of residential zoned property exists. The result of the planned Comprehensive Plan and Zoning Map amendments will be an additional  $\pm 120$  acres of residential land to help meet the housing need. Therefore, this application is consistent with Goal 10. Please also see the responses to the applicable Banks Goal 10 Comprehensive Plan goals, objectives, and policies included later in this narrative, which are incorporated herein.

**Table 3: Residential Land Need per Johnson Economics Need Analysis (Exhibit P)**

Total Residential Land Needed	277 acres
Existing Vacant Residential Land	66 acres
Deficit of Residential Land	211 acres

**Goal 11 Public Facilities and Services**

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**Response:** This Goal directs the City and urban service providers to plan for needed public facilities and services, which the City has complied with in recent updates to its master plans for urban services (Park and Recreation Master Plan, Water Master Plan, and Transportation Master Plan). This Goal is further implemented at the time of annexation, which is further addressed in the response below to Section 30.02 of the BMC, and requires that at the time of annexation, adequate levels of urban services and infrastructure must be currently available or made available in a timely manner. According to the definitions in Section 30.02 of the BMC, “infrastructure” includes sanitary sewer, water, storm drainage, and streets, while “urban services” includes police, fire, school facilities, parks and recreation facilities, greenways and open space, and other city-provided services. This narrative, along with the materials provided in the application, demonstrate that the phased infrastructure that will be provided in conjunction with amending the Comprehensive Plan and Zoning Maps implements the planned infrastructure and urban services and will adequately serve the planned uses of the site.

The project site is served by Washington County Sheriff, Banks Fire District 13, and the Banks School District. Additionally, Swatco Sanitary Service provides garbage and recycling services within the City. Please see Exhibit H for correspondence with each of these service providers on their ability to serve the site and the future uses and residents. Therefore, this application is consistent with Goal 11.

**Goal 12 Transportation**

To provide and encourage a safe, convenient and economic transportation system.

**Response:** Goal 12 is implemented by OAR 660-12, which is addressed above and incorporated herein.

The Aerts Addition Master Planned Development area is planned to be served by an updated transportation network with multimodal connections that meet the City TSP. The master planned area is designed to facilitate pedestrians, bicyclists, and motorists. The proposed map amendments do not propose to deviate from the functional classification or the planned alignments of transportation facilities within the TSP. Consequently, the City can find that the application will result in a safe, convenient, and economic transportation system. The TIA & TPR Assessment prepared by Kittelson & Associates is included as Exhibit K and documents compliance with Goal 12 and the applicable State, County, and City transportation-related requirements. Therefore, this application is consistent with Goal 12.

---

## BANKS COMPREHENSIVE PLAN GOALS, OBJECTIVES, AND POLICIES

This application includes changes in area of various Comprehensive Plan Map and Zoning Map designations within the Aerts Addition Master Planned Development area. See the Existing and Proposed Comprehensive Plan Map and Zoning Map sheets in the Preliminary Plans (Exhibit A) and the summary of the areas in Table 2 above. Only the Comprehensive Plan goals applicable to the subject changes are required to be addressed to demonstrate that the planned changes are consistent with and supportive of the Comprehensive Plan goals, objectives, and policies (per Criterion B of Section 151.303).

### **Goal 1 Citizen Involvement**

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

#### Objective:

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

#### Policies:

1. The City will maintain a Citizen Involvement Program that offers citizens the opportunity to be involved in all phases of the planning process. This program will provide for:

Distribution of planning information

Coordination of public Involvement in local planning issues

Opportunities for citizen involvement in regional, state, and federal programs at the local level.

...

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

**Response:** Part of the Banks citizen involvement program, as described in the above goal, objective, and policies, includes a “neighborhood contact” requirement for land use applications that involve more than 1 acre. The BMC includes requirements to ensure that neighbors of the subject site have the opportunity to participate in the land use and planning process. See the response to BMC Section 151.236 below for details on the outreach to the community that has occurred as part of this application process. In addition, Planning Commission and City Council public hearings will be required. Therefore, the planned map amendments are consistent with Goal 1 of the Banks Comprehensive Plan.

### **Goal 2 Land Use (Updated per Ordinance 2023-09-01)**

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

#### Objectives:

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

**Response:** As demonstrated in the Preliminary Plans included with this application (Exhibit A), the design of the new residential community incorporates the existing public facility systems,

---

the expansions needed to those systems, existing natural features such as the wetlands and topography of the site, as well as other existing site features such as the railroad and roadway systems. The map amendments reflect the design of the preliminary plans, and are supportive of the preliminary plans; therefore, the amendments are consistent with this Goal 2 objective.

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

**Response:** The planned land uses are located and designed to be compatible with the adjacent uses. The commercial site is located adjacent to the roundabout for visibility and access. The citywide park is located within a short walk via a planned bicycle/pedestrian bridge from the existing Banks School District campuses to allow for easy access to students, families, and community groups. A small remnant industrial site remains adjacent to the railroad tracks and is anticipated to be used in the future for low intensity warehousing or storage. The map amendments reflect the design of the planned land uses and are supportive of the planned uses; therefore, the amendments are consistent with this Goal 2 objective.

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

**Response:** The recently adopted Banks Park and Recreation Master Plan identifies open spaces and the natural environment, as well as small-town charm and a sense of community and collaborative spirit as the principal elements of community identity within the City. This application includes land for a citywide park as well as a significant open space and trail system that is consistent with the vision identified in the Park and Recreation Master Plan. The design of the master planned area balances the provision of housing with the livability of existing and future residents. The map amendments are consistent with this Goal 2 objective.

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

**Response:** As documented in the Need Analysis for Residential Capacity by Johnson Economics (Exhibit P), population growth over the next two decades is anticipated to outpace the City's past historic growth rate and is expected to grow by ±40 percent from 2020 to 2040. This master planned area primarily includes land for housing to serve the expected increase in population. The parks and open spaces areas, as well as small commercial and industrial sites will provide a variety of land uses within the project area. Other areas of the City, and within the UGB, are planned for larger commercial and industrial uses and will be supported by the increase number of residents within the City. The map amendments are consistent with this Goal 2 objective.

e. Uses of the land which have an adverse effect on the environment should be regulated consistent with state and federal guidelines.

**Response:** There are no locally designated natural resources on the project site. State and federally regulated wetlands are located within the project area. Any minor impacts to these areas will be mitigated and enhanced as required by the applicable state and federal authorities. Please see the CWS Service Provider Letter included as Exhibit G for details. The map amendments are consistent with this Goal 2 objective.

---

Policies:

1. The City will maintain a Comprehensive Plan which designates a range of land use areas based on findings with respect to:
  - Natural resource capacity
  - Projected population and economic growth
  - Location and capacity of services
  - Existing land use patterns
  - Projected land use needs
2. The comprehensive plan is the basis for all land use decisions and action. Specific implementation measures shall be consistent with the Comprehensive Plan.
3. The City and the Planning Commission will review the Comprehensive Plan and update or amend the plan periodically.
4. The City will also review data inventories and projections used in the Comprehensive Plan as part of the update.
5. Development proposals will be required to conform to the City's Zoning and Subdivision Ordinances, which fully implement the Comprehensive Plan. Consideration of the goals, objectives and policies of the Comprehensive Plan are not required unless specifically stated.
6. Requests for plan and zoning map amendments must be consistent with and supportive of the goals, objectives and policies of the Comprehensive Plan, and with the criteria and procedures in the Development Ordinance.
7. Through the City's ongoing planning process, proposals that are in the urban growth area will be coordinated with Washington County. Specific procedures will be established by formal agreement between the city and county as outlined in the implementation chapter.
8. The rationale used to reach land use implementation decisions shall be included in a written report.

**Response:** The Goal 2 policies are primarily directed at the City's planning obligations. This application for Comprehensive Plan Map and Zoning Map amendments demonstrates that future uses can be supported by projected population growth and can be served by public infrastructure and services, consistent with the City's adopted plans. This narrative also demonstrates that the map amendments are consistent with the applicable Comprehensive Plan goals, objectives, and policies as well as the procedures in the Banks Municipal Code, as required by Comprehensive Plan Goal 2, Policy 6. The procedures within the BMC ensure that the City will provide appropriate documentation and coordination with Washington County and any other applicable jurisdictions. Therefore, the map amendments are consistent with the above Goal 2 policies as applicable.

9. If a Comprehensive Plan or Zoning map amendment is proposed in the future for any part of the Quail Valley Golf Corporation property designated Community Facilities as of September 22, 2023, for any designation other than Community Facilities District, the applicable criteria depend upon whether the proposal is consistent with and supportive of the Park and Recreation Master Plan and Comprehensive Plan's Goal 8 and Goal 8 Objectives and Policies, as specified herein.
  - a. If the proposed amendment includes a citywide park that is a minimum of 20 acres and includes a total of 25-35 acres of

---

recreational land (with exact site planning and design determined through a subsequent process), then the City may approve the amendment by ordinance and need not apply Comprehensive Plan Goal 2, Policy 9(b). A Comprehensive Plan or Zoning map amendment approved pursuant to Comprehensive Plan Goal 2, Policy 9(a) may designate portions of the Quail Valley Golf Corporation property that is not needed for recreational uses for non-recreational uses, by way of example and not limitation, commercial, industrial or residential uses, pursuant to an ordinance and need not apply Comprehensive Plan Goal 2, Policy 9(b).

- b. If the City finds that the proposed amendment does not comply with Comprehensive Plan Goal 2, Policy 9(a), then the applicant must demonstrate and the City must find that all requirements of state statutes, Oregon Department of Land Conservation and Development Goals and rules and City ordinances and regulations have been satisfied in the same manner as if the property were to be converted at that time from rural to the proposed urban uses and without regard to the fact that the property was previously converted to urban use for the single purpose of Community Facilities zone golf course use.

**Response:** This application includes map amendments to the property that is designated CF and owned by the Quail Valley Golf Corporation. A ±20-acre citywide park is included in the Master Plan area and will retain the CF designation, and an additional ±26 acres of open space area is also provided in the master plan. Please also see the responses to the Banks Comprehensive Plan Goal 8 goals, objectives, and policies, which are incorporated herein. The proposed Comprehensive Plan and Zoning Map amendments are consistent with and supportive of the Park and Recreation Master Plan and Comprehensive Plan’s Goal 8, and Goal 8 Objectives and Policies. Therefore, the proposal complies with Comprehensive Plan Goal 2, Policy (a), and the portion of the Quail Valley Golf Corporation property not needed for the park or open space areas may be designated for other uses. Policy 9(b) does not apply.

...

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

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

**Objectives:**

- a. Conservation of the area's natural resources should be promoted.
- ...
- d. A pattern of open space utilizing drainageways, major utility easements and park areas should be promoted.

**Response:** The City does not identify any protected natural resources or historic resources on the subject site, so the proposed Comprehensive Plan and Zoning Map amendments do not impact Goal 5 resources. The existing wetlands that are not locally designated are subject to state and federal regulations and are administered by CWS.

The BDC implements Comprehensive Plan Goal 5 and Objectives a and d, such as the Wetland Ordinance and Historic Resources Overlay Zone. These City resource protection regulations do not apply to the site. Nevertheless, the proposed Master Plan provides the

---

opportunity to design a development project that conserves undesignated natural features and promotes open space that utilizes existing features. As best illustrated on the Open Space and Trails Concept Plan sheet of the Preliminary Plans (Exhibit A), the wetland and vegetated corridors are incorporated into a pattern of open space areas throughout the Master Plan area that are connected by a system of trails. The map amendments are consistent with the applicable Goal 5 objectives.

**Policies:**

1. The City will protect natural resource areas and require that the long-range availability and use of the following will not be limited or impaired by development.  
Land needed or desirable for open space  
...  
Domestic water supplies/watersheds  
Water areas and wetlands  
...
2. The drainageways of the area will be preserved for a natural storm water system which will serve residents at a minimum cost and provide open space.
3. All public facilities shall recognize their potential to contribute to open space system.
4. The proposed acquisition of rights of way, easements, or lands for any agency with the City will be reviewed for possible incorporation into an open space system.  
...
6. The city will continually explore ways to develop and maintain an open space network at a minimum cost to the public.  
...

**Response:** The City does not identify any protected natural resources or historic resources on the subject site, so the proposed Comprehensive Plan and Zoning Map amendments do not impact Goal 5 resources. The existing wetlands that are not locally designated are subject to state and federal regulations.

The BDC implements Comprehensive Plan Goal 5 and Policies 1–4 and 6, such as the Wetland Ordinance and Historic Resources Overlay Zone. These City resource protection regulations do not apply to the site. Nevertheless, the proposed Master Plan provides the opportunity to design a development project that protects undesignated natural features, preserves drainageways, and provides for needed open space, water supply, and other public facilities. Again, as illustrated on the Open Space and Trails Concept Plan sheet of the Preliminary Plans (Exhibit A), the Aerts Addition Master Planned Development area includes a system of open space areas that incorporate wetlands, vegetated corridors, and trails. The project also includes improvements to the municipal water system as well as a comprehensive stormwater management system. Stormwater facilities are located at low points within the site to best serve the area. The result will be a complete and connected system of open space areas that will be available for public use. Therefore, the map amendments are consistent with the applicable Goal 5 policies.

...

**Goal 8 Recreation (Updated per Ordinances 2011-04-01, 2011-04-02, 2011-04-03, and 2023-09-01)**

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

Objective:

Manage, maintain, and revitalize parks, facilities, and natural resources to support safe, attractive, inclusive, and engaging recreation and green space.

Policies:

1. Manage Banks' parks, facilities, and open space to support recreation, habitat protection, community aesthetics, City identity, public health, and safety.
2. Ensure parks are welcoming and engaging for residents of all ages, abilities, incomes, and cultures.
3. Protect and steward the City's resources by integrating best practices in sustainability and resource protection.
4. Ensure park or facility development and renovations support and implement the City of Banks Park and Recreation Master Plan.

**Response:** The Park and Recreation Master Plan includes park and trail recommendations to be implemented at the time the Quail Valley Golf Corporation property is redeveloped. The recommendations include a minimum 20-acre citywide park and a trail system to connect the citywide park, neighborhood parks, and other trails connecting to the existing Banks-Vernonia Trail. The trail system is included in the total 25–35 acres of required developed parks to meet the level of service standard for the City. The CF Comprehensive Plan Map and Zoning Map designations and citywide park and open space areas included in this application are consistent with the recommendations in the Park and Recreation Master Plan and will add substantially to the City parks and recreation system. The citywide park design has been coordinated with City staff; the Banks School District; the Parks, Recreation and Tree Board; and local sports groups to ensure a welcoming and engaging design for all users. Therefore, this application is consistent with the above Goal 8 objective and policies.

Objective:

Encourage collaborative planning, partnerships, and volunteerism to support recreation.

Policies:

5. Coordinate with the school district in the acquisition, development, and maintenance of combined park and school site wherever desired, feasible, and mutually agreeable to both parties.
6. Create partnerships with organizations, property owners, and residents on recreation planning, development, and maintenance.
7. The City will coordinate with and encourage other public and private recreation providers regarding the use of these recreational facilities by City residents including the Banks Sunset Park Association Inc., and Banks School District.

**Response:** This Objective and the supporting Policies are directed at aspirational actions that the City should take, and do not apply to the proposed amendments. Regardless, the proposal is consistent with this Objective and supporting Policies. The Applicant's team has coordinated extensively with the Banks Park, Recreation and Tree Board; the Banks

---

School District; and other recreation and sports groups in the siting and design of the planned citywide park included in this application. Materials and maintenance of the park has been considered, and the groundwork for partnerships between the City, School District, and sports clubs has been laid. The Applicant team has worked with City staff and the Banks School District on a long-term maintenance and programming plan for the planned park and open space areas. Therefore, this application is consistent with the above Goal 8 Objective and Policies.

Objective:

Acquire, design, and develop a high-quality, diverse system of parks to ensure residents have access to open spaces and recreation opportunities within walking or biking distance from home.

Policies:

- 8. Provide a level of service standard of 9.2 acres per 1,000 residents to serve the City’s current and future population through a variety of park types.
- 9. Ensure a balanced and equitable distribution of parks and facilities that serve City residents, including residents in areas annexed into the City in the future.

**Response:** This Objective and the supporting Policies are directed at actions that the City should take and that have been implemented by the Park and Recreation Master Plan, which ensures that parks are planned and developed in appropriate locations and size. This application is consistent with the recommendations in the Park and Recreation Master Plan. The provision of the citywide park and open space areas included in the Aerts Addition Master Planned Development area will help the City achieve the desired level of service standard of 9.2 acres per 1,000 residents. The planned park areas will serve the future residents of the City as well as be open and available to existing residents. Therefore, this application is consistent with the above Goal 8 objective and policies.

Objective:

Develop a network of shared-use pedestrian and bicycle paths to connect parks, neighborhoods, schools, open space, and other public amenities.

Policies:

- 10. Expand the trail network in Banks, facilitating in-town connectivity and ties to regional trail networks.
- 11. Coordinate on- and off-street trail planning and development with the City’s Transportation System Plan to provide a comprehensive pedestrian and bicycle network.
- 12. Implement guidelines for trails adopted in the Park and Recreation Master Plan for trail acquisition, siting, design, and construction to provide recreational access.
- 13. Provide trailheads and trail support amenities and facilities to facilitate trail use.

**Response:** This Objective and the supporting Policies are directed at actions that the City should take and have been implemented by the Park and Recreation Master Plan, which promotes a robust trail network. As illustrated on the Preliminary Circulation Plan sheet of the Preliminary Plans (Exhibit A), a network of public multiuse pedestrian and bicycle pathways and trails are planned within the Master Plan area. These planned connections

---

build on the existing trail system within the City that includes local and regional trails. Both on-street and off-street pathways are included in Aerts Addition. On-street multiuse pathways are included along the planned Collector roadways through the subject site consistent with both the Transportation System Plan and the Park and Recreation Master Plan. The Open Space and Trails Concept Plan sheet of the Preliminary Plans (Exhibit A) includes details on conceptual trail amenities including overlooks to the ponds, benches, trail markers, and interpretive signage. Therefore, this application is consistent with the above Goal 8 objective and policies.

**Goal 9 Economics**

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

Objectives:

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

Policies:

- ...
- 2. The City will continually research and study the need for industrial/commercial sties and maintain an inventory of such lands.
- ...
- 4. The City will protect existing and planned industrial and commercial areas from encroachment by incompatible uses.
- ...
- 6. The City will encourage economic development and diversification by providing sufficient zoned, buildable, and serviceable land for industrial and commercial uses.

**Response:** This Goal, Objective, and the supporting Policies are directed at actions that the City should take, which the City has implemented through the adopted Economic Opportunities Analysis. While this is largely an application for residential land uses, the above Goal 9 objective and policies are relevant to the portions of the site that have C and I zoning designations. In 2005, the City adopted the Economic Opportunities Analysis under Ordinance 110.20. As part of the UGB expansion process in 2010 and 2011, the horizon year of the buildable employment land need was extended from 2024 to 2029. The UGB Expansion Justification Technical Report concluded that a total of 93.55 acres of new buildable acres of commercial and industrial land was needed by 2029. The resulting UGB expansion area included 81.5 acres of industrial and 12 acres of commercial designated lands. The majority of the C and I designated area within the UGB is located outside of the subject Aerts Addition Master Planned Development site area.

The overall employment land (both commercial and Industrial lands) within the Aerts Addition Master Planned Development area, is increasing from ±7.6 acres to ±8.5 acres (see Table 2 above). Because the amendments result in a change of employment land designations that are less than one acre, OAR 660-009 is not applicable. OAR 660-009-0010(4). The map amendments preserve the opportunities for economic activities within

---

the City of Banks and are therefore consistent with Statewide Planning Goal 9 and City Comprehensive Plan Goal 9, including its supporting Objective and Policies.

This application makes minor adjustments to the commercial and industrial designated properties within the Aerts Addition Master Planned Development area. The Need Analysis for Commercially Zoned Land (Exhibit Q) completed by Johnson Economics examined the planned expansion of C designated land from ±3.5-acres to ±5.0 acres and determined that the site will be more economically viable as a larger commercial area. While the I designated area within the master planned site is being reduced by ±0.6-acres, from ±4.1-acres to ±3.5-acres to accommodate the citywide park, the overall employment land (both commercial and industrial lands) within the subject site is increasing from ±7.6-acres to ±8.5-acres. The map amendments preserve the balance between the commercial and industrial lands within the UGB and retain the compatibility between uses. Therefore, this application is consistent with the applicable City of Banks Goal 9 objectives and policies.

**Goal 10 Housing (Amended per Ordinance 110.30, 12/13/2005)**

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

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 needs.
- b. Housing should be developed in areas that reinforce and facilitate orderly and compatible community development.
- c. Future residential development should continue to provide prospective buyers and renters with a variety of residential lot sizes and a diversity of housing types.
- d. Housing to accommodate senior citizens should be located within easy walking distance of business and commercial areas.
- 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 space.
- ...
- h. The City should allow development of single family and multi-family housing at densities commensurate with future housing needs as projected to year 2024. (Added 2005)
- ...

**Response:** As discussed above in response to Statewide Planning Goal 10, which is incorporated herein, the proposed amendments address the City’s existing deficit of residential land. Further support for the proposed Comprehensive Plan and Zoning Map amendments is provided in the Need Analysis for Residential Capacity (Exhibit P) completed by Johnson Economics, which concludes that, based on current local and regional need, there is a deficit of ±211 acres of available residential land within the City. This translates to a need for ±1,500 additional dwelling units at an average density of 7.1 dwelling units per acre. This application increases the available residential land within the City by ±120 acres and ±890 units. See Table 4 below for details.

**Table 4: Residential Land Need**

Zone	Land Deficit (Identified in Residential Needs Assessment by Johnson Economics - Figure 7.1)			Change in Areas with Planned Map Amendments	Average Additional Units with Planned Map Amendments*
	Acres	Density	Units	Acres	Units
Low Density Residential (LDR)	225.4	7.0	1,566	+111.3	±780
Medium Density Residential (MDR-L and MDR-H)	-2.6	12.7	-33	+8.6	±109
High Density Residential (HDR)	0.1	23.6	2	0	0
Mixed Use Residential	6.7	13.4	90	0	0
<b>Total</b>	<b>211.3</b>	<b>7.1</b>	<b>1,499</b>	<b>±119.9</b>	<b>±889*</b>

\* Please see the density calculations on Sheet PO-13 of the Preliminary Plans (Exhibit A) for details on the actual density permitted and planned with the Master Planned Development.

As demonstrated within this narrative and in the accompanying plans and materials provided in this application, impacts to the environment and to public facilities and services have been thoughtfully considered and evaluated with the Aerts Addition Master Planned Development application. Mitigation for environmental and transportation impacts is included in the planned improvements. The planned utility infrastructure is appropriate to serve the future dwelling units in the Master Plan area. The Aerts Addition Master Planned Development includes a variety of lot sizes at densities permitted by the BMC with the goal of providing diverse housing types that are accessible to a mix of income levels. The project includes a circulation network to encourage walking, and the bicycle/pedestrian bridge over the railroad will provide access to businesses and schools on the west side of the City. As illustrated on the Preliminary Plans (Exhibit A), the planned park, natural areas, and C and I designated areas, are appropriately sited within the Master Plan area and buffer single-family residential areas. Therefore, this application is consistent with the applicable City of Banks Goal 10 objectives above.

Policies:

...

3. The City will encourage the use of planned unit development consistent with stated goals, objectives and policies to permit flexibility in housing site, design, and density.
4. Amendments to the comprehensive plan map and zoning map will be consistent with the City's housing needs and residential land projections as identified in the City's Housing Needs Analysis, which is contained in the APPENDIX – SECTION B. (Amended 2005)
5. Discretionary approval criteria in the City's development code may not be used to discourage needed housing types.
6. The City will ensure that adequate, buildable and serviceable vacant land is zoned for all needed housing types.

...

**Response:** This application utilizes the Master Planned Development process (which is a planned unit development) allowed within the BMC to encourage innovative design and planning and benefit the community through greater efficiency in land use and transportation, improved protection of open spaces, and housing choice. As discussed earlier in this narrative, the City’s 2005 Housing Needs Analysis and the land needs forecast associated with the UGB expansion in 2011 identified a significant need for residential land. The proposed amendments address that housing need. The proposed amendments also address the evidence of an even greater current local and regional demand for housing (see the Johnson Economics Need Analysis for Residential Capacity in Exhibit P), and that there is still a significant deficit of residential land within the City. The map amendments in this application allow for existing buildable and serviceable vacant land to be added to the residential land supply and will allow for the City’s housing needs—with a variety of housing types—to be met. Additionally, the infrastructure the proposal will construct provides excess capacity that can be utilized by other vacant land within the City. Therefore, this application is consistent with the applicable City of Banks Goal 10 policies.

**Goal 11 Public Facilities and Services**

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

**Objectives:**

- a. Public water and sewer should be improved and provided to all areas with the established urban growth boundary.
- b. New development should occur in areas where public utilities are available before reaching out into areas that are not served.
- ...
- d. Future use of underground utilities is aesthetically desirable and should be encouraged.
- e. Development of the City should occur in such a way as to facilitate the provision of police, fire protection, and other services.

**Response:** This narrative, along with the materials provided in the application, demonstrate that amending the Comprehensive Plan and Zoning Maps will enable development that includes phased infrastructure improvements to adequately serve the planned uses of the site. Public water and sewer are available and will be extended throughout the Aerts Addition Master Planned Development site area as part of the planned improvements. The project area is currently in the process of being annexed to the CWS service area. New utilities will be located underground, and existing aboveground utilities will be undergrounded where feasible. The project site is served by Washington County Sherriff, Banks Fire District 13, and the Banks School District. Additionally, Swatco Sanitary Service provides garbage and recycling services within the City. Please see Exhibit H for correspondence with each of these service providers on their ability to serve the site and the future uses and residents. Therefore, this application is consistent with the City of Banks Goal 11 objectives.

---

Policies:

1. The City will require the following preconditions to development:
  - a. A proposed use must be connected to a public water and sanitary sewer system.
  - b. Surface water run-off can be handled on site, or adequate provisions can be made for run-off which will not adversely affect water quality in adjacent streams, ponds, lakes, or other drainage on adjoining lands; nor will such run-off adversely affect the use of adjoining properties.
  - c. Adequate water pressure will be present for fire fighting.
  - d. Development proposals will be required to conform to the design standards for street, water, and sewer.
  - e. The appropriate school district has had an opportunity to review and comment on the proposed residential use.

**Response:** These Policies are implemented by the BMC, which applies to development. As demonstrated in the Preliminary Plans (Exhibit A) and the accompanying materials provided with this application, water, sewer, stormwater, and other utility services will be extended to the project and will be designed in accordance with City and other applicable regulations. The Preliminary Stormwater Report (Exhibit I) describes how stormwater from the proposed improvements will be accommodated within the planned stormwater facilities and will not impact the water quality of nearby water features or adjoining properties. Water pressure adequate for firefighting will be demonstrated prior to building permit approvals within the project site. Please see Exhibit H for the correspondence from the Banks School District regarding adequacy of the schools to accommodate future students from the project area. Therefore, this application is consistent with the above Goal 11 policy.

...

3. Future provision will be made for facilities and modifications that are required to meet the public need in electrical transmission and distribution as they occur (as Transmission lines, Bulk Power Substations and Distribution Substations).
4. The City will require equitable sharing of most public facility costs between new development and the community through a systems development charge, Local Improvement District, or other possible means.
5. The City will coordinate solid waste planning activities with Washington County and the Metropolitan Service District.
6. The City will encourage the provision of natural gas service to the Banks area.
7. The City will plan for and provide adequate municipal facilities to serve the existing population and anticipated growth in accordance with the Comprehensive Plan, and will encourage other service providers to do the same.

**Response:** Please see Exhibit H for correspondence from PGE, NW Natural, and Swatco Sanitary Service demonstrating that power, natural gas, and waste hauling services are available to the project area. The Development Agreement between the City of Banks and the Applicant establishes the framework for the provision of public facilities. This application demonstrates that the City can adequately serve the site and future residents of the

---

Master Plan area. Therefore, this application is consistent with the above applicable City of Banks Goal 11 policies.

**Goal 12 Transportation (Updated per Ordinances 2011-04-01, 2011-04-02)**

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

Objectives:

- a. City street improvements should be a priority and a better maintenance program should be developed.
- b. Development should occur in such a manner as to encourage and facilitate pedestrian movements.
- c. Alternative modes of transportation, such as public transit and bicycles, should be encouraged and promoted.

Policies:

1. The City will promote a balanced, safe, and efficient transportation system. In evaluating parts of the system, the City will support proposals which:  
Protect the quality of neighborhoods and the community  
Provide for adequate street capacity optimum efficiency and effectiveness
  2. The City will require uses fronting on arterials to limit the points of access to minimize conflicts between local and through traffic consistent with the traffic needs of the proposed use and physical features of the subject site.
  3. The City will promote adequate transportation linkages between residential, commercial and industrial use areas. This will be done through street improvements, new streets, marked turning lanes, warning-signs, and/or speed reduction. Problems identified in the plan are of first priority.
  4. The City will support efforts to secure a regional mass transit system.
  5. The City will maintain a street classification system in accordance with the City of Banks Transportation System Plan dated October 2010. (Amended 2011)
  6. New developments will be encouraged to provide street trees and landscaping to achieve a pleasant visual affect.
  7. The City will promote development of a bicycle and pedestrian system to link residential areas to other land uses, especially parks, open spaces, schools, the downtown core area and commercial areas.
  8. New land developments will be designed to reduce the percentage of land devoted to streets.
  9. The City will coordinate with the Oregon Department of Transportation in the implementation of the Six Year Highway Improvement Program, consistent with local needs and-with the highway compatibility guidelines.
  10. Operation, maintenance, repair or preservation of existing public road and highway facilities, as well as improvements within the existing right-of-way are consistent with the Comprehensive Plan and permitted in all zoning designations.
- ...

**Response:** The Goal 12 Objectives and Policies are directed at actions that the City should undertake. Accordingly, the City recently updated and adopted a new Transportation System Plan (TSP) that serves as the transportation element of the Banks Comprehensive Plan and

implements the objectives and policies above. The TSP update was coordinated with ODOT, Washington County, and the Department of Land Conservation and Development (DLCD). The TSP provides a comprehensive framework for the future transportation improvements and sets priorities for the transportation projects within the City. This application includes new roadways and pedestrian and bicycle facilities consistent with the TSP, linking areas within the Aerts Addition Master Planned Development area with the existing roadway network and building roadway facilities to applicable City, County, and ODOT standards. Public transit is available to the City by the WestLink transportation service and the Port of Tillamook WAVE transit service. Transit stops may be added to the project area as ridership increases in the future. As further demonstrated in the TIA & TPR Assessment (Exhibit K), impacts to the roadways from the planned uses will be adequately mitigated through numerous improvements to the City’s transportation system. Therefore, this application is consistent with the above applicable City of Banks Goal 12 objectives and policies.

...

**BANKS MUNICIPAL CODE SECTIONS**

**Chapter 30: General Provisions**

**Annexation Policies and Procedures**

**Response:** At the time of the annexation of the Quail Valley Golf Course Corporation and Van Dyke properties in 2014, a provision was included in both annexation agreements between the City and the property owners related to providing urban services to the properties. See the Annexation Agreements in Exhibit O. The provision states:

- 1. ***Development Limitation. Should the voters of the City of Banks approve the annexation of the Property, development of the Property shall be prohibited until the applicant provides evidence satisfactory to the City of the sources of urban services and infrastructure to be provided to the Property, including a demonstration that the sources will provide adequate levels, as defined in BCO Section 30.02(B), available to serve the specific development type, size and density proposed for the Property, including public potable water, sanitary sewer, transportation system infrastructure and storm drainage facilities.***

As demonstrated in this application and the accompanying plans and materials, urban services and infrastructure are available to the site and allow for the planned residential, industrial, commercial, and park uses of the properties. The applicable section of the BMC is also addressed below.

**30.02 REVIEW CRITERIA.**

...

- (B) ***Timeliness criteria.*** The Council must determine that it is timely to annex property based on the following criteria.
  - (1) **An adequate level of urban services and infrastructure is available, or will be made available in a timely manner.**
    - (a) ***ADEQUATE LEVEL*** means conforms to adopted plans and ordinances, or as may be determined by the agency that provides the service or infrastructure.



- 
- (b) *URBAN SERVICES* means police; fire; school facilities; parks and recreation facilities; greenways and open spaces and other city-provided services.
  - (c) *INFRASTRUCTURE* means sanitary sewer, water, storm drainage, and streets.
  - (d) *BE MADE AVAILABLE IN A TIMELY MANNER* means that improvements needed for an adequate level of urban services and infrastructures will be provided in a logical, economical, and efficient manner and are made available in accordance with the development agreement or other funding mechanism at the time of approval. Improvements for the needed infrastructure and urban services must be secured by a development agreement or other funding mechanism that places the primary economic burden on the annexed property and not on the city.

**Response:** The planned use and development of the Master Plan area, as illustrated on the Preliminary Plans (Exhibit A), is consistent with the adopted Park and Recreation Master Plan, the TSP, and other applicable adopted plans and ordinances. Specifically, the citywide park as well as trail connections throughout the Master Plan area are consistent with the Park and Recreation Master Plan. Also, the planned transportation network is consistent with the new road projects called for in the TSP.

Additionally, as further addressed in the responses above to the Goal 11 objectives and policies of the Banks Comprehensive Plan, adequate services (including police, fire, schools, and garbage) are available to the Aerts Addition Master Planned Development area. The Preliminary Plans (Exhibit A) and the accompanying material in this application, as well as the anticipated conditions of approval (Exhibit X), demonstrate that infrastructure (including water, sewer, stormwater, and other public improvements) will be made available to the site according to the planned phased improvement plans in a logical manner without putting a burden on the City. The executed Development Agreement between the City and the Applicant (Exhibit J) clearly addresses the funding mechanisms and required timing of the improvements.

- (2) Sufficient planning and engineering data must be provided, and all necessary studies and reviews must be completed in such a manner that there are no unresolved issues regarding development of the annexation property. It may not be timely to annex property if the appropriateness of the proposed use could be altered by plans or studies that are underway, or are needed, to update, clarify, or provide additional specificity to the property use. Examples of needed studies may include, but are not limited to, public infrastructure plans, buildable lands inventories, area refinement plans, park study, or any related planning study pertaining to growth management.
- (3) The Council may consider, at its discretion, any other factors that effect the timeliness or wisdom of any particular annexation petition.
- (4) The burden for providing the findings and cost thereof for this section and § 30.03 is placed upon the applicant.

**Response:** This application includes extensive information and numerous studies to demonstrate the appropriateness of the use and planned sequencing of development of the site. The application includes studies related to transportation, water, stormwater, housing need,

---

commercial marketability, and school enrollment projections. Therefore, the timeliness criteria as described above are met for the Van Dyke property.

## Chapter 151: Zoning Code

### Residential Zoning Regulations

#### 151.035 PURPOSE.

- (A) This subchapter regulates allowed land uses in the residential zones ("uses") and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Banks Comprehensive Plan and the purposes of this Code, per §§ 151.001 and 151.002.
- (B) The intent and purpose of each residential zone is described as follows:
- (1) The Residential Estate (RE) zone is intended to provide for low-density single family residential uses on large parcels at a density of 2.9 to 5.9 dwellings per net acre.
  - (2) The Low Density Residential (LDR) zone is intended to provide primarily single-family detached and duplex dwellings at a density of 6.0 to 7.9 dwellings per net acre.
  - (3) The Medium Density Residential-Low (MDR-L) zone is intended to provide for a blend of detached and attached single-family housing units with limited multi-family housing types at a density of 8.0 to 12.9 dwellings per net acre.
  - (4) The Medium Density Residential-High (MDR-H) zone is intended to provide for a blend of detached and attached single-family housing units and multi-family housing types at a density of 13.0 to 16.9 dwellings per net acre.
  - (5) The High Density Residential (HDR) zone is intended to provide for a broad range of housing types at a density of 17.0 to 30.0 dwellings per net acre. The HDR zone also provides opportunities for a limited amount of neighborhood-scale commercial uses.
  - (6) Mixed-Use (MU) zone is intended to provide a mix of medium density residential uses together with small to medium scale retail commercial and civic uses that emphasize a pedestrian environment.

**Response:** The subject site contains LDR, MDR-L, and MDR-H zoning districts. Therefore, the standards of this section are applicable.

#### 151.036 PERMITTED LAND USES IN RESIDENTIAL ZONES.

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

EXCERPT OF TABLE 2.2-A: LAND USES PERMITTED IN RESIDENTIAL ZONES			
Land Use	LDR	MDR-L	MDR-H
Single Dwelling, Detached	P	P	P
Townhome	MPD	P	P
Accessory Structure or Use	P	P	P

Key:

P = Permitted, subject to site/development review

S = Permitted, subject to special use standards in §§ 151.075 through 151.085

MPD = Permitted, subject to master planned development approval in §§ 151.335 through 151.344

CU = Conditional use permit required

N = Not permitted

**Response:** This planned Master Plan includes the following uses within residential zones on the subject site:

- Single dwelling detached housing
- Single dwelling attached housing (townhomes)
- Private parks and recreational facilities

As demonstrated by Table 2.2-A above, single-dwelling detached housing is a permitted use, townhomes are a permitted use or permitted through a master plan, and private parks and recreation areas are considered accessory to the primary residential uses. Therefore, all the planned uses within the residentially zoned areas are permitted.

**151.037 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONES.**

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

**Table 5: Proposed Residential Lot Development Standards (Modifications to BDC Table 2.2-B)**

EXCERPT OF TABLE 2.2-B DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES				PROPOSED MASTER PLAN STANDARD
Development Standard	LDR	MDR-L	MDR-H	
Minimum Density (DU/Net Acre)	6.0	8.0	13.0	No Change*
Maximum Density (DU/Net Acre) (see § 151.110)	7.9	12.9	16.9	
Minimum Lot Area (square feet) <sup>1</sup>				3,300 2,000** NA
Single-Family Detached	7,000	5,000	4,500	
Townhome	NA	2,000	2,000	
Townhome Center Lot	NA	4,000	4,000	
Minimum Lot Width (feet)				25 30 40**
Townhome	NA	20	20	
Townhome Corner Lot	NA	40	40	
All Other	50	40	40	
Minimum Lot Depth (feet)	1.5 times the minimum lot width, or 100 feet, whichever is less			No Change*
Maximum Building Coverage (%)				No Change* 70**
Single-Family Detached	50	50	50	
Townhome	NA	70	70	

EXCERPT OF TABLE 2.2-B DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES			
Development Standard	LDR	MDR-L	MDR-H
Setback Requirements:			
Minimum Front Yard (feet) <sup>4</sup>	15	15	10
Minimum Side Yard (feet)	5	5	5
Townhome (interior side yard)	NA	0	0
Accessory Structures <sup>5</sup>	2	2	2
Minimum Street Side Yard (feet)	10	10	10
Minimum Rear Yard (feet)			
Accessory Structure	2	2	2
All Other	10	10	10
Maximum Building Height (feet) <sup>6</sup>	30	35	35
Minimum Landscaping (percent of total site) (see §§ 151.155 - 151.157)	15	15	15

PROPOSED MASTER PLAN STANDARD
15' Building 18' Garage
5' interior and alley side yard* 0**
No Change*
No Change*
No Change* 10' Building* 18' Garage setback for alley-loaded
35**
No Change*

Notes:

1. Minimum lot sizes may vary from these standards per the lot size averaging provisions in § 152.005
2. Maximum lot size in RE Zone is 15,000 sf. and in the LDR Zone is 10,000 sf.
3. For multi-family, minimum lot size is 5,000 sf. for the first four units, plus 1,000 per unit for additional units
4. A front setback may be reduced by up to 5 feet for unenclosed front porches with a minimum front yard setback of 5 feet where these reductions are permitted. There shall be no encroachment into public utility easements.
5. In the MU Zone, there is no minimum side yard requirement unless abutting LDR, MDR-L or MDR-H zoning, in which case the minimum side yard requirement is 5 feet.
6. Accessory structures located within 5 feet of a side yard shall be less than 15 feet in height.
7. The maximum building height for residential only buildings in the MU Zone is 35 feet. The maximum building height for mixed use buildings in the MU Zone is 45 feet.
8. In all zones, the maximum building height for cottage cluster buildings is 25 feet or 2 stories, whichever is greater.

\* No change to this standard is proposed within the Master Plan area.

\*\* The MDR-L and MDR-H standard is being applied to the LDR zoning district for consistency in the Master Plan area.

**Response:** The planned Master Plan includes modifications to the above development standards as stated in the column to the right of the above table. The proposed modifications to all development standards are summarized in Table 6 in the responses to the Master Planned Development Modifications in Section 151.338 below.

The Preliminary Plans (Exhibit A) demonstrate that the remaining development standards listed in the table above are met, including minimum lot area, width, depth, coverage, and setbacks, as applicable. Lot specific development standards can be further reviewed upon submission of building permits for new dwellings.

Therefore, these standards are met as applicable.

**151.038 ACCESSORY USES AND STRUCTURES.**

An accessory use or structure shall comply with the requirements for a principal use, except as this chapter specifically allows to the contrary.

**Response:** This standard is understood and will be met.

---

## Nonresidential Zoning Regulations

### 151.050 PURPOSE.

- (A) This subchapter regulates allowed land uses in the nonresidential zones and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Banks Comprehensive Plan and the purposes of this Code, per § 151.002.
- (B) The intent and purpose of each nonresidential zone is described as follows:
  - (1) Community Facilities Zone CF. The purpose of the Community Facilities Zone is to provide for community facilities on properties owned by public or semi-public agencies, while encouraging protection of natural resources designated by the comprehensive plan under the requirements of statewide planning goals.
  - (2) General Commercial Zone C. The purpose of the General Commercial Zone is to provide for a broad range of commercial activities to serve the residents of Banks and the surrounding area.
  - (3) Downtown Commercial Zone DC. The purpose of the Downtown Commercial Zone is to allow a mix of complementary uses in the Banks Downtown/Main Street area, promote pedestrian-friendly development, encourage efficient use of land, and facilitate economic development while preserving the small-town character of Banks.
  - (4) General Industrial Zone I. The purpose of the General Industrial Zone is to facilitate economic development by providing areas suitable for warehousing, primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales.

**Response:** The subject Master Plan area includes areas with C, CF, and I zoning designations. The application includes a public park with CF zoning, and a stormwater facility and bicycle/pedestrian bridge in a portion of the industrial zoned land. Therefore, the standards of this section are applicable.

### 151.051 COMMUNITY FACILITIES ZONE; PERMITTED LAND USES.

- (A) The land uses listed here are permitted in the CF Zone as shown, subject to the provisions of this chapter. Only land uses that are specifically listed, and land uses that are approved as "similar" to those listed per § 151.006(A) may be permitted.
- (B) Conditional uses permitted. The following uses and accessory uses or expansions of existing uses may be permitted as conditional uses in accordance with the provisions of §§ 151.270 through 151.273:
  - (1) Public park and playground, swimming pool, community center, golf course and similar recreational facilities;
  - (2) Public school and associated facilities; and
  - (3) Government institution; community service facility; caretaker facility.

**Response:** Following the planned Zoning Map amendment, the CF portion of the site is planned to be used as a public park. The new public park will provide sports fields as well as play areas for local residents and a stormwater facility. This application includes a Conditional

Use Permit for this park and standards of the conditional use are addressed in this narrative below.

**151.052 COMMERCIAL ZONES; PERMITTED LAND USES.**

...

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the southeast corner of the site is zoned C. This application does not include new commercial uses within this portion of the site. Future commercial uses and improvements to this portion of the site can be reviewed under subsequent land use applications.

**151.053 GENERAL INDUSTRIAL ZONE; PERMITTED LAND USES.**

The land uses listed here are permitted in the I Zone as shown, subject to the provisions of this chapter. Only land uses that are specifically listed, and land uses that are approved as "similar" to those listed per § 151.006(A) may be permitted.

(A) Uses permitted outright. No building, structure, or land shall be used, and no building or structure shall hereafter be erected, enlarged, or altered in this zone, except for the following uses:

...

(14) Public service and utility;

...

**Response:** As illustrated on the Preliminary Plans (Exhibit A), the northwest corner of the site is zoned I. This application includes a stormwater facility and a portion of the bicycle/pedestrian bridge on the I zoned portion of the site. These improvements are considered public service or utility uses and therefore are permitted uses within the I zoning district.

**151.054 DEVELOPMENT STANDARDS FOR NONRESIDENTIAL ZONES.**

(A) The development standards in Table 2.3-B apply to all uses, structures, buildings, and development allowed in the nonresidential zones.

Table 2.3: Development Standards for Nonresidential Zones			
Development Standard	CF	C	I
Minimum lot width and depth	None, unless setbacks are required <sup>1</sup>	None, unless setbacks are required <sup>1</sup>	None, unless setbacks are required <sup>1</sup>
<b>Setback Requirements:</b>			
Minimum front yard (feet)	None	None	20
Minimum side yard (feet) Abutting residential zone All other	10 None	10 None	20 None
Minimum street side yard (feet)	None	None	20
Minimum rear yard (feet) Abutting residential zone All other	10 None	10 None	20 10
Maximum building height (feet)	35, or 3 stories, whichever is less	35, or 3 stories, whichever is less	35, or 3 stories, whichever is less
Minimum landscaping (percent of total site) (See §§ 151.155 - 151.157)	10	10	5

Table 2.3: Development Standards for Nonresidential Zones			
Development Standard	CF	C	I
Build-to line requirement	None	None	None

Notes:

1. If a side yard setback is required, a minimum lot width of 25 feet is required. If a rear yard setback is required, a minimum lot depth of 50 feet is required.

**Response:** As demonstrated by the Preliminary Plans, the planned public park improvements in the CF zone meet the minimum development standards of this section. This application includes a bicycle/pedestrian bridge that will cross the railroad abutting the western boundary of the site to connect the Master Plan to the remainder of the City on the west side of the railroad tracks. This bridge will exceed the 35-foot height standard of the I zoning district and the CF zoning district on the school property west of the railroad tracks. Therefore, this application includes a modification to the height standard to allow the planned bicycle/pedestrian bridge to exceed 35 feet in height in order to meet the clearance required for the railroad. Please see Table 6 in the responses to the Modifications to Development Standards in Section 151.338 below. Future development for the commercial and industrial sites will need to obtain separate review and approval by the City. These standards are met as applicable.

- (B) Height bonus in the DC Zone. Allowed building height is increased by 15 feet for mixed-use buildings in the DC Zone when at least 75% of the gross floor area of the upper story(ies) is for one or more dwellings as demonstrated on building permit plans.

**Response:** The Master Plan area does not include the DC zoning district. This standard is not applicable.

- (C) Build-to line requirement.

...

**Response:** The Master Plan area includes the CF, C, and I zoning districts. As demonstrated by BDC Table 2.3 above, these zoning districts are not subject to the build-to-line requirement. Therefore, this subsection is not applicable.

- (D) Civic space bonus. A height bonus of 15 additional feet in building height is available to developments that provide a designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the public, pursuant to the following:

...

**Response:** This application includes a new public park in the CF zoning district. However, a height bonus is not included in this application and this subsection does not apply.

### Residential Building Design

#### 151.125 PURPOSE.

- (A) The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.
- (B) The standards in this section are intended to be clear and objective to allow a streamlined review process. Each standard has an associated guideline that provides flexibility for discretionary review before the Planning Commission if necessary or desired by the applicant.

---

**Response:** The clear and objective standards of this section are addressed below and are met wherever possible. Where standards cannot be met, the associated guidelines are addressed to demonstrate the intent of the standards are met.

151.126 RESIDENTIAL DESIGN STANDARDS.

(A) *Applicability.* The standards in this section apply to all new single detached, duplex, triplex, fourplex, and townhome development, unless otherwise indicated per the divisions below. The standards in this section also apply to conversion of an existing dwelling into one of the subject dwelling types (for example, conversion of a single detached dwelling into a duplex).

**Response:** This application includes single-detached and townhome dwellings. Therefore, the standards of this section are applicable.

(B) *Entry location and orientation standard.* At least one main entrance for each structure that faces a street, and each townhome unit that faces a street, must meet the following standards.

(1) Be set back no further than 20 feet from the abutting public street or public pedestrian way.

**Response:** This maximum entry setback standard cannot be met on all homes within the Master Plan. Therefore, please see the response to Subsection (C) below for demonstration of how the associated guideline is met.

(2) Either:

(a) Face the street;

(b) Be at an angle of up to 45 degrees from the street;

(c) Face a common open space that is adjacent to the street; or

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

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

**Response:** The above standards are planned to be met on all residential buildings. Building entry standards will be reviewed upon building permit submission for new detached dwellings and townhomes. See Exhibit U for examples of the variety of home designs anticipated to be built within the Master Plan area.

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

**Response:** The intent of this guideline is to maximize the prominence of the entry as part of the front façade of the dwelling. This guideline is met with the inclusion of porches and other front elevation details, while allowing a more diverse mix of housing types and designs with

---

some front entries located further than 20 feet from the street. Please see Exhibit U for examples of the variety of home designs anticipated to be built within the Master Plan area.

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

**Response:** The planned residential dwellings include parking within garages and driveways. Off-street parking is not planned within front yards outside of designated driveways. This standard is met and will be further reviewed upon submission of building permits for the new dwellings.

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

- (1) The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure.
- (2) The width of all garages on the street-facing elevation shall not exceed 60% of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall.

**Response:** Given the lot widths and the desire to provide sufficient garage space for future owners, this standard cannot be met on all single-family home designs within the Master Plan. Therefore, please see the response to Subsection (F) below for demonstration of how the associated guideline is met.

(3) If the front elevation of the garage is set back at least 5 feet from the street-facing elevation of the primary dwelling structure, the garage width standard in division (E)(2) does not apply.

**Response:** This standard is understood.

- (4) Garages that face a street shall contain at least one of the following design features:
- (a) Garage trellis or pergola extending at least 12 inches from the building face;
  - (b) Windows on 15% of the garage door;
  - (c) Decorative hardware;
  - (d) Natural wood finish;
  - (e) A recess of at least 3 feet behind the primary dwelling; or
  - (f) Multiple materials finish or colors are used.

**Response:** This application includes single-detached dwellings with garages facing front property lines. The standards of this section are understood and planned to be met. Garage standards can be further reviewed upon submission of building permits for new dwellings.

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

**Response:** The intent of this guideline is to minimize the prominence of the garage as part of the front façade of the dwelling. This guideline is met with the inclusion of porches and other front elevation details as well as alley loaded homes along the primary collector routes.

This allows a more diverse mix of housing types and designs with some homes having larger garages that cater to a wider group of prospective residents. Some garage façades will therefore be in front of the longest street-facing elevation of the structure, and some garages will exceed 60 percent of the total width of the front façade. However, the primary roadways, the routes with the shared-use pathways, are bordered on both sides by alley-loaded homes, so the garages will not be visible along those corridors. Additionally, at least one design feature under E.4. above will be provided on each garage façade. Please see Exhibit U for examples of the variety of home designs anticipated to be built within the Master Plan area.

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

**Response:** To provide clarity and guidance on how the above window percent standard can be calculated, the below figure from the City of Hillsboro Development Code is provided. The figure demonstrates how the gable ends and the roof areas can be excluded when calculating the elevation area.

Figure 12.65.710-B: Window Area Calculation



This 15 percent standard is planned to be met on all front street-facing façades. However, it is difficult for side yard elevations to meet this standard and provide the flexibility needed for interior layouts of the homes. Therefore, please see the response to Subsection (H) below for demonstration of how the associated guideline is met for the street-facing side elevations.

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

**Response:** The intent of this guideline is to ensure detailing and articulation on the exterior of street-facing façades as well as allowing for adequate daylight within dwellings and visibility into public spaces. The 15 percent standard will be met on all front street-facing façades, but

---

a reduction to 10 percent window glazing is requested on street-facing side yard elevations to allow for flexibility for interior home layouts. The side street-facing elevations will still provide additional articulation and other architectural detailing as required by the detail design standards in Subsection (I) below. See the street-facing side yard elevation examples in Exhibit U.

Please also note that the side or rear elevations facing private alleys or open spaces/pedestrian tracts are not considered “street-facing”. Therefore, a minimum window area standard does not apply to side or rear elevations facing private alleys, open spaces, or pedestrian tracts. The 15% standard applies to all front elevations and the modified 10% standard will apply to side elevations that face a public street.

(I) *Detailed design standards.*

- (1) All single detached dwellings, duplexes, triplexes and fourplexes shall incorporate at least 5 of the following elements on the street-facing facade. All townhome units shall incorporate at least 2 of the following elements on the street-facing facade. For corner lots, this standard applies to both street-facing facades.
  - (a) Covered porch at least 36 square feet with a depth not less than 6 feet as measured perpendicular from the face of the main building facade to the edge of the porch.
  - (b) Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building facade, and at least 5 feet wide.
  - (c) Offset on the building face of at least 16 inches from one exterior wall surface to the other.
  - (d) Dormer that is at least 4 feet wide.
  - (e) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
  - (f) Roof line offsets of at least 2 feet from the top surface of 1 roof to the top surface of the other.
  - (g) Tile shingle roofs.
  - (h) Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed).
  - (i) Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing facade.
  - (j) Gable roof, hip roof, or gambrel roof design.
  - (k) Window trim around all windows at least 3 inches wide and 5/8 inches deep.
  - (l) Window recesses, in all windows, of at least three inches as measured horizontally from the face of the building facade.
  - (m) Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
  - (n) Bay window at least 1 foot deep and 3 feet wide.
  - (o) Attached garage width, as measured between the edges of the exterior finished garage wall, of 30% or less of the total width of that elevation.

- 
- (p) Permanent solar rooftop panels covering at least 60% of the roof area.
  - (q) Workable shutters on the exterior of ground floor windows.

**Response:** This standard is understood and planned to be met. Detailed design standards for street-facing façades can be reviewed upon submission of building permits for new dwellings. As described in the response to the window guideline under (H) above, elevations facing private alleys, open spaces, or pedestrian paths are not considered “street-facing”. Therefore, the Detailed Design Standards described above only apply to façades that face a street.

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

**Response:** This guideline is applicable in the event that the standards of Subsection (I) above cannot be met. As discussed in response above, the standards of Subsection (I) above can be met. Therefore, this guideline is not applicable.

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

- (1) No 2 directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least 3 of the elements listed in divisions (K)(2) through (K)(7) below. Where facades repeat on the same block face, they must have at least 3 intervening lots between them that meet this standard.
- (2) *Materials.* The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.
- (3) *Articulation.* The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of 4 feet and a projection or offset must be at least 4 feet in depth.
- (4) *Variation in roof elevation.* The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10%), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.
- (5) *Entry or porch.* The plans have different configuration or detailing of the front porch or covered entrance.
- (6) *Fenestration.* The plans have different placement, shape, or orientation of windows or different placement of doors.
- (7) *Height.* The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than 4 feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of 8 feet or more from 1 lot to

---

the adjacent lot are counted toward change in height for purposes of evaluating facade variation.

**Response:** The above standards are understood and planned to be met. The house plan details for adjacent and opposite detached dwellings will be further reviewed upon submission of building permits for new dwellings.

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

**Response:** This guideline is applicable in the event that the standards of Subsection (K) above cannot be met. As discussed in response above, the standards of Subsection (K) above are planned to be met. Therefore, this guideline is not applicable.

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

- (1) Garages on the front facade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are prohibited unless the following standards are met. For the purposes of this section, "driveway approach" means the edge of a driveway where it abuts a public right-of-way.
  - (a) Each townhouse lot has a street frontage of at least 15 feet on a local street.
  - (b) A maximum of 1 driveway approach is allowed for every townhouse. Driveways may be shared.
  - (c) Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
  - (d) The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

**Response:** This application includes new townhomes abutting public streets. However, as demonstrated by the Preliminary Plans (Exhibit A), townhomes are planned to be accessed via alleys behind the dwellings and parking will be provided in garages along these alleys. Therefore, the above standards do not apply.

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

...

**Response:** The planned Master Plan does not include triplex or fourplex units. Therefore, the standards in this subsection do not apply.

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

**Response:** Adjustments to the standards in Subsections (M) or (N) do not apply and are therefore not included in this application.

---

**On-site Pedestrian Access and Circulation**

**151.141 APPLICABILITY.**

The standards in this section apply to all new commercial, mixed-use, industrial, civic, and multi-family development.

**Response:** Commercial and industrial uses are not included in this application. This application includes a conditional use permit for a public park, which is considered a civic use. Therefore, the standards of this section are applicable to the public park.

**151.142 STANDARDS.**

(A) Continuous walkway system. An on-site pedestrian walkway system shall extend throughout the development site and connect to adjacent public sidewalks, if any, consistent with the following:

(1) For commercial, civic and multi-family developments, on-site walkways shall provide direct connections between primary building entrances and all on-site parking areas, adjacent recreational areas and activity/commercial hubs, future phases of development if applicable, and public rights-of-way.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned public park contains on-site walkways connecting the primary recreational areas (including playgrounds, sports fields and courts, and restroom/picnic structures) to parking areas and adjacent public sidewalks. Additionally, a bicycle/pedestrian bridge is planned to cross the railroad right-of-way to the west and will connect the Master Plan area to the end of NW Scottston Terrace on the west side of the railroad. This standard is met.

...

(3) Walkways shall be free from hazards and provide a smooth and consistent surface. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.

**Response:** This standard is understood and will be met. As demonstrated by the Preliminary Plans (Exhibit A), landscaping is provided adjacent to walkways where practical. This standard is met.

(4) The walkway network shall connect to all primary building entrances, consistent with Americans with Disabilities Act (ADA) requirements where required.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned walkways connect to structures on the site, including the public restrooms and sheltered picnic area. This standard is met.

(B) Except as required for crosswalks, per division (C) below, where a walkway abuts a driveway or street it shall be raised 6 inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

---

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), walkways are planned to be separated from driveways and drive aisles by a 6-inch curb where they abut vehicle maneuvering areas. This standard is met.

- (C) Crossings. Where a walkway crosses an on-site parking area or driveway, it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermoplastic striping and similar types of non-permanent applications may be approved for crossings not exceeding 24 feet in length.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), where walkways cross driveways and drive aisles, they are delineated with painted striping and do not exceed 24 feet in length. This application also includes a bicycle/pedestrian bridge crossing the railroad to the west of the site. The bridge will be raised above the railroad and will include safety features that prevent pedestrians from accessing the railroad. This standard is met.

- (D) Walkway width and surface. Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, meeting ADA requirements, as approved by the City Engineer. Walkways shall be not less than 4 feet in width, except that concrete walkways a minimum of 6 feet in width are required in commercial developments. The city may also require 6-foot-wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than 4 feet.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), planned walkways and the bicycle/pedestrian bridge are a minimum of 4 feet wide, paved with impervious surfaces meeting the standards above, and meet Americans with Disabilities Act (ADA) standards. This standard is met.

#### Landscaping, Screening and Fencing

##### 151.155 LANDSCAPING REQUIREMENTS.

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

**Response:** This application includes a conditional use for a public park and Site Design Review for the public park and a private clubhouse. Therefore, the standards of this section are applicable.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned public park includes landscaping exceeding the minimum 10 percent threshold required by the CF zoning district. The private clubhouse is located in an open space tract that exceeds the minimum landscape standard identified in Section 151.037 above. Therefore, this standard is met.

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

- 
- (1) Use plants that are appropriate to urban areas and the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered. The city may rely on Oregon State University Extension Service bulletins/University of Washington Urban Forestry Program guidelines/or other expert sources in evaluating landscape plans.
  - (2) Plant species that do not require irrigation once established (naturalized) are required.
  - (3) Trees shall be not less than 2-inch caliper at the time of planting. Trees to be planted under or near power lines shall be selected so they will not conflict with power lines at maturity.
  - (4) Shrubs shall be planted from 5-gallon containers, minimum, where they are for required screens or buffers, and 2-gallon containers minimum elsewhere.
  - (5) Shrubs shall be spaced in order to provide the intended screen or canopy cover within 2 years of planting.
  - (6) All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than 75% at maturity.
  - (7) Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than 25% of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
  - (8) Where storm water retention or detention, or water quality treatment facilities are proposed, they shall be planted with water-tolerant species.
  - (9) Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health and do not present a hazard.
  - (10) Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
  - (11) Evergreen plants shall be used where a sight-obscuring landscape screen is required.
  - (12) Deciduous trees should be used where summer shade and winter sunlight are desirable.
  - (13) Landscape plans should provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.
  - (14) Landscape plans should use a combination of plants for seasonal variation in color and yearlong interest.
  - (15) Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, storm water detention facilities, and similar grading, is proposed.
  - (16) When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are established and able to grow on their own.

---

**Response:** A Planting Plan for the citywide park is included in the Preliminary Plans (Exhibit A) and includes the required elements listed in this section. Additionally, conceptual plans for the HOA parks are included in the Preliminary Plans for the area surrounding the clubhouse. This standard is met.

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

**Response:** This application does not include industrial or commercial development. This standard is not applicable.

- (E) Landscaping plan required. A landscape plan is required for submittal and approval for all new subject developments. Submittal of a landscape plan drawn to scale shall show information and conform to requirements as follows:

- (1) The location and height of existing and proposed fences, buffering or screening materials.
- (2) The location, size, and type of existing trees having a 6-inch or greater diameter measured 4.5 feet above ground.
- (3) Method of irrigation for proposed trees and plant materials.
- (4) An arborist's report may be required for sites with mature trees to be preserved and protected during construction.
- (5) Other information as deemed appropriate by the Planning Official.

**Response:** A Landscape Planting Plan for the citywide park is included in the Preliminary Plans (Exhibit A) and includes the required elements listed in this section. This standard is met.

#### 151.156 SCREENING AND BUFFERING.

- (A) Screening. Screening shall be used to eliminate or reduce the visual impacts of the following uses:

- (1) Commercial and industrial uses when abutting residential uses.
- (2) Industrial uses when abutting commercial uses.
- (3) Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
- (4) Outdoor storage areas.
- (5) Parking areas for 20 or more vehicles.
- (6) At and above grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.

**Response:** The planned public park includes vehicle parking exceeding 20 spaces. Therefore, the standards of this section are applicable.

- (B) Screening methods. Screening may be accomplished by using sight obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques. Screening should be a minimum height of 6 feet.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), screening is provided for the parking area serving the public park. Screening includes berms and on-site vegetation. In general, the distance between the parking area and adjacent residential zoning districts

---

is large enough to provide adequate screening for the parking lot. Landscaping is planned around the trash and recycling area of the park. The final location of at-grade electrical and mechanical equipment has not been determined but can be screened as necessary in the citywide park and adjacent to the HOA clubhouse. Therefore, this standard is met.

- (C) **Buffering.** Buffering is required between an industrial use and any non-industrial use to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is required, one of the following buffering alternatives shall be employed:

**Response:** This application does not include an industrial use. This standard is not applicable.

151.157 FENCES.

...

(C) **General fence provisions.**

- (1) A fence on a corner lot shall not violate the 20-foot vision clearance triangle as specified in § 151.205.
- (2) In no instance shall a fence extend beyond the property line or be constructed higher than 6 feet above the finished grade of the lot. (A lower height fence may be required as described under division (E) below.)
- (3) Fencing shall be installed at least 3 feet from a utility pedestal or electrical transformer and not completely enclose them.
- (4) Requirements specified under divisions (C)(1) through (C)(3) above and the specific restrictions specified under divisions (E) through (G) below are applicable to site landscaping such as hedges, trees, and shrubbery.
- (5) Fencing for residential swimming pools shall comply with the barrier requirements specified in the International One- and Two-Family Dwelling Code, as administered by the Washington County Building Services Division.
- (6) The use of barbed wire, electric fencing (above grade), or other types of injury causing fencing material shall be prohibited in the residential and CF Zones.

**Response:** Fencing surrounding the stormwater facility is planned on the public park site and backstops will be located on portions of the turf facility in the public park. Further review of the fencing can be completed at the time of construction plan review. The applicable standards are met.

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

- (1) A fence located in a required front yard or street side yard shall not exceed 3.5 feet in height measured from the original finished grade of the lot, except as provided in (D)(2) below.
- (2) Street side yards of corner lots may have a 6-foot fence or hedge installed in the street side yard, provided the following requirements are satisfied.
  - (a) The street intersection for the corner lot shall be controlled by stop signs on at least 1 of the intersecting streets.

- (b) A minimum clear sight distance of up to 250 feet measured from the street intersection along the side yard street shall be provided for a street with a speed limit of 25 mph. For streets with higher speed limits, the minimum clear sight distance shall be equal to 10 times the legal speed of the street.
- (c) Driveway access is allowed in the street side yard on the subject property or abutting lot so long as such access is not obscured by a fence.

**Response:** These standards are understood and planned to be met.

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

**Response:** This standard is understood and planned to be met.

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

**Response:** This standard is understood and planned to be met.

**Parking and Loading**

151.171 GENERAL PROVISIONS.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned public park features a parking area for visitors. An off-street parking area is not planned for the clubhouse use and parking for individual homes will be reviewed with building permit submittal. Therefore, the standards of this section are applicable to the new public park.

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

**Response:** This standard is understood and will be met.

- (C) *Calculations of amounts of required and allowed parking.*
  - (1) When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
  - (2) The number of parking spaces is computed based on the primary uses on the site except as stated in division (C)(3), below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see § 151.172(D) below.

- (3) When more than 20% of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.

**Response:** The planned parking area is for a new public park that does not include structures with corresponding floor area. The planned restroom and picnic shelter are accessory to the park use. Therefore, parking can be calculated in accordance with BDC Table 3.6-A; see responses below.

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

**Response:** This standard is understood and will be met.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned parking area is adjacent to the park it will serve and has direct pedestrian connections to the park. This standard is met.

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

**Response:** This project includes a parking area for a new public park and each home is planned to be equipped with garages and driveways. This standard is met.

151.172 NUMBER OF REQUIRED PARKING SPACES.

TABLE 3.6-A: VEHICLE PARKING SPACE REQUIREMENTS	
Use	Minimum Number of Vehicle Parking Spaces Required
<b>Residential Uses</b>	
Single-family detached dwelling	2 per dwelling
Duplex	2 per unit (4 total)
Townhome	2 per unit
Cottage cluster	2 per unit
Triplex, fourplex and multi-family	1 per unit for studio or 1-bedroom; 2 per unit for 2 or more bedrooms
<b>Commercial Uses</b>	
Automotive repair, service, sales, rental	1 per 1,000 sf. of floor area
Commercial retail sales and service	1 per 400 sf. of floor area
Eating and drinking establishments	1 per 300 sf. of floor area
Hotel or motel	1 per guest room
Amusement, entertainment, commercial recreation	1 per 500 sf. of floor area, or per conditional use permit
Office uses (professional, medical, clinic)	1 per 500 sf. of floor area
Day care centers	1 per 2,000 sf. of floor area
Wholesale and distribution business	1 per 1,500 sf. of floor area

TABLE 3.6-A: VEHICLE PARKING SPACE REQUIREMENTS	
Use	Minimum Number of Vehicle Parking Spaces Required
<b>Institutional Uses</b>	
Community service, governmental institution	Per conditional use permit
Medical institutions offering overnight care and treatment	1 per 2 beds
Schools	
Elementary and middle school	1 per classroom
High School	1 per classroom
Religious institutions, public assembly	1 per 100 sf. of assembly space
<b>Industrial/Manufacturing Uses</b>	
Industrial/manufacturing/processing	
Less than 100,000 sf. of floor area	1 per 3,000 sf.
100,000 sf. of floor area or greater	1 per 4,000 sf.
Warehousing and storage	0.5 per 1,000 sf. of floor area

**Response:** A public park is not a listed use in BDC Table 3.6-A above. As demonstrated by the Preliminary Plans (Exhibit A), the planned off-street parking area for the public park includes ±105 parking spaces. The number of parking spaces was determined in cooperation with Banks Public Works and is anticipated to be adequate for the public park and its estimated number of users. Adjacent on-street parking will also be available to park users. The clubhouse is accessory to the residential use and most trips to the facility are planned to be by foot or bicycle. Off-street parking is not planned or required. However, adjacent on-street parking is available on the rare occasions it is needed. Garages and driveways are planned for each residential lot and will be reviewed with building permit submittals. Therefore, the applicable standards are met.

- (C) *Maximum amount of parking allowed.* In the nonresidential zones, the maximum number of off-street parking spaces allowed per use is:
- (1) One and one-fifth times the minimum parking required for uses fronting a street with adjacent on-street parking spaces; or
  - (2) One and one-half times the minimum parking required for uses fronting a street with no adjacent on-street parking

**Response:** As discussed in response to Section 151.172 above, there is no established minimum parking requirement for public parks. The parking area for the planned public park is anticipated to be adequate based on the estimated number of park users and was established in cooperation with the City. Therefore, the intent of this standard is met.

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

**Response:** The planned improvements do not include shared parking. This standard is not applicable.

#### 151.173 PARKING DETERMINATION.

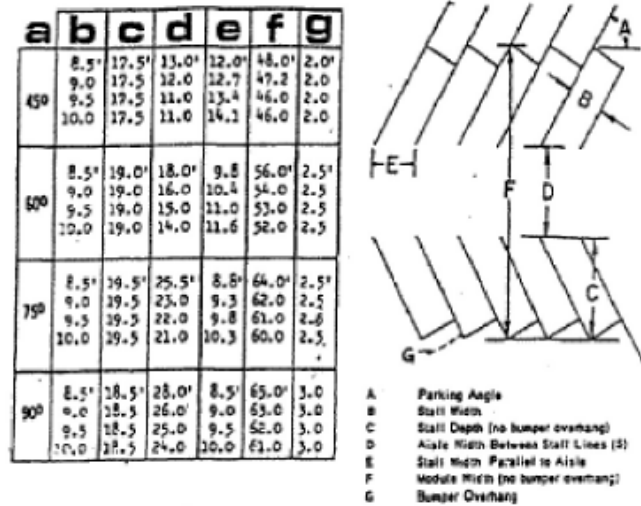
The applicant may propose a parking standard that is different than the standard under § 151.172, above, for review and action by the Planning Commission through a Type III procedure pursuant to § 151.233. The parking analysis, at a minimum, shall

assess the expected parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site; and other relevant factors.

**Response:** This application does not propose an alternative parking standard. This standard is not applicable.

151.174 OFF-STREET PARKING DESIGN STANDARDS.

(A) *Generally.* All off-street parking lots shall be designed in accordance with city standards for stalls and aisles as set forth in the below drawing and table.



- (1) For 1 row of stalls use "C" plus "D" as minimum bay width.
- (2) Public alley width may be included as part of dimension "D", but all parking stalls must be on private property, off the public right-of-way.
- (3) For estimating available parking area, use 350 sq. ft. per vehicle for stall, aisle and access areas.
- (4) The stall width for self-parking of long duration is 8.6 feet; for higher turnover self-parking is 9.0 feet; and for supermarkets and similar facilities is 9.5 to 10.0 feet.
- (5) The minimum aisle width for 2-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (one-way traffic) is 20 feet.
- (6) Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth. Dimensions of required recreational vehicle spaces are 10-feet by 25-feet.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned off-street parking lot meets the general design standards of this section. Please see the sheets specific to the citywide park.

(B) *Specifically.*

- (1) For 1 row of stalls use "C" plus "D" as minimum bay width.

- 
- (2) Public alley width may be included as part of dimension "O," but all parking stalls must be on private property, off the public right-of-way.
  - (3) For estimating available parking area, use 350 square feet per vehicle for stall, aisle, and access areas.
  - (4) The stall width for self-parking of long duration is 8.6 feet; for higher turnover self-parking, is 9.0 feet; and for supermarkets and similar facilities is 9.5 to 10.0 feet.
  - (5) The minimum aisle width for 2-way traffic and for emergency vehicle operations area is 24 feet. The minimum aisle width for emergency vehicle access (1-way traffic) is 20 feet.
  - (6) Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth. Dimensions of required recreational vehicle spaces are 10 feet by 25 feet.
    - (a) *Parking space plans.* No building permit shall be issued until plans are presented that show property that is and will remain available exclusively for off-street parking. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking space required by this chapter. Reduction of the amount of required off-street parking shall be considered a violation of this chapter. Parking plans shall be drawn to scale and shall delineate parking spaces, drives and aisles, bumper rails, and other features required by this chapter.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned off-street parking lot meets the specific design standards of this section as applicable. Please see the sheets specific to the citywide park.

- (C) *Surfacing.* All off-street parking spaces and driveways shall be hard surfaced with concrete, asphaltic cement, or similar surface, which is resistant to dust, and mud. Type and thickness of this hard surface must be approved by the City Engineer.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the parking area is planned to be paved with asphalt-concrete. This standard is met.

- (D) *Bumper rails.* All required off-street parking spaces, except those for single-family residences, must be equipped with bumper rails located in such a manner as to prevent vehicles from striking landscaping, fences, buildings, or walls, or from overhanging their spaces in a manner which might obstruct aisles, walks, or other spaces or property.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), wheel stops are planned for parking spaces in the parking area. This standard is met.

- (E) *Access and maneuvering.*
  - (1) Groups of more than 4 off-street parking spaces shall be served by a driveway or aisle so that no backing movements or other maneuvering within a street other than an alley will be required.
  - (2) Service drives or aisles to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide maximum safety to pedestrians and vehicular traffic on the site.

- 
- (3) Service drives or aisles shall be clearly and permanently marked and defined through the use of bumper rails, fences, buildings, walls, paintings, or other appropriate markers and shall not be considered as parking spaces.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned parking area will be accessed by a drive aisle that prevents vehicle maneuvering within adjacent public rights-of-way. Drive aisles are designed to the minimum widths required by this section. Pedestrian pathways adjacent to drive aisles will be separated from drive aisles by a curb. Pathways will be striped where they cross drive aisles to provide visual distinction. Drive aisles will be clearly marked to differentiate them from parking spaces. These standards are met.

#### 151.175 PARKING LOT LANDSCAPING.

All the following standards shall be met for parking lots with 4 or more parking spaces. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

- (A) A minimum of 10% of the total surface area of subject parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planned so that they provide a 50% canopy cover over the parking lot when the trees reach maturity.

**Response:** As illustrated on the citywide park sheets in the Preliminary Plans (Exhibit A), the planned parking area includes landscape islands and strips that provide landscaping for more than 10 percent of the parking area. Additionally, trees are planned within landscape islands and will provide more than 50 percent canopy coverage at maturity. Therefore, this standard is met.

- (B) All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 to 12 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than 6 feet, to ensure adequate soil, water, and space for healthy plant growth.

**Response:** As illustrated on the citywide park sheets in the Preliminary Plans (Exhibit A), landscape islands are planned within the parking area and will be greater than 48 square feet and at least 6 feet wide. Parking rows are not planned to exceed 12 spaces. Landscape islands will include trees and other vegetation in accordance with the planting standards of this section. This standard is met.

- (C) All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within 2 years of planting, not less than 75% of that area is covered with living plants.

**Response:** As illustrated on the citywide park sheets in the Preliminary Plans (Exhibit A), parking lot landscaping is planned to be planted with vegetation that will provide 75 percent coverage within two years of planting. This standard is met.

- (D) Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier.

**Response:** As noted on the Preliminary Citywide Park Amenity Plan sheet in the Preliminary Plans (Exhibit A), wheel stops are planned for parking spaces adjacent to landscape areas and pedestrian pathways. This standard is met.

(E) Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

**Response:** Trees are not planned to be planted in tree wells within sidewalks or other paved areas. This standard does not apply.

**151.176 PARKING LOT ENCLOSURE AND SCREENING.**

(A) Any portion of an off-street parking area, other than that for a single-family residence, which adjoins a residential zone shall be screened from the adjoining residential area by a sight-obscuring fence having a minimum height of 6 feet, and/or by a dense evergreen landscape screen which attains a height of at least 6 feet within 2 growing seasons.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned off-street parking area for the public park does not directly adjoin a residential zone. The parking area is separated from adjacent residences by landscaping and other park features. This standard is met.

(B) Parking lots abutting a public street, sidewalk or walkway shall be screened using a sight-obscuring fence, low-growing hedge or low garden wall to a height of between 3 feet and 4 feet.

**Response:** The planned parking lot does not directly abut a public street, but rather a landscape area is provided between the parking area and the local street to the north. This standard is met as applicable.

**151.177 BICYCLE PARKING.**

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

(A) *Minimum required bicycle parking spaces.* Uses shall provide long- and short-term bicycle parking spaces, as designated in the table below. Where 2 options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.

USE CATEGORIES	SPECIFIC USES	LONG-TERM SPACES (COVERED OR ENCLOSED)	SHORT-TERM SPACES (NEAR BUILDING ENTRY)
<b>Institutional Categories</b>			
Parks (active recreation areas only)		None	8, or per CU review
<b>Other Categories</b>			
Other categories	Determined through land use review, site design review, or CU review, as applicable		

**Response:** The Master Plan includes a public park. As demonstrated by the Preliminary Plans (Exhibit A), ±8 short-term bicycle parking spaces are provided for the new public park. The planned improvements also include a clubhouse as an accessory use to the residential master plan. The planned clubhouse includes ±4 bicycle parking spaces that are anticipated to adequately serve the clubhouse use. Therefore, this standard is met.

- 
- (B) *Exemptions.* This section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.

**Response:** This application includes a master plan for single-family detached and attached housing. These uses are exempt from bicycle parking standards according to this section.

- (C) *Location.* Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the short-term bicycle parking for the park is located in four different places in areas adjacent to various park amenities (sports fields, restroom, playgrounds, and sports courts), meeting the intent of this standard. Bicycle parking for the new clubhouse is also within ±50 feet of the main building entrance. This standard is met.

- (D) *Design.* "Inverted U" or "staple" style racks should be considered. Bicycle racks shall provide a secure point of contact so that both the frame and wheel of a bicycle may be locked to the rack using a standard U lock. Bicycle racks are recommended to provide two points of contact between the rack and the bicycle in order to hold the bicycle securely and prevent pivoting or tipping. Individual "inverted U" or "staple" style racks shall be placed to encourage bicycles to be parked parallel to the rack and achieve maximum capacity. Where multiple racks are placed together, racks shall be placed parallel to each other spaced on 4-foot centers to allow access to both sides of each rack. Racks shall be placed so that a 6-foot bicycle may be parked without interference from nearby walls or fixed objects.

**Response:** As depicted on the Preliminary Citywide Park Amenity Plan and the Preliminary HOA Park Planting and Amenity Plan sheets in the Preliminary Plans (Exhibit A), bicycle racks for the new public park and the clubhouse are planned to meet the design standards of this section. This standard is met.

- (E) *Visibility and security.* Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

**Response:** Bicycle parking for the public park and the clubhouse is planned to be located such that it is visible from park facilities. This standard is met.

- (F) *Options for storage.* Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.

**Response:** This application does not include long-term bicycle parking for multifamily units or employee parking. This standard is not applicable.

- (G) *Lighting.* For security, bicycle parking shall be at least as well lit as vehicle parking.

**Response:** As depicted on the Preliminary Citywide Park Amenity Plan and the Preliminary HOA Park Planting and Amenity Plan sheets on the Preliminary Plans (Exhibit A), planned bicycle

---

parking for the public park and clubhouse is located near lit areas on the site. This standard is met.

(H) *Reserved areas.* Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned bicycle parking will be reserved exclusively for bicycle parking. This standard is met.

(I) *Hazards.* Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), bicycle parking is located separately from pedestrian walkways and is not located in vision clearance areas. This standard is met.

### Outdoor Lighting

#### 151.191 APPLICABILITY.

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

**Response:** This application includes a master plan for single-family detached and attached housing, a new public park, private clubhouse, other accessory uses, and affiliated public improvements. Therefore, the standards of this section are applicable where outdoor lighting is present.

#### 151.192 STANDARD.

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

Figure 3.7-A



**Response:**

This application includes lighting for the new public park and the clubhouse. Lighting for the future homes and other accessory utility buildings can be reviewed with building or Public Works permitting. Lighting locations and height details that are included in this application and can be found on the following locations:

- Athletic field lighting for the public park (see Exhibit T for the photometric plan)
- Parking lot lighting for the park (see the Preliminary Citywide Park Amenity Plan sheet in Exhibit A)
- Exterior lighting for the private clubhouse (See the Preliminary HOA Park Planting and Amenity Plan sheet in Exhibit A)

A photometric plan is included for the field lighting and demonstrates that lighting is shielded, directed downward, and does not spill over onto adjacent properties (see Exhibit T). Lighting for new utility structures and street lighting will be reviewed upon submission of Public Works permits. Therefore, this standard is met.

---

## 151.205 VISION CLEARANCE REQUIREMENTS

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

**Response:** The proposed master plan includes intersections between public streets, alleys, and drive aisles that require vision clearance areas meeting the standard of this section. Vision clearance areas at street intersections and between public streets and alleys are planned to be provided and can be reviewed upon submission of construction drawings and building permits.

### Public Facilities

## 151.215 TRANSPORTATION FACILITIES.

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

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

**Response:** This application includes a master plan for a new residential community that will have residential lots, a public park, open space, and affiliated public improvements. As demonstrated by the Preliminary Plans (Exhibit A), all lots will have approved access to public streets and/or alleys accessing public streets. Therefore, this standard is met.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), public streets within the proposed Master Plan include Local and Collector streets that are planned to be improved in accordance with the Banks street design standards of Section 152.052, except where modified through the Public Works modification process per Section 1.50.0 of the Public

---

Works Design Standards. See findings in response to Section 152.052 and Exhibit S for further discussion of planned modifications to Public Works Design Standards. This standard is met as applicable.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), new streets planned as part of the Master Plan are designed in accordance with the standards of this section. New public streets will be dedicated to the City of Banks. This standard is met.

- (4) New streets and drives shall be paved.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), new streets are planned to be paved. This standard is met.

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

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

**Response:** This application does not include a guarantee in lieu of full street improvements. These standards are not applicable.

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

**Response:** This application includes a phased subdivision with multiple new public streets. Following acceptance and approval of the Preliminary Plat (included in the Preliminary Plans in Exhibit A), applications for final plats per the phasing schedule will be submitted and recorded to create the lots and streets shown in the Master Plan. This standard will be met through subsequent final plat applications.

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

---

**Response:** This standard is understood.

151.216 CITY MAY REQUIRE TRAFFIC IMPACT ANALYSIS.

- (A) The city may require a traffic impact analysis (TIA) prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with TIA results. TIA's shall be required for all proposed development that will generate more than 100 a.m. or p.m. peak hour trips per day or 600 average daily trips. Trip calculation shall be based upon Trip Generation, 8th Edition (2008) published by the Institute of Transportation Engineers.
- (B) Amendments that affect transportation facilities. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility. This shall be accomplished by one of the following:
  - (1) Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility;
  - (2) Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period;
  - (3) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation;
  - (4) Amending the planned function, capacity, or performance standards of the transportation facility; or
  - (5) Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

**Response:** A TIA is included as Exhibit K in accordance with this section.

151.217 WHEN TRAFFIC IMPACT STUDY IS REQUIRED; PREPARATION.

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

- (A) When a traffic impact study is required. The city or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use or a change in access. A TIA shall be required when a land use application involves one or more of the following actions:
  - (1) A change in zoning or a plan amendment designation;
  - (2) Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);
  - (3) An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;

- (4) An increase in peak hour volume of a particular movement to and from the state highway by 20% or more; or
  - (5) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
  - (6) The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway creating a safety hazard; or
  - (7) A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.
- (B) Traffic impact study preparation. A traffic impact analysis shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

**Response:** A TIA for the Master Plan is included in Exhibit K and was prepared by a licensed professional engineer (Kittleson & Associates).

151.218 PERFORMANCE BONDS.

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

**Response:** This standard is understood.

Applications and Review Procedures

151.230 PURPOSE AND APPLICABILITY.

- (A) Purpose. This chapter establishes standard decision-making procedures for the review of land use and development applications, affording the public a means of participating in the local decision-making process in an efficient manner. Table 4.1-A provides a key for determining the applicable review procedure for land use approvals in the City of Banks.
- (B) Applicability of review procedures. All land use and development permits and approvals in the city shall follow the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are 4 types of permit/approval procedures as described below and as identified in Table 4.1-A.
  - (1) Type I procedure (staff review - zoning checklist). Type I decisions are made by the City Planning Official, or their designee, without public notice and without a public hearing. Type I decisions are not appealable. A Type I procedure is used in applying city standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
  - (2) Type II procedure (administrative/staff review with notice). Decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the City Planning Official may refer an administrative land use application to the Planning Commission for its review and decision in a public meeting.
  - (3) Type III procedure (quasi-judicial review - public hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the

case of a quasi-judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission. Quasi-judicial decisions involve discretion but implement established policy.

- (4) Type IV procedure (legislative review). The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of a City Council Type IV decision go to the Oregon Land Use Board of Appeals (LUBA).

TABLE 4.1-A: SUMMARY OF APPROVALS BY TYPE OF REVIEW PROCEDURE		
Approvals*	Review Procedures	Applicable Regulations
Comprehensive Plan Map or Text Amendment	Type IV	§§ 151.300 - 151.306 Amendments to Comprehensive Plan, Zoning Map, and Text
Conditional Use Permits	Type III	§§ 151.270 - 151.273 Conditional Use Permits
Master Planned Developments Concept Plan Detailed Development Plan Site Design Review	Type III Type II Type II	§§ 151.335 - 151.344 Master Planned Developments §§ 151.250 - 151.256 Site Design Review
Property Line Adjustments, Including Lot Consolidations	Type I	§ 152.012
Site Design Review	Type I, II or III	§§ 151.250 - 151.256 Site Design Review
Subdivision or Replat of 4 or more lots Preliminary Plat Final Plat	Type III Type II	§ 152.004 § 152.009
Variance	Type III	§§ 151.320 - 151.324 Adjustments and Variances

\*The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The city's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the city under this Code.

**Response:** This application includes a combined land use application for a Comprehensive Plan Map Amendment, Zoning Map Amendment, Transportation System Plan Amendment, Master Planned Development, Subdivision, Conditional Use Permit, Site Design Review, Property Line Adjustment. The various applications are consolidated into one application and are intended to be processed together.

...

151.236 NEIGHBORHOOD CONTACT.

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

---

with surrounding uses early in the design process when changes can be made relatively inexpensively.

**Response:** This consolidated land use application required a neighborhood meeting as described above. Therefore, the requirements of this section are applicable.

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

**Response:** A notice of the neighborhood meeting was sent on March 15, 2024, and the notice materials are provided in Exhibit F.

- (C) *Meeting place, date, and time.* The meeting must be held within the city limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners, typically weekdays after 6:00pm or on weekends.
- (D) *Conduct of meeting.* At the meeting, the applicant, or the applicant's agent/representative, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent/representative, must make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.
- (E) *Filing requirements.* Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the city with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service for those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.

**Response:** The neighborhood meeting was held on April 11, 2024, at Banks Middle School. Neighborhood meeting materials are provided in Exhibit F.

#### 151.237 FILING FEES.

- (A) The City Council shall establish by resolution, and may from time to time by resolution amend, a uniform schedule of fees to be paid at the time of filing any application requiring approval or action by the Planning Director, Planning Commission, or City Council under the provisions of the Zoning Code. In like manner, the City Council shall establish the fees to be paid for filing notice of appeal under the provisions of this code.
- (B) The fees shall be for the purpose of helping to defray the costs of giving notice of hearing where required, and the expenses to the city in processing and

---

investigating the applications and appeals. Copies of the fee schedule shall be kept at City Hall and shall be available for public inspection.

**Response:** The appropriate fees are included with the application materials.

151.238 TIME LIMIT ON LAND USE APPROVALS.

- (A) Land use approvals, with the exception affinal plat applications, zoning map or code amendments, and planned unit developments, which do not expire or in the case of preliminary plat expire after 4 years, shall become void if within 2 years of the date of the final decision a building permit has not been issued and/or no substantial construction has taken place. The City Council may extend the validity of the approval for an additional period not to exceed 1 year on request.
- (B) If a decision is appealed beyond the jurisdiction of the city, the 1-year expiration period will not begin until the appeal is terminated.

**Response:** These provisions are understood.

Site Design Review

151.250 PURPOSE

The purpose of this subchapter is to advance all the following objectives in the public interest:

- (A) Carry out the development pattern and plan of the city and its comprehensive plan policies through efficient and effective review of site development proposals;
- (B) Provide a discretionary review path for projects that need or prefer more flexibility than is allowed by the clear and objective standards;
- (C) Promote the public health, safety, and general welfare;
- (D) Provide for adequate multimodal transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
- (E) Encourage efficient use of land resources and public services, and the provision of transportation options.

**Response:** This application includes Site Design Review for the following improvements:

- The citywide public park
- The private clubhouse
- Two-unit townhomes

As discussed throughout this narrative and demonstrated in the application materials, the planned public park, clubhouse, and townhomes are designed to meet the purpose of this section.

151.251 APPLICABILITY.

- (A) Site design review approval is required for new development and redevelopment that meets the thresholds of § 151.252 below. Site design review approval is also required to expand a nonconforming use or development per § 151.355.

**Response:** As discussed in response to Section 151.252 below, this application includes a new public park in the CF zoning district, a clubhouse in a residential zoning district, and attached single-family units which require Site Design Review. Therefore, this chapter is applicable.

- 
- (A) Exceptions. Except as specified by a condition of approval of a prior city decision, or as required for uses subject to conditional use permit approval, site design review is not required for the following:
- (1) Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic or development;
  - (2) Single-family detached dwelling (including manufactured home) on its own lot, except as required for properties within the Historic Resource Overlay Zone;
  - (3) A single duplex;
  - (4) Nonresidential building addition of up to 500 square feet or 20%, whichever is greater;
  - (5) Home occupation, except for those requiring a conditional use permit per § 151.077;
  - (6) Development and land uses that are already approved as part of a site design review or conditional use permit application;
  - (7) Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Planning Official, except where a condition of approval requires site design review; and
  - (8) Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair.

**Response:** Single-family detached homes are exempt from Site Design Review. Public improvements are also listed under the exceptions above. The planned bicycle/pedestrian bridge is a public transportation facility and is therefore exempt from Site Design Review. However, this application includes a modification to the height standard to allow the height of the bridge to exceed the 35-foot maximum. Conceptual bridge plans are included in the application (Exhibit Y). Final design will be subject to review by the railroads and the City. Additionally, utility buildings—including a wellhouse and a sewer pump station—are included in the application but are exempt from Site Design Review. Water and sewer improvements are utility improvements, and therefore, these buildings are also exempt from Site Design Review. However, the location of the buildings and site improvements are included on the Preliminary Plans (Exhibit A). Final design of the buildings and site improvements are subject to City Public Works permitting. Therefore, the Site Design Review standards below are limited to addressing the citywide park, the private clubhouse building, and the attached single-family dwellings and adjacent improvements.

#### 151.252 REVIEW PROCEDURE.

- (A) Site design review shall be conducted using the Type II procedure in § 151.232, except those proposals that exceed any one of the thresholds in division (B) below.
- (B) Proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in § 151.233:
  - (1) The proposed use's estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual;

- 
- (2) The use exceeds 20,000 square feet of gross leasable floor area; or the project involves more than one-acre total site area;
  - (3) For commercial development, the project does not meet one or more of the applicable clear and objective building design standards in §§ 151.110 and 151.111.
  - (4) For residential development, the project does not meet one or more of the applicable clear and objective building design standards in §§ 151.125 through 151.127;
  - (5) The proposal involves a conditional use (new or expanded);
  - (6) The proposal involves a variance under § 151.323.

**Response:** This Site Design Review application is part of the larger consolidated Master Plan application and will therefore be processed together per City and state requirements.

**151.253 APPLICATION SUBMISSION REQUIREMENTS.**

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

**(A) General submission requirements.**

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

**Response:** This information is included in this narrative and the application materials as applicable.

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

**Response:** Studies addressing the adequacy of existing and proposed public facilities include a Preliminary Stormwater Report (Exhibit I), Transportation Impact Analysis (Exhibit K), and Water System Improvement Plan (Exhibit L). Please see additional findings above under Sections 151.215 through 151.218 for additional discussion of public facilities.

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

- (1) *Site analysis/existing conditions map.* The site analysis map shall contain all the following information, as the City Planning Official deems applicable:
  - (a) The applicant's entire property and the properties within 100 feet, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;

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

**Response:**

While the above information is only required to be submitted for those areas that are subject to Site Design Review (the citywide park, private clubhouse areas, and attached single-family dwellings), existing conditions for the entire Master Plan area are included in the Preliminary Plans (Exhibit A) and include the items listed above. A tree table has been added as Exhibit Z to identify the existing trees on the site. Existing slopes greater than 15% are illustrated on the Existing Conditions Slope Plan sheet of the Preliminary Plans (Exhibit A). This requirement is met.

- (2) *Proposed site plan.* The site plan shall contain all the following information:
  - (a) The proposed development site, including boundaries, dimensions, and gross area;
  - (b) Features identified on the site analysis map that are proposed to remain on the site;
  - (c) Features identified on the site analysis map, if any, which are proposed to be removed or modified by the development;
  - (d) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
  - (e) The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

- (f) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- (g) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- (h) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- (i) Loading and service areas for waste disposal, loading, and delivery;
- (j) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- (k) Location, type, and height of outdoor lighting;
- (l) Location of mailboxes, if known;
- (m) Name and address of project designer, if applicable;
- (n) Locations of bus stops and other public or private transportation facilities; and
- (o) Locations, sizes, and types of signs.

**Response:** Preliminary plans for the site design review areas are included in the Landscape Plan sheets in the Preliminary Plans (Exhibit A) and include the items listed above as applicable. Bus stops are not currently planned for this area of the City, but all other public and private transportation facilities are illustrated. Please refer to the Conceptual Signage Plan (Sheet PO-14) for the conceptual location and design of monument and trail signage. This requirement is met.

- (3) *Architectural drawings.* Architectural drawings shall include, as applicable:
  - (a) Building elevations with dimensions;
  - (b) Building materials, colors, and type; and
  - (c) Name and contact information of the architect or designer.

**Response:** Architectural drawings for improvements within the public park and for the private clubhouse are included in Exhibit T as applicable. Building materials and colors for the townhomes are also included. Architectural drawings for the utility structures are planned to be submitted with Public Works permits. This requirement is met.

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

**Response:** Preliminary grading plans are included with the Preliminary Plans (Exhibit A) and include the items listed above. This requirement is met.

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

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

**Response:** Landscape Plans for the public park and clubhouse are included in Exhibit A and include the required items listed above. A tree preservation plan, completed by an arborist, will be included with the future construction plans. This requirement is met.

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

**Response:** Planned easements are noted on the Preliminary Plat sheets in the Preliminary Plans (Exhibit A), and the draft Covenant, Conditions, and Restrictions (CC&Rs) for the Master Plan area is included as Exhibit N. This requirement is met.

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

**Response:** This narrative describes how the applicable approval criteria are met. This requirement is met.

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

**Response:** A TIA is included as Exhibit K. This requirement is met.

- (9) *Other information determined by the City Planning Official.* The city may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

**Response:** Relevant additional materials are included in the exhibits herein.

#### 151.254 APPROVAL CRITERIA.

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

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

**Response:** As discussed in this narrative and demonstrated by the Preliminary Plans (Exhibit A), the planned public park complies with the applicable provisions of the CF zoning district.

---

Additionally, the planned clubhouse complies with the applicable modified development standards for residential zoning districts within the master plan as described in Section 151.037 above and the attached single-family dwellings meet the applicable development standards of the base zones and the modified standards allowed through the Master Plan. This criterion is met.

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

**Response:** This application does not include an existing Nonconforming Situation. This criterion is not applicable.

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

**Response:** As discussed in this narrative and demonstrated by the Preliminary Plans (Exhibit A), the planned public park and private clubhouse comply with the applicable design standards. The planned utility structures can be assessed upon submission of Public Works permits. This criterion is met.

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

**Response:** Please see the responses to the applicable residential building design standards and guidelines in the above referenced sections. This criterion is met.

- (5) The proposal complies with any applicable regulations of:
- (a) Sections 151.075 through 151.085 Special Use Standards
  - (b) Sections 151.270 through 151.273 Conditional Use Permits.
  - (c) Section 151.355 Nonconforming Situations.

**Response:** The Special Use Standards and Nonconforming Situations code sections referenced above do not apply to this application. Please see the responses to the Conditional Use Permit code sections for the citywide park. This criterion is met as applicable.

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

**Response:** The planned citywide park and clubhouse uses are not anticipated to create adverse impacts. The City will manage the operations of the public park and put limits on the use and timing of the facility as needed. This criterion is met.

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

**Response:** The subject site is not subject to prior conditions of approval. This criterion is not applicable.

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

**Response:** This criterion is understood and will be met as applicable.

151.255 ASSURANCES.

Public improvement required as part of a site design review approval shall be subject to the performance guarantee and warranty bond provisions of § 151.218, as applicable.

**Response:** This standard is understood.

Conditional Use Permits

151.270 PURPOSE.

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Conditional uses are identified in §§ 151.035 through 151.038 and §§ 151.050 through 151.054. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

**Response:** This project includes a new public park in the CF zoning district, where it is considered a conditional use. Therefore, this section is applicable.

151.271 APPROVALS PROCESS.

The Planning Commission using a Type III procedure, per § 151.233, reviews conditional use applications. Modifications to conditional use permits are subject to §§ 151.285 through 151.288 Modifications to Approved Plans and Conditions.

**Response:** This conditional use permit application is consolidated with the larger Master Plan application and processed accordingly.

151.272 APPLICATION SUBMISSION REQUIREMENTS

In addition to the submission requirements for a Type III review under § 151.233, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. (For a more detailed description of each item, please refer to § 151.253 Site Design Review Application Submission Requirements). An application for a conditional use permit shall also contain a narrative report or letter responding to the applicable approval criteria in § 151.273.

**Response:** The required submittal elements listed in this section are provided in the application materials and discussed in this narrative. Please see responses to Section 151.253 above for additional information.

151.273 CRITERIA, STANDARDS AND CONDITIONS OF APPROVAL.

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in divisions (A) and (B), below.

(A) *Use criteria.*

- (1) The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

---

**Response:** The planned public park will be located on a ±20-acre site and will contain multiple turf and grass athletic fields, a playground, a basketball court, pickleball courts, a picnic shelter, public restrooms, a stormwater facility, and other improvements including landscaping and pedestrian pathways. A bicycle/pedestrian bridge is planned across the adjacent railroad to the west to connect the park to Banks High School on the opposite side of the railroad. The park is intended to be used by students for school events, sports leagues, and local residents in the adjacent neighborhoods.

The park will be bisected by an off-street parking area for park users and visitors and will be adjacent to two public streets to the north and east. As discussed in response to the Parking and Loading standards above, the parking area is adequate to serve the park. As discussed in the TIA (Exhibit K), adjacent public streets are adequate to serve the anticipated traffic generated by the park. Park improvements are designed to enhance user experience while minimizing impacts to adjacent uses. This criterion is met.

- (2) The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;

**Response:** As discussed elsewhere in this narrative, potential negative impacts from the park use (including light trespass, traffic generation, and noise) are planned to be mitigated through application of the standards of this code and through conditions of approval, as necessary. This criterion is met.

- (3) All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with city standards; and

**Response:** As discussed in this narrative and demonstrated by the application materials, required public facilities such as water, sewer, and streets are planned to have adequate capacity to serve the park. This criterion is met.

- (4) A conditional use permit shall not allow a use that is prohibited or not expressly allowed under this chapter; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

**Response:** This conditional use permit application is for a public park in the CF zoning district and is expressly permitted as a conditional use in that zone per Section 151.051. This criterion is met.

- (B) *Conditions of approval.* The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

- (1) Limiting the hours, days, place, and/or manner of operation;
- (2) Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
- (3) Requiring larger setback areas, lot area, and/or lot depth or width;
- (4) Limiting the building or structure height, size, lot coverage, and/or location on the site;

- 
- (5) Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
  - (6) Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;
  - (7) Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
  - (8) Limiting the number, size, location, height, and/or lighting of signs;
  - (9) Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
  - (10) Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
  - (11) Requiring and designating the size, height, location, and/or materials for fences;
  - (12) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands; and
  - (13) Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with city standards.

**Response:** This criterion is understood.

- (C) Approved conditional uses and uses existing prior to the effective date of this chapter and now classified in this chapter as a conditional use must apply for a new conditional use permit prior to any change in the use or in lot area, or alteration or enlargement of any structure. The City Planning Official may waive this requirement for minor alterations, i.e., those that will have no impact on neighboring properties and/or the general public.

**Response:** This application is for a new conditional use and does not include previously approved or existing conditional uses. This standard is not applicable to this application.

Amendments to Comprehensive Plan Map, Zoning Map or Code

151.300 PURPOSE.

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

151.301 AUTHORIZATION TO INITIATE AND APPROVE AMENDMENTS.

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

**Response:** This application includes amendments to the Comprehensive Plan Map and the Zoning Map; therefore, the standards of this code section apply.

151.302 PROCEDURE.

- (A) Except for corrections, amendments to zoning code text are legislative (Type IV).

- (B) Amendments to the Zoning Map that affect only one parcel are Type III actions. Amendments to the Zoning Map that affect more than one parcel are Legislative (Type IV) actions.
- (C) Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are legislative (Type IV) actions.
- (D) Amendments that do not meet the criteria under divisions (A) through (C) may be processed as quasi-judicial amendments, pursuant to the Type III procedure.

**Response:** The planned Comprehensive Plan Map and Zoning Map amendments will be processed as required above.

**151.303 CRITERIA.**

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

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

**Response:** As demonstrated earlier in this narrative, the planned Comprehensive Plan Map and Zoning Map amendments are consistent with and supportive of the applicable Statewide Planning Goals and the relevant OARs. This criterion is met.

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

**Response:** As demonstrated earlier in this narrative, the planned Comprehensive Plan Map and Zoning Map amendments are consistent with the applicable goals, objectives, and policies of the Banks Comprehensive Plan. This criterion is met.

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

**Response:** This consolidated application demonstrates how the Comprehensive Plan Map and Zoning Map amendments are implemented through the Master Planned Development process. The planned land uses are compatible with the existing adjacent uses as well as the future land use pattern envisioned with the planned zoning. Therefore, this criterion 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.

**Response:** As demonstrated in the Preliminary Plans (Exhibit A), the numerous reports included with this application, and the responses to the applicable BMC standards in this narrative, the transportation, water, sewer, and stormwater systems are capable of supporting the planned uses. In addition, as addressed in the responses to the Statewide Planning Goals and the Banks Comprehensive Plan goals, objectives, and policies, public schools and police and fire protection can support the planned uses. See Exhibit H for correspondence with the applicable service providers. This criterion is met.

...

---

151.305 TRANSPORTATION PLANNING RULE COMPLIANCE.

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

**Response:** Where transportation facilities are shown to have a significant effect by the planned Comprehensive Plan Map and Zoning Map Amendments, measures have been identified to mitigate the deficiencies and are included in the Development Agreement (Exhibit J). The TSP amendment (submitted as a separate application) is needed to identify the multilane roundabout as a funded project within the planning period. Please see the TIA & TPR Assessment included as Exhibit K as well as the responses above to the TPR (OAR 660, Division 12) for details on compliance with the TPR, which are incorporated herein.

- (B) *Exceptions.* Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the Transportation System Plan may be approved when all of the following criteria are met:
- (1) The amendment does not include property located in an interchange area, as defined under applicable law;
  - (2) The currently planned facilities, improvements or services are not adequate to achieve the standard;
  - (3) Development resulting from the amendment will, at a minimum, mitigates the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
  - (4) The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.

**Response:** As addressed under (A) above, the planned Comprehensive Plan Map and Zoning Map Amendments will have a significant effect on the transportation system; therefore, the above exceptions do not apply.

---

151.306 LIMITATION ON REAPPLICATIONS.

No application of a property owner for an amendment to the text of this chapter or to a zone boundary shall be considered by the City Council within the 1-year period immediately following a previous denial of the request, except the City Council may permit a new application if in the opinion of the City Council new evidence or a change of circumstances warrant it.

**Response:** Neither a Comprehensive Plan Map or Zoning Map Amendment have been submitted for the subject site within the last year. Therefore, the above limitation on reapplications does not apply.

Master Planned Developments

151.335 PURPOSE.

The purposes of this subchapter are to:

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

**Response:** This application includes a master plan for a new residential community. The Master Plan includes single-detached dwellings and townhomes, new public and private parks, a private clubhouse, preservation of existing natural features, and affiliated public improvements. The Master Plan meets the purpose and intent of this chapter.

151.336 APPLICABILITY.

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

**Response:** The subject site is larger than 2 acres. This application includes a master planned development, and the standards of this section are applicable.

151.337 REVIEW AND APPROVALS PROCESS.

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

- (A) Application for master planned development concept plan approval.

- (B) Application for detailed development plan approval, which may include a preliminary subdivision plan.
- (C) Application(s) for final development plan (e.g., final plat and/or site design review) approval per § 152.009 Final Plat and/or §§ 151.250 through 151.256 Site Design Review.
- (D) Approval process.
- (E) The master planned development concept plan shall be reviewed pursuant to the Type III procedure in § 151.233, the submission requirements in § 151.339, and the approval criteria in § 151.340.
- (F) The detailed development plan and preliminary subdivision plan shall be reviewed using the Type III procedure in § 151.233 to ensure substantial compliance with the approved concept plan.
- (G) Site design review applications for approved planned developments shall be reviewed using the procedures in §§ 151.250 through 151.256 to ensure substantial compliance with the approved concept plan.
- (H) Steps (A) through (C), above, may be combined in any manner, so long as the decision-making sequence follows the above order. Notification and hearings may be combined.

**Response:** This application includes a Master Plan Concept Plan and Detailed Development Plan/Preliminary Subdivision Plans. Final plats will be submitted per the phasing schedule for the “final development plan” step. Site Design Review is also included in this application for the citywide park and private clubhouse building.

**151.338 MODIFICATIONS TO DEVELOPMENT STANDARDS.**

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

**Response:** As discussed in response to Sections 151.037, 151.054 and Chapter 152, this application includes modifications to certain development standards that can be processed through the Master Plan Development process without the need for variance. The following table summarizes the modifications planned as part of this application.

**Table 6: Summary of Modifications to Development Standards**

Development Standard	Master Plan Modification	Rationale
<b>Residential Development Standards (Section 151.037)</b>		
Minimum Lot Area Single-Detached Dwelling Townhome	3,300 square feet 2,000 square feet	Smaller minimum lot sizes allow the project to meet the density standards and provide more common open space areas. The existing townhome standard is applied to the LDR zone. (See Table 5)
Minimum Lot Width Townhome Townhome Corner All Other	25 feet 30 feet 40 feet	A narrower minimum lot width allows the project to meet the density standards and provide more common open space areas. (See Table 5)
Maximum Building Coverage Townhome	70 percent of total lot	The townhome building coverage standard is applied to the LDR zone. (See Table 5)
Minimum Front Yard	15 feet 18 feet (for garage)	The minimum front yard standard is applied to all applicable residential zones in the master plan. An 18-foot front garage setback is applied to all residential lots. (See Table 5)
Minimum Side Yard Townhome (interior)	0 feet	The side yard standards are not changed. Clarification is provided that alley side yard setbacks are 5 feet. The townhome interior side yard setback of 0 feet is applied to the LDR zone. (See Table 5)
Minimum Rear Yard	18 feet (for garage)	An 18-foot rear garage setback is applied to all residential alley-loaded lots. (See Table 5)
Maximum Building Height	35 feet	The maximum height of 35 feet is applied to all applicable residential zones in the master plan. (See Table 5)
<b>Nonresidential Development Standards (Section 151.054)</b>		
151.054 Maximum height for the bicycle/pedestrian bridge over the railroad	Allow bridge to have a maximum height of 45 feet (exceeding the 35-foot maximum height in the I and CF zones).	The planned bridge over the railroad tracks is required to have a minimum clearance of ±23 feet above the tracks. Therefore, with the required ramps and potential roof on the bridge, the bridge structure is anticipated to be no more than 45 feet in height (measured to the midpoint of a sloped roof).

Development Standard	Master Plan Modification	Rationale
<b>Land Division Standards (Chapter 152)</b>		
152.053.B: Block Size and Mid-block Crosswalks	Allow blocks within the Master Plan to exceed the length and perimeter standards of Section 152.053 and not include mid-block crosswalks	Site constraints that prevent all blocks from meeting this standard include existing development surrounding the site, the adjacent railroad right-of-way to the west, and existing wetlands on the site that are planned to be preserved. In instances where blocks exceed 600 feet, a mid-block pedestrian connection is provided where appropriate. Pedestrian connections are provided to open space and the public park within the Master Plan. Mid-block crosswalks are not practical due to pedestrian safety concerns; it is more practical to provide crossings at street intersections where vehicles will be more likely to expect pedestrian activity. The planned pedestrian crossings minimize conflicts between pedestrians and vehicles. See the Preliminary Circulation Plan in Exhibit A for additional detail on how pedestrian circulation is provided within the Master Plan.
152.053B.3: Mid-block Pedestrian Accessways	Allow blocks within the Master Plan exceeding length/perimeter standards of Section 152.053 that do not include mid-block pedestrian accessways.	Mid-block pedestrian accessways are provided where practicable. In some instances, mid-block pedestrian accessways are not practicable due to site constraints (adjacent development, existing natural resources, etc.). Pedestrian and bicycle circulation facilities are provided to connect open spaces on the site to each other and to adjacent public facilities. See the Preliminary Circulation Plan in the Preliminary Plans (Exhibit A) for additional detail on how pedestrian connectivity is provided within the Master Plan.

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

**Response:** As described in responses to the Banks Comprehensive Plan goals, objectives, and policies elsewhere in this narrative, the planned Master Plan conforms with the requirements of the Comprehensive Plan. Additionally, findings in response to Section 151.037 demonstrate that the Master Plan does not exceed the maximum residential density for the area. See also the density calculations provided in the Preliminary Plans (Proposed Comprehensive Plan Map & Zoning Map & Density Calculations Sheet in Exhibit A). This standard is met.

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

**Response:** As described in Table 6 above, the planned modifications to the development standards conform with the purpose and intent of the BDC and allow the project to provide a more diverse group of housing types that better meets the housing needs of the community and respond to the unique topographic and natural resource site elements. This standard is met.

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

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

**Response:** As described in Table 6 above and demonstrated by the Preliminary Plans (Exhibit A), the planned modifications to development standards allow a smaller minimum lot size for single-detached dwellings and townhomes. This modification provides a public benefit by allowing a more diverse mix of housing types and a wider variety of lot sizes that better caters to community needs. These modifications will also allow a greater number of units to be provided, better meeting the housing needs of the Banks community. As discussed in response to the Banks Comprehensive Plan above, the Master Plan provides a greater variety of housing choice and needed housing in accordance with Goal 10 and its policies.

- (2) *Recreational amenities.* Required open space may be reduced from 20% to not less than 15% proportionately (Any reduction in required open space shall be roughly proportional to the estimated value of the offsetting improvements or amenities, as determined by the City Engineer based on a professional appraisal and an applicable construction cost estimate) where the development provides one or more of the following improvements:

- (a) Improvements identified in the City of Banks Parks and Recreation Master Plan.
- (b) Trail identified in the City of Banks Bicycle and Pedestrian Plan.
- (c) Enhanced play environment consisting of a nature play area, universal/all-inclusive play area, or adventure/challenge play area.
- (d) Other recreational resource or amenity not listed above but for which the Banks City Council finds is similar.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the Master Plan includes open space and park areas that exceed 20 percent of the total Master Plan area. Furthermore, the Master Plan is planned to include the following recreational benefits:

- A ±20-acre public park with playgrounds, lighted athletic fields, restrooms, and other public amenities
- A cohesive network of public multiuse trails that provide pedestrian and bicycle connectivity throughout the Master Plan area

- A bicycle/pedestrian bridge crossing the railroad right-of-way to the west that connects the Master Plan area to NW Scottston Terrace and the remainder of the City of Banks on the west side of the railroad
- Private parks and play areas within open space areas
- Additional trails that provide access and enhance pedestrian experience of open space and natural areas across the site
- A clubhouse serving residents within the Master Plan area

The features listed above provide public benefit for residents within the Master Plan and the broader Banks community.

- (3) Greater protection of natural features than would be required of a project that strictly conforms to code standards under the standard Development Code provisions;

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site contains existing ponds as part of the existing golf course. The majority of the existing ponds are planned to be retained and incorporated into open spaces as natural features for community and ecological benefit. The planned open spaces provide a public benefit by protecting natural features that are not currently designated for protection or enjoyment by the community.

- (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;

**Response:** As discussed in response to Subsection (3) above, existing natural features on the site are planned to be incorporated into the Master Plan as open space areas for community enjoyment and will provide ecological benefit. The design results in a greater amount of shared open space with public access and a street network, block size, and lot sizes that respond to the natural features on-site.

- (5) Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be required under minimum code standards;

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include an interconnected pedestrian and multiuse public trail system that incorporates open space areas and wider shared-use paths adjacent to the Collector roadways. A comprehensive street network is planned and will provide connectivity within the Master Plan area. A bicycle/pedestrian bridge is planned over the railroad right-of-way that will connect the planned public park to the remainder of the City to the west. This will allow school programs to better access the athletic fields provided by the public park and provide pedestrian connectivity between the downtown area of Banks and the master plan community. These combined improvements provide public benefit by encouraging multimodal transportation throughout the Master Plan area and improving connectivity beyond the minimum requirement of the BDC.

- ...
- (7) Other public benefit, such as the provision of affordable housing.

---

**Response:** Additional improvements included with this application include a full range of public utilities, off-site public street improvements, and connections to the existing transportation network, among others. In addition to supporting the planned Master Plan, these improvements will help facilitate future development adjacent to and around the subject site by extending/expanding public facilities and creating easier access to these facilities when adjacent sites develop.

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

**Response:** This application includes modifications to Public Works Design Standards that will be processed through the appropriate process per Section 1.50.0 of the Public Works Design Standards and reviewed and approved by the City Engineer, who is the appropriate review authority for public works improvements. See Exhibit S for further discussion of planned modifications to Public Works Design Standards. These modifications can be processed concurrently with this Master Plan application. Therefore, this standard is met.

**151.339 CONCEPT PLAN SUBMISSION.**

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

- (1) A statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (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;
- (3) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development;
- (4) Narrative report or letter documenting compliance with the applicable approval criteria contained in § 151.340;
- (5) Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple; and
- (6) Additional reports or studies prepared by qualified professionals, as required by the City Planning Official, to determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.
- (7) Assurances, including assurances of proposed public benefits under § 151.338(B)(7).

**Response:** The required submittal elements of this section are included in the application materials and discussed in this narrative.

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

- (1) Existing conditions map, consistent with § 151.253;
- (2) Conceptual site plan, including general land use plan, building envelopes, circulation plan, open space network, general utility connections and alignments, and other information necessary to convey the concept plan;
- (3) Grading concept;
- (4) Landscape concept, including plan for retention of existing vegetation and general planting areas;
- (5) Architectural concept, including plans illustrating intended architectural styles, building heights, massing, and general materials;
- (6) Sign concept plan, including locations, general size, style and materials of signs, such as entry monument and wayfinding signs, as applicable; and

**Response:** The plans and exhibits described in this section are included in the Preliminary Plans (Exhibit A). Architectural information for the citywide park and clubhouse is included in Exhibit T.

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

**Response:** Preliminary CC&Rs have been provided by the Applicant and included as Exhibit N.

#### 151.340 CONCEPT PLAN APPROVAL CRITERIA.

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

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

**Response:** As discussed in the responses to the Banks Comprehensive Plan, the planned Master Plan conforms with the goals, objectives and policies of the Comprehensive Plan. This criterion is met.

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

**Response:** As discussed in Table 6 above and in Chapter 152 below, this application includes modifications to certain standards of Chapter 152 that are planned to be processed as a modification through the master plan application. Findings in response to Chapter 152 below demonstrate that the applicable standards of the land division chapter are met except as modified; therefore, this criterion is met.

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

**Response:** As discussed in responses to the applicable zone regulations and community design standards reference above, the zoning regulations and design standards of the BDC are met except as modified as permitted by this code. This criterion is met.

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

---

**Response:** As demonstrated by the application materials and discussed in this narrative, adequate public facilities are planned to be provided for the master plan community. This criterion is met.

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

- (1) By dedication to the city as publicly owned and maintained open space. Open space proposed for dedication to the city must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or
- (2) By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the city. The city, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development, to meet public recreational needs pursuant to the Comprehensive Plan.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned Master Plan includes a new public park with athletic fields and multiple private parks and open spaces. Parks and open space are distributed throughout the site, occupy more than 20 percent of the site's area, and are adjacent to a majority of the residential lots in the master plan. The public park will be dedicated to the City and is planned to be maintained by the City of Banks. Private parks will be owned and maintained by an HOA. This criterion is met.

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

**Response:** This application includes modifications to certain development standards. See responses to Section 151.338 for additional findings.

#### 151.341 CONCEPT PLAN AND EXPIRATION.

(A) Upon approval of a Concept Plan, the approved plan, including any conditions of approval, shall be binding on future uses and development of the property, except where an approval expires.

**Response:** This standard is understood.

(B) *Expiration.* Except as provided by division (C), below, a concept plan shall become void 3 years after the date of approval if the applicant, or successor, has not filed with the city an application for detailed development plan and final plat approval in conformance with §§ 151.342 and 151.343.

---

**Response:** The Development Agreement for the site (see Exhibit J) includes an extended time period for the phased development of the Master Plan that supersedes this expiration standard.

(C) *Extension.* The city may grant extensions of the concept plan approval period, not to exceed 1 year per extension, provided that the extension request is made before expiration of the master planned development approval, the applicant can show intent of applying for detailed development plan review within the 1-year extension period, and there have been no substantive changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

**Response:** The Development Agreement for the site (see Exhibit J) includes an extended time period for the phased development of the Master Plan that supersedes this expiration standard. The Development Agreement also includes a provision to modify the agreement if necessary that may allow an extension to the time period if agreed upon by both the City and the Applicant.

**151.342 DETAILED DEVELOPMENT PLAN SUBMISSION.**

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

**Response:** The Detailed Development Plan portion of the Master Plan application is being reviewed concurrent with the Concept Plan. The Preliminary Plat (Exhibit A) for the phased subdivision as well as the Site Design Review (Exhibit T) for the citywide park and the clubhouse improvements are included to fulfill the Detailed Development Plan submission requirements.

**151.343 DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA.**

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

**Response:** As discussed above and permitted per Section 151.337, the Detailed Development Plan is being submitted and reviewed concurrently with the Concept Plan submittal.

**151.344 SUBSEQUENT DEVELOPMENT REVIEWS.**

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

**Response:** This standard is understood.

---

## Chapter 152: Land Division Regulations

### Land Divisions and Property Line Adjustments

#### 152.002 APPLICABILITY.

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

- (A) Partitions are the dividing land to create not more than 3 parcels of land within a calendar year.
- (B) Subdivisions are the dividing of land to create 4 or more lots within a calendar year.
- (C) Property line adjustments are modifications to property boundaries that do not divide land. Lot consolidations where no lot or parcel is created are processed the same as property line adjustments.

**Response:** This application includes a Master Plan featuring a phased subdivision and property line adjustments to facilitate development of the master plan. Therefore, the standards of this section are applicable.

#### 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.

**Response:** This application includes the Preliminary Plat for all phases (Exhibit A). Final plats will be submitted in accordance with the phasing schedule. These procedural requirements are understood.

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

**Response:** This requirement is understood and will be met.

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

**Response:** The planned Master Plan and subdivisions will not create large lots. This requirement is not applicable.

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

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned Master Plan will have adequate public facilities and utilities to serve lots within the Master Plan area. Water is planned to be provided through a combination of a reservoir, water mains, and wells. Documentation of adequate water service is provided in Exhibits L and M. This requirement 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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and the Preliminary Stormwater Report (Exhibit I), adequate water drainage is planned for lots within the Master Plan. This requirement is met.

- (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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), adequate access will be provided for lots within the Master Plan. Additional documentation of adequate access is provided in the TIA & TPR (Exhibit K). This requirement 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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), all utilities are planned to be underground. This requirement is met.

#### 152.004 PRELIMINARY PLAT APPROVAL PROCESS.

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

**Response:** This procedural requirement is understood. Please see responses to Section 152.007 below for additional findings.

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

---

**Response:** The Development Agreement for the project (see Exhibit J) includes an extended time period for the phased development of the Master Plan that supersedes this preliminary plat approval period.

(C) *Modifications and extensions.* The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in this chapter. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period not to exceed 1 year per extension, provided that all of the following criteria are met:

- (1) Any changes to the preliminary plat follow the procedures in this chapter;
- (2) The applicant has submitted written intent to file a final plat within the 1-year extension period;
- (3) An extension of time will not prevent the lawful development of abutting properties;
- (4) There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
- (5) The extension request is made before expiration of the original approved plan.

**Response:** The Development Agreement for the project (see Exhibit J) includes an extended time period for the phased development of the Master Plan that supersedes this expiration standard. The Development Agreement also includes a provision to modify the agreement if necessary, that may allow an extension to the time period if agreed upon by both the City and the Applicant. The Applicant understands that the above standards apply if modifications to the preliminary plat or conditions of approval are needed.

(D) *Phased subdivision.* The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria:

- (1) In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than 1 year;
- (2) Public facilities shall be constructed in conjunction with or prior to each phase;
- (3) The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;
- (4) The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and
- (5) Planning Commission approval is required for modifications to phasing plans.

**Response:** As stated above, the Development Agreement for the project (see Exhibit J) includes an extended time period for the phased development of the Master Plan that supersedes the above phased subdivision timing criteria.

---

152.005 FLAG LOTS AND LOT SIZE AVERAGING.

- (A) *Flag lots.* Flag lots may be created only where a through street cannot reasonably be extended to serve standard lots in accordance with this Code. A flag lot driveway ("flag pole") shall serve not more than 3 dwelling units, provided applicable building and fire code requirements are met. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall not preclude planned future street connections as adjacent properties develop, and shall conform to the transportation connectivity and block length standards set forth in the City of Banks Transportation System Plan.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), Lots 195, 196, and 197 in the planned Master Plan are flag lots. These lots are adjacent to the railroad right-of-way along the west boundary of the site and the planned citywide park; therefore, a through street cannot reasonably be extended to serve these lots. The driveway serving these flag lots does not serve more than three lots and does not preclude the future development of adjacent parcels. Connectivity and block length standards will likewise be met as applicable. This standard is met.

- (B) *Emergency vehicle access.* An emergency vehicle apparatus lane, including any required turn-around, shall conform to applicable building and fire code requirements. Fire sprinklers may also be required where a lot is not adequately served by a fire hydrant with sufficient water pressure.

**Response:** The Master Plan area includes an expansive vehicular circulation system with public streets serving as the primary access for emergency vehicles. Where necessary for phased improvements or with particular site improvements (the planned wellhouse or pump station) turnarounds will be provided in accordance with building and fire code standards. This standard is met as applicable.

- (C) *Reciprocal access.* A drive serving more than 1 lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure or other obstacle shall be placed within the drive area.

**Response:** Reciprocal access easements are planned for drives serving more than one lot. This standard will be met.

- (D) *Lot size averaging.* To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant a 20% modification to the lot area and/or lot dimension (width/depth) standards in §§ 151.035 through 151.038, provided that the overall density of the subdivision does not exceed the allowable density of the underlying zone and the approval body finds that all of the following are met:

...

**Response:** Lot sizes are reduced in this application through the modification of development standards as permitted through the Master Plan application process. Therefore, lot size averaging does not apply to this application.

152.006 PRELIMINARY PLAT SUBMISSION REQUIREMENTS.

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

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

**Response:** The required Land Use Application is included as Exhibit B.

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

**Response:** The following information is provided in the application materials that addresses the adequacy of the public facilities and services.

- Exhibit A: Preliminary Plans (includes parks, circulation, and utility plans for the Master Plan areas)
- Exhibit H: Service provider letters and correspondence
- Exhibit I: Preliminary Stormwater Report
- Exhibit K: Transportation Impact Analysis & Transportation Planning Rule Assessment
- Exhibit L: Water System Improvement Plan & TVID Agreement
- Exhibit M: City Engineer Water Memo

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

- (1) Name of proposed partition or subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Washington County (check with County Surveyor);
- (2) Date, north arrow, and scale of drawing;
- (3) Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
- (4) Zoning of parcel to be divided, including any overlay zones; and
- (5) A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey;
- (6) Identification of the drawing as a "preliminary plat"; and
- (7) *Existing conditions.* Except where the City Planning Official deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:
  - (a) *Streets.* Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
  - (b) *Easements.* Width, location and purpose of all existing easements of record on and abutting the site;

- 
- (c) *Utilities.* Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
  - (d) Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Planning Commission may waive this standard for partitions when grades, on average, are less than 6%;
  - (e) The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
  - (f) The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;
  - (g) North arrow and scale; and
  - (h) Other information, as deemed necessary by the City Planning Official for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
- (8) Proposed development (may be depicted on more than 1 map). Except where the City Planning Official deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:
- (a) Proposed lots, streets, tracts, including private open space, common area, or streets, if any, and approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;
  - (b) Location, names, right-of-way dimensions, approximate radius of street curves, and approximate finished street center line grades;
  - (c) Any streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
  - (d) The Planning Commission shall also require a dedication of land for public park and recreation purposes. The public park dedication shall not exceed 15% (0 to 15%) of the buildable land area within the subdivision;
  - (e) Easements: location, width and purpose of all proposed easements;
  - (f) Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;
  - (g) Proposed public street improvements, consistent with the Public Works Design Standards Manual, including evidence of contact with the applicable road authority, if different than the city, where a new street connection is proposed;
  - (h) On slopes exceeding an average grade of 10%, as determined by the City Engineer, the preliminary location of

---

development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards for streets, driveways, drainage, and retaining walls, as applicable;

- (i) Preliminary design for extending city water service to each lot consistent with the Public Works Design Standards Manual;
- (j) Preliminary design for extending sanitary sewer service to each lot, and a Service Provider Letter from Clean Water Services;
- (k) Proposed method of storm water drainage and treatment, if required, consistent with the Public Works Design Standards Manual and a Service Provider Letter from Clean Water Services;
- (l) The approximate location and identity of other utilities, consistent with the Public Works Design Standards Manual including the locations of street lighting fixtures, as applicable;
- (m) Evidence of compliance with applicable overlay zones, including but not limited to those regulating development in flood hazard areas.

**Response:** A Preliminary Plat is included in the Preliminary Plans (Exhibit A) and includes the elements listed above as applicable.

**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;

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned lots, blocks, and land uses generally conform to the standards of the underlying zoning districts. In addition, this application includes modifications to certain development standards, which are summarized in Table 6 above. This application also includes Public Works Design Standard modifications that are detailed in Exhibit S and will be processed through the appropriate Public Works permit procedures and reviewed by the City Engineer. Therefore, this criterion is met as applicable.

- (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;

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and the applicable studies included as exhibits, the Master Plan includes public facilities and utilities necessary to support lots within the Master Plan area. This criterion 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;

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned streets, utilities, and water facilities generally conform with the City of Banks Public Works Design Standards, adopted master plans, and allow for extensions to existing and future development on adjacent sites. As discussed in response to Section 152.007 above and Exhibit S, this application includes modifications to certain Public Works Design Standards that are planned to be processed in accordance with Chapter 1.50.0 and reviewed by the City Engineer in accordance with the procedures of that chapter. The planned public improvements and dedications are depicted on the Preliminary Plat Plans and the Preliminary Street Plans in Exhibit A. Therefore, this criterion is met as applicable.

- (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;

**Response:** The proposed plat name (“Aerts Addition”) is not already recorded and is consistent with the provisions of ORS Chapter 92. See Exhibit R for the plat name reservation approval. This criterion is met.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and required for a master plan, the Aerts Addition Master Planned Development includes open space exceeding 20 percent of the total Master Plan area. Open space is planned within tracts to be maintained by an HOA or, in the case of the public park, be maintained by the City. This criterion 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;

**Response:** Evidence of state and federal permits is provided as applicable. This criterion is met.

- (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

**Response:** This narrative and the application materials included herein demonstrate that improvements and conditions required by this code can be met. Service provider letters are included as Exhibit G and H. This criterion is 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.

---

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), all planned lots within the Master Plan contain buildable area sufficient for at least one dwelling, except those reserved for open space or common areas. This criterion is met.

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

**Response:** This criterion is understood.

**152.008 LAND DIVISION-RELATED VARIANCES.**

Variations are processed in accordance with §§ 152.075 and 152.076. Applications for variances associated with proposed land divisions shall be submitted at the same time as the application for the land division, and, when practical, the applications shall be reviewed concurrently.

...

**Response:** As discussed in response to Section 152.007 above, this application includes modifications to the standards of this chapter that will be processed as part of the Master Plan application in accordance with Section 151.340(B). As discussed in Exhibit S, this application also includes modifications to certain Public Works Design Standards that are planned to be processed in accordance with Chapter 1.50.0 and reviewed by the City Engineer in accordance with the procedures of that chapter. Therefore, a variance to the standards of this chapter is not required and this section is not applicable.

**152.012 PROPERTY LINE ADJUSTMENTS.**

A property line adjustment is the modification of lot boundary when no lot is created. The Planning Commission reviews applications for property line adjustments pursuant with the administrative land use decision procedure under § 151.232. Administrative Review. The application submission and approval process for property line adjustments is as follows:

- (A) *Submission requirements.* All applications for property line adjustment shall be made on forms provided by the city and shall include information required for a administrative land use review, pursuant with § 151.232 Administrative Review. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; location of lands subject to any flood hazard area overlay; existing fences and walls; and any other information deemed necessary by the Planning Commission for ensuring compliance with city codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.

**Response:** This application includes property line adjustments to facilitate phasing of the Master Plan. Adjusted property lines will generally align with the phase lines of the planned Master Plan. Please see the Preliminary Property Line Adjustment Plan sheet of the Preliminary Plans (Exhibit A) for details. The items required by this section are included with the application materials herein.

- (B) *Approval criteria.* The Planning Commission shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:
- (1) *Parcel creation.* No additional parcel or lot is created by the lot line adjustment;

---

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned property line adjustment is intended to generally match phase lines for the Master Plan and will not create an additional parcel. This criterion is met.

- (2) Lot standards. All resulting lots and parcels conform to the applicable lot standards of the underlying zone, including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform to any flood hazard area overlay requirements; and

**Response:** As demonstrated by the Preliminary Property Line Adjustment Plan sheet in the Preliminary Plans (Exhibit A), the planned property line adjustment will result in lots that conform to the standards of the underlying zones. This criterion is met.

- (3) Access and road authority standards. All lots and parcels conform to the standards or requirements of § 151.174(E), and all applicable road authority requirements are met. If a lot is nonconforming to any city or road authority standard, it shall not be made less conforming by the property line adjustment.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned property line adjustment is intended to generally match phase lines for the Master Plan. Appropriate access will be provided as each phase develops. This criterion is met as applicable.

- (C) Recording property line adjustments.
- (1) Recording. Upon the city's approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with Washington County within 60 days of approval and submit a copy of the recorded survey map to the city, to be filed with the approved application.

**Response:** This requirement is understood and will be met.

- (2) Time limit. The city's approval of the property line adjustment expires if not recorded within 60 days of approval. The applicant shall submit a copy of the recorded property line adjustment survey map to the city within 15 days of recording and prior to any application being filed for a building permits on the reconfigured lots.

**Response:** The Development Agreement for the project (see Exhibit J) includes an extended time period for the phased development of the Master Plan that supersedes this property line adjustment time limit requirement.

#### 152.013 ENFORCEMENT.

Any violation of this chapter or a provision of any permit or land use decision approved under the authority of this chapter is a civil infraction and a nuisance, enforceable under the provisions of chapter 37, Civil Enforcement, and any other lawful remedy or procedure, including a suit for declaratory and injunctive relief in Circuit Court. The city is entitled to recover its reasonable enforcement costs expended in any such enforcement action to applicable fines and penalties.

**Response:** This standard is understood.

#### Design Standards

#### 152.050 PRINCIPLES OF ACCEPTABILITY.

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any approved development plans, shall take into consideration any

---

preliminary plans made in anticipation thereof, and shall conform to the design standards established by these regulations, the policies and elements of the city's Comprehensive Plan, and any other ordinances or laws not in conflict herewith.

**Response:** These requirements are understood and planned to be met. As discussed in the responses to Sections 152.007 and 152.008 above, this application includes modifications to certain standards of Chapter 152 that are planned to be processed as part of the Master Plan application in accordance with Section 151.338. This application also includes modifications to Public Works Design Standards that are planned to be processed in accordance with the procedures of Chapter 1.50.0 of the Public Works Design Standards. The proposed Master Plan otherwise conforms to the standards established by these regulations, the policies and elements of the City's Comprehensive Plan, and the Development Agreement between the City and the Applicant (Exhibit J).

**152.051 REQUIRED IMPROVEMENTS.**

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and discussed in this narrative, the Master Plan includes the improvements listed above. These requirements are met.

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

**Response:** This requirement is understood.

---

152.052 STREETS.

- (A) *Generally.* All streets shall be dedicated to the public and shall be constructed in accordance with the design standards of this chapter and the Public Works Design Standards, unless otherwise approved. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Street layout shall optimize solar access. Where location is not shown in a development plan, the arrangement of streets shall either:
- (1) Provide for the continuation or appropriate projection of existing collector or arterial streets in surrounding areas;
  - (2) Confirm to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
  - (3) Provide adequate pedestrian and bicycle access and circulation for all neighborhood activity centers, including existing and planned schools, parks, shopping areas, transit stops and employment centers; or
  - (4) Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the street standards of the Public Works Design Standards. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner. Bikeways or bicycle lanes shall be required along collectors. Sidewalks shall be required along collectors.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned Master Plan includes public streets that meet the Public Works Design Standards as applicable. As discussed in response to Section 152.050 above and the Public Works Design Exception materials (Exhibit S), this application includes modifications to the Public Works Design Standards that are planned to be processed in accordance with the applicable procedures of Chapter 1.50.0 and reviewed by the City Engineer. These modifications are planned due to unique site constraints in order to provide public improvements that better meet the character of the site or are consistent with the Development Agreement (Exhibit J). Streets are stubbed to the boundary of the Master Plan area to facilitate future street extensions to adjacent properties if the City determines street connections are appropriate. As discussed in the TIA & TPR (Exhibit K), the planned street system is adequate to serve the anticipated traffic from the Master Plan and its uses. The standards are met.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned rights-of-way within the Master Plan comply with the Public Works Design Standards as applicable. As discussed in response to Section 152.050 above and the Public Works Design Exceptions materials (Exhibit S), this application includes modifications to certain Public Works Design Standards due to unique site constraints in order to provide public improvements

---

that better meet the character of the site. This standard is met as applicable. See findings in response to Section 152.050 and Exhibit S for additional detail.

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

**Response:** The planned improvements do not include reserve strips. This standard is not applicable.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), streets are stubbed to the boundary of the Master Plan area to facilitate future extension to adjacent streets as the area develops. Streets stubbed to the western boundary of the site along the railroad are not planned to be extended but can be in the future should the City determine the extensions are necessary and acquire the requisite right-of-way from the railroad. This standard is met.

- (E) *Intersection angles.* Streets may be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of centerline tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial or collectors street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway radius of 10 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than 2 streets at any 1 point will not be approved.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), intersection angles of the planned public street network comply with the requirements above. This standard is met.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), additional right-of-way dedication is provided for NW Aerts Road, NW Banks Road, NW Washington Avenue, and OR 6 to provide adequate right-of-way widths necessary for improvements related to the project. This standard is met.

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

---

be provided within the tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

**Response:** The planned street sections were reviewed and approved through the Development Agreement (Exhibit J) and are included on the Preliminary Cross-Section sheets in the Preliminary Plans (Exhibit A). The roadways on the perimeter of the Master Plan area have been designed to provide sufficient width for safe vehicular, bicycle, and pedestrian circulation, but full improvements to those roadways will occur when development occurs outside the Master Plan area. This standard is met as applicable.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a cul-de-sac that meets the requirements listed above. This standard is met.

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

**Response:** This standard is understood. Street names are not planned to be duplicative and will conform to the established City plan as applicable.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site is adjacent to an existing railroad right-of-way along its western boundary. This application includes a property line adjustment and subdivision as part of a master plan. Therefore, the standards of this section are applicable.

As illustrated by the Preliminary Plans, the planned Master Plan makes use of the area adjacent to the railroad right-of-way. Uses adjacent to the right-of-way include residential lots, a public park, industrially zoned property, and stormwater facilities. Screen planting and buffering can be provided along the railroad right-of-way, as necessary. Therefore, these standards are met.

(1) *Intent and purpose.* The intent of this chapter is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This chapter applies to all public streets within the City of Banks, and to all properties that abut these roadways. This chapter implements the access management policies of the City Transportation System Plan.

(2) *Applicability.* This chapter applies to all public streets within the city and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street

---

vacation; and when properties are subject to land use review or site design review.

**Response:** Above standards (1) and (2) appear to apply to all land within the City and are not just applicable to the streets adjacent to the railroad as stated in (J) above. Therefore, the access standards below likely apply to the entire Master Plan area.

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

**Response:** This standard is understood. Access permits for new points of access onto public streets can be provided as needed.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements do not include a new access onto OR 6 or OR 47. The planned improvements include a roundabout at the intersection of OR 6, NW Washington Avenue, and NW Aerts Road to accommodate the increased vehicle traffic anticipated from the Master Plan; however, this is not a new access point. See the TIA & TPR (Exhibit K) for additional detail. This standard is met.

- (K) *Creation of a sub-standard public or private street.* The creation of a street and the resultant separate land parcels, if any, shall be in conformance with the requirements for subdivision, including the street design standards of this section. However, the Planning Commission may approve the creation of a public street or of a private street to be established by deed without full compliance with the regulations applicable to subdivisions provided the following conditions exist:

- (1) The establishment of the public street is initiated by the City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
- (2) The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over 1 acre or of the size and characteristics as to make it impossible to develop building sites for more than 3 dwelling units;
- (3) The street has been approved by the Fire Marshal and has been found to provide adequate emergency vehicle access;
- (4) The street has been found to provide adequate access for utilities; and
- (5) In the case of a private street, provisions have been made to insure adequate maintenance of the street and any utilities within it.

**Response:** The planned improvements do not include a sub-standard public or private street. This standard is not applicable.

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

**Response:** Functional classifications for planned public streets are provided on the Preliminary Circulation Plan sheet in the Preliminary Plans (Exhibit A). This standard is met.

- (M) *Off-site road improvements.* Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors and projects identified in the Banks Bicycle and Pedestrian Plan.

**Response:** This application includes off-site road improvements: a new roundabout at the intersection of OR 6, NW Washington Avenue, and NW Aerts Road; bicycle and pedestrian improvements are included with the new roundabout in accordance with this standard. Additional off-site improvements are planned on adjacent streets (NW Banks Road, NW Aerts Road, NW Washington Avenue) as well as the intersection of NW Main Street and the off-ramp to OR 47 to accommodate increased traffic from the Master Plan. Bicycle and pedestrian facilities will be included with these improvements to the degree practicable. Therefore, this standard is met as applicable.

**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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned blocks account for building size and street width and recognize topographic impacts. Due to existing site constraints, modifications are planned to certain block standards (including size and perimeter), as discussed below.

- (B) *Size.* No block shall be more than 1,200 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. In blocks over 600 feet in length, there shall be a crosswalk not less than 20 feet in width near the middle of the block. A block shall have sufficient width to provide for 2 tiers of building sites unless topography or location of adjoining street justifies an exception. In blocks over 600 feet in length, and where appropriate at the end of cul-de-sacs, there shall be a dedicated public way of not less than 10 feet in width for pedestrian access through the block, or to provide access to school, parks, or other activity centers.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), blocks within the planned master plan are generally less than 1,200 feet in length. As discussed in response to the Preliminary Plat approval criteria in Section 152.007 above, this Master Plan application includes modifications to block size standards to allow for blocks that exceed the maximum block length required by this section. Site constraints include existing development surrounding the site, the adjacent railroad right-of-way to the west, and existing wetlands on the site that are planned to be preserved. In instances where blocks exceed 600 feet, a mid-block pedestrian connection is provided where appropriate. Mid-block crosswalks are not planned in most instances in order to enhance pedestrian safety and minimize conflicts between pedestrians and vehicle traffic. Pedestrian connections

---

are provided to open space and the public park within the Master Plan. This standard is met as applicable. Please see Table 6 above for a full list of the modifications included in this Master Plan application.

- (1) All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), street connections are provided within the site to adjacent streets to the east (NW Aerts Road) and south (NW Washington Avenue). Street stubs are provided to the north and west in anticipation of future development (to the north). At-grade railroad crossings to the west are currently not permitted due to the existing railroad tracks. Streets are stubbed adjacent to the railroad to provide connectivity if the City determines that future connections across the railroad are warranted and the requisite right-of-way is acquired. Therefore, this standard is met as applicable.

- (2) *Street connectivity and formation of blocks.* In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than 2 acres shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between 2 streets or a street and its nearest accessway):
  - (a) *Residential zones.* Minimum of 100 foot block length and maximum of 600 foot length; maximum 1,600 feet block perimeter;

...

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), blocks are limited to 600 feet in length and 1,600 feet perimeter length where feasible. As discussed in response to the Preliminary Plat approval criteria in Section 152.007 above, this application includes a modification to this standard in instances where block lengths exceed the threshold of this section due to unique constraints such as preservation of existing natural features or the adjacent railroad right-of-way. In instances where blocks exceed 600 feet in length and/or 1,600 feet perimeter length, mid-block pedestrian connections are provided where appropriate. Please see Table 6 above for a full list of the modifications included in this Master Plan application.

- (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:

- (a) If the streets within the subdivision or neighborhood are lighted, all accessways in the subdivision shall be lighted. Accessway illumination shall provide at least 2 foot candles;
- (b) A right-of-way or public access easement provided in accordance with division (a) that is less than 20 feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;
- (c) All pedestrian/bicycle accessways shall conform to applicable ADA requirements;
- (d) The city may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the accessway does not exceed 4 feet in height; and
- (e) Which may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), pedestrian/bicycle accessways are provided near the mid-point of blocks and at the ends of cul-de-sacs that exceed the maximum block length requirements of this section where practicable. As discussed in response to Section 152.007 above, this Master Plan application includes a modification to this standard to allow flexibility to mid-block connection requirements where connections are not practicable as well as to not light the accessways due to proximity to natural areas. Pedestrian and bicycle circulation facilities are provided to connect open spaces on the site to each other and to adjacent public facilities. This standard is met as applicable. See the Preliminary Circulation Plan in the Preliminary Plans (Exhibit A) for additional detail.

- (4) **Connections within development.** Connections within developments shall be provided as required in divisions (a) through (c), below:
  - (a) Walkways shall connect all building entrances to one another to the extent practicable;
  - (b) Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and
  - (c) Large parking areas shall be broken up so that no contiguous parking area exceeds 3 acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features, street-like features, for the purpose of this section, means a raised sidewalk of at least 4 feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

---

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), walkways are planned throughout the Master Plan area to connect buildings and parking areas to adjacent pedestrian facilities as practicable. The planned Master Plan does not include a large parking area exceeding 3 acres. These standards are met as applicable.

(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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), a continuous pedestrian walkway system is provided throughout the Master Plan area that provides connectivity between pedestrian facilities, open space, public parks, and adjacent uses. This standard is met. See the Preliminary Circulation Plan in Exhibit A for additional detail.

(2) *Safe, direct, and convenient walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:*

(a) *REASONABLY DIRECT.* A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of- direction travel for likely users.

(b) *SAFE AND CONVENIENT.* Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(c) *PRIMARY ENTRANCE* for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

(d) *PRIMARY ENTRANCE* for residential buildings is the front door (i.e., facing the street). For multi-family buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

**Response:** The planned pedestrian facilities within the Master Plan area provide safe, convenient, and reasonably direct connections between primary building entrances and adjacent pedestrian facilities, where applicable. This standard is met.

(3) *Connections within development.* Connections within developments shall be provided as required in divisions (a) through (c), below:

- 
- (a) Walkways shall connect all building entrances to one another to the extent practicable.
  - (b) Walkways shall connect all on-site parking areas, storage areas, recreational facilities, and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.
  - (c) Large parking areas shall be broken up so that no contiguous parking area exceeds 3 acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets or driveways with street-like features, street-like features for the purpose of this section, means a raised sidewalk of at least 4 feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), walkway connections are provided within the Master Plan area between common areas, parking areas, building entrances, and off-site uses to the degree practicable. The planned improvements include a public park. The planned public park includes walkways between its parking lot, on-site building entrances, athletic fields, playground areas, and adjacent public sidewalks. Additionally, a bicycle/pedestrian bridge is planned to connect the public park to the Banks school campuses and will cross the railroad right-of-way along the site's western boundary. Therefore, this standard 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.
  - (1) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problem of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by subsurface or other means.
  - (2) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use and development contemplated.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the size, width, and shape of lots within the Master Plan area is appropriate for the planned residential and park uses and conforms with the standards of the underlying zoning district. Parcels within the master plan that are intended for commercial or industrial uses are not planned to be improved as part of this application and meet the lot dimensional standards of their underlying zoning districts. This standard is met as applicable.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), lots within the subdivision have frontage on a public street or have public access easement for a minimum of 20 feet. This standard is met.

- (C) *Through lots and parcels.* Through lots and parcels shall be avoided except where they are essential to provide separation of development from major traffic arterials or adjacent incompatible activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 5 feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), through lots are planned as necessary within the Master Plan area along the boundary of the Master Plan and adjacent to Collector roads. Access to the lots on the perimeter of the Master Plan area will be from the Local roadways and access is not planned or needed to the perimeter Collector roads (NW Aerts Road and NW Banks Roads). This standard is met.

- (D) *Lot and parcel side lines.* The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curves streets they shall be radial to the curve.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), lots within the Master Plan are planned to have lot lines perpendicular or radial to adjacent public streets. This standard is met.

- (E) *Flag lots.*

**Response:** The planned Master Plan includes flag lots (Lots 195, 196, and 197). As discussed in response to Section 152.005 above, these lots are adjacent to the railroad right-of-way along the east boundary of the site and back up to the citywide park; therefore, a through street cannot reasonably be extended to serve these lots. The flag lots do not preclude the future development of adjacent parcels. Connectivity and block length standards will likewise be met. This standard 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
- (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.

**Response:** As demonstrated by the Preliminary Grading Plans in the Preliminary Plans (Exhibit A), the grading standards of this section and of Chapter 70 of the Uniform Building Code are planned to be met.

---

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.

**Response:** This standard is understood.

152.057 LARGE BUILDING SITES.

In dividing tracts into large lots or parcels which at some future time are likely to be again divided, the Planning Commission may require that the blocks be of the size and shape, be so divided into building sites and contain the site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

**Response:** The planned Master Plan does not include large building sites. This standard is not applicable.

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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned Master Plan includes a public park and open space areas. The open space areas include the environmentally sensitive wetland areas within the Master Plan and will be maintained by the HOA. The public park will be dedicated to the City. This standard is met.

(B) Where a park playground, school, or other public use is determined to be needed in whole or in part within a subdivision, to carry out the goals and policies of the Banks Comprehensive Plan, the subdivider shall dedicate and reserve adequate space for the purpose, provided however, that the city or other public authority shall thereupon declare its intention to utilize the area within the land division when the Planning Commission finds the requirements to be reasonably necessary for the public health and safety. Where the city or other public authority has declared its intention to acquire the area, it shall proceed to perfect the title or a contract right to the same within 3 years from the date of platting, and failing such, this reservation shall automatically expire. The public body shall expeditiously proceed, within its financial ability, to consummate the acquisitions.

**Response:** A public park is included with the Master Plan and is planned to be dedicated to the City. This standard is met.

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.

**Response:** This standard is understood and planned to be met.

---

**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.

**Response:** As demonstrated by the Preliminary Landscape Plans included with the Preliminary Plans (Exhibit A), street trees are planned for the Master Plan in accordance with the requirements above. This standard is met.

**152.061 VEHICLE STORAGE AREA.**

In subdivisions of more than 20 dwelling units, the Planning Commission may require that a common area be set aside for the storage of vehicles such as recreational vehicle, boats, trailers, or vehicle in excess of the number of vehicles for which adequate off-street parking space has been otherwise provided.

**Response:** A common area for storage of vehicles is not included in this application. Each residential lot will have a garage and driveway space for vehicle storage. This standard is understood.

**IV. Conclusion**

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Banks Municipal Code and the Banks Comprehensive Plan. The evidence in the record is substantial and supports approval of the application.