

RECOMMENDATION

Based on the above findings, planning staff find the proposed application package (MPD 24-02 et al) meets the applicable standards of the Banks Zoning Code and Land Division Regulations. Staff recommends **approval** of this application request, with the following conditions of approval:

A. Planning Conditions of Approval

I. General:

1. This "At Cost" entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development impact fees are paid in full. A deposit for review of compliance with Conditions of Approval will be required, in addition to payment of the balance for actual costs of City Staff and Contractors conducting compliance review.
2. The Owner and Applicant, and all representatives and successors in interest, shall comply with all applicable provisions of the Banks Municipal Code (including the Banks Land Usage Code), Banks Public Works Design Standards, and all other applicable local, state, and federal regulations.
3. The Applicant shall adhere to all applicable local, state, and federal laws regarding wetland and waters of the state protection, and shall obtain all necessary permits.
4. All construction-related work, including earthwork, grading, trenching, backfilling and compaction operations, shall be conducted in accordance with the Oregon Structural Specialty Code and requirements for permitting by Washington County. All construction activities shall meet the Oregon State Building Code regulations for seismic safety. Construction plans shall be subject to a Type 1 review and approval by the City of Banks prior to the issuance of a building permit. All structures shall be constructed in accordance with applicable building code requirements and permits issued by Washington County Building Services. All work shall be subject to inspection by the City of Banks and Washington County Building Services, and must conform to all applicable requirements and approved improvement plans prior to the issuance of a Certificate of Occupancy.
5. Deviations from approved plans will be subject to the Minor Modifications and Major Modifications applications and requirements, as applicable, in Section 151.287 and Section 151.288 of the Banks Land Usage Code. Changes to the plans that are required to meet conditions of approval are not required to follow the modification process.
6. The development shall be constructed in accordance with the conditions of this decision, the approved final plans, the Development Agreement, the standards of the Banks Land Usage Code, and Public Works Design Standards, as modified by this approval.
7. Development on all lots created by this subdivision shall comply with all dimensional and development standards of the applicable approved zones, except as modified by Master Planned Development provisions and this approval.

8. The Applicant shall adhere to City of Banks Public Works Standards that require a 12-month warranty on all public improvements that the Applicant constructs or otherwise provides, including infrastructure and landscaping.

9. The Applicant and City entered into a Development Agreement (Consolidated Land Use Application, Exhibit J) that is intended to establish the Improvements needed to develop the Project, the methods for funding those Improvements, and the timing of construction of those Improvements. These conditions of approval incorporate by reference herein the obligations of the Development Agreement. These conditions of approval are intended to be consistent with and implement the Development Agreement, and these conditions of approval and the Development Agreement shall be interpreted to be consistent and harmonious with one another wherever possible. If there is a conflict between these conditions of approval and the Development Agreement, these conditions supersede the Development Agreement. Notwithstanding the foregoing, if the conditions conflict with or differ from the Development Agreement, the Development Agreement may be amended as provided in Sections 11.2 and 13.2 of the Development Agreement.

10. It is understood that the development phasing concept shown for the Project is preliminary in nature and may be modified (including subphases) by the applicant based on market conditions without the need to modify the land use approval. Any revisions to development phasing boundaries shall be coordinated with, and be approved by the Fire Chief and City Engineer, in regard to maintaining necessary accessibility to comply with fire code requirements.

11. Unless more specific timing is provided in these conditions of approval, for all Improvements required to be constructed by these conditions, prior to or at the time of recording the final plat approval for each phase of the subdivision, the public Improvements within that phase, or the applicable portion of a public Improvement within that phase, must either have achieved Substantial Completion by the applicant or applicant shall provide to the City a sufficient financial assurance to ensure that the applicable Improvement will be substantially completed, as detailed in Section 13.4 of the Development Agreement. This provision shall not apply to improvements made under permit to Washington County and the Oregon Department of Transportation unless specifically approved by the applicable permitting agency.

12. Unless otherwise specified in these conditions of approval or the Development Agreement, upon Substantial Completion of a public Improvement, applicant will dedicate the Improvement and underlying land, and any associated public easements where required, to the extent owned by the applicant, to the public entity with jurisdiction over said Improvement.

13. Capitalized terms used and not defined in these conditions shall have the meaning assigned to such terms in the Development Agreement. Citations to sections of the Development Agreement are provided for reference, but are not intended to limit the applicability of the Development Agreement. When calculating the number of dwelling units, model homes are excluded from all dwelling unit counts for the timing of Improvements.

II. Prior to site work and issuance of grading permits for each development phase:

1. The following notes shall be placed on grading plans and building plans and shall be adhered to by the Owner, Applicant, and their Representatives and Contractors:

“If any potential cultural resources and/or human remains are discovered in the course of development activity, work shall be stopped immediately and the Oregon State Historic Preservation Office, the Confederated Tribes of the Grand Ronde, the Washington County Coroner, and the City of Banks City Manager shall be notified, as appropriate. Failure to comply with these requirements may constitute a Class C Felony, subject to imprisonment and/or fines.”

III. Prior to Final Plat approval for each development phase:

1. The Applicant shall apply for a Final Plat in conformance with Sections 152.009 and 152.010 of the Banks Land Usage Code.

2. The Applicant shall submit for Final Plat approval (Type 2) from the City with a plan that shall demonstrate that Conditions of Approval are met. The Final Plat shall be prepared by a professional land surveyor licensed in Oregon, consistent with the requirements of ORS Chapter 92 and Chapter 152 (Land Division Regulations) of the Banks Land Usage Code. All easements and tracts shall be shown on the Final Plat.

3. The applicant shall submit to the City a final plat for the first phase of the Project within three (3) years after final land use approval, including resolution of any and all appeals and proceedings on remand.

4. The applicant will submit to the City a final plat for phases subsequent to the first phase within two (2) years of recordation of the final plat of the preceding phase.

5. Modifications or extensions to the timing of when final plat for phases must be recorded may be approved by the City Manager.

6. All common areas shall be annexed to and maintained by the Homeowners Association named in the final Covenants, Conditions, Restrictions, and Easement documents.

7. The Applicant shall ensure that the Property Line Adjustment is recorded within two years of preliminary land use approval per the Development Agreement and as detailed in Section 152.012 of the Banks Land Usage Code.

8. As specified in the executed Development Agreement, the Applicant and Owner shall have a maximum of 20 years from the date of Preliminary Plat approval to record all Final Plats for this development.

9. The Citywide Park is anticipated to be located within Phase 2 of the subdivision, which is anticipated to have two subphases; Phase A (includes ±14.4-acres of Citywide Park area) and Phase B (includes ±5.6-acres of Citywide Park area), as depicted on Exhibits C and H of the Development Agreement. Prior to or as a part of final plat recordation of each subphase of Phase 2 of the subdivision, the applicant shall design, construct, and dedicate to the City the area of the Citywide Park included within that subphase, in conformance Sections 10.1 and 14.4.3 and Exhibits H, H-1 of the Development Agreement, as refined by Exhibit A (Master Planned Development preliminary plans).

10. Pathways located within HOA and City-owned parks shall be designed, permitted, and constructed in general accordance with Exhibit A plan sheet PO-10 (Revised 08/23/2024) except as otherwise noted in subsequent conditions of approval or as approved by the City Engineer.

11. Prior to or as a part of final plat recordation for each phase of the subdivision that includes a portion of the Eastside Trail (which will be owned and maintained by the future HOA), as detailed in Section 10.2 and Exhibit H of the Development Agreement or as approved by the City Engineer, the applicant shall:

a. Design, permit and construct the individual portions of the Eastside Trail located within the subject phase of the Project except that Trail width shall be 10-foot wide as illustrated in Exhibit A sheet PO-10 (Revised 8/23/2024);

b. Within Phase 3 and Phase 4, design, permit and construct the Eastside Trail extension to Aerts Road following the general alignment depicted on Exhibit A plan sheets PO-06 and PO-10 (Revised 8/23/24) and on Exhibits G-1 and H of the Development Agreement across the north side of the pond in Tract S to the Aerts Road Multi-Use Path as a 10-foot wide Shared-Use Pathway; and

c. Dedicate to the City a pedestrian and bicycle access and maintenance easement for the individual portions of the Eastside Trail, including its eastern extension to Aerts Road as described above, located within the subject phase of the Project.

12. Prior to final plat recordation for each phase of the subdivision that includes a portion of an HOA Park (which will be open spaces owned and maintained by the future HOA), the applicant shall design and construct portions of the HOA Park within the subject phase, as detailed in Exhibits C and H of the Development Agreement, and as refined by Exhibit A (Master Planned Development preliminary plans) plan sheet PO-10 (8/23/2024) or as approved by the City Engineer with the following exceptions:

a. The path located behind the southwest baseball diamond within the City Park where shown at a width supporting installation of bleachers shall have a pathway width of 10-feet behind the bleachers, and pathway shall be extended with a width of 10-feet along the southeast side of the Multi-Use sports field to its intersection with the 8-foot wide pathway located adjacent the Park's southeast entry driveway. Pathway shall not include 90-degree abrupt alignment transitions between the 10-foot path extending along the west side of the City Park and the 8-foot path adjacent the Park's southeast driveway; and

b. The path located between the 10-foot wide Eastside Trail and Local Road L around the east side of the pond located in Tract T and Track AK shall be constructed with a width of 8-feet.

13. Pathways constructed within a specific phase and slated for extension in a subsequent phase shall be terminated in the interim with a barricade acceptable to the City Engineer. The barricade shall have attached a sign acceptable to the City Engineer notifying the public that the pathway will be extended in the future.

14. In the event individual Tracts AR, AQ, AM, AL, U, V, Z and AA are determined by the City Engineer to not be required for accommodation of utilities, the areas of land may be used to expand the size of adjacent development parcels.

IV. Prior to final engineering permit approval for each associated phase of development:

1. Applicant shall design landscaping and grading of City Park as depicted in Exhibit A sheets P-04 and L-09 to provide a corridor allowing for the future City construction of a 10-foot wide path extending west from the proposed 10-foot path located immediately west of the grass soccer/football practice field to connect with Bellingham Court.
2. Applicant shall realign the proposed 6-foot wide path located at the northwest corner of the Tract T (HOA maintained park) to align with the planned Eastside Trail located on the west side of NW Sixth Street in Tract W unless approved otherwise by the City Engineer.
3. Applicant shall obtain, in coordination with the City Engineer, an updated Service Provider Letter from Clean Water Services to reflect the design revisions contained within these Conditions of Approval. In the event elements of revised path design requirements contained in these Conditions of Approval are deemed by CWS with the concurrence of the City Engineer to be unattainable, Applicant may revert to providing pathways as shown in Exhibit A and in accordance with the previously obtained Service Provider Letter.
4. Applicant shall revise the design of on-street parking and pedestrian accessibility for the rear-loaded townhomes located adjacent the southwest corner of NW Aerts Road and NW Sunset Avenue (Parcels 848 to 855) as approved by the City Engineer and City Planner. Design may include modified public alley design by reducing the size of Parcels 797 and 798 to provide for a minimum of five additional on-street parking spaces for visitor use.

V. Prior to issuance of building permits within each development Phase:

1. The property underlying the Citywide Park is zoned Community Facilities (CF). Prior to the issuance of a building permit for vertical construction of the first dwelling or commercial structure within the first development phase on the Property subject to this land use approval, the party that requests such first building permit shall provide the City with a financial assurance for construction of the Citywide Park, as detailed in Section 14.2 of the Development Agreement.
2. The Applicant shall submit construction plans that clearly indicate the location of fencing in the development, as well as other design details that demonstrate compliance with standards in Section 151.157 (Fences) of the Banks Land Usage Code.
3. The Applicant shall submit outdoor lighting plans as part of its construction plans that demonstrate compliance with lighting standards Section 151.192 of the Banks Land Usage Code. Lighting fixture details shall be provided for home and building exteriors and the park lighting as part of the building permit submittal. Street and midblock accessway lighting plans shall be prepared in consultation with the City Traffic Engineer.
4. The Applicant shall submit construction plans that show the location of transformers outside the PUE that the Applicant has coordinated with PGE and that demonstrate compliance with screening standards in Section 151.156 of the Banks Land Usage Code or as approved by the City Engineer.

5. The Applicant shall provide approved on-street parking and off-street parking consistent with City dimensional standards and approved plans.
 6. The Applicant shall provide a final street name plan shown on the proposed Final Plat, consistent with City street naming code and approved plans. Street name signs shall not be installed prior to Final Plat approval. The Applicant shall assign street addresses consistent with requirements in Chapter 154 of the Banks Land Usage Code.
 7. Prior to the issuance of building permits for each of the development's eight phases, public improvements shall be deemed substantially complete in accordance with ORS 455.175.
 8. The applicant shall submit a tree preservation plan, completed by a certified arborist, that demonstrates compliance with Section 151.155(E). The arborist report must provide the public improvements plan for trees that are to be retained and protected. For trees planned for park areas that are not on the City's approved street tree list, provide arborist recommendations for trees that are non-fruit bearing and disease-resistant.
 9. The Applicant shall submit vision clearance information for each proposed street intersection and alley intersection to demonstrate compliance with Section 151.205, Vision Clearance Requirements. Additional sight distance requirements are contained within the Transportation conditions of approval.
 10. The Applicant shall provide detailed garage design information that demonstrates compliance with the design standards in Section 151.126(E)(4).
 11. The Applicant shall provide detailed home design information that demonstrates compliance with detailed design standards in Section 151.126(I).
 12. The Applicant shall provide detailed home designs and plans for distribution of each type of home design product to demonstrate compliance with house plan variety standards in Section 151.126(K).
 13. The Applicant shall provide home design plans that confirm that housing unit heights comply with maximum height standards, as modified by the Master Planned Development provisions in Section 151.338.
 14. The Applicant shall provide landscaping information for the home sites that demonstrates compliance with the minimum 15 percent landscaping standard for residential zones in Section 151.037.
 15. For the Citywide Park parking area plans, the Applicant shall extend the depth of parking spaces to 21.5 feet and the space behind the wheel stop to 3 feet consistent with Section 151.174, or remove the wheel stops and resize the spaces as otherwise directed and approved by the City Engineer or Transportation Engineer.
- VI. Prior to occupancy of each dwelling within each development phase:
1. The Applicant shall ensure all common open space landscape areas within each phase are planted as approved and served by an underground landscape irrigation system which is connected to the non-potable water system prior to occupancy of the 1st dwelling within said development phase. For approved xeriscape (drought-tolerant) landscape designs,

underground irrigation is not required if temporary above-ground irrigation is provided for the plant establishment period.

2. The Applicant shall ensure all individual lot site improvements, including grading, fencing, and walls, are completed in accordance with approved construction plans.

3. The Applicant shall ensure all exterior lighting is consistent with City lighting code, installed according to approved plans, and operational.

4. The Applicant shall install all street trees for common open space frontages in each phase according to approved street tree plans, prior to occupancy of 1st home for each phase. The applicant shall install street trees within frontage of each individual home prior to occupancy of each individual home. Warranty on trees shall extend to 12 months after final acceptance of all public infrastructure for each phase of the development in accordance with City of Banks Public Works Design Standards.

5. The Applicant shall arrange for notification to homebuyers of existing noise sources in the area, including but not limited to the Sunset Speedway, schools, parks, highways and roadways, and the railroad. Uses within the City of Banks are subject to the City's noise ordinances in Title IX, Chapter 90.05, and Title XIII, Section 130.04, of the Banks Municipal Code, unless the use has secured an exemption.

6. All public improvements required by this approval, the Development Agreement, these Conditions of Approval, and Conditions of the Final Plat Approval shall be completed by the Applicant and deemed substantially complete for each phase by the City, Washington County, or ODOT, as applicable, contingent on inspection and approval by the City Engineer and appropriate roadway authorities.

7. Prior to occupancy of Phase 2A as defined in the Development Agreement or as otherwise approved by the City Engineer, the Applicant shall provide two signs for Citywide Park approximately 4 feet wide by 3 feet tall (vehicle entrances), mounted on two pressure treated 4 by 4 foot posts (or aluminum posts), aluminum, lettered with City of Banks logo, park name, and operation hours. Furnish and install two aluminum signs with park name and hours measuring 1'-6" x 2'-0" minimum on aluminum posts at pedestrian entrances. Park name to be determined by the City before fabrication of signs.

8. Installing signs on the development site – including stub street signs, trail wayfinding signs, and monument or other types of signs with the subdivision's name – requires permits. Sign permits are not land use permits; they are regulated by Title III, Chapter 39, of the Banks Municipal Code. The Applicant shall obtain permits for proposed signs by following administrative permit procedures found on the City's website and/or by contacting a City Planner.

B. Engineering Conditions of Approval

1. The Applicant shall provide final landscape plans that comply with Section 50.31 of the Banks Municipal Code, which requires water-efficient landscaping be incorporated into residential and site designs.

2. The Applicant shall provide final plans for underground utilities consistent with approved preliminary plans or as approved by the City Engineer. The Applicant shall demonstrate that underground utilities conform to OAR 333-061 requirements regarding spacing.
3. Prior to final occupancy approval for the 1st dwelling unit within the Project, the applicant shall design and construct the City Deep Well #3, and its associated infrastructure, as detailed in the Water Project Design, Water Project Parameters, Wellhead Parameters and Water Project Technical Specifications defined and detailed in Section 8.1 and Exhibit F of the Development Agreement. Following construction of Deep Well #3, the applicant shall provide the City with the Water Project Testing Report, as detailed in Section 8.1.2.10 of the Development Agreement.
4. City intends to design, permit and construct a Chlorination Facility so that it is operational when Well #3 is operational (by November 30, 2025, as detailed in Section 8.3 of the Development Agreement). Upon City's Substantial Completion of the Chlorination Facility, City shall invoice applicant for its share of the Chlorination Facility, which shall not exceed \$75,000. Within thirty (30) days of receipt of the invoice, the applicant shall pay the Chlorination Contribution to the City.
5. Prior to final occupancy approval for the 200th dwelling unit in the Project, the applicant shall construct the 1.0 MG Reservoir, as detailed in Section 8.4 and Exhibit F of the Development Agreement.
6. Prior to final plat recordation for each phase of the subdivision that includes a portion of the East Loop/Aerts Road Water Main and/or Railroad Water Main Crossings and/or the Non-Potable Water Main (Purple Pipe), the applicant shall:
 - a. Design, permit and construct the portions of the East Loop/Aerts Road Water Main within the subject phase, as detailed in Section 8.5 and Exhibit F;
 - b. Design, permit and construct the portions the Railroad Water Main Crossings within the subject phase, as detailed in Section 8.6 and Exhibit F of the Development Agreement; and
 - c. Design, permit and construct the portions of the Non-Potable Water Main (Purple Pipe) within the subject phase, as detailed in Section 8.7 and Exhibit F of the Development Agreement.
7. Prior to final occupancy approval for the 955th dwelling unit within the Project, the applicant shall construct and commission the Additional Water Supply Improvements, as detailed in Section 8.2 and Exhibit F of the Development Agreement. Notwithstanding the foregoing, if the City constructs elements of the Additional Water Supply, then Holt shall not be obligated to construct those improvements, as detailed in Section 8.2.3 of the Development Agreement.

C. ODOT Transportation Conditions of Approval

1. Prior to final occupancy approval of the 174th dwelling unit in the Project, the applicant shall design, construct, and dedicate the right of way necessary for the Aerts Rd/OR 6 Intersection Improvement (Roundabout), as detailed in Section 9.1 and Exhibits G and G-1

of the Development Agreement, and as clarified by Exhibit A (Master Planned Development preliminary plans). The roundabout already has conceptual approval from ODOT and the applicant shall obtain design approval as well. The design approval shall include appurtenant features such as drainage and pedestrian facilities. The improvements will require a Cooperative Improvement Agreement between the applicant, ODOT, Washington County, and the City of Banks to outline construction and maintenance obligations.

2. Prior to building permit approval for the 365th dwelling unit in the Project, the applicant shall receive ODOT approval and shall construct additional OR-6 off-ramp storage at the Oak Way/Main Street intersection following the recommended mitigation in the Aerts Addition Master Plan Transportation Impact Analysis and Transportation Planning Rule Assessment from April 2024.

D. City Transportation Conditions of Approval

I. General

1. Prior to final engineering permit approval for each phase of development, the Applicant shall meet minimum AASHTO intersection sight distance and safe stopping sight distance requirements at all internal site intersections and roadways unless approved otherwise by the City Engineer. Sight distances on the internal public alley, local, and collector street system and at connections to existing public streets shall be approved by the City Engineer. The Applicant shall provide sight distance documentation of all public intersections to City for agency review.

2. Prior to the Final Plat approval and recordation for each associated development phase, the Applicant shall install Type III standard City barricades at the ends of streets slated to extend in future phases or into adjacent property which is not part of this development application. Install a City-approved sign on the Type III barricade noting that the street may be extended in the future.

3. Prior to the Final Plat approval and recordation for each associated development phase, Applicant shall provide and install signage associated with provision of, and prohibition of, on-street parking as approved by the City Engineer.

4. Prior to final engineering permit approval for each phase of development, design and placement of street trees and tree species selection shall be deemed acceptable to the City Engineer. Placement of street trees shall consider locations of driveways and required sight distance at all intersections of public roadways and public alleys and at driveways serving the City Park.

5. Prior to final engineering permit approval for each phase of development, curb extensions shall be included on all approaches of intersections between Local Streets and Collector streets, and intersections between Collector Streets and Collector Streets unless approved otherwise by the City Engineer. Curb extensions shall not be provided at the approaches of Sunset Avenue and Blue Jay Blvd to Aerts Road. Curb extension shall be provided at all pathway connections to Local Streets and Collector Streets where on-street parking is planned, unless approved otherwise by the City Engineer. Construction details shall be as approved by the City Engineer. ADA ramps shall be oriented for perpendicular

crossing of subject streets unless approved otherwise by the City Engineer and shall be in general conformance with Banks Public Works Design Standards drawing No. 207.

6. Prior to final engineering permit approval for each phase of development, left turn storage lanes shall be provided and striped at the following intersection approaches:

- a. Westbound Banks Road at realigned Aerts Road – 100 feet
- b. Northbound Aerts Road at Blue Jay Blvd – 100 feet
- c. Northbound Aerts Road at Sunset Ave – 100 feet
- d. Eastbound Blue Jay Blvd at Aerts Road – 75 feet
- e. Eastbound Sunset Ave at Aerts Road – 75 feet
- f. Westbound Blue Jay Blvd at Local Road A – 75 feet

7. Prior to final engineering permit approval for each phase of development, Applicant shall provide an engineering study in general compliance with NCHRP 562 evaluating and making recommendation to the City Engineer in regard to installing marked pedestrian crossings at all Local Street and Collector Street approaches to Collector Streets and all pathway crossings of Local Streets and Collector Streets. Installation of markings by Applicant shall be subject to approval of the City Engineer.

8. Prior to the Final Plat approval and recordation for each associated development phase, all proposed alleys shall be constructed to the cross-section standards depicted in detail 11 on Sheet SC-02 of Exhibit A with a City standard Local Street structural section and dedicated as public right of way, unless approved otherwise by the City Engineer. Public alleys not proposed for vehicular connection to intersecting public streets shall be provided with a sidewalk connection of 6-foot minimum width connecting the two public facilities.

9. Prior to the Final Plat approval and recordation for each associated development phase, dedicate specified public right of way and record public utility easements to widths shown, design, permit, and construct all Local Streets within subject development phase as full width, half-width, or 3/4 -width streets in accordance with City of Banks Public Works Design Standards and in general accordance with sheets PP-00 to PP-08, SP-00, SC-01, and SC-02 unless approved otherwise by the City Engineer. Prior to final engineering permit approval for Phase 5, Applicant shall obtain Access Spacing Modification approval from the City Engineer for the spacing on NW Blue Jay Blvd between NW Sunset Ave and Local Road X. Prior to final engineering permit approval for Phase 7, Applicant shall obtain Access Spacing Modification approval from the City Engineer for the spacing on Local Road R between NW Aerts Road and Local Road S.

10. Prior to the Final Plat approval and recordation for each associated development phase, dedicate specified public right of way and record public utility easements to widths shown, design, permit, and construct NW Rose Avenue, NW Sixth Street, NW Blue Jay Blvd, and NW Sunset Avenue within subject development phases as full width or 3/4 -width streets in accordance with City of Banks Public Works Design Standards and in general accordance with sheets PP-00 to PP-08, SP-00, SC-01, and SC-02 unless approved otherwise by the City Engineer. Right of way dedications greater than the Local Street standard shall be eligible for Transportation Systems Development Charge (TSDC) credits based upon the

Real Market Value (RMV) land value established the Washington County Assessment and Taxation office records for the subject property on the date of dedication recordation. The documented costs of construction for improvements greater than the Local Street standard shall be eligible for TSDC credits. Documented engineering, survey, and inspection services costs up to 13.5% of the TSDC creditable costs of construction shall be TSDC creditable. TSDC creditability shall be established consistent with Exhibit J of the Development Agreement. Submittal of documentation evidencing TSDC creditable costs shall not be required unless Holt terminates development as described in Section 14.2 of the Development Agreement. No Transportation Development Tax (TDT) credits shall be granted for improvements to Blue Jay Blvd or Sunset Avenue.

11. Prior to the Final Plat approval and recordation for each associated adjacent development phase, dedicate specified public right of way and record public utility easements and public pedestrian and bicycle easements (where multi-use path lies outside of public right of way) to widths shown or greater in order to design, permit, and construct NW Aerts Road within subject development phases in accordance with City of Banks Public Works Design Standards for Collector streets and in general accordance with sheets PP-00, PP-01, PP-03, PP-05, PP-08, SP-00, SC-01, SC-02, SP-01, SP-03, SP-05, and SP-08 unless approved otherwise by the City Engineer. NW Aerts Road shall be constructed to the 3-lane cross-section width standard as illustrated in detail 2 on sheet SC-01 between the Roundabout and the intersection with Blue Jay Blvd. Street lighting shall be provided for the entire frontage on NW Aerts Road in accordance with City Public Works Design Standards. NW Aerts Road shall be striped in the segments associated with the northbound left turn lanes to provide a 13-foot wide southbound travel lane and a 13-foot wide left turn lane. Where feasible while maintaining a minimum 12-foot width of northbound travel lane in the 2-lane sections of NW Aerts Road, stripe the roadway to provide a 13-foot wide southbound travel lane, unless approved otherwise by the City Engineer. This revised striping requirement shall not be construed as to require additional widening of pavement east of the existing eastern edge of paved surface.

Construction of a northbound left turn lane on NW Aerts Road at NW Blue Jay Blvd providing 100-feet of left turn lane storage shall also include concurrent construction of the shadow median and transition taper back to the 2-lane section north of NW Blue Jay Road. Improvements located behind the west curb north of the northern limits of Phase 1 may be deferred until adjacent Phase 7 development. Roadway transition tapers shall comply with AASHTO standards unless approved otherwise by the City Engineer. Deferred improvements located behind the west curb in Section 8 adjacent the realigned section of Aerts Road constructed in Phase 1 shall be completed extending north to Banks Road in conjunction with Phase 7 frontage improvements.

Prior to Final Plat approval and recordation of Phase 7, Applicant shall design, permit, dedicate required rights of way, and record Public Utility Easements and Pedestrian and Bicycle Easements (where multi-use path is located outside of dedicated public Right of Way) as necessary to construct a northbound left turn storage lane on NW Aerts Road at NW Sunset Ave with 100-feet of left turn storage. Turn lane improvements shall include construction of the shadow median and transition taper back to the 2-lane section north of NW Sunset Ave. All construction improvements on NW Aerts Road shall be in accordance

with City of Banks Public Works Design Standards for Collector Street unless approved otherwise by the City Engineer.

Construction improvements and right of way dedications on NW Aerts Road which are greater than the Local Street standard shall be eligible for Transportation Development Tax credits as contiguous improvements which are on the TDT Eligible Project List in accordance with Washington County Code Section 3.17. In the section of NW Aerts Road bounded by the widening limits associated with the development of the northbound left turn to NW Sunset Ave, TDT credits shall be granted based upon a classification as a non-contiguous improvement which is on the TDT Eligible Project List in accordance with Washington County Code Section 3.17. No TSDC credits shall be issued for improvements constructed on NW Aerts Road in accordance with Exhibit J of the Development Agreement.

12. Prior to issuance of the building permit for the 174th dwelling unit in the Project, Applicant shall design, permit, acquire and dedicate the right of way necessary, acquire and record necessary temporary construction easements, and construct the Aerts Rd/OR 6 Intersection Roundabout Improvement (Roundabout), as detailed in Section 9.1 and Exhibits G and G-1 of the Development Agreement, and as clarified by Exhibit A (Master Planned Development preliminary plans) sheets SP-09, CU-01, and EC-09. Roundabout permit shall be obtained from the Oregon Department of Transportation. Improvements required to Aerts Road south of the southern extent of the south approach splitter island may require a Washington County Facility Permit as determined by the County Engineer. Washington County and City of Banks will be providing cursory review comments to ODOT. Maintenance responsibility for Roundabout island landscaping shall be as assigned by ODOT. In order to be eligible for TDT credits, the perimeter sidewalks shall be constructed to ultimate line and grade and drainage improvements shall be constructed to allow for efficient modification to accommodate the future double-lane Roundabout improvement to be built by others. Improvements built to ultimate configuration shall be deemed TDT creditable as a non-contiguous improvement that is on the TDT Eligible Project List in accordance with Washington County Code Section 3.17. No TSDC credit shall be issued for the Roundabout improvement project.

13. Prior to the later of either issuance of the building permit for the 174th dwelling unit in the Project or construction of the Phase 2, subphase A of the City Park, the Applicant shall design, permit, and construct an ADA-accessible Bike/Ped Overcrossing of the Railroads as detailed in Section 9.5 and Exhibits G-4, G-5, and G-6 to the Development Agreement and Exhibit A sheet SP-10. The City will be required to obtain a Rail Order for the Bike/Ped Overcrossing. Applicant shall provide all necessary designs, drawings, and miscellaneous services in support of efforts to secure the required Rail Order. TSDC creditability shall be established in accordance with Exhibit J of the Development Agreement. All associated construction costs and costs of Railroad fees, easements, license agreements and associated improvements as directed by the Rail Order shall be deemed TSDC creditable. Documented engineering, survey, and inspection costs up to 13.5% of the TSDC creditable cost of construction shall be deemed TSDC creditable. Submittal of documentation evidencing TSDC creditable costs shall not be required unless Holt terminates development as described in Section 14.2 of the Development Agreement. No Transportation Development Tax (TDT) credits shall be granted for improvements to the Bike/Ped Overcrossing.

14. Prior to issuance of the building permit for the 365th dwelling unit in the Project, Applicant shall design, obtain required permits, and construct improvements on the OR-6 offramp to OR-47(Main Street) at Oak Way. Improvements shall include the addition of a 75-foot long eastbound right turn lane and a 200-foot long eastbound right turn lane. Applicant shall also contribute a fee-in-lieu payment to the City of Banks in the amount of 18% of the cost of traffic signal modifications at the intersection of the OR-6 offramp to OR-47 (Main Street) at Oak Way to implement protective-permissive signal phasing on all four approaches. Costs associated with the design and construction of the turn lane improvements and fee-in-lieu payment shall be deemed TDT creditable as non-contiguous improvements that are on the TDT Eligible Project List in accordance with Washington County Code Section 3.17 and Section 9.4 and Exhibit J of the Development Agreement.

II. Prior to the Final Plat approval and recordation of Phase 1:

1. Applicant shall dedicate right of way on Banks Road to provide 37 feet from monumented centerline and record an 8-foot Public Utility Easement from the western boundary of the property subject to this development approval to the existing eastern right of way boundary of Aerts Road. Applicant shall design, permit, and construct widening improvements on Banks Road to provide a 100-foot long westbound left turn storage lane at the realigned location of Aerts Road. Design shall comply with Washington County conditions of approval, engineering design standards, and pavement design requirements as necessary to obtain a County Facility Permit. The roadway cross-section shall include a 12-foot wide concrete multi-use path with sawed contraction joints, 4.5-foot landscape planter strip with street trees and street lights, a 14-foot wide eastbound travel lane, a 12-foot left turn lane, a 12-foot westbound travel lane, and a 1-foot minimum westbound gravel shoulder. Construct an asphalt transition from the east and west termini of the multi-use path to the adjacent roadway surfacing as approved by the County Engineer. Roadway improvements located west of the eastern boundary of realigned Aerts Road shall be deemed contiguous and on the TDT Eligible Project List for determination of TDT credits. Improvements located east of the eastern boundary of realigned Aerts Road shall be deemed non-contiguous and on the TDT Eligible Project List for determination of TDT credits. All TDT credits shall be established in accordance with Washington County Code Section 3.17. No TSDC credit shall be issued for this improvement. Applicant shall underground existing aerial utilities across the frontage of subject property including across the frontage of Tract H. No TDT or TSDC credit shall be issued for this improvement.

2. Applicant shall dedicate right of way, obtain permits from the City of Banks, and construct the realignment of Aerts Road to its intersection with Banks Road to City of Banks Collector Roadway standards and in a manner generally consistent with that shown in Exhibit A to this application and Exhibit G-1 and Exhibit G-3 of the Development Agreement. Right of Way through the length of the realignment shall be dedicated to provide 37-feet on the west side and a minimum of 30-feet on the east side of the new monumented centerline. Roadway cross-section improvements between Banks Road and Local Road R shall conform to those shown on detail 2 of sheet SC-01 of Exhibit A unless approved otherwise by the City Engineer. An 8-foot Public Utility Easement shall be recorded on each side of the realigned roadway. Applicant may elect to delay construction of the roadway improvements located behind the west curb until such time that the adjacent property is developed to urban standards (Phases 7 and 8). Roadway improvements and right of way

dedication shall be deemed TDT creditable as a contiguous project on the TDT Eligible Project List in accordance with Washington County Code Section 3.17. No TSDC credit shall be issued for this improvement. Applicant shall apply for a driveway permit from the City of Banks for access to Tract H from the realigned Aerts Road.

3. Applicant shall abandon and remove existing Aerts Road pavement surfacing to the limits of the Banks Road Public Utility Easement and install a City of Banks standard Type III barricade, with the exception of an 8-foot wide accommodation for bicycle and pedestrian connection to the Banks Road multi-use path. The existing section of Aerts Road at its connection to realigned Aerts Road shall be modified as required to provide a paved roadway horizontal and vertical connection in compliance with City of Banks Public Works roadway standards. Provide a Local Street structural section in the transition connection. The connection shall include a 24-foot commercial driveway apron and shall include a method of securing from vehicular use acceptable to the City Engineer. Bicycle and pedestrian access from the realigned Aerts Road to the existing Aerts Road shall be maintained.

4. NW Rose Avenue shall be constructed with a three-quarter street cross-section as depicted in Exhibit A sheet SP-00 to the western boundary of the property subject to this development approval, or as otherwise approved by the City Engineer.

5. Applicant shall substantially complete the Washington Avenue Closure at Aerts Road and design and construct a new permanent connection to Blue Jay Blvd and SW Aerts Road, as detailed on Exhibits G and G-1 of the Development Agreement and illustrated on sheets PP-01 and SP-00 of Exhibit A. Construction costs associated with the removal of the Washington Avenue connection to Aerts Road plus documented engineering, survey, and inspection costs up to 13.5% of the value of the removal costs shall be deemed TSDC creditable in accordance with Exhibit J of the Development Agreement.

E. ODOT Rail Conditions of Approval

I. Land use approval of and conditions of approval for the Master Planned Development application package (MPD 24-02 et al) do not constitute approval of the pedestrian/bicycle crossing over the State of Oregon and Port of Tillamook Bay rail right-of-way. A Crossing Order will be required from the rail authorities, through a process that will involve both necessary and interested parties.

F. Washington County Transportation Conditions of Approval

I. PRIOR TO ISSUANCE OF A PUBLIC IMPROVEMENT OR EQUIVALENT PERMIT BY THE CITY OF BANKS FOR PHASE I:

A. Address sight distance at the intersection between NW Aerts Road and NW Banks Road.

1. Provide a design to the County Engineer that can satisfy sight-distance requirements based on the design, posted, or 85th percentile speed (whichever is greater). The location of the speed study to determine the 85th percentile speed shall be approved by

the County Engineer, and the speed study shall be submitted to Washington County for review and approval.

B. All public improvements on NW Bank Road must obtain a Washington County Facility Permit as part of the approval process. This permit, as detailed below, is a crucial step in the development process and must be secured before the City of Banks issues a public improvement permit.

1. Submit to Washington County Public Assurance Staff: A completed "Design Option" form (original copy), the City's Notice of Decision (NOD), and the County's Letter dated August 21st, 2024.

2. \$28,000.00 Administration Deposit.

NOTE: The Administration Deposit, a cost-recovery account, is used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and permit processing. This deposit is an estimate of the cost of these services. If, during the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project. If there are any unspent funds at project closeout, they will be refunded to the applicant. Any point of contact with County staff can be a chargeable cost. If project plans are incomplete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.

3. Electronic submittal of engineering plans, geotechnical/pavement report, engineer's estimate, final sight distance certification, and the "Engineer's Checklist" (Appendix 'E' of County Road Standards) for construction of the following public improvements:

NOTE: Improvements within the ROW may require relocation or modification to permit the construction of public improvements. All public improvements and modifications shall meet current County and ADA standards. Public improvements that do not meet County standards shall submit a design exception to the County Engineer for approval.

a. NW Banks Road:

- i. Design Exceptions from the road design standards shall be submitted for review to the County Engineer when plans are submitted for the Facilities Permit.
- ii. Close the vehicle access to the existing intersection between NW Aerts Road and NW Banks Road. Provide the appropriate signage and barriers.
- iii. Construction of a half-street improvement meeting the applicable design requirements from the City of Banks.
- iv. Construct a westbound left turn lane within NW Banks Road at the relocated intersection with NW Aerts Road.
- v. Construction of the re-aligned intersection between NW Aerts Road and NW Banks Road to the applicable crosswalk accessibility and ADA design standards.
- vi. Submit Construction access and traffic circulation/control plan.

vii. Submit a Preliminary Sight Distance Certification and mitigation for the new intersection between NW Banks Road and NW Aerts Road.

viii. The dedication of the right-of-way necessary to permit the construction of the public improvements and allow accessibility for future maintenance. Please note that the amount of dedication at intersections with county roads shall extend to the curb return of the intersecting road. The necessary right-of-way shall be recorded before Washington County issues the required Facilities Permit.

ix. Provide a Pavement Report prepared by a Professional Engineer. The report will include recommendations for new full-depth pavement and/or pavement repair for existing roadway sections affected by the project. The report shall include but is not limited to the following recommendations: Existing pavement condition analysis, Grind and Inlay/Overlay, pavement repair, “Wet Weather” pavement construction, ESAL calculations, AASHTO pavement design calculations, soil classification, modulus, and laboratory test results. *Please contact Rob Saxton at Rob_Saxton@co.washington.or.us before the field investigation.*

II. PRIOR TO RECORDING THE FINAL PLAT FOR PHASE I:

A. All road and frontage improvements required in condition I.B.3. above shall be completed and accepted by Washington County, including final sight distance certification for each driveway access to the public right of way.

G. CWS Conditions of Approval

PRIOR TO ANY WORK ON THE SITE AND PLAT RECORDING

A Clean Water Services (CWS) Site Development Permit must be obtained prior to plat approval and recordation. Application for CWS Site Development Permit must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order Nos. 19-5 as amended by R&O 19-22 (CWS Standards), or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C Erosion Control Permit.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer. Systems will need to be extended to provide service to this development. Sanitary Sewer Pump Station may be required to be constructed in order to facilitate gravity service to all lots.

- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5, Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.
- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.
- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 24-000758, dated June 5, 2024.
- i. Developer may be required to preserve a corridor separating the sensitive area from the impact of development. The corridor must be set aside in a separate tract, not part of any buildable lot and, shall be subject to a “Storm Sewer, Surface Water, Drainage and Detention Easement over its entirety”, or its equivalent.
- j. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
- k. If there is any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.
- l. Any proposed construction activities outside the limits of the approved Service Provider Letter will require an update or amendment to the current Service Provider Letter for this project.