

**Annexation Application Summary Information for
City of Banks Southeast Rights-of-Way**

Applicant:	City of Banks
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Legal Description:	See Exhibit D
Current Zoning:	See Figure 2, page 5.
Application Submitted for:	Annexation Type IV

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Section 1: Project Introduction

Project Description

The City of Banks is seeking Annexation approval from the City of Banks for the following rights-of-way, which are illustrated in Figure 1:

- NW Banks Road: along the northern lot line of the Quail Valley Golf Club (2N3310000201 and 2N3310000100)
- NW Aerts Road: between NW Banks Road and NW Wilson River Highway
- Washington Avenue: between NW Aerts Road and Sixth Street
- Sixth Street: between Washington Avenue and Rose Avenue
- Rose Avenue: between Sixth Street and NW Ashton Drive
- A portion of rail line between NW Rose Avenue and NW Stottston Terrace that is owned in parts by the Port of Tillamook Bay Railroad (2N3310001101) and the Oregon Department of Transportation (1N2010003700) and operated by Portland & Western Railroad.

Site, Context and Time Frame

The rights-of-way proposed for annexation are in the east and southeast corner of the city. The roads and rail line act as a de facto boundary of the former Quail Valley Golf Course. The former golf course and associated parcels are being planned for a large residential development by Holt Group, Inc. in cooperation with the City. The master plan development and associated land use applications were submitted to the City of Banks on May 24, 2024. The annexation of the subject rights-of-way was agreed on by the City and the developers, along with proposed improvements. Improvements to the roadways are detailed in Exhibit A and are expected to be completed by Summer 2027.

As detailed in the cross-sections provided in Exhibit A, Holt Group, Inc. will be improving the west side of Aerts Road and the south side of Banks Road. The planned improvements include a 12' multi-use path, curb, and two drive lanes, as well as a median transition on Banks Road. There are no improvements proposed for the east side of Aerts Road or the north side of Banks Road. Those improvements will be part of any future developments that happen abutting those portions of the roadways.

Overview of the City of Banks Application

This application demonstrates how the proposed annexation complies with the applicable requirements of the City of Banks Municipal Code. A Type IV application is required and will be discussed in greater detail later in this application narrative. This application is organized in the following manner:

Section 1 – Introduction and Project Overview

Provides a description of the annexation, a brief description of the site and context, summary of the expected project timeframes, and an overview of the application form.

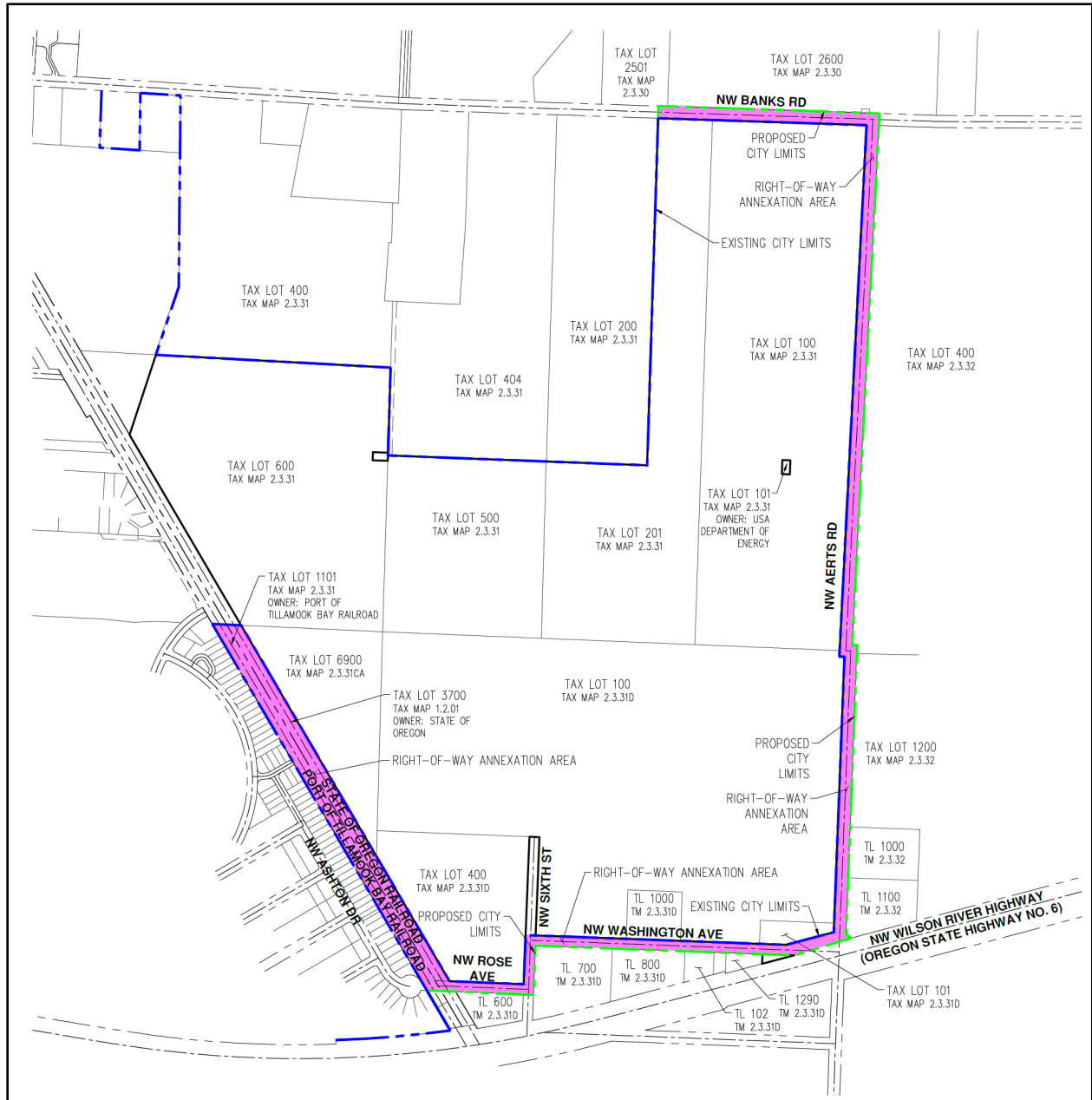
Section 2 – Applicable Review Criteria

Conformance with the City of Banks Municipal Code. Describes how the City of Banks Southeast Rights-of-Way Annexation complies with the applicable standards of Section 30, Annexation Policies and Procedures.

Exhibits

- Exhibit A: Proposed Cross Sections
- Exhibit B: Written Consent for Annexation
- Exhibit C: City of Banks and Washington County Urban Planning Area Agreement
- Exhibit D: Legal Description and Certification
- Exhibit E: Quarter Section Maps
- Exhibit F: Site Drawing and Property Owner List

Figure 1. Proposed Rights-of-Way Annexation



Section 2: Conformance with the Applicable Review Criteria

This section of the application contains responses that illustrate how this proposal conforms to the applicable standards and regulations of the City of Banks' Municipal Code. Only code text that contains applicable approval criteria or otherwise requires a response related to the requested annexation have been included.

City of Banks Municipal Code: Title III: Administration

30.00 Annexation Policies and Procedures

30.02 Review Criteria

(A) Eligibility criteria. The Council must determine that property is eligible for annexation based on the following criteria:

- (1) The property is contiguous to the existing city limits;*
- (2) The property is located within Banks Urban Growth Boundary; and*
- (3) Any other prerequisite requirement that may be applicable under the Oregon Revised Statutes.*

Response: The rights-of-way proposed for annexation into the City of Banks are contiguous with the existing city limits and are within the Banks Urban Growth Boundary (see Figure 2). Additionally, per ORS 222, specifically 222,120, .125 and .170, the applicant has provided the necessary consent for annexation (Exhibit B). As the roadway rights-of-way are under the jurisdiction of Washington County, per Section III.B of the Urban Planning Area Agreement (Exhibit C) with the City, written consent is not needed.¹

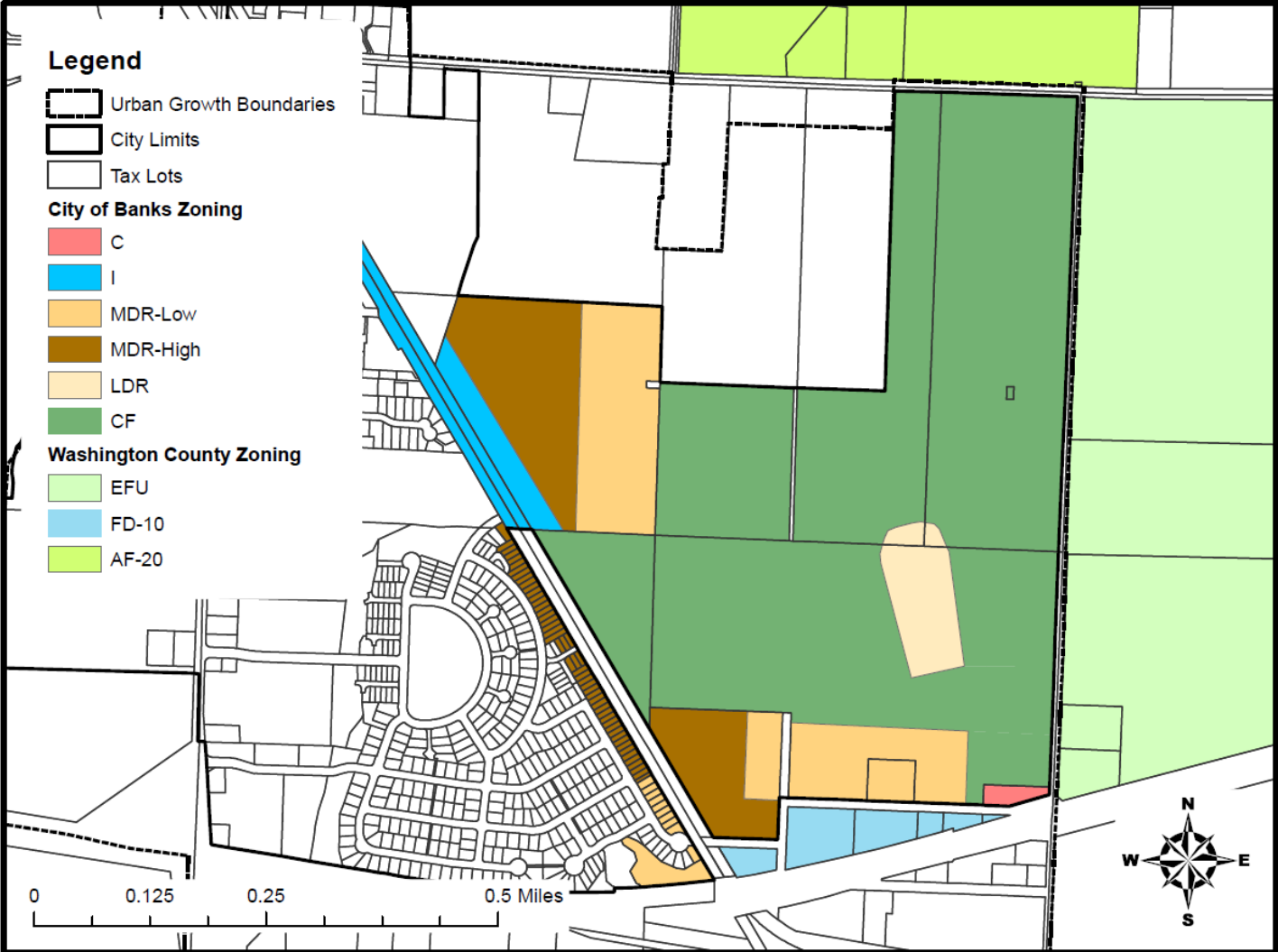
(B) Timeliness criteria. The Council must determine that it is timely to annex property based on the following criteria.

- (1) An adequate level of urban services and infrastructure is available or will be made available in a timely manner.*
 - (a) ADEQUATE LEVEL means conforms to adopted plans and ordinances, or as may be determined by the agency that provides the service or infrastructure.*
 - (b) URBAN SERVICES means police; fire; school facilities; parks and recreation facilities; greenways and open spaces and other city-provided services.*
 - (c) INFRASTRUCTURE means sanitary sewer, water, storm drainage, and streets.*
 - (d) BE MADE AVAILABLE IN A TIMELY MANNER means that improvements needed for an adequate level of urban services and infrastructures will be provided in a logical, economical, and efficient manner and are made available in accordance with the development agreement or other funding mechanism at the time of approval. Improvements for the needed infrastructure and urban services must be secured by a development*

¹ A signed Written Consent form from Washington County has been provided as part of Exhibit C as a mapping error resulted in the portion of Banks Road being annexed not being shown as part of the Urban Planning Area (see Exhibit A of the City of Banks and Washington County Urban Planning Area Agreement).

agreement or other funding mechanism that places the primary economic burden on the annexed property and not on the city.

Figure 2. Annexation Area Zoning Map



Created by MIG, April 2024

Sources: City of Banks, <https://geohub.oregon.gov/>

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

(4) The burden for providing the findings and cost thereof for this section and § 30.03 is placed upon the applicant.

Response: As discussed in the Project Introduction portion of this application, the annexation of these rights-of-way is being proposed in anticipation of the Quail Valley master planned development (“Aerts Addition”). Holt Group, Inc. – along with their consultants, AKS Engineering and Forestry – have prepared the necessary applications for that development and submitted those separately to the City for review on May 24, 2024. The City has agreed to lead the annexation of the rights-of-way shown in Figure 1 into the city and that agreement is the basis for this application.

The rights-of-way conform to all required current plans and standards and will continue to do so because no changes are proposed to the right-of-way as part of this application. Given no physical changes proposed to the rights-of-way, there are no effects on urban services or associated infrastructures. In fact, this annexation is part of ensuring adequate and reliable urban services and infrastructure to the Aerts Addition master planned development, as well as any other neighboring existing and future development. Some right-of-way improvements are proposed as part of the master planned development, and those changes are being reviewed and addressed as part of that application review process.

Therefore, the applicable criteria above are met.

30.03 Application Requirements

An application for annexation must be made on forms provided by the Commission and must include the following material:

(A) Written consent to the annexation signed by the requisite number of affected property owners, electors, or both within the area to be annexed, as provided by state law;

Response: The portion of the rail line that is being proposed for annexation consists of two separate tax lots owned by different agencies. The Port of Tillamook Bay owns the westerly railroad corridor (2N3310001101), and the Oregon Department of Transportation owns the easterly railroad corridor (1N2010003700). Written consent from each of these agencies has been provided as part of Exhibit B.

For the roadways that are proposed for annexation, there are no property owners or electors (because it is right-of-way). Written consent by the jurisdictional authority, Washington County, is not needed per Section III.B of the Urban Planning Area Agreement (Exhibit C) with the City.

Therefore, this criterion is met.

(B) A metes and bounds legal description or acceptable alternative legal description of the territory to be annexed as certified by the Washington County Assessor’s office;

Response: A legal description has been submitted, along with certification by the Washington County Assessor's office, as Exhibit D. Therefore, this criterion is met.

(C) The County Assessor's quarter section map(s) showing the proposed annexed area and adjacent city territory;

Response: The County Assessor's quarter section maps are attached to this application as Exhibit E. Therefore, this criterion is met.

(D) General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, open space, freeways and adjoining development;

Response: The rights-of-way being proposed for annexation will eventually be modified by a future residential master planned development, as discussed previously. Improvements will be made to the roadways, as agreed upon by the City of Banks and the Holt Group, Inc., as part of that future development. Exhibit A contains the cross-sections detailing the road upgrades and intersection improvements. Therefore, this criterion is met.

(E) A detailed statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced;

Response: There is no development concept proposed as part of this annexation. Therefore, this criterion is not applicable.

(F) A detailed statement of additional facilities required to meet any increased demand and a plan for the phasing in of any such facilities in accordance with the projected demand;

Response: Given no changes are proposed to these rights-of-way as part of this application, there is no increase in demand associated with the proposed annexation. Therefore, this criterion is not applicable.

Any increase in demand that is expected as part of the future master planned development associated with this annexation will be addressed as part of that development process.

(G) A detailed statement outlining method and source of financing required will be made available in a timely manner to the hearing body to show how the applicant plans to provide any required additional facilities;

Response: There is no expectation of required additional facilities or financing associated with this annexation application. Therefore, this criterion is not applicable.

(H) A detailed statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;

Response: As the annexation is proposed for existing rights-of-way only, there will be no change in or effect on the water, sewer, drainage, transportation, park, and school facilities. Therefore, this criterion is not applicable.

Any future impacts of these services will be determined and addressed in future application reviews.

- (I) Comprehensive narrative of potential negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller subcommunity or neighborhood that it will become a part of; and proposed actions to mitigate the effects;*

Response: There is no proposed development associated with this annexation proposal. However, the annexation of the existing rights-of-way within the city's boundaries will have no negative physical, aesthetic, or social effects on the community or the city. The rights-of-way will continue to function and exist as they do currently. Therefore, this criterion is met.

Any future improvements will be reviewed as part of separate applications.

- (J) Narrative demonstrating need for the urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:*
- (1) Availability within the current city limits of undeveloped land designated for proposed urban development;*
 - (2) Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development; and*
 - (3) Probable phasing of proposed urban development consistent with projected demand for the period that the annexation area is expected to be developed.*

Response: There is no urban development proposed for the annexation area as it consists of existing rights-of-way, which will continue to be utilized as rights-of-way. Therefore, this criterion is not applicable.

- (K) List of property owners (printed on self-adhesive labels) within 300 feet of the exterior boundary of the annexation property; the list shall be based on the latest tax assessment records at the Washington County Department of Assessment and Taxation and legible scale drawing of the site.*

Response: A legible scale drawing of the site and the required list of property owners within 300 feet of the annexation area boundary are provided as part of this annexation application as Exhibit F. Therefore, this criterion is met.