



PLANNING COMMISSION MEETING

*****ZOOM MEETING*****

**Tuesday, September 29, 2020 at 6:30 pm
City Council Chambers
13690 NW Main Street
Banks, OR 97106**

AGENDA

COVID-19: Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the City Council is limiting in-person contact and encouraging social distancing.

The Planning Commission Meeting will be conducted remotely by video conferencing.

TO LISTEN TO THIS MEETING LIVE

Use the ZOOM App on your electronic device and the following link:

<https://us02web.zoom.us/j/85425441161?pwd=c2pqL0hpdlVEV2dTU0hYUWNnd3lRZz09>

Meeting ID: 854 2544 1161

Password: 138754

If using phone only (no internet) call 1-253-215-8782

Meeting ID: 854 2544 1161

Password: 138754

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Approval of minutes from the June 30th, 2020 meeting.

PUBLIC COMMENT (Time reserved for anyone in the audience to comment on any items of concern, except those items appearing on the agenda. The Planning Commission reserves the right to defer

Next Regular Planning Commission Meeting: October 27th, 2020 at 6:30 PM.

any request for action regarding a non-scheduled agenda item. Comments may be limited at the discretion of the Chairperson).

PUBLIC HEARINGS: None

To provide public testimony during the hearing, you may testify by telephone or ZOOM Webinar.

Please email alanter@cityofbanks.org at least 24 hours prior to the meeting with the following information:

- First and Last name
- Email address
- Phone number
- Full address
- How would you like to provide testimony by phone (include the phone number you will be calling from), or online via Zoom.
- Are you providing testimony as an individual, or representing a group?
 - If you are a group, please provide your group's name and the number of people with comments.
- At what point during the public hearing would you like to speak?
 - Testimony in favor
 - Testimony in opposition

After submission of your email, you will receive a confirmation receipt.

Or, you may call City Recorder Angie Lanter at 503-324-5112, to register to provide testimony via telephone or Zoom Webinar. Please call at least 24 hours prior to the public hearing.

WORK SESSION

2. Planning 101 – Land Use
 - a. 151.040 – Permitted land uses in residential zoning districts
 - b. 151.041 – Development standards
 - c. 151.042 – Community Facilities Zone CF
 - d. 151.043 – General Commercial Zone C
 - e. 151.044 – General Industrial Zone I
 - f. 151.045 – Historic Resource Overlay Zone H
3. Tentative Planning Commission Meeting Schedule
 - a. Planning Commission Meeting – October 27, 2020
 - b. Planning Commission Meeting – November 17, 2020. Work Session to go over the draft Code Amendment
 - c. Planning Commission Meeting – November 24, 2020 (No Meeting)
 - d. Planning Commission Meeting – December 15, 2020. Public Hearing for the new amended code
 - e. Planning Commission Meeting – December 29, 2020 (No Meeting)

BUILDING PERMIT REVIEWS – INFORMATION ONLY (None)

VERBAL STAFF REPORTS AND UPDATES

3. Planning Project Updates

OTHER BUSINESS

ADJOURN

Next Regular Planning Commission Meeting: October 27th, 2020 at 6:30 PM.



PLANNING COMMISSION MEETING
*****ZOOM MEETING*****
Tuesday June 30, 2020 at 6:30 pm
City Council Chambers
13690 NW Main Street
Banks, OR 97106
MEETING MINUTES

Chair Bench called the meeting to order at 6:40 pm. The proceedings were recorded in digital format.

ROLL CALL

Present were: Jeremy Bench, Chris Zechmann, Tammie Buck, Katherine Brown

Attending: Jolynn Becker, City Manager; Angie Lanter, City Recorder; Lauren Scott, City Planner;
 Dan Kearns, City Attorney

APPROVAL OF MINUTES

1. Approval of minutes from the May 26, 2020 meeting.

Commissioner Zechmann moved to approve the Planning Commission minutes from May 26, 2020 as presented. Commissioner Buck seconded the motion, which passed unanimously.

PUBLIC COMMENT – There was none.

PUBLIC HEARINGS

2. SPR 20-01. Site Plan Review to construct a 30-unit multi-family housing development at 42350 NW Banks Road.

Chair Bench called the public hearing to order at 6:43 pm. He read the conduct of hearing format. He called for disclosure of any ex parte contacts, conflicts of interest, or bias from the Commissioners. There were none.

City Planner Scott presented the Staff report via PowerPoint, highlighting the project's location, surrounding features, and background with these key comments:

- The proposal was for a 30-unit, multi-family housing development which would consist of five, three-story buildings with parking located on-site.

- The project was sent to other agencies and departments for review and responses were received from the City Engineer, Clean Water Services, and Jacob Pence, the Banks High School Principal.
 - No public comments were received regarding the project.
- In 2019, the Planning Commission and City Council approved Comprehensive Plan Map and Zoning Map amendments for this site which changed the land-use designation and zoning from single-family residential (R-5) to multi-family (R-2.5). The application was found to be consistent with the Development Code, Comprehensive Plan, and statewide planning goals. Specifically, the proposed changes met the documented need for multi-family housing in Banks, were found to be compatible with surrounding uses in the area, and the transportation system was found to have adequate capacity to serve a future housing development of 30 units.
 - She noted the City water moratorium did not apply to this development as the previous applications for the zone change and Comprehensive Plan amendment were submitted prior to the moratorium going into effect. Additionally, the City Council included an exception to the moratorium for multi-family housing applications with a minimum of 25 units and a maximum of 40 units.
- The approval of the zone change and Comprehensive Plan amendment included approval of a conceptual design with the understanding that the Applicant would need to undergo the site plan review process for any specific development proposed in the future. The prior approval did not bind the Applicant to any specific design.
 - Access to the site would be via a driveway off of NW Banks Rd. The parking lot would have 60 spaces and wide access for emergency vehicles, as well as a fire truck turnaround area.
- The minimum density standard in R-2.5 zones was 17.42 dwelling units per acre, and the project proposed 30 dwelling units per acre. There was no maximum density in the R-2.5 zones.
- The lot met the size requirements for the zone, and the development also met the required setbacks. The proposed building coverage of 28 percent was less than the maximum 50 percent building coverage. The 30-ft building height limit would not be exceeded.
- The Applicant was proposing that 30 percent of the site to be landscaped which exceeded the 15 percent requirement. The landscaping selection would include a variety of trees, shrubs, and grass that would screen the perimeter of the site and extend into parking lot islands and around the buildings.
 - The parking area would be screened from adjacent properties with a site-obscuring fence and landscaping and from Banks Rd with landscaping.
- The City Engineer found the application to be consistent with the City Code.
 - Per the findings of the previously approved zone and map changes, the development would result in a 3 percent increase in water demand, which the City could accommodate. Water and sewer were available in Banks Rd, and storm water facilities were available and would be provided by Clean Water Services, which provided draft conditions which Staff incorporated into the conditions of approval.
 - A Transportation Impact Analysis (TIA) was submitted with the Map amendment and zone change application. The TIA found that the existing transportation system had adequate capacity and that the addition of 30 units would not cause any intersections to drop below minimum levels of service. These findings were confirmed by the City Engineer.
 - A new impact analysis was not required for the subject application because the number of units did not change from the previous application for the zone change.
 - NW Banks Rd was under the jurisdiction of Washington County, which had no comments or conditions for the project.
 - The project would include right-of-way dedication and roadway improvements for cars, bicycles, and pedestrians, which included sidewalks.

- The 60 onsite parking spaces met the Development Code standard of two parking spaces per unit. The driveway access and on-site circulation met the Development Code standards.
- The site was within the Banks School District, and Staff received a letter from High School Principal Jacob Pence, stating that the Banks High School had capacity for new students and could serve the proposed development as the school was under enrolled.
- Neither the Washington County Sheriff's Department nor the Banks Fire District submitted comments or noted any concerns with the proposed project.
- Staff recommended approval of SPR 20-01 based on the findings and subject to the conditions of approval contained in the Staff report.

Chair Bench clarified the Planning Commission's decision meeting in tonight's hearing would be the final decision for the application unless there was an appeal, which would go to City Council. Commissioner Buck confirmed there were no public comments and noted at the prior meeting for the zoning change, some community members had discussed the application with the Commission and had expressed some concerns. She wanted to ensure their concerns were heard and documented.

City Manager Becker responded that the required public notice had been mailed to property owners surrounding the site, printed in the newspaper, and posted around Banks in early June and also last week. The public notice solicited comments regarding the project, noting citizens had the option to contact the City to be put on the agenda to make public comment. No comments, emails, or phone calls were received by the City in the last week from concerned citizens.

Chair Bench clarified that the role of the Planning Commission was to make sure the proposed application was consistent with the applicable approval criteria and standards of the Development Code.

Commissioner Zechmann asked if the three handicap spots in the parking lot would impact parking. He also asked if plans were in place to address any overflow parking.

City Planner Scott stated Development Code standards did not specify how many of the required spaces needed to be ADA accessible parking spaces. She noted the TIA found that the 60 proposed spaces met the Code criteria and the demand for the housing development.

Commissioner Buck asked if the parking demand included both residents and visitors.

Greta Armstrong, Ardor Consulting, LLC., representing the Applicant, stated the 60 spaces were not assigned to certain units, so all would be available for use by residents and visitors.

Commissioner Buck inquired about the Code requirements for green space and playground areas, noting that no play structure or play area was shown.

City Planner Scott clarified that no green space or playground area was required for site development review for a single lot. The only requirements were the 15 percent landscaped area and that 5 percent of parking area must be landscaped.

Chair Bench called for the Applicant's presentation.

Ms. Armstrong thanked Staff for all their work. She stated the Applicant accepted all the conditions of approval, noting she did not have any additional comments to add to Staff report.

Commissioner Brown noted that with no assigned parking, residents might need to walk quite a distance to get to their car. She described times when there might be more than two cars per unit,

such as on major holidays or if a high schooler lived in the unit and asked what other parking options were available outside of the 60 proposed spaces.

Ms. Armstrong replied the 60 spaces were intended for both residents and visitors and met the Code requirement of two spaces per unit, which had been shown to be adequate to serve the units. She noted some people might not own a car, and some units might have two or three cars. The site was very tight on space and the Applicant provided as many parking spaces as possible. Parking took up the majority of the site. There was a balance between providing residential units and adequate parking.

Commissioner Brown said that was where the density factored in; the density was almost double what the site was originally zoned for. The site had a narrow ingress and egress. The proposal might meet minimum standards, but often a complex had a wider entrance to allow other avenues for people to get in and out and to park.

Ms. Armstrong stated the Applicant was confident they had met the standard and that the space was adequate to serve the development.

Commissioner Zechmann noted visitors might park at the Banks-Vernonia State Trailhead parking lot or in the trailhead's overflow gravel lot should parking on the site become full. He was concerned about residents taking up the parking at the trailhead. He asked how long-term parking worked at the trailhead.

City Manager Becker replied that parking at the trailhead was open until 7:00 pm. She did not know how parking was handled after hours.

Commissioner Buck confirmed the development had only one entrance and exit. She asked for clarification regarding fire safety codes.

Ms. Armstrong replied the site had a hammerhead turnaround that met the Fire Code standards.

City Planner Scott added the onsite circulation met Banks' emergency access requirements and the Fire Department did not have comments or concerns regarding the onsite circulation. She explained the Code did not require a second means of egress since the driveway met the width standards and fire turnaround area was provided.

Chair Bench called for testimony from those in favor of, opposed, or neutral to of the application. City Recorder Lanter stated no one had signed up to provide public testimony on the proposal.

Chair Bench agreed with the Staff report that the Applicant had met the criteria. However, he had hoped to see a design that might have been more attractive to families as Banks continued to grow.

The existing apartment complex in town had two-bedroom, one-bath units, and he would have liked to have seen a variety of apartment configurations, which would have made him happier supporting the project. That variety would have made the project more attractive in addressing the city's housing issue rather than continuing to provide what was already on the market. He asked what drove the idea of two-bedroom units being in demand as opposed to other configurations.

Ms. Armstrong replied the developer was responding to the market's demand for two-bedroom units. The property owner had other apartment developments in the local area and the proposed configuration was in high demand and successful on those other properties. The developer was responding to something that would provide an economic balance, so the site could be developed while still realizing an economic benefit.

Chair Bench confirmed there was no testimony from those who recently logged into the Zoom meeting. He called for the Applicant's rebuttal.

Ms. Armstrong reiterated that the Applicant had met the approval criteria and she appreciated all the work done by Staff and the Planning Commission.

Commissioner Buck asked if there were codes regarding safety related to the active railroad being near the development that needed to be addressed.

City Planner Scott stated the Banks Development Code did not have any requirements regarding the active railroad; however, the application was routed to the Oregon Department of Transportation (ODOT). ODOT had no comments regarding a housing development near the railroad tracks.

City Manager Becker added that the railroad track on Banks Rd would be removed within the next two to three years due to an intersection project.

City Recorder Lanter stated she had just received an email from Alicia Martinez, 42349 NW Banks Road. She read Ms. Martinez' comments into the record as follows:

"My concern is the trailhead traffic overflows and parks on the side of Banks Rd, making it very hard to see exiting the driveway. The speed is 25 mph, but vehicles go in excess of the speed up and down the hill. I do not see how one driveway will be enough. I would like an explanation on how the water shortage and having odd and even days, right now, will not worsen. Thank you, Alicia Martinez."

Chair Bench noted much of that had been addressed in the Staff report and asked if Staff had further comments.

City Planner Scott stated in response to the overflow parking and traffic concerns, the development met the Code criteria and the TIA did not show any issues or that any intersections would drop below the required levels of service. The driveway met the vision clearance standards for entering and exiting. As discussed, the water moratorium included an exception for multi-family development between 25 and 40 units. The Applicant was not required to comply with the water moratorium. City Council in its findings of the water moratorium found that housing, and specifically, multi-family housing, was needed in Banks.

City Manager Becker clarified that the odd and even watering days was not a restriction, but rather a Water Conservation Plan that Council put into place several years ago that followed the example of other cities in Oregon. She noted that design standards for plumbing options and drought-resistant landscaping were currently part of the City's existing Code. She noted the subject development would also comply with the water restrictions in the Conservation Plan.

Chair Bench closed the public testimony portion of the public hearing and called for Commissioner deliberation.

Commissioner Buck stated she was not convinced about the parking. She understood parking was based on a per unit basis, but visitor parking and traffic on Banks Rd would have an impact. Overflow parking would really impact the trailhead because that was where many visitors would park. On paper, it looked great, but in reality, she did not know if it would be that simple.

Commissioner Zechmann asked if a two-car maximum per unit would be in the bylaws for the development.

Ms. Armstrong said she did not believe that limit would be a part of the rental agreement.

Commissioner Buck noted Page 7 of the packet stated the site would contain more than four off-street parking spaces that would be served by a 24-ft wide, two-way driveway. She asked where those spaces were located on the map.

City Planner Scott clarified that "off-street" meant the parking was on site. The site would contain more than four off-street parking spaces, which were shown as the 60 onsite parking spaces.

Commissioners Zechmann stated that even though the application met the Code requirements, he believed there were going to be parking issues, so it was a difficult decision.

Commissioner Buck agreed. She asked if the space near Building A could be used to accommodate visitor parking and added to the site plan.

City Planner Scott explained the Planning Commission lacked the authority to require more spaces beyond the Code's requirement of two parking spaces per unit for multi-family development. She noted the space near Building A was within the 25-ft front yard setback.

Commissioner Zechmann moved to approve SPR 20-01 based on the findings and subject to the conditions of approval contained in the Staff report. Commissioner Buck seconded the motion, which passed 3 to 1 with Commissioner Brown opposed.

Commissioner Buck noted the Planning Commission had the option to approve with modifications and asked why she could not suggest an option for more parking spaces to be added near Building A.

City Planner Scott explained changes could be made if a Code standard allowed for modifications, such as with the landscaping plan. Although the landscaping requirement had been met, the Commission could request that a different screening tree be used based on Code criteria.

- She also confirmed the speed limit and parking overflow options could be assessed outside of this development application. She stated the application needed to be assessed under Codes adopted at the time.

WORK SESSION

BUILDING PERMIT REVIEWS – INFORMATION ONLY – (None)

VERBAL STAFF REPORTS AND UPDATES

3. Planning Project Updates

City Manager Becker stated a virtual open house was planned for the Code Assistance Project in July and the Commissioners could expect to receive an invitation.

OTHER BUSINESS

There was none.

ADJOURN: The Planning Commission meeting adjourned at 7:39 pm.

Submitted by: _____
Lauren Scott, City Planner

§ 151.040 PERMITTED LAND USES IN RESIDENTIAL ZONING DISTRICTS.

The intent and purpose of each residential zoning district is described as follows:

(A) Low Density Single-Family (LDSF) District is intended to provide single-family detached dwellings in a low density residential environment.

(B) Single-Family Residential (R5) District is intended to provide single-family detached dwellings in a medium density residential environment.

(C) High Density Single-Family (HDSF) District is intended to provide single-family attached dwellings in a higher density residential environment.

(D) Multi-Family Residential (R2.5) District is intended to provide multi-family dwellings in a medium density residential environment.

(E) High Density Multi-Family (HDMF) District is intended to provide multi-family dwellings in a higher density residential environment.

(F) Mixed-Use (MU) District is intended to provide a mix of medium density residential uses together with small to medium scale retail and service commercial plus civil uses that emphasize a pedestrian environment.

(G) The land uses listed in Table 151.040-A are permitted in the residential zoning districts as shown, subject to the provisions of this chapter. Only land uses which are specifically listed in Table 151.040-A, and land uses which are approved as "similar" to those listed in this table may be permitted. Land uses identified as "sub-district" are subject to the provisions of § 151.021. Land uses designated with a "CU" require conditional use approval prior to development or a change in use, accordance with §§ 151.115 through 151.122.

Table 151.040-A**Land Uses Permitted in Residential Zoning District**

Land Use	LDSF	R5	HDSF	R2.5	HDMF	MU
Single-Family Detached Housing	P	P	N	P	N	S**
Accessory Dwelling Unit	S*	S*	S*	S*	S*	S*
Single-Family Attached Housing	CU	CU	P	N	N	S**
Manufactured Home - Individual lot	S****	S****	S****	S****	N	S****
Manufactured Home Park	S*****	S*****	S*****	CU	N	S*****
Two-Family Housing (Duplex)	CU	CU	N	P	N	N
Multi-Family Housing	N	N	N	P	P	S**
Residential Home	P	P	N	CU	N	S**
Daycare Facility	CU	CU	N	CU	N	S**

Home Occupation	S***	S***	S***	S***	S***	S***
Agriculture and Horticulture	N	N	N	N	N	N
Accessory Structure or Use	P	P	P	P	P	P
Church and Place of Worship	CU	CU	CU	CU	CU	CU
Club, Lodge and Similar Use	CU	CU	CU	CU	CU	CU
Government Office and Facilities	CU	CU	CU	CU	CU	CU
Library, Museum and Comm. Center	CU	CU	CU	CU	CU	CU
Wireless Communication Facility	N	N	CU	CU	CU	N
Public Park and Recreational Facility	CU	CU	CU	CU	CU	N
Public and Private School	CU	CU	CU	CU	CU	N
Bed and Breakfast	N	N	N	N	N	CU
Live/Work Residence	N	N	N	N	N	CU
Retail Sales and Service	N	N	N	N	N	S**
Prof. and Administrative Offices	N	N	N	N	N	S**
Medical and Dental Offices/Clinic	N	N	N	N	N	S**
Food-Beverage Sales, No Drive-Thru	N	N	N	N	N	S**
Similar Use per § 151.178(A)	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU

Key:

P = Permitted, subject to site/development review

S* = Permitted, with standards per § 151.041(D)

S** = Permitted, with standards per § 151.041(B)

S*** = Permitted, with standards per § 151.122

S**** = Permitted, with standards per § 151.041(F)

S***** = Permitted, with standards per § 151.121

CU = Conditional use required per § 151.116

N = Not permitted

(Ord. 2-2-80, passed 2-19-1980; Am. Ord. passed 4- -1989; Am. Ord. passed 8-13-1996; Am. Ord. 2013-06-01, passed 6-11-2013) Penalty, see § 151.999

§ 151.041 DEVELOPMENT STANDARDS.

(A) The development standards in Table 151.041 - A apply to all uses, structures, buildings, and development allowed in the residential districts.

Table 151.041-A						
Development Standards in Residential Zoning Districts						
Development Standard	LDSF	R5	HDSF	R2.5	HDMF	MU
Minimum Density (DU/Net Acre)	6.22	8.71	10.89	17.42	24.00	10.00
Minimum Lot Area (square feet)	7,000*	5,000*	4,000	5,000	10,000	S**
Minimum Lot Width (feet)	70	50	40	50	100	S**
Minimum Lot Depth (feet)	100	100	100	100	100	S**
Maximum Building Coverage (%)	40	40	50	50	60	S**
Setback Requirements:						
Minimum Front Yard (feet)	20	20	15	20	15	S**
Minimum Side Yard (feet)	5	5	5	5	5	S**
Minimum Street Side Yard (feet)	15	15	10	15	10	S**
Minimum Rear Yard (feet)	15***	15***	15***	15***	15***	S**
Maximum Building Height (feet)	30	30	35	30	35	S**

Key:

* = Maximum lot size in LDSF Zone is 10,000 sf, and a duplex in LDSF or R5 Zones requires a minimum lot size of 9,000 sf.

** = See standard specified in § 151.041(B).

*** = Accessory structure allowed a minimum rear yard of 5 feet.

(B) *Mixed use.* The development standards below apply to all uses, structures, buildings, and development allowed in the Mixed Use District.

(1) *Mixed use development required.* Residential uses with commercial or civic uses shall be included as part of a mixed use development. Both “vertical” mixed use (housing above the ground floor) developments are allowed, subject to the standards cited herein.

(a) **MIXED-USE BUILDING.** A building that contains at least 1 floor devoted to allowed nonresidential uses and at least 1 devoted to allowed residential uses.

(b) **GROSS FLOOR AREA.** The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. Gross floor area does not include basements when at least ½ the floor-to-ceiling height is

below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than 7 feet, exterior balconies, uncovered steps, or inner courts.

(2) *Limitation on street level housing.* No more than 50% of a single street frontage shall be occupied by residential uses. This standard is intended to reserve store front space for commercial and civic uses. It does not limit residential uses above the street level on upper stories, or behind street level store fronts.

(3) *Density.* The minimum residential density standard is 10 dwelling units per net acre. There is no maximum density standard, and development shall otherwise be controlled by standards specified for the MU District.

(4) *Commercial establishment size limits.* The gross floor area of commercial establishments in the MU District shall not exceed 10,000 square feet.

(5) *Indoor/outdoor operations.* All permitted uses shall be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.

(6) *Floor-to-floor heights and floor area of ground-floor space.*

(a) All commercial floor space provided on the ground floor of a mixed-use building shall have a minimum floor-to-ceiling height of 11 feet for new building construction.

(b) All commercial floor space provided on the ground floor of a mixed-use building shall contain the following minimum floor area:

1. At least 800 square feet or 25% of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or

2. At least 20% of the lot area on lots with 50 feet of street frontage or more.

(7) *Lot area per unit.* The minimum lot area per dwelling unit shall be 4,356 square feet for mixed-use buildings.

(8) *Floor area ratio.* The maximum FAR, which means the ratio of a building's gross floor area to the area of the lot on which the building is located, shall be 2.0 for mixed-use buildings.

(9) *Setbacks.*

(a) The entire building facade shall either abut front and street side property lines or be located within 10 feet of such property lines.

(b) The minimum rear setback shall be 20% of the lot depth.

(c) No interior side setbacks are required, except when MU-zoned property abuts residentially zoned property, in which case the minimum side setback required in the MU District shall be the same as required for the abutting residentially zoned lot.

(10) *Building height.* The maximum building height shall be 45 feet for mixed-use buildings.

(11) *Off-street parking.*

(a) Required off-street parking for residential uses in mixed-use buildings shall be 1 space per dwelling unit.

(b) Off-street parking is not required for nonresidential uses unless such uses exceed 2,500 square feet of gross floor area, in which case off-street parking shall be provided based on one space for every 1,000 square feet of floor area in excess of 2,500 square feet.

(c) Off-street parking spaces shall be located to the rear of the principal building or otherwise screened to be not visible from the public right-of-way.

(12) *Transparency.*

(a) A minimum of 60% of the street-facing building facade shall be comprised of clear windows that allow views of indoor space or product display areas.

(b) The bottom of any window or product display window used to satisfy the transparency standard of division (a) above shall not be more than 2 feet above the adjacent sidewalk.

(c) Product display windows used to satisfy these requirements shall have a minimum height of 4 feet and be internally lighted.

(13) *Doors and entrances.*

(a) Buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(b) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(C) *Live/work residence.* The development standards listed below apply to all live-work residences. Live/work residence means a habitable structure constructed in accordance with the Uniform Building Code that allows for a professional office or commercial retail or service use to be operated on the ground floor, with the business owner's residence on the upper floor. The permitted live/work housing types are defined below:

(1) *Live/work house.* A single-family detached or attached dwelling with no more than 50% of the ground floor of the building available as business space.

(2) *Live/work townhouse.* A residential, fee simple townhouse unit in which a business may be operated. The commercial portion of the building shall be limited to the ground floor and may not exceed 50% of the square footage of the entire townhouse unit, excluding the garage.

(3) *Live/work apartment.* A primarily residential multi-story, multi-unit building with those apartments on the ground floor having space designated as available for business use not to exceed 50% of the square footage of the entire apartment unit, excluding the garage. Apartment units may be for rent or for sale in condominium or cooperative ownership.

(D) *Accessory dwelling unit.* The development standards listed below apply to all accessory dwelling units. Accessory dwelling unit means a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a portion of an existing house, or a unit attached above a garage. Accessory dwelling units shall comply with the following standards:

(1) The primary residence or accessory dwelling unit shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the principal house and manager of the accessory dwelling.

(2) A maximum of 1 accessory dwelling unit is allowed per lot.

(3) The maximum floor area of the accessory dwelling unit shall not exceed 800 square feet.

(E) *Landscaping standards.* The following landscaping standards apply to all new developments located in the HDSF, R2.5 and HDMF Districts. Additional landscaping standards as applicable are specified in §§ 151.073 and 151.074.

(1) *Landscaping plan required.* A landscape plan is required for submittal and approval for all new developments cited in the residential districts above. Submittal of a landscape plan drawn to scale shall show information and conform to requirements as follows:

(a) The location and height of existing and proposed fences, buffering or screening materials.

(b) The location, size, and type of existing trees having a 6-inch or greater diameter measured 4.5 feet above ground.

(c) Plant selection shall not include invasive species and include a combination of deciduous and evergreen trees, shrubs, and ground covers to be used for all planted areas, the selection of which shall provide, as applicable, erosion control, visual interest, buffering, privacy, open space, pathway identification, shading, and wind buffering. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

1. Trees shall have a minimum diameter or caliper measured 4.5 feet above ground of 2 inches or greater at time of planting.

2. Shrubs shall be planted from 5 gallon containers or larger.

3. All landscaped areas that are not planted with trees and shrubs shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree plantings.

4. Non-plant ground covers such as bark dust, chips, aggregate, or other non-plant ground covers may be used and shall be confined to areas underneath plants. Non-plant ground covers shall not be a substitute for ground cover plants.

(d) Method of irrigation for proposed trees and plant materials.

(e) An arborist's report may be required for sites with mature trees to be preserved and protected during construction.

(f) Other information as deemed appropriate by the City Planner.

(2) *Landscape area standard.* The minimum area of required landscaping shall be 15% of the total site area.

(F) *Standards for manufactured homes located outside manufactured home parks.* The following standards apply to manufactured homes located outside manufactured home parks in the LDSF, R5 and HDSF Districts:

(1) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

(2) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(3) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal 3 feet in height for each 12 feet in width.

(4) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community and which is comparable to the predominant materials used on dwellings on adjoining sites as determined by the Planning Commission.

(5) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in O.R.S. 455.010.

(6) The manufactured home shall have a garage or carport constructed of like materials.

(7) In addition to the above standards, the manufactured home shall comply with the development standards cited in Table 151.041-A.

(Ord. 2-2-80, passed 2-19-1980; Am. Ord. passed 4- -1989; Am. Ord. 2013-06-01, passed 6-11-2013)
Penalty, see § 151.999

§ 151.042 COMMUNITY FACILITIES ZONE CF.

(A) *Purpose.* The purpose of the Community Facilities Zone is to provide zoning regulations and public review to ensure the appropriate development of properties in the City of Banks which are owned by public or semi-public agencies and which are intended to be used for community facilities, while encouraging the preservation of natural resources inventoried under the requirements of statewide planning goals.

(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 §§ 151.115*et seq.*:

(1) Public park and playground, swimming pool, community center, golf course and similar recreational facilities;

(2) Public school and associated facilities; and

(3) Government institution; community service facility; caretaker facility.

(C) *Lot dimensions.* There shall be no minimum dimensional requirements in this zone, except as may be required to meet other requirements of this chapter such as setback and parking requirements.

(D) *Setback requirements.* Except as may be otherwise provided in § 151.097, the setbacks in this zone shall be as follows.

(1) The front yard setback shall be a minimum of 20 feet.

(2) The side and rear yard setbacks shall be a minimum of 10 feet.

(3) On a corner lot, the side yard on the street side shall be a minimum of 15 feet.

(E) *Height of buildings.* Except as may be otherwise provided in § 151.098, no building in this zone shall exceed a height of 3 stories or 35 feet, whichever is less.

(F) *Additional requirements.* Additional requirements applicable to this zone include the provisions of §§ 151.060*et seq.*

(Ord. 2-2-80, passed 2-19-1980; Am. Ord. passed 4- -1989) Penalty, see § 151.999

§ 151.043 GENERAL COMMERCIAL ZONE C.

(A) *Uses permitted outright.* Uses permitted outright in this zone shall include all retail sales and service, and office uses, including a structure up to 20,000 square feet gross floor area, except as specifically listed as a conditional use. This includes:

(1) Consumer goods sales, rental, repair and service (e.g., automobiles and automobile parts and accessories, retail bakery, florist, gift shop, grocery, meat market, shoe sales and repair, bookstore, tailor shop; appliance, clothing, department, farm supplies and equipment, furniture, garden supplies, jewelry, records, second hand goods, sporting goods, stationery, and variety store; newsstand, pet shop, and the like.);

(2) Personal service, i.e. barber, beauty salon, tanning salon; dry cleaner, Laundromat; copy shop; medical, dental, veterinary, legal, financial, real estate, photographer's and other professional business; janitorial service; plumbing, electrical and contractor sales and service, delicatessen, restaurant (provided no liquor is served on the premises), and the like; and

(3) Accessory uses and structures.

(B) *Conditional uses permitted.* In this zone, the following uses and their accessory uses may be permitted as conditional uses in accordance with the provisions of §§ 151.115*et seq.*:

(1) Automobile service stations;

(2) Vehicle and farm equipment repair;

(3) Recreational vehicle park, campground;

(4) Community service; government institution;

(5) Utilities;

(6) Radio and TV stations and transmitters;

(7) Lumber yard;

(8) Medical institutions offering overnight care and treatment;

(9) Schools;

(10) Daycare centers;

(11) Religious institutions;

(12) Wholesale and distribution business;

(13) Drive-in establishments;

(14) Personal entertainment, i.e. restaurant, bar, hotel, motel, bowling alley, billiard or pool hall, arcade, movie theater, ice rink, dance hall, health club, membership club, lodge, fraternal organization, and the like;

(15) Major entertainment, i.e. stadium, sports arena, coliseum, race track, auditorium, rodeo grounds, exhibition hall, and other structures and activities which generally draw large numbers of spectators to specific events or shows;

(16) Retail establishment or office over 20,000 square feet;

(17) Any processing, activity, or display essential or incidental to a permitted use which is not conducted entirely within an enclosed building;

- (18) Any use or storage of hazardous materials in amounts exceeding consumer commodities;
- (19) Fuel oil distribution and storage; and
- (20) North Banks area only:
 - (a) Uses permitted outright under § 151.044(A); and
 - (b) Multi-family residential uses in accordance with § 151.041.

(C) *Lot dimensions.* There shall be no minimum dimensional regulations in this zone except as may be required to meet other provisions of this chapter such as setback and parking requirements.

(D) *Setback requirements.* Except as may otherwise be provided in § 151.097, the setbacks in this zone shall be as follows.

(1) No front yard setback shall be required in this zone, except when sharing frontage with a residential zone, the front yard setback shall be 20 feet. No front yard setback shall be required in the Commercial district along Main Street.

(2) No side or rear yard setback shall be required, except when abutting a residential zone, a side or rear yard of 5 feet shall be required.

(E) *Height of buildings.* Except as otherwise provided in § 151.098, no building in this zone shall exceed a height of 3 stories or 35 feet, whichever is less.

(F) *Additional requirements.* Additional requirements applicable to this zone include the provisions of §§ 151.060*et seq.*

(Ord. 2-2-80, passed 2-19-1980; Am. Ord. passed 4- -1989) Penalty, see § 151.999

§ 151.044 GENERAL INDUSTRIAL ZONE I.

(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:

- (1) Boat building;
- (2) Book bindery;
- (3) Bottling plant;
- (4) Coffee roasting;
- (5) Cold storage plant;
- (6) Feed and seed processing and storage;
- (7) Laboratories: experimental, dental, medical, photo, or motion picture, research or testing;
- (8) Laundry or dry cleaning plant;
- (9) Lumber yard;

(10) Manufacture, assembly, compounding, processing, packaging or treatment of the products as bakery goods, candy, cosmetics, dairy products, food and beverage products, electric and neon signs, billboards or commercial advertising structures, clothing, furniture, electrical goods, heating equipment, paper products (but not paper itself), tools and hardware, boxes, coffins, medicines, musical instruments, toys, novelties, rubber or metal stamps, optical goods, scientific and precision instruments or equipment, pottery and other similar ceramic products, sash and door, surgical instruments and dressings, artificial limbs, dentures, hearing aids and other devices employed by the medical and dental professions, electrical appliances, electronic instruments and devices, radios, phonographs, television;

(11) Planing mill;

(12) Plastics; molding of, including the manufacture or products thereof, provided all grinding operations are conducted within a building;

(13) Plumbing, electrical or general contractor and shop, including storage of contractors' equipment;

(14) Plywood sales;

(15) Public service and utility;

(16) Sheet metal, machine and welding shop;

(17) Single-family dwellings and their accessory uses lawfully established as of June 13, 2014;

(18) Replacement dwellings for single-family dwellings lawfully;

(19) Vehicle and farm equipment repair;

(20) Veterinarian or animal hospital;

(21) Warehousing, distribution;

(22) Weaving of clothing, wool, flax, and other fibrous materials; and

(23) Accessory use of structure, including caretaker residence.

(B) *Conditional uses permitted.* In this zone, the following uses and their accessory uses may be permitted conditional uses when in accordance with §§ 151.115*et seq.*:

- (1) Automobile service station;
- (2) Batteries, paint, pickles, sauerkraut or vinegar, wallboard, cans, soap and cleaning compounds, paper; manufacture of;
- (3) Brewery;
- (4) Drive-in theaters;
- (5) Flour milling, grain storage, or elevator;
- (6) Fruit packing and processing; cannery;
- (7) Fuel oil distribution (home use only) and storage;
- (8) Foundry;
- (9) Natural resource extraction, gravel mining and rock crushing, subject to the provisions set forth in § 151.119;
- (10) Manufacture of motor vehicles, trucks, recreational vehicles, and utility trailers as well as mobile homes;
- (11) Public utility (such as water tower, substations, and the like);
- (12) Radio and TV transmitters;
- (13) Railroad right-of-way, truckage and related facilities;
- (14) Slaughterhouse;
- (15) Solid waste facilities; auto wrecking yards, junkyards; subject to the provisions of § 151.120;
- (16) Stone, marble, and granite grinding, dressing, and cutting;
- (17) Any other use held similar to the above uses, as approved by the City Council;
- (18) Any processing activity or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building; and
- (19) Any use or storage of hazardous materials in amounts or forms exceeding consumer commodities.

(C) *Lot dimensions.* There shall be no minimum dimensional requirements in this zone except as may be required to meet other provisions of this chapter such as setback and parking requirements.

(D) *Setback requirements.* Except as may otherwise be provided in § 151.097, the setbacks for residential and nonresidential uses in this zone shall be as follows.

- (1) The front yard setback shall be 20 feet.
- (2) The side and rear yard setback shall be 20 feet when abutting a residential zone.
- (3) Setbacks are not required when side or rear property lines abut a railroad right-of-way.

(E) *Height of buildings.* Except as otherwise provided in § 151.098, no building in this zone shall exceed a height of 3 stories or 35 feet, whichever is less.

(F) *Additional requirements.* Additional requirements applicable to this zone include the provisions of §§ 151.060*et seq.*

(Ord. 2-2-80, passed 2-19-1980; Am. Ord. passed 4- -1989; Am. Ord. 2014-05-01, passed 5-13-2014) Penalty, see § 151.999

§ 151.045 HISTORIC RESOURCE OVERLAY ZONE H.

(A) *Purpose.* The purpose of the Historic Overlay Zone is to promote the public health, safety, and general welfare by providing for the preservation, protection, enhancement, and perpetuation of designated historic sites and structures in order to:

- (1) Safeguard the city's heritage as embodied and reflected in its historic resources;
- (2) Encourage public awareness, knowledge, and appreciation of the city's history and culture;
- (3) Foster community pride and sense of identity based on recognition and use of historic resources;
- (4) Identify and resolve conflicts between the preservation of historic resources and incompatible improvements or loss of the resource; and
- (5) Carry out the provisions of Oregon's Statewide Planning Goal 5.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION. The vertical or horizontal addition to, removal of or from, or physical modification of any exterior part of portion of a historic site or structure. The addition of exterior signs, walls, fences, decks, porches, and the like shall be considered an alteration. **ALTERATIONS**, which cumulatively affect less than 15% of the surface area of the face of the building which they are on, do not require review and approval.

HISTORIC RESOURCE. An individual structure or site of historic significance as defined below, and which is identified in the Banks Comprehensive Plan.

HISTORIC SIGNIFICANCE. A building or site with historic significance:

- (a) Is associated with a significant historic event or with a person, group of persons, or institution which made a significant contribution to the community, state, or nation;
- (b) Represents a distinctive architectural style or building type and includes distinguishing architectural details, materials, or craftsmanship characteristic of a historic architectural style; and/or
- (c) The exterior appearance of the building or site must be generally unaltered from the period from which it derives its significance.

(C) *General provisions.*

(1) *Applicability; permit required.* All proposed exterior alterations and demolitions of sites and structures subject to the Historic Resource Overlay Zone shall be subject to the provisions of this section, with the exception of improvements or demolitions required by other governmental agencies. Planning Commission approval of the proposed alteration or demolition is required before a building permit can be issued.

(2) *Uses allowed.* All uses allowed in the primary district in which the historic site or structure is located shall be allowed.

(3) *Ordinary maintenance and repair.* Nothing in this section shall be construed to prevent the ordinary maintenance and repair of a designated historic resource.

(4) *Application procedure.* Applications for approval of exterior alteration or demolition of a historic resource shall be submitted to the City Recorder and shall include a site plan, architectural drawings, and a description of the proposal and its compliance with the criteria below. There shall be no fee for this procedure. Upon receipt of a complete application, the Planning Commission will

schedule a public hearing consistent with the provisions of §§ 151.170, with the exception of § 151.174. When demolition is proposed, a notice will be posted on the property consistent with city requirements.

(5) *Planning Commission review.* The Planning Commission shall issue a decision on the request within 60 days of receipt of a complete application. The Planning Commission may attach conditions necessary to ensure compliance with the purpose of this section, which may include a condition to delay the proposed action for a maximum of 60 days from the date of the decision until a more satisfactory solution can be found.

(6) *Review criteria.* In evaluating applications for exterior alterations, the Planning Commission shall consider:

(a) The purpose or necessity of the proposed alteration; the compatibility of the proposed alteration with the traditional;

(b) Historic character and architectural integrity of the structure or site in terms of design, architectural detail, scale, proportion, materials, and texture; and

(c) Whether the proposed alteration is the minimum or least disruptive alteration to meet the desired purpose.

(7) *Applications for demolitions.* In reviewing applications for demolitions, the Planning Commission shall consider:

(a) The physical condition and safety of the structure; and

(b) Whether a reasonable effort has been made to preserve the structure by restoration or removal, by offering the structure for sale or public acquisition, or by alternative means. Advertising the building for sale for 2 consecutive weeks in a newspaper of general circulation in the Banks area, and documenting that the highest bona fide offer for the structure has not been rejected, shall constitute satisfactory evidence of reasonable effort to preserve the structure.

(Ord. 2-2-80, passed 2-19-1980; Am. Ord. passed 4- -1989)