



**Aerts Addition Master Planned Development Application Package**  
**(“MPD 24-02 et al”: ZMA 24-02, CPA 24-03, MPD 24-02, SDR 24-02, CU 24-01, PLA 24-01,**  
**and SUB 24-02)**  
**August 22, 2024**

**To:** City of Banks Planning Commission

**From:** Keegan Gulick, Contract City Planner  
Shayna Rehberg, Contract City Planner

**Through:** Jolynn Becker, City Manager

**Re:** Request for:  
Comprehensive Plan Map Amendment (CPA 24-03)  
Zoning Map Amendment (ZMA 24-02)  
Master Planned Development (MPD 24-02)  
Site Design Review (SDR 24-02)  
Conditional Use (CU 24-01)  
Property Line Adjustment (PLA 24-01)  
Subdivision (SUB 24-02)

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

**Applicant’s Representative:** AKS Engineering & Forestry, LLC  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
Contacts:  
Mimi Doukas, AICP, RLA  
Melissa Slotemaker, AICP

**Owners:** Quail Valley Golf Course Corporation  
Van Dyke Family Land, LLC

**Taxlots:** 2N331D000100  
2N331D000400  
2N331D001000  
2N3310000100  
2N3310000201  
2N3310000500  
2N3310000600  
2N331CA06900

**Location:** East of the Port of Tillamook Bay and State of Oregon railroad corridor, west of NW Aerts Road, south of NW Banks Road, and north of NW Washington Avenue, NW Rose Avenue, and OR 6 within the existing city limits.

**Zoning:** Community Facilities (CF)  
 Low Density Residential (LDR)  
 Medium Density Residential – Low (MDR-L)  
 Medium Density Residential – High (MDR-H)  
 Commercial (C)  
 Industrial (I)

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## EXHIBITS

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

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### **APPLICABLE BANKS ZONING & LAND DIVISION STANDARDS**

- Comprehensive Plan Map Amendment and Zoning Map Amendment (Section 151.234 and Sections 151.300-151.305)
- Master Planned Development (Section 151.335-151.344)
- Site Design Review (Section 151.251-151.256)
- Conditional Use (Section 151.270-151.273)
- Property Line Adjustment and Subdivision (Section 152.001-152.075)

### **AGENCY COMMENTS (ATTACHMENTS)**

- A. City of Banks Engineering
- B. City of Banks Traffic Engineering
- C. Banks Fire District #13
- D. Clean Water Services (CWS) Engineering Plan Review
- E. Oregon Department of Transportation (ODOT)
- F. ODOT Rail
- G. Washington County Transportation Development Review

Note: Some of the agency comments in these attachments address Conditions of Approval. For currently proposed Conditions of Approval, please see the end of this staff report.

### **SUMMARY RECOMMENDATION**

Based on the findings of fact, Staff recommends approval of the above-mentioned applications is subject to the conditions of approval to assure compliance with City standards.

Report Sections:

- I. Background
- II. Zoning Code
- III. Land Division Regulations
- IV. Recommendation

### **BACKGROUND**

The applicant has submitted a Master Planned Development application package (MPD 24-02, et al) which includes Comprehensive Plan Map and Zone Map Amendment applications (CPA 24-03 and ZMA 24-02), a Master Planned Development application (MPD 24-02), a Site Design Review application (SDR 24-02), a Conditional Use application (CU 24-01), a Property Line Adjustment application (PLA 24-01), and a Subdivision application (SUB 24-02).<sup>1</sup> The subject

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<sup>1</sup> The application for a Transportation System Plan (Comprehensive Plan) Amendment, which was originally submitted as part of the MPD 24-02 application package, was separated from the application package and reviewed separately (File CPA 24-02). On August 13, 2024, the Banks City Council adopted the amendment to the Transportation System Plan (Exhibit W) to include a second phase for the OR 6/NW Aerts Road roundabout project that will add a lane to the roundabout, as needed (Ordinance 204-07-01).

site includes land owned by the Quail Valley Golf Course Corporation and other properties owned by the Van Dyke Family Land, LLC. The subject site encompasses approximately 204 acres and currently is developed with the Quail Valley Golf Course, as well as some low-density residential and agricultural uses.

The proposed development, currently called Aerts Addition, is primarily a residential development of the above-mentioned properties. The development is proposed to include approximately 175 acres of land designated for residential use (which will include 26 acres of Homeowners Association (HOA)-owned and -maintained open space), 20 acres for a citywide park, 5 acres designated for commercial uses, and 3.5 acres designated for industrial use (Table 1). The commercial and industrial land is to be set aside for future development.

**Table 1: Existing and Proposed Comprehensive Plan Map and Zone Map Designations**

<b>Designation</b>	<b>Existing Acres ±</b>	<b>Proposed Acres ±</b>
Community Facilities (CF)	140.8	20
MDR-High	22.0	13.0
MDR-Low	12.6	30.2
LDR	21.1	132.4
Commercial (C)	3.5	5.0
Industrial (I)	4.5	3.5
<b>Total</b>	<b>204.1</b>	<b>204.1</b>

The proposed development will provide 929 homes, in the form of detached and attached single-family units. It will also feature a host of community facilities and services, including a new public park, open space and associated amenities, stormwater facilities, streets, trail, paths, a bicycle/pedestrian bridge over the railroad corridor, utility extensions, and improvements to the City’s water supply.

The subject properties are located to the east of the Port of Tillamook Bay and State of Oregon railroad corridor, west of NW Aerts Road, south of NW Banks Road, and north of NW Washington Avenue, NW Rose Avenue, and OR 6. The City of Banks added the entire subject site to the Urban Growth Boundary (UGB) in 2013, and annexed all the properties in 2014. As shown in Table 1, the existing zoning of the site is primarily the Community Facility (CF) zone with a mix of residential, commercial, and industrial-zoned land.

Figure 1: Aerts Addition Concept Plan



Table 2: Surrounding Land Uses

Direction	Jurisdiction	Zoning	Existing Use
North	Washington County	Future Development (FD-10) and Agriculture and Forest (AF-20)	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Residential</li> <li>• Union Point Cemetery</li> </ul>
South	Washington County	Exclusive Farm Use (EFU)	<ul style="list-style-type: none"> <li>• Residential</li> <li>• OR-6 (NW Wilson River Hwy)</li> </ul>
East	Washington County	FD-10	<ul style="list-style-type: none"> <li>• Agriculture</li> </ul>
West	City of Banks	Medium Density Residential-Low (MDR- L), Medium Density Residential-Low (MDR-H), Community Facility (CF), and Industrial (I)	<ul style="list-style-type: none"> <li>• Residential</li> <li>• Banks High School</li> <li>• Portland and Western Railroad</li> </ul>

### Consistency with City Master Plans

The proposal responds to several City of Banks Master Plans and long-term identified needs for the City. In addition to the Comprehensive Plan, relevant master plans include:

- Banks Park and Recreation Master Plan (September 2023)
- Banks Water System Master Plan (March 2023)
- Banks Transportation System Plan (August 2024)

#### *Park and Recreation Master Plan*

The City of Banks adopted a new Park and Recreation Master Plan in September 2023. The City developed the previous plan in 2011, which did not account for significant land use changes or developments, such as redevelopment of the golf course. The 2023 update provided guidance for the development of new parks and recreation facilities in the City's UGB, including for the future redevelopment of the golf course.

The applicant is proposing to create an approximately 20-acre public park that is identified in the City's adopted and recently updated Park and Recreation Master Plan. The park includes a multi-use 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.

A key component of the Aerts Addition proposal is a new bike and pedestrian bridge over the railroad corridor that will provide a connection for pedestrians and cyclists to walk or ride between the proposed park, proposed neighborhood, and existing school campuses, if not other parts of the city center. This bridge will link to a multi-use paved trail through the Aerts Addition development that connects to NW Aerts Road and NW Banks Road on the east and north, a trail system that is envisioned in the Park and Recreation Master Plan.

In addition to the park and trail, the proposal includes public open spaces and a path network to connect the existing ponds, other amenities, and homes, and create a natural greenway network.

#### *Water System Plan*

The City adopted an updated Water Master Plan in March 2023. In 2014, the City identified a shortage of available water and declared a moratorium on new development in 2018, until the municipal water supply problem was resolved. The City lifted the moratorium in 2022 after making improvements to the water system. At the same time, the City added a provision to the Banks Development Code (the combination of the City's Zoning Code and Land Division Regulations) that required new residential subdivisions to provide one or more new sources of water to sufficiently serve 100 percent of a development's projected water needs. While the new Water System Master Plan indicates there is capacity to serve some limited development in the city, Section 152.003 of the Banks Municipal Code requires new residential subdivisions to demonstrate that water sources are available with sufficient capacity to serve the proposed number of new water service connections.

The applicant has worked with Summit Water Resources LLC to create a Water System Improvement Plan (Exhibit L) that includes projections of water demand and proposed improvements to meet that demand. The proposed development will include improvements to the City's water system to serve future residential capacity. Proposed water system improvements 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 – 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 – 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 – Contribution up to \$75,000 towards the costs of a new City chlorination facility at the existing City Well #2;
- Railroad Water Main Crossings – Design and construct water main crossings of the railroad tracks for looping and redundancy;
- East Loop/Aerts Road Water Main – A new water main loop connecting to existing City water lines and built to City standards; and
- 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.

### *Transportation System Plan*

The City completed a comprehensive update of the Transportation System Plan (TSP) in September 2023, and adopted small, targeted amendments to the TSP in February 2024 and August 2024. The TSP takes into account all land within the City’s UGB and identifies transportation projects that will be needed over the next 20 years as well as potential funding sources for those projects.

The proposed Aerts Addition Master Planned Development includes several transportation improvements that are identified in the City’s TSP. The applicant has also worked with Kittleson & Associates, to conduct a Transportation Impact Analysis (TIA) and Transportation Planning Rule (TPR) analysis (Exhibit K), which demonstrates that improvements are needed to mitigate the transportation impacts of the proposed development. The planned improvements that will be completed as part of the proposed development include:

- 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 project that was included in the TSP as part of the comprehensive update adopted in 2023. 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 standards, resolving an existing safety issue. Additionally, a westbound left turn lane on NW Banks Road will be constructed;

## Aerts Addition Staff Report – MPD 24-02 et al

- NW Banks Road and NW Aerts Road Upgrades – Both NW Banks Road and NW Aerts Road will be improved as Collector roadways with a multi-use pathway. These are both currently Washington County facilities but are anticipated to be transferred to the City of Banks. The County and City agreed to include multi-use pathways along the NW Banks Road and NW Aerts Road frontages. A two-way multi-use pathway will be provided instead of only one bicycle lane in one direction that would have been included in typical roadway improvements. Improvements on NW Aerts Road will include a northbound left turn lane into the Aerts Addition development;
- 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 within the Aerts Addition Master Planned Development area. These roadways will also provide multi-use bike/pedestrian paths on both sides, consistent with the NW Aerts Road and NW Banks Road designs; and
- Bike/Pedestrian Railroad Overcrossing – This bridge will be completed with park improvements in Phase 2 to provide increased connectivity to the school campuses on the west side of the railroad corridor.

The following sections of the staff report address the proposal's consistency with relevant criteria from Chapter 151 (Zoning Code) and Chapter 152 (Land Division Regulations) of the Banks Municipal Code.

**CHAPTER 151: BANKS ZONING CODE**

**Type III Procedure**

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

*A. Application forms.*

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

**FINDING:** The applicant has submitted signed application forms (Exhibit A) for the following applications:

**Table 3: Application Procedures**

<b>Application File #</b>	<b>Application</b>	<b>Procedure Type</b>
CPA 24-03	Comprehensive Plan Map Amendment	Type IV
ZMA 24-02	Zoning Map Amendment	Type IV
MPD 24-02	Master Planned Development	Type III
SDR 24-02	Site Design Review	Type III
CU 24-01	Conditional Use	Type III
PLA 24-01	Property Line Adjustment	Type III
SUB 24-02	Subdivision	Type III

The required narratives have been provided as well as required supporting materials (Exhibits A-BB). Included in these exhibits is required documentation of the neighborhood meeting that the Applicant held on April 11, 2024 (Exhibit F). Therefore, this standard is met.

*B. Procedure.*

- 1. Mailed and posted notice. The city shall mail public notice of a public hearing on a Type III application at least 20 days before the hearing date to individuals and organizations listed below. The City Planning Official shall prepare an affidavit of*

*notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. Notice shall be mailed to:*

- a. All owners, residents, or tenants of record of real property within a minimum of 300 feet of the subject site;*
- b. Any person who submits a written request to receive a notice; and*
- c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of Banks. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this Code.*
- d. The city shall notify the Oregon Department of Transportation of projects involving a change access to a state highway.*
- e. At least 14 days before the first hearing, the applicant or applicant's representative shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the City Planning Official. The applicant shall submit an affidavit of notice using a form provided by the city, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.*

**FINDING:** The City mailed notice to relevant parties, including property owners within 300 feet of the subject site, on August 7, 2024. The Applicant posted public notice on the site's frontages by 14 days before the Planning Commission hearing (i.e., by August 13 before the hearing on August 27, 2024), and afterwards provided the required affidavit.

#### **Type IV Procedure**

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

- A. Timing of requests. The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time, including zone changes required when property is annexed to the City of Banks. Legislative requests are not subject to the 120-day review period under O.R.S. 227.178.*
- B. Application requirements.*
  - 1. Application forms. Legislative applications shall be made on forms provided by the City Planning Official.*
  - 2. Submittal information. The application shall contain all of the following information:*
    - a. The information requested on the application form;*
    - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*
    - c. The required fee, except when the City of Banks initiates the request; and*
    - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and*
    - e. Evidence of neighborhood contact, pursuant to § 151.236.*

**FINDING:** All Comprehensive Plan Map Amendments and some Zoning Map Amendments must be processed as a Type IV application. The applicant has submitted all required information described above and can be found in the Preliminary Plans (Exhibit A), the required fee, narrative, and neighborhood contact information (Exhibit F). Therefore, this standard is met.

*C. Procedure.*

1. *Hearings on legislative land use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for legislative land use requests must conform to state land use laws (O.R.S. 227.175), as follows:*
2. *The city shall notify in writing the Oregon Department of Land Conservation and Development (DLCDC) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCDC Certificate of Mailing.*
3. *At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with O.R.S. 227.175 and mailed to:*
  - a. *Each owner, resident or tenant whose property would be directly affected by the proposal, e.g., rezoning or a change from one Comprehensive Plan land use designation to another, see O.R.S. 227.186 for instructions;*
  - b. *Any affected governmental agency;*
  - c. *Any person who requests notice in writing; and*
  - d. *For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with O.R.S. 227.175.*
4. *At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.*
5. *For each mailing and publication of notice, the City Recorder shall keep an affidavit of mailing/publication in the record.*

**FINDING:** As shown in Table 3 above, CPA 24-03 and ZMA 24-02 are Type IV applications and will be heard before the City Council following a recommendation from the Planning Commission. A summary of notice procedures is listed below:

- The City notified the DLCDC of the Comprehensive Plan Map and Zoning Map Amendments on July 23, 2024.
- On August 7, 2024 the City notified affected property owners, governmental agencies, and anyone else who requested notice.
- On August 22, 2024 the City published a public notice in a newspaper that is of general circulation in Banks.
- The City Recorder holds record of the affidavits for mailing and publications.

The City has followed proper procedures for notifying a Type IV procedure. Therefore, this standard is met.

**(CPA 24-03) and (ZMA 24-02) Comprehensive Plan and Zoning Map Amendment**

*151.301 AUTHORIZATION TO INITIATE AND APPROVE AMENDMENTS.*

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

**FINDING:** The applicant is an authorized agent for the two owners and submitted the application package, which includes a Comprehensive Plan Map Amendment and a Zone Map Amendment. Signed land use applications have been submitted and are included in this staff report as Exhibit B.

The map amendments are summarized and shown in Table 1, Figure 2, and Figure 3. The amendments consist primarily of shifting the amount of land currently designated Community Facilities (CF) to a Low Density Residential (LDR) designation, with some shifts as well in increasing the amount of land designated Medium Density Residential-Low (MDR-L) in exchange for land designated Medium Density Residential-High (MDR-H). There is also roughly an acre of land shifting between Commercial (C) and Industrial (I) designations, in favor of the Commercial designation. The locations of the proposed designations roughly mirror existing locations.

*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.*

**FINDING:** The Comprehensive Plan Map Amendment and Zoning Map Amendment are following the Type IV legislative procedure established in the Banks Zoning Code. The map amendments will affect more than one parcel and, therefore, are not exempt from the Type IV procedure.

Figure 2: Existing Comprehensive Plan Map and Zone Map Designations



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**HOLT HOMES**  
 REALTY, INC.

**EXISTING COMPREHENSIVE PLAN MAP & ZONING MAP  
 AERTS ADDITION MASTER PLANNED DEVELOPMENT  
 THE HOLT GROUP, INC.  
 BANKS, OREGON**

REGISTERED PROFESSIONAL ENGINEER  
 PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

ISSUE DATE: 6/20/24

JOB NUMBER: 4920-01

DATE: 08/28/2024

DRAWN BY: CHM

CHECKED BY: CHM

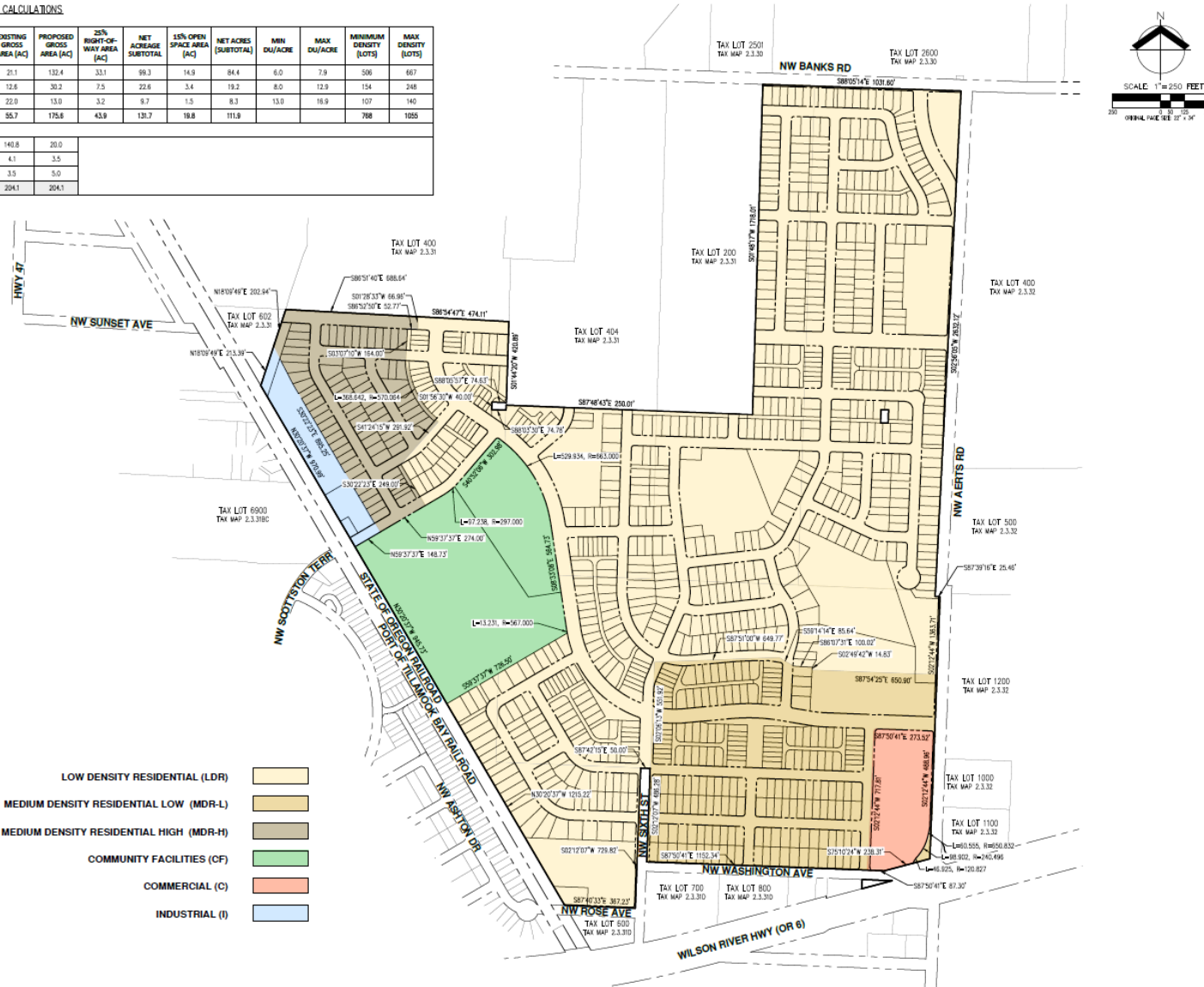
DESIGNED BY: MTS

**PO-12**

Figure 3: Proposed Comprehensive Plan Map and Zone Map Designations

AERTS ADDITION DENSITY CALCULATIONS

ZONING	EXISTING GROSS AREA (AC)	PROPOSED GROSS AREA (AC)	25% RIGHT-OF-WAY AREA (AC)	NET ACREAGE SUBTOTAL	15% OPEN SPACE AREA (AC)	NET ACRES (SUBTOTAL)	MIN DU/ACRE	MAX DU/ACRE	MINIMUM DENSITY (LOTS)	MAX DENSITY (LOTS)
LDR	21.1	132.4	33.1	99.3	14.9	84.4	6.0	7.9	506	667
MDR-LOW	12.6	30.2	7.5	22.6	3.4	19.2	8.0	12.9	154	248
MDR-HIGH	22.0	13.0	3.2	9.7	1.5	8.3	13.0	16.9	107	140
RESIDENTIAL TOTAL	55.7	175.6	43.8	131.7	19.8	111.9			768	1055
CF	140.8	20.0								
INDUSTRIAL (I)	4.1	3.5								
COMMERCIAL (C)	3.9	5.0								
PROJECT TOTAL	204.1	204.1								



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**HOLT HOMES**  
A COMMUNITY OF BANKS, OREGON

**PROPOSED COMPREHENSIVE PLAN MAP, ZONING MAP, & DENSITY CALCS**  
**AERTS ADDITION MASTER PLANNED DEVELOPMENT**  
**THE HOLT GROUP, INC.**  
**BANKS, OREGON**

REGISTERED PROFESSIONAL ENGINEER  
NO. 100000001  
CONSTRUCTION  
A SERVICE

ISSUED DATE: 6/20/24  
JOB NUMBER: 4370-01  
DATE: 06/19/2024  
DRAWN BY: CRH  
CHECKED BY: MTS

**PO-13**

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;*

**FINDING:** See findings below for consistency with applicable Oregon Statewide Planning Goals and Oregon Administrative Rules.

-----

***Oregon Statewide Planning Goals and Oregon Administrative Rules  
Consistency with Oregon Statewide Planning Goals***

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

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

**FINDING:** 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 proposal is being processed consistent with Chapter 151, Zoning Code, of the Banks Municipal Code (BMC), which involves neighborhood contact, public notification, public hearings, and decision appeal procedures, as established in BMC Sections 151.230 through 151.238.

A neighborhood meeting was held prior to submittal of the application package, including the proposed map amendments. 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 and 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. Neighborhood meeting materials, including a meeting summary, are available with this staff report in Exhibit F.

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

- Banks School District
- Sports groups including the Banks High School Athletic Director
- Oregon Department of Transportation (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
- Ziplly Fiber

The Neighborhood Meeting Documentation (e.g., public notification, list of attendees, meeting materials, etc.) in Exhibit F demonstrates consistency with the provisions of BMC Section 151.236. This neighborhood contact was augmented by correspondence with applicable service providers.

The proposed amendments are consistent with Goal 1.

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

**FINDING:** Goal 2 requires jurisdictions to have a comprehensive land use plan and corresponding implementation regulations. These map amendment applications propose to amend the City’s Comprehensive Plan Map and zoning map as they relate to the subject property. Chapter 151 (Zoning Code) and Chapter 152 (Land Division Regulations) act as the implementing regulations, and the proposed Comprehensive Plan Map and Zone Map Amendments are required to comply with the applicable standards and criteria set forth in the code, as is demonstrated in the findings of this staff report.

The proposed map amendments are being processed according to the City’s Type IV procedures and the rest of the application package is being processed according to the City’s Type III procedures. As the Comprehensive Plan Map and Zone Map are being amended, concurrent and subsequent land use applications must adhere to the proposed map designations, granted approval of the amendments.

The proposed amendments are consistent with Goal 2.

*GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES - To protect natural resources and conserve scenic and historic areas and open spaces.*

**FINDING:** The subject site is not located in a City Historic Overlay Zone. The site does not contain historic resources listed in the City’s Comprehensive Plan cultural resources inventory. Requirements related to any discovery of potential cultural resources during development are being attached as a condition of development approval.

The property does not include any City-inventoried wetlands or other City-identified natural features or resources. However, the applicant has coordinated with Clean Water Services (CWS) regarding environmentally sensitive areas identified on the site related to multiple ponds and wetlands. The CWS Service Provider Letter (SPL) in Exhibit G lays out conditions of development approval regarding sensitive areas and CWS-regulated Vegetated Corridors (VCs). Plans that CWS reviewed are attached to the SPL and provide a breakdown of permitted permanent and temporary impacts and the mitigation (restoration, replacement, and wetland banking) required for the impacts, when mitigation is required. The SPL attachments also

include planting specifications for the enhancement of degraded VC, the restoration of temporary VC encroachments, replacement mitigation, “public benefit” area mitigation, and native low shrubs to be planted under elevated decks.

Between there being no Goal 5 resources currently designated in the City’s Comprehensive Plan for this site, and the applicant having secured CWS environmental review approval (and conditions of approval), the proposed Comprehensive Plan Map and Zoning Map Amendments are consistent with Goal 5.

*GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY - To maintain and improve the quality of the air, water and land resources of the state.*

**FINDING:** The map amendments support the proposed master planned development, which will feature a comprehensive stormwater management system, including a series of aboveground stormwater facilities and water quality swales shown in Composite Utility Plans (Exhibit A, Sheets CU-01 – CU-08). The submitted Preliminary Stormwater Report (Exhibit I) describes how stormwater will be accommodated within the planned stormwater facilities and will not impact the water quality of nearby water features or adjoining properties.

The development provides a diverse mix of single-family homes, a 20-acre citywide park with sports fields and numerous public amenities, over 26 acres of additional open space areas, and a comprehensive network of trails and pedestrian pathways. The proposed development enabled by the map amendments will make efficient use of land in providing both housing and significant park and open space.

A public multi-use trail and path system will provide pedestrian and bicycle circulation throughout the ±200-acre area, connecting the proposed residential uses and residents with the preserved open spaces, the developed city park, and private amenities. In addition, a bicycle/pedestrian bridge is planned to provide a connection over the railroad corridor between the new citywide park and the school properties to the west, as well as to the city center to the west; this will allow for students and other residents to easily access the sports fields and for students to walk to school. The pedestrian and bicycle facilities that will be provided could reduce potential trips by car, which can reduce the impact that vehicle traffic can have on air, water, and land quality.

Therefore, the proposed amendments are consistent with this goal.

*GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS - To protect people and property from natural hazards.*

**FINDING:** Goal 7 is not applicable because the subject site does not contain mapped areas of steep slopes 25 percent or greater, floodplains, or other known hazard areas.

*GOAL 8: RECREATIONAL 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.*

**FINDING:** 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 and public multi-use trails within the subject site, as well as an extension of the state’s Banks-Vernonia Trail in the adjacent rail corridor.

The Banks Comprehensive Plan anticipates the conversion of the Quail Valley Golf Course to a citywide park and residential uses. The proposed Comprehensive Plan Map and Zone Map Amendments implement the City’s Park and Recreation Master Plan and Goal 8 Comprehensive Plan policies given it includes a ±20-acre area that is zoned CF and will accommodate the citywide park. The map amendments also include residential designations that allow for the provision of trails and paths between homes, streets, natural features, and other site amenities. Key features of the development proposal associated with the map amendments support active transportation (including walking and biking) connections, including a bicycle/pedestrian bridge over the railroad corridor, providing active transportation access between the Aerts Addition neighborhood and the school properties and city center to the west.

The proposed map amendments are consistent with this goal.

*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.*

**FINDING:** Goal 9 obligates local governments to adopt comprehensive plans and implement policies that support a wide variety of economic development opportunities in their jurisdictions.

In 2005, the City of Banks adopted an Economic Opportunities Analysis under Ordinance 110.20. As part of the UGB expansion work done in 2010 and 2011, the horizon year of the buildable employment land need analysis 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 employment land (both C and I lands) within the subject site would increase from ±8.0 acres to ±8.5 acres with the proposed map amendments (see Table 1), while maintaining their same general locations. 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 and somewhat increase the opportunities for economic activities within the City of Banks and are, therefore, consistent with this goal.

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

**FINDING:** Goal 10 requires the City of Banks to project and plan for a supply of residential land that is at least adequate to accommodate the amount of housing needed over a 20-year

planning horizon. Banks has implemented Goal 10 through adoption of its *Residential Land Needs Analysis*, which was initially completed in 2005 and updated in 2009 at the time the City was evaluating expansion of its UGB. Approximately 90 acres of residential land was within the UGB in 2009. The 2009 analysis determined that a total of ±155 new buildable residential acres and a total of ±1,199 new housing units were needed by 2029 to serve the forecasted 2029 population of 4,660 people. As of 2020 according to US Census data, the City of Banks has a total of ±617 housing units and a population of ±1,839 residents.

In order to provide a more recent accounting of housing needs for the City and additional evidence in support of the proposed map amendments, the applicant provided a *Need Analysis for Residential Capacity*. Johnson Economics prepared the report and released it in August 2022 (see Exhibit P). The report findings demonstrated that, 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 had been constrained. With the removal of this constraint and given the regional need and high growth rate within Washington County, the analysis concluded that there will be a significant shortage in the housing supply in Banks by 2042 unless housing production significantly increase. The analysis concluded that a total of ±277 acres of residential land and ±2,275 dwelling units would be needed by 2042, with an average density of ±8.2 dwelling units per acre. There were only ±66 acres of available, vacant, buildable, and residentially zoned land within the city at the time of the report, which included land in West Banks (Sunset View) and parts of East Banks (Aerts Addition). That left a deficit of ±211 acres of residential land and a corresponding estimate of roughly 1,500 more dwelling units needed, where approximately 69 percent of that need is for single-family detached units, 19 percent for single-family attached units, and 12 percent for multi-family units.

The proposed map amendments will provide an additional ±120 acres of residential land and 929 dwelling units, with an average density of 8.2 dwelling units per net acre to help address this housing need.

Therefore, the amendments are consistent with Goal 10.

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

**FINDING:** Goal 11 directs the City of Banks 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 (e.g., Park and Recreation Master Plan, Water Master Plan, and TSP).

The applicant's narrative and supporting materials (exhibits), in particular the Preliminary Plans and Development Agreement (Exhibits A and J), demonstrate that phased infrastructure will be provided as a result of the Comprehensive Plan and Zone Map Amendments and associated development; and that this infrastructure implements infrastructure plans. This infrastructure and urban services will adequately serve the proposed land use designations and uses of the site. The development resulting from the map amendments will provide public facilities and utilities in accordance with City and applicable agency regulations in a timely, orderly, and efficient arrangement in coordination with the City and other agencies, as appropriate.

The proposed development site is currently 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. The site is in the process of being annexed to the CWS service area for sewer and stormwater service. See Exhibit H for correspondence with each of these service providers about their ability to adequately serve the site and the future uses and residents.

Therefore, the map amendments are consistent with Goal 11.

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

**FINDING:** In accordance with Goal 12, Banks recently updated its TSP. The TPR (OAR 660-012) guides what must be addressed in a TSP, as well as in amendments to comprehensive plan and zoning designations. The compliance of the proposed Comprehensive Plan Map and Zone Map Amendments with the TPR is addressed in the TPR findings related to Chapter 660, Division 12 (Transportation Planning), findings that directly follow these findings for Statewide Planning Goals.

The Applicant submitted a TIA (Exhibit K) that details traffic impacts of the proposed development – development that would be enabled by the proposed map amendments; it subsequently details proposed mitigation.

The following planned (TSP-identified) transportation projects will be constructed and implemented as part of the proposal: OR 6/NW Aerts Road roundabout; closure of Washington Avenue access at NW Aerts Road; NW Banks Road/NW Aerts Road intersection improvements (including NW Aerts Road realignment and westbound left turn lane on NW Banks Road); NW Banks Road and NW Aerts Road upgrades (including multi-use pathways on both roads and a northbound left turn lane on NW Aerts Road at NW Banks Road); Oak Way/OR 47 (Main Street)/OR 6 intersection (off-ramp widening to address queueing impacts) improvements; new collector roadways within the development; and the pedestrian/bike railroad overcrossing.

Therefore, the amendments are consistent with Goal 12.

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

**FINDING:** Goal 13 emphasizes the importance of how land use decisions within the city impact energy use and of planning for efficient growth that will help conserve the City's energy and resources over time. The proposed development enabled by the map amendments provides a pedestrian circulation network that will facilitate more trips by walking or bicycling, thereby saving fuel that would be used for driving. Multi-use trails, paths, and sidewalks within and adjacent to the proposed development encourage active transportation options, thereby reducing energy consumption.

The proposed pedestrian and bicycle bridge over the railroad tracks connects the proposed development to the schools and existing city center, thereby further reducing energy consumption. The proposed density of the housing also encourages more sustainable and

efficient energy consumption because the Master Planned Development process allows for housing units on smaller lots.

Therefore, the proposed amendments are consistent with Goal 13.

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

**FINDING:** The City of Banks included the entire ±204-acre subject site within the City's UGB in 2013, and the properties were annexed to the City in 2014 and given City of Banks Comprehensive Plan and zoning designations. The land was brought into the UGB and city limits particularly to address housing needs identified during the UGB amendment process.

The proposed Comprehensive Plan Map and Zone Map Amendments alter the zoning for the subject site. The map amendments allow for existing buildable and serviceable vacant land to be added to the residential land supply and will significantly contribute to meeting the City's housing needs, with a variety of housing types. Additionally, the infrastructure that the proposal will construct provides excess capacity that can be utilized by other vacant land within the City.

Therefore, the proposed amendments are consistent with Goal 14.

### ***Consistency with Oregon Administrative Rules (OARs)***

#### *Chapter 660 Division 12 Transportation Planning*

#### *660-012-0060 Plan and Land Use Regulation Amendments*

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.

*OAR 660-012-0060(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);*

**FINDING:** The TIA and TPR Assessment (Exhibit K) demonstrates that the proposed map amendments do not warrant changes to the functional street classifications or standards as defined in the City's TSP. Therefore, no significant effect occurs, as defined in OAR 660-12-0060(1)(a), as a result of the proposed map amendments.

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

**FINDING:** This proposal does not request a change to the standards implementing the functional classification systems – including for collector road and local roads – identified in the TSP. Therefore, no significant effect occurs, as defined in OAR 660-0060(1)(b), as a result of the proposed map amendments.

*(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.*

**FINDING:** The TIA and TPR Assessment (Exhibit K) shows that the proposed map amendments – along with buildout of applicable developable land – 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 (with a righthand turn lane at NW Aerts Road). The assessment concluded that the significant effect could be mitigated by enlarging the roundabout to be multi-lane.

On August 13, 2024 (Ordinance 2024-07-01), the Banks City Council adopted an amendment to the TSP (Exhibit W) to include a multi-lane roundabout as a funded project within the current planning period (CPA 24-02). The amendment to expand the OR 6/NW Aerts Road intersection roundabout, as needed and as a funded improvement, precedes the decision on these proposed map amendments application. Therefore, with that improvement adopted to address a significant effect, these proposed map amendments do not pose a significant effect on the transportation system.

*(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.*

**FINDING:** As noted above, on August 13, 2024 (Ordinance 2024-07-01), the Banks City Council adopted an amendment to the TSP (Exhibit W) to include a multi-lane roundabout as a funded project, to be implemented as needed (CPA 24-02). The amendment expanding the OR 6/NW Aerts Road roundabout precedes the decision on these proposed map amendments and addresses the finding of significant effect otherwise associated with the proposed map amendments, so there is no remaining significant effect on the transportation system to address.

The applicant will contribute the right-of-way needed for the expanded roundabout so that the second phase of the roundabout (the additional lane) can be constructed in the future, if it is warranted.

*(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).*

**FINDING:** This section of the TPR requires coordination with affected transportation service providers. The City, Washington County, and the state (ODOT) 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 currently under Washington County jurisdiction, although a Memorandum of Understanding (MOU) is in the process of being established between the City and County about the jurisdictional transfer of these roadways to the City.
- NW Washington Avenue and NW 6th 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.

The City and the applicant have been coordinating with relevant transportation facility and service provider agencies. Coordination with agencies including Washington County, ODOT, ODOT Rail, and CWS has been a particular focus, and some of that coordination is memorialized in Conditions of Approval proposed at the end of this staff report.

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*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);*

**FINDING:** The City of Banks Comprehensive Plan identifies goals and policies for the City to implement in land use decisions that affect long-range planning. While the Plan was last comprehensively updated in 1989, it has undergone targeted amendments since then and it still provides needed guidance on policy and land use decisions. This includes guidance for applications such as Comprehensive Plan Map and Zoning Map Amendments. Relevant Comprehensive Plan goals, objectives, and policies are addressed in the following findings.

The findings below demonstrate how the submitted application is consistent with the relevant goals, objectives, and policies of the Comprehensive Plan. The development includes detached single-family dwellings on their own lots which are exempt from Site Design Review. The planned bicycle and pedestrian bridge is a public transportation facility and would be exempt per standard (7) above. The application includes a modification to development standards to allow the bridge to exceed the 35-foot maximum height for the Industrial (I) zone. Conceptual bridge design plans are included as Exhibit Y. The final design and approval will also be subject to the railroads and city standards. 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 as described above, and therefore, are also exempt from Site Design Review. Final design of these buildings and site improvements will be subject to City Public Works design and permitting standards.

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### **Comprehensive Plan Goals**

#### *1. Citizen Involvement*

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

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

*Policies:*

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

**FINDING:** The applicant held a neighborhood meeting on April 11, 2024, as documented in Exhibit F. Outreach to the community and service providers that the applicant conducted as part of this application process is addressed in Statewide Goal 1 findings above, as well as in other findings in this staff report.

The City has sent written notice to property owners in the area and is posting notices in the community and in a general circulation newspaper, in accordance with Type III and Type IV procedures. The map amendments will be heard by the Planning Commission and City Council in public hearings, with opportunities for public comment.

The proposed amendments are consistent with the Citizen Involvement goal, objectives, and policies.

#### *2. Land Use*

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

**FINDING:** The proposed Comprehensive Plan and Map Amendments would facilitate the orderly progress of a Master Planned Development, in this case Aerts Addition. As described in the findings of this report and shown in the applicant’s Preliminary Plans (Exhibit A), the application includes new streets, trails, paths, open space, parks, utilities, and a mix of detached single-family homes and townhomes. Additionally, land is set aside for future commercial and industrial uses.

The applicant has submitted a Needs Analysis for Residential Capacity (Exhibit P), authored by Johnson Economics, which indicates there will be a significant shortage in the supply of residential housing units within Banks in the 20 years following the study. According to the projections, there will be a need of roughly 280 acres of land for 2,275 additional housing units in Banks by 2042. This analysis considered demographic, economic, and market patterns that influence the demand for residential units. The study forecasts residential needs over a 20-year period and reconciles projected demand with estimated available residential land capacity within the city. This Master Planned Development and the map amendments required for its implementation have provided a factual basis for their need and will help meet an identified housing need for the city.

In following the applicable procedures and standards, the map amendment applications facilitates the orderly development of land within the City of Banks. Therefore, the applications are consistent with this goal.

*Objective:*

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

**FINDING:** The site of the proposed map amendments currently features uses including a golf course, low-density residential uses, and agriculture. Limited public facility systems currently serve the site.

The applicant is required to and is proposing to build out several types of public facilities to serve the development that would be enabled by the map amendments, including water, sewer, stormwater, streets, trail and paths, and recreational facilities. Those provisions of services and facilities build off of existing systems, are outlined in the Development Agreement (Exhibit J), and are shown in proposed plans (Exhibit A). They are also addressed in conditions of approval related to the development.

Service provider letters from relevant utility and community services were included in the applicant’s submittal and are included in this staff report as Exhibits G and H; they attest to adequate capacity of various services.

T proposed amendments are consistent with this objective.

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

**FINDING:** The subject site is currently zoned CF, LDR, MDR-L, MDR-H, C, and I and has matching Comprehensive Plan Map use designations. These map amendments propose to

change Comprehensive Plan Map and Zone Map designations as shown in Table 1, Figure 2, and Figure 3 of this report.

The subject site of the map amendments is separated from uses to the west, south, and east by roadway right-of-way or rail corridor, and land directly to the west and south – as well as most land to the north – is inside the UGB, which is intended for urban use. Existing uses surrounding the subject site include residential, agricultural, and school uses.

The proposed map designations land uses are designed to be compatible with adjacent uses; for example, the commercial site is located next to the roundabout for visibility and access. The citywide park is proposed within a short walk from the existing Banks School District campuses via a bicycle/pedestrian bridge proposed with the master planned development, to allow for easy access to students, families, and community groups. An industrial site is proposed next to the railroad corridor, and is anticipated to be used in the future for low-intensity warehousing or storage.

The map amendments reflect the proposed land uses and support existing land uses already in the city. The amendments are consistent with this objective.

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

**FINDING:** The Banks Park and Recreation Master Plan (2023) identifies the principal elements of Banks' identity as open spaces and the natural environment, as well as small-town character, a sense of community, and collaborative spirit. The map amendments include land designated for a citywide park, as well as residential land use designations that allow for significant open space and trail system, which are consistent with the Park and Recreation Master Plan vision. In these ways, the design of the master planned development enabled by these map amendments balances the provision of needed housing with other livability features, for the benefit of existing and future residents.

The map amendments are consistent with this objective.

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

**FINDING:** As documented in the Need Analysis for Residential Capacity by Johnson Economics (Exhibit P), population growth over the next 15-20 years is anticipated to outpace the City's past growth rate, and the population is expected to grow by ±40 percent from 2020 to 2040. The proposed map amendments provide land primarily for housing to serve this kind of expected increase in population. The parks and open spaces areas, as well as small commercial and industrial sites, enabled by the map amendments will provide a variety of land uses within the subject site.

The amendments are consistent with this objective.

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

**FINDING:** There are no locally designated natural resources or sensitive areas on the site. State and federally regulated wetlands and resource areas have been identified on the site through the CWS environmental review process, and CWS has proposed conditions of development approval to ensure mitigation and compliance with its environmental regulations, as well as with state and federal regulations. (See Exhibit G and the conditions of approval at the end of this report.) While this compliance is required as part of development and not necessarily the proposed map amendments themselves, the proposed amendments will not interfere with this required compliance.

Therefore, the amendments are consistent with this 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 actions. Specific implementation measure 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 Ordinance.*

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

*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.*

**FINDING:** The application package, including the proposed map amendments, is being reviewed for consistency with the City of Banks Comprehensive Plan, Zoning Code, and Land

Division Regulations, as required by the policies above. As addressed in this staff report, the applicant's plans, narrative, and associated exhibits demonstrate compliance with the Comprehensive Plan and relevant review criteria, granted – in some cases – fulfillment of proposed conditions of development approval. The City has coordinated with relevant agencies on the review of this application as required.

In particular, regarding maintaining a Comprehensive Plan that provides a range of land uses based on natural resource capacity, service capacity, and projected population and economic growth and their associated land needs, the subject site was brought into the UGB in 2013 to provide residential, community facility, and employment uses. The map amendments propose a combination of land use designations that can support the policy goals above. The amount of residential, community facility, commercial, and industrial designations proposed provide significantly for needed housing, reserve land for commercial and industrial use, allow for adequate service provision, and protect open space and natural resources consistent with needs and service providers statements included in Exhibit G, Exhibit H, Exhibit P, and Exhibit Q.

Therefore, the proposed amendments and the City's review of them are consistent with these policies.

*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.*

**FINDING:** This application package includes a Zone Map Amendment and a Comprehensive Plan Map Amendment for the property in the CF zone currently owned by the Quail Valley Golf Corporation. The map amendments propose an approximately 20-acre size CF designation to accommodate the proposed citywide park, which was identified as needed in the City Park and Recreation Master Plan. The map amendments also residentially designate (LDR, MDR-L, and MDR-H) more than 150 acres of the site, which allows for and supports 26 acres of proposed open space in the forms of nature areas, trail and paths, and stormwater drainage.

Findings related to the Park and Recreation Master Plan, Statewide and local Goal 8 (Recreation), and relevant objectives and policies are addressed earlier and later in this report, and have been found to be consistent with those goals and policies. Therefore, the proposal is consistent with Policy 9(a) above and Policy 9(b) does not apply.

The map amendments are consistent with this policy, as applicable.

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

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

*Objective:*

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

*[...]*

*d. A pattern of open space utilizing drainageways, major utility easements and park areas should be promoted.*

**FINDING:** The City has not designated natural resources or historic resources on the subject site. Thus, the proposed amendments do not affect Goal 5 of the Comprehensive Plan.

The existing ponds and wetlands are not locally designated, but are subject to state and federal regulations that are administered by CWS. CWS proposed conditions of approval to attach to development approval accordingly, found at the end of this report.

While Goal 5 does not apply to this application given no local Goal 5 designations on the site, the application package proposes to conserve undesignated natural features and promotes open space, as illustrated in the Open Space and Trails Concept Plan (Exhibit A, Sheet PO-03).

*6. Air, Water, and Land Resource*

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

**FINDING:** The proposed map amendments support development that will provide an internal trail system as well as bicycle and pedestrian improvements that will reduce potential trips via car, which can – in turn – reduce emissions and impacts on air quality.

There are existing water resources in the form of ponds in the golf course and the proposal will retain those ponds and enhance natural areas by adding native plantings. The proposed master plan meets minimum density standards and provides efficient use of land while providing open space in the form of a public park and a trail system to the city.

Therefore, the proposal is consistent with this goal.

#### *8. Recreation*

*Goal: 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.*

**FINDING:** The City of Banks Park and Recreation Master Plan (2023) includes park and trail recommendations that are to be implemented through the proposed development associated with the proposed map amendments. The recommendations for this site include a minimum 20-acre citywide park and a trail system that will connect the park and neighborhood open spaces, as well as setting up connections to off-site trails and facilities.

The Community Facility designation from the Comprehensive Plan and Zoning Maps, and citywide park and open space areas included in this application package, are consistent with the recommendations in the Park and Recreation Master Plan and will add substantial amounts of park land 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, these proposed amendments are consistent with this 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.*

**FINDING:** The proposed map amendments and associated development will result in the creation of an approximately 20-acre public (citywide) park, as well as open space distributed throughout the subject site. The park will be developed with Phase 2 and will be conveyed to the City upon completion; privately owned and maintained open spaces and related amenities will also be open to the public and will be developed with various phases of the development.

Table 3 in the Park and Recreation Master Plan establishes that, with provision of a 20-acre citywide park, 6.5 acres of trail, and two new neighborhood parks – all in West Banks – a level of service of 9.2 acres per 1,000 residents will be met. Two neighborhood parks and some trail acreage will still be needed; however, they are outside the subject site. This application package fulfills the subject site's contribution to meeting the level of service standard.

The planned citywide park will serve existing and future residents of the city, both in the western part of the city and citywide.

Therefore, the proposed amendments and associated development are consistent with this objective and these 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.*

**FINDING:** The proposed map amendments support the proposed development, which includes a network of trails and paths within the site and setting up connections at the edge of the site.

As shown in the Preliminary Circulation Plan sheet of the Preliminary Plans (Exhibit A, Sheet PO-10), a network of public multi-use trails and paths are planned within the Master Planned Development area. These proposed connections build on the existing trail system within the city, which includes local and regional trails such as the Banks-Vernonia Trail. Both on-street and off-street trails or pathways are included in Aerts Addition. Multi-use paths are included along the planned Collector roadways through the subject site consistent with both the Transportation System Plan, Park and Recreation Master Plan, and Development Agreement (Exhibit J).

The Citywide Park and HOA Park Conceptual Plans (Exhibit A, Sheets PO-04 – PO-08) include details on conceptual trail amenities including overlooks to the ponds, benches, trail markers, and interpretive signage. Through the improvements supported by the proposed map amendments, the applicant is expanding the City’s in-town trail network, coordinating on- and off-street trails and paths, and providing trailheads to support other amenities and facilities adjacent to and throughout the development area.

Therefore, these amendments are consistent with this objective and these policies.

*9. Economics*

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

*Objective:*

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

*Policies:*

...

*2. The City will continually research and study the need for industrial/commercial sites [sic] 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*

**FINDING:** The proposed map amendments would result in slightly more land designated for employment uses on the subject site. Acreages for the existing and proposed land use designations are detailed in Table 1 above.

In 2005, the City adopted an Economic Opportunities Analysis under Ordinance 110.20. The UGB Expansion Justification Technical Report expanded on that analysis and concluded that a total of 93.55 acres of new buildable acres of land designated Commercial (C) and Industrial (I) land was needed by 2029. The resulting UGB expansion area in 2013 included 81.5 acres of

industrial and 12 acres of commercial designated lands. The majority of the C and I designated areas within the UGB is located south of OR 6, outside of the subject site.

The overall employment land (both commercial and industrial lands) within the subject site would increase from ±8.0 acres to ±8.5 acres given approval of the proposed map amendments (see Table 1). Because the amendments result in a change of employment land designations that are less than one acre, OAR 660-009 is not applicable. The Need Analysis for Commercially Zoned Land (Exhibit Q), completed by Johnson Economics in July 2024, examined the planned expansion of C designated land from ±3.5 acres to ±5.0 acres and concluded that the site will be more economically viable as a larger commercial area. While no commercial or industrial development is proposed as part of this application package, the analysis findings bode well for future development.

The map amendments preserve, if not slightly increase, the opportunities for economic activities within the City of Banks, and are therefore consistent with this goal, objective, and policies.

*10. Housing*

*Goal: 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)*

...

**FINDING:** The City has implemented Goal 10 through adoption of its Residential Land Needs Analysis, which was completed in 2005 and updated in 2009 at the time the subject site was being considered for addition to the UGB. Approximately 90 acres of residential land was within the UGB in 2009. The 2009 analysis determined that a total of ±155 new buildable residential

acres and a total of ±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 ±617 housing units and a population of ±1,839 residents.

The applicant contracted Johnson Economics to prepare a Need Analysis for Residential Capacity (Exhibit P), which provided forecasted housing needs from 2022 to 2042. The analysis concluded that a total of ±277 acres of residential land and ±2,275 dwelling units would be needed by 2042, with an average density of ±8.2 dwelling units per acre. Based on their supply estimations, there were only 66 acres of available supply of vacant, buildable land at the time of the report that could support up to 776 housing units in Banks, including land in West Banks (Sunset View) and parts of East Banks (Aerts Addition). That left a deficit of approximately 211.3 acres to meet residential land needs projected until 2042, with a corresponding estimate of roughly 1,500 more dwelling units needed, where approximately 69 percent of that need is for single-family detached units, 19 percent for single-family attached units, and 12 percent for multi-family units.

The proposed Comprehensive Plan Map and Zoning Map Amendments address the City's identified need for residential land and housing units. As shown in Table 1, the proposal would create approximately 120 more acres of residential land; that land's net acreage can support 929 dwelling units. As part of the development proposal, those units are proposed to be provided as 783 single-family detached units and 146 single-family attached (townhome) units.

The proposed map amendments would increase the supply of residential land and facilitate an increase in the supply of needed. Therefore, the amendments are consistent with this goal and these objectives.

*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 projections (PROJECTED RESIDENTIAL USE, Table 3, page 40).*
- 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.*

**FINDING:** The proposed map amendments facilitate the Master Planned Development that is also proposed in this application package.

The Master Planned Development application does call on the flexibility identified in the policies above and proposes modifications to the dimensional standards of the Banks Zoning Code, as shown in Table 4 and as addressed in the findings for Section 151.338, Modifications to Development Standards below.

The proposed map amendments will provide needed single-family attached and detached homes, whose need is identified in the City's 2009-2029 *Residential Land Needs Analysis* and the Need Analysis for Residential Capacity (Exhibit P) submitted by the applicant. This housing need is also addressed in prior findings regarding housing-related policies, as well as in findings for Statewide Goal 10 earlier in this report.

Therefore, the map amendments are consistent with these policies.

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

*Objectives:*

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

**FINDING:** This narrative, along with the materials provided in the application, demonstrate that amending the Comprehensive Plan and Zoning Maps as proposed by this application will enable development that includes phased infrastructure improvements designed 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 proposed development site 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 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.*

**FINDING:** The applicant’s narrative and supporting materials (exhibits), in particular the Preliminary Plans and Development Agreement (Exhibits A and J), demonstrate that phased infrastructure will be provided as a result of the Comprehensive Plan and Zone Map Amendments and associated development; and that this infrastructure implements infrastructure plans. This infrastructure and urban services will adequately serve the proposed land use designations and uses of the site. The development resulting from the map amendments will provide public facilities and utilities in accordance with City and applicable agency regulations in a timely, orderly, and efficient arrangement in coordination with the City and other agencies, as appropriate.

As shown in the Preliminary Stormwater Report (Exhibit I), 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, consistent with City standards, prior to building permit approvals for the site.

The proposed development site is currently 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. The site is in the process of being annexed to the CWS service area for sewer and stormwater service. See Exhibit H for correspondence with each of these service providers about their ability to adequately serve the site and the future uses and residents.

Therefore, these amendments are consistent with the above policies.

...

*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.*

**FINDING:** The proposed map amendments support the proposed Master Planned Development. The applicant has submitted preliminary water and sanitary sewer plans, which are included in this staff report as Exhibit A (Sheets CU-01 – CU-08). Preliminary circulation plans detailing the proposed cross-sections are provided in the application package (Exhibit A, Sheet PO-10). The applicant has provided correspondence from PGE, NW Natural, and Swatco Sanitary Service demonstrating that power, natural gas, and waste hauling services are available to the proposed development site (Exhibit H). The Development Agreement between the City of Banks and the applicant establishes the framework for the provision of public facilities. This application package demonstrates that the City and appropriate agencies can adequately serve the site and the proposed development that is enabled by the map amendments.

Therefore, the map amendments are consistent with the above policies.

## *12. Transportation*

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

*Objectives:*

- a. City street improvements should be 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.*
- d. Development should occur in such a manner as to encourage and facilitate pedestrian movements.*
- e. Development should occur in such a manner as to encourage and facilitate pedestrian movements.*

*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.*

...

**FINDING:** The City recently adopted an updated 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 (DLCDD). The TSP provides a comprehensive framework for future transportation improvements and sets priorities for the transportation projects within the city.

This application package includes new roadways and pedestrian and bicycle facilities consistent with the TSP, linking areas within the Aerts Addition Master Planned Development with the existing roadway network, and building roadway facilities to applicable City, County, and ODOT standards, with requested modifications in some cases. Furthermore, the applicant has submitted TIA and TPR analysis (Exhibit K) that identify impacts to the transportation network and provide recommendations for mitigation and improvements, which the applicant has incorporated into the development's preliminary design. The proposed map amendments support these proposed transportation improvements.

Therefore, the proposed map amendments are consistent with this goal, objectives, and policies.

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

**FINDING:** The existing land use character of the properties surrounding the Aerts Addition site are a mix of residential, commercial/employment, community facilities, parks, and open space. The proposed map amendments would facilitate the development of up to 929 dwelling units in the form of attached and detached single-family homes. This would be consistent with the existing residential developments adjacent to the subject site. As shown in Table 2 early in this report, existing residential development lies to the west of the subject site. While this

neighborhood is separated by the railroad, there will be a bike/pedestrian bridge connection to the west side of the tracks. To the north are primarily agricultural and residential uses, as well as Union Point Cemetery. To the south are residential land and OR-6 (NW Wilson River Highway). To the east are agricultural and low-density residential uses.

The proposed map amendments are also compatible with the existing land use designations of the surrounding properties. As shown in Table 2, the proposed map changes will establish LDR, MDR-L, MDR-H, CF, C, and I designations similar to the designations of the surrounding area. The applicant is utilizing the LDR, MDR-L, and MDR-H designated areas to provide needed attached and detached single-family homes. Some commercial land is set aside in the southeast portion of the site and industrial land at the northwest portion of the site to allow for future employment land uses.

The subject site offers proximity to the city center, including Banks City Hall, the Banks Fire District, and schools. This proximity to essential community services, commercial activity, and public facilities makes the subject site an ideal location to provide denser housing options, while creating opportunities for single-family home ownership. The inclusion of commercial and industrial land provides an opportunity for future employment within walking and biking distance from new and existing development.

Therefore, this standard is met.

*D. Public facilities (i.e. transportation system, water supply, sewer service, storm water disposal, and police and fire protection) are capable of supporting the uses permitted in the proposed zone.*

**FINDING:** The proposed Comprehensive Plan and Zone Map Amendments would facilitate the expansion of public facilities such as water, sewer, stormwater, streets, and trails or paths. The applicant obtained service provider letters and correspondence – provided in this this staff report as Exhibit H – to confirm service can be provided to the development. The applicant secured a separate service provider letter from CWS regarding environmental review (updated June 2024), which is included in this report as Exhibit G. A Water System Improvement Plan (WSIP) and Tualatin Valley Irrigation District (TVID) agreement has been provided as Exhibit L, and a City Engineer Water Memo (Water System Improvements Plan Concurrence) has been provided as Exhibit M. A Banks Fire District service provider letter is also provided in Exhibit N.

New streets and intersections will be constructed consistent with the recommendations of the TIA as described in Exhibit K.

Therefore, this standard 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.*

**FINDING:** On August 13, 2024, the Banks City Council adopted an amendment to the TSP to include a multi-lane roundabout as a funded project within the current planning period (CPA 24-02, Ordinance 2024-07-01). CPA 24-02 was initially applied for concurrently with this application package, but was separated from the application package to be decided first.

This project is identified within the applicant's TIA and TPR Assessment (Exhibit K), which identifies impacts that the proposed map amendments and development are projected to have on the transportation system, as well as development of remaining buildable land in the City's UGB.

The TPR analysis recommended that the City amend the TSP to include a multi-lane roundabout at the OR 6/Aerts Road intersection as a funded project to address the significant effect that buildout of the subject site, according to proposed map amendments, in addition to buildout of other applicable developable land, were anticipated to have on that intersection. As noted in other findings in this report, that significant effect was addressed when the TSP amendment was approved by City Council on August 13, 2024 (File CPA 24-02, Ordinance 2024-07-01).

In addition, the TIA identified infrastructure improvements to mitigate traffic impacts of the development proposal. The following planned transportation projects will be constructed and implemented as part of the proposal: OR 6/NW Aerts Road roundabout; closure of Washington Avenue access at NW Aerts Road; NW Banks Road/NW Aerts Road intersection improvements (including NW Aerts Road realignment and westbound left turn lane on NW Banks Road); NW Banks Road and NW Aerts Road upgrades (including multi-use pathways on both roads and a northbound left turn lane on NW Aerts Road at Banks Road); Oak Way/OR 47 (Main Street)/OR 6 intersection (off-ramp widening to address queueing impacts) improvements; new collector roadways within the development; and the pedestrian/bike railroad overcrossing. These improvements are addressed in multiple exhibits in this report, including Preliminary Plans (Exhibit A) and the Development Agreement (Exhibit J).

The proposed amendments are consistent with the Transportation Planning Rule's requirements regarding plan and zone amendments.

- 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.*

**FINDING:** No exceptions are required or proposed with this application. Therefore, this standard does not apply.

**(MPD 24-02) Master Planned Development**

*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.*

**FINDING:** The size of the proposed Master Planned development will be 204.1 acres. Therefore, this standard is met and the master planned development designation may be applied.

Figure 4: Master Planned Development Open Space and Trails Concept Plan



**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.*

**FINDING:** The proposal 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 attached single-family dwellings, citywide park, and private clubhouse building. (See findings for SDR 24-02 later in this staff report.) The application package – including the Master Planned Development application – is being reviewed per the Type III procedures, except for the Comprehensive Plan and Zoning Map Amendments (CPA 24-03 and ZMA 24-02), which are being reviewed per Type IV procedures. Therefore, these standards are met.

**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:*

**FINDING:** Table 4 summarizes the modifications to development standards that the applicant is requesting. The existing standards for the LDR, MDR-L, and MDR-H zones and subdivision blocks are shown in parentheses.

**Table 4: Summary of Requested Modifications to Development Standards**

<b>Development Standard</b>	<b>Requested Modification (Existing Standards)</b>	<b>Applicant’s Rationale</b>
<b>Residential Development Standards (Section 151.037)</b>		
Minimum Lot Area – Single-Detached Dwelling – Townhome	– 3,300 sf (4,500 sf – 7,000 sf) – 2,000 sf (N/A – 2,000 sf)	Smaller minimum lot sizes allow the proposed development to meet the density standards and provide more common open space areas. The existing townhome standard is applied to the LDR zone.
Minimum Lot Width – Townhome – Townhome (Corner) – All Other (SFD)	– 25’ (N/A – 20’) – 30’ (N/A – 40’) – 40’ (40’ – 50’)	A narrower minimum lot width allows the proposed development to meet the density standards and provide more common open space areas.
Maximum Building Coverage – Townhome	– 70% (N/A)	The townhome building coverage standard is applied to the LDR zone.
Minimum Front Yard	15’ (10’ – 15’) 18’ for garage (No standard)	The minimum front yard standard is applied to all applicable residential zones in the master plan. An 18’ front garage setback is applied to all residential lots.
Minimum Side Yard Townhome (Interior)	0’ in LDR (N/A) 5’ on alley (No standard)	The side yard standards are not changed. Clarification is provided that alley side yard setbacks are 5’. The townhome interior side yard setback of 0’ is applied to the LDR zone.
Minimum Rear Yard	18’ for garage (No standard)	An 18’ rear garage setback is applied to all residential alley-loaded lots.
Maximum Building Height	35’ (30’ – 35’)	The maximum height of 35’ is applied to all applicable residential zones in the master plan.
<b>Nonresidential Development Standards (Section 151.054)</b>		
Maximum height for the bicycle/ped bridge over the railroad	Allow bridge to have max. height of 45’ (35’ max. in the I and CF zones)	The planned bridge over the railroad tracks is required to have a minimum clearance of ±23’ 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’ in height (measured to the midpoint of a sloped roof).
<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’, a mid-block pedestrian

Development Standard	Requested Modification (Existing Standards)	Applicant’s Rationale
	(1,200’ max. length, midblock crosswalks when blocks longer than 600’)	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.  (600’ max. length, 1,600’ max. perimeter, midblock accessways when blocks longer than 600’)	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.*

**FINDING:** As discussed in the findings for CPA 24-03 and ZMA 24-02, the associated Zone Map and Comprehensive Plan Map amendments are consistent with the Comprehensive Plan. The map amendments will facilitate the proposed master planned development. Additionally, findings in response to Section 151.037, Development Standards for Residential Zones, 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 (Exhibit A, Sheet PO-13). Therefore, 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.*

**FINDING:** The applicant has provided rationale for each proposed modification as shown in Table 4 above. The existing development standards are referred to in Table 4 and are detailed

in Table 7 (Section 151.037, Development Standards for Residential Zones), Table 8 (Section 151.054, Development Standards for Nonresidential Zones), and in Section 152.053 later in this report.

Staff find the proposed modifications to the development standards conform with the purpose and intent of the Banks Zoning Code and allow the proposed development to provide a more diverse range of housing types on a variety of lot sizes, while still overall meeting minimum and maximum density standards for the underlying zones.

With the modifications, the proposed development can provide slightly denser development through smaller minimum lot sizes and reduced setbacks than what would be permitted without modifications. These modifications allow the development to balance meeting the housing needs of the community, with the purpose and intent of the particular development code section being modified, and with providing significant park and open spaces, associated amenities, and preserved natural features (ponds and wetlands).

Therefore, 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;*

**FINDING:** As shown in the applicant's Preliminary Plans Density Calculation (Exhibit A, Sheet PO-13), the proposed modifications allow for reduced setbacks and minimum lot sizes, facilitating the development of a variety of both detached and attached single-family dwellings.

Additionally, the color-coded Product Distribution Plan (Exhibit A, Sheet PO-09) shows that a mix of lot sizes are provided throughout the development. The proposed development is providing a public benefit by meeting the housing needs of the city with a greater mix of housing options and lot sizes than a stricter code interpretation would provide.

Therefore, this standard is met.

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

**FINDING:** As shown in the Open Space and Trails Concept Plan (Exhibit A, Sheet PO-03), the Master Plan includes open space and park areas that exceed 20 percent of the total Master Plan area. A reduction in required open space is not requested. The proposed Master Plan will provide public benefit through public park, trail, and path improvements, as well as open space and other amenities to serve future residents. (See the Preliminary Circulation Plan in Exhibit A, Sheet PO-10.)

The Master Plan development includes the following parks and recreational amenities:

- A ±20-acre public park with playgrounds, lighted athletic fields, restrooms, and other public amenities.
- A cohesive network of public multi-use 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 City of Banks on the west side of the railroad.
- Open space areas and amenities like dog parks and overlooks in multiple, distributed locations in the development,
- Additional paths that provide access and enhance pedestrian experience of open space and natural areas across the site.
- A private clubhouse serving residents within the Master Plan area.

Therefore, this standard is met.

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;*

**FINDING:** The subject site is currently developed as a golf course and farmland, so few natural features are present. The golf course does contain existing ponds as part of the existing landscaped areas. The majority of these ponds are planned to be retained and incorporated into open spaces to serve as natural features for both communal and ecological benefits. CWS reviewed the sensitive areas, Vegetated Corridors, and wetlands associated with the ponds on the site, and provided conditions of approval (Exhibit G).

The planned open spaces provide a public benefit by protecting natural features that are not currently designated for protection in the City's Goal 5 inventory. No other significant natural features are known to the site.

This standard is met.

4. *Incorporation of natural features into subdivision design, or avoidance of natural hazards [e.g., geological hazards, stream corridor, or flood hazards) necessitating flexible lots sizes, cluster development plan, or other innovative design;*

**FINDING:** The existing natural features, such as the ponds discussed above, will largely be retained and incorporated into the open space areas for both communal benefit and ecological benefit. As the existing uses of the subject site are a golf course and agriculture, few natural features are present in its current state.

The applicant is proposing wetland restoration, native plantings, and community gardens to enhance the natural features of the site, consistent with CWS guidance (Exhibit G). There are no known natural hazards on the subject site.

Therefore, this standard is met.

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;*

**FINDING:** The proposed master planned development includes a variety of transportation improvements, including an interconnected pedestrian and multi-use public pathway system connecting open spaces. Additionally, multi-use pathways that exceed width standards (at 12 feet versus 10 feet) are located adjacent to Collector roadways, as well as along NW Banks Road and NW Aerts Road frontages. See the Circulation Plan and Cross Sections in Exhibit A (Sheet PO-10 and Sheets SC-01 – SC-02).

A bicycle/pedestrian bridge is planned over the railroad right-of-way that will connect the planned public park and Aerts Addition neighborhood to the city to the west, including allowing park users from the west of the railroad tracks to access the public park and amenities and residents of the Aerts Addition to access schools directly to the west. These combined improvements provide public benefit by encouraging multimodal transportation throughout the Master Plan area and improving connectivity compatible with the minimum standard of the Banks development code.

Transportation Conditions of Approval address providing sufficient and safe crossings and connectivity, related to requested modifications to the subdivision block standards in Section 152.053(B).

Therefore, with Conditions of Approval this standards will be met.

6. *Sustainable development design meeting the certification criteria of a nationally recognized sustainable development/green building rating system; and/or*

**FINDING:** Sustainable development design certified by a nationally recognized green rating system is not provided. Other public benefits are described below in the findings to Criterion 7.

7. *Other public benefit, such as the provision of affordable housing.*

**FINDING:** This application is proposing 929 dwelling units made up of 783 single-family detached units and 146 single-family attached (townhome) units, with varying lot sizes. The applicant is requesting these modifications to facilitate the development of a mix of housing types that meets density standards of the underlying zones. The result of these modifications will lead to single-family dwellings, townhomes, and smaller lots than what the current code allows in terms of width, depth, and area. Adding to the City's housing supply with a mix of housing options and lot sizes is an important component to meeting housing needs and providing options for ownership within the City of Banks.

In addition to the benefit of meeting the City’s long-term housing needs, the proposal provides public benefits in several ways including:

- Recreational amenities and open space that amount to 25% of the site, which exceeds the standard subdivision standards.
- A 20-acre citywide park to be conveyed to the City after construction.
- 26 acres of open space.
- Wetland restoration and native plantings.
- An extensive internal pathway system.
- Bicycle and pedestrian bridge connecting the new park and Aerts Addition to the rest of the city to the west.
- Water, sewer and stormwater improvements.
- New streets and transportation improvements.

The proposed trails and parks are identified in the City of Banks Park and Recreation Master Plan (2023) and the proposed transportation improvements are identified in the Transportation System Plan (2024). Staff find these proposed improvements to be consistent with the identified master plans. The proposed development provides improvements that address several of the city’s long-term needs in terms of the housing supply, transportation system, parks, and recreational needs.

Denser housing types and trails can further the goal of sustainability. The provision of affordable housing is not included in this development, as it is assumed all future homes will be sold at market rate. However, increasing the overall housing supply and providing a variety of housing types (including homes on smaller lots) will play a role in making the overall cost of housing more affordable in the City of Banks.

Therefore, this standard is met.

*D. 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.*

**FINDING:** 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.

**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;*

**FINDING:** Planning objectives detailing the character of the proposed development are included within Sections I and II of the application package narrative (Exhibit BB). Therefore, this standard is met.

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

**FINDING:** A development schedule is provided in the exhibits of the Developer Agreement (Exhibit J). Therefore, this standard is met.

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

**FINDING:** The applicant intends for all housing product in the proposed Master Planned Development to be fee simple, available for purchase, as indicated in the draft Covenants, Conditions, and Restrictions for Aerts Addition (Exhibit N). Therefore, this standard is met.

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

**FINDING:** The applicant's narrative demonstrates compliance with the applicable approval criteria (Exhibit BB). Therefore, this standard is met.

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

**FINDING:** A maintenance plan will be drafted for any common areas not dedicated to the City, as addressed in a Condition of Approval at the end of this report. Therefore, in meeting the Condition of Approval, this standard will be met.

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.*

**FINDING:** Additional reports prepared by qualified professionals that were included in the applicant's submittal are provided in this staff report as follows:

- Transportation Impact Analysis & Transportation Planning Rule Assessment, (Exhibit K)
- Preliminary Storm Report, (Exhibit I)
- Water System Improvement Plan & TVID Agreement, (Exhibit L)
- Need Analysis for Residential Capacity (Exhibit P)
- Need Analysis for Commercially Zoned Land (Exhibit Q).

Therefore, this standard is met.

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

**FINDING:** Warranties for public improvements are addressed in Conditions of Approval at the end of this report. Commitments are also memorialized in the Development Agreement (Exhibit J). Therefore, in meeting the Conditions of Approval and terms of the Development Agreement, this standard is met.

*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
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).

**FINDING:** The above required plans are included in the Preliminary Plans (Exhibit A). Architectural concepts are included in this staff report as Exhibit T and Exhibit U. Wayfinding sign concepts for the proposed regional trail segment are included in this staff report in Exhibit A (Sheet PO-14). A draft version of the Covenants, Conditions, and Restrictions (CC&Rs) are included in this staff report as Exhibit N. Therefore, this standard is met.

#### 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;*

**FINDING:** This application conforms to the Banks Comprehensive Plan policies and goals as addressed in this report; see findings above regarding the Comprehensive Plan Map and Zone Map Amendments (CPA 24-03 and ZMA 24-02). Therefore, this standard 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;*

**FINDING:** This application conforms to the Banks Land Division Regulations as described in the findings for Chapter 152 later in this report. Proposed modifications to Chapter 152 development standards are summarized in Table 4 and addressed by findings for Section 151.338, Modifications to Development Standards. Therefore, this standard 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;*

**FINDING:** This application package includes Comprehensive Plan Map and Zone Map Amendment applications that propose to update the underlying designations of the subject properties. These map amendments enable the proposed development to meet the minimum density standards and many of the development standards of the underlying zones, while developing the site in an effective and beneficial way given land needs studies and adopted master plans. The zoning regulations for the applicable zones are addressed within this report below, and development standards are either met or are proposed to be modified through the Master Planned Development (Section 151.338). Therefore, this standard 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;*

**FINDING:** The proposed Master Planned Development involves construction of improvements to insure adequate public facility capacity.

CWS will provide sanitary sewer and stormwater service to the proposed development; a service provider letter and correspondence with CWS indicating adequate capacity to serve the proposed development was included with the application and is included with this staff report as Exhibit H.

Water will be provided by the City of Banks, and a service provider letter indicating adequate capacity to serve the proposed development was included in the applicant's submittal, and is provided in this staff report in Exhibit H. A memorandum from the City Engineer that concurs with the demands stated in the Memorandum and Section 8 of the Aerts Addition Development Agreement as they relate to water supply is included as Exhibit M.

Street improvements were based on traffic data derived from the TIA for this proposed development, included as Exhibit K. Included in the improvements are new collector street and other local streets that will be constructed to serve as the internal street network for the proposed development. See the Preliminary Circulation Plan in Exhibit A, Sheet PO-10, for details of proposed collector streets, shared-use paths, and pedestrian pathways. Additionally, a roundabout will be constructed at the intersection of OR 6 and NW Aerts Road, and Washington Avenue will be closed to improve traffic circulation and the anticipated traffic volume from the proposed development.

Therefore, this standard 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.*

**FINDING:** As shown in the applicant's Preliminary Plans (Exhibit A), the Master Planned Development will create a 20-acre park and 26 acres of open space. The open spaces will include community gardens, play structures, dog parks, multi-use paths, and natural areas. 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. After construction, the proposed public park will be dedicated to the City and will be operated by the City of Banks. Private amenities and open space will be owned and maintained by an HOA. Therefore, this standard is met.

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

**FINDING:** The proposed modifications to standards comply with the criteria in Section 151.338, Modifications to Development Standards, as provided in those findings earlier in this staff report. Therefore, this standard is met.

§ 151.341 CONCEPT PLAN AND EXPIRATION.

- A. Upon approval of a Concept Plan, the approved plan, including any conditions of approval, shall be binding on future uses and development of the property, except where an approval expires.*
- B. Expiration. Except as provided by division (C), below, a concept plan shall become void 3 years after the date of approval if the applicant, or successor, has not filed with the*

*city an application for detailed development plan and final plat approval in conformance with §§ 151.342 and 151.343.*

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

**FINDING:** Both a Concept Plan and Detailed Development Plan were included in the applicant’s submittal for approval. The applicant intends for the Preliminary Plat (Exhibit A, Sheets PP-00 – PP-08) and Site Design Review materials (Exhibit T) to serve as the Detailed Development Plan. The Development Agreement for the site (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.

**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:*
  - (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 and 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.*

**FINDING:** The proposed development contains three residential zones: LDR, MDR-L, and MDR-H zoning districts. Their density requirements are summarized in the table below.

**Table 5: Minimum and Maximum Density**

	LDR	MDR - L	MDR-H
Minimum Density (DU/Net Acre)	6.0	8.0	13.0
Maximum Density (DU/Net Acre)	7.9	12.9	16.9

The minimum density required for this development is 768 dwellings, and the maximum density allowable is 1,055 dwellings, given the density requirements above and net acreages of roughly 84 acres, 19 acres, and 8 acres in the proposed LDR, MDR-L, and MDR-H zones, respectively. (See the Density Calculations table in Exhibit A, Sheet PO-13.) The applicant is proposing 929 dwelling units, to be developed in 8 phases (Product Distribution Plan, Exhibit A, Sheet PO-09). Therefore, this standard is met.

*151.036 PERMITTED LAND USES IN RESIDENTIAL ZONES.*

**Table 6: Residential Zone Permitted Land Uses**

	LDR	MDR - L	MDR - H	CF
Single-Dwelling, Detached	P	P	P	-
Townhome	MPD	P	P	-
Public Park and Recreational Facility	CU	CU	CU	CU
Accessory Structure or Use	P	P	P	P

P=Permitted Use, MPD=Master Planned Development Required, CU=Conditional Use Required

**FINDING:** The applicant is proposing to develop a mix of detached single-family dwellings and townhomes. As shown in Table 6, detached single-dwellings and townhomes are permitted through the Master Plan Development process, which the applicant has applied for through this application package. Therefore, detached single-family and townhomes units are permitted with this development.

The applicant is also proposing a 20-acre citywide public park that will be conveyed to the City once its development is complete. Public parks and recreational facilities require Conditional Use approval in all residential zones. The applicant has submitted a Conditional Use application for the park, and findings of compliance with the Conditional Use section of the Banks Zoning Code are provided later in this report.

A private clubhouse and open spaces are also proposed, and these are permitted outright in residential zones as-accessory uses to the residential uses. The Aerts Addition HOA will maintain the clubhouse and private open spaces upon construction completion.

Therefore, these standards are met.

*151.037 DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONES.*

**Table 7: Residential Dimensional Standards**

	LDR	MDR-L	MDR-H
<u>Minimum Lot Area</u>			
– Detached SF	– 7,000 SF	– 5,000 SF	– 4,500 SF
– Townhome	– N/A	– 2,000 SF	– 2,000 SF

	LDR	MDR-L	MDR-H
<u>Minimum Lot Width</u>			
– Detached SF	– 50'	– 40'	– 40'
– Townhome	– N/A	– 20'	– 20'
– Townhome Corner Lot	– N/A	40'	– 40'
Minimum Lot Depth	1.5 times the minimum lot width, or 100 feet, whichever is less		
<u>Building Coverage (max)</u>			
– SF Detached	– 50%	– 50%	– 50%
– Townhome	– N/A	– 70%	– 70%
Front Yard (min)	15'	15'	10'
Side Yard (Townhome Interior)	5' (N/A)	5' (0')	5' (0')
Street Side Yard	10'	10'	10'
Rear Yard	10'	10'	10'
Building Height	30'	35'	35'
Minimum Landscaping (% of total site)	15%	15%	15%

**FINDING:** The proposed development is required to meet the dimensional standards of the LDR, MDR-L, and MDR-H zoning districts. As shown in the Preliminary Setback Plan (Exhibit A, Sheets SB-01 – SB-08), the proposed lots meet many of the development standards identified in Table 7.

However, to make best use of the available land, the applicant has requested modification to development standards in Table 7 through allowances in the Master Planned Development provisions, specifically Section 151.338, Modifications to Development Standards. The modifications to development standards being sought are summarized in Table 4, and the findings for the requested modifications can be found in the response to Section 151.338 earlier in this report.

Other than the requested modifications, the proposal demonstrates compliance with most other applicable development regulations as shown in dimensions in the Preliminary Plat Plans and Setback Plans (Exhibit A, Sheets PP-00 – PP-08 and Sheets SB-01 – SB-08). More information will be needed to confirm compliance with maximum height standards, as modified through Section 151.338 provisions, and with minimum landscaping standards; this needed information is reflected in Conditions of Approval at the end of this report.

Therefore, granted approval of modified standards pursuant to Section 151.338 and in meeting Conditions of Approval, these standards 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.*
- (1) 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.*

**FINDING:** The proposed map amendments would create 5 acres of land with the Commercial (C) zoning designation and 3.5 acres of land with the Industrial (I) zoning designation in Aerts Addition. The commercially zoned land and almost all of the industrial land is not proposed to be developed through this application package, and will be set aside for separate sale and development.

Permitted uses and development standards for the Industrial zone will be subject to Sections 151.053 and 151.054. Permitted uses and development standards for the Commercial zone will be subject to sections 151.052 and 151.054. As part of this proposal, a portion of the Industrial land will be developed with a stormwater facility and a bicycle/pedestrian bridge. The proposal also includes 20 acres of land in the Community Facilities (CF) zone that will be developed as a public park.

*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:*
  - a. Public park and playground, swimming pool, community center, golf course and similar recreational facilities;*
  - b. Public school and associated facilities; and*
  - c. Government institution; community service facility; caretaker facility.*

**FINDING:** As shown in the proposed land use designations (Exhibit A, Sheet PO-13), a portion of the site will be zoned Community Facilities (CF). Within the land designated CF, a 20-acre citywide park is proposed, which will be conveyed to the City as a public park once developed. The park will be added to the City's parks inventory and the City will maintain it. The applicant has submitted a Conditional Use application (CU 24-01) and findings demonstrating compliance with the Conditional Use standards in the Banks Zoning Code. Therefore, this standard is met.

*151.052 COMMERCIAL ZONES; PERMITTED LAND USES.*

**FINDING:** Approximately 5.0 acres of the site will be designated for Commercial (C)uses. This land is not proposed to be developed and will be set aside for future use. Future development will be subject to the permitted land uses of Section 151.052 and the development standards of Section 151.054.

*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;*

**FINDING:** Approximately 3.5 acres of the site will be designated with the Industrial (I) zone. This land will contain a stormwater facility and a portion of the bicycle/pedestrian bridge. These improvements are considered public service or utility uses and are permitted uses in the zone. Therefore, this standard is met.

*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.*

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

**Table 8: Nonresidential Development Standards**

	<b>CF</b>	<b>C</b>	<b>I</b>
Minimum Lot Width and Depth	None, unless setbacks are required	None, unless setbacks are required	None, unless setbacks are required
Setback Requirements			
Minimum Front Yard (feet)	None	None	20
Minimum side yard (feet)			
– Abutting residential zone	– 10	– 10	– 20
– All other	– None	– None	– None
Minimum street side yard (feet)	None	None	20
Minimum rear yard (feet)			
– Abutting residential zone	– 10	– 10	– 20

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	<b>CF</b>	<b>C</b>	<b>I</b>
– All other	– None	– None	– 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-.157)	10	10	5
Build-to line requirement	None	None	None

**Response:** There are parts of the site that are proposed to be zoned CF, C, or I. However, there is no development proposed in those zones on the site that are required to meet these development standards, except for a portion of the bicycle/pedestrian bridge that is proposed in the I zone. Therefore, other than maximum height standards related to the bridge, these standards are not applicable. A modification of the maximum height standard is requested for the bridge, and that is addressed in the findings for Section 151.338, Modifications to Development Standards, earlier in this report.

(SDR 24-02) Site Design Review  
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.*
- B. *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.*

**FINDING:** The proposal includes a public park, private clubhouse, and attached single-family dwellings, which are subject to Site Design Review. The findings below discuss consistency with applicable review criteria.

The proposed detached single-family dwellings on their own lots are exempt from Site Design Review, per Subsection (B)(2) above.

The proposed bicycle and pedestrian bridge is a public transportation facility and would be exempt per Subsection (B)(7) above. The proposal includes a modification to development standards to allow the bridge to exceed the 35-foot maximum height for the Industrial (I) zone. Conceptual bridge design plans are included as Exhibit Y. The final design and approval will also be subject to rail authority and City standards.

Public improvements including streets, trails, paths, and the park are also exempt per Subsection (B)(7) above. Final design of these improvements will be subject to City Public Works design and permitting standards, as well as the standards of any other applicable agency.

A wellhouse and a sewer pump station are included in the application but are exempt from Site Design Review. Water and sewer improvements are public utility improvements as described above, and therefore, are also exempt from Site Design Review per Subsection (B)(7). Final design of these buildings and site improvements will be subject to City Public Works design and permitting standards, as well as the standards of any other applicable agency.

**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.*

**FINDING:** Per the TIA and TPR Assessment (Exhibit K), the new development will exceed 100 average daily trips (ADT) per day. The Site Design Review application (SDR 24-02) is a part of the larger Master Planned Development application (MPD 24-02). Therefore, Site Design Review for this proposal shall follow a Type III procedure.

**151.253 APPLICATION SUBMISSION REQUIREMENTS.**

- A. *General submission requirements.*
  - 1. *Information required for Type II or Type III review, as applicable (see §§ 151.230 through 151.238).*
  - 2. *Public facilities and services impact study. The impact study shall quantify and assess the effect of the development on public facilities and services. The city shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet city requirements. The city may require a traffic impact analysis pursuant to § 151.216.*

**FINDING:** The applicant provided a narrative and impact studies for public facilities. The applicant has addressed the following public facilities:

- **Transportation:** Transportation improvements that will be constructed based on the recommendations of the TIA and TPR Assessment (Exhibit K) include new collector streets, which are identified in the City of Banks TSP (2024). The proposal includes new local street stubs, alleys (public), a multi-use trail system, shared-use paths, a bicycle and pedestrian bridge, and sidewalks to connect to the surrounding transportation network and serve the new development and citywide needs. The bicycle and pedestrian bridge will provide connectivity to the area west of the rail corridor.

- Parks: The proposal will create a 20-acre public park, which is called for in the Banks Parks Master Plan (2023). The park will be conveyed to the City after development, will be added to the City’s Parks inventory, and will address citywide park and recreation needs. Amenities at the public park will include parking (approximately 105 spaces in an off-street parking area), basketball court, pickleball court, combination turf athletic fields, soccer/football practice field, picnic shelter, playground, restrooms, natural area, and stormwater facilities (Exhibit A, Sheet L-10). Additional on-site open space and related amenities will also mitigate future impacts on demand from the proposed development. Findings related to the Conditional Use (CU 24-01) application for the proposed citywide park are provided later in this report. Consistency with Goal 8 (Recreation) – as regulated by Statewide Planning Goals and local Comprehensive Plan goals, objectives, and policies, and including level of service metrics – is addressed earlier in this report in findings for the Comprehensive Plan Map and Zone Map Amendments.
- Water System: This proposed development will be served by the City of Bank’s Water Department, which has provided a Service Provider Letter (Exhibit H). The applicant has also submitted a Water System Improvement Plan & TVID Agreement (Exhibit L) and a memo from the City Engineer (Exhibit M) that concurs with the demands projections and conclusions of the Developer Agreement (Exhibit J). The proposal includes several improvements to improve the City’s water supply and ability to serve future residential development, including new water wells, a new reservoir, and improvements to the water system. The proposed improvements are consistent with the 2023 Banks Water Master Plan.
- Sanitary/Stormwater: The proposed development will be served by CWS for sanitary sewer and stormwater services. Service provider letters are included in this report (Exhibit H). Utility Plans are included in the Preliminary Plans (Exhibit A, Sheets CU-01 – CU-8) for sanitary sewer and stormwater system details.

Staff finds that the proposal adequately assesses the effect it will have on public facilities and offers mitigation and improvements for those impacts. Therefore, this standard is met.

*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.*

**FINDING:** The application for Site Design Review was submitted concurrently with a proposed Master Planned Development package, which includes Comprehensive Plan Map and Zoning Map Amendments (CPA 24-03 and ZMA 24-02). An existing conditions map that meets the above criteria is included in this report as Exhibit A, Sheets EX-01 – EX-13. The Cover Sheet (Exhibit A, Sheet PO-00) provides owner, project engineer, surveyor and planner information. Therefore, these standards are 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.*

**FINDING:** The applicant submitted a site plan in the Preliminary Plans (Exhibit A) that contains applicable information from the above list. The name and address of the project designer is included on the Cover Sheet (Exhibit A, Sheet PO-00). The preliminary plans for the attached single-family dwellings are addressed throughout Exhibit A. Preliminary plans specifically for the public park and clubhouse area are included in the Landscape Plan sheets in the Preliminary Plans (Exhibit A, Sheets L-00 – L-12) and include the applicable items listed above. Bus stops are not currently planned for this area of the city, but all other public and private transportation facilities are illustrated. Therefore, these standards are 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.*

**FINDING:** The applicant submitted Sample Home Designs with the above information (Exhibit U). While Site Design Review is only applicable to the attached single-family dwellings (townhomes), elevations for attached and detached dwellings are provided. Architectural drawings for improvements within the public park and for the private clubhouse are included in Exhibit T. Materials, elevations, and colors of proposed structures are detailed in the Design Concept Exterior Elevations in the exhibit. Scott Beck Architect, LLC was the designer, and AKS Engineering designed the park structures. Therefore, these standards are 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.*

**FINDING:** Preliminary Grading & Erosion and Sedimentation Control (ESC) Plans, prepared by a registered engineer, are included in the Preliminary Plans submittal as Exhibit A, Sheets EC-01 – EC-09. Therefore, this standard 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.*

**FINDING:** A Preliminary Landscape Plan is provided in Exhibit A (Sheets L-01 – L-12). The findings for Section 151.155 through 151.157 are provided below in this staff report. The applicant proposes that a tree preservation plan, completed by an arborist, and fencing details will be provided with construction documents following this land use process. These commitments are memorialized in proposed Conditions of Approval at the end of this staff report. Therefore, in meeting the Conditions of Approval, these standards will be met.

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

**FINDING:** A copy of Draft Covenants, Conditions, & Restrictions (CC&Rs) for the proposed Master Planned Development is included in this report as Exhibit N. Therefore, this standard is met.

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

**FINDING:** The applicant provided a written narrative addressing compliance with applicable approval criteria (Exhibit BB). Therefore, this standard is met.

8. *Traffic impact analysis, when required by § 151.216.*

**FINDING:** The applicant submitted a TIA and TPR Assessment, which is included in this report as Exhibit K. Therefore, this standard 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.*

**FINDING:** The applicant has generally provided sufficient studies and analysis to determine compliance with this Code. The City Planning Official is not requesting additional materials at this time, except for information required in the Conditions of Approval. Therefore, in fulfilling Conditions of Approval, this standard will be met.

#### 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;*

**FINDING:** As demonstrated by the Preliminary Plans (Exhibit A) and in the findings for the nonresidential zones (Sections 151.051 and 151.054) above and the Conditional Use application (CU 24-01) below, the proposed citywide 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 addressed in findings for Section 151.037 above. Therefore, this standard 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;*

**FINDING:** This proposal does not include any required upgrades to existing developments that are currently non-conforming (there are no known non-compliance issues to address). Therefore, this standard does not apply.

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

**FINDING:** The proposal is for a Site Design Review of a residential Master Planned Development. No commercial structures in the C, DC, or MU zoning district are included. Therefore, this standard does not apply.

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.*

**FINDING:** Residential Building Design is addressed in Section 151.125. Modifications to development standards are proposed and addressed under Section 151.388. Where the design standards are not met, consistency with associated guidelines are addressed, with some Conditions of Approval proposed for ensuring compliance. Therefore, in meeting the Conditions of Approval, this standard will be met.

5. *The proposal complies with any applicable regulations of:*
  - i. *Sections 151.075 through 151.085 Special Use Standards*
  - ii. *Sections 151.270 through 151.273 Conditional Use Permits.*
  - iii. *Section 151.355 Nonconforming Situations*

**FINDING:** The applicant submitted a Conditional Use application (CU 24-01) for the public park. No Special Uses are proposed, and no known nonconforming situations currently exist on the site. Therefore, this standard is not applicable.

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

**FINDING:** 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 appropriate, consistent with BMC Chapter 92 (Parks and Recreation). Information on the illumination of field lighting for the sports fields is provided in the Site Design Review Material (Exhibit T) and is evaluated in the findings for Section 151.192 later in this staff report. Therefore, this standard 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.*

**FINDING:** No existing Conditions of Approval or prior land use decisions apply to this subject site. Therefore, this standard is not applicable.

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

**FINDING:** The applicant has stated in their narrative that they intend to comply with all applicable City codes, which is addressed in proposed Conditions of Approval. Therefore, in meeting Conditions of Approval, this standard will be met.

## **Residential Building Design**

### *Section 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).*

**FINDING:** This application proposes detached single-family dwellings and single-family attached (townhome) dwellings. The design of these dwellings is subject to residential design standards of this Section.

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

- 1. Be set back no further than 20 feet from the abutting public street or public pedestrian way.*
- 2. Either:*
  - a. Face the street;*
  - b. Be at an angle of up to 45 degrees from the street;*
  - c. Face a common open space that is adjacent to the street; or*
  - d. Open onto a porch. If the entrance opens onto a porch, the porch must:*
    - 1. Be at least 24 square feet in area with a minimum four-foot depth.*
    - 2. Have at least 1 porch entry facing the street.*
    - 3. Have a roof that is no more than 12 feet above the floor of the porch.*
    - 4. Have a roof that covers at least 30% of the porch area*

**FINDING:** The proposal does not meet the maximum entry setback standard. The applicant has proposed to meet the guideline in Subsection (C) below.

*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.*

**FINDING:** This guideline is intended to ensure that the primary entrances of new dwelling units are pedestrian friendly and provide an attractive design. As shown in the Sample Home Designs (Exhibit U), the home designs include front porches and design elements to break up the mass of the front facade and accentuate the primary entrance. The proposed development includes a variety of home designs with some entries that are located further than 20 feet from the street. Therefore, this guideline is met.

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

**FINDING:** As shown in the Sample Home Design (Exhibit U) and described in the applicant's narrative (Exhibit BB), parking for each dwelling is provided in the driveway and garage of the dwelling (see Sheets SP-01 through SP-08, Exhibit A). Therefore, this standard is met.

*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.*

**FINDING:** Given the proposed lot widths and the objective to provide sufficient garage spaces for homeowners, this standard cannot be met on all home designs within the Master Planned Development. The applicant has opted to instead address the guideline under Subsection (F) below.

- 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.*

**FINDING:** The proposal includes modifications to lot size to lot widths and setbacks to provide denser housing and still provide sufficient parking for the proposed dwelling units. As a result, the standard cannot be met by the home design. Therefore, the guidelines of Subsection (F) are addressed below.

- 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.*

**FINDING:** Preliminary plans do not indicate that the front elevation of garages will be set back at least 5 feet from the street-facing elevation. The applicant has stated that this could change with final building plans and that the standard could be reviewed with final building permit submittals. This situation could be reflected in a Condition of Approval. However, another option is to address the guideline in Subsection (F), which is done in the findings below.

- 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.*

**FINDING:** The proposed development includes detached single-family dwellings with front-facing garages. The applicant states they intend to meet this standard and will provide more information on garage design features when building permits are applied for. A Condition of Approval addressing this commitment is proposed at the end of this staff report. Therefore, in fulfilling the Condition of Approval, this standard is met.

*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.*

**FINDING:** This guideline is intended to minimize the prominence of garages on the front facade of a dwelling unit. The proposal intends to meet the guideline by including prominently featured porches and other design elements on the front facade of proposed dwellings. Other home designs shown in Exhibit U include rear-loaded garages so the garage is not visible from the front facade. A variety of housing sizes and types are proposed. Attached townhomes are proposed along collector streets and pathways to reduce the visual impact of garages along these corridors. The proposal also intends to meet the design standards of Subsection (E)(4) above, given Conditions of Approval. Therefore, this guideline is met.

*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.*

**FINDING:** The proposal does not meet this windows standard and instead responds to the guideline of Subsection (H) below.

*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.*

**FINDING:** The proposal includes a reduction to 10% window glazing area on street-facing side yard elevations to allow for more flexibility in the home design and interior layout. The home designs of Exhibit U show that side street elevations will still provide windows and changes in massing and surface. The side street-facing elevations will also provide additional articulation and other architectural detailing as required by the detail design standards in Subsection (I) below. All front elevations will still meet required glazing areas of 15%. Therefore, this guideline is met.

*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.*

**FINDING:** The applicant proposed to provide details on specific design elements for individual home when building permits are applied for. A Condition of Approval is proposed to ensure new home design meets the standards of Section 151.126(I). Therefore, in fulfilling the Condition of Approval, this standard will be met.

*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.*

**FINDING:** The design standards will be met, granted fulfilling Conditions of Approval. Therefore, the guidelines do not apply.

*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.*

**FINDING:** Per a proposed Condition of Approval, detailed design elements shall be submitted to the City before building permits can be approved. At that time, the City will determine compliance with this standard when home designs and distribution of each type of product are finalized. The Sample Home Designs can be viewed in Exhibit U.

Therefore, in fulfilling the associated Condition of Approval, this standard will be met.

*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.*

**FINDING:** This guideline is only applicable in the event that the standards of Subsection (K) above cannot be met when construction commences. As stated in the findings for Subsection (I) above, the applicant is required to provide detailed design elements to the City before building permits are approved. Therefore, this guideline does not apply.

*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.*

**FINDING:** This application includes new townhomes abutting public streets. 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:*

**FINDING:** No triplexes or fourplexes are proposed. Therefore, this standard does 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.*

**FINDING:** Adjustment or modifications to subsections (M) and (N) are not requested with this application. Therefore, this standard does not apply.

## **On-Site Pedestrian Access & Circulation**

### **151.140 PURPOSE.**

*This section is intended to provide consistency with the Oregon Transportation Planning Rule (Oregon Administrative Rules, 660-012), Banks Transportation System Plan, and to provide for safe, reasonably direct, and convenient 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.*

**FINDING:** This section is applicable because the proposed development includes a public park, which is considered a civic use. Commercial and Industrial zoned land is not proposed to be developed at this time.

### **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.*

2. *For industrial developments, on-site walkways shall provide safe, reasonably direct, and convenient connections between primary building entrances and all on-site parking areas.*
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.*
4. *The walkway network shall connect to all primary building entrances, consistent with Americans with Disabilities Act (ADA) requirements where required.*

**FINDING:** As shown in the Preliminary Plans (Exhibit A, Sheets P-10 and L-10) the proposed 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 the adjacent public sidewalk network. Sheets PO-03 – PO-08 in Exhibit A also show path access and circulation throughout the site’s open spaces, including dog parks, the clubhouse area, the tot lot, and the community garden areas. These walkways and paths are also addressed in Conditions of Approval.

Landscaping is provided throughout the park and adjacent to walkways and pathways where feasible.

In addition, Sheet SP-10 (Exhibit A) shows a proposed bicycle/pedestrian bridge, which will cross the Port of Tillamook Bay and State of Oregon Railroads rights-of-way to the west and connect the subject site from Local Street V to the end of NW Scottston Terrace.

Therefore, with Conditions of Approval, these standards are 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.*

**FINDING:** As shown in Sheets SC-01 through SC-02 (Exhibit A), street-adjacent multi-use paths will be separated from driveways and drive aisles by a 6-inch curb. Therefore, 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.*

**FINDING:** As shown on Sheet L-10 (Exhibit A), where a walkway crosses the off-street parking area for the park, the proposed walkways are clearly marked with painted striping and do not exceed 24 feet in length. In addition, the proposed bicycle/pedestrian bridge shown on Sheet

SP-10 will be raised above the railroad and will include safety features that prevent pedestrians from accessing the railroad. Therefore, 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.*

**FINDING:** As shown in Exhibit A, Sheet L-10 the proposed walkways at the public park will be paved with impervious surfaces meeting the standards above and Americans with Disabilities Act (ADA) standards. Their widths are indicated in the Circulation Plan in Sheet PO-10 and are also addressed in Conditions of Approval. In addition, the proposed bicycle/pedestrian bridge shown on Sheet SP-10 (Exhibit A) will be 10 feet wide. Final design and materials of the bridge are subject to further review by the City and any other appropriate authorities. Therefore, with Conditions of Approval, 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.*

**FINDING:** The proposed development is subject to landscaping standards in this Section because it is new development subject to Site Design Review.

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

**FINDING:** Granted the requested Comprehensive Plan Map and Zone Map Amendments (CPA 24-03 and ZMA 24-02) are approved, the proposed development site would be zoned Low Density Residential (LDR), Medium Density Residential-Low (MDR-L), Medium Density Residential-High (MDR-H), Community Facilities (CF), and Industrial (I). The LDR, MDR-L, and MDR-H zoning designations have a 15 percent minimum landscaping standard, and the CF has a 10 percent landscaping standard and Industrial has a 5 percent landscaping standard.

The submitted Preliminary Plans (Exhibit A) includes the public park with landscaping shown on Sheet PO-04. Park landscaping will exceed the minimum 10 percent landscaping standard. Landscaping plans for home sites are not available to determine whether they meet the 15 percent minimum landscaping standard; thus, this requirement will be established in a Condition of Approval.

Therefore, given the Condition of Approval is met, this standard will be 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.*

**FINDING:** As shown in the Preliminary Landscaping Plans (Exhibit A, Sheets L-00 - L-11), plant selections, sizes, and placements, as well as swales, berms, and stormwater detention or retention facilities, are proposed in Aerts Addition consistent with these standards.

*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.*

**FINDING:** This standard does not apply because the proposed development does not include industrial or commercial development. Industrial and commercial land is set aside for future development and will be required to meet this standard at that time.

*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.*

**FINDING:** The proposed landscaping is shown on the Preliminary Landscape Plan Overview, planting plans for both the public park and HOA clubhouse, and the Preliminary Street Tree Plan (Exhibit A, Sheets L-00 through L-11). Existing trees are inventoried in the Tree Inventory (Exhibit Z), and Exhibit A (Sheets CU-01 through CU-08) show irrigation plans. Conditions of Approval recommend that the applicant submit a tree preservation plan completed by an arborist at the time of construction. Therefore, in meeting the Conditions of Approval, these standards are 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.*

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.*

**FINDING:** As shown in Citywide Park Concept Plan (Exhibit A Sheet PO-04) and the Preliminary Citywide Park Planting Plan (Exhibit A, Sheet L-09), landscaping is proposed to screen the garbage and waste disposal areas of the public park. Screening including berms and on-site vegetation is proposed to eliminate or reduce the visual impacts of the parking area within the public park, which – at approximately 105 spaces – exceeds 20 spaces.

Exhibit A (Sheet PO-04) shows a fence between the industrial areas adjacent to the residential uses along Local Road W. Conditions of Approval are proposed to require the applicant to submit fence information, including the height of the proposed fences. A Condition of Approval is also proposed regarding reduction of visual impacts of at- and above-grade electrical and mechanical equipment, either by compliance with Section 151.156 or as otherwise determined by the City Engineer.

Therefore, in meeting the Conditions of Approval, these standards are 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:*

1. *Planting area. Width not less than 15 feet, planted with either one row of trees staggered and spaced not more than fifteen 15 feet apart; or, at least one row of shrubs forming a continuous hedge at least 5 feet in height within 2 years of planting.*
2. *Berm plus planting area. Width not less than 10 feet, with the combined total height of the berm and hedge not less than 5 feet.*
3. *Wall plus planting area. Width must not be less than 5 feet with a masonry wall or fence not less than 5 feet in height and lawn, shrubs or ground cover covering the remaining area.*
4. *Other approved methods which produce an adequate buffer considering the nature of the impacts to be mitigated.*

**FINDING:** This standard does not apply because the proposed development does not include any industrial uses. Future use of the industrial land will be required to meet this standard at the time of development.

#### 151.157 FENCES.

A. *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.*
- B. 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.*
    - i. *The street intersection for the corner lot shall be controlled by stop signs on at least 1 of the intersecting streets.*
    - ii. *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.*
    - iii. *Driveway access is allowed in the streetside yard on the subject property or abutting lot so long as such access is not obscured by a fence.*
- C. 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.*
- D. 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.*

**FINDING:** Sheets PO-3 through PO-08 (Exhibit A) indicate fences surrounding the stormwater facilities and the dog park and a fence separating the industrial area and the proposed residential uses in the northwestern portion of the site; however, these are conceptual plans. The applicant has proposed to submit fence details at the time of construction document review. A Condition of Approval is proposed to require the applicant to submit fence information in compliance with Section 151.157. Therefore, in meeting the Condition of Approval, these standards will 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.*
- 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.*

**FINDING:** This Section applies because parking is required for the proposed residential uses. Required parking must be installed prior to the issuance of occupancy per this Section and associated Conditions of Approval at the end of this staff report.

The Citywide Park Conceptual Plan and Preliminary Park Amenity Plan (Exhibit A, Sheets PO-04 and L-10) shows a proposed parking area for park visitors.

An off-street parking area is not planned for the clubhouse, as shown on Sheet PO-06. On-street parking will be available for staff and guests of the clubhouse. The HOA will own and maintain the clubhouse, which will not be accessible to the public. It is expected that many people from the neighborhood visiting the clubhouse would walk or ride there, instead of driving and parking a car.

Therefore, in meeting the associated Condition of Approval, these standards 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.*

**FINDING:** The proposed parking area shown on Sheets PO-04 and L-10 is intended for the public park use, which does not include structures as a part of the primary use (Exhibit A). A restroom and picnic shelter area are proposed as accessory uses to the park, and require parking spaces calculated in accordance with Table 3.6-A from Section 151.172 of the Banks Zoning Code.

- 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).*

**FINDING:** Proposed off-street parking spaces will serve the public park and residential dwellings only. Therefore, this standard is 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.*

**FINDING:** The proposed parking area for the public park, as shown on Sheets PO-04 and L-10 (Exhibit A), is located adjacent to and is directly connected through paths to the park and community facilities/amenities areas.

*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.*

**FINDING:** The proposed development includes a parking area for the proposed public park. Off-street parking for the proposed residential uses include garages and driveways. The applicant has proposed that each dwelling will have at least two parking spaces in a garage and an additional two spaces in the driveway. See Sheets SP-01 through SP-08 in Exhibit A.

Therefore, these standards are met.

*151.172 NUMBER OF REQUIRED PARKING SPACES.*

**Table 9: Minimum Number of Required Vehicle Parking Spaces**

<b>TABLE 3.6-A: VEHICLE PARKING SPACE REQUIREMENTS</b>	
<i>Use</i>	<i>Minimum Number of Vehicle Parking Spaces Required</i>
<i>Single-family detached dwelling</i>	<i>2 per dwelling</i>
<i>Townhome</i>	<i>2 per dwelling</i>

**FINDING:** A public park is not a listed use in Table 3.6-A from Section 151.172, an excerpt of which is shown above in Table 9. Off-street parking for the proposed public park as shown in Exhibit A will include ±105 parking spaces. The number of parking spaces was determined in cooperation with the City of Banks Public Works Department and is anticipated to be adequate for the public citywide park and its estimated number of users. Adjacent on-street parking will also be available to park users.

The proposed clubhouse is an accessory to the residential uses proposed in this development, and most trips to the facility are expected to be walking or riding. Off-street parking is not planned or required. However, adjacent on-street parking is available if it is needed.

Garages and driveways are planned for each residential lot and will be reviewed with building permit submittals.

See the Preliminary Street Plan in Exhibit A (Sheets SP-01 – SP-08) for an illustration of the off-street residential parking and the on-street parking proposed throughout the Aerts Addition development.

Therefore, these standards are met.

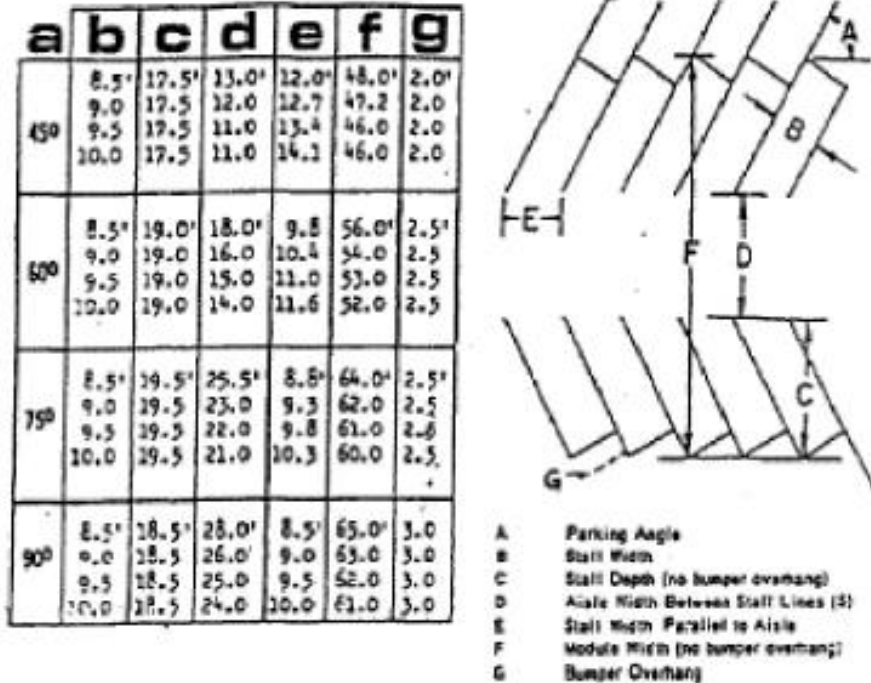
- C. *Maximum amount of parking allowed. In the nonresidential zones, the maximum number of off-street parking spaces allowed per use is:*
  - a. *One and one-fifth times the minimum parking required for uses fronting a street with adjacent on-street parking spaces; or*
  - b. *One and one-half times the minimum parking required for uses fronting a street with no adjacent on-street parking*
- D. *Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.*

**FINDING:** As discussed above, minimum and maximum parking standards do not apply to the public park use. The proposed development does not include shared parking. 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. Additional on-street parking spaces will be available as well. (See Exhibit A, Sheets SP-01 – SP-08.) Therefore, this standard is met.

#### **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.*

Figure 5: Off-Street Parking Design Standards



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.
- 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 "D," 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.*

**FINDING:** The Citywide Park Amenity and Planting Plans (Exhibit A, Sheets L-09 and L-10) show that the approximately 34,000 square foot public park off-street parking area will not comply with the design standards of this section. Per Section 151.174, 90-degree parking stalls require a minimum aisle width of 24 feet, a bumper overhang of at least 3 feet, a stall depth of at least 18.5 feet, and a stall width of at 10 feet, although 9 feet is allowed for higher turnover uses like the park. As detailed on Sheet L-10, parking spaces 9 feet wide, 20 feet deep, and with 2 feet behind a wheel stop are proposed. As a Condition of Approval, the depth must be extended to 21.5 feet and the space behind the wheel stop to 3 feet, or size the spaces as otherwise directed and approved by the City Engineer. Therefore, in meeting the Condition of Approval, these standards will be met.

- 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.*

**FINDING:** Off-street parking for the public park will be paved with asphalt-concrete. Therefore, 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.*

**FINDING:** As shown in the Citywide Park Amenity Plan (Exhibit A, Sheet L-10), wheel stops are proposed for parking spaces within the public park parking area. Therefore, 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.*

**FINDING:** Exhibit A, Sheets L-09 and L-10, show that the proposed public park parking area will be accessed by a drive aisle that prevents vehicle maneuvering within adjacent public rights-of-way. As shown in Sheet L-10 (Exhibit A), the drive aisle will be 24 feet wide, and will be clearly marked to differentiate them from parking stalls. Pedestrian pathways adjacent to drive aisles will be separated by a curb and will be striped where they cross drive aisles to provide visual distinction. Therefore, this standard is 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.*

**FINDING:** Exhibit A (Sheet L-09) shows that 31 percent of the parking area for the public park is landscaped and a 64 percent canopy of trees will be provided. The parking area landscaping includes landscape islands and strips with a combination of oak and elm trees, shrubs, and groundcovers. 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.*

**FINDING:** The landscaping and planting plan in Exhibit A, Sheet L-09, shows that the parking area for the public park includes landscaping islands greater than 48 square feet and at least 6 feet wide. Parking rows are not proposed to exceed 12 spaces. Therefore, 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.*

**FINDING:** Exhibit A, Sheet L-09, shows that the parking area of the public park will be planted with vegetation that will provide 75 percent coverage within two years of planting. Therefore, 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.*

**FINDING:** Exhibit A (Sheet L-10) shows that wheel stops are proposed for parking spaces adjacent to landscape areas and pedestrian pathways. Therefore, 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.*

**FINDING:** This standard does not apply because the public park does not propose trees planted in tree wells within sidewalks or other paved areas.

#### **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.*

**FINDING:** The proposed off-street parking area for the public park does not directly adjoin a residential zone. Landscaping, open space, and park facilities separate the public park from the closest residential dwellings.

- 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.*

**FINDING:** The proposed off-street parking area for the public park does not directly abut a public street. Exhibit A (Sheet L-10) shows a landscaping area that is proposed between the parking area and Local Road V to the north.

#### **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.*

**Table 10: Minimum Required Bicycle Parking**

Use Categories	Specific Uses	Long-Term Spaces (Covered or Enclosed)	Short-Term Spaces (Near Building Entry)
Parks (active recreation areas only)		None	8, or per CU review
Other categories	Determined through land use review, site design review, or CU review, as applicable		

**FINDING:** The proposed development is subject to Site Design Review as addressed earlier in this staff report under SDR 24-02 (Sections 151.251-151.256). The proposed citywide park is subject to Conditional Use review and is required to provide a minimum of eight bike parking spaces, or as otherwise determined through Conditional Use review. See the Conditional Use findings in this staff report (Sections 151.270-151.273). As shown in the Preliminary Citywide Park Amenity Plan (Exhibit A, Sheet L-10), ±8 short-term bicycle parking spaces are proposed for the park.

Master Planned Development improvements also include a clubhouse as an accessory use to the residential master plan. Sheet L-11 (Exhibit A) shows the proposed clubhouse includes ±4 bicycle parking spaces that are anticipated to adequately serve the clubhouse use.

Therefore, these standards are 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.*

**FINDING:** The proposed single-family dwellings are not subject to minimum bicycle parking standards.

*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.*

**FINDING:** Exhibit A (Sheet L-10) shows that the short-term bicycle parking for the proposed citywide park is located in four different places in areas adjacent to various park amenities (sports fields, restroom, playgrounds, and sports courts). Sheet L-11 shows that bicycle parking for the proposed clubhouse is within ±50 feet of the main building entrance. Therefore, 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.*

**FINDING:** Exhibit A (Sheets L-10 through L-12) show that the proposed bicycle racks for both the public park and clubhouse will use an “inverted U” style and will otherwise meet the design standards of this section. Therefore, 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.*

**FINDING:** Exhibit A (Sheets L-10 through L-12) show that the proposed bicycle parking for the public park and the clubhouse will be located so that it is visible from park facilities. Therefore, 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.*

**FINDING:** This standard is not applicable because the proposed development does not include long-term bicycle parking for multi-family units or employee parking. Therefore, this standard is not applicable.

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

**FINDING:** Exhibit A (Sheets L-10 and L-11) indicate that bicycle parking for the public park and clubhouse will be well lit. Therefore, this standard is met. Therefore, this standard is met.

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

**FINDING:** Exhibit A (Sheets L-10 and L-11) show that the proposed bicycle parking for the public park and clubhouse will be reserved exclusively for bicycle parking. Therefore, 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.*

**FINDING:** Exhibit A (Sheets L-10 and L-11) show that the proposed bicycle parking is located separately from pedestrian walkways and does not conflict with vision clearance standards. Therefore, this standard is met.

**Outdoor Lighting**

**151.191 APPLICABILITY.**

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 6: Examples of Acceptable / Unacceptable Lighting Fixtures**

Figure 3.7-A



*151.192 STANDARD.*

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

**FINDING:** This standard is applicable because outdoor lighting is proposed for the public park, clubhouse, and other uses. Outdoor lighting is proposed at the athletic fields and courts (Exhibit T), the citywide park parking area (Sheet L-10 of Exhibit A), and the clubhouse (Sheet L-11 of Exhibit A). Exhibit T includes an Illumination Summary that demonstrates lighting is shielded, directed downward, and does not spill over onto adjacent properties.

The applicant has not provided outdoor lighting specifications for the proposed residential dwellings and other accessory buildings. They propose to provide lighting specifications for homes and other accessory buildings at the time of construction or Public Works review. A Condition of Approval is proposed to require the Applicant to submit lighting details for building exteriors and the park prior to issuance of building permits.

Therefore, in meeting the Condition of Approval, these standards are met.

*151.205 VISION CLEARANCE STANDARDS.*

*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 standards 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.*

**FINDING:** As shown in the Preliminary Plans (Exhibit A, Sheet SP-00), typical street and alley intersections show that vision clearance is feasible at intersections. A Condition of Approval is proposed to require the Applicant to demonstrate compliance with vision clearance areas standards at each street intersection, including intersections of streets and alleys upon submission of construction drawings and building permit applications.

Therefore, in meeting the Condition of Approval, these standards are met.

## 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:*
  - a. *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.*
  - b. *Streets within or adjacent to a development shall be improved in accordance with the Banks street design standards (§ 152.052).*
  - c. *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.*
  - d. *New streets and drives shall be paved.*

**FINDING:** The Preliminary Plans in Exhibit A show that all proposed lots will have access to public streets and/or public alleys accessing streets. Street and alley cross sections are proposed in Sheets SC-01 and SC-02 (Exhibit A). The proposal includes Local and Collector streets identified in the City's TSP, to be improved in accordance with the City's street design standards per 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 Section 152.052 for further discussion of street improvements and Exhibit S for further discussion of proposed modifications to Public Works Design Standards. Therefore, granted approval of the Public Works Design Standards modifications, 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:*
  - a. *A partial improvement would create a potential safety hazard to motorists or pedestrians;*
  - b. *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;*
  - c. *The improvement would be in conflict with an adopted capital improvement plan;*  
*or*
  - d. *The improvement is associated with an approved land partition in a residential zone and the proposed land partition does not create any new streets.*
- 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.*

- 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.*

**FINDING:** This application includes a phased subdivision with new public streets and public utility and pedestrian access easements as shown on the Preliminary Plat (Exhibit A, Sheets PP-00 through PP-08). Following acceptance and approval of the Preliminary Plat, applications for final plats per the phasing schedule will be submitted and recorded to create the lots and rights-of-way shown in the Master Plan.

The applicant will pave and dedicate proposed streets and alleys, and create rights-of-way in accordance with the standards of this section. The applicant does not propose any guarantees in lieu of full street improvements.

**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.*

**FINDING:** The Applicant has submitted a TIA and TPR Assessment, prepared by Kittelson & Associates, Inc. (Exhibit K). Therefore, this standard is met.

- 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.*

**FINDING:** Comprehensive Plan Map and Zoning Map Amendments are included in this application package. As addressed in the findings related to CPA 24-03 and ZMA 24-02 provided earlier in this staff report, the TPR analysis recommended that the City amend the TSP to include a multi-lane roundabout at the OR 6/Aerts Road intersection as a funded project to address the significant effect that buildout of the subject site, according to proposed map amendments, in addition to buildout of other applicable developable land, were anticipated to have on that intersection. As noted in this report, that significant effect was addressed when the TSP amendment was approved by City Council on August 13, 2024 (File CPA 24-02, Ordinance 2024-07-01). Therefore, this standard is met.

*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:
  - a. A change in zoning or a plan amendment designation;*
  - b. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);*
  - c. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;*
  - d. An increase in peak hour volume of a particular movement to and from the state highway by 20% or more; or*
  - e. An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;*
  - f. 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*
  - g. 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.*

**FINDING:** A TIA is required and was submitted with this application package; it is included in this staff report as Exhibit K. The TIA was prepared by a certified engineer in accordance with

standards from applicable road authorities. Its recommendations are discussed in the findings of this staff report. Therefore, this standard is met.

*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.*

**FINDING:** The City will coordinate with the Applicant on any performance bonds as needed. At this time, the City does not require any bonds for required improvements. The Development Agreement (Exhibit J) and proposed Conditions of Approval regarding warranties on trees and public improvements currently serve the purpose of this provision.

**(CU 24-01) Conditional Use**

*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.*

**FINDING:** A public park requires Conditional Use (CU) approval in the Community Facility (CF) zone. The applicant has applied for CU approval and is following the Type III procedure for the review process. Therefore, this standard is met.

*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.*

**FINDING:** The CU application is submitted concurrently with the Master Planned Development application package and has submitted required materials:

- Site Plan (Exhibit A, Sheets L-09 – L10 and Sheet PO-14)
- Existing Conditions Plan (Exhibit A, Sheets EX-01 through EX-14)
- Draft CC&Rs (Exhibit N)

This standard is met.

*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;*

**FINDING:** The proposed conditional use is a public park that is included in this Master Planned Development. After construction, the park will be conveyed to the City and become part of the City of Banks parks, trails, and recreation facility inventory. The park is 20 acres in size and is augmented by another 26 acres of private open space (with public access along the pathways) within the development.

The dimensions of the park are adequate to accommodate both park features/amenities and necessary circulation elements. The existing topography of the site will be altered in order to construct park features and amenities. The park will have vehicle access from streets to the east (NW Blue Jay Boulevard) and north (Local Road V) to a dedicated off-street parking area that bisects the proposed park. Additional on-street parking is provided along the street on the

borders of the park along Local Street V and NW Blue Jay Boulevard. Sidewalks and pedestrian pathways adjacent to the park on the north, east, and south sides connect to the park's internal pathways. Pathways connect to major features and amenities within the park (e.g., turf fields, sports courts, playground). The proposed bicycle/pedestrian bridge across the railroad will also provide access to and from nearby schools and existing neighborhoods from the west.

Proposed residences are separated from the park on the north and east sides by streets and the rail line runs along the park's western boundary. Proposed residences abut the southeast boundary of the park but would be buffered from active recreational uses by plantings and a stormwater facility. Lighting is proposed for the park's parking area (the Sheet L-10, Exhibit A) and for the turf athletic fields (see Exhibit T for the Photometric Plan). Street lighting is not proposed through this application but will be provided for the entire development; it is addressed in a Condition of Approval at the end of this staff report.

No odor, dust, or vibration impacts are anticipated to be generated by recreational uses.

Therefore, in fulfilling the Condition of Approval, this standard 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;*

**FINDING:** The layout and location of the proposed park in relation to the surrounding residential uses avoid and minimize potential impacts, as active recreational elements are buffered by streets, landscaping, and open space. As noted above, proposed homes only border the park to the south and are separated by a stormwater facility and landscaping.

One potential negative impact of the proposed park is vehicle traffic and parking demand given park users may drive and need a place to park. The parking demand is mitigated by the dedicated off-street parking provided (approximately 105 spaces) and the proposed pedestrian pathways and pedestrian/bicycle bridge that will encourage walkability and less trips by automobiles.

The lighting of the athletic field may also be considered a potential negative impact however, the Photometric Plan (Exhibit T) avoids potential impacts as lighting is shielded, directed downward, and does not spill over onto adjacent properties.

Maintenance of amenities such as garbage and recycling cans, and any lighting will be the responsibility of the City and subject to their standards and regulations. The BMC Section 92.13 regulates park hours and requires parks to be closed between 10:00 pm to 5:00 am, which park users must adhere to. Any excessive noise generated within the park is subject to the standards of BMC Section 130.04.

Therefore, this standard 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*

**FINDING:** The applicant has provided service provider letters from the City of Banks Water Department and CWS (Exhibit H) to confirm the proposed development, including the proposed park, can be adequately served by public facilities. A TIA (Exhibit K) has also been submitted,

which details the impacts the proposed development, including the proposed park, will have on the transportation network and has made project and design recommendations accordingly. Street design will be reviewed by City Engineers to confirm compliance with applicable design guidelines. Therefore, this standard 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.*

**FINDING:** This conditional use application would not allow a use that is otherwise prohibited under this chapter. A public park is a conditional use in the CF zoning district. No variances related to this conditional use application are proposed. Therefore, this standard 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.*

**FINDING:** Potential negative impacts associated with the park and recreational uses are discussed in findings above. Conditions of Approval related to the park and for the entire proposal are provided under the Recommendation section at the end of this staff report.

- 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.*

**FINDING:** This standard applies to existing conditional uses. Therefore, this standard does not apply to this application.

## CHAPTER 152: LAND DIVISION REGULATIONS

### (PLA 24-01) Property Line Adjustment

#### 152.012 Property Line Adjustment

*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:*

- E. 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.*

**FINDING:** A Preliminary Property Line Adjustment Plan (Exhibit A, Sheet PL-01), and all applicable materials were included with the application submittal. Therefore, this standard is met.

- F. 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.*

**FINDING:** The Preliminary Property Line Adjustment Plan (Exhibit A, Sheet PL-01) shows that the proposed Property Line Adjustment (PLA) is intended to adjust the existing property lines to generally align with the phase lines of the proposed Master Plan. No new parcels will be created. Therefore, this standard 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*

**FINDING:** The Preliminary Property Line Adjustment Plan (Exhibit A, Sheet PL-01) shows that the proposed Property Line Adjustment will result in lots that conform to the standards of the underlying zones.

The PLA proposal itself does not involve development and, thus, setbacks and coverage are not applicable. However, development is proposed in this consolidated application package. Setback and coverage standards, along with other zoning district standards, are addressed in

the findings for Section 151.037, Development Standards for Residential Zones, provided earlier this staff report.

Therefore, this standard 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.*

**FINDING:** The Preliminary Property Line Adjustment Plan Sheet (Exhibit A, Sheet PL-01) demonstrates that the proposed PLA is intended to generally align with the phase lines for the Master Planned Development. Appropriate access will be provided as each phase develops. The applicant and City have coordinated and are coordinating with Washington County and ODOT about access to their rights-of-way from proposed phases of development. Therefore, this standard is met.

*G. Recording property line adjustments.*

4. *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.*
5. *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.*

**FINDING:** The PLA will be recorded as detailed above and as applicable, which is addressed in Conditions of Approval at the end of this report. Therefore, in meeting Conditions of Approval, this standard will be met.

**(SUB 24-02) Subdivision**

*Land Division Standards*

*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.*

**FINDING:** The proposal includes a Master Planned Development with a phased subdivision and property line adjustments to facilitate development of the master plan. The applicant submitted a subdivision application. 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.*

**FINDING:** The proposal includes the Preliminary Plat for all phases of the proposed development (Exhibit A, Sheets PP-00 – PP-08). Final plats will be submitted in accordance with the phasing schedule. Therefore, this standard is met.

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

**FINDING:** This Subdivision proposal complies with ORS Chapter 92, as described in this staff report below.

- 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.*

**FINDING:** The proposed subdivision plat will not be dividing tracts into large lots. The proposal includes a subdivision being processed concurrently with a Master Planned Development, including modifications (reductions) to the minimum lot size. The requested modifications do not result in lots greater than 300% of the minimum lot size. Therefore, this standard is met.

- 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.*

**FINDING:** The proposal includes Preliminary Utility Plans (Exhibit A, Sheets CU-01 – CU-08) that demonstrate the subdivided lots will have adequate public facilities and utilities to serve lots within the Master Plan area. Water will be provided through a combination of a reservoir, water mains, and wells. Documentation of adequate water service is provided in Water System Improvement Plan & TVID Agreement (Exhibit L) and the City Engineer Water Memo (Exhibit M), as well as service provider letters (Exhibit H).

Water distribution systems will conform to the City of Banks Public Works Design Standards, including minimum pipe diameter and material, fire flow, fire hydrant spacing, valve spacing, water service connections, and other appurtenances as appropriate for this development.

Water lines will be looped for redundancy and to avoid dead ends in distribution lines except where indicated for future extensions. Where dead ends are provided for future extension, a blow-off assembly must be provided for City Maintenance purposes. Underground utilities must conform to OAR 333-061 standards for spacing. These terms are addressed in the Conditions of Approval at the end of this staff report.

Therefore, in meeting the Conditions of Approval, this standard will be met.

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

**FINDING:** The proposal includes Preliminary Utility Plans (Exhibit A, sheets CU-01 – CU-08) and the Preliminary Stormwater Report (Exhibit I) that demonstrate adequate water drainage is planned for lots within the Master Plan. The Applicant will work with CWS to confirm the facilities meet CWS standards, as outlined in CWS Conditions of Approval at the end of this report. This standard 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.*

**FINDING:** The proposal includes a Circulation Plan (Exhibit A, Sheet PO-10) that shows adequate access will be provided for lots within the Master Plan. Additional documentation of adequate access is provided in the TIA and TPR Assessment (Exhibit K). Therefore, this standard is met.

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

**FINDING:** All utilities on-site for the proposed subdivision have been designed to be underground. The Applicant will be required to submit underground utility details with subsequent construction document submittals after land use approval.

Therefore, in meeting Conditions of Approval, this standard 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.*
- 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.*

**FINDING:** The proposed Preliminary Subdivision Plat (Exhibit A, Sheets PP-00 – PP-08) adheres to Section 152.007, as addressed in findings below. The executed Development Agreement for the proposal (Exhibit J) allows an extended time period for the phased development of the Master Plan that supersedes this preliminary plat approval period. Subdivision phasing is addressed under the standard in Subsection (D) below. Therefore, these standards are met.

- 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.*

**FINDING:** The Development Agreement for the proposal (Exhibit J) allows an extended time period for the phased development of the Master Plan that supersedes this expiration standard. The Development Agreement also allows modifications to the agreement if necessary, that may allow an extension to the time period if agreed upon by both the City and the applicant. Therefore, this standard is met.

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.*

**FINDING:** The Development Agreement for the proposal (Exhibit J) allows an extended time period for the phased development of the Master Plan that supersedes the above phased subdivision timing criteria. A Preliminary Phasing Plan is included in Exhibit A, Sheet PO-11. Therefore, this standard is met.

#### 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.*
- 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.*

**FINDING:** The proposal includes a land use application (Exhibit B) and the following information that addresses the adequacy of the public facilities and services. The exhibits were routed and reviewed by the appropriate service providers and found to adequately address the potential impacts on public facilities and services.

- Exhibit A: Preliminary Plans (includes parks, circulation, and utility plans for the Master Planned Development)
- Exhibit G: CWS Service Provider Letter, including draft conditions of approval
- Exhibit H: Service provider letters and correspondence
- Exhibit I: Preliminary Stormwater Report
- Exhibit K: TIA and TPR Assessment
- Exhibit L: Water System Improvement Plan & TVID Agreement
- Exhibit M: City Engineer Water Memo

With conditions of approval, this standard is met.

- 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*

**FINDING:** The proposal includes a Preliminary Subdivision Plat (Exhibit A, sheets PP-00 – PP-08), prepared by a professional engineer and reviewed by a professional land surveyor. The plat name is not duplicative of another Washington County land division as shown the Subdivision Name Approval (Exhibit R). The above-identified items are included on the preliminary plat, including but not limited to the date, north arrow, and scale; location; zoning; and title block. These standards are met.

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.*

**FINDING:** The proposal includes Preliminary Plans that include sheets with the existing conditions that meet the above criteria are provided (Exhibit A, Sheets EX-01– EX-14). Therefore, this standard is met.

- 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;*

**FINDING:** The proposal includes a Preliminary Plat with the Preliminary Plans depicted on more than one sheet (Exhibit A) and includes the elements listed above as applicable. The Preliminary Plan set includes a sheet index. This standard is met.

- 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;*

**FINDING:** The proposal includes Preliminary Plans that contain open space area calculations (Exhibit A, Sheet PO-09). The proposed citywide park is 20 acres, which is approximately 13% of the buildable land area ( $\pm$  147 acres) within the subdivision. Therefore, this standard is met.

- 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;*

**FINDING:** The proposal includes a Preliminary Plat in the Preliminary Plans, depicted on more than one sheet (Exhibit A). The elements listed above are provided as applicable and a sheet index is also included. These standards are met.

- 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;*

**FINDING:** Proposed street cross sections are provided in Exhibit A (Sheets SC-01 and SC-02). The proposal includes a request for modifications that vary from the Public Works Design Standards, including for the Collector cross section. The Public Works Design Exception Requests are provided as Exhibit S and will be processed by the City Engineer. Transportation agency Conditions of Approval are included at the end of this staff report. Therefore, granted approval of modifications and fulfilling Conditions of Approval, this standard will be met.

- 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;*

**FINDING:** The proposal includes Grading Plans (Exhibit A, Sheets EC-01 – EC -09) that demonstrate the future development can meet required dimensional and engineering standards. Therefore, this standard is met

- 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;*

**FINDING:** The proposal includes Preliminary Utility Plans (Exhibit A, Sheets CU-01 – CU-08), as well as a service provider letter from the City of Banks Water Department (Exhibit H), Water System Improvement Plan & TVID Agreement (Exhibit L), and a City Engineer Water Memo (Exhibit M) confirming that each lot will have adequate water service. The Preliminary Utility Plans detail the extension of sanitary sewer service, and service provider letters from CWS are provided (Exhibits G and H). CWS will also provide stormwater management service, and the Preliminary Utility Plans show the stormwater plans. Therefore, this standard is met.

- 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.*

**FINDING:** The proposal includes Preliminary Utility Plans (Exhibit A, Sheets CU-01 – CU-08). A Condition of Approval is proposed for the applicant to submit street light design and locations when construction documents are reviewed. The applicant will provide further utility details in subsequent construction documents. The subdivision site is not located within any overlay zones. Therefore, in fulfilling the Condition of Approval, this standard will be met.

*152.007 PRELIMINARY PLAT APPROVAL CRITERIA.*

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

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

**FINDING:** 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 as outlined in the Master Planned Development section of this staff report. In addition, this proposal includes modifications to certain development standards, which are summarized in the findings for Section 151.338, Modifications to Development Standards above. This proposal also includes Public Works Design Standard modifications (Exhibit S) and will be processed through the appropriate Public Works permit procedures and reviewed by the City Engineer. Therefore, this standard is met as applicable and granted approval of modifications.

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

**FINDING:** 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. The Preliminary Plans show that the planned streets, utilities, and water facilities generally conform with the City of Banks Public Works Design Standards and adopted master plans, and allow for extensions to existing and future development on adjacent sites. As discussed in findings for Section 152.007 above and in Exhibit S, this application includes modifications to certain Public Works Design Standards that will 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, granted approval of modifications, this standard is met.

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

**FINDING:** The proposed plat name (“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 standard 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;*

**FINDING:** 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 Planned Development area. Open space includes common areas within tracts to be maintained by an HOA and a public park to be maintained by the City. This standard is met.

6. *Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to the final plat;*
7. *Evidence that improvements or conditions required by the city, road authority, Washington County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

**FINDING:** The exhibits 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 standard 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.*

**FINDING:** As demonstrated by the Preliminary Plans (Exhibit A), all planned lots within the proposal and Master Planned Development contain buildable area sufficient for at least one dwelling, except those reserved for open space or common areas. This standard 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.*

**FINDING:** Conditions of approval related to this entire application package, including the Subdivision application, are provided at the end of this staff report.

*152.008 LAND DIVISION-RELATED VARIANCES.*

*Variances 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.*

**Findings:** As discussed in response to Section 152.007 above, the proposal includes modifications to the standards of this chapter that are being processed concurrently with the Master Planned Development application in accordance with Section 151.340(B). As discussed in Exhibit S, this proposal also includes modifications to certain Public Works Design Standards that will be processed in accordance with Chapter 1.50.0 and reviewed by the City Engineer in accordance with the procedures of that chapter. Therefore, these land division-related variances are not required and are not applicable.

*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.*

**FINDING:** These standards are 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). Therefore, granted approval of above-mentioned modifications, this standard is met.

*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.*

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

**FINDING:** The applicant must comply with the required bonds and substantial improvement completion requirements prior to building permits being issued, as outlined in Conditions of Approval. In meeting Conditions of Approval, this standard will be met.

#### 152.052 STREETS.

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

**FINDING:** As demonstrated by the Preliminary Street Plans and Cross Sections (Exhibit A, Sheets SP-00 – SP-10 and Sheets SC-01 – SC-02), the proposal includes public streets that meet the Public Works Design Standards as applicable.

As discussed in response to Section 152.050 above and in the Public Works Design Exception materials (Exhibit S), the proposal includes modifications to the Public Works Design Standards that will be processed in accordance with the applicable procedures of Chapter 1.50.0 and reviewed by the City Engineer. These modifications are proposed 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 site to facilitate future street extensions to adjacent properties if the City determines street connections are appropriate. As discussed in the TIA and TPR Assessment (Exhibit K), the planned street system is adequate to serve the anticipated traffic from the Master Plan and its uses, given recommended improvements.

The standards are met, granted approval of modifications.

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

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

**FINDING:** As demonstrated by the Preliminary Street Plans and Preliminary Cross Sections (Exhibit A, Sheets SP-00 – SP-10 and Sheets SC-01 – SC-02), the planned rights-of-way within the Master Planned Development comply with the Public Works Design Standards as applicable. As addressed in findings for Section 152.050 standards above and in the Public Works Design Exceptions materials (Exhibit S), the proposal includes modifications to certain Public Works Design Standards (Collector cross sections, intersection spacing, and sight distance) due to unique site constraints in order to provide public improvements that better meet the character of the site and maximize the provision of needed housing, planned park and trail facilities, open space, and natural feature protection. See Exhibit S and findings in response to Section 152.050. Therefore, this standard is met as applicable and granted approval of requested modifications.

*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.*

**FINDING:** 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.*

**FINDING:** As demonstrated by the Preliminary Street Plans (Exhibit A, Sheets SP-00 – SP-10), 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.*

**FINDING:** As demonstrated by the Preliminary Street Plans (Exhibit A, sheets SP-00 – SP-10), intersection angles of the planned public street network comply with the standards 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.*

**FINDING:** Preliminary Street Plans (Exhibit A, Sheets SP-00 – SP-10) and Preliminary Plat (Exhibit A, Sheets PP-00 – PO-08) show 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 proposed development. 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.*

**FINDING:** 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 Street Plans (Exhibit A, Sheets SP-00 – SP-10). 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 Planned Development 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.*

**FINDING:** As demonstrated by the Preliminary Street Plans (Exhibit A, sheets SP-00 – SP-10), the planned improvements include a cul-de-sac that meets the standards listed above. This standard is met.), the planned improvements include a cul-de-sac that meets the standards 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.*

**FINDING:** 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.*

**FINDING:** 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 PLA and subdivision as part of a Master Planned Development package. Therefore, the standards of this Section are applicable.

As illustrated by the Preliminary Plans, the Master Planned Development 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.

A unique and key connectivity feature of the proposed development is the proposed bicycle/pedestrian bridge over the rail right-of-way (see Exhibit A, Sheet SP-10).

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.*
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.*
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.*

**FINDING:** Access permits for new points of access onto public streets will be provided as needed. 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 and NW Aerts Road to accommodate the increased vehicle traffic anticipated from the Master Planned Development; however, this is not a new access point and the roundabout project was adopted into the City's TSP last year (2023). See the TIA and TPR Assessment (Exhibit K) for additional details. Conditions of Approval address these permits. This standard will be met, given Conditions of Approval are 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 ensure adequate maintenance of the street and any utilities within it.*

**FINDING:** The planned improvements do not include a sub-standard public or private street. Therefore, 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.*

**FINDING:** Functional classifications for planned public streets are provided on the Preliminary Street Plan Overview (Sheet SP-01) 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.*

**FINDING:** 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, and NW Washington Avenue), as well as at the intersection and off-ramp of OR 6 and NW Main Street (OR 47) to accommodate increased traffic from the Master Plan. Bicycle and pedestrian facilities will be included with these improvements to the degree practicable. Cross sections in Exhibit A (Sheets SC-01 – SC-02) and requested Public Works Design Standards modifications (Collector cross sections) illustrate bicycle and pedestrian facilities in the form of 12-foot multi-use paths provided in the right-of-way.

Therefore, this standard, granted approval of requested modifications, 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.*

**FINDING:** 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.*

**FINDING:** As demonstrated by the Preliminary Street Plans (Exhibit A, Sheets SP-00 – SP-10), blocks within the Master Planned Development are generally less than 1,200 feet in length.

As discussed in findings for the Preliminary Plat approval criteria in Section 152.007 above and findings for Section 151.338 (Modifications to Development Standards), the proposal 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 mostly planned to be preserved. In instances where blocks exceed 600 feet, a mid-block pedestrian connection will be provided where appropriate. Mid-block crosswalks will be avoided if the crosswalks are found to endanger pedestrian safety and create conflicts between pedestrians and vehicle traffic. Conditions of Approval are proposed to address these topics.

Pedestrian and multi-use connections are proposed to open spaces, amenities, and the public park within the Master Plan. The general plan for these pathways is shown in the Preliminary Circulation Plan in Exhibit A (Sheet PO-10) and is also addressed in Conditions of Approval.

This standard will be met as applicable, granted approval of requested modifications and fulfillment of Conditions of Approval.

- 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.*

**FINDING:** As demonstrated by the Preliminary Street Plans (Exhibit A, Sheets SP-00 – SP-10), 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; however, a bicycle/pedestrian bridge over the rail corridor is proposed as a crucial connectivity solution for now. 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;*
- b. Main Street area. Minimum of 100 foot length and maximum of 400 foot length; maximum 1,200 foot perimeter;*

**FINDING:** As demonstrated by the Preliminary Street Plans (Exhibit A, sheets SP-00 – SP-10), 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 and the request for modifications to these block standards in Section 151.338 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. Connectivity measures are also addressed in proposal Conditions of Approval. Therefore, granted approval of requested modifications and fulfillment of Conditions of Approval, this standard will be met.

- 3. Pedestrian/bicycle accessway standards. Where a street connection in conformance with the maximum block length standards in division (B) is impracticable, a pedestrian/bicycle accessway shall be provided at or near the middle of a block in lieu of the street connection. The city may also require developers to provide a pedestrian/bicycle accessway where a cul-de-sac or other street is planned and the accessway would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:*

**FINDING:** As shown in the Preliminary Plans (Exhibit A), pedestrian/bicycle accessways are provided, in some cases, 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 considered practicable and sensible. The proposal includes a requested modification to this standard (in findings for development standard modification provisions in Section 151.338) to allow flexibility to mid-block connection requirements where connections are not practicable. These connectivity situations are also addressed in Conditions of Approval.

Pedestrian and bicycle circulation facilities are also provided in Aerts Addition as paths, which connect open spaces on the site to each other and to homes and other uses. They also provide an alternative to the accessways described in this standard in some cases. The Preliminary Circulation Plan in the Preliminary Plans (Exhibit A, Sheet PO-10) shows the general plan for this pedestrian and bicycle circulation.

Therefore, granted approval of requested modifications and fulfillment of Conditions of Approval, this standard is met as applicable.

- 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.*

**FINDING:** As shown in 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 standards of this section in some cases and where practicable. The proposal includes a requested modification to this standard (in findings for development standard modification provisions in Section 151.338) to allow flexibility to mid-block connection requirements where connections are not practicable. These connectivity situations are also addressed in Conditions of Approval.

Lighting for paths through open space tracts in the Master Planned Development will not be required. However, bicycle/pedestrian accessways that provide connections through long blocks will need some level of lighting, to be determined in consultation with the City Engineer. This is addressed in Conditions of Approval.

Therefore, granted approval of requested modifications and fulfillment of Conditions of Approval, this standard is met as applicable.

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.*

**FINDING:** As shown in the Preliminary Circulation Plan and Street Plans (Exhibit A, Sheet PO-10 and Sheets SP-00 – SP-10), walkways and paths are planned throughout the site to connect buildings, homes, and facilities to parking areas, streets, park and open spaces, and other amenities.

The proposal 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.*

**FINDING:** As shown in the Preliminary Plans (Exhibit A), a continuous pedestrian walkway and pathway system is provided throughout Aerts Addition, that provides connectivity between other pedestrian facilities, homes, open space, public parks, and other amenities and uses. A pedestrian/bicycle bridge will connect the development with parts of the city to the west. The Preliminary Circulation Plan in the Preliminary Plans (Exhibit A, sheet PO-10) shows the details of the pedestrian and multi-use circulation. Therefore, this standard is met.

- 2. Safe, direct, and convenient walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:*
  - a. REASONABLY DIRECT. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of- direction travel for likely users.*
  - b. SAFE AND CONVENIENT. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*
  - 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.*

**FINDING:** The planned pedestrian facilities within Aerts Addition provide safe, convenient, and reasonably direct connections between primary building entrances and adjacent pedestrian facilities, when that is the case, as in instances of connections between homes and the street system and between the clubhouse and the street system. The citywide park includes walkways and paths between its parking area, on-site building entrances, athletic fields, playground areas, and adjacent public sidewalks.

Otherwise, as also shown in the Preliminary Plans (Exhibit A), several walkway and pathway connections are provided in the development between facilities like the citywide park, parking areas, streets, common areas/open spaces, and other amenities. Paths in Aerts Addition also provide connections to the pedestrian/bicycle bridge that will be built over the rail corridor to link the neighborhood to the rest of the city. The Preliminary Circulation Plan in the Preliminary Plans (Exhibit A, sheet PO-10) shows the details of the pedestrian circulation. 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.*

**FINDING:** As demonstrated by the Preliminary Plans (Exhibit A), the size, width, and shape of lots within the Master Planned Development are appropriate for the proposed residential and park and open space uses, and conforms with the standards of the underlying zoning district, granted approval of modifications to some of the zone-related development standards. Parcels 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. Therefore, with approval of requested modifications, this standard is met as applicable.

- 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.*

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

- 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.*

**FINDING:** No alternative lot widths and lot areas are needed or proposed for properties proposed for C and I zoning at this time. This standard is not applicable.

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

**FINDING:** 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.*

*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.*

*E. Flag lots.*

**FINDING:** As shown in the Preliminary Plans (Exhibit A), through lots are planned as necessary within the Master Plan Development along the borders of the site and in some sections of the neighborhood adjacent to Collector roads, where the homes are rear-loaded and back up to an alley. Access to the lots on the perimeter of the site will be from the Local roadways and access to the perimeter Collector roads (NW Aerts Road and NW Banks Roads) is not proposed or needed, other than the limited points of access shown in the Circulation Plan (Exhibit A, Sheet PO-10). This standard is met.

All lots within the Master Planned Development are proposed to have lot lines that are perpendicular or radial to adjacent public streets.

The Master Planned Development includes flag lots (Lots 195, 196, and 197). As discussed in the findings for Section 152.005 above, these lots are adjacent to the railroad right-of-way along the west 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 lot does not preclude the future development of adjacent parcels. Connectivity and block length standards will likewise be met.

Therefore, 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.*

**FINDING:** As shown in the Preliminary Grading Plans in the Preliminary Plans (Exhibit A, Sheets EC-01 – EC-09), the grading standards of this section and of Chapter 70 of the Uniform Building Code are planned to be met. This will be assured through the process of approving final grading plans.

*152.056 BUILDING LINES.*

*If building setback lines in excess of those set forth in the City Zoning Ordinance are to be established in a subdivision, they shall be included in the deed restrictions.*

**FINDING:** Modifications (reductions) to rear yard setback standards are proposed. See findings for Section 151.338, Modifications To Development Standards. Any reduced standards will be considered for inclusion in the CC&Rs.

*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.*

**FINDING:** The proposed Master Planned Development does not include large building sites. Therefore, 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.*

**FINDING:** As shown in the Preliminary Plans (Exhibit A), the Master Planned Development includes a public park and open space areas. The open space areas include the environmentally sensitive pond and wetland areas within Aerts Addition and will be maintained by the HOA. The public park will be dedicated to the City. The park constitutes approximately 13 percent of the buildable land area of the subdivision. This standard is met.

- A. *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.*

**FINDING:** A public citywide park is part of the proposed Master Planned Development, consistent with park needs identified in the City's Park and Recreation Master Plan. It will be dedicated to the City once developed (Phase 2). 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.*

**FINDING:** Preliminary Composite Utility Plans are provided in Exhibit A (Sheets CU-01 – CU-08), and service provider letters attesting to adequate public facilities are provided in Exhibit H. The applicant has coordinated with CWS on the design of sewer and stormwater facilities proposed in their plans, and CWS has provided Conditions of Approval included at the end of this report. Proposed utilities are located underground. Therefore, in meeting Conditions of Approval, this standard will 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.*

**FINDING:** As shown in the Preliminary Street Tree Plans included with the Preliminary Plans (Exhibit A, Sheets L-01 - L-08), street trees are planned for Aerts Addition in accordance with the standards above. Trees will generally be regularly spaced along streets, except for where there are driveways for homes and where vision clearance is needed close to corners. 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.*

**FINDING:** 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.

**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:

**[PENDING / IN A SEPARATE DOCUMENT]**