

**STAFF REPORT  
CPA 19-01/ZC 19-01  
ADDENDUM**

DATE: April 21, 2019 for the April 30, 2019 Planning Commission Meeting

REQUEST: **CPA 19-01.** Comprehensive Plan Map Amendment to change the plan designation of the property from Single-Family Residential (R5) to Multi-family (R2.5) to allow for a future development of 30 multi-family units.

**ZC 19-01.** Zoning Map Amendment to change the zoning of the property from Single-Family Residential (R5) to Multi-family (R2.5) to allow for a future development of 30 multi-family units.

**This is a recommendation to the Banks City Council.**

APPLICANT: H&J Properties  
P.O. Box 555  
Banks, OR 97106  
Ph: 503.324.5220

APPLICANT'S  
REPRESENTATIVE: Greta Holmstrom  
Ardor Consulting  
Hillsboro, OR 97124  
Ph: 360.721.5745  
Email: gholmstrom@yahoo.com

PROPERTY: Tax Lot 00600, Tax Map 2N3W31BB. The Property is on NW Banks Road, approximately 400 feet east of the intersection of NW Banks Road and NW Main Street. The Property consists of approximately .98 acres.

ZONING: Single Family Residential R-5

APPLICABLE  
CODE: Section 151.170-151.171 Application Procedures  
Section 151.155-151.159 Comprehensive Plan Amendments and Zone Changes

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## 1. ADDENDUM

At the March 26, 2019 Planning Commission hearing, a request was made to leave the record open to allow for additional arguments in response to the Applicant's submittal. The Planning Commission granted the request and continued the hearing until April 30, 2019. Consistent with ORS 197.763, the Planning Commission did not make any conclusions at the hearing and allowed the record to be left open until 5pm on April 2, 2019 for argument in response to the Applicant's submittal. The Applicant had the right of final rebuttal, which was submitted to the record on April 8, 2019, one day before the deadline.

The Planning Commission will review the material submitted and deliberate on the matter. The Planning Commission is not required to take additional public testimony at the upcoming public hearing, but has the option to do so. It is important that the Planning Commission remember that their role is to render an impartial recommendation to the Banks City Council, interpreting and applying the approval criteria listed in the initial staff report. The Banks City Council will make the decision on this matter, based on a recommendation from the Planning Commission.

## 2. PLANNING COMMISSION CONSIDERATION

Staff reviewed the letters and finds the main issue for Planning Commission consideration and deliberation pertains to the issue of compatibility. Opponents argue that locating multi-family uses on the subject site is incompatible. Staff does not agree with this argument. Staff continues to find that map change proposal meets the compatibility standard as discussed below.

Specifically, the Banks Comprehensive Plan, Goal 2 – Land Use, Objective (b), reads as follows:

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

The Applicant argues that that the site is located in an area with a variety of uses including retail, service, office, industrial, residential, and regional park facilities. The site is also located adjacent to the railroad and just north of a lumber mill. There is not one set of land uses to compare to achieve "compatibility" of the proposed use. Staff concurs with this argument.

Staff also notes that this is a proposal to a change one residential zone to another residential zone. Staff finds it is difficult to claim that this "species" of residential zoning (R-2.5) would be incompatible with other "species" of residential zoning. This is not a request to change a residential land use to a commercial or industrial land use, where impacts could easily be defined including noise, odor, and other nuisances. The existing land use is residential; the proposed land use is residential. **The use is still the same.**

Staff refers the Planning Commission back to the documented need for multi-family housing in Banks (Banks UGB Expansion 2011 Residential Land Needs Analysis, ORD. 110.30). This housing type falls under “Needed Housing” in ORS 197.303. Multi-family housing is typically more affordable than detached housing, but does not meet any recognized definition of “affordable housing” in Banks or the State of Oregon. Staff reiterates that this proposal is not an “affordable housing” proposal but a change from one residential use to another.

### **3. LETTERS TO THE RECORD**

Three letters to the record were received in response to the Applicant’s submittal and are attached as Exhibits 1-3. The Applicant’s rebuttal is Exhibit 4. A Staff response to the substantive arguments is provided for each.

- Exhibit 1: Jay Haack 42185 NW Banks Road
- Exhibit 2: Mariana Knifer 12845 NW Maplecrest Way
- Exhibit 3: Lori Haack 42185 NW Banks Road
- Exhibit 4: Applicant rebuttal, Ardor Consulting.

#### **Exhibit 1: Jay Haack Letter**

The letter from Jay Haack is not directed towards specific criteria, but provides arguments in opposition to the Applicant’s proposal.

The first comment is regarding the date of the meeting during spring break and the possible impact on attendance. Staff responds that the City is obligated to follow ORS 197.763, which is the State law regarding the timing and noticing of public hearings on quasi-judicial matters. The meeting was duly noticed consistent with ORS 197.763 and the public had required notice.

The second point raised in the letter is that the meeting on March 26 “was the first opportunity for residents to voice their opinions.” Staff responds that ORS 197.763 was followed as required and adequate public review time has been provided. The March 26, 2019 date provided the public hearing as required by statute. In addition, a continuance was requested for additional public input at the March 26 hearing and the Planning Commission complied with the request. Lastly, the public will have an additional opportunity to voice an opinion at the City Council hearing scheduled for May 14, 2019. As such, the arguments presented about inadequate notice are not credible since he and many others appeared, attended, was fully informed about the proposal and applicable approval criteria, provided oral testimony and submitted written comments. Any claim to prejudiced procedural rights is false. There is no evidence that anyone was denied a full and fair opportunity to participate in this land use proceeding.

The third point states that the infrastructure is not in place to add more people, and that the water issue is “still ongoing” and 30 units on a .98 site will “use a lot more water than 10 single-family residences.” Staff responds that there is credible evidence in the record prepared by a licensed engineer (Staff refers the reader to the Water Demand analysis memo prepared by Kennedy/Jenks 9 November 2018, part of the record in the Staff Report dated March 26, 2019) stating that the City could accommodate the increase. There is no credible evidence provided by the opponent addressing how 30 multi-family units will use “a lot more” water than 10 single-family units.

The fourth point states that conversations with real estate professionals say property values for homes in proximity to “affordable housing” lose their value. Staff responds that there is no factual, credible evidence in the record stating that this situation will occur, nor is there an “affordable housing” project as defined by the Housing and Urban Development (HUD). The Applicant is proposing a change to the Plan and Zoning Maps to allow for multi-family dwellings and not affordable housing as defined by HUD. In addition, property values on homes in proximity is not a criterion for consideration by the Planning Commission and there is no credible evidence in the record pertaining to a loss of property values. Lastly, the City has policy language in the Banks Comprehensive Plan requiring the City to provide housing options and variety for all needed housing types, which includes multi-family. (Banks Comprehensive Plan Housing Goal.) This proposal will further that City goal.

The fifth point states that the apartments in Forest Grove should not be used as a comparison that the proposal before the Planning Commission. While the comment is not directed towards specific criteria, Staff agrees. The Planning Commission will make a recommendation on this application to the City Council, not using Forest Grove as an example, following the procedures as outlined in ORS 197.763 and the City of Banks zoning code Sections 151.170 – 151.171 Application Procedures and Sections 151.155 – 151.159 Comprehensive Plan Amendments and Zone Changes. The recommendation will be based on credible evidence in the record.

The sixth point states that the “Banks School District has turned away transfers and open enrollments due to not having enough staff to cover the increase.” Staff provided credible evidence in the record from the District Superintendent demonstrating that there is sufficient capacity. Staff is not addressing school staffing issues raised by the opponent because it does not relate to any approval criterion for the proposal, nor is there any factual evidence. Staff also does not address the overcrowding concerns because credible evidence has been provided to the record showing the contrary.

The seventh point raises concerns with added population and vehicles to Banks Road. Staff notes that anyone is welcome to move to Banks and the City’s adopted Comprehensive Plan

anticipates an increase in population (2011 UGB Expansion Study, Population Forecasts). Regarding the increase in vehicles to Banks Road, the Applicant provided a traffic impact analysis prepared by a certified traffic engineer. This engineering report was reviewed by the City's Traffic Engineer who found that the proposed trip generation will not significantly impact operations on NW Banks Road and that the proposed land use can be adequately served without significantly impacting traffic safety or operations. Staff refers the reader to the memo provided by DKS and Associates dated April 21, 2019.

The eighth point raised concerns about the conceptual plans provided in the Applicant's submittal and the parking situation. Staff reiterates, as was done at the initial hearing, that the development code requires the Applicant to submit a conceptual plan for future development as part of this plan amendment request. **This plan is conceptual and non-binding.** The Applicant will be required to submit and apply for land use permits (e.g. Site Plan Review) prior to any development on the property. A future development application will require additional analyses (e.g. traffic, utilities, etc.) directed towards a specific development and demonstrating compliance with City standards. Public notice will also be provided for a future land use application with the opportunity for public comment. Staff reminds the reader that this application requests only to change the City's Comprehensive Plan and Zoning maps; it is not an application to develop the property nor does it authorize development on the property.

The ninth point states that the rationale for allowing apartments is based on speculation a far as population growth. Staff finds this statement false. As outlined in the initial staff report, there is a documented need of multi-family units in the 2011 adopted Housing and Residential Land Needs Analysis (ORD. 110.30) and to date, no new multi-family units have been built. The other concerns: crime, decreased property values, etc., are not criteria in the City's code.

The tenth point states that there are existing problems in town including vandalism, theft, etc. Staff notes that these are city-wide issues not before the Planning Commission and not relevant to the map change proposal.

The twelfth point agrees that housing is needed in Banks and multi-family would be beneficial but not to "make an exception for a single lot in the middle of a residential neighborhood." Staff notes that the land use process before the Planning Commission and City Council will make that determination based on credible evidence in the record. Staff presents this argument in Section 2 of this report. Staff also notes that the Applicant has a property right to request a change of use (zoning) to the property, no different than anyone else in Banks, so long as he demonstrates that the applicable approval criteria are met.

The remainder of the letter is best characterized as opinion directed towards renters and the Applicant.

**Exhibit 2: Mariana Knifer**

The first point raised in this letter concerns a change to a neighborhood established in 1929 on Banks Road. The letter recommends other parcels be used for multi-family housing and raises the compatibility question. Staff notes, as previously stated, the Applicant has a legal right to request a change the use of his property, so long as he demonstrates consistency with the City of Banks Zoning Code. There are no other properties before the Planning Commission for consideration of the requested Plan and Zone Map change. The letter expresses opinions about the developer standing to gain from the request and acceptable walking distances for residents.

The second point raised concerns traffic issues on Banks Road. Staff refers the reader to the discussion presented above addressing Exhibit 1. The concern presented highlights the testimony offered at the initial public hearing. Staff also reiterates, as was done at the public hearing, that if this application is approved, and any future site plan review application are approved, the Applicant will be required to make right-of-way dedications and roadway improvements for autos, bicycles and pedestrians. The City's Development Code provides criteria requiring development improvements to ensure safe and efficient operation of NW Banks Road. The Applicant will be required to demonstrate that the NW Banks Road frontage be improved consistent with Public Works Design Standards and that the proposed development meets City standards to handle projected traffic loads.

The third point highlights the Banks City Council discussions on the water issues in Banks and does not address specific criteria. Staff has addressed the water issues in the initial staff report and finds no new evidence to the contrary.

**Exhibit 3: Lori Haack 42185 NW Banks Road**

The first point raises concerns about the proposed rezone on the subject parcel and the "disruption" to the homes in the neighborhood. Again, the question of compatibility is raised and Staff provides direction to the Planning Commission for consideration in Section 2, above. Staff finds a mix of use in the general area as discussed in the initial staff report, including a lumber mill adjacent to the subject site as well as a variety of residential, retail and industrial uses in the immediate area. This opponent, claims otherwise and believes that the proposal is incompatible with the surrounding single-family dwellings and neighborhood.

The second point states that it will be "visually unappealing" and lacking in continuity. Staff points out that NW Banks Road is planned for a variety of uses, including high-density single-family uses to the east of the site. Existing land uses within walking distance are various and

contain a gas station, lumber mill and an auto repair facility with outdoor auto storage. Refer to the City's Plan Map.

The remaining points concern property rights of existing residents and the expectation of neighborhood continuity upon purchasing their properties. The water shortage issues and school enrollment issues have also been addressed in this report. Other points raised pertain to future development of the subject site and are not before the Planning Commission.

#### **Exhibit 4: Ardor Consulting, Applicant Rebuttal**

The Applicant states that the record is documented with a demonstrated need for housing options in the community and that the proposed location provides multiple benefits including walking to downtown businesses and amenities. The letter argues that integrating multi-family housing at the proposed site is good planning practice as to not isolate a certain type of development away from the community. The Applicant reviewed the Plan map and finds that "there are only few parcels with zoning R-2.5 and that most are single parcels far less than one acre in areas surrounded by either commercial or lower density residential." The letter continues to state that the surrounding transportation system provides direct access for future residents to walk and minimize vehicle trips. The Applicant provides an article on affordable housing and how it does not impact adjacent property values. Staff notes that this article is not appropriate for consideration because the Applicant's proposal is not for affordable housing as defined by HUD nor does the article define affordability.

#### **4. PLANNING COMMISSION ACTION**

Staff recommends the Planning Commission deliberate on the materials presented in the initial Staff Report and the materials here. The Commission has three options: Based on the relevant criteria, you may approve or deny the application, or approve it with modifications and/or conditions. The following motion is suggested:

"I move to recommend approval of CPA 19-01 and ZC 19-01 to the Banks City Council based on the findings and subject to the conditions of approval contained in the staff report and addendum [as amended]."

*The staff report may be amended during the course of the hearing. A motion to approve should itemize any modified or additional conditions of approval.*

Respectfully submitted this 22<sup>nd</sup> day of April, 2019:

*Stacey Goldstein, Contract Planner, City of Banks  
Reviewed by Jolynn Becker, City Manager  
Daniel Kearns, City Attorney*

Attachments:

Letters to the record. 3 opponents and 1 rebuttal.

**LETTERS TO THE RECORD**

**3 OPPONENTS**

**1 REBUTTAL**

## **EXHIBIT 1**

To the Planning Commission, City Council, and Mayor of Banks

Re: Banks Road Rezoning Opposition

To start with...the meeting was scheduled during Spring Break. Obviously, that was merely a coincidence, but it definitely could have had an impact on attendance for the meeting.

At the meeting on March 26<sup>th</sup>, the land owner was already talking like it's a done deal and mentioned during the Planning Commission meeting that this has been in the works for a long time. However, the meeting on March 26 was the first opportunity for residents to voice their opinions.

In the State of the City address on March 5<sup>th</sup>, Mayor Edison mentioned the rezoning on Banks Road and the building by 5 Star, and said that's, quote, "good news." Again, this comment by the mayor was said BEFORE local residents could voice their opinion. There was no mention in the mayor's speech that there was to be a Planning Commission hearing where opposition could be voiced. In the same speech where the mayor endorsed the rezoning of the lot for multi-family apartments, he also said the water usage limits from the last couple of years for existing residents is now permanent. This seems like a contradiction.

The infrastructure is not in place to add more people. The water issue is still an ongoing problem and there should be NO exemptions until that problem is solved. Losing over one million gallons of water a month for as long as it's been going on is inexcusable and negligent. And even if the new apartments all have water-saving devices, that's still 30 units added. No matter how you try to spin the numbers, 30 apartment units on a .98 acre lot will use a lot more water than 10 single-family residences.

Several real estate professionals I've spoken to say property values for homes in proximity to "affordable housing" lose their real market value and definitely see drops in resale value immediately. I, for one, am not looking forward to a 5-10% drop in our real home value. There are 25 families in this neighborhood that stand to lose value on their homes, while only one person stands to gain financially.

The apartments in Forest Grove the proposer talked about at the meeting should NOT be used as a comparison for what is planned for Banks Road. The neighborhood in Forest Grove (22<sup>nd</sup> and Hawthorne) has several apartment complexes in the vicinity, so his claim of that complex "being in the middle of a residential neighborhood" is false and misleading. The area of Banks Road does not in any way, shape, or form resemble the neighborhood in Forest Grove the proponent was using as comparison.

The Banks School District has turned away transfers and open enrollments due to not having enough staff to cover the increase. This was not mentioned in the school district Superintendent report we heard at the meeting yet was part of a report given to the City

Council recently. I feel only stating numbers is misleading when it comes to this. We were told at the meeting the school population impact is not a reason to deny a zoning change. This, while supposedly legal, is grossly unfair. Intentionally overcrowding a school is irresponsible and a very poor reflection on the city council.

If 30 apartment units are added to the neighborhood, that figures to be roughly 60-70 new residents, which will practically double the population. Taking into account there will probably be an average of 1.5 cars per apartment, that's 45 more vehicles using Banks Road regularly.

After viewing the plans for the lot (which were not shown during the meeting on the 26<sup>th</sup>), there leaves little doubt the parking situation is unrealistic. There are 45 spaces on the plan, which fills the projection in the above paragraph. That leaves NO overflow or guest parking. There is no on-street parking on Banks Road. If this is not an issue, then where are the vehicles going to park? Forest Grove requires 2 parking spaces per apartment, and still there is an abundance of vehicles parked on the streets (this information comes from one who owns an apartment complex in Forest Grove).

A lot of the rationale for allowing apartments is speculative as far as population growth, yet is spoken as fact, so it's only fair opponents should be allowed to bring their speculations on traffic, schools, safety, crime, and decreased property values to the table with the same credibility.

The Banks city government is overlooking many problems that already exist in town and focusing only on growth. There are daily reports of vandalism, theft, and traffic issues, but it gets swept under the rug in favor of talking about how great and glorious our projected growth will be! With added growth, even if only 30 new apartments on Banks Road, there will be a need for increased law enforcement. One part-time Washington County Sheriff's deputy isn't going to cut it.

At the meeting, the phrases, "studies indicate" and "meets criteria" were tossed around rampantly. Yes, sometimes plans look good on paper, especially if it fits an agenda. But until you actually live on Banks Road and see for yourself what traffic, bicycle issues, and pedestrians are really like, you have no real basis to make a judgement on this.

Would the people voting on this proposed rezoning feel differently if their neighbor requested a rezoning right next door to a council member or the mayor? Put yourself in the shoes of the people who live near the lot in question. Cars zipping in and out of the parking lot and down the road at all hours of the day and night; revolving tenants; the increased potential for crime; decreased resale value of existing homes. You wouldn't want that next door to you, and we don't want that in our neighborhood!

The proponent of this rezoning request is a prominent business owner in Banks and obviously has a lot of clout. His company donates to or sponsors many events in town. While that should be appreciated and applauded, it should not mean he gets to have his way on this issue. He

does not live in the area he wants rezoned, so it's of no concern to him if our home values drop. He will be making a lot of money with these apartments, but who will cover the difference in our lost home value when we move out of Banks to get away from the urban sprawl of multi-family housing? We moved to Banks to get out of the Hillsboro rat race, only to find Banks to have higher taxes which have steadily increased and to find a desire by the city government to grow and grow and grow without having the infrastructure to do so responsibly. When we built our home here in 2012 it did not lower neighboring real home values. When other homes went up in our area it did not lower neighboring real home values. If you approve this rezoning, it WILL lower our real home values!

This is a classic "David vs Goliath" situation. On one side you have the Davids; the citizens who live on Banks Road, who pay taxes, raise their families, support the community however they can, attend high school sporting events, dine here, shop here... On the other side you have Goliath; a successful businessman who owns a lot of property and stands to earn a hefty sum of money if this passes. Yes, he will have up-front costs for construction, but with 30 units at an estimated \$900 per unit, he'll make that back quickly. If the city council and mayor truly took the citizens seriously, there would be no question the rezoning of ONE lot in an established neighborhood is a bad move.

The proponent stated in the meeting that he has 25 employees and they need an affordable place to live. Do his employees have to live in Banks? There are apartments in Forest Grove (which 5 Star built) that are so-called "affordable housing." It seems he wants to build this complex on Banks Road for his and his employees' convenience, and the concerns of the neighborhood residents don't count at all. In addition, if he chooses his own employees over other applicants for the apartments, there will undoubtedly be issues with any kind of "fair housing" law. If Mr. Henes misspoke, then that needs to be clarified, because the way it was said in the meeting sounded as though the apartments were exclusively for his employees.

Yes, the city needs housing. Yes, multi-family residences make sense and would be beneficial. But to make an exception for a single lot in the middle of a residential neighborhood is poor judgement. There is so much that needs to be fixed in Banks before you start building more housing.

How about adding a R-2.5 zone to one of the new annexes? That way apartments could be built with multiple accesses to main roads, ample parking, perhaps a green space play area for kids, garbage and waste disposal area, and not be right next door to existing R-5 houses in the middle of a neighborhood. But that wouldn't benefit Mr. Henes at all when it comes to the lot he owns on Banks Road. It would only benefit the many residents who currently live on Banks Road. One of the primary reasons I voted in favor of annexation was to give Banks space to build the multi family housing the city wants so badly...and to keep situations like this from happening.

City Hall already has a very poor reputation when it comes to listening to what the residents think and feel. Approving this rezoning for a single lot in the middle of a residential R-5 neighborhood only adds to that reputation. It clearly shows the mayor and city council have an agenda for growth without responsibility. Fix the water problem BEFORE building multi-family housing.

The notion of allowing multi-family apartments to be built during a city-wide moratorium on construction is careless and short-sighted. Fix the water problem first...then focus on new growth. Ignoring the pleas and concerns of the people living near where you plan to rezone in favor of your misguided desire to put apartments wherever you can is poor city management and planning. We may not be prominent business people like the proponent of the rezoning, but we live here. We shop here. We dine here. We raise our families here. If you approve the rezoning, it clearly shows our voices don't matter at all, and you're choosing to benefit one person over the concerns of the rest of the neighborhood.

When we're told at the meeting the proposal meets certain criteria, and the land owner has certain rights, you're overlooking the existing residents and their desire to keep the neighborhood quiet and safe. I'll close with what I said during the meeting on the 26<sup>th</sup>: Just because you CAN do something doesn't mean you SHOULD! Please do the right thing and let us live in our nice little neighborhood.

Regards,

Jay Haack

42185 NW Banks Rd.

Banks, OR 97106

503-690-9498 (home)

503-537-3276 (cellphone)

## EXHIBIT 2

April 2, 2019

04-02-19 11:00 AM

Dear Banks Community Planning Commission:

Thank you for the opportunity to submit a letter of opposition. I would like to address three main areas of concern with changing the zoning from single-family to multi-family housing at the West end of Banks Road. These areas of concern include the significant change an apartment complex will bring to the surrounding neighborhood on Banks Road, the significant increase in traffic on Banks Road, and the significant negative impact it will have on the water shortage that Banks Community already faces.

### **Change to Current Residential Neighborhood on Banks Road:**

During the Planning Commission Meeting, four individuals who currently live on Banks Road addressed the fact that constructing a 30-unit apartment complex would significantly change a neighborhood established in 1929 on Banks Road. Over the past 20 years, other parcels of land have been annexed into the city limits and meant to be used for multi-family housing. In researching the topic of Washington County expressing a need for more housing in Banks, I found that individuals/developers can apply for grant money to pay for part of the expenses included in building. I believe this would be the best way to get utilities to the annexed land, instead of insisting on using the 1-acre plot that already has utilities to it on Banks Road AND keep the cost down for future residents. The urban growth boundary would allow for growth outside of the single-family neighborhood.

When I heard Mr. Henes say that he wanted to provide housing for his employees, my first thought was that they already have homes. He claimed that this is a business move for him. If he cares about the residents who currently live in this neighborhood, he should also care about the affect this apartment complex will have on home value. While he may be expressing the want to provide more housing in the area, HE stands to gain from the BUSINESS transaction, but all of the residents on Banks Road stand to lose. Mr. Henes owns 5-Star Builders, who would be building the complex. He owns the land to be sold to the developer. He has also done construction work for the City of Banks. He stands to gain quite a bit from this transaction.

The developer claimed that the apartments would be within walking distance of "retail" opportunities in Banks. One definition of retail is "**Retail** businesses can include **grocery**, drug, department and convenient **stores**. Service related businesses such as beauty salons and rental places are also **considered retail** businesses." Most of the retail opportunities in Banks lie at the other end of town, 1 mile away. It is walkable, but not the typical distance a person would walk to get groceries, food, or pharmaceuticals. I rarely see people walking through town to go to Jim's Thriftway, Subway Sandwich, Mainstreet Pizza or the Banks Pharmacy. I live in the Arbor Homes development and rarely walk to the store. Very few people, taking all of these homes into account, walk to local retail spots.

Washington County Grant Website for CDBG Block Grants:

<https://www.co.washington.or.us/communitydevelopment/blockgrant/index.cfm>

### **Traffic Issues on Banks Road:**

City Council Meeting Minutes 1/08/2019: Economic Roadmap -The last step for the Economic Roadmap was to create a concept plan for the of Hwy 47/Banks Rd intersection. The Economic Roadmap suggested a cluster of restaurants at the intersection would benefit the city. As it stands, if one of the proposed roundabouts goes in, there will be even less room for any form of restaurants or retail “opportunities” to be placed at the north end of Banks.

Concept maps of proposed traffic control options:

[https://www.co.washington.or.us/LUT/TransportationProjects/upload/Banks-Main-Street-Public-Outreach-Boards\\_for-print\\_sm.pdf](https://www.co.washington.or.us/LUT/TransportationProjects/upload/Banks-Main-Street-Public-Outreach-Boards_for-print_sm.pdf)

In listening to those in opposition, people who attended the Planning Commission meeting as well as others who commented on the Banks Community Bulletin Facebook page about the traffic situation on Banks Road, it seems that “statistics” don’t always reflect the actual situation. People on Banks Road are concerned for safety. The sidewalks are inadequate for children walking down the road to school. The road is narrow and already heavily used by people who live in the Satellite neighborhood as well as others living out Cedar Canyon Road as a direct way to get to the Sunset Highway. Adding to the problem is the heavily used Banks-Vernonia Trail trailhead, which has its parking areas at that same area of Banks Road. Statistically speaking, the traffic survey claims that Banks Road can handle the additional traffic that will come from a 30-unit apartment complex, but the people who live on Banks Road strongly argue that this is not the case. The two-lane road was not built what that amount of car traffic in mind. Nor was it built with biking citizens in mind as there is no shoulder for the bikers to use when cars approach from either direction. Bikers and drivers are at risk already without adding that many more drivers on the road on a daily basis.

### **Water Use impact:**

In order to get a clearer picture of the water situation in Banks, I read through all of the City Council Meeting Minutes that are included on the Banks City website. I picked out statements that had to do with the water issues from 2018, although the shortage of water has been going on for at least 10+ years. I have been a resident in Banks since 1997 and have experienced many summers where we have been asked to curtail water usage. I can’t even imagine what the impact will be once the 35+ homes in the Lennar Homes Arbor Village development are completed, in addition to 30 apartment units. Regardless of when any multi-family complexes are built, the water situation needs to be fixed FIRST. The city cannot possibly consider adding this many more users to the dysfunctional water system before it is fixed.

Banks City Council meeting minutes from 2018 that discuss water issues in Banks:

- City Council Meeting Minutes 2/13/2018: City Manager Becker said this month, water loss was at 21 percent from the watershed to the tanks, and water loss was a bit higher from the tanks into town. If it was high again this month, a leak detection would be done in town again. She would add the water rate report for this month as well.
- City Council Meeting Minutes 5/8/2018: City Manager Becker presented the water loss report which was running at a normal level of 28 to 35 percent, with most of the loss coming from Sellers Rd.
- City Council Meeting Minutes 9/11/2018: Councilor Jones reported that at the Sunset Park meeting, she was asked if the quantity of water being used by construction trucks filling up at the

hydrants was being recorded and why it was allowed during the water restriction. She did not have an answer at the time and wanted to research the issue. City Manager Becker confirmed the amount of water taken from the hydrants was recorded and added that construction companies were required by Clean Water Services to use the water for dust control. The construction companies had been notified that the water might be shut off because of the water situation.

- City Council Meeting Minutes 11/13/2018: Because the water conservation issue was rather new, he suggested that Council come up with a way to monitor how it was working with the City Manager's help. Any problems or complaints should be included in a report. Most people would comply with the Ordinance. Compliance was the goal, not citations. Most issues could be resolved with a phone call. He reminded several consultants have said enforcing water conservation was a first step in addressing the City's documented water shortage, so monitoring the progress would be important.
- The Council should not be surprised if the water curtailment ordinance comes back within a year for changes, as crafting an ordinance that was legal, fair, withstood scrutiny and addressed the problem at hand was difficult.
- City Council Meeting Minutes 12/11/2018: City Attorney Kearns explained the background regarding why the moratorium was needed and how State law allowed the City to declare the moratorium. He explained how a moratorium on development would allow the City time to correct the city's limited water capacity and noted the work the City was doing to help improve capacity. The water situation would be assessed every six months and the Resolution could be readopted if a water shortage still existed. Certain types of development related to affordable housing and needed economic development within the city were exempted from the Resolution. He anticipated some testimony about the amorphous language regarding the limits set for industrial development in the Resolution.
- Mayor Edison commented that the City had been working on the water issue from the moment the report was received in June and continued to do so constantly. A short break in development was needed, which City Council Meeting - December 11, 2018 Page 3 of 6 was what the moratorium was about.
- The amount was anywhere from 25 to 39 percent water loss each month. On Sellers Rd, the City was losing more than 1 million gallons of water per month.

5-Star Builders might be exemplary in their building and conduct in the city of Banks and surrounding areas. Mr. Henes may mean well as he proposes to rezone his 1-acre plot of land in order to establish this 30-unit multi-family apartment complex in Banks, thinking of those who work for his own company first. The developer may think this is the answer to a shortage of housing in Washington County. Washington County may be pushing for low-income housing. I think it is a big mistake. The residents of Banks Road feel this will completely change their wonderfully established neighborhood and lower property value. Those who live on Banks Road feel having that many more drivers on the narrow, 2-lane road will bring more danger than good. The water situation in Banks cannot handle the additional usage.

Sincerely,

Mariana Knifer  
12845 NW Maplecrest Way

## **EXHIBIT 3**

**TO:** City of Banks Planning Commission

**DATE:** March 31, 2019

**RE:** Proposal to "Spot Re-Zone" one lot/parcel on NW Banks Road

After attending last Tuesday's Banks Planning Commission meeting, I came away with more concerns than I had prior to the meeting. The most significant and first area of concern is the perceived need to rezone one parcel/lot in an existing area of 30 established parcels. There are better options that would not cause the negative results that rezoning would bring.

To provide some background on myself, I am not a city leader, local business owner, nor am I seeking to be well known or popular. I do not have an agenda for personal gain, especially at others' expense. As a resident of Banks, my concerns are for the members of our community and the community's future success and well-being. Therefore, I feel a responsibility to speak up in the interest of our residents, affected homeowners, and the future of our city. My background provides some credibility as it is in the finance and accounting field, and I have spent the majority of my 30+ year career in the field of internal auditing. This is a profession not familiar to many people, but in simple terms it involves working inside a company or organization to evaluate and analyze internal controls and compliance with internal policies, procedures, and standards as well as external regulations. The profession includes making recommendations for corrections where weaknesses exist, as well as process improvements to strengthen future outcomes. Over the course of my career, I have been employed by Tektronix, Intel, Regence Blue Cross/Blue Shield, and two major credit unions (not in just one isolated environment.)

I understand there is a need for additional housing (both single and multi-family) in or around the Banks area. It has been voiced that there are not enough low-income multi-family options within the city. With this being the case and the city appearing to be fully zoned and developed (no vacant parcels without an existing or planned residence), it seems that voters made a decision in the right direction by recently approving annexations of land to the city. The additional land should allow for insightful planning, zoning, and balancing of the needs for existing and future city residents.

Although newly annexed land is now available for prudent long-term planning, a proposal is being seriously considered to disrupt zoning in an established area on the northeast end of town; specifically one parcel in the middle of a thirty-parcel neighborhood. There does not appear to be any rational justification for spot zoning one parcel, which would cause disruption to the existing thirty homes and future (three) homes in the neighborhood. To the contrary, there are several disturbing concerns that would be created by such a decision.

- Zoning was established to bring organization and continuity to land use. Thus the term "planning". Chopping up an area by spot zoning in an existing residential area of thirty lots/parcels that are zoned R5 makes no sense at all. It would create instability in the area. It would be visually unappealing and create a disorganized chaotic appearance lacking in continuity. Rather than being part of a plan, it would be present as an unplanned, unattractive, fragmented move that would leave one driving by to wonder "what were they thinking when they did *that*?" This is not responsible land use planning.

It would be more responsible to maintain continuity in the existing neighborhood, and create a well-thought-out design for multi-family living that is aesthetically logical and pleasing. It does not make sense to create disorder by plopping something that doesn't fit right in the middle of an established residential area. Responsible planning can be seen in other cities, and it works without harming established neighborhoods. If you drive around communities that are successfully growing, you will see logical, well-planned developments that balance single and multi family residences in an organized, visually pleasing manner. Sherwood is one example. You see apartments on corners of intersections or placed strategically around larger housing developments, similar to the apartments in the Arbor development. It does not make sense to place one apartment building in the middle of existing single-family homes, nor would it make sense to place one home in the middle of existing apartments. Mingling single and multi-family residences should be planned in a logical way, not randomly with one apartment building in the middle of and right in between two single-family residences already in place.

- Everyone's property rights should be taken into consideration, rather than putting the request of one landowner above the welfare of thirty other land/property owners. Making an exception in the middle of an established area for one parcel is unfair to the existing residences. Current owners purchased their land and homes with the expectation of continuity – to have the city disregard their expectations and cause them harm by allowing one of the thirty owners to disrupt an established area without sound logic and when there are other options is unfair and may even cause serious distrust. Property values would decrease, as it would be a less attractive area to live in, losing its current continuity. (This would not work toward drawing more people to the area but would lead them to wonder what kind of "planning" the city was doing.) There is currently a blending of newer and older homes, but over time and with a well-thought out city plan, this neighborhood is currently in a position to only improve in stability. Making a decision to disrupt the neighborhood would be irresponsible, unfair, and the start of unraveling the area's stability.
- Water shortage issues -- current residents have been asked to restrict water usage, and the mayor says restrictions that were implemented last summer are now permanent. Isn't there a moratorium on new residential construction until the water issues have been resolved? If that is the case, how can we be adding **30 new households** when the issue at hand has not been successfully resolved? How can there be a moratorium on new construction but serious consideration of making an exception for 30 new households to be developed? This seems like a major contradiction that can have no justification. The water supply is already threatened, how could adding another 30 residences not only add to the problem? The issues need to be successfully, completely resolved before increasing the burden. Any increase in population – no matter where or how many – should not even be considered before resolving this critical issue. Continuing to increase the demand prior to fixing the issue makes no sense and could have a disastrous affect on current homeowners.
- Traffic -- increasing the traffic on narrow, hilly Banks road by 30 new households seems to be asking for more trouble. I am amazed there have not been more accidents, but adding that much more traffic without widening the road seems like a big gamble for those who drive it daily.
- School Issues – I know that numbers were presented that show the schools have capacity to handle more students. I am unclear though, why the schools have turned down many requests for transfers. Since the schools get money based on the number of students they have, what is the

reason for turning students away? It causes me to wonder if there are other issues than capacity that should be considered? It doesn't seem like something is adding up here, so there must be some missing information.

- There are many flaws with the specific desire to place a 30-unit apartment on .98 acre.

Inadequate parking spaces. A well-seasoned, experienced realtor who has also developed properties and built apartment buildings in Washington County tells me that when building apartments in recent years in Forest Grove, there has been a required minimum of two parking spaces per unit, which seems to be the norm. The apartment complex the developer wishes to build on Banks Road has plans for only 1.5 parking spaces per unit. It does not appear there is any room to increase the number. Looking at a low-income apartment complex in Forest Grove over the weekend, which appeared to have at least 2 spaces per unit, showed that the streets in front of and near the apartments were lined with cars – lots of them. Overflow parking. (I hope to attach photos but may run short on time.) It does not seem the current developer's plans would work even if approved. Banks Road has no street parking – not even a shoulder. There is no allowance for visitors, deliveries, etc. People in this area need to have cars, as there is no access to Tri Met or light rail, and it is not realistic to think they could walk everywhere they would need to go. Where will the rest of the vehicles park? The parking lot at the Banks-Vernonia Trail is not an option as it is full during summer months on weekends, and even when not full it does not allow overnight parking. During one snowstorm where some cars were not able to make it up the hill onto Banks Road, residences left cars in the parking lot and walked home until road conditions allowed them to retrieve their cars. I was one of them, and received a No Parking notice from the State. The parking situation, and lack of access to Tri-Met, suggests this plan would not be workable.

One access in and out of the apartment complex – Banks Road. This would add a heavy burden and double the amount of traffic in the area from the city limits to Hwy. 47.

Very minimal green space area where children might play, located between the water Q, trash dumpsters, and railroad tracks. Even if a fence were installed, it would not stop all kids.

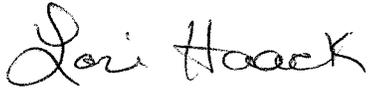
There are many concerns and questions that many residents do not feel have been adequately addressed by city leaders. The concerns are mostly of a permanent or very long-term nature; they are not temporary issues that can be easily resolved. It seems there is a push to “hurry up and build”, yet this particular proposal looks to add more negatives than positives. Spot zoning is not the right decision. Rezoning and packing high density in an existing area is not savvy planning. There are many risks and negatives, with the only positive being adding more places to live. The cost is too high. There are other options that would have a better outcome. Infrastructure needs to be planned before anything else. It would do nothing to improve the appearance of our city. There is much at stake here, and this is not something that should be rushed in to. The wrong decision can result in permanent problems that cannot be reversed.

Let's plan for the future and plan it right the first time, rather than creating more problems to have to address in the future. Do we want instant growth at a high cost more than a well-planned

community that will reap the benefits of that planning? Do we care about the appearance of our city and want it to be a welcoming place? Or is goal growth no matter what the cost? Do we want our city to look like it was thrown together, or like a city that has it's act together and has a beautiful, workable plan? Let's not make a decision that can't be reversed and that will introduce more problems than it solves.

Thank you for your consideration and service.

Sincerely,

A handwritten signature in cursive script that reads "Lori Haack". The signature is written in black ink and is positioned above the typed name.

Lori Haack  
42185 NW Banks Road

Here is a statement from a realtor we talked with regarding the proposed rezoning on NW Banks Road:

My name is Kent Campbell. I own a 9-unit apartment complex in FG. My site address is 2825 Pacific Ave - FG. The City of FG required me to provide two (2) off street parking spaces per unit. I have owned this property since 2006. Even 2 parking spaces per unit is really tight. Does not allow for much "visitor" parking.

Also, I have been a real estate professional for 30+ years, primarily in the Hillsboro/Forest Grove area. I would find it difficult for the City of Banks to justify changing the zoning from a R-5 zone (with existing houses around it) to a "high density, 30 units per acre zone". This just does not seem fair to the existing home owners who purchased their property based on a "R-5" zone.

Kent Campbell  
realtorkentc@gmail.com

Nancy Eisenbeis  
PO Box 4116  
Hillsboro, OR 97123

Kent Campbell  
PO Box 526  
Hillsboro, OR 97123

4/1/2019

Dear Kent,

As we discussed on the phone we have been very frustrated with the parking situation around the house we own at 2454 25<sup>th</sup> Ave, Forest Grove, OR. 97116.

Our house is a single family home located in a RMH (Residential/Multifamily High Density) zoned area and has a large apartment complex a couple blocks away. The apartment complex does not have sufficient parking to accommodate its tenants so they use every available curbside spot in a 2 block radius. Friday nights and weekends are the worst making it hard for guests to visit our house. I'm sure the apartment residences are frustrated too, never knowing if there will be a parking spot within 2 blocks of their own apartment.

In my opinion for an apartment complex to avoid overtaxing the surrounding neighborhood two parking spots per unit plus several places for guest to park is a minimum requirement since most families have 2 cars.

Sincerely,

Nancy Eisenbeis  
503-680-6353



This is the parking situation in Forest Grove to which Nancy Eisenbeis was referring.

## EXHIBIT 4

Emailed  
4-10-19  
@ 7:17 AM



NW BANKS ROAD COMP PLAN AND ZONING MANP AMENDMENT.

April 10, 2019

RE: Response to Final Written Testimony for Planning Commission Hearing

As a long-term business owner, employer, and resident of Banks, the applicant is abundantly aware of the need for housing options in the community. This fact is well documented in multiple studies already noted in the record, including recent updates to the city's comprehensive plan. It is also a lived experience of his employees, many of whom would choose to live in Banks if housing options were available.

Integrating multi-family housing throughout the community provides residents with choice in where they live, what amenities they would like to be close to. It is also good planning practice not to isolate a certain type of development away from the community. This good practice has been exercised by Banks over time. A review of the adopted Banks zoning map shows only few parcels zoning R2.5. Most are single parcels far less than one acre in areas surrounded by either commercial or lower density residential development. The exception is a two-acre parcel developed with the Quail Hollow Apartments on the north side of the Arbor Village residential subdivision.

Downtown Banks has a growing amount of retail and recreational opportunities that provide desirable destinations. The surrounding transportation system already provides direct access between major highways and downtown Banks, bringing commuters in to their places of employment, recreation, shopping and public services. Providing housing within walking and bicycling distance of these destinations will minimize demand for vehicle trips. As noted in the Urban Land Institute 2007 publication entitled Ten Principles for Developing Affordable Housing "Pushing affordable housing farther and farther away from employment centers only worsens traffic congestion."

[http://uli.org/wp-content/uploads/2012/07/TP\\_AffordableHousing.ashx .pdf](http://uli.org/wp-content/uploads/2012/07/TP_AffordableHousing.ashx .pdf)

The vehicle trips are already being made to the destination of downtown Banks. Providing housing opportunities near the destination is part of the long-term solution to creating a thriving and safe community.

The transportation analysis prepared for this comprehensive plan and zoning map amendment has shown continued adequate level of service with the proposed change. Traffic impacts will also be reanalyzed at the time of development permit application.

The City of Banks has and will continue to invest significant amounts of taxpayer dollars in infrastructure to support and create an attractive and desirable community. Housing is needed to respond to demand, and make beneficial use of these investments. As noted in a September 2016 Housing Development Toolkit published by the White House, "when communities make infrastructure investments but do not accordingly increase housing supply, working families become priced out of the housing market".

[https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Housing\\_Development\\_Toolkit%20f.2.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Housing_Development_Toolkit%20f.2.pdf)

Surrounding home values, while not an approval criteria for this application, are of importance to the applicant. Recent research by numerous organizations has shown that affordable housing does not impact adjacent property values, and in many cases increases them.

<https://ced.sog.unc.edu/does-affordable-housing-negatively-impact-nearby-property-values/>

[http://furmancenter.org/files/media/Dont\\_Put\\_It\\_Here.pdf](http://furmancenter.org/files/media/Dont_Put_It_Here.pdf)

The applicant intends to build a quality project that will be an asset to the City of Banks, providing opportunities for a variety of people, including young working families and retirees, to call Banks home.

Thank you for this opportunity to further this proposal.

Greta Holmstrom

Ardor Consulting, LLC