



April 24, 2024

SENT VIA EMAIL

Dave Cady  
CC: Pacific Community Design  
1905 NW 169<sup>th</sup> Place, Suite 102  
Beaverton, OR 97006

**RE: Completeness Review for Sunset View at West Banks (“Sunset View”) Master Planned Development Applications (“MPD 24-01 et al”:** MPD 24-01, SUB 24-01, PAR 24-01, PAR 24-02, SDR 24-01, VAR 24-01, VAR 24-02, VAR 24-03, VAR 24-04, CPA 24-01, and ZMA 24-01)

Dear Mr. Cady,

This letter is in reference to your application for the Sunset View at West Banks (“**Sunset View**”) Master Plan application package for the properties at 42580 NW Cedar Canyon Road (Tax lots 2N4360000600 and 2N331BC05200) in Banks. The application package includes a request for a Master Planned Development, Subdivision, Partitions, Site Design Review, and Variances, as well as Comprehensive Plan and Zone Map Amendments.

Note: A Property Line Adjustment application related to this site (PLA 23-01) was filed on December 14, 2023, and was deemed complete on February 20, 2024. The application is being combined in the review of this application package.

The City of Banks has completed its initial review of the application package. Based on the information submitted, staff have determined that additional information is required to process the application and deem the application complete. Please submit the following items electronically and in one package to the planners listed below. Please be aware that additional comments may also be forthcoming in the following weeks from relevant departments and agencies.

Your application has been deemed **incomplete** due to the following items:

- A. The existing zoning identified for the Zoning Map Amendment application must be updated to be consistent with Ordinance No. 2017-04-01 (Attachment 1), which annexed this development site into the city limits. The ordinance established that Washington County Future Development-10 Acre Minimum (FD-10) zoning would be retained for the site until an application for City urban zoning was filed and approved. The County’s existing FD-10 zoning does not allow the proposed urban development. Please include a Zoning Map Amendment request to change the site’s zoning from FD-10 to the appropriate City zoning that you desire for this development proposal.



- B. The Traffic Impact Analysis (Exhibit G) assumes City urban zoning for the site and does not use the current FD-10 zoning for the analysis. That assumption is acceptable so long as the application package includes a Zoning Map Amendment request to change the site’s zoning from FD-10 to the appropriate City zone. Any approval of the development can be conditioned on approval of the zone change request. Otherwise, the application will require a statement or memorandum from a traffic engineer confirming that the FD-10 zone would not substantially alter the Traffic Impact Analysis conclusions.
- C. A portion of the site contains the 100-year floodplain per the City of Banks Flood Insurance Rate Map (FIRM) and Washington County GIS mapping (Attachment 2). If you concur with this mapping, please refer to the Flood Damage Prevention section of the Banks Zoning Code (Section 151.365) – particularly the requirements of Section 151.373, Establishment of Development Permit – and provide narrative as applicable. Additionally, a plan exhibit showing the proposed development in relation to the 100-year floodplain is required.

If instead you wish to amend the FIRM, please indicate that you will be undertaking a Letter of Map Change (LOMC) request with the Federal Emergency Management Agency and seeking either a Letter of Map Amendment (LOMA) or Letter of Map Revision Based on Fill (LOMR-F).<sup>1</sup>

Once the above information is received, staff will be able to further review the project with the appropriate departments and agencies to determine if the information provided is sufficient. If you have any questions or would like to discuss, please feel free to contact us.

Sincerely,

*Keegan Gulick*

Keegan Gulick, City Planner  
[kgulick@migcom.com](mailto:kgulick@migcom.com), 503-297-1005 ext. 2130

*Shayna Rehberg*

Shayna Rehberg, City Planner  
[srehberg@migcom.com](mailto:srehberg@migcom.com), 503-297-1005 ext. 2320

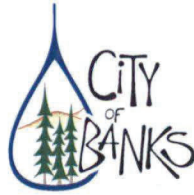
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<sup>1</sup> <https://www.fema.gov/flood-maps/change-your-flood-zone>



## Attachments

- Attachment 1: Ordinance 2017-04-01
- Attachment 2: Banks FIRM and Washington County GIS Floodplain Mapping

**ORDINANCE No. 2017-04-01****An Ordinance Annexing Approximately 30.52 acres to the City of Banks  
(Wolverine Financial LLC, Lone Oak Land and Investment Company, and  
Landcaster Development Corp.)**

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

**WHEREAS**, Wolverine Financial LLC, Lone Oak Land and Investment Company, and Landcaster Development Corp. collectively own approximately 30.52 acres of land contiguous with the City's current boundary and within the City's Urban Growth Area (the "Annexation Territory" – more specifically described in Exhibit A, attached hereto and incorporated herein by this reference), and have requested annexation of the Annexation Territory; and

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

**WHEREAS**, this annexation request does not include a concurrent request to rezone it from the currently applicable FD-10 (Future Development 10 acre minimum) to a City urban zone; therefore, upon annexation, the Annexation Territory shall retain its current FD-10 zone; and

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

**WHEREAS**, on March 28, 2017, the Banks Planning Commission convened a duly noticed public hearing, took public testimony on the annexation request and recommended approval of the annexation as proposed; and

**WHEREAS**, on April 11, 2017, the City Council convened a duly noticed public hearing to take public testimony and evaluate the Planning Commission's recommendation, and at the conclusion voted to approve the annexation request subject to the requirement that the annexation requestors/owners enter into the Reimbursement Agreement in substantial conformance with that which is set forth in Exhibit B, attached hereto and by this reference incorporated herein.

**NOW THEREFORE**, based on the foregoing, the Banks City Council ordains as follows:

**Section 1 - Annexation.** The real property described in Exhibit A, attached hereto and by this reference incorporated herein, comprising approximately 30.52 acres (collectively the "Annexation Territory") is hereby annexed and incorporated into the City of Banks, subject to the terms and conditions of the Reimbursement Agreement that shall be executed between the City and the annexation requestors/owners in substantial

conformance with that which is set forth in Exhibit B, attached hereto and by this reference incorporated herein.

**Section 2 – Annexation of public rights-of-way.** All federal, state, and local public rights-of-way within or abutting the Annexation Territory are hereby annexed and incorporated into the City of Banks.

**Section 3 - Land Use Designations and Zoning.** Land within the Annexation Territory is hereby subject to land use planning, regulation and permitting by the City of Banks under its duly adopted Comprehensive Plan and land use regulations, pursuant to which the Annexation Territory shall retain its current FD-10 zone designation (Washington County Future Development 10 acre minimum). The Annexation Territory shall not have or receive an urban zoning designation or be developed with any urban types or densities of development until it has been rezoned to an appropriate City urban zone.

**Section 4 – Assessment and Taxation.** Land within the Annexation Territory shall be assessed and taxed by the City in the same manner and on the same basis as other similarly situated property within the City as of the effective date of this Ordinance.

**Section 5 – Severability.** If any portion of this ordinance is found to be invalid or unenforceable for any reason, that finding shall not affect the validity or enforceability of any other provision of this ordinance.


**Section 6 – Transmittal.** Pursuant to ORS 222.177 and Section 30.06 of the Banks Code of Ordinances, the City Recorder shall:

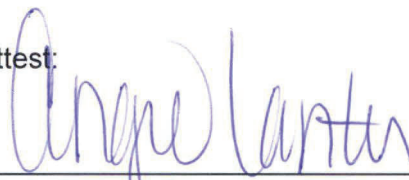
1. File a certified true copy of this Ordinance with the Oregon Secretary of State and the Washington County Assessor.
2. File with the Oregon Secretary of State a copy of the statement of landowner consent to this annexation.

**Section 7 – Effective Date:** This ordinance and the annexation it declares shall be effective upon filing with the Secretary of State’s Office in accordance with ORS 222.180.

Approved by the Banks City Council and read for the first time April 11, 2017.

Read for the second time and adopted May 9, 2017.

  
\_\_\_\_\_  
Peter C. Edison, Mayor

Attest:  
  
\_\_\_\_\_  
Angie Lanter, City Recorder

Summary of Votes

Teri Branstitre	Yes/No
Mark Gregg	Yes/No Absent
Stephanie Jones	Yes/No
Dan Keller	Yes/No
Mark Walsh	Yes/No
Michael Nelson	Yes/No

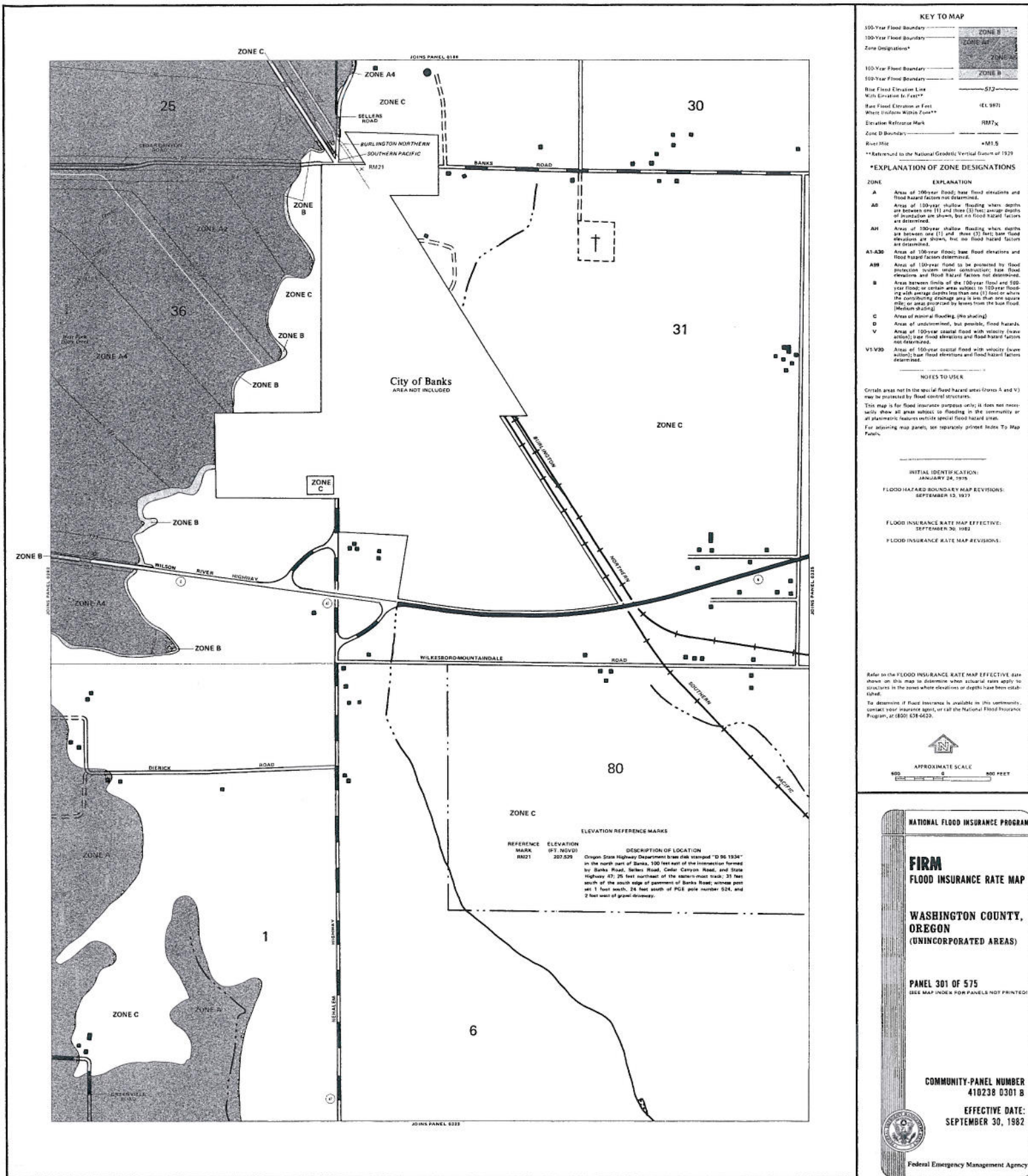


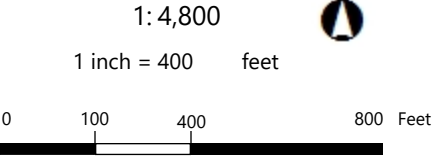
Figure 5: FEMA Flood Insurance Rate Map for the Banks Study Area



# Map Title



- Street Names
- Arterials
- All Streets
- Parcels
- Regional Urban Growth Boundary
- Non-Regional Urban Growth Boundaries
- Washington County Boundary
- FEMA Floodway (current)
- FEMA 100 year Floodplain (current)



Notes

4/2/2024

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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The information on this map was derived from digital databases on Washington County's Geographic Information System (GIS). Care was taken in the creation of this map; however, Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. Therefore, there are no warranties which accompany this production. Notification of any errors will be appreciated.