



ORDINANCE No. 2024-09-01

An Ordinance Annexing Certain Segments of Washington County and Railroad Rights-of-Way Located adjacent to and Within the City of Banks (Banks Road, Aerts Road and railroad)

The City Council for the City of Banks adopts the following findings:

WHEREAS, NW Banks Road is a Washington County road that forms part of the City's northern boundary and exists adjacent to and outside of the City limits, but within its Urban Growth Boundary ("UGB"); and

WHEREAS, NW Aerts Road is a Washington County road that forms the City's eastern boundary and exists adjacent to and outside of the City limits, but within its UGB; and

WHEREAS, NW Washington Avenue is a Washington County road that forms part of the City's southern boundary and exists adjacent to and outside of the City limits, but within its UGB; and

WHEREAS, the Port of Tillamook Bay Railroad and State of Oregon Railroad lines bisect the City, extending north from Hwy 6 to NW Rose Avenue and NW Scottston Terrace also is adjacent to, but outside of, the current City limits, but within its UGB; and

WHEREAS, the City desires to annex these road and railroad rights-of-way abutting the current city boundary within the city's existing UGB, in particular, the following rights-of-way (collectively the "Annexation Territory") more specifically described and illustrated in Exhibit A, attached hereto and incorporated herein by this reference:

- NW Banks Road: along the northern lot line of the Quail Valley Golf Club (Tax Lots 2N3310000201 and 2N3310000100)
- NW Aerts Road: between NW Banks Road and OR 6 (NW Wilson River Highway)
- NW Washington Avenue: between NW Aerts Road and NW Sixth Street
- NW Sixth Street: between NW Washington Avenue and NW Rose Avenue
- NW Rose Avenue: between NW Sixth Street and rail corridor

- A portion of rail line between NW Rose Avenue and south of NW Scottston Terrace owned in parts by the Port of Tillamook Bay Railroad (Tax Lot 2N3310001101) and the Oregon Department of Transportation (Tax Lot 1N2010003700) operated by Portland & Western Railroad.

WHEREAS, to warrant annexation approval, the Annexation Territory must be within the City's Urban Growth Area and contiguous to the city boundary. The annexation applicant must also demonstrate compliance with each of the applicable approval standards set forth in Section 30.02 of the Banks Municipal Code ("BMC"); and

WHEREAS, the Annexation Territory is currently unzoned, and this annexation request does not include a concurrent request for city zoning; therefore, upon annexation, the Annexation Territory shall remain unzoned; and

WHEREAS, pursuant to ORS 222.127 (SB 1573, enacted by the 2016 Legislative Session), this annexation will not be sent to the voters of the City, as otherwise required by Charter Section 3. Therefore, this annexation shall be final when approved by the City Council; and

WHEREAS, on August 27, 2024, the Banks Planning Commission convened a duly noticed public hearing, took public testimony on the annexation request and recommended approval of the Annexation Territory as proposed; and

WHEREAS, on September 10, 2024, the City Council convened a duly noticed public hearing to take public testimony and consider the Planning Commission's recommendation, and at the conclusion voted to approve the annexation request.

NOW THEREFORE, based on the foregoing recitals, which are incorporated herein by this reference, the Banks City Council ordains as follows:

Section 1 – Annexation. The real property, consisting of Washington County Roads and Railroad Rights-of-Way described in Exhibit A, attached hereto and by this reference incorporated herein (collectively the "Annexation Territory") is hereby annexed and incorporated into the City of Banks.

Section 2 – Land Use Designations and Zoning. Land within the Annexation Territory is hereby subject to land use planning, regulation and permitting by the City of Banks under its duly adopted Comprehensive Plan and land use regulations, pursuant to which the Annexation Territory shall remain unzoned until the city reviews and approves an application to apply city zoning to all or a portion of the Annexation Territory.

Section 3 – Assessment and Taxation. Land within the Annexation Territory shall be assessed and taxed by the City in the same manner and on the same basis as other similarly situated property within the City as of the effective date of this Ordinance.

Section 4 – Severability. If any portion of this ordinance is found to be invalid or unenforceable for any reason, that finding shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5 – Transmittal. Pursuant to ORS 222.177 and Section 30.06 of the Banks

Code of Ordinances, the City Recorder shall:

1. File a certified true copy of this Ordinance with the Oregon Secretary of State and the Washington County Assessor.
2. File with the Oregon Secretary of State a copy of the statement of landowner consent to this annexation.

Section 6 – Effective Date: This ordinance and the annexation it declares shall be effective 30 days after the second reading and upon filing with the Secretary of State’s Office in accordance with ORS 222.180.

Read for the first time on September 10, 2024, based on the following vote:

Summary of Vote

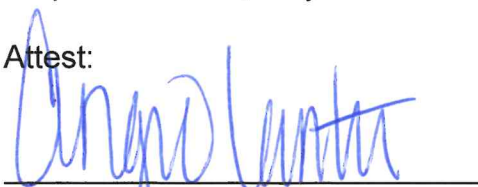
Marsha Kirk	Yes/No
Don Giannetti	Yes/No
Catherine Sawyer	Yes/No
Niki Walters	Yes/No
Marilyn McCalister	Yes/No
Peter Edison	Yes/No

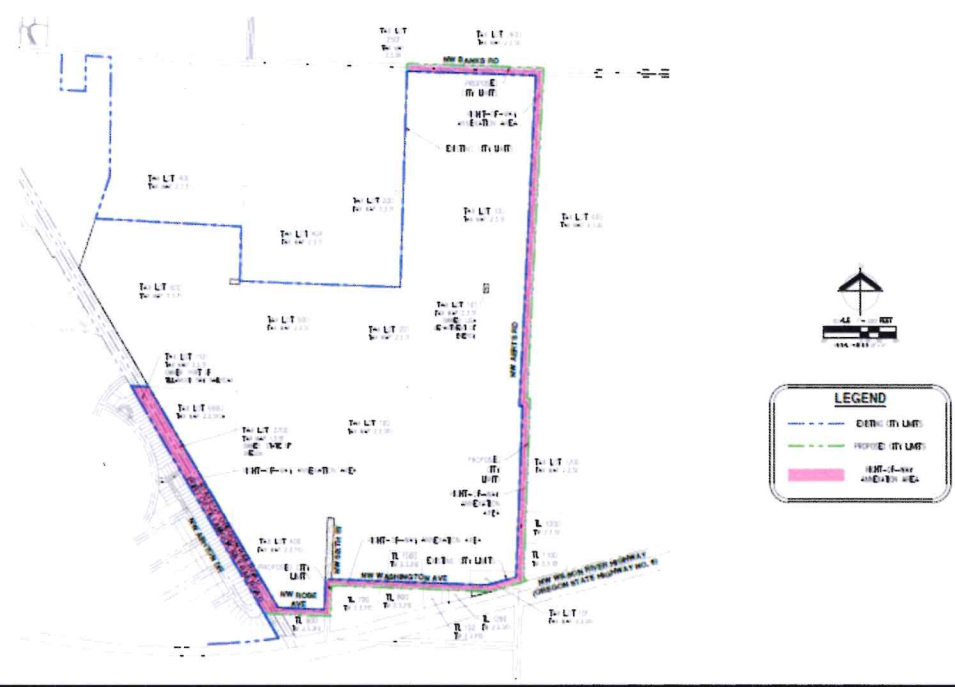
Read for the second time and adopted October 8, 2024, based on the following vote:

Summary of Vote

Marsha Kirk	Yes/No
Don Giannetti	Yes/No - Absent
Catherine Sawyer	Yes/No - Absent
Niki Walters	Yes/No
Marilyn McCalister	Yes/No
Peter Edison	Yes/No


Stephanie Jones, Mayor

Attest:

Angie Lanter, MMC
City Recorder/Assistant City Manager



PROPOSED RIGHT-OF-WAY ANNEXATION
EAST BANKS

HOLT HOMES
BANKS, OREGON

CERTIFICATION OF LEGAL
DESCRIPTION AND MAP



I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 2N331, 2N331D) has been checked by myself, and it is a true and exact description of the property in Washington County under consideration. The description corresponds to the attached map indicating the property in Washington County under consideration.

NAME TED FOSTER
TITLE GIS TECH
DEPARTMENT CARTOGRAPHY
DATE 7/2/24

ANNEXATION CERTIFIED

BY TF

JUL 02 2024

**WASHINGTON COUNTY A & T
CARTOGRAPHY**



AKS ENGINEERING & FORESTRY

12965 SW Herman Road, Suite 100, Tualatin, OR 97062

P: (503) 563-6151

F: (503) 563-6152

AKS Job 4920-01

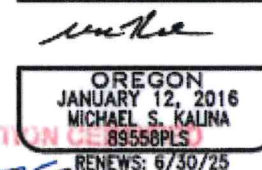
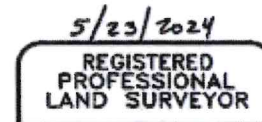
EXHIBIT A

City of Banks Annexation

A tract of land located in the Southeast One-Quarter and the Northeast One-Quarter of Section 31 and the Southeast One-Quarter of Section 30, Township 2 North, Range 3 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Commencing at the Northeast corner of said Section 31; thence North $82^{\circ}02'35''$ West 283.85 feet to the intersection of the northerly extension of the easterly right-of-way line of NW Aerts Road (30.00 feet from centerline) and the northerly right-of-way line of NW Banks Road, County Road No. 110, (30.00 feet from centerline); thence along said northerly right-of-way line, North $88^{\circ}05'14''$ West 1092.81 feet; thence leaving said northerly right-of-way line, South $01^{\circ}47'18''$ West 60.00 feet to the southerly right-of-way line of NW Banks Road (30.00 feet from centerline), also being on the City of Banks City Limits line; thence along said southerly right-of-way line and said City Limits line, South $88^{\circ}05'14''$ East 1031.60 feet to the westerly right-of-way line of NW Aerts Road, County Road No. 111, (30.00 feet from centerline); thence along said westerly right-of-way line and said City Limits line, South $02^{\circ}56'05''$ West 2632.12 feet to an angle point; thence continuing along said westerly right-of-way line and said City Limits line, South $87^{\circ}39'16''$ East 25.46 feet to an angle point; thence continuing along said westerly right-of-way line and said City Limits line, South $02^{\circ}12'44''$ West 1363.71 feet to the northerly right-of-way line of Wilson River Highway, State Highway No. 6, (120.00 feet from centerline); thence along said northerly right-of-way line and said City Limits line, South $75^{\circ}10'24''$ West 243.76 feet to the north right-of-way line of Washington Avenue (25.00 feet from centerline); thence along said north right-of-way line and the westerly extension thereof and said City Limits line, North $87^{\circ}50'41''$ West 1289.80 feet to the west right-of-way line of Sixth Street (25.00 feet from centerline); thence along said west right-of-way line and said City Limits line, South $02^{\circ}09'54''$ West 243.42 feet to the north right-of-way line of Rose Avenue (25.00 feet from centerline); thence along said north right-of-way line and said City Limits line, North $87^{\circ}40'33''$ West 367.23 feet to the easterly right-of-way line of the State of Oregon (30.00 feet from centerline); thence along said easterly right-of-way line, South $30^{\circ}20'37''$ East 59.40 feet to the south right-of-way line of said Rose Avenue; thence along said south right-of-way line and the easterly extension thereof, South $87^{\circ}40'33''$ East 385.28 feet to the east right-of-way line of Sixth Street; thence along said east right-of-way line, North $02^{\circ}12'07''$ East 243.57 feet to the south right-of-way line of said Washington Avenue; thence along said south right-of-way line, South $87^{\circ}50'41''$ East 1281.39 feet; thence leaving said south right-of-way line, North $73^{\circ}13'08''$ East 293.21 feet to the most southerly corner of Parcel 2 of Partition Plat No. 2010-018 and the east right-of-way line of NW Aerts Road (variable width); thence along said east right-of-way line, North $51^{\circ}18'29''$ West 32.27 feet to an angle point (30.00 feet from centerline); thence continuing along said east right-of-way line, North $02^{\circ}12'44''$ East 1430.34 feet to an angle point; thence continuing along said east right-of-way line, North $87^{\circ}39'16''$ West 24.70 feet to an angle point; thence continuing said east right-of-way line and the northerly extension thereof, North $02^{\circ}56'05''$ East 2632.58 feet to the Point of Beginning.

The above described tract of land contains 9.59 acres, more or less.



ANNEXATION CE
RENEWS: 6/30/25

BY

MAY 30 2024

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

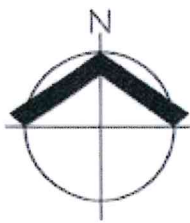
A TRACT OF LAND LOCATED IN THE
SOUTHEAST 1/4 AND THE NORTHEAST
1/4 OF SECTION 31 AND THE
SOUTHEAST 1/4 OF SECTION 30,
TOWNSHIP 2 NORTH, RANGE 3 WEST,
WILLAMETTE MERIDIAN, WASHINGTON
COUNTY, OREGON

5/23/2024

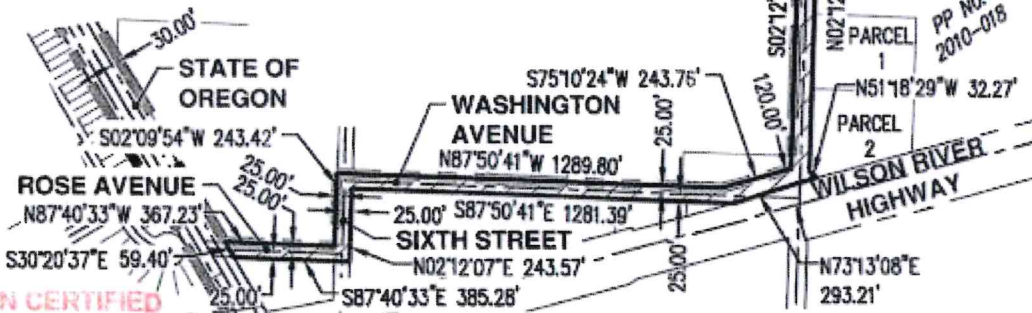
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25



SCALE: 1" = 500 FEET



ANNEXATION CERTIFIED

BY

MAY 30 2024

LEGEND

--- CITY OF BANKS CITY LIMITS LINE

WASHINGTON COUNTY A & T

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



CITY OF BANKS ANNEXATION

DATE: 5/23/2024
DRAWN: KLH CHKD: MSK
AKS JOB: 4920-01
EXHIBIT: B



AKS ENGINEERING & FORESTRY
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job 4920-01

EXHIBIT A
City of Banks Annexation

A tract of land located in the Southwest One-Quarter and the Southeast One-Quarter of Section 31, Township 2 North, Range 3 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 262 of the plat of "Arbor Village No. 3" also being on the westerly right-of-way line of the Port Of Tillamook Bay Railroad (30.00 feet from centerline) and the City of Banks City Limits line; thence along said westerly right-of-way line and said City Limits line, North 30°20'37" West 2101.14 feet; thence leaving said westerly right-of-way line and continuing along said City Limits line, South 87°22'48" East 143.02 feet to the easterly right-of-way line of the State of Oregon (30.00 feet from centerline); thence along said easterly right-of-way line and said City Limits line and the southerly extension thereof, South 30°20'37" East 2099.44 feet to the southerly right-of-way line of Rose Avenue (25.00 feet from centerline); thence leaving said easterly right-of-way line, North 87°57'27" West 142.10 feet to the Point of Beginning.

The above described tract of land contains 5.79 acres, more or less.

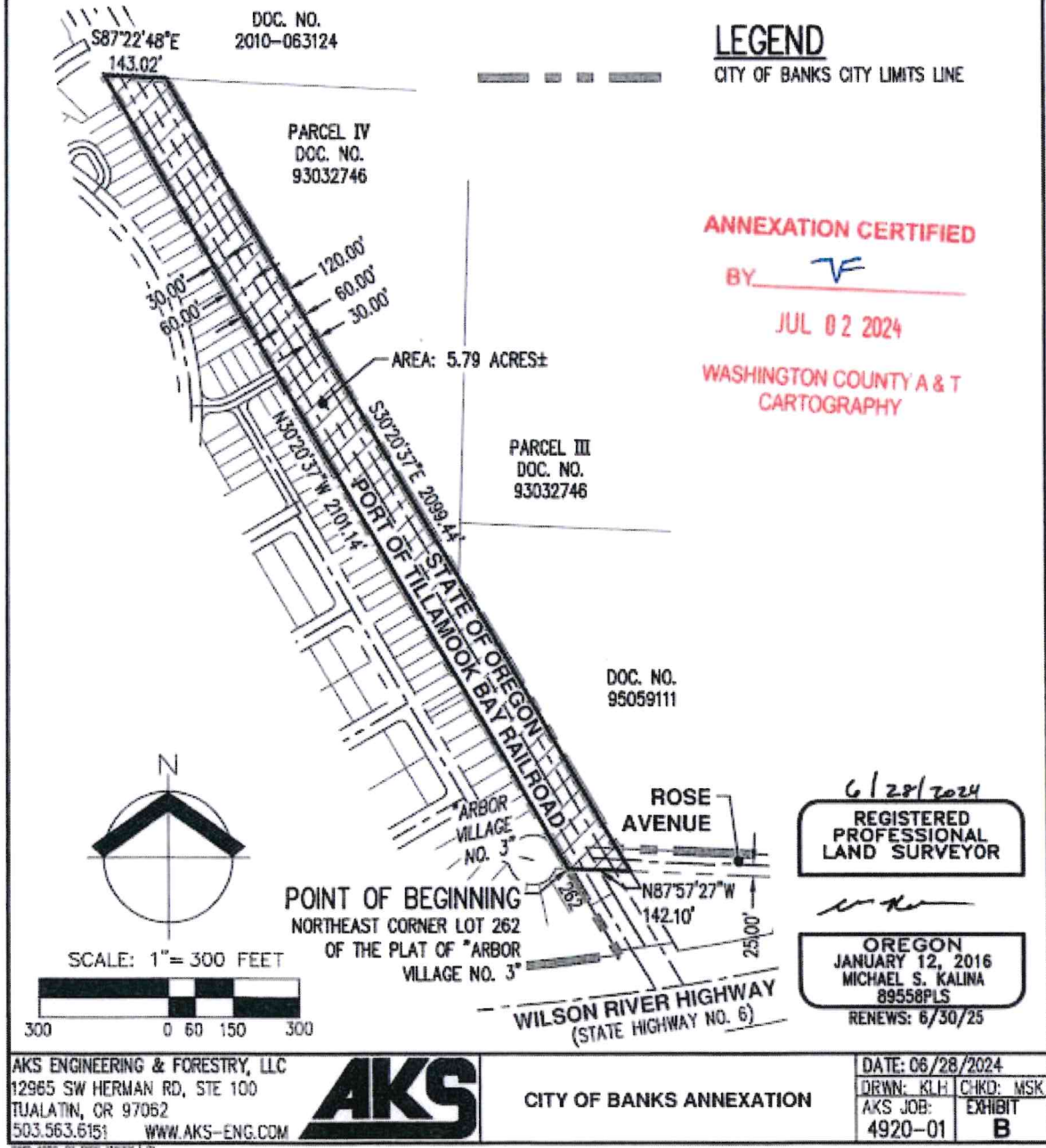
6/28/2024
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25

ANNEXATION CERTIFIED
BY
JUL 02 2024
WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON

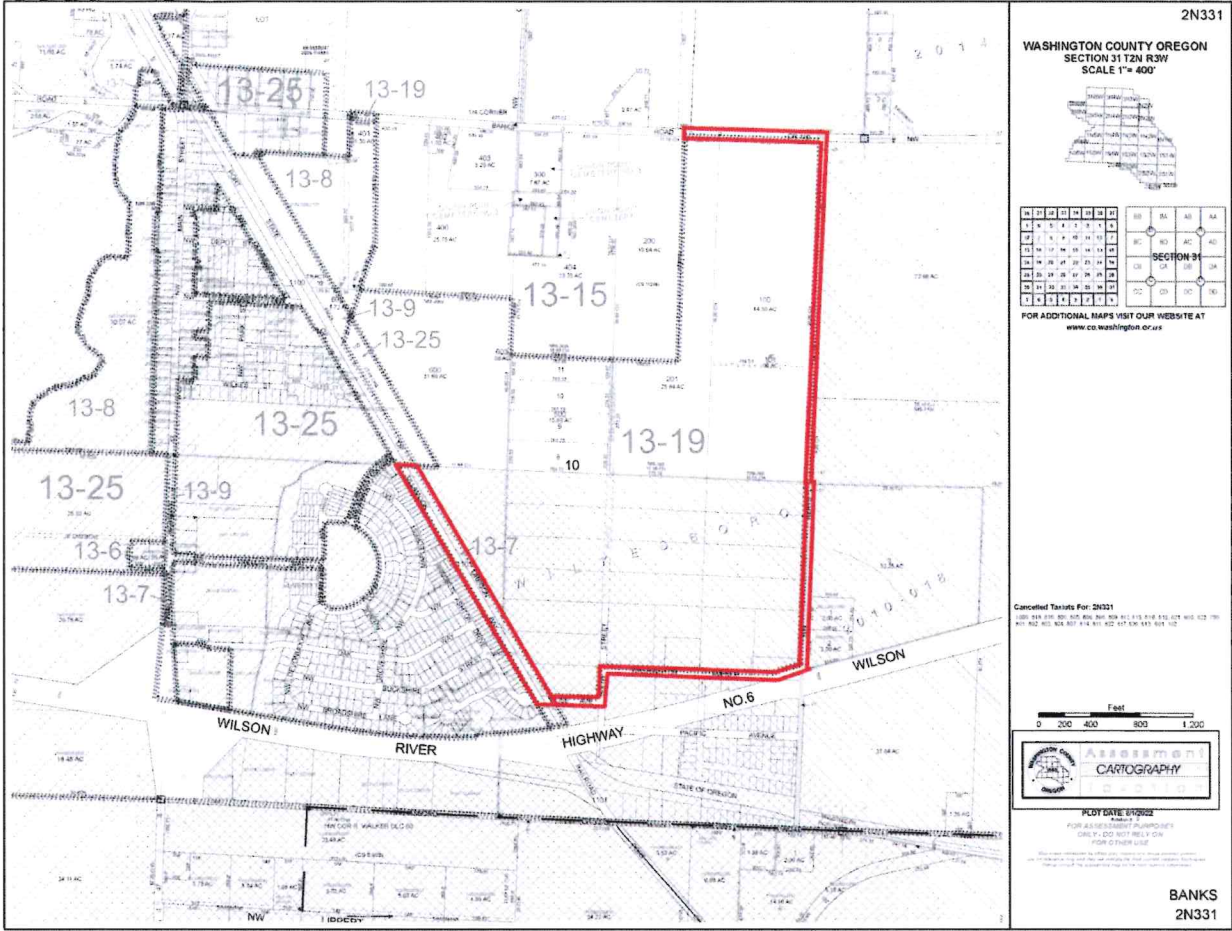


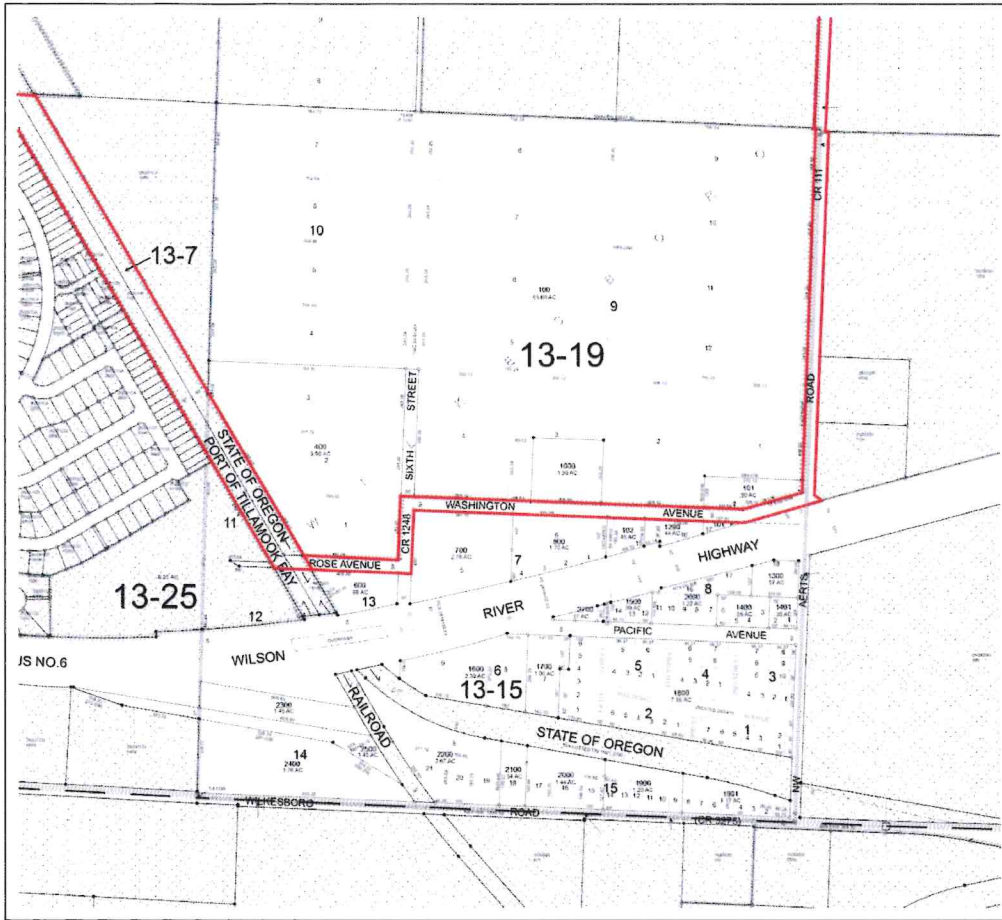
AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151 WWW.AKS-ENG.COM



CITY OF BANKS ANNEXATION

DATE: 06/28/2024	DRWN: KLH	CHKD: MSK
AKS JOB: 4920-01	EXHIBIT B	





2N331D

WASHINGTON COUNTY OREGON
SE 1/4 SECTION 31 T2N R3W W.M.
SCALE 1" = 200'

38	31	32	33	34	35	36	37
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
15	10	11	10	11	14	11	10
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
34	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

SECTION 31

Cartographic Taxata For: 2N331D
200 700 800 900 1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000

Feet
0 100 200 400 800

PLOT DATE: 1/19/2019
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

BANKS
2N331D