



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

06/03/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment  
DLCD File Number 004-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, June 13, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Clare Fuchs, Washington County  
Jon Jinings, DLCD Community Services Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> YA

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	<b>DEPT OF</b>
	<b>MAY 28 2013</b>
	<b>LAND CONSERVATION AND DEVELOPMENT</b>
For Office Use Only	

Jurisdiction: **Washington County**Local file number: **Ordinance No. 764**Date of Adoption: **5/21/2013**Date Mailed: **5/23/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/11/2013☒ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

**Ordinance No. 764 amends the county's comprehensive plan to reflect changes made to the Banks UGB in 2012. The ordinance removes properties brought into the UGB from the Rural/Natural Resource Plan and adds them to the Comprehensive Framework Plan for the Urban Area. The properties will be designated as Future Development Ten Acre (FD-10). The Washington County - Banks Urban Planning Area Agreement text and map is amended to reflect the 2012 UGB expansion.**

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Exclusive Farm Use (EFU)** to: **Future Development 10 Acre (FD-10)**Zone Map Changed from: **N/A**to: **N/A**Location: **see attached map**Acres Involved: **149**Specify Density: Previous: **1 unit / 80 acres**New: **1 unit / 10 acres**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 004-13 (19738) [17467]



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Washington County, city of Banks

---

Local Contact: **Clare Fuchs, Associate Planner**

Phone: (503) 846-3583

Extension: N/A

Address: **155 N 1<sup>st</sup> Ave, Suite 350-14**

Fax Number: **503-846-4412**

City: **Hillsboro, OR** Zip: **97124**

E-mail Address: **clare\_fuchs@co.washington.or.us**

---

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

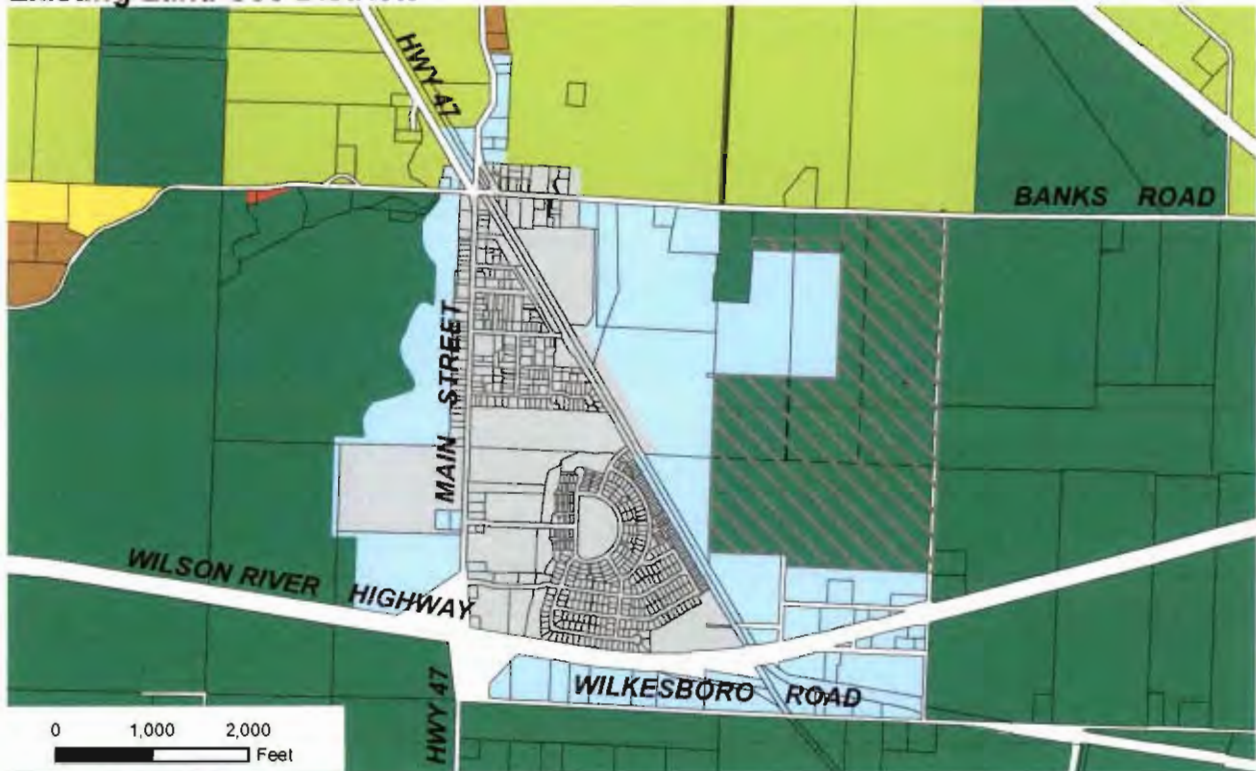
9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

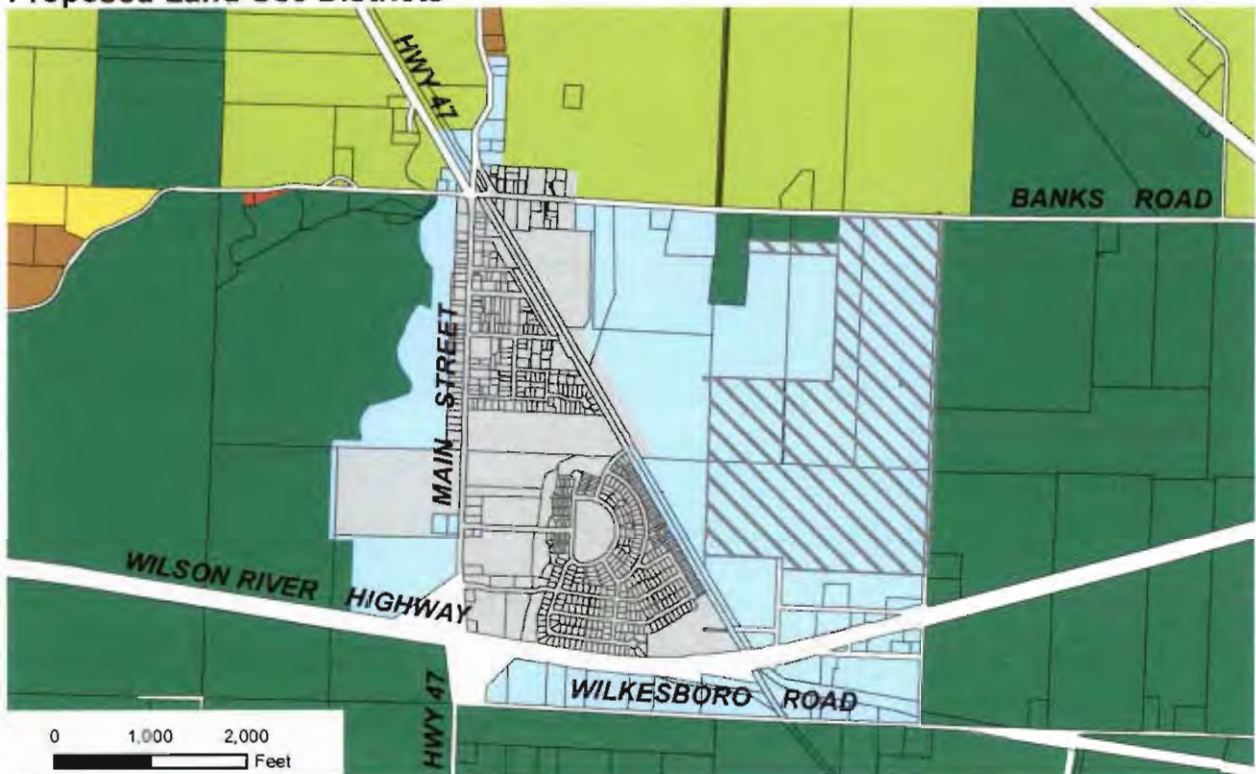
Updated December 6, 2012

# Washington County Ordinance No. 764

Existing Land Use Districts



Proposed Land Use Districts



Land Use Districts	AF-10	AF-20	R-COM	City of Banks
FD-10	AF-5	EFU		Subject Areas



# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – First Reading and First Public Hearing  
Land Use & Transportation; County Counsel (CPO 14)

**Agenda Title:** PROPOSED ORDINANCE NO. 764 – AN ORDINANCE  
AMENDING ELEMENTS OF THE WASHINGTON COUNTY  
COMPREHENSIVE PLAN TO REFLECT CHANGES TO THE  
CITY OF BANKS' URBAN GROWTH BOUNDARY

**Presented by:** Andrew Singelakis, Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

---

### SUMMARY:

Ordinance No. 764 proposes to amend the Washington County Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Washington County - Banks Urban Planning Area Agreement (UPAA) by incorporating changes made to the urban growth boundary (UGB) surrounding the city of Banks. Ordinance No. 764, if adopted, would also apply the Future Development – 10 Acre District (FD-10) designation to areas added to the Banks UGB.

Ordinance No. 764 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

On April 17, 2013, the Planning Commission (PC) conducted a public hearing for this ordinance. The PC unanimously voted to recommend that the Board engross Ordinance No. 764 by adding clarifying language to define a term within the ordinance. Subsequent to the Planning Commission hearing, staff received letters from legal counsel representing the city of Banks and a property owner who stated they believe the additional definition is not necessary and engrossment would serve to increase the time and cost of the ordinance. Staff recommends that the Board adopt the ordinance as filed.

The staff report will be provided to the Board prior to the hearing, posted on the above land use ordinance web page prior to the hearing, and will also be available at the Clerk's desk.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and 12 minutes for a representative of a group.

### DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 764 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 764.

---

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

**ADOPTED**

Agenda Item No.	<b>4.c.</b>
Date:	05/21/13

FILED

MAR 11 2013

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 764

An Ordinance Amending the  
Washington County – Banks Urban  
Planning Area Agreement, the  
Rural/Natural Resource Plan, and the  
Comprehensive Framework Plan for the  
Urban Area to Reflect Changes to the  
Urban Growth Boundary (UGB)

The Board of County Commissioners of Washington County, Oregon ("Board") ordains as follows:

SECTION 1

A. The Board recognizes that the Banks Urban Planning Area Agreement of the Washington County Comprehensive Plan was adopted by way of Ordinance No. 307 and was subsequently amended by way of Ordinance Nos. 332, 333, 580 and 753.

B. The Board recognizes that the Rural/Natural Resource Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671, 686, 733, 740 and 753.

C. The Board of County Commissioners of Washington County, Oregon, recognizes that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571,

1 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683,  
2 686, 694, 712, 726, 730, 732, 733, 739, 742, 744, 745, 753 and 758.

3 D. Subsequent planning efforts of Washington County indicate there is a need for an  
4 update to the Washington County – City of Banks Urban Planning Area Agreement and  
5 corresponding amendments of the Rural/Natural Resource Plan and the Comprehensive Framework  
6 Plan for the Urban Area to reflect the City of Banks expansion of its Urban Growth Boundary  
7 (UGB) to include the Quail Valley Golf Course. The Board further takes note that such changes are  
8 for the health, welfare, and benefit of the residents of Washington County, Oregon.

9 E. Under the provisions of Washington County Charter Chapter X, the Department of  
10 Land Use and Transportation has carried out its responsibilities, including preparation of notices,  
11 and the County Planning Commission has conducted one or more public hearings on the proposed  
12 amendments and has submitted its recommendations to the Board. The Board finds that this  
13 Ordinance is based on those recommendations and any modifications made by the Board are a  
14 result of the public hearings process;

15 F. The Board finds and takes public notice that it is in receipt of all matters and  
16 information necessary to consider this Ordinance in an adequate manner, and finds that this  
17 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption  
18 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County  
19 Charter, the Washington County Community Development Code, and the Washington County  
20 Comprehensive Plan.

21 ///

22 ///

1     SECTION 2

2             The following exhibits, which are attached hereto and incorporated herein by reference, are  
3 hereby adopted as amendments as follows:

- 4             A.   Exhibit 1 (1 page) – amending the Rural/Natural Resource Plan Land Use Districts  
5                 Map to remove certain properties;
- 6             B.   Exhibit 2 (1 page) – amending Policy 41, Urban Growth Boundary Expansions, of the  
7                 Comprehensive Framework Plan for the Urban Area to reflect changes to Map A,  
8                 Future Development Areas; and
- 9             C.   Exhibit 3 (10 pages) – amending the Washington County – City of Banks Urban  
10                Planning Area Agreement to reflect changes to the Urban Growth Boundary.

11    SECTION 3

12            All other Comprehensive Plan provisions that have been adopted by prior ordinance, which  
13 are not expressly amended or repealed herein, shall remain in full force and effect.

14    SECTION 4

15            All applications received prior to the effective date shall be processed in accordance with  
16 ORS 215.427.

17    SECTION 5

18            If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or  
19 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and  
20 shall remain in full force and effect.

21    ///

22    ///



1 SECTION 6

2 The Office of County Counsel and Department of Land Use and Transportation are  
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
4 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,  
5 and making any technical changes not affecting the substance of these amendments as necessary to  
6 conform to the Washington County Comprehensive Plan format.

7 SECTION 7

8 This Ordinance shall take effect thirty (30) days after adoption.

9 ENACTED this 21st day of May, 2013, being the 1st reading and  
10 1st public hearing before the Board of County Commissioners of Washington County, Oregon.

11 BOARD OF COUNTY COMMISSIONERS  
12 FOR WASHINGTON COUNTY, OREGON

13 **ADOPTED**

14 *Andy Duyck*  
CHAIRMAN

15 *Barbara Hejtmanek*  
RECORDING SECRETARY

16 READING

PUBLIC HEARING

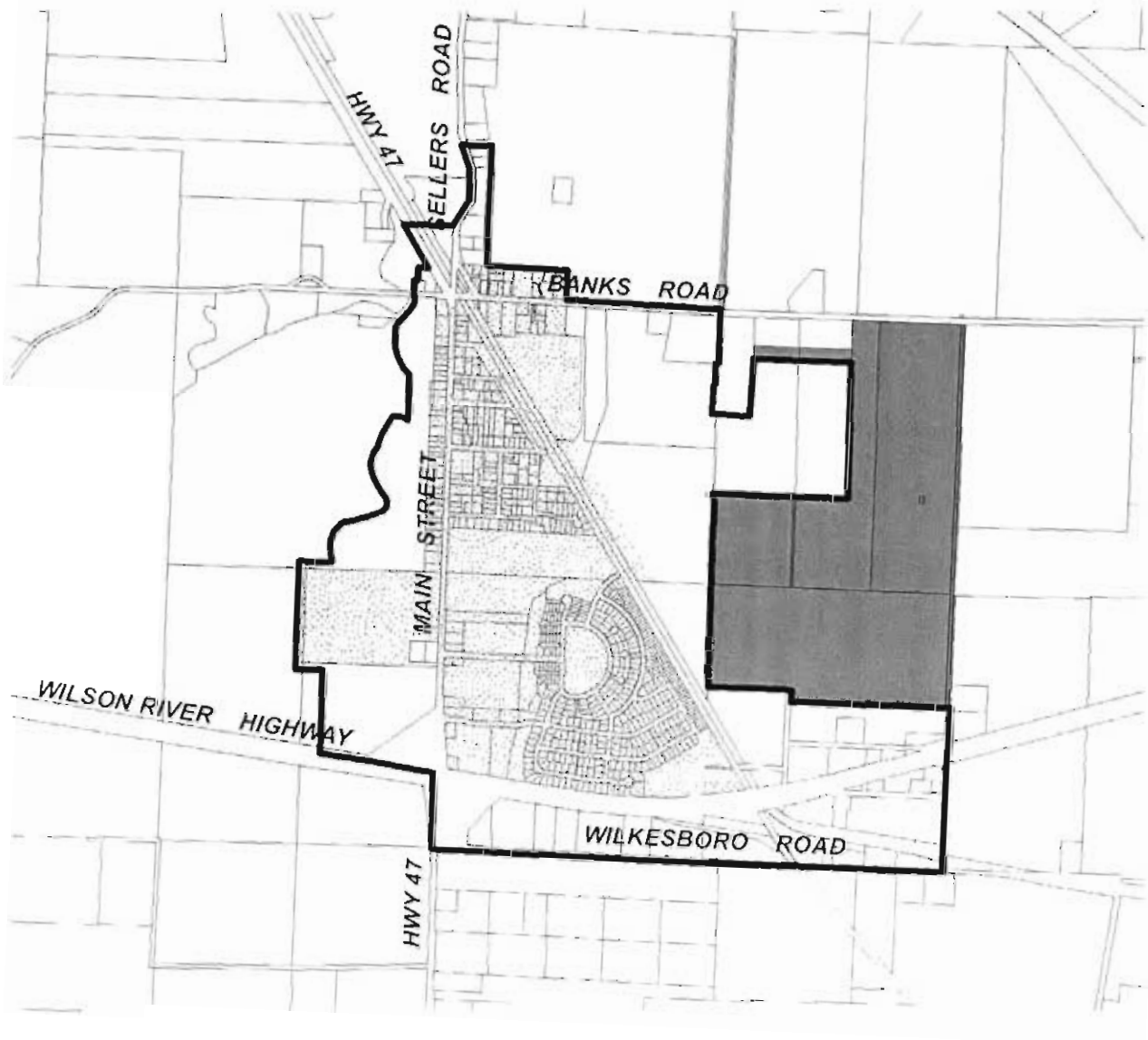
17 First May 21, 2013  
18 Second \_\_\_\_\_  
19 Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

First May 21, 2013  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

20 VOTE: Aye: Duyck, Malinowski, Schouten  
21 Recording Secretary: Barbara Hejtmanek

Nay: \_\_\_\_\_  
Date: \_\_\_\_\_

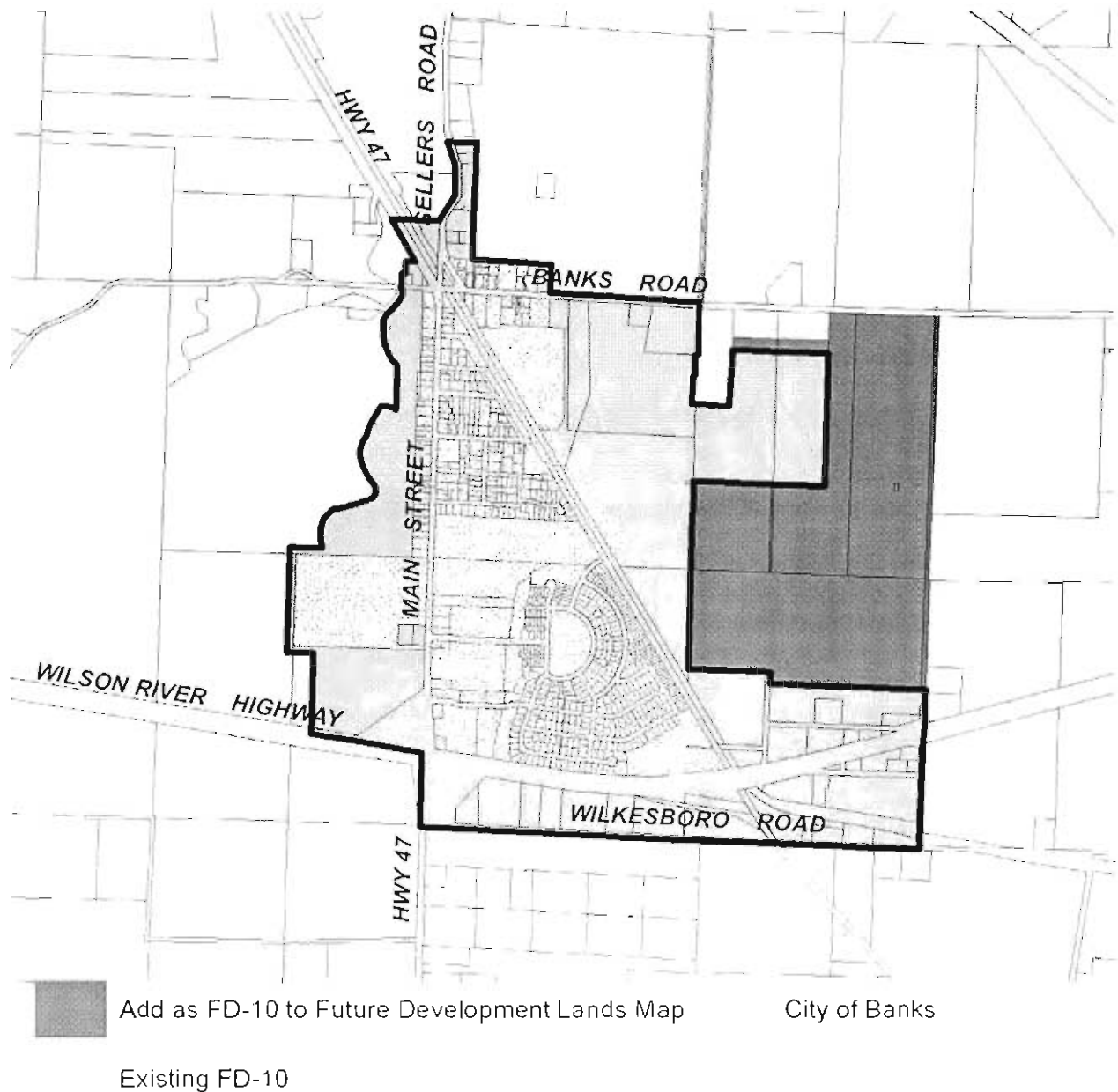
The Rural/Natural Resource Plan Land Use Districts map is amended to remove the properties identified below:



Remove from Rural / Natural Resource Plan

City of Banks

Policy 41, Urban Growth Boundary Expansions, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following changes to Map A, Future Development Areas:



The Washington County – Banks Urban Planning Area Agreement is amended to reflect the following:

**Washington County – Banks  
Urban Planning Area Agreement**

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF BANKS, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency, and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination will be implemented; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Planning Area within which both the COUNTY and the CITY maintain an interest in comprehensive planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area; and
3. A process to amend the Urban Planning Agreement; and

WHEREAS, the CITY'S urban growth boundary (UGB) was amended in 2011 and 2012; ~~expanded and deemed acknowledged 2011~~; and,

WHEREAS, the COUNTY and CITY desire to amend the Urban Planning Area Agreement (UPAA) to reflect the changes in the CITY boundary and the UGB and the need for urban planning of the new urban land; and

WHEREAS, the COUNTY and CITY desire to amend the UPAA to reflect the CITY'S Urban Reserve Study Area, within which Urban Reserves will be designated through a cooperative process between the COUNTY and CITY subject to Oregon Administrative Rule (OAR) 660, Division 21.



NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area

The Urban Planning Area mutually defined by the COUNTY and the CITY includes the area designated on Exhibit "A" to this agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046, or similar general ordinance establishing standards for implementing a comprehensive plan. "Implementing regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approval or denials, annexations, variances, building permits, and similar administrative-type decisions.

2. The COUNTY shall provide the CITY with the appropriate opportunity to participate, review, and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the appropriate opportunity to participate, review, and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than forty-five (45) days prior to the final hearing on adoption. The

specific method and level of involvement shall be finalized by "Memorandums of Understanding" negotiated and signed by the planning directors of the CITY and the COUNTY. The "Memorandums of Understanding" shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of notification of a proposed action, the responding agency determines it does not need to participate in the adoption process, it may waive the requirement to negotiate and sign a "Memorandum of Understanding".

- b. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final recommendations, or b) by letter to the responding agency explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration as part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by a local government which requires notifying by mail the owners of property who could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but is not limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits, individual subdivisions,

partitions or planned unit developments, variances, and other similar actions requiring a quasi-judicial hearing process.

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an affect on unincorporated portions of the designated Urban Planning Area.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
  - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail a copy of the public hearing notice which identifies the proposed development action to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than ten (10) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
  - b. The agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
  - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
  - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.
  - a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by

first class mail a copy of all public hearings agendas which contain the proposed actions to the other agency, hereinafter the responding agency, at the earliest opportunity, but no less than three (3) days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.

- b. The agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
- c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

D. The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical, and based upon a mutually agreed upon plan.

- 1. For land with COUNTY rural plan designations which have been included inside the UGB, or land with the FD-10 District designation, the CITY shall be responsible for comprehensive planning, including necessary work to comply with Statewide planning goals and associated administrative rules and requirements. The parties will apply the coordination provisions of Paragraph II.A.2. of this UPAA. The urban designations adopted by the CITY will not become effective and development of land pursuant to the designations will not occur until the land has been annexed to the CITY. As an interim measure, the COUNTY will adopt the FD-10 plan designation for lands which have been included inside the UGB.

### III. Special Policies

#### A. Definitions

- 1. Urban Growth Boundary means the area within which urban development will occur as represented in the City of Banks' Comprehensive Plan. The CITY is responsible for comprehensive planning within the ~~Urban Growth Boundary~~UGB.
- 2. ~~Area of Interest means the area adjacent to but outside of the existing Urban Growth Boundary which the CITY has identified as the most logical area for urban expansion should a need be demonstrated. The COUNTY is responsible for comprehensive planning and development actions within the~~



~~area of interest until such time as the Urban Growth Boundary is expanded and the area is annexed to the CITY.~~

2. ~~Urban Planning Area means the combined area of the~~ the area inside the Urban Growth Boundary, but outside the city limits. The CITY and the COUNTY shall notify one another of proposed comprehensive planning and development actions within the Urban Planning Area according to the provisions of this Agreement.

3. ~~Urban Reserve Study Area means the undesignated rural lands surrounding the CITY, as well as the Area of Interest.~~ These lands may undergo future study through a cooperative effort between the COUNTY and CITY to designate Urban Reserves pursuant to OAR 660-021.

- B. Annexations within the Urban Planning Area will not be opposed by the COUNTY.
- C. Annexations outside of the Urban Planning Area will not be supported by the COUNTY or CITY.
- D. The CITY and COUNTY may cooperate in planning for urban facilities.
- E. The COUNTY will not approve a land use proposal in the Urban Planning Area if the CITY presents evidence to show that the proposal would not facilitate an urban level of development in the future upon annexation to the CITY.
- F. The COUNTY will not approve a land use proposal for residential densities designated in the Banks Comprehensive Plan without public water and public sewer.
- G. Amendments to the Urban Growth Boundary within the Urban Planning Area, or to establish Urban Reserves pursuant to OAR 660-021, shall require an amendment to Exhibit "A" as outlined in Section IV of this agreement.

#### IV. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this agreement or the Urban Planning Area Boundary:
  - 1. The CITY or COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
  - 2. The formal request shall contain the following:
    - a. A statement describing the amendment.
    - b. A statement of findings indicating why the proposed amendment is necessary.

- c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.
  3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within forty-five (45) days of the date the request is received.
  4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
    - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section IV (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the COUNTY prior to commencing the study.
    - b. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.
- B. The parties will jointly review this Agreement every two (2) years to evaluate the effectiveness of the processes set forth herein and to make any amendments. The review process shall commence two (2) years from the date of execution and shall be completed within sixty (60) days. Both parties shall make a good faith effort to resolve any inconsistencies that may have developed since the previous review. If, after completion of the sixty (60) day review period inconsistencies still remain, either party may terminate this Agreement.
- V. This agreement shall become effective upon full execution by the COUNTY and CITY and shall then repeal and replace the Washington County – Banks Urban Planning Area Agreement dated ~~January 10, 2002~~ November 19, 2012. The effective date of this Agreement shall be the last date of signature on the signature pages.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF BANKS

By \_\_\_\_\_ Date \_\_\_\_\_  
Mayor

WASHINGTON COUNTY

By \_\_\_\_\_ Date \_\_\_\_\_  
Chair, Board of County Commissioners

By \_\_\_\_\_ Date \_\_\_\_\_  
Recording Secretary

Exhibit A

Washington County -- City of Banks Urban Planning Area Agreement

City of Banks Urban Planning Area

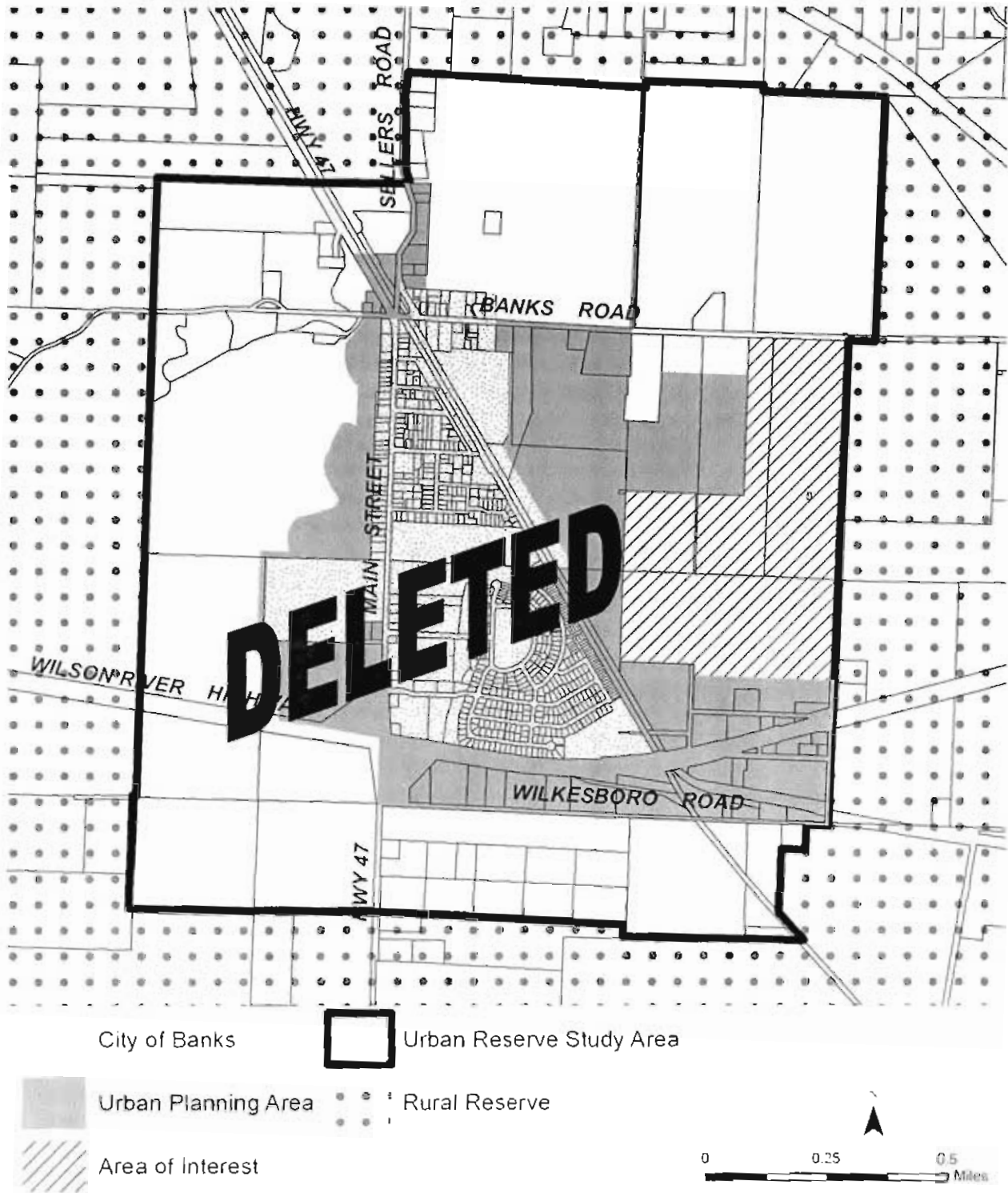
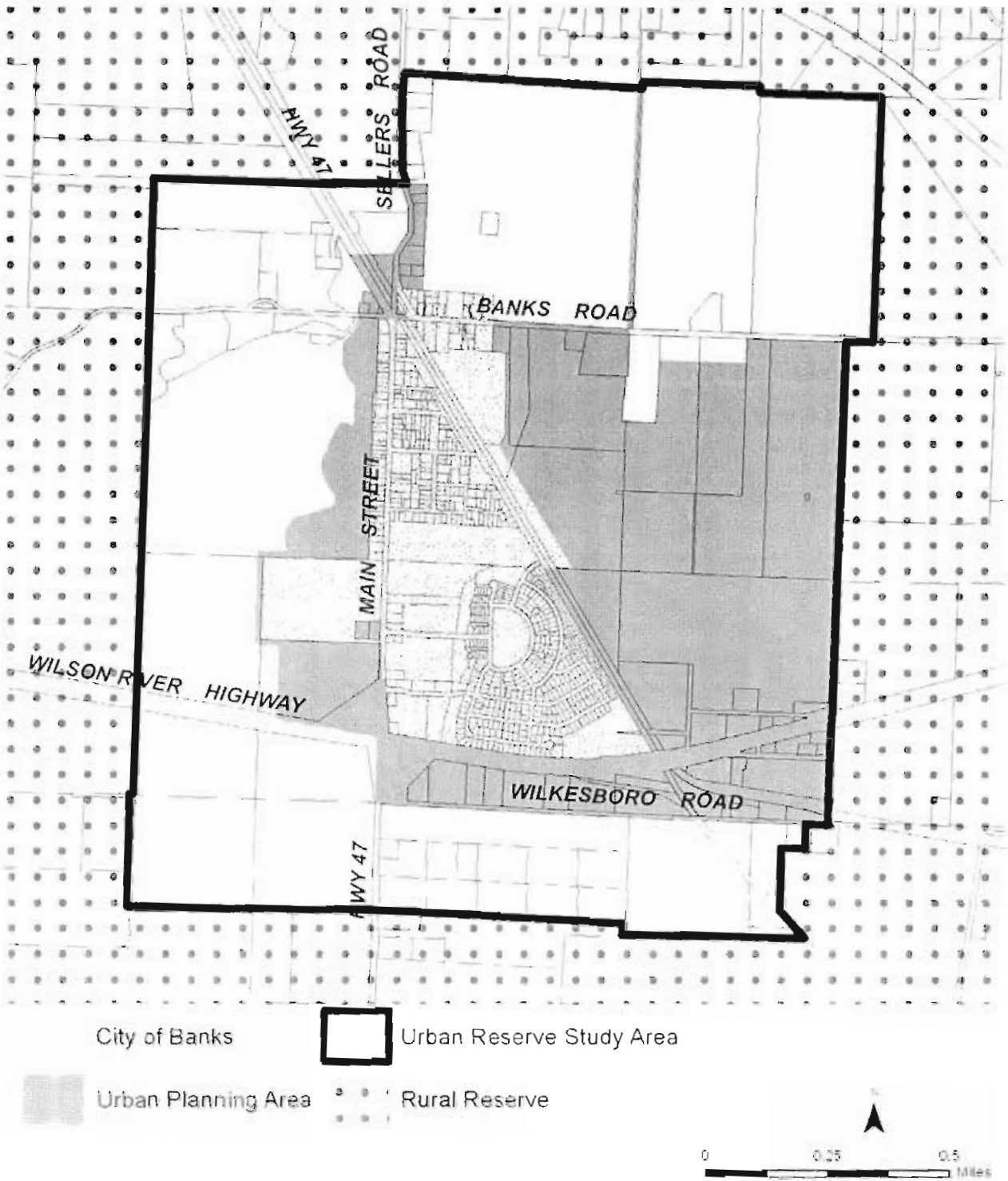




Exhibit A

Washington County -- City of Banks Urban Planning Area Agreement

City of Banks Urban Planning Area



# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action – Land Use & Transportation (CPO 14)

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 764

**Presented by:** Andrew Singelakis, Director of Land Use & Transportation

---

### SUMMARY:

Ordinance No. 764 amends the Washington County Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Washington County – Banks Urban Planning Area Agreement (UPAA) by incorporating changes made to the urban growth boundary (UGB) surrounding the city of Banks. Ordinance No. 764, if adopted, would also apply the Future Development – 10 Acre District (FD-10) designation to areas added to the Banks UGB.

Ordinance No. 764 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 764. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

Attachment: Resolution and Order

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 764 and authorize the Chair to sign the Resolution and Order memorializing the action.

---

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 13-43

Agenda Item No.	<u>5.a.</u>
Date:	<u>05/21/13</u>

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
4 Legislative Findings in Support )  
of Ordinance No. 764 ) No. 13-43

5 This matter having come before the Washington County Board of Commissioners at its  
6 meeting of May 21, 2013; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant  
8 facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon  
9 Revised Statutes and Administrative Rules, and Washington County's Comprehensive Plan  
10 relating to Ordinance No. 764; and

11 It appearing to the Board that the findings attached as Exhibit "A" constitute appropriate  
12 legislative findings with respect to the adopted ordinance; and

13 It appearing to the Board that the findings adopted for Ordinance No. 753 on  
14 September 18, 2012 by Resolution and Order No. 12-76 are incorporated into the record for this  
15 matter; and

16 It appearing to the Board that the Planning Commission, at the conclusion of its public  
17 hearing on April 17, 2013, made a recommendation to the Board, which is in the record and has  
18 been reviewed by the Board; and

19 It appearing to the Board that, in the course of its deliberations, the Board has  
20 considered the record which consists of all notices, testimony, staff reports, and  
21 correspondence from interested parties, together with a record of the Planning Commission's  
22 proceedings, and other items submitted to the Planning Commission and Board regarding this  
23 ordinance; it is therefore,

24 ///

25 ///

26 ///

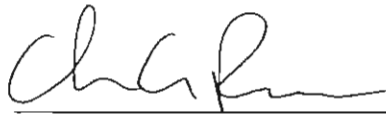
27 ///

1 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of  
2 Ordinance No. 764 are hereby adopted.

3 DATED this 21st day of May, 2013.

4 BOARD OF COUNTY COMMISSIONERS  
5 FOR WASHINGTON COUNTY, OREGON

6 APPROVED AS TO FORM:

7   
8 \_\_\_\_\_

9 County Counsel  
For Washington County, Oregon

  
Chairman

  
Recording Secretary

	AYE	NAY	ABSENT
11 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14 ROGERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15 TERRY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



## **EXHIBIT A**

### **FINDINGS FOR ORDINANCE NO. 764 AN ORDINANCE AMENDING THE WASHINGTON COUNTY RURAL/NATURAL RESOURCE PLAN, COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA AND THE WASHINGTON COUNTY – BANKS URBAN PLANNING AREA AGREEMENT ELEMENTS OF THE COMPREHENSIVE PLAN TO REFLECT CHANGES TO THE BANKS URBAN GROWTH BOUNDARY (UGB)**

**May 21, 2013**

#### **General Findings**

Ordinance No. 764 amends the Washington County Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the Washington County – Banks Urban Planning Area Agreement (UPAA) to incorporate changes made to the urban growth boundary (UGB) of Banks.

On September 18, 2012, the county adopted a similar ordinance, Ordinance No. 753, which brought a number of acres into the Banks UGB under Banks Ordinance No. 2011-04-01 on April 2, 2011. A later 2011 ordinance adopted by the city brought in an area known as the Quail Valley Golf Course (QVGC). The Department of Land Conservation and Development (DLCD) appealed the decision to this second expansion and the matter went into mediation. DLCD believed that the city of Banks had not made sufficient findings as to why a rural golf course needed to be brought into the UGB. The mediation agreement outlined several alternatives to the UGB expansion, including not expanding the UGB to bring in the QVGC, but to annex the land into the city and keep its rural zoning. The city of Banks instead readopted Ordinance No. 2011-04-03 in July 2012, providing additional findings to justify the QVGC expansion as necessary to provide needed recreation land in the city.

Ordinance No. 764 was filed to update the Washington County – Banks UPAA and other affected Washington County Comprehensive Plan elements in response to the expansion of the Banks UGB. Banks Ordinance No. 2011-04-03 expanded the Banks UGB and was adopted by the Banks City Council on July 17, 2012. The Land Conservation and Development Commission (LCDC) requires cities and counties to “jointly adopt” UGB expansions before DLCD can review the decision. The city’s findings that were adopted as part of Ordinance Nos. 2011-04-01 and 2011-04-03 are included in the record of the county ordinance proceedings and provide both an adequate factual base and a thorough explanation of compliance with the state goals.

Incorporated in the findings for Exhibit A are the following items:

Attachment 1: Banks Ordinance No. 2011-04-03

Ordinance Exhibit 1:

Banks Park & Recreation Master Plan, October 12, 2010

Ordinance Exhibit 2:  
Goal 8 Amendments to Comprehensive Plan

Ordinance Exhibit 3:  
Findings in Support of Comprehensive Plan and Park & Recreation Master Plan  
Amendments

Ordinance Exhibit 4:  
Amendments to City of Banks UGB Expansion Justification Technical Report,  
October 2010

Ordinance Exhibit 5:  
Amendments to City of Banks Transportation System Plan, October 2010

Because Ordinance No. 764 makes changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

## **Goal Findings**

The purpose of these findings is to demonstrate that Ordinance No. 764 is consistent with Statewide Planning Goals, Oregon Revised Statutes (ORS) and OAR. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning requirements and was acknowledged by the State of Oregon to be in compliance with these requirements. The county follows the post-acknowledgement plan amendment (PAPA) process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No Goal compliance issues were raised in the proceeding below. In addition, none of the proposed changes to text implicate a Goal compliance issue. The following findings are provided to demonstrate ongoing compliance.

### **Goal 1 - Citizen Involvement**

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County utilized these requirements for the review and adoption of Ordinance No. 764.

### **Goal 2 - Land Use Planning**

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and Urban Planning Area Agreements. Washington County utilized this process to adopt Ordinance No. 764. Notice was coordinated with all affected governmental entities. Comments were received from the Quail Valley Golf Course (QVGC) and the city of Banks. These letters expressed support for adoption of the ordinance without any amendments.

The Banks City Council adopted Ordinance No. 2011-04-01 in April 2011 and Ordinance No. 2011-04-03 in July 2012 to expand the city's urban growth boundary. The city coordinated with both county and Oregon Department of Land Conservation and Development (DLCD) staff to assure a coordinated UGB expansion. DLCD requires cities and counties to "jointly adopt" UGB expansions. The county relies on the city's findings which provide a summary of the factual basis for amending the UGB and the intergovernmental coordination provided during the UGB amendment process.

### **Goal 3 - Agricultural Land**

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Ordinance No. 764 amends the Rural/Natural Resource Plan by removing properties added to the Banks UGB from the Land Use Districts map.

The Banks City Council adopted Ordinance No. 2011-04-01 in April 2011 and Ordinance No. 2011-04-03 in July 2012 to expand the city's UGB, and demonstrated compliance with statutes and rules protecting agricultural land by requiring inclusion of exception lands to meet urban needs before resource lands could be considered for inclusion. The county relies on the findings adopted by Banks to demonstrate compliance with Statewide Planning Goals 3 and 14.

These amendments are in compliance with Goal 3 and are consistent with the county's acknowledged policies and standards for protecting agricultural lands identified under Goal 3.

### **Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources**

Policies 10, 11 and 12 of the Comprehensive Framework Plan for the Urban Area. Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the Community Development Code include provisions for the protection of Goal 5 resources. In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to Post Acknowledgment Plan Amendments (PAPAs) initiated on or after September 1, 1996 when the PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource or if the PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 site.

Ordinance No. 764 removes the lands that are now within the Banks UGB from the Rural/Natural Resource Plan. Since there are no significant natural resources in this area, no changes were made to Policy 41's Goal 5 Resources for Future Development Areas map of the Comprehensive Framework Plan for the Urban Area. Therefore, plan compliance with Goal 5 is maintained with amendments made by Ordinance No. 764.

#### **Goal 7 - Natural Disasters and Hazards**

Policy 8 in the Comprehensive Framework Plan for the Urban Area and Policy 8 in the Rural/Natural Resource Plan set forth the county's policy to protect life and property from natural disasters and hazards. The land removed from the Rural/Natural Resource Plan did not contain any significant natural resources or flood hazard areas. Therefore compliance with Goal 7 is maintained with the amendments made by Ordinance No. 764. The amendments are also consistent with the county's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

#### **Goal 11 - Public Facilities and Services**

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Comprehensive Framework Plan for the Urban Area and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The Community Development Code requires that adequate public facilities and services be available for new development.

Ordinance No. 764 designates the lands brought into the Banks UGB as Future Development 10 Acre District (FD-10). Per the Washington County – Banks UPAA, this designation will remain on those properties and development to urban densities may not occur until they have been annexed to the city. The UPAA also states that the city and county may cooperate in planning for urban facilities, and the county will not approve a land use proposal for residential densities designated in the Banks Comprehensive Plan if the affected properties cannot be served with public water and public sewer.

Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 764. The amendments are consistent with the county's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments are also consistent with the provisions of OAR 660-011 and ORS 195.110.

#### **Goal 12 - Transportation**

Policy 32 of the Comprehensive Framework Plan for the Urban Area, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the Transportation Plan and the Community Development Code. Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 764. The amendments are consistent with the county's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR 660-012) and the Regional Transportation Plan (RTP).

#### **Goal 14 - Urbanization**

Policies 1, 13, 14, 16, 17, 18, 19 and 41 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional UGB. In particular, Policies 1, 18 and 41 of the Comprehensive Framework Plan for the Urban Area guide the designation of lands added to an UGB. B-Engrossed Ordinance No. 615, adopted in April 2004, amended Policy 18 to state that lands added to the UGBs of Banks, Gaston or North Plains shall be designated Future Development – 10 Acre District (FD-10).

The City Council of Banks adopted Ordinance No. 2011-04-01 in April 2011 and re-adopted Ordinance No. 2011-04-03 in July 2012 to expand the city's UGB. The city's decision followed years of work by city staff and consultants to demonstrate compliance with Goal 14 and related rules and statutes, through the course of public hearings, public meetings, and coordination by the city with county and DLCD staff. The county relies on the findings adopted by the city and the fact that the city's decision is deemed acknowledged to demonstrate compliance with Statewide Planning Goal 14.

In accordance with Plan policies, Ordinance No. 764 designates the lands brought into the Banks UGB as FD-10 on Policy 41's Future Development Areas map of the Comprehensive Framework Plan for the Urban Area. This designation is given to unincorporated portions of cities where the cities are the only available source for urban services. The FD-10 District also recognizes the desirability of encouraging and retaining limited interim land uses until the lands are annexed to a city.

Ordinance No. 764 amends the Rural/Natural Resource Plan to remove areas added to the UGB of Banks. Those areas were added to the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area and were designated Future Development 10-Acre District (FD-10). There were no Significant Natural resources designations in these areas to reflect on the Comprehensive Framework Plan's Significant Natural Resource Map.

The Washington County – Banks Urban Planning Area Agreement is amended by Ordinance No. 764 to reflect the expansion of the UGB adopted by Banks' Ordinance No. 2011-04-03. The Agreement was also previously amended by Ordinance No. 753 to reflect the expansion of the UGB adopted by Banks' acknowledged Ordinance No. 2011-04-01.

Plan compliance with Goal 14 is maintained with the amendments made by Ordinance No. 764. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14.





# **ORDINANCE NO. 2011-04-03**

## **AN ORDINANCE ADOPTING THE PARK AND RECREATION MASTER PLAN AS A RESOURCE ELEMENT OF THE BANKS COMPREHENSIVE PLAN, AMENDING THE GOAL 8 RECREATION ELEMENT OF THE BANKS COMPREHENSIVE PLAN, AMENDING ORDINANCE NUMBER 2011-04-01 TO AMEND THE URBAN GROWTH BOUNDARY AND AMENDING ORDINANCE NUMBER 2011-04-02 TO AMEND THE CITY OF BANKS TRANSPORTATION SYSTEM PLAN**

WHEREAS, during the planning and public review processes described in Ordinance Numbers 2011-04-01 and 2011-04-02 the City of Banks Planning Commission and City Council decided to update the City's Park and Recreation Master Plan (PRMP) and include the updated PRMP as a resource element of the City's Comprehensive Plan, to consider whether the Quail Valley Golf Course should be included in the expansion of the Urban Growth Boundary (UGB) and to include undeveloped land within the Golf Course as a part of the established residential land needs of the City; and

WHEREAS, the professional consulting firm Cogan Owens Cogan (COC) prepared reports and findings, an updated PRMP, recommended amendments to the City's Goal 8 element, the proposed UGB expansion and the proposed Transportation System Plan; and

WHEREAS, the Planning Commission and City Council in public meetings received comments from the public and other government agencies on the COC proposals and decided to include the proposals and recommendations in the City's legislative update of its Comprehensive Plan; and

WHEREAS, the "DLCD Notice of Proposed Amendment" that included the proposals and recommendations as Part III was delivered to the DLCD Salem office on October 29, 2010 in accord with ORS 197.610(1); and

WHEREAS, the Banks Planning Commission has conducted the first evidentiary hearing on December 15, 2010 to consider the Part III proposals and, based on the findings and analyses contained in the COC documents, unanimously adopted a motion to forward the proposals to City Council with a recommendation that Council adopt the proposed amendments; and

WHEREAS, the Banks City Council has conducted a public hearing on February 8, 2011 regarding the proposed Part III amendments and accepted the Planning Commission's recommendation regarding Part III, with modifications.

NOW THEREFORE, THE CITY OF BANKS ORDAINS AS FOLLOWS:

- ☐ Amend The Banks Municipal Code TITLE XV LAND USAGE, CHAPTER 153: COMPREHENSIVE PLAN, Section 153.01 ADOPTION BY REFERENCE, to adopt the

ORDINANCE NO. 2011-04-03





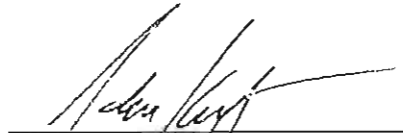
updated Park and Recreation Master Plan (Exhibit 1) as a resource element of the City of Banks Comprehensive Plan.

- ☐ Amend The Banks Municipal Code TITLE XV LAND USAGE, CHAPTER 153: COMPREHENSIVE PLAN, Section 153.01 ADOPTION BY REFERENCE, to adopt the amendments to Goal 8 of the City of Banks Comprehensive Plan provided in Exhibit 2.
- ☐ Adopt Exhibit 3 as findings in support of the amendments adopted above.
- ☐ Amend The Banks Municipal Code TITLE XV LAND USAGE, CHAPTER 153: COMPREHENSIVE PLAN, Section 153.01 ADOPTION BY REFERENCE, by amending Ordinance 2011-04-01 to adopt the amendments to the "*City of Banks Urban Growth Boundary Expansion Justification Technical Report*" dated October 2010, including the amended Figure 13, "*Zoning Allocation Strategy Map*", and including the Comprehensive Plan policy at page 2, as provided in Exhibit 4. The Comprehensive Plan policy is added as an additional policy of the urbanization goal as follows: "If a Comprehensive Plan or Zoning map amendment is proposed in the future for any part of the Quail Valley Golf Corporation property designated Community Facilities District for any designation other than Community Facilities District, the applicant must demonstrate and the City must find that all requirements of state statutes, LCDC Goals and rules and City ordinances and regulations have been satisfied in the same manner as if the property were to be converted at that time from rural to the proposed urban uses and without regard to the fact that the property was previously converted to urban use for the single purpose of Community Facilities District golf course use. By way of example and not limitation, if a commercial, industrial or residential use is proposed for some part of the property, the LCDC Goal 14 need and locational factors for conversion of rural land to urban land and Goal 12 transportation must be considered and satisfied."
- ☐ Amend The Banks Municipal Code TITLE XV LAND USAGE, CHAPTER 153: COMPREHENSIVE PLAN, Section 153.01 ADOPTION BY REFERENCE, by amending Ordinance 2011-04-02 to adopt the amendments to the "*City of Banks Transportation System Plan Volumes I and II*" dated October 2010 as provided in Exhibit 5.

BROUGHT BEFORE the Banks City Council on July 17, 2012.

ADOPTED BY the Banks City Council on July 17, 2012.

EFFECTIVE: This Ordinance becomes effective on August 17, 2012.

  
Mayor John Kinsky

Attest:

  
Jolynn Becker, City Recorder

Summary of Votes:

Brian Biehl	Yes/No
Pete Edison	Yes/No
Rob Fowler	Yes/No
Christy Greagor	Yes/No
Mark Gregg	Yes/No
Craig Stewart	Yes/No



# EXHIBIT 1





# Park & Recreation Master Plan

Updated Plan adopted by City council on October 12, 2010

**City of Banks**  
120 South Main Street, Banks, Oregon 97106  
(503) 324-5112  
[www.cityofbanks.org](http://www.cityofbanks.org)



2010 Update prepared by

**COGAN  
OWENS  
COGAN**

# Acknowledgments

## **City Council**

Mayor John Kinsky  
Council President Pete Edison  
Councilor Brian Biehl  
Councilor Rob Fowler  
Councilor Christy Greager  
Councilor Mark Gregg  
Councilor Craig Stewart

## **City Planning Commission**

Planning Commission Chair Teresa Lyda  
Commissioner Raymond Deeth  
Commissioner Allan Polendey  
Commissioner Janet Towne  
Commissioner Sam Van Dyke

## **Park Management Committee**

Chair Rodney Jacobs  
Pat Dowd  
Christy Greagor  
Brian Leonard  
Michael Wynkoop

## **City Staff**

City Manager Jim Hough  
City Recorder/Finance Director Jolynn Becker  
City Attorney Jim Lucas  
City Planner K.J. Won  
Public Works Supervisor Fred Evers

## **2007 Park & Recreation Master Plan Parati**

**2010 Plan Update Consultant Team**  
Arnold Cogan FAICP, Cogan Owens Cogan LLC  
Ellie Fiore AICP, Cogan Owens Cogan LLC  
Ric Stephens, Stephens Planning & Design LLC



# Table of Contents

Acknowledgments .....	2
Table of Contents .....	3
Introduction .....	5
Facilities Classification .....	6
Facilities Inventory .....	8
Future Conditions .....	26
Needs Assessment .....	27
Capital Improvements Program .....	29
Financing Options .....	40
Conclusions .....	42
Recommendations .....	42
Index .....	43
Appendices .....	44

# Tables & Figures

## TABLES

Table 1: Facilities Inventory .....	8
Table 2: Population Projections .....	26
Table 3: Current Inventory, Initial and Future Needs Assessment by Use .....	28
Table 4: Preliminary Cost Estimate Log Cabin Park .....	31
Table 5: Preliminary Cost Estimate Greenville City Park .....	33
Table 6: Preliminary Cost Estimate Comprehensive Trail System .....	38
Table 7: Summary of Costs .....	39

## FIGURES

Figure 1: Facility Locations .....	9
Figure 2: Existing Conditions—Log Cabin Park .....	10
Figure 3: Existing Conditions—Greenville City Park .....	12
Figure 4: Existing Conditions—Sunset Park .....	14
Figure 5: Existing Conditions—Path to the Pacific .....	16
Figure 6: Existing Conditions—Banks-Vernonia State Trail .....	17
Figure 7: Existing Conditions—Banks Junior High / High School .....	19
Figure 8: Existing Conditions—Banks Elementary School .....	20
Figure 9: Existing Conditions—Arbor Village Path .....	21
Figure 10: Existing Conditions—Quail Valley Golf Course .....	23
Figure 11: Conceptual Plan—Log Cabin Park .....	30
Figure 12: Conceptual Plan—Greenville City Park .....	32
Figure 13: Conceptual Plan—Banks Trail System .....	37

## APPENDICES

Appendix A: Banks-Vernonia State Trail Map
Appendix B: Athletic Facility Requirements
Appendix C: Bi-State Trails Plan

# Introduction

The City of Banks recognizes the importance of places for recreation for the community's well being both in the variety of parks available, and in the open space possibilities within the City. It is the City's intent to continue to maintain a balance between work, living, and play spaces.

Banks currently has two city parks: Greenville City Park and Log Cabin Park. The City Parks are the only facilities on City property, under City administration. This Park and Recreation Master Plan develops a 20-year Parks Plan for the two existing parks, future additions to the park system as well as briefly noting existing Banks public school facilities, Sunset Park facilities and the Banks-Vernonia State Trail Trailhead. Also taken into consideration are the Arbor Village Path, Quail Valley Golf Course, and additional surrounding facilities within a 10-mile radius of Banks.

The Park and Recreation Master Plan emphasizes the following: meaningful public participation, environmental sensitivity, cooperation between public service providers, innovative design, realistic implementation, utilization of partnerships, long term sustainability, and safety and accessibility. Particular attention is paid to the goal of creating adequate recreational facilities for all age groups. Attention is also paid to achieving ADA compliancy.

The Park and Recreation Master Plan is intended to provide a framework for future parks development by

serving as a conceptual master plan. Future development recommendations made by this plan will require further exploration and design prior to implementation.

Conditions and criteria for which this plan is based may change, and therefore plan should be updated every five years.

*Goal: To provide adequate parkland, recreational facilities and opportunities for the citizens of Banks and its visitors.*

The 2010 Park & Recreation Master Plan Update is based on the Master Plan prepared by Parati and adopted by City Council on September 11, 2007.

This hypertext document uses the following conventions:

Light blue text: hyperlink

▲: Hyperlink to Table of Contents



# Facilities Classification

The National Recreation and Park Association recommends that a park system, at a minimum, be composed of a total of 6.25 to 10.5 acres of developed open space per 1,000 residents. Six different classifications of developed parks are defined below. Following each classification is an initial recommendation appropriate to the Banks Park and Recreation Master Plan.

## Playlots

Small areas intended primarily for the use of children up to early elementary grades. Improvements include play equipment, swings, slides, sandboxes, climbing structures, and benches or tables (for supervising adults). These parks generally serve children up to age nine, and should have accommodations for supervising adults. This classification of park generally serves a neighborhood of 500 to 2,500 residents within a 1/4-mile radius. These parks typically range in size from 1,000 square feet to one acre (43,560 square feet). A suggested service level is from 0.1 acre to 0.3 acre per 1,000 residents.

## Neighborhood Playground

These facilities are designed to provide both active and passive short-term activities. These facilities are often located adjacent to public schools. These playgrounds typically provide play areas for preschool and school age children, shelter structures, open space, multiple use paved areas for

court games, playing fields, off-street parking, and lighting. The focus for this classification of park is ages 5 to 14, with informal recreation for all ages. One of these facilities for each 1,000 to 5,000 residents is recommended. The service area for this type of facility is a 1/2-mile radius. Two acres per 1,000 residents is recommended with a minimum facility size of approximately 5 acres.

## Neighborhood Park

This classification is for a landscaped natural park of limited size, primarily for passive recreational needs of all ages, with designated active areas. The facility should provide some scenic and aesthetic values. This type of facility is typically in or near a multi-family neighborhood. Typical improvements for this type of facility include open lawn space, shrubbery, small picnic areas, drinking fountain, miniature nature walks, off-street parking, and lighting. This type of facility provides for recreational needs of all ages and typically will serve a population of 1,000 to 10,000. The facility serves the entire neighborhood and may attract users from other neighborhoods if there are unique features. It is recommended that 2.0 acres per 1,000 residents be provided for small cities. These facilities typically range from 6 to 8 acres for small cities.

## Community Playfield

These facilities are primarily an athletic complex that serves the recreational needs of the entire community. This type of facility is

often provided by the public schools. Improvements include lighted court and field games area, community center, swimming pool, lawn areas, adequate parking, and may have play areas for younger children. These facilities may be associated with a larger community park. These facilities have a high potential for recreational programming such as softball, little league, and youth soccer. The facility typically serves the entire population of the community, likely beyond city boundaries. Recommended areas are for a minimum of 1.0 to 2.0 acres per 1,000 residents. These facilities are typically 15 acres or more.

## Major Community Park

This classification is represented by a large natural area, and / or landscaped area to provide urban dwellers an escape from congestion without traveling a long distance. These facilities are designed to accommodate a large number of people and a wide variety of activities. The facility should provide for both intensive active use and passive use. Improvements include both intensive and non-intensive development ranging from play apparatus to bicycle trails. Typical facilities include swimming facilities, picnic areas, paths, game courts, gardens, natural areas, pavilion, gazebo, ample parking, sanitary facilities, and lighting. The facility may include multi-purpose trails either internally or as part of a system. This classification

serves all ages from toddlers to retirees. Recommended areas are from 1.0 to 5.0 acres per 1,000 residents. Size ranges from 20 to 35 acres.

## Special Use

The National Recreation and Park Association (NRPA) recognizes unique regional and local community facilities that have special recreation uses. This classification includes "areas for specialized or singular purpose recreational activities, such as golf courses, nature centers..."

[www.nrpa.org](http://www.nrpa.org)



# Facilities Inventory

## Table 1

PARK NAME	LOCATION	TYPE	TAX LOT	AREA (ac)	FACILITIES	IMPROVEMENTS
Log Cabin Park	Corner of Main St & Sunset Ave	City-owned Neighborhood Park	4500	0.2	Historic cabin, play structure, benches (2)	Storage shed, sidewalks, trash receptacles (4), drinking fountain, light posts (2)
Greenville City Park	East end of Trellis Way in Arbor Village	City-owned Neighborhood Park	6500	5.8	Gazebo with lights, play structure, open lawn area	Sidewalks, trash receptacles (4), drinking fountain, light posts (2)
Sunset Park	Main St	Privately-owned Community Park	900	23.0	Meeting/event hall, race track with grandstands, baseball/softball fields (4), shooting range, overnight camping, play structures (3), swing sets (2), covered picnic areas (2) picnic tables, benches	Storage buildings, parking, restrooms
The Intertwine	Trailhead at junction of Main St, NW Banks Rd and NW Sellers Rd	State & Regional Parks & Trails			Banks-Vernonia State Trail, future Council Creek Regional Trail, future Turf to Surf Trail	
Banks Junior High / High School	Main St	Public School Sports Fields	2300 & 6900	20.0	Baseball field, softball fields (2), practice in-fields (2), soccer field, football field with track & grandstands, shot-put pits (2), indoor gym	
Banks Elementary School	Main St	Public School Sports Fields & Playground	2800	3.5	Grass soccer/softball field, asphalt play area with covered basketball court, tetherball & assorted yard games, play structures (2), swing set	
Arbor Village Path	Western edge of Arbor Village		20700 & 02000	3.6	Eight-foot wide asphalt path, 1,225 feet long, between Oak St & high school	Rail fence along wetland
Quail Valley Golf Course	12565 NW Aerts Rd	Special Use	2N331 D000 100	144.0	18-hole championship golf course, chipping & pitching green, clubhouse, covered pavilion (150 capacity), driving range, pro shop, putting green, sports bar & BBQ	

# Facility Locations

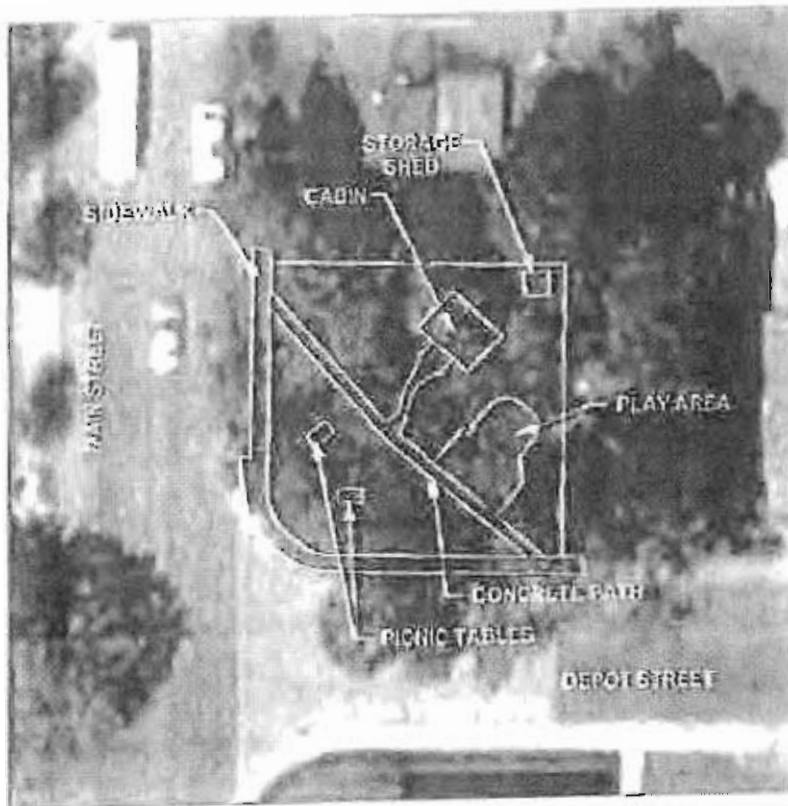
Figure 1



1. Log Cabin Park
2. Greenville City Park
3. Sunset Park
4. Banks-Vernonia State Trail Trailhead
5. Banks Junior High / High School
6. Banks Elementary School
7. Arbor Village Path
8. Quail Valley Golf Course
9. Future Turf to Surf Trail
10. Future Council Creek Regional Trail



# Log Cabin Park



**Figure 2: Log Cabin Park**



## Description

Log Cabin Park is a publicly-owned and operated 10,000 square foot neighborhood park, located at the corner of Main Street and Sunset Avenue. The main feature of the park is the historic log cabin, which was built in 1930 and may be rented out for events. A storage shed is located behind the cabin. Additional park features include a large play structure, two benches, two picnic tables, trash receptacles and a drinking fountain. The site is heavily treed, and is bordered by concrete sidewalks at the two adjacent streets. A small monument near the street corner notes the park dedication.

## Condition

The play structure and other park amenities are in good condition. The log cabin requires ongoing maintenance to prevent insect infestation. The cabin is not ADA accessible, and there are no on-site restrooms. Window glass in cabins may be a potential hazard with children's play activity in and around cabin. The abundant, large trees need to be regularly inspected by an arborist and maintained for safety.

# Greenville City Park

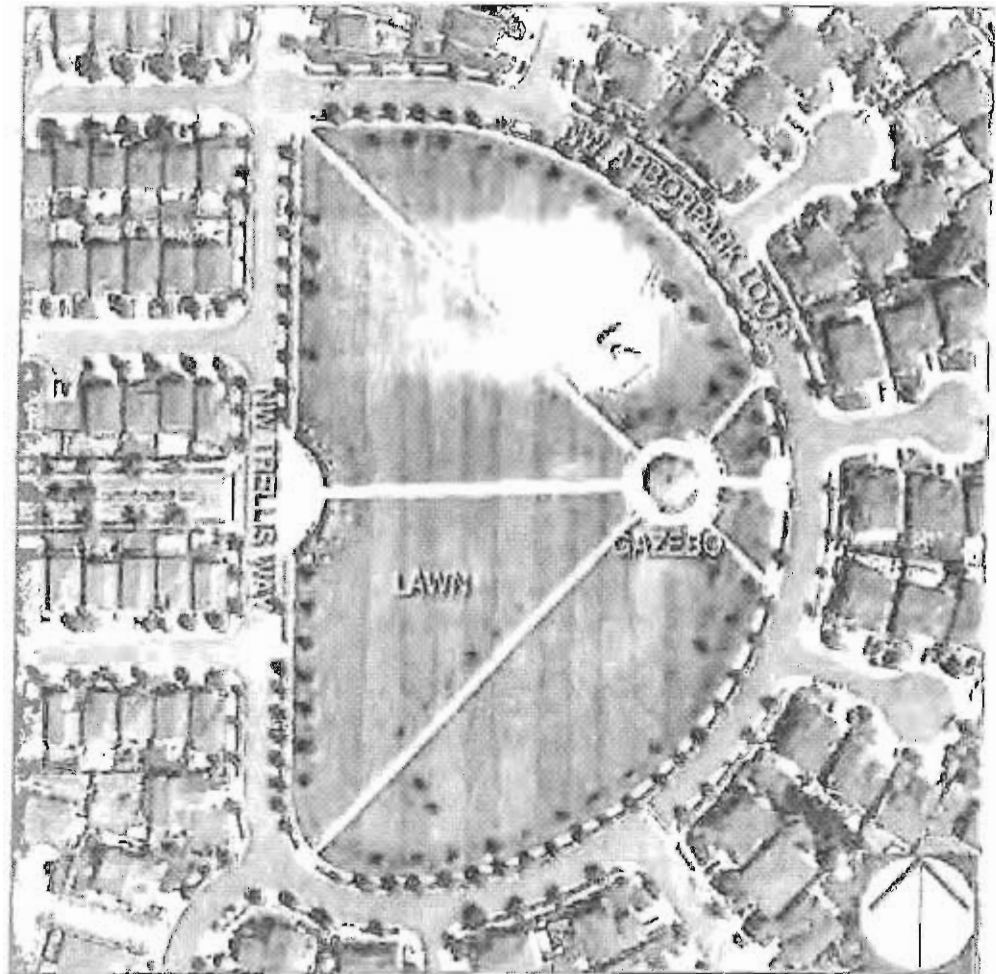
## Description

Greenville City Park is a publicly-owned 5.8-acre neighborhood park located in Arbor Village at the east end of Trellis Way. It is comprised primarily of large, open lawn areas, and its primary feature is a large, open gazebo. The gazebo area contains a play structure, one drinking fountain and four light fixtures, and there are two lamp posts located along the central walks. The entire park perimeter is lined with sidewalks, street trees and lamp posts. The park is maintained by the Arbor Village Homeowners Association and is irrigated with an automatic underground irrigation system.

## Condition

Sidewalks, trees and lawn areas are in good condition. However, existing grass is not well-suited for play field use. The irrigation system needs to be updated and adjusted for better coverage. The gazebo requires significant maintenance, including new paint and minor repairs to broken and rotting wood components.





**Figure 3: Greenville City Park**

# Sunset Park



## Description

Sunset Park is a 23-acre private, non-profit community park. It is located within the city limits, on Main Street, just across from Banks High School. The park is open to the public, and its four baseball/softball fields (also used for soccer) are heavily used by local sports clubs. There is on-site parking, restrooms, and a large meeting/event hall (Schlegel Hall) available for rent. Other facilities include a dirt speedway (Sunset Speedway) with grandstands, shooting range, two covered picnic areas, abundant picnic tables and benches, three play structures and two swing sets. There is limited overnight camping for a fee.

The Banks Sunset Park is a privately owned park run by volunteers and funded by activities hosted at the park.

[bankssunsetpark.com/  
Banks\\_Sunset\\_Park/Home.html](http://bankssunsetpark.com/Banks_Sunset_Park/Home.html)





Figure 4: Sunset Park

# The Intertwine

## Description

The Intertwine Alliance was launched in 2007 to coordinate the efforts of local businesses, non-profit organizations, government agencies and citizens to build a regional network of parks, trails and natural areas.

The City of Banks is at the junction of three of the key regional trails connecting metropolitan centers to the coast. This provides a unique opportunity for Banks to provide recreational and open space opportunities for its citizens and visitors.

## Path to the Pacific






Banks is located on the 127-mile "Path to the Pacific" bi-state regional trail system which includes the Banks-Vernonia State Trail, Council Creek Regional Trail and Turf to Surf Trail.

## Banks-Vernonia State Trail

Banks-Vernonia State Trail is the first "rails-to-trails" state park built in Oregon. It is built on an abandoned railroad bed that stretches 21 miles from the City of Banks to the City of Vernonia. The trail includes an eight-foot wide hiking and bicycle trail paralleled by a four-foot wide horse trail. The gentle grade allows hikers, bicyclists, equestrians and people of all abilities to enjoy the scenic mountains, fields and forests of

Washington and Columbia counties. [Oregon State Parks] Construction of the trail segment into Banks, including bridge and trailhead improvements, are anticipated for completion by the fall of 2010.

Trailhead amenities will include all of the following:

-  Restrooms
-  Parking
-  Informational / historical kiosk
-  Picnic area
-  Horse corral

## Council Creek Regional Trail

The Council Creek Regional Trail is a "target trail" concept proposed to connect the Banks Vernonia State Trail with Forest Grove, Cornelius and Hillsboro. This trail will most probably follow Dairy Creek west of Banks south to Council Creek.

## Turf to Surf Trail

This proposed trail concept hopes to connect the Banks-Vernonia State Trail to North Plains and follow rail right-of-way past the Quail Valley Golf Course.



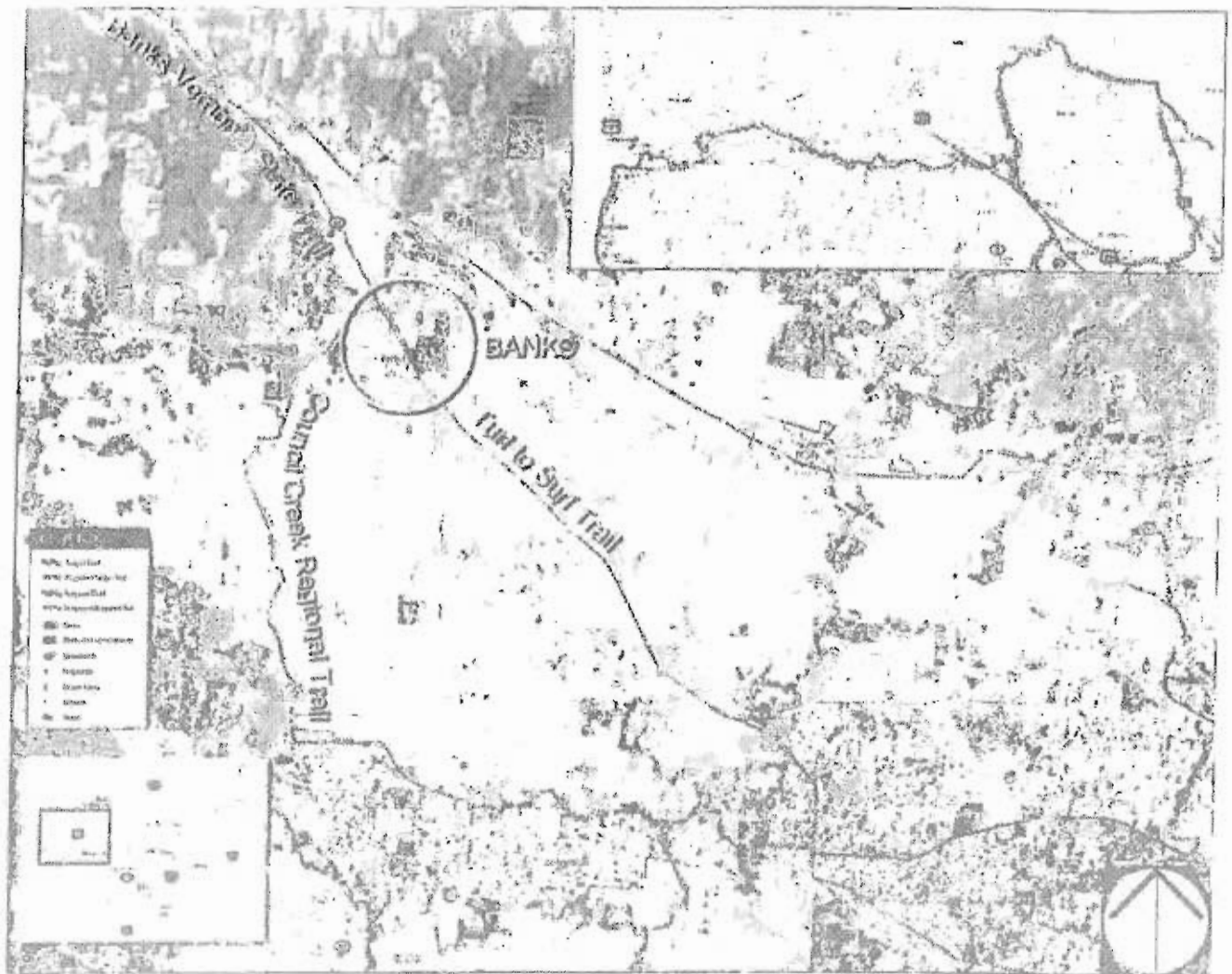
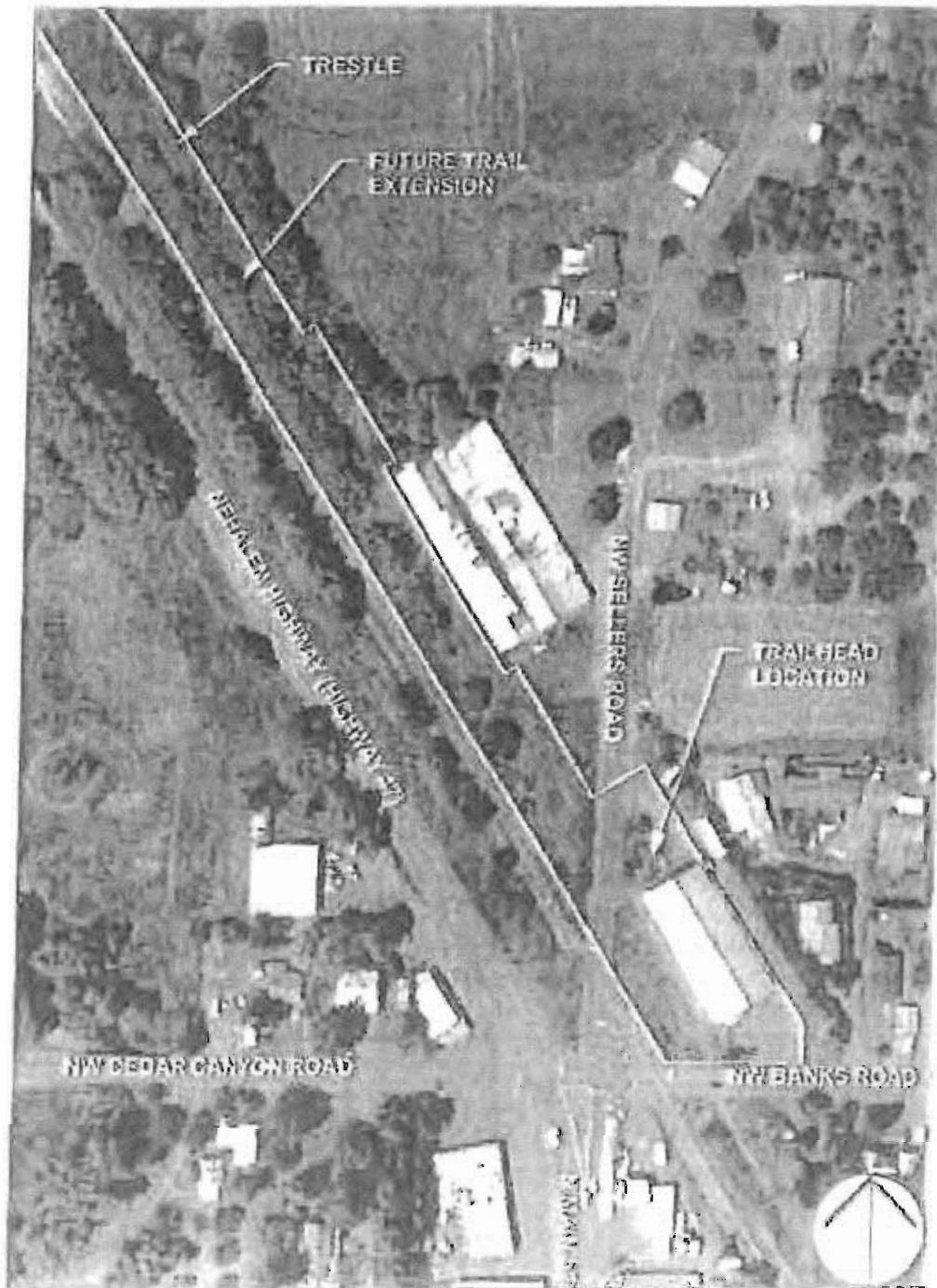


Figure 5: Path to the Pacific





**Figure 6: Banks-Vernonia State Trail and Trailhead**

# Banks School District Facilities

The Banks School District includes one elementary school and one high school / junior high school with respective 2010 approximate enrollments of 600, 200 and 400 students. All outdoor facilities are open for public use at any time; organized clubs or teams pay for facility use. Both facilities are located along Main Street, in the center of town.

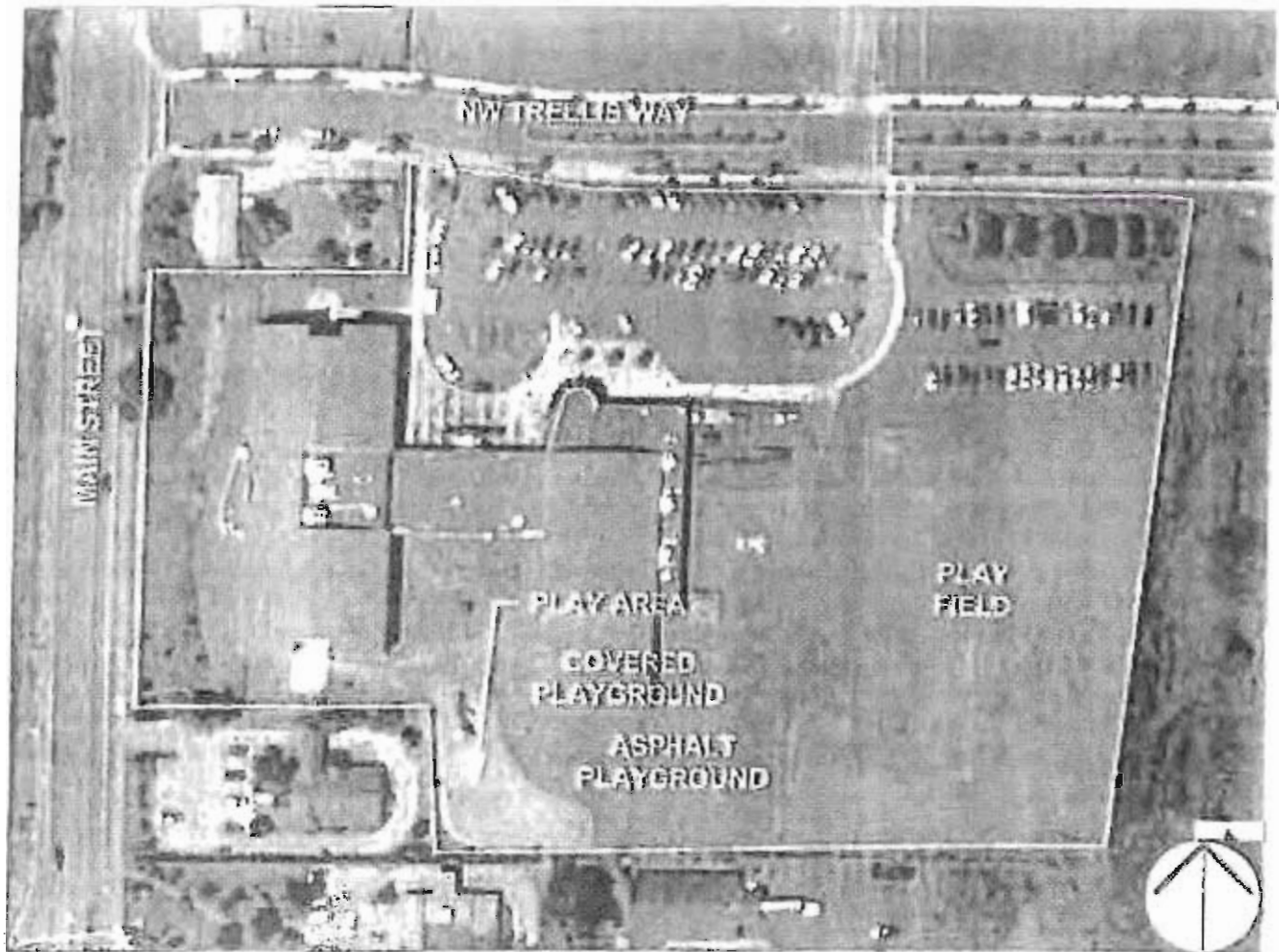
The elementary school facilities include a grass play field with one softball backstop and two soccer goals, an outdoor play area with a swing set and two small play structures, and a blacktop playground with basketball court, tetherball, assorted yard games and a covered basketball court/activity area.

The high school / junior high school facilities include an indoor gym, one baseball field, two softball fields, two practice in-fields, one grass soccer/practice field, one football field with running track and covered grandstand, two shot-put pits and open space behind the baseball diamond.





**Figure 7: Banks Junior High / High School**



**Figure 8: Banks Elementary School**

# Arbor Village Path

The Arbor Village Subdivision path is an eight-foot wide, privately-owned, approximately 2,500-foot long paved pathway. It runs along the entire length of the western boundary of Arbor Village, beginning at Oak Way to the south, and ending at the High School near the football field. The path passes along a wetland, and has rail fencing on either side.

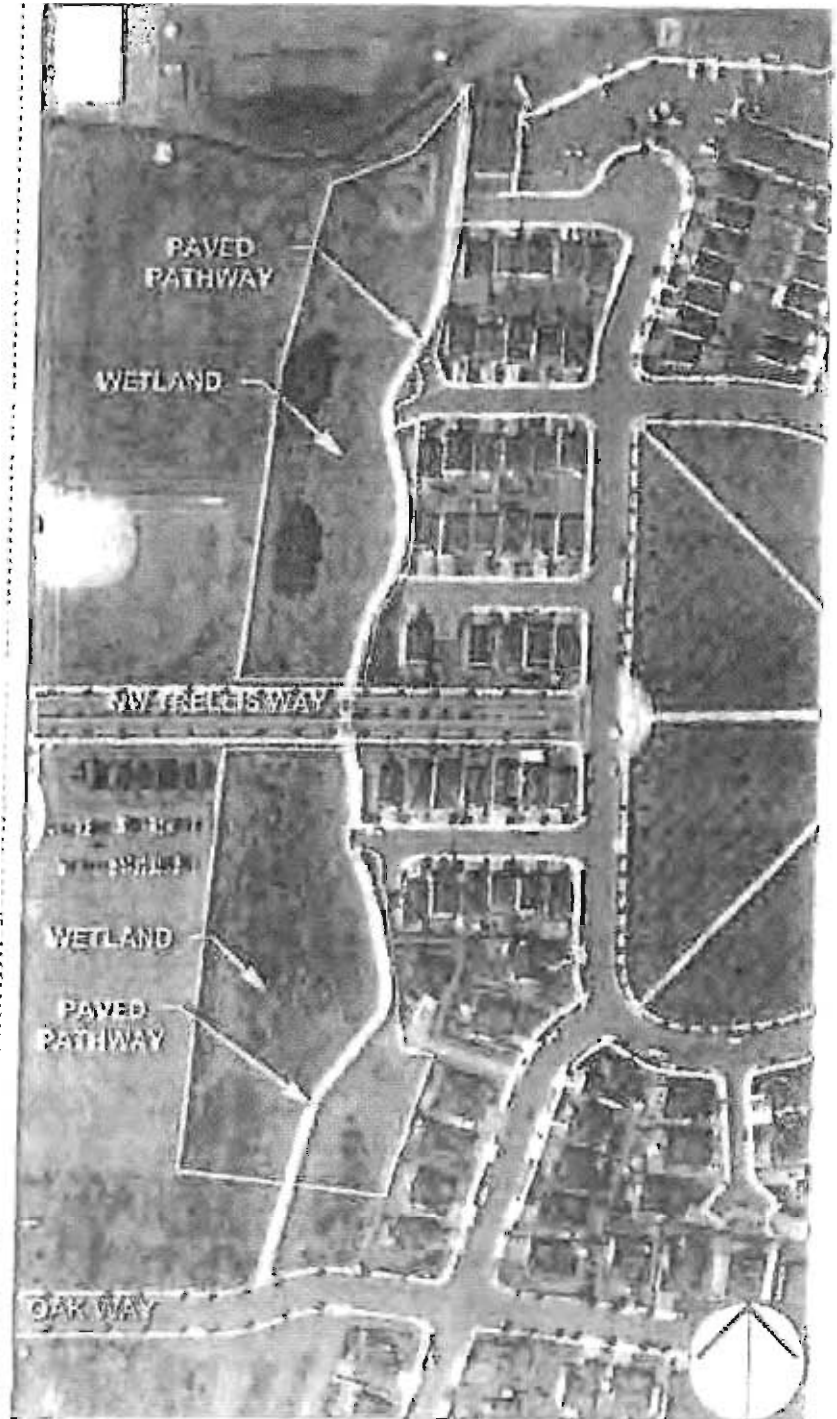


Figure 9: Arbor Village Path



# Quail Valley Golf Course



*By providing jobs, connecting youth and families with the outdoors, providing opportunity for physical activity in support of a healthy lifestyle, and sharing education and knowledge specific to environmental conservation, the game of golf is woven into the fabric of our nation's communities.*

National Recreation & Parks Association

## Description

Quail Valley Golf Course is located just east of Banks, between Highway 6 and NW Banks Road. It is an 18-hole championship facility, with a links style course, practice range and putting green.

Opened in 1994, this links-style course is player-friendly while offering a challenge to any golfer. Quail Valley is open to the public year round. The Quail Valley Golf Course contains 144 acres directly adjacent to the Banks City Limits and offers a variety of programs available to the general public and Banks School District. The course serves a recreational need both local and regional for championship golf

## Facilities

The golf course includes the following facilities:

- 🏌️ 18-hole championship golf course
- 🏌️ Chipping & Pitching Green
- 🏌️ Clubhouse
- 🏌️ Covered Pavilion (150 capacity)
- 🏌️ Driving Range
- 🏌️ Pro Shop
- 🏌️ Putting Green
- 🏌️ Sports Bar & BBQ

The Quail Valley Golf Course is adjacent to the proposed Turf to Surf Regional Trail [see The Intertwine]. This portion of the "Path to the Pacific" provides connectivity to golf course recreation, open space and events for local residents and visitors.

## Recreation

The Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP) identifies the growing senior population and subsequent need for recreational opportunities for this segment of the community. Golf is a sport that can be played well into senior years combining recreation, social interaction and outdoor experience. SCORP also identifies the need for youth to have more outdoor recreation opportunities, and Quail Valley Golf Course provides youth camps, lessons and high school golf programs.

There are no applicable standards for the golf course service areas, and the desirable size and area-to-population ratios are variable. The NRPA recommends a minimum of 110 acres for an 18-hole standard course. The NRPA guidelines state that it is desirable to site Special Uses "within communities" and within 20 miles of a population center.

Quail Valley Golf Course provides the following recreation opportunities:

- 🏌️ Banks High School Teams

- ♣ Camps & Clinics (Junior 7-17 year-old students, Adults and Seniors)
- ♣ Clubs/Leagues (Men's, Women's & Senior's)
- ♣ Event Hosting
- ♣ Golf Lessons (individual & group)
- ♣ Golf Tournaments
- ♣ Pacific University College Teams
- ♣ Special Events (e.g. PGA Championship Day)
- ♣ Speed Golf

## Events

Quail Valley Golf Course hosts numerous community and charitable event for many organizations including:

- ♣ Banks Elementary School Field Trips
- ♣ Chambers of Commerce (Banks, Forest Grove, North Plains)
- ♣ Habitat for Humanity
- ♣ Kiwanis for Kids
- ♣ Special Olympics
- ♣ U.S. Kids Tour

[www.quailvalleygolf.com](http://www.quailvalleygolf.com)

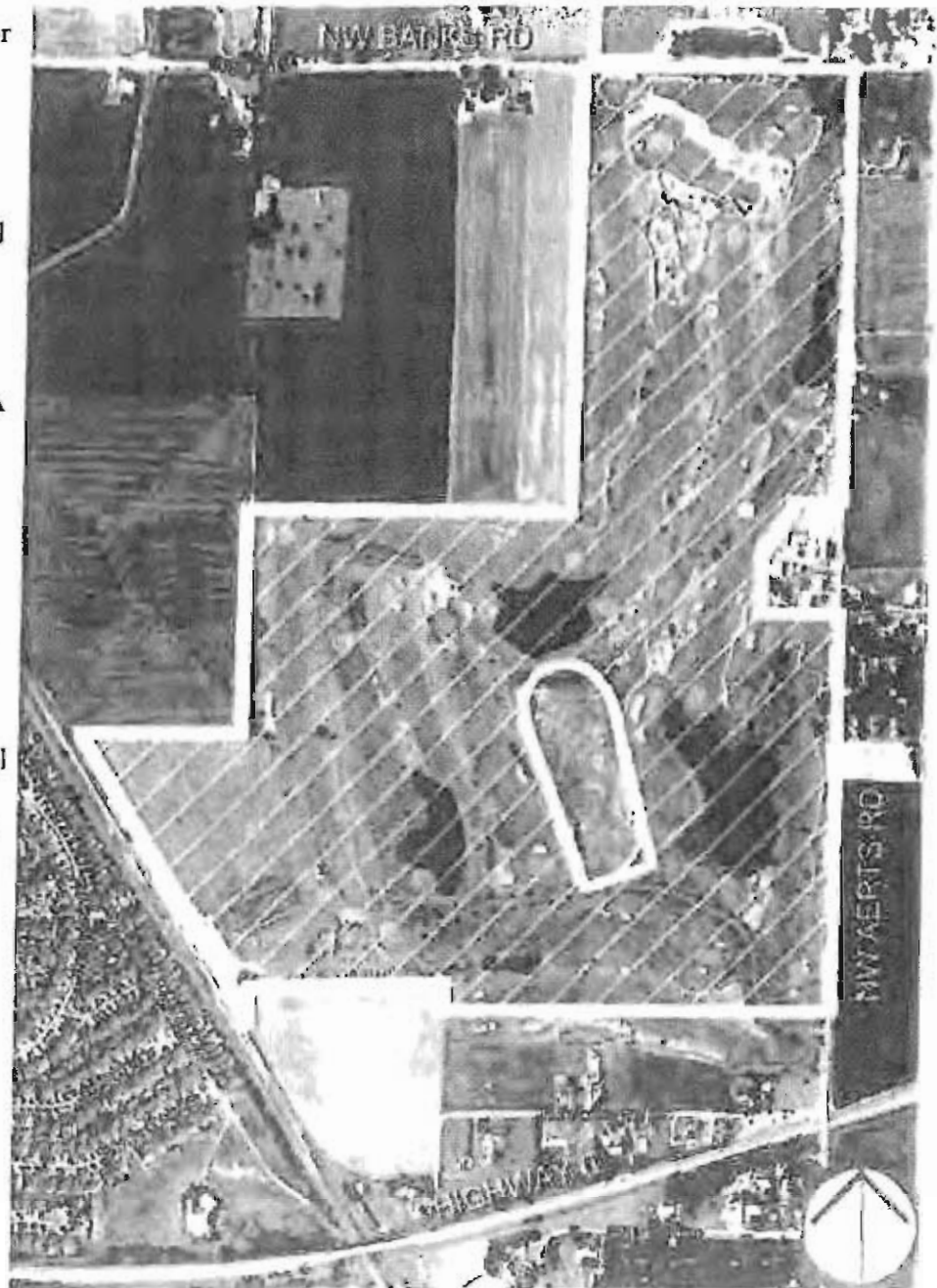


Figure 10: Quail Valley Golf Course

# Surrounding Area Facilities

## Saint Francis School

Saint Francis of Assisi School (2006 enrollment, 93 students) is a K-8 Catholic school located about 3 miles southeast of Banks. School facilities include a grass play field with two minor league backstops and two soccer goals, blacktop playground with basketball court, assorted yard games, half-size indoor gym, outdoor play area with play equipment.



## Banks Christian Academy

Pre-K to grade 8; 106 students (2006). Three-acre facility in rural setting. Located on NW Fisher Road, in Buxton, about 6 miles northwest of Banks.



## Swallowtail School

Kindergarten through 8; 64 students (2006). Swallowtail is non-profit and has been in operation since 1995. Located about 3.5 miles northeast of Banks on NW Davidson Road.



## Sunset Grove Golf Course

The public, 9-hole regulation length course at the Sunset Grove Golf Course facility in Forest Grove, Oregon features 3,001 yards of golf from the longest tees for a par of 36. The Sunset Grove golf course opened in 1965.



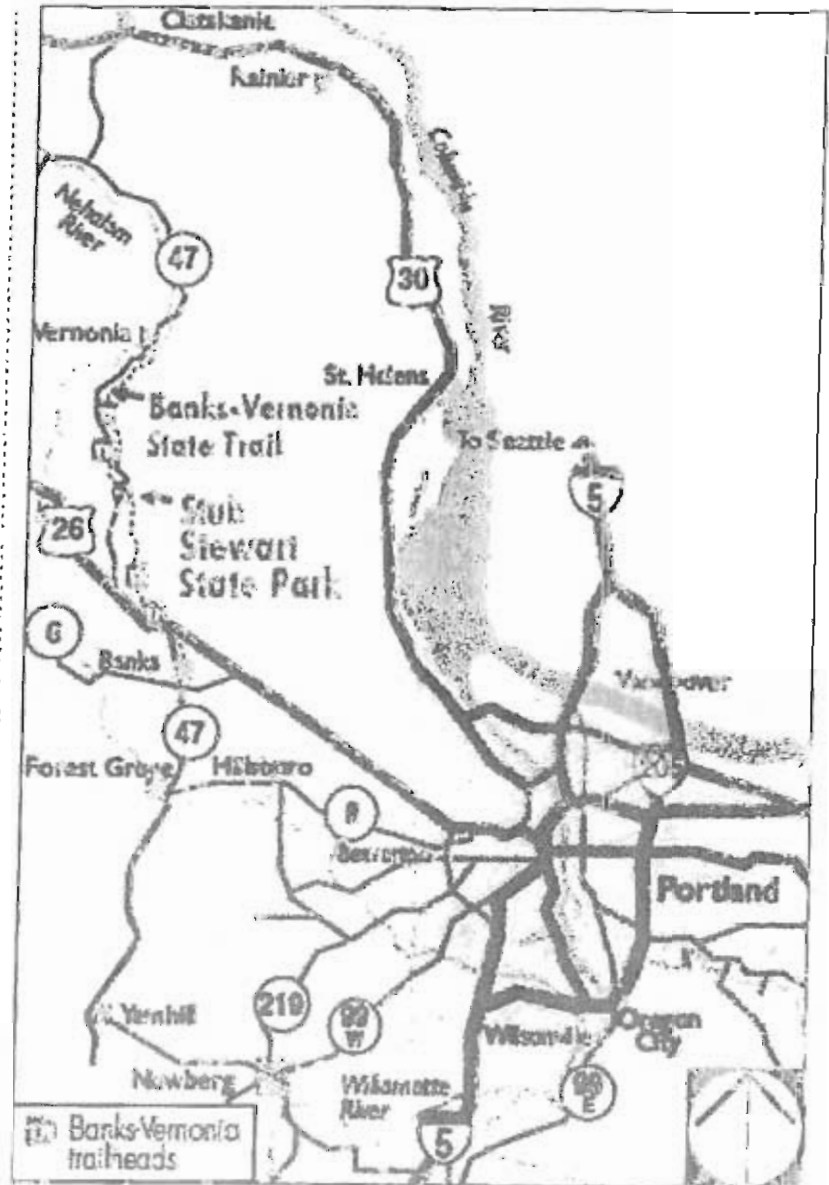


# Stub Stewart State Park

In June of 2004, ground breaking for the L.L. Stub Stewart State Park in Washington County took place, the first new state park in the Oregon since 1972.

L.L. Stub Stewart State Park will expand on the existing Banks-Vernonia State Trail. A number of environmental attributes make the site noteworthy, including wetlands, mature coastal forests and a year-round stream.

The park site is near the intersection of Highways 26 and 47, just north of the town of Buxton, about 2 miles northwest of Banks. About 1,800 acres in size, the park will feature over 10 miles of looped trails, a large group day-use area, group camping areas, RV camping sites, equestrian camp sites and hike-in camping for groups such as Boy Scouts.



# Future Conditions

This section will provide a brief discussion of the probably future population trends for the City of Banks over the twenty-year planning period ending in 2029. This data will then be used as a basis for developing the Needs Assessment for future parkland acquisition and park development.

## Demographics

The City of Banks Comprehensive Plan (Comp Plan), as amended in April 2004, defines 4.5% as an accepted growth rate for use in future population projections. The US Census for the year 2000 places the population of Banks at 1,286. Using a year 2000 population of 1,286 and a 4.5% growth rate, populations were projected for 2016 and 2029. See Table 2.



**Table 2: Population Projections**

YEAR	POPULATION	
2000	1,286	actual
2009	1,435	actual
2024	3,739	(4.5% growth rate, per year)
2025	3,907	(4.5% growth rate, per year)
2026	4,083	(4.5% growth rate, per year)
2027	4,267	(4.5% growth rate, per year)
2028	4,459	(4.5% growth rate, per year)
2029	4,660	(4.5% growth rate, per year)

# Needs Assessment

The recommendations of this Needs Assessment are derived from the standard recommendations in the Park Classification section of this report, in acres per thousand residents, multiplied by the current population and the projected populations for 2016 and 2029.

Table 3 shows how Banks' current park inventory compares with the standards recommended per 1,000 residents, as well as the recommended minimum area, for each park classification. In a small city, there will inevitably be a certain amount of overlap in the functions that each park provides. However, each was classified by the description that most accurately fits its current use, and totaled by category.

## Current Needs

Currently, the City of Banks has a surplus of park space in the *Neighborhood Park*, and *Community Playfield* categories. There is a deficit of 23.62 acres, however in the *Playlot*, *Neighborhood Playground*, and *Major Community Park* categories.

## Future Needs

According to the population projections in Table 2, the population of Banks is expected to triple in the next twenty years. The current amount of park space provided by the public schools, will continue to be sufficient in the *Community Playfield* category

through 2026. In the *Playlot*, *Neighborhood Playground*, *Neighborhood Park* and *Major Community Park* categories, a deficit is projected of 31 acres and 47 acres in 2016 and 2029 respectively.

The *Special Use* recreation and open space category does not have acreage standards for needs projections. However, both the State and National Recreation and Parks Association (NRPA) recognize the value of *Special Use* recreation and open space to both local communities and the region.



# Current Inventory, Initial and Future Needs Assessment by Use

## Table 3

	Playlot	Neighborhood Playground	Neighborhood Park	Community Playfield*	Major Community Park	Special Use*
Log Cabin Park	0.23					
Greenville City Park			5.80			
Quail Valley Golf Course (Special Use)*						144.00**
Sunset Park (Privately-owned)*				[23.00]*		
<b>TOTAL CURRENT AREA</b>	0.23	0.00	5.80	0.00	0.00	144.00*
Recommended Area (in acres) per 1,000 residents (NRPA)	0.20	2.00	2.50	2.00	3.00	N/A
Minimum Area Recommended for City of Banks	0.50	2.00	4.00	4.00	20.00	N/A
2006 Area Requirements (based on population projection)	0.50	3.35	4.19	4.00	20.00	N/A
Deficit / Surplus	(0.27)	(3.35)	1.61	(4.00)	(20.00)	N/A
2016 Area Requirements	0.52	5.20	6.50	5.20	20.00	N/A
Deficit / Surplus	(0.29)	(5.20)	(0.70)	(5.20)	(20.00)	N/A
2029 Area Requirements	0.93	9.32	11.65	11.65	20.00	N/A
Deficit / Surplus	(0.70)	(9.32)	(5.85)	(11.65)	(20.00)	N/A

\*This Needs Assessment does not accurately reflect the service level for "Community Playfields" because it does not recognize publicly owned, non-City playfields owned and operated by the School District or the privately-owned Sunset Park.

\*\*Special Use recreational facilities do not have area requirements.

# Capital Improvements Program

The Capital Improvements Plan is made up of concept plans for Log Cabin Park, Greenville City Park and a comprehensive city-wide trail system. A cost estimate for these improvements is provided for short- and long-term budgeting purposes.

## Log Cabin Park Improvements

Log Cabin Park is currently developed as a neighborhood park containing the historic log cabin, play structure, picnic tables, benches, trash receptacles and a drinking fountain. This park plan proposes the addition of an ADA-compliant double restroom facility with a concrete walk connecting it to the existing walk. The restroom should be located on site to avoid restricting views to the cabin, and to preserve existing trees. Figure 10 depicts the proposed improvements, and Table 4 provides estimated improvement costs.

## Greenville City Park Improvements

Greenville City Park is currently developed as a neighborhood park providing primarily passive recreation opportunities. This park's 5.8-acre size and central location make it a good potential site for numerous active recreation improvements to better serve the needs of the neighborhood and the community. The potential improvements for Greenville City Park might include a 14,000 square-foot community center which can house meeting spaces, classrooms and indoor recreation activities, a

covered outdoor patio with picnic tables, an outdoor swimming pool, basketball courts, play area, tot lot and off-street parking for approximately 60 vehicles. Figure 11 illustrates the conceptual site improvements, and Table 5 provides an estimate of improvement costs.

## Comprehensive Trail System Improvements

The City of Banks currently has a number of established sidewalk and trail connections throughout, and a State Trail entering from Vernonia at the north end of town. This plan proposes working with the County and State to explore the possibility of extending the State Trail to the south end of town or beyond. In addition, a walking path is proposed in the Highway 6 right-of-way, which could be separated from vehicular activity by distance, elevation and planting buffers. Walking trails are also proposed to extend from the existing trails west of Arbor Village, to the north and south. These improvements will provide the City of Banks with a unique, integrated network of pedestrian and bicycle routes connecting residents to key activity areas such as schools, parks and local businesses. Figure 12 depicts the existing and proposed conceptual

improvements necessary to complete this trail system, and Table 6 provides estimated costs.

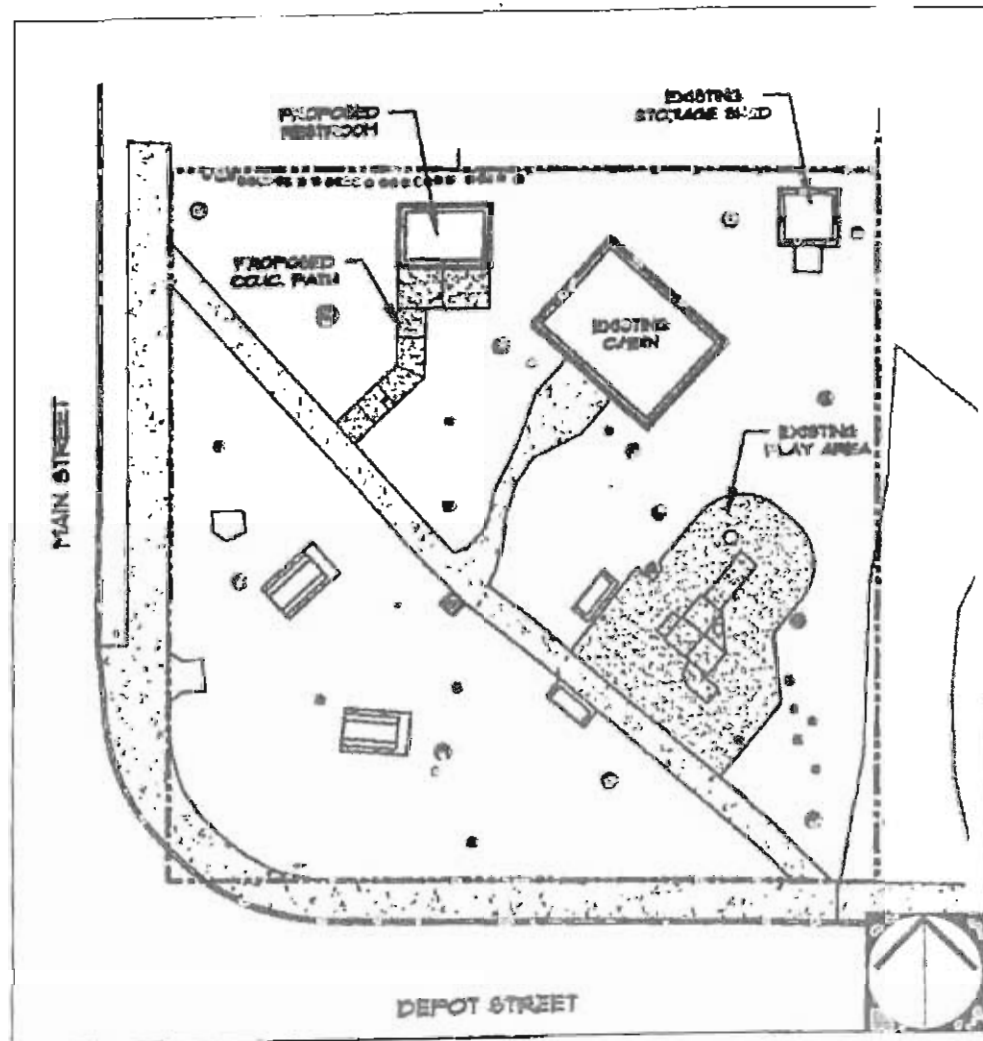


Figure 11: Conceptual Plan  
Log Cabin Park

# Preliminary Cost Estimate

## Log Cabin Park

### Table 4

This estimate is based on 2008 current preliminary information. The estimated cost may vary upon preparation of actual construction plans, detail site conditions and agency review.

Restroom Item	Description	Quantity	Units	Unit Price	Extension
1	Permits, mobilization and erosion control	1	LS	\$ 1,000.00	\$ 1,000
2	Concrete walk	162	SF	\$ 3.80	\$ 620
3	Restroom foundation & structure, installed*	1	LS	\$ 58,450.00	\$ 58,450
4	Water	1	LS	\$ 1,500.00	\$ 1,500
5	Sanitary	1	LS	\$ 1,500.00	\$ 1,500
6	Electrical	1	LS	\$ 1,000.00	\$ 1,000

Total Boy Scout Log Cabin Park Construction: \$ 64,070

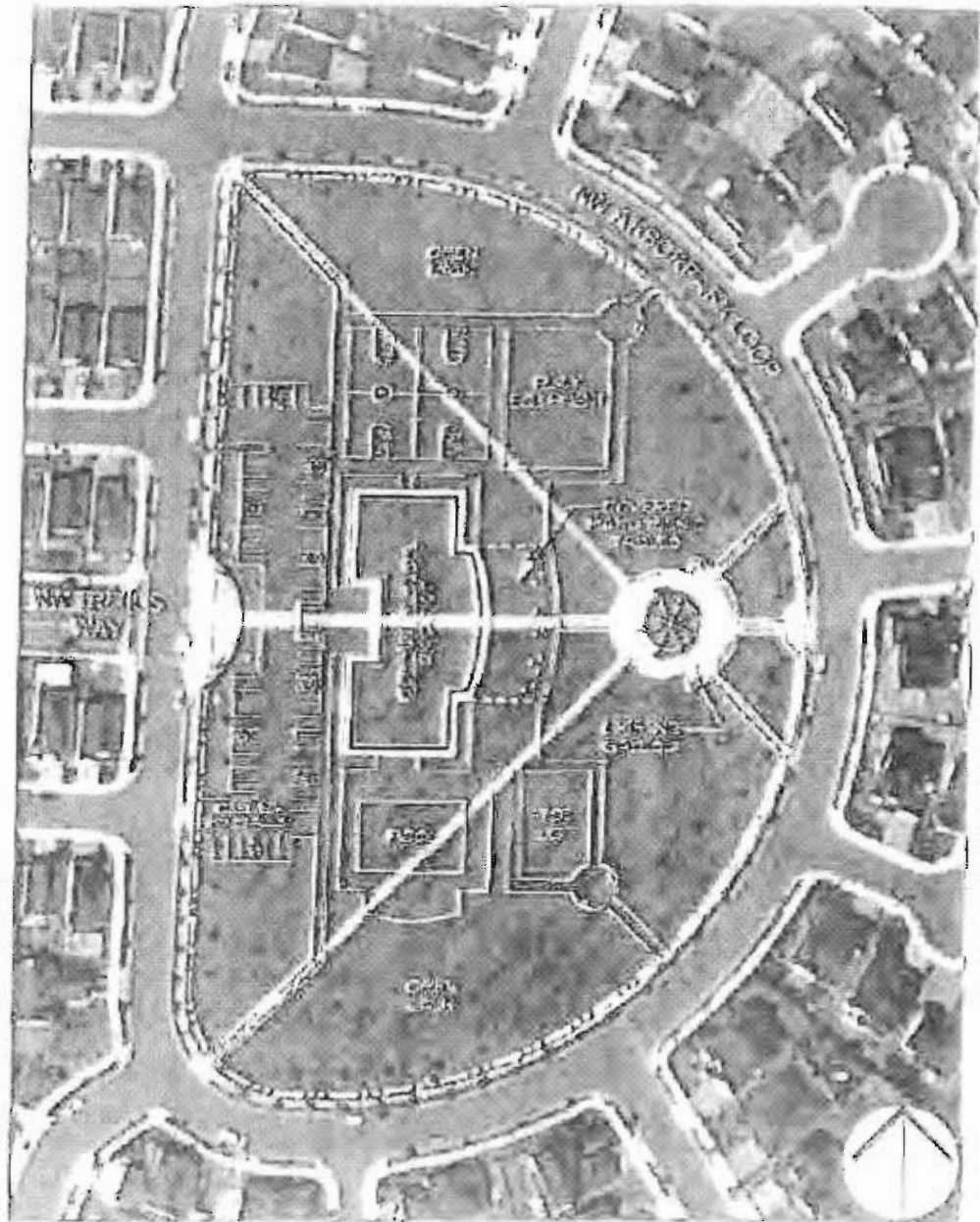
Engineering: \$ 2,600

Contingence (10%): \$ 8,407

Total CIP: \$ 73,077

\* Price is for double unit. Single unit may be substituted at an installed cost of \$28,460.

## Greenville City Park



**Figure 12: Conceptual Plan  
Greenville City Park**



# Preliminary Cost Estimate Greenville City Park

Table 5

This estimate is based on 2006 current preliminary information. The estimated cost may vary upon preparation of actual construction plans, detail site conditions and agency review.

## Section 1 - Startup

Item Description	Quantity	Units	Unit Price	Extension
1 Mobilization	1	LS	\$ 30,000.00	\$ 30,000
2 Traffic Control Plan	1	LS	\$ 600.00	\$ 600
3 Erosion Control Measures - Total Cost	1	LS	\$ 1,000.00	\$ 1,000
Subtotal Section 1 - Startup				\$ 31,600

## Section 2 - Demolition

Item Description	Quantity	Units	Unit Price	Extension
1 Concrete curb	72	LF	\$ 3.00	\$ 220
2 Concrete paving	7,042	SF	\$ 2.00	\$ 14,090
3 Sawcut concrete	60	LF	\$ 1.60	\$ 90
4 Misc. Utility demolition	1	LS	\$ 3,000.00	\$ 3,000
Subtotal Section 2 - Demolition				\$ 17,400

## Section 3 - Grading & excavation

Item Description	Quantity	Units	Unit Price	Extension
1 Overall excavation	1,000	CY	\$ 3.50	\$ 6,930
2 Recreation Building	833	CY	\$ 13.40	\$ 11,170
3 Parking lot	306	CY	\$ 13.40	\$ 4,010
4 Play area	208	CY	\$ 13.40	\$ 2,780
Subtotal Section 3 - Grading & excavation				\$ 25,890

Item Description	Quantity	Units	Unit Price	Extension
1 4" SCH 40 PVC	200	LF	\$ 5.00	\$ 1,000
2 2" SCH 40 PVC	200	LF	\$ 3.00	\$ 600
3 Electrical	1	LS	\$ 3,000.00	\$ 3,000
Section 4 - Dry utilities				\$ 4,600
Section 5 - Parking lot				
Item Description	Quantity	Units	Unit Price	Extension
1 Concrete driveway aprons (26 fl.)	2	EA	\$ 890.00	\$ 1,780
2 Concrete curb	1,030	LF	\$ 9.00	\$ 9,270
3 ADA ramps	2	EA	\$ 950.00	\$ 1,900
4 AC paving	19,787	SF	\$ 2.00	\$ 39,580
5 Striping	930	LF	\$ 1.00	\$ 940
6 Pavement markings (incl. ADA)	7	EA	\$ 365.00	\$ 2,550
7 Signage	4	EA	\$ 245.00	\$ 980
Subtotal Section 5 - Parking lot				\$ 57,010
Section 6 - Community Building				
Item Description	Quantity	Units	Unit Price	Extension
1 Multi use building w/restrooms	16,000	SF	\$ 60.00	\$ 960,000
2 Attached covered patio	4,476	SF	\$ 15.00	\$ 67,140
Subtotal Section 6 - Community Building				\$ 1,027,140
Section 7 - Play area				
Item Description	Quantity	Units	Unit Price	Extension
1 Engineering fabric	7,430	SF	\$ 0.10	\$ 750
2 Impact absorbing material	275	CY	\$ 15.00	\$ 4,130
3 #350-0511 play structure*	1	EA	\$ 45,600.00	\$ 45,600
* Includes 20% installation				
Subtotal Section 7 - Play area				\$ 50,480

Item Description	Quantity	Units	Unit Price	Extension
1 Engineering fabric	3,810	SF	\$ 0.10	\$ 380
2 Impact absorbing material	141	CY	\$ 15.00	\$ 2,120
3 #ZZPD5100 play structure*	1	EA	\$ 11,400.00	\$ 11,400
* Includes 20% installation				
Subtotal Section 8 - Tot lot				\$ 13,910
<b>Section 9 - Swimming pool</b>				
Item Description	Quantity	Units	Unit Price	Extension
1 Swimming pool (50' X 76') inc. equipment*	1	EA	\$800,000.00	\$ 800,000
2 Pool coping	250	LF	\$ 25.00	\$ 6,250
3 Pool cover	1	EA	\$ 15,000.00	\$ 15,000
4 Concrete pool deck	6,990	SF	\$ 3.50	\$ 24,470
5 5' Wrought-iron pool fence	358	LF	\$ 35.00	\$ 12,530
6 5' Wrought-iron gates	2	EA	\$ 250.00	\$ 500
* Does not include platforms, diving boards, etc.				
Subtotal Section 9 - Swimming pool				\$ 705,750
<b>Section 10 - Basketball courts</b>				
Item Description	Quantity	Units	Unit Price	Extension
1 Concrete paving	9,400	SF	\$ 3.50	\$ 32,900
2 Striping	1,100	LF	\$ 1.50	\$ 1,650
3 Basketball goals, #ZZOC1085*	4	EA	\$ 5,780.00	\$ 23,040
* Includes 20% installation				
Subtotal Section 10 - Basketball courts				\$ 57,590
<b>Section 11 - Site amenities</b>				
Item Description	Quantity	Units	Unit Price	Extension
1 Picnic tables	12	EA	\$ 960.00	\$ 11,520
2 Benches	8	EA	\$ 600.00	\$ 4,800
3 Trash receptacles	8	EA	\$ 300.00	\$ 2,400
4 BBQ units	4	EA	\$ 300.00	\$ 1,440
5 Bike racks	2	EA	\$ 930.00	\$ 1,820
6 Skateboard rack	1	EA	\$ 800.00	\$ 800
Subtotal Section 11 - Site amenities				\$ 22,880

Item Description	Quantity	Units	Unit Price	Extension
1 New landscape area, (planting & irrigation)	15,830	SF	\$ 2.50	\$ 39,580
2 Revamp & repair existing landscape	7,300	SF	\$ 1.50	\$ 10,950
3 Additional trees	50	EA	\$ 250.00	\$ 12,500
Subtotal Section 12 - Landscaping				\$ 63,030
Total Greenville Park Construction:				\$ 2,019,880
Engineering (15%):				\$ 302,984
Contingencies (10%):				\$ 201,988
Total CIP:				\$2,524,863

# Comprehensive Trail System

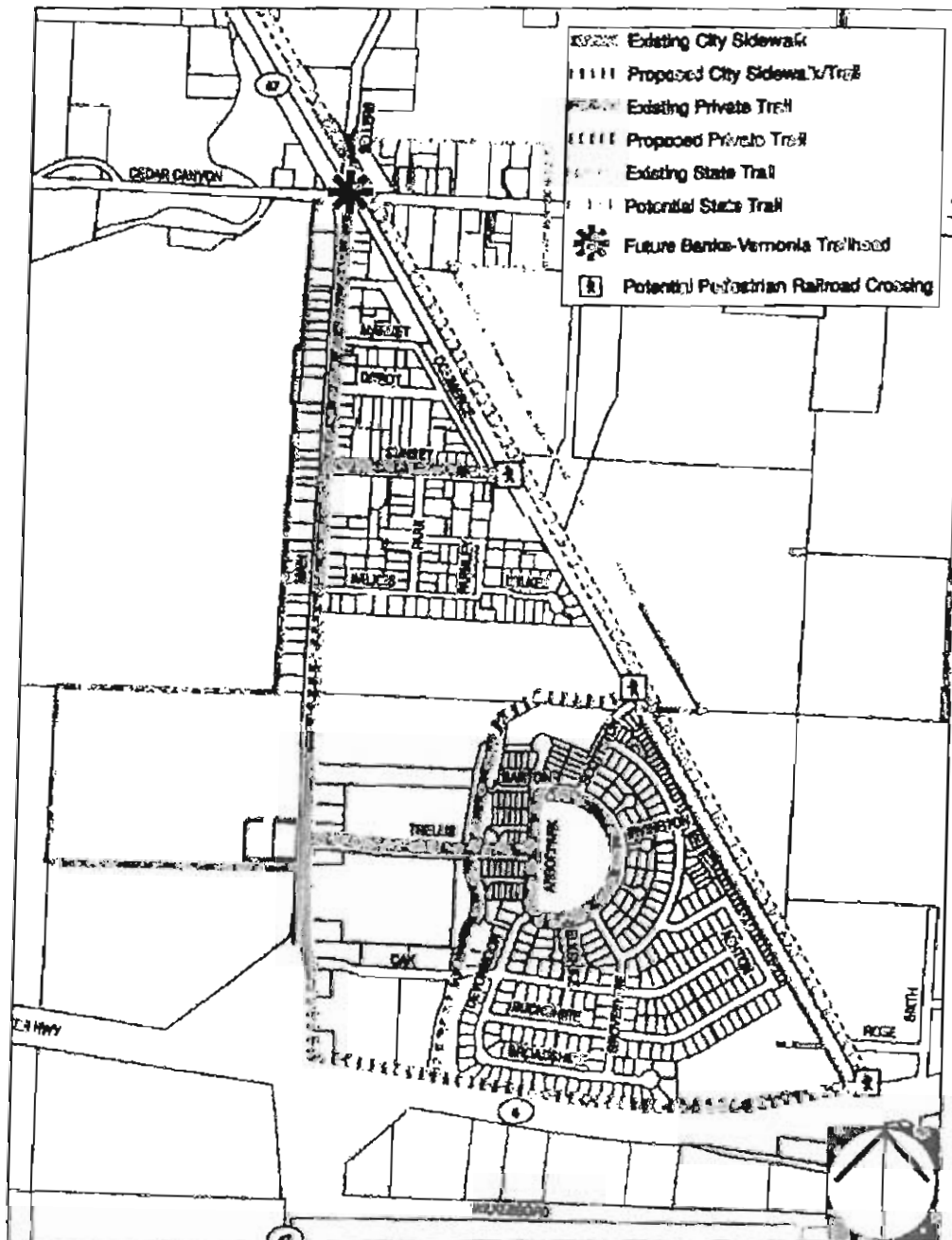


Figure 13: Conceptual Plan  
Comprehensive Trail System

# Preliminary Cost Estimate Comprehensive Trail System Table 6

This estimate is based on 2005 current preliminary information. The estimated cost may vary upon preparation of actual construction plans, detailed site conditions and agency review.

## Proposed City Trail Projects

Item Description	Quantity	Units	Unit Price	Extension
1 Concrete sidewalk on Main Street, 6'-wide (1,100 lf)*	6,600	SF	\$ 3.57	\$ 23,570
2 Concrete curb and gutter, Main Street*	1,100	LF	\$ 10.00	\$ 11,000
3 Asphalt path at Hwy. 6 right-of-way, 6'-wide (3,000 lf)*	18,000	SF	\$ 1.49	\$ 26,820
4 Asphalt trail west of Banks Estates, 6'-wide (1,300 lf)*	10,400	SF	\$ 1.49	\$ 15,500

\* Permits, mobilization and erosion control included

Total City Trail System Construction: \$ 76,890

Engineering (15%): \$ 11,534

Contingencies (10%): \$ 7,689

Total CIP: \$ 96,113

## Potential State Trail Extension (Not a component of SDC basis)

Item Description	Quantity	Units	Unit Price	Extension
1 6'-wide asphalt path, within city limits (3,100 lf)*	24,800	SF	\$ 1.35	\$ 33,480
2 6'-wide asphalt path, outside city limits (2,300 lf)*	18,400	SF	\$ 1.35	\$ 24,840
3 Pedestrian railroad crossings (incl. striping & signage)	3	EA	\$ 1,200.00	\$ 3,600

\* Assumes rail tracks and ties have been removed.

Total State Trail Extension Construction: \$ 61,920

Engineering (15%): \$ 9,288

Contingencies (10%): \$ 6,192

Total CIP: \$ 77,400

# Summary of Costs

Table 7

	Improve- ments	Engineer- ing	Contingency	Total Cost
Log Cabin Park	\$64,070	\$2,600	\$6,407	\$73,077
Greenville City Park	\$2,019,890	\$302,984	\$201,989	\$2,524,863
Comprehen- sive Trail System	\$76,890	\$11,534	\$7,689	\$96,113
Totals	\$2,160,850	\$317,118	\$216,085	\$2,694,053

Table 7 summarizes the costs involved in implementing the previously discussed improvements to Log Cabin Park, Greenville City Park, and a comprehensive city-wide trail system. Costs for the State Trail extension have not been included in this cost summary, as this item is not an SCD component.



# Financing Options

## Property Taxes

Property tax revenue has been a traditional method for funding parks in Oregon. The needs of the park system are in direct competition with other General Fund needs such as police services. In recent years several tax-limiting referendums have made it increasingly difficult to maintain service levels in park systems.

## Local Option Levy

This mechanism involves an annual levy for a specified term of years for a specific purpose. This mechanism is generally suited to fund operations and maintenance. This mechanism is generally not used to fund capital development. State law limits the term for operations and maintenance activities to five years. Implementation of a local option levy requires that the levy be approved by voters.

## General Obligation Bonds (G.O. Bonds)

This mechanism is commonly used to finance land purchase for parks or to fund construction of improvements or both. General obligation bonds are a property tax burden, which must be approved by voters in an election. A specific dollar amount of bonds are authorized, the proceeds of which are used to fund a specific defined purpose. These bonds are then paid off from property tax revenue for a specified number of years, typically

15, 20, or 30 years. Like the serial levy, G.O. Bonds require a "double majority" in off election years and a simple majority in a general election year.

## Developer Exactions

This mechanism involves the dedication of park property by developing property owners. This dedication may occur either voluntarily or as a condition of land use approval. A Systems Development Charge (SDC) "credit" may be awarded for such a dedication.

## Grants

Various private, local, state, and federal agencies have grant programs for park development. These grants generate considerable competitive interest requiring a quality application, often repeated over several years. Grants are awarded for a specific purpose and often have a "matching" requirement. Most grants require an agreement to provide ongoing maintenance of the facility constructed with the grant revenue.

## Donation

Property owners may wish to donate land for dedicated park use. In this instance the City should be very careful to complete due diligence investigations and to develop a plan for how the donated property will be used. Donated property, which is not suitable for park use, becomes a liability for the



City as well as having the effect of decreasing property tax revenues.

## **Create / Join a Parks District**

A park district is a municipal agency created for the purpose of acquiring and maintaining parks, and having its own taxing authority. Their boundaries are independent from those of the city, county or any other units of local government, and may even incorporate more than one community, but do not include any portion of another incorporated park district. A park district is governed by an elected Board of Commissioners who reside in the district. As local elected community leaders, they are able to better respond to the recreational needs of the community on a person-to-person basis.

## **Park Utility**

This mechanism would involve the City forming a utility for park acquisition, construction, operation, and maintenance. A monthly fee would be paid by residents of the City similar to that paid for sewer and water service. The City Council has the authority to form such a utility and establish rates. The utility is then managed within the City's budget process. A parks utility provides an ongoing dependable revenue source for parks operations.

## **Park User Fees**

This funding mechanism is becoming increasingly common, particularly at county, state, and federal facilities. Typically, a fee is required upon entrance to a recreation facility. This mechanism has not been very common for funding City parks. City parks are designed to encourage recreational use by all the public regardless of income or financial resources. Fee parks discourage use by children and low / moderate income citizens. Park user fees may, however, be appropriate for certain specialized park facilities.














# Conclusions & Recommendations

## Conclusions

Assuming adoption of the standards recommended in this report, the City of Banks currently has a small surplus of park land, with Sunset Park and Banks School District facilities fulfilling some of those requirements. Some additional development of facilities is needed to achieve these standards, as shown in Table 3, and as illustrated in Figures 11, 12 and 13. The City will need to construct appropriate improvements to meet the standards described in the Park Classification section of this report. Inclusion of the Quail Valley Golf Course will assist in satisfying large area recreation and open space needs long term, as defined by the Special Use category.

## Recommendations

-  Adopt this report as a resource element of the City of Banks' Comprehensive Land Use Plan.
-  Create a partnership with Sunset Park for potential future expansion.
-  Create a partnership with the Banks School District for potential future expansion.
-  Provide an annual budget for operations and maintenance of parks.
-  Implement a park SDC based on the Capital Improvements Program recommended in this study.
-  Update the SDC project list and estimated costs on an annual basis.
-  Develop a funding strategy for park development, which includes: SDCs, Grants, Funds, and a Park Utility. Explore option of joining or creating a Parks District.
-  Update this Master Plan at a five-year frequency.
-  Amend the Urban Growth Boundary (UGB) to include the Quail Valley Golf Course to help satisfy existing and projected open space and recreation needs by protecting and preserving the land for golf course use.
-  Amend the Community Facilities Zone to remove the restriction on its applicability to publicly owned facilities, thereby facilitating inclusion of Sunset Park and Quail Valley Golf Course within the Zone and its restricted uses.
-  Support the Intertwine Alliance in its efforts to build a regional network of parks, trails and natural areas.

# Index

- Arbor Village Path 21
- Banks Christian Academy 24
- Banks Elementary School 18
- Banks Junior High School 18
- Banks High School 18
- Banks School District 18, 42
- Banks Trail System 37
- Banks-Vernonia State Trail
  - Trailhead 15
- Log Cabin Park 10, 30
- Capital Improvements
  - Program 29
- Community Playfield 6
- Council Creek Regional Trail
  - 16
- Developer Exactions 40
- Donation 40
- Future Conditions 26
- General Obligation (GO )
  - Bonds 40
- Grants 40
- Greenville City Park 11, 32
- Intertwine 15
- Major Community Park 6
- National Recreation and Park
  - Association (NRPA) 6
- Needs Assessment 27
- Neighborhood Park 6
- Neighborhood Playground 6
- Park Classification 6
- Park User Fees 40
- Park Utility 40
- Parks District 40
- Path to the Pacific 15
- Playlots 6
- Population Projections 26
- Quail Valley Golf Course 7, 22,
  - 27
- Saint Francis of Assisi Catholic
  - School 24
- Serial Levy 40
- Special Use 7, 27
- Statewide Comprehensive
  - Outdoor Recreation Plan
  - (SCORP) 22
- Stub Stewart State Park 25
- Sunset Grove Golf Course 24
- Sunset Park 13
- Sunset Speedway 13
- Swallowtail School 26
- Systems Development Charges
  - (SDCs) 40
- Turf to Surf Trail 17
- Urban Growth Boundary
  - (UGB) 42

# Appendices

.....

# EXHIBIT 2



## EXHIBIT 2

**Goal 8 Amendments**Text Amendments (~~strike through~~/underline)

## 8. Recreation

Goal: To provide programs and facilities to meet the recreational needs of area residents and visitors.

Objectives: a. Community ~~park~~parks and outdoor recreation areas should be protected, encouraged and enhanced.

b. Development of pedestrian~~and~~/bicycle pathways and trails should be promoted.

Policies: 1. The City will plan community recreation facilities in conjunction with existing and planned school facilities so that they ~~complement~~complement each other in function.

2. Proposed recreation facilities will be be evaluated by how well they meet reviewed as to fulfilling the needs of the community at large and providing opportunities for handicapped, elderly, low-income, and young people, of different ages and sex, including handicapped.

3. Priority will be given to local needs.

4. The City will work with community groups in identifying specific sites, site development plans, and financing strategies for recreational facilities.

5. The City will coordinate with and encourage ~~both the Sunset ChamberBanks Sunset Park Association Inc., Quail Valley Golf Course and Banks School District~~ regarding the continued use of these recreational facilities by ~~the~~ city residents.

6. The City recognizes the Quail Valley Golf Course as a recreation resource that meets current and long-term recreation needs.

7. The City will add the Quail Valley Golf Course to the City's UGB, and upon annexation to the City include it in the Community Facilities Zone in order to protect and preserve it as an open space and recreation resource for city and state residents and visitors.

8. The City will amend the Community Facilities Zone by removing the restriction on its applicability to publicly owned facilities, thereby facilitating inclusion of Sunset Park and Quail Valley Golf Course within the Zone and its restricted uses.

*Note: The following paragraphs will be replaced by the updated resource inventory and description in the Updated 2010 Park and Recreation Master Plan.*

#### **Recreation**

The City has a large diversified recreational area of about 60 acres at the south end of the City facing both sides of Main Street. This land consists of the Sunset Chamber Grounds and the Banks School District property. The area is less than ½ mile from any residence in the City (see Urban Facilities and Services map).

#### **Sunset Chamber Grounds**

The property (25.5 acres) is located inside the Banks city limits since 1980. The grounds are administered by the Sunset Chamber, a non-profit organization consisting of Washington County residents. The grounds has a large auditorium, gun club (skeet), two baseball diamonds and horseback riding area. The auditorium is used for social functions as dances and flea markets. The site is best known for the Banks Barbecue in August, which draws 5,000-8,000 people. Sunset Park also forms the City's primary open space area, and, as such, is identified as a "goal 5" resource.

#### **Banks School District**

The School district property complex in Banks consists of the High School, Junior High School and an elementary School on 35 ½ acres. There are 3 softball diamonds, 2 tennis courts, 2 gymnasiums, a football field, dirt running track, and playground. The school district has no immediate plans for development of the 10 acres which were annexed in 1980. The property is currently used by Future Farmers of America for agricultural crops.

The Banks City Park at the corner of Main and Sunset streets is the site of the Banks Boy Scout cabin which is identified as a historic resource. The property is owned by the City of Banks.

#### **Henry Hagg Reservoir**

This recreational facility is 13 miles southwest of Banks and provides trout fishing, boat launching and picnic areas.



Citizen workshops indicated a need for more outdoor recreation and that the Sunset Chamber grounds should be upgraded. Primary recreation activities now are fishing and hunting. The Land Use Plan underscores the need to centralize the Sunset Chamber area and Banks School District Property to residential growth. Future planning efforts to develop a bicycle/pedestrian system will help make this area more accessible to neighborhoods.

The National Recreation Association standards for a city of 1,000 is a 1.50-acre park and 2.75-acre playground. These standards would indicate that the City of Banks will have abundant recreation area throughout the planning period. The City encourages emphasis on improving the quality of local recreational facilities rather than land acquisition.



# EXHIBIT 3



### Exhibit 3

#### ***Findings in Support of Comprehensive Plan and Park and Recreation Master Plan Amendments***

Golf courses occupy an unusual position in Oregon's land use planning system as a result of state statutes and LCDC Goals. Golf courses fulfill an urban need for open space and recreational activity. Because urban development is limited to areas within urban growth boundaries (UGBs) and expansion of the UGBs is tightly restricted, there are few or no large blocks of undeveloped land in existing cities for a golf course. Any undeveloped land on the UGB fringe in the path of expansion is also too costly to permit golf course development. The result is that few new golf courses will be created within existing urban areas or on the fringes.

The City of Banks benefits from having the Quail Valley Golf Course (QVGC) adjacent to its city limits. It currently has a unique opportunity to bring the existing QVGC into the UGB and City limits for the benefit of its citizens. In doing so, the City can realize the financial benefits of taxing the course without adding demand for additional urban services. Future residential uses adjacent to the golf course would add to the diversity of the housing supply in the City by providing homes with the amenity of the adjacent golf course and open space.

As a first step in the process of bringing QVGC into the City of Banks, the Goal 8 Recreation Element amendment includes the golf course in an inventory of recreation needs and opportunities in the planning area and adopts a policy for inclusion of the course in the City's UGB and annexation into the City. The Master Plan amendment conforms the Master Plan with LCDC Goal 8 requirements and coordinates it with the amended Goal 8 Comprehensive Plan provisions so that it can be adopted as a resource element of the Comprehensive Plan. Both the Master Plan and the Goal 8 policies recommend that the golf course be zoned Community Facilities in the City so that uses inconsistent with the golf course use would be prohibited and the recreational resource would be protected.

The following narrative demonstrates how these amendments not only benefit the City and its residents, but are consistent with state and local plans and goals.

#### **Statewide Land Use Planning Goals and Goal 8 Planning Guidelines** (OAR 660-015-0000(8))

Goal 8: *"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."*

*The requirements for meeting such needs, now and in the future shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise, (2) in appropriate proportions and (3) in such quantity, quality and location as is consistent with the availability of the resources to meet such requirements. State and Federal agency recreation plans shall be coordinated with local and regional recreational needs and plans."*

DLCD defines "Recreation Areas, Facilities and Opportunities" as follows:

*"Recreation Areas, Facilities and Opportunities provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archeology and natural science resources; scenic roads and travel ways, sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities."*

DLCD defines "Recreation Needs" as follows:

*"Recreation Needs refers to existing and future demand by citizens and visitors for recreation areas, facilities and opportunities."*

#### **LCDC Goal 8 Planning Guidelines**

In OAR 660-015-0000(8), LCDC provides 11 guidelines to assist community planners. The narrative below demonstrates how these amendments conform to these guidelines.

1. *"An inventory of recreation needs in the planning area should be made based upon adequate research and analysis of public wants and desires."*
2. *"An inventory of recreation opportunities should be made based upon adequate research and analysis of the resources in the planning area that are available to meet recreation needs."*

These amendments support adding the QVGC, an existing recreational resource, to the City of Banks. The QVGC is a privately-owned public golf course that currently serves the recreational needs of Banks residents and students as well as attracting visitors from around the region and state.

An inventory of recreation opportunities was conducted as part of the *2007 Park and Recreation Master Plan (2007 Master Plan)*. The *2010 Park and Recreation Master Plan Update (2010 Update)* reflects additional/expanded recreation opportunities associated with The Intertwine, Sunset Park and Quail Valley Golf Course.

The City of Banks owns and operates two parks but does not offer any recreational programs to its citizens. It relies on the school district to provide some fields and

outdoor recreation facilities as well as the Golf Course. The Golf Course provides access to its facilities for the high school golf team and provides additional recreational opportunities for all Banks residents, including golf clinics, a clubhouse, and event hosting for a range of local organizations.

The Golf Course has been economically viable since 1996, demonstrating its ability to serve local and regional “wants and desires” for this recreation type. In addition to serving the recreation needs of Banks and the immediately surrounding area the golf course serves the recreational needs of high-density population centers in Washington County and the City of Portland and of visitors from within and outside of the State of Oregon.

The sport of golf has gained immense popularity in recent decades. The 2010 Statistical Abstract of the United States reported that there are over 22 million golfers in the United States and the number of golf facilities increased from 12,846 in 1990 to 15,979 in 2008, or an increase of 24%<sup>1</sup>.

A 2009 report, *A Recreation Assessment of Northwest Oregon*, identified golf as the second-fastest growing recreation activity in Oregon, with an 188% increase in participation between 1987 and 2002<sup>2</sup>.

In view of the significant growing national and statewide popularity of golf in recent years, it is reasonable to expect that the sport may be considered as a local form of recreation for Banks residents. This is especially important as Banks population is projected to almost triple by 2029 with a continued shortfall in large-area recreation. Moreover, the QVGC serves to implement the statewide planning goal, i.e., satisfy citizens’ recreational needs.

Between 35,000 and 45,000 rounds of golf are played at QVGC annually. In addition to filling recreational needs for City and Metro-area residents, the QVGC contributes to the economic and educational vitality of the City as well. The Banks High School golf team uses QVGC during its season and in summers. This service is provided at no cost to the school or the players. QVGC has also made donations to the school district, including in-kind donations to support the school's new wrestling facility. Banks Elementary students have visited the QVGC on several field trips as part of career education programs. QVGC hosts the Pacific University golf team and a variety of other activities listed in the 2010 Park and Recreation Master Plan Update.

---

<sup>1</sup> 2010 Statistical Abstract of the United States, Table 1206 Selected Recreational Activities: 1990 to 2008.

<sup>2</sup> [Source: “A Recreation Assessment of Northwest Oregon: Current Conditions, Trends and Opportunities,” James Kent Associates, February 2009, [http://www.oregon.gov/ODF/STATE\\_FORESTS/docs/Recreation/Analysis\\_of\\_Rec\\_Needs-Final\\_Report\\_3-09-09.pdf?ga=t](http://www.oregon.gov/ODF/STATE_FORESTS/docs/Recreation/Analysis_of_Rec_Needs-Final_Report_3-09-09.pdf?ga=t)]

QVGC also hosts events for local civic organizations including the Banks Chamber of Commerce. The QVGC is a member of the Banks Chamber and supports several local businesses.

The golf course helps meet the recreational needs of City residents as well as residents of the Portland metro area. QVGC also contributes to the local economy by attracting these visitors, making charitable donations and directing its buying power to local businesses.

The QVGC is recognized as a recreational resource in the *2010 Banks Park and Recreation Master Plan Update* facilities inventory and identified as meeting special use needs in the Needs Analysis.

The Quail Valley Golf Course is a major recreational and community resource for the City of Banks. Since it is an existing use, the need for this use is demonstrated by current use levels by the public. It also helps meet the growing demand for golf in Northwest Oregon and fulfills the Goal 8 Goals of satisfying recreational needs of the citizens of Oregon.

*3. Recreation land use to meet recreational needs and development standards, roles and responsibilities should be developed by all agencies in coordination with each other and with the private interests. Long range plans and action programs to meet recreational needs should be developed by each agency responsible for developing comprehensive plans.*

The City of Banks developed and adopted the Park and Recreation Master Plan in 2007 and included the QVGC in its inventory of recreational resources. The 2010 Update includes additional information on use of the golf course, resource inventory and needs analysis. By bringing QVGC within the protection of City land use regulatory jurisdiction the City will coordinate preservation of this recreation resource with the private interests that originally developed the resource.

*4. The planning for lands and resources capable of accommodating multiple uses should include provision for appropriate recreation opportunities.*

This guideline is not relevant to this amendment.

*5. The State Comprehensive Outdoor Recreation Plan (SCORP) could be used as a guide when planning, acquiring and developing recreation resources, areas and facilities.*

This guideline is not relevant to this amendment since the golf course is an existing use. However, this amendment is supported by SCORP, which identifies several demographic shifts occurring in Oregon including an aging population and a more indoor-oriented youth. The Quail Valley Golf Course addresses recreation for both demographics. Golf is



a sport that can be played by seniors and the golf course has programs designed for this demographic. These include camps, clinics and leagues specifically designed for senior populations. Golf carts facilitate the use of the course by people with limited mobility, including some seniors. The golf course also has programs tailored for students and youth and provides use of the course by the high school golf team at no cost.

*6. When developing recreation plans, energy consequences should be considered, and to the greatest extent possible non-motorized types of recreational activities should be preferred over motorized activities.*

The course is adjacent to the City, and requires minimal energy for residents to travel to the course. Golfing is a non-motorized recreational activity, with the exception of optional electric carts that enable persons with less mobility to play and the carts are energy-efficient.

The Park and Recreation Master Plan 2010 Update includes additional information on local, regional and statewide trails that contribute to non-motorized recreational activities.

*7. Planning and provision for recreation facilities and opportunities should give priority to areas, facilities and uses that*

- (a) Meet recreational needs requirements for high density population centers,*
- (b) Meet recreational needs of persons of limited mobility and finances,*
- (c) Meet recreational needs requirements while providing the maximum conservation of energy both in the transportation of persons to the facility or area and in the recreational use itself,*
- (d) Minimize environmental deterioration,*
- (e) Are available to the public at nominal cost, and*
- (f) Meet needs of visitors to the state.*

(a) The National Recreation and Park Association (NRPA) recommends that 18-hole golf courses are located within 20 miles of a population center. In addition to including QVGC within the population center of the City of Banks, the golf course is located within 20 miles of several other cities in Washington County as well as the City of Portland.

(b) The availability of electric golf carts allows persons of limited mobility to participate. The high school golf team is able to use the course at no cost.

(c) The proximity of QVGC to the City of Banks and its population center as well as several other high-density centers allows visitors to reach the golf course with short car trips or by bike or foot. Very little energy is consumed by course maintenance and little or none is required by the recreation use itself.

(d) The golf course preserves open space and promotes increased biodiversity with ponds and varied ecosystems. (The DLCD definition of open spaces in OAR 660-023-0220(1) includes golf courses.)

(e) The golf course is open to the public. QVGC sponsors numerous recreational events with varying costs, allowing a wide range of demographic usage.

(f) The golf course provides a tourism venue for state and regional visitors. The golf course provides economic benefits to the local community and region.

*8. Unique areas or resources capable of meeting one or more specific recreational needs requirements should be inventoried and protected or acquired.*

The 2010 Park and Recreation Master Plan Update identifies the QVGC as an existing resource that contributes to the City's special use recreational needs. It is a unique resource in the area because it is highly unlikely that it could be replicated under current land use laws if it did not currently exist. There is no large block of land of sufficient size within the existing Banks UGB to develop a golf course. Within the area surrounding the City any block of land of sufficient size and suitability for a golf course, including the existing site, includes high value farm land upon which new golf courses are prohibited under LCDC rules.

The QVGC also meets regional recreation, educational and other community needs. The plan amendments support adding the QVGC to the City of Banks which will protect this resource by bringing it under the City's planning jurisdiction. QVGC is currently part of Washington County's jurisdiction and zoned Exclusive Farm Use (EFU) and Agricultural and Forest (AF-5) which would allow the course to be converted to farm use by right. Under the Washington County zoning and jurisdiction, the City has no standing to protect the golf course as an open space and recreational resource. As interpreted in *Gruber v Lincoln County*, 2 OR LUBA 180 (1981), when a recreational resource has been identified Goal 8 requires that the applicable land use regulations provide some measure of protection for the resource. The plan amendments will allow the City to preserve the QVGC as a recreational and community asset through annexation and zoning. Upon annexation the golf course will be zoned Community Facilities which will prohibit inconsistent residential, commercial and industrial uses, thus protecting and continuing the availability of this recreational resource.

*9. All state and federal agencies developing recreation plans should allow for review of recreation plans by affected local agencies.*

This guideline is not relevant to these amendments.

*10. Comprehensive plans should be designed to give a high priority to enhancing recreation opportunities on the public waters and shorelands of the state especially on existing and potential state and federal wild and scenic waterways, and Oregon Recreation Trails.*

The 2010 Park and Recreation Master Plan Update emphasizes Oregon Recreation Trails and identifies Banks as a potential link on the Path to the Pacific Trail connecting metropolitan Portland with the coast.

*11. Plans that provide for satisfying the recreation needs of persons in the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*

This guideline is met because QVGC is an existing use and, as such, does not require the expenditure of any additional resources in its creation. The golf course provides and protects a large amount of land as open space. This use is well within the carrying capacity of the land, air and water.

### **City of Banks Comprehensive Plan**

The following Comprehensive Plan policies are also relevant to these plan amendments.

*Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources*

*Policy 5: The city will continually explore ways to develop and maintain an open space network at a minimum cost to the public.*

These plan amendments support the City in its efforts to expand its inventory of open spaces by adding the QVGC to the City. Since the golf course is an existing, privately-owned resource, there is minimal cost associated with adding QVGC to the City's parks and recreation system.

*Goal 9: Energy*

*Policy 1a: Provide recreation in proximity to developed areas.*

QVGC is immediately adjacent to the current City boundary and existing City development, including some of the densest residential neighborhoods. This minimizes energy required to travel to QVGC. Preserving this existing use will require no additional energy.



Ordinance 2011-04-03  
Additional Findings

These findings are in addition to and supplement the findings previously adopted by the Council for Ordinance 2011-04-03. They are intended to address objections expressed by the Department of Land Conservation and Development (DLCD). They demonstrate that the Ordinance complies with and does not violate the applicable approval criteria identified by DLCD. Each of the following findings are preceded by the City's understanding of a specific objection raised by DLCD. In some instances the findings either refer to or reiterate portions of the previously adopted findings.

1. Objection – When the City uses the safe harbor provision of Oregon Administrative Rule 660-024-0040(10) to add UGB land for parks, school facilities, streets and roads that is the exclusive means of adding recreational land. It precludes separately justifying and including land for the special use recreational golf course need.

Finding

During the initial Ordinance adoption proceedings a DLCD staff member asserted that the land uses included within the OAR 660-024-0040(10) safe harbor allowance include open space. Consequently, the City could not bring in the golf course based on a demonstrated need for open space because it had already used the entire safe harbor allowance for other purposes. In response to a City Attorney opinion, the DLCD staff member agreed that the safe harbor provision does not include open space. However, she asserted that the need for the golf course land would have to be justified as a recreation use under LCDC Goal 8. The City did that. See Exhibit 4 to Ordinance 2011-04-03, pages 12-13.

DLCD has not questioned the City's conclusions about the Goal 8 recreation need for the golf course land. For the first time after the Ordinance was adopted DLCD asserted that the safe harbor provision also includes Goal 8 recreation land needs so that, when the City utilized the safe harbor provision for other land needs, it could not also add recreation land that is in addition to the safe harbor acreage.

The safe harbor provision allows a city to increase the amount of residential land justified under the 20-year land needs by 25 percent for "streets and roads, parks and school facilities". Parks are a recreational land use, but not the only recreational land use. The definition of recreation areas, facilities and opportunities in Goal 8 includes a broad range of activities. It does not even mention parks which presumably are included in broader described categories in the definition. It is clear from the range of activities described there that they encompass a much larger grouping than just land uses that would normally be considered as requiring land directly associated with a specific amount of residential land. It is that latter situation that the safe harbor is intended to address. The safe harbor provision applies to parks and not to other recreational land uses, including golf courses.

2. Objection - The golf course is a regional and possibly statewide rural recreational use and has not been justified as an urban land use need of the City.

#### Finding

It is not clear whether DLCD believes the golf course addition has not been justified because it is not an urban use, because it is a regional and possibly statewide use, or both. The golf course is an urban use. The fact that it attracts users from a broader area than just the City does not mean there is not a City need for the golf course. These conclusions are addressed in the original findings, Exhibit 4, at pages 4-6.

3. Objection - If the golf course land is added to the UGB, that land could later be converted to another urban use such as a regional retail center or a residential subdivision without justifying the conversion of rural land to urban land for such use.

#### Finding

A condition imposed by the Ordinance and made a part of the City's Comprehensive Plan requires justification according to all applicable urbanization standards and requirements before making a change in land use designation that would allow an urban land use different from the golf course use. In discussions with DLCD after adoption of the Ordinance, it was suggested that a future Council could delete that condition without any effective recourse by DLCD. To answer that concern, the Council will cause the City to enter in to an intergovernmental agreement with DLCD, if requested by DLCD, requiring the approval of DLCD before removing that condition from the City's Comprehensive Plan. An intergovernmental agreement would be enforceable against the City regardless of any future change of policy or Council composition.

4. Objection – Adding the golf course to the UGB does not protect high value farm land from conversion to urban use.

#### Finding

DLCD has stated that "Maintaining the Quail Valley Golf Course on rural land outside the Banks UGB will protect high-value farm land from conversion to urban use." Memorandum from Lidz and Gardiner to Land Conservation and Development Commission, May 6, 2011.

The soil on which much of the golf course exists qualifies as high value farmland soil. However, the land is already in an urban use. Maintaining current EFU zoning on that portion of the land does not protect against conversion to an urban use.

The UGB expansion adopted by Ordinance 2011-04-03 permits utilization of a vacant approximately 6 acres in the interior of the golf course to meet a portion of the

City's residential land need. All developable non-resource land on the perimeter of the City is included in the City's UGB expansion. If the 6 acres cannot be used, the only alternative undeveloped lands available to meet the need are in active farm use. While maintaining the rural land status of the land would preserve the possibility of a future conversion of the golf course to farm use, the immediate effect will be to take resource land out of farm production. In addition, doing so will violate the City's obligation to protect a recognized Goal 8 recreational resource.

5. Objection – The City has not justified a need for the golf course consistent with its 20-year population forecast pursuant to Goal 14, Land Need, factor 1.

### Finding

Goal 14, Land Need, factor 1 requires that a change of an urban growth boundary be based on demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast. DLCD apparently believes this factor requires that two elements be demonstrated: 1) a new need generated by future population growth; 2) a mathematical relationship between the projected population growth and the proposed amount of additional urban land. The Goal factor does not necessarily require either.

The previously adopted findings demonstrate at least two existing needs for the addition of the golf course land to the urban growth boundary to meet the needs of the current City population, irrespective of projected future growth.

The first is the need to preserve and protect the golf course as a recreational resource for the City residents generally and for the specific uses of the High School students and Chamber of Commerce activities.

In addition, the previously adopted findings note that the projected growing population of the City during the 20 year time frame will bring additional residents who will need and benefit from the continued availability of the golf course as both a recreational resource and as open space.

This golf course use is not a new, proposed use. It exists and is successful. So not only will it meet future needs of the growing population, but it is clearly needed today because it is regularly used by the existing population.

The second is the need to provide a transportation route to the exception lands south of the golf course that are a part of the completed UGB expansion and to the existing Arbor Village subdivision west of the golf course. In the event of an emergency that closed Highway 47, there is presently no alternate exit for the residents of the 300-plus home Arbor Village subdivision. The newly adopted Transportation System Plan, accepted by DLCD, calls for that improvement and provides for the route described in the next paragraph. The amendments to the TSP in Ordinance 2011-04-03 include expert confirmation that the additional UGB expansion provided by this Ordinance is consistent with the adopted TSP. The adopted TSP includes the existence of the golf course and

this Ordinance does not change the amount of residential land in the recently approved UGB amendment accepted by DLCD.

Providing the access will require reconfiguring the Aerts Road/Washington Avenue/Highway 6 intersection and relocating the access to the expanded UGB north on Aerts road onto golf course owned land. That route cannot be provided other than through the golf course lands, or at a cost within the City's capabilities without the cooperation of the owner of the golf course land. The golf course owner has agreed to make the necessary relocation of golf holes and provide the right of way land at no cost to the City, if the undeveloped land it owns is added to the UGB as residential land.

As noted above, DLCD's objections are apparently based in part on the belief that demonstrating that a UGB expansion is "based on the adopted 20-year population forecast" requires some form of mathematical connection between the population projection and the amount of land required to satisfy a particular type of need. Nothing in the Goal, the Rules or the case law requires that interpretation for a golf course recreation use. Mathematical connections are possible for residential uses because the number and types of housing needed for a stated population can be estimated. To a lesser extent they are also possible for employment uses, although OAR 660-24-0040(5) allows a disconnect between population growth and job growth.

Goal 14 expressly recognizes that the amount of land needed should account for "open space and recreational needs", Guidelines A. Planning 1. Many recreational needs are not conducive to a mathematical connection between the population projection and the amount of land needed. The previously adopted findings include the National Park and Recreation Association statement that acreage standards as a function of population do not exist for uses in the Special Use category, such as golf courses.

There is also an irreducible minimum amount of land needed for an 18 hole golf course. DLCD has not expressed disagreement with the City's Goal 8 conclusions about a recreation need for the golf course. Once a recreation need for a golf course is established, the land needed cannot be less than what is required for a regulation golf course. The recreation need grows out of the needs of both the existing and the projected future populations. It is not possible or relevant to try to express that need in terms of the population numbers because only one golf course is involved.

Unlike some types of urban uses addressed in the LCDC Rules for which mathematical links to the population forecast are expressed, there is no such specific requirement for recreation uses. If a proposed urban use is conducive to a direct correlation to population, then the correlation can be made. Where the correlation is not possible, there is no requirement that it be made.

As noted above in these findings and in the previously adopted findings, a golf course is an urban use, albeit one that is allowed under limited circumstances on rural land. A UGB expansion to place an urban use where it belongs, within an urban growth boundary, is consistent with the policy and requirements of the applicable standards.



6. Objection – The City has not justified the location of the six acre “thumb” land in the interior of the golf course based on Goal 14, Boundary Location, factors 1 through 4. These factors refer to efficient accommodation of land needs; orderly and economic provision of public facilities and services; comparative environmental, energy, economic and social consequences; compatibility with nearby agricultural and forest activities.

#### Finding

The previously adopted findings did not specifically apply the Boundary Location factors to the six acre land area. Instead the City established compliance with the factors for inclusion of the existing golf course land to meet the demonstrated need for a golf course. See Exhibit 4, pages 8-10. Having done that, the City concluded no purpose would be served by separately addressing the location of the undeveloped six acres that is totally surrounded by the golf course. If that land was not included, it would become an island of rural land within the UGB which would not be a reasonable result.

Nevertheless, the 6 acres can be independently justified under the location factors and ORS 197.298 for the following reasons.

The six acres is within the areas described under ORS 197.298 Priority Areas for UGB Expansion discussion in the previous findings as being within the remaining Priority 4 lands necessary to satisfy the need and the Boundary Location Factors Assessment discussion as having equal values after certain higher value lands were identified under each of the four Location Factors. Those discussions concluded that which of the remaining lands which were relatively equal to each other with respect to the locational priorities and factors would be determined by the Planning Commission and City Council as being in the best overall interests of the City. Among the considerations expressed by those bodies as noted in the previous findings was a desire for residential land near the golf course and not on land being actively farmed. The six acre parcel meets both considerations. The Council also now examines the parcel individually with respect to the four Location Factors and makes the following findings:

The area will efficiently accommodate a portion of the identified need for low density residential land. It has no physical constraints, is relatively flat and can be easily developed. Although it will not be immediately adjacent to other residential land, residential land will exist nearby to the north, west and south and the access to the area will be shared with access to the residential development of exception land south of it.

Public facilities and services can be provided to the area in an orderly and economic fashion. The water and sanitary sewer services that will be extended to the lands north and south will also serve this area. Storm water drainage is already provided through the golf course development and can be expanded as necessary. The relocated Aerts Road access that will serve the exception lands to the south will utilize a portion of the existing access road to the golf course club house which will also serve this area.

Comparative environmental, energy, economic and social consequences. There are no environmental resources in the area to be impacted. Energy resources will be conserved because the area is on the same travel route as the street network that will serve the exception lands to the south. Economic growth will be served by bringing a type of housing not presently found in the City as a result of the golf course proximity. The location will add to the variety of housing types in the City and thereby promote the social well-being of the community.

Because the area will surrounded by urban land developed as a golf course and zoned Community Facility, the residential uses on it will be compatible with and have no impact on agricultural and forest activities outside the UGB.

# EXHIBIT 4



# Amendments to the City of Banks Urban Growth Boundary Expansion Justification Technical Report, October, 2010

February 8, 2011

## I. Introduction

### Page 5 **Background**

Replace the last sentence of the second paragraph with:

The UGB expansion process conducted up to May 10, 2010, detailed in this report, has been concurred on by these agencies. Changes since that date have been considered at multiple public meetings and hearings and commented on by several agencies.

Replace the fourth paragraph with:

The UGB location analysis section of this report addresses the current Preferred Alternative UGB expansion strategy, as selected by the Banks City Council on January 13, 2010, and as modified by the Council with the changes described in this report. The aforementioned section provides findings for the proposed UGB expansion in accordance with applicable state law. There was a lengthy alternatives selection and refinement process which led to this point. On May 10, 2010 the City Council selected a zoning allocation strategy based on the UGB expansion area included in the January 13, 2010 Preferred Alternative UGB expansion strategy. Subsequently, the Planning Commission and the City Council revisited the alternative to include the Quail Valley Golf Course in the UGB and reallocate residential zoning designations to move six acres of LDSF land to undeveloped land surrounded by the Golf Course. This occurred at a number of public meetings and hearings. This process, and the analyses conducted throughout is presented in part in Appendix A of this report in the same way it was presented in technical memorandums produced during the process and in the public meetings. The analyses for the changes subsequent to the May 10, 2010 strategy are in the body of this report. Wherever this report refers to Appendix A the reference is deemed to include the additional information and analyses in the body of this report.

## Section II. UGB Expansion Analysis Process

### Page 18 **Employment and Related land Needs**

Delete the last paragraph at the bottom of the page and replace it with a summary needs paragraph at the end of the Recreational Land Needs section.

Page 18 Add "**Recreational Land Needs**" section as follows:

In addition to its residential and employment land needs, the City has identified a recreation and open space land need that can only be met by bringing the Quail Valley Golf Course into the urban growth boundary, annexing it to the City, and applying the City's Community Facilities zone, as amended, to the Golf Course. The Golf Course is presently zoned EFU and AF 20 in Washington County. Those zones allow multiple

non-golf course uses by right. As such, there is no land use protection for this existing use. However, when zoned Community Facilities by the City and granted conditional use status the use of the land will be restricted to and preserved for golf course use.

The City will amend its Community Facilities zone district as required by the amendments to the Goal 8 element of the Comprehensive Plan to remove the restriction to publicly owned facilities, which will allow both Sunset Park and the Quail Valley Golf Course to be brought within the district.

The City will include the following policy in its Comprehensive Plan in connection with the UGB expansion that will assure that the Golf Course will not be converted to another use without considering and satisfying all requirements that would otherwise apply if the land was not already in the UGB:

If a Comprehensive Plan or Zoning map amendment is proposed in the future for any part of the Quail Valley Golf Corporation property designated Community Facilities District for any designation other than Community Facilities District, the applicant must demonstrate and the City must find that all requirements of state statutes, LCDRC Goals and rules and City ordinances and regulations have been satisfied in the same manner as if the property were to be converted at that time from rural to the proposed urban uses and without regard to the fact that the property was previously converted to urban use for the single purpose of Community Facilities District golf course use. By way of example and not limitation, if a commercial, industrial or residential use is proposed for some part of the property, the LCDRC Goal 14 need and locational factors for conversion of rural land to urban land and Goal 12 transportation must be considered and satisfied.

The residential land needs identified in the preceding sections of this report include 31.27 acres of land owned by Quail Valley Golf Corporation. This land consists of four complete tax lots and a partial tax lot as follows:

2N 3 31D 000100	(10.00 acres, partial)
2N 3 31CA 06900	(8.92 acres)
2N 3 31D 000400	(9.94 acres)
2N 3 31D 001000	(1.50 acres)
2N 3 31D 000101	(0.91 acres)

The May 5, 2010 zoning allocation proposed to assign various residential zoning district classifications to this land. The land includes portions developed for and in golf course use, a small portion in residential use, and undeveloped portions.

The UGB expansion includes the remainder of the Quail Valley Golf Corporation land, consisting of three tax lots and a partial tax lot, totaling 141.05 acres, as follows:

2N 3 31D 000100	(55.01 acres, partial)
2N 3 31 000100	(44.30 acres)
2N 3 31 000201	(25.94 acres)
2N 3 31 000500	(15.80 acres)

The expansion also includes 2.92 acres of land north of the golf course as follows:

2N 3 31 000200	(01.41 acres)
2N 3 31 000404	(01.51 acres)

With the zoning district allocations described below in this report, the total UGB expansion land allocated to the several residential zoning districts will not change from the May 5, 2010 zoning allocations, and there will be an addition of 143.97 acres of land allocated to the Community Facilities zone. The additional UGB expansion will be achieved on 141.05 acres of Quail Valley Golf Corporation land and 2.92 acres added to the two tax lots north of the golf course. Portions of those two tax lots were included in the previous recommendations.

The purpose of this section of this report is to address the need for the 143.97 acres of Community Facilities UGB expansion land consisting of portions of the Quail Valley Golf Course.

LCDC Goal 14 and OAR 660-024-0040(1) and (2) provide that establishment and change of UGBs shall be based on need to accommodate a 20-year population forecast and need for various categories of urban uses.

*Establishment and change of urban growth boundaries shall be based on the following:*

*(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*

This report updates the coordinated population forecast for the 20-year planning horizon. The preceding sections demonstrate a need for residential and employment land to accommodate Banks' 20-year population growth, but do not separately address recreation uses. The 2010 Updated Park and Recreation Master Plan identifies the growing need for recreation uses, including special uses such as golf courses, associated with the 20-year population forecast. That Plan is being adopted as a resource element to the Comprehensive Plan. The City is also amending its Comprehensive Plan Goal 8 Recreation element to be consistent with the 2010 Updated Park and Recreation Master Plan. Those amendments include the following new and amended policies:

5. The City will coordinate with and encourage ~~both the Sunset ChamberBanks Sunset Park Association Inc., Quail Valley Golf Course and Banks School District~~ regarding the continued use of these recreational facilities by the city residents.

6. The City recognizes the Quail Valley Golf Course as a recreation resource that meets current and long-term recreation needs.

7. The City will add the Quail Valley Golf Course to the City's UGB, and upon annexation to the City include it in the Community Facilities Zone in order to protect and preserve it as an open space and recreation resource for city and state residents and visitors.

8. The City will amend the Community Facilities Zone by removing the restriction on its applicability to publicly owned facilities, thereby facilitating inclusion of Sunset Park and Quail Valley Golf Course within the Zone and its restricted uses.

The findings the City is adopting in connection with the 2010 Updated Park and Recreation Master Plan and the Goal 8 amendments demonstrate compliance with LCDC Goal 8 and its Guidelines, and in particular, demonstrate the support for the conclusions that the Quail Valley Golf Course should be added to the UGB and protected by the City to meet present and future recreational needs. Those findings are adopted by reference in this report.

The findings recognize that the Golf Course is currently part of Washington County's jurisdiction and zoned Exclusive Farm Use (EFU) and Agricultural and Forest (AF-5) which would allow the course to be converted

to farm use by right. Under the Washington County zoning and jurisdiction, the City has no standing to protect the golf course as an open space and recreational resource. As interpreted in *Gruber v Lincoln County*, 2 OR LUBA 180 (1981), when a recreational resource has been identified as a Goal 8 resource, it requires applicable land use regulations provide some measure of protection for the resource. The plan amendments will allow the City to preserve the QVGC as a recreational and community asset through annexation and zoning. A need presently exists to assure existing residents of the continued availability of this recreational asset. With the additional residents that will be added to the City through the UGB expansion, that need will become greater.

*(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

The City has established a need for 123 acres of residential land together with an additional 25% or 31 acres under OAR 660-024-0040(10) for streets and roads, parks and school facilities (the "safe harbor" provision). However, the residential land need and the safe harbor allocation for streets and roads, parks and school facilities do not consider specific recreation, open space and livability needs of the City. The park needs addressed by the safe harbor is a subset of the City's Goal 8 resources and recreation need. That is, parks are a recreation use, but not all recreation uses are parks. The National Recreation and Park Association (NRPA) recognizes this by creating a special use classification for regional and community areas for specialized or singular purpose recreational activities. The City's 2010 Updated Park and Recreation Master Plan inventories the Quail Valley Golf Course in this special use category. The NRPA description of uses within this category is partially quoted in the Plan. The complete sentence from which the quote is taken is: "Areas for specialized or single purpose recreational activities, such as golf courses, nature centers, marinas, zoos, conservatories, arboreta, display gardens, arenas, outdoor theaters, gun ranges, or downhill ski areas, or areas that preserve, maintain, and interpret buildings, sites and objects of archeological significance." This is a much broader category than the traditional concept of "park" included within the residential land need safe harbor.

The NRPA recommends a minimum of 110 acres for an 18 hole standard golf course. The same source states that special use category recreational uses should be located within the communities they serve. It is apparent that the 31 safe harbor acres for a combination of streets and roads, schools and parks could not accommodate a need for a golf course in the City. This special use recreation need identified by the City is different from and is not included within the park use of the safe harbor provision.

The EOA referred to above in the Employment and Related Land Needs section is a part of the City's acknowledged Comprehensive Plan. The EOA concludes that the Quail Valley Golf Course provides a recreational opportunity that will help support business activity and employment growth by making the City an attractive location for households and businesses that value proximity to recreational opportunities. EOA, pages 3-6, 5-6. The development strategies of the EOA include maintaining and enhancing quality of life through, among other things, recreational opportunities. EOA, pages 5-7, 5-10, 5-11.

The EOA analyzes land needed for employment growth, including those uses in the Community Facilities category such as schools that contribute to the employment base. The EOA distinguishes this from a need for parks and open space which it says must be added to the UGB expansion in addition to employment land needs. In the context of the entire EOA document, it is clear that the reference to parks and open space is intended to apply to the larger category of recreation land, not just to the narrower concept of public parks.

During the public hearing process a contention was made that the City has not adequately demonstrated the need to include the Golf Course in the expanded UGB as a recreation resource. In a December 15, 2010



letter to the Chair of the Planning Commission, the Department of Land Conservation and Development expressed concern that the City has not demonstrated "that the existing rural golf course is an urban recreational use needed exclusively for city residents, and that it must be included within the UGB for that purpose". There are two premises in this conclusion: a golf course on rural land cannot be an urban use, and to be included in a city's UGB it must be needed "exclusively" for city residents. Both premises are incorrect.

The golf course is an urban use. The term "urban use" is not defined in the goals or the interpretive rules. Cases dealing with issues of golf course uses in conjunction with rural lands and UGBs have assumed that the golf courses in question were urban uses. For example, in *Jackson Cty. Citizens' League v. Jackson Cty.*, 171, Or App 149, 157, fn 5, the Court of Appeals said, "LUBA apparently assumed without deciding in *Washington Co. Farm Bureau* that the proposed use was urban in nature. We make the same assumption here as to the proposed golf course expansion."

A case dealing with the question whether a proposed amphitheater on rural land was a rural use permitted under a rural plan amendment, or an urban use requiring a Goal 14 exception, provides a helpful insight into the Court of Appeals' understanding of how to define an urban use. *Hammack & Associates, Inc. v. Washington County*, 89 Or App 40 (1987). In *Hammack* Washington County determined that the proposed amphitheater use was not urban for five reasons. The Court rejected each of the five conclusions. The reasoning can be applied to this golf course use to determine that it is urban in nature.

The first reason given to argue that the amphitheater was not an urban use was that it required a minimum lot size of 40 acres which should not be considered an urban density. The court distinguished a limitation of one house per forty acres which would be a rural density with the amphitheater that would make use of all or substantially all of its forty acres. Just as with the proposed amphitheater, even though this golf course property includes a little over 140 acres, all of the acreage is in active golf course use.

The second and third reasons compared the amphitheater to other uses allowed in the EFU zone under ORS 215.213, finding the amphitheater use similar to many of them. The rationale then assumed that those other uses must be rural because they are allowed on rural land, so that the amphitheater is also rural. The Court disagreed. The nonfarm uses are not rural simply because they are allowed by the Legislature in EFU zones. In fact the Court referred to those permitted uses as "urban kinds of activities". *Hammack*, *supra* at 44. The golf course is one of the specifically conditionally permitted EFU nonfarm uses that is an urban kind of activity.

The fourth reason contended that the development cost of the amphitheater was relatively low compared to land cost which in turn was an indicator of a rural use. The Court rejected any necessary correlation between the ratio of land cost to improvement cost in the urban/rural characterization.

The final reason was that amphitheatres have noise impacts that make them more appropriately located in rural areas. The Court agreed with LUBA's reasoning that this may simply indicate that this particular urban use has unacceptable impacts in an urban area, but that does not render it a rural use. The same could be said for a golf course for which, because of the amount of land required, a site can more easily be found in a rural area, but that does not make the use rural.

Applying this analysis, a golf course that develops and uses all of its property, that is an urban kind of use only allowed on rural EFU land in limited circumstances by special dispensation of the Legislature, and that provides recreational opportunities for a primarily urban clientele, is an urban use.

The second premise asserted by DLCD is that to be included in a city's UGB a use must be needed "exclusively" for city residents. There is no established authority for that premise and it is illogical. If correct,

the assertion would outlaw any use with a regional or larger draw. Sports stadiums, convention centers and regional shopping malls would be affected. Such uses could not be in a city because they would serve needs of more than the city's residents, and they could not be located on rural land, with limited exceptions, because they are urban uses.

The golf course meets additional needs consistent with Goal 14. Golf courses are recognized open spaces uses under OAR 660-023-0220(1), "For purposes of this rule, 'open spaces' includes parks, forests, wildlife preserves, nature reservations or sanctuaries, and *public or private golf courses*". The "uses such as" categories of Goal 14 are separate from and in addition to the "needed housing" and "employment" need categories, and may include recreation needs identified by a city. The Goal 14 Planning Guidelines provide that plans should designate sufficient amounts of land to accommodate, among other things, "*open space and recreational needs*". Golf courses satisfy both categories of needs.

The need for inclusion of the golf course to meet local, regional and state recreation and open space needs is documented in the amendments to the Comprehensive Plan, including the Goal 8 Element, the Park and Recreation Master Plan update and the supporting findings. The amendments and findings also demonstrate that the Golf Course fulfills a range of community uses that contribute to liveability for Banks residents.

Goal 14 and OAR 660-024-0050(4) provide.

*Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

The LCDC rules require that, after establishing the need for the golf course to meet the recreational needs of its growing population, the City must explore ways to accommodate the use within the existing UGB on vacant or re-developable land.

The National Recreation and Park Association (NRPA) establishes park and recreation standards to identify the minimum land area for community facilities, guide land requirements to meet recreation needs, and justify the need for parks and open space within the land use pattern of a community. The NRPA identifies a minimum of 110 acres for an 18-hole golf course such as Quail Valley.

The area within the current Banks UGB is almost entirely built out. The City of Banks' UGB does not currently include this amount of vacant, undeveloped land and as such, cannot accommodate the need for this special use within its existing UGB.

- Summary of Residential, Employment and Recreation Land Needs: neither existing lands, nor measures to increase the development capacity of existing lands inside the Banks UGB, will be sufficient to accommodate the estimated demand for residential, employment and recreation uses in the Banks area. Therefore, it will be necessary for the City of Banks to amend its UGB to provide additional lands to meet the estimated demand for 154.63 new acres of buildable residential land, 93.55 new acres of buildable employment land, and 143.97 acres of recreation and open space land. In totality, the City of Banks will need to expand its UGB to include 392.15 additional acres

## Page 19 UGB Alternatives Analysis

Replace the second paragraph with:

From the assessments of the aforementioned statutes, this section of the report next focuses on the rationale for the allocation of industrial, commercial, residential and recreation and open space lands in the

Preferred Alternative for UGB expansion selected for further study by the Banks City Council on January 13, 2010 and updated on February 8, 2011.

Page 20 Replace the bullet paragraph with:

- The location factors in Goal 14 are used to perform a comparative evaluation of potential UGB expansion areas that can reasonably be expected to meet identified needs where there is more exception land or agricultural land than is needed. The City of Banks has identified a need to expand and amend its UGB to provide additional lands to meet the estimated demand for approximately 154.63 new acres of buildable residential land, 93.55 new acres of buildable economic land, and 143.97 acres of recreation and open space land in the 20-year planning horizon (2009-2029). In totality, the City of Banks will need to expand its UGB to include approximately 392 additional acres.

Page 20 Replace the sentence listing Tables with:

Tables 7, 8 and 8a summarize these land need estimates.

Page 21 Add Table 8a as follows:

**Table 8a**  
Summary of Recreation and Open Space Land Need 2009-2029

Type	Acres Needed in Planning Period
Community Facilities	143.97

Page 24 Replace the second and third complete paragraphs with the following:

The lands slated for inclusion into the expanded UGB under ORS 197.298(1)(b) and ORS 197.298(2) total 123.6 acres. Because the acreage required for UGB expansion exceeds the amount of land within the study area designated as Priorities 1-3 and "lower capability" Priority 4, expansion of the Banks UGB will require inclusion of parcels currently designated "high-value farmland" Priority 4 by Washington County. After accounting for the inclusion of the 123.6 acres of Priority 2 and adjacent "lower capability" Priority 4 lands, there is still an overall need for 266.28 acres of land to meet forecasted industrial, commercial, residential, and recreation and open space land needs; this need will have to be met through the inclusion of "high value farmland" Priority 4 land.

The following sections detail the process and analyses performed to identify and account for the total amount of industrial, commercial, residential, and recreation and open space land needs for the expanded UGB. As described, 123.6 acres of Priority 2 and "lower capability" Priority 4 lands were slated for inclusion into the expanded UGB in accordance with ORS 197.298 – the following sections describe how these parcels were allocated into industrial, commercial, residential, and recreation and open space designations.

Page 28 Add the following after the two paragraphs under the **"Findings of UGB Factors Assessment"** heading:

The foregoing two paragraphs address the locational factors in general terms for the industrial, commercial and residential land needs. The detailed locational assessment for the Recreation and Open Space land need is provided below under the heading, "Assessment to Satisfy Recreation and Open Space Land Needs".

Page 31 Delete the second bullet paragraph and replace the third bullet paragraph with the following:

- The two parcels south of the Triangular Quail Valley Golf Course parcel east of and adjacent to the railroad right of way

Page 31 Add a paragraph preceding the last paragraph that precedes the "**Preferred Alternative UGB Expansion Parcels**" section with the following:

After the Planning Commission and City Council reached the conclusions described in the paragraph above the Planning Commission and City Council held additional discussions at public meetings and determined to add the remainder of the Quail Valley Golf Course to the UGB expansion, to utilize a six acre undeveloped area surrounded by the Golf Course for a portion of the LDSF residential land need, and to change the designation of an 8.92 acre parcel within the Golf Course previously allocated to HDSF residential land to Community Facilities golf course land. The determination to include the remainder of the Golf Course as Community Facilities land is based on the recreation and open space need analysis above. To avoid creating an isolated six acre parcel surrounded by the Golf Course but not in golf course use, that parcel is designated LDSF, and the adjustments are made as described in the Zoning Allocation to UGB Expansion Lands section below to maintain the amounts and designations of residential land unchanged from the previous conclusions.

Page 31 Add the following preceding the "**Preferred Alternative UGB Expansion Parcels**" section:

#### **Assessment to Satisfy Recreation and Open Space Land Needs**

This section applies the requirements of Goal 14, ORS 197.298 and OAR 660-024-006 to determine the location of UGB expansion land to meet the recreation and open space land need. This report established the alternative land to be considered by adopting a "Study Area" around the existing Banks UGB. The following analysis considers all of the land within the Study Area in evaluating locations other than the five tax lots proposed for inclusion to meet the recreation and open space land need.

The ORS 197.298 priorities and responses are:

*(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:*

*(a) First priority is land that is designated urban reserve land under ORS 195.145 (Urban reserves), rule or metropolitan service district action plan.*

There are no urban reserve lands in the Study Area.

*(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.*

All Priority 2 exception lands are included in the proposed UGB expansion area to meet identified residential and employment land needs, except for a parcel on Sellers Road that was excluded in the foregoing analysis. There are no additional exception lands in the Study Area.

*(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).*

The Study Area has no land designated by Washington County as marginal land.

*(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.*

All of the available land within the Study Area not already proposed for UGB expansion, including these five tax lots, is designated by the Washington County Comprehensive Plan as resource land and designated for agricultural use.

*OAR 660-024-0060(1)(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.*

When there is more than enough land in the applicable priority category to meet the established need, the four location factors of Goal 14 must be applied to determine the boundary change location. As demonstrated above, an insufficient amount of land is available within the UGB or in the first three priority categories to accommodate a golf course. The amount of land within the fourth category exceeds the need and therefore the location factors must be applied to determine the expanded UGB boundary location to satisfy the recreation and open space golf course need.

In addition to applying the Goal 14 location factors, ORS 197.298(2) requires that higher priority be given to land in a lower capability classification system for agricultural land. With the exception of small portions of various tax lots within the Study Area, all land that is not high value farm land is included in either the Preferred Alternative UGB expansion area or this additional expansion area. There are no blocks of lower soil capability class land that are large enough to accommodate a golf course use.

### **Boundary Location Factors**

Only the land not included in the residential and employment land UGB expansion was considered as alternative locations. Also, only those blocks of land large enough or nearly large enough to accommodate a golf course use comparable to the QVGC Golf Course were considered as alternative locations. Those blocks of land are located east of Aerts Rd/south of Hwy 6, east of Aerts Rd/north of Hwy 6, north of Banks Rd/east of Courting Hill Rd, north of Banks Rd/west of Courting Hill Rd, west of Hwy 47/between Hwy 6 and Dierckx Rd, east of Hwy 47/south of Wilkesboro Rd/west of the railroad tracks. Land west of the residential and employment land UGB expansion and north and south of Cedar Canyon Rd was not considered because after deleting floodplain land the remaining land was either too small or would be separated from the UGB by the floodplain.

#### *1) Efficient accommodation of identified land needs;*

The Quail Valley Golf Course is an existing, fully-developed public golf course that meets recreational and local community needs. Because the expansion property will not continue or expand any existing residential, commercial or industrial uses in the City, it is essentially a stand-alone use that could theoretically be located anywhere on the fringe of the City. However, the land east of Aerts Rd and north and south of Hwy 6 and the land north of Banks Rd and east of Courting Hill Rd would be marginally connected to the balance of the UGB and therefore not an efficient location for expansion. Adding these four tax lots and the partial

tax lot to the proposed UGB expansion area is an efficient strategy for meeting recreation needs, since this area is immediately adjacent to the residential and employment land UGB expansion.

It is far more efficient to add an existing use with all necessary infrastructure in place than to create the use and supporting infrastructure on any of the remaining lands considered. If alternative land was brought into the UGB and designated for golf course use, so long as the QVGC Golf Course continued in operation, a new golf course on any other land in the Study Area likely would not succeed, would not be justified by the demonstrated need, and would not be built.

*2) Orderly and economic provision of public facilities and services;*

The property is currently adequately served with sewer, water and transportation facilities. Because the proposed addition to the UGB expansion area will not change or intensify the use, it will generate no need for different or additional services. Demand for fire and emergency services will be unchanged. The use makes no demand on the school system, while contributing tax revenue to its operation and providing a facility for the school athletic program and other educational purposes.

Each of the alternative sites not eliminated for other reasons as described above would require new utility services and would be separated at a minimum by County Roads from the balance of the UGB expansion.

*3) Comparative environmental, energy, economic and social consequences; and*

Because the golf course is an existing use and will not change with UGB expansion, there will be no negative environmental, energy, economic and social consequences as a result of this portion of the UGB expansion. Preserving this existing use will require no additional energy nor create new impacts, nor will it displace any existing agricultural production. Meeting these needs by developing a new golf course on other parcels would have significant environmental, energy, economic and social consequences and on some of the alternative land would result in taking productive agricultural land out of use.

*4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

Compatibility of the Golf Course with nearby activities was a primary issue in the County's approval of the golf course in 1994. The result of the County's review was a conclusion that the Golf Course would be compatible with those activities. There have been no user conflicts since the Golf Course was established. Locating a golf course on any of the alternative lands, although a theoretical exercise at best, would not have the benefit of years of successful and compatible operation the Quail Valley Golf Course has experienced.

**Page 31 Preferred Alternative UGB Expansion Parcels**

Replace the two paragraphs with the following:

Parcels that would be included in the expanded Banks UGB are presented in Appendix G.

The new UGB line is shown on Figure 13, provided at the end of this report

**Page 32 Zoning Allocation to UGB Expansion Lands**

Replace the paragraph with the following:

Analysis was performed to allocate the predetermined zoning district classifications (see Table 4 of this report). Proposed zoning allocations were submitted to DLCD, ODOT, Washington County, and the City of Banks and were presented to the public on April 29, 2010. The Banks City Council approved a Zoning Allocation Strategy Map on May 10, 2010. With the addition of the Golf Course as Community Facilities recreation and open space land, the Council adjusted the locations and designations of residential land without changing the total amount of residential land in each zoning classification.

Six acres of LDSF designated as such by the May 10, 2010 allocation, within the Quail Valley Golf Corporation (Corporation) ownership was moved to the six acres of Corporation land that is surrounded by the Golf Course. The HDSF designation from May 10, 2010 allocation on 8.92 acres of Corporation land developed with the driving range was moved to Corporation land previously allocated to R5 on May 10, 2010 and the displaced R5 area was partially accounted for by moving it to Corporation land previously allocated to LDSF on May 10, 2010. The net result was a reduction of 2.92 acres of R5 on Corporation land. This 2.92 acres of R5 was moved to 2.92 acres of LDSF on tax lot 2N3310000404 adjacent to the same zoning allocation to the west. The displaced 2.92 acres of LDSF on tax lot 2N3310000404 was replaced by an additional 1.41 acres of UGB expansion on tax lot 2N3310000200 and an additional 1.51 acres of UGB expansion on tax lot 2N3310000404. These two additions were added to the partial tax lots in an area previously justified for UGB expansion. The allocations of zoning for each tax lot in the UGB expansion are listed in tables in Appendix G.

The Zoning Allocation Strategy Map is shown on Figure 13, provided at the end of this report. It is important to note that this map may not replace the existing Washington County zoning map until public facilities are available for urbanization of the parcels. When these parcels are brought into the UGB, they will receive comprehensive plan, but not zoning, designations.

### III. Conformance with Statewide Planning Goals

Page 33 Replace the initial paragraph with:

The following narrative provides responses and findings with regard to the Oregon Statewide Planning Goals in support of the proposed Banks UGB amendment of 392 acres, illustrated in Figure 13, provided at the end of this report. Conformance with state administrative rules and statutes pertaining to the proposed amendment are detailed in Section II of this report (OAR 660 Divisions 008, 009, and 024 and ORS 197.298, respectively).

Page 33 **Goal 1 Citizen Involvement**

Replace the first paragraph with the following:

**Response:** A series of public outreach efforts have been involved in the proposed UGB expansion map amendment. The UGB expansion project Included over 5 public hearings, 4 community meetings and ongoing coordination and project technical deliverables review by the project TAC over a 2-year period. All public hearings and community meetings were advertised in the newspaper and on the City's website. The UGB expansion process up to the May 10, 2010 Planning Commission/City Council joint meeting is described in detail in Appendix A of this report. This section corrects certain errors and omissions in Appendix A. It also describes the process subsequent to the May 10, 2010 meeting. A summary of project public hearings and community meetings is provided below:

Page 34 Replace the introductory paragraph of the first bullet section as follows:

- May 14, 2009: Banks Planning Commission/City Council Work Session  
This meeting entailed the following elements:

Page 34 Insert the following ahead of the second bullet section:

- May 26, 2009: Banks Planning Commission Meeting  
The Planning Commission considered the four alternatives presented at the previous Work Session and recommended that the Council approve Alternative 2 with modifications. The modifications included adding the entire Quail Valley Golf Corporation property, if it could satisfy applicable standards, and if not, include only the property shown on the Corporation's Conceptual Site Plan intended for other than golf course development.
- May 27, 2009: Banks City Council Meeting  
The Council approved the Planning Commission recommendations for Alternative 2 with the modifications. The recommendation was drafted and presented at the June 11, 2009 meeting described below. It is included as Attachment 3 to Appendix A, labeled "City Council Preferred Alternative (Alternative 2 Modified)" and also referred to as the "City Council Recommended Alternative".

Page 35 Replace the first full paragraph preceding the first bullet section with the following:

Subsequent to this meeting, UGB expansion alternatives were vetted with TAC members and minor revisions made to reflect comments received from the TAD and City staff. This resulted in four alternatives referred to as follows: Map 1: Current Alternative and Maps 2, 3 and 4. Map 2 addressed adjustments to residential land west of Main Street and was not pursued. Map 3 provided for including all of the Quail Valley Golf Course as open space and the undeveloped approximately six acres surrounded by the Golf Course as residential land as shown in the previous City Council Recommended Alternative.

DLCD had objected to including the six acres, stating that it would create a peninsula of urban land surrounded by EFU land and an inefficient UGB boundary. Including all of the golf course as urban land with an open space designation was intended to resolve that objection. In response DLCD asserted that the OAR 660-024-0040 (10) "safe harbor" provision includes an allowance for open space land, thereby preventing adding additional open space land. After consulting with DLCD staff and conducting research, the City attorney drafted an opinion and advised the Planning Commission and City Council at the January 13, 2010 meeting described below that open space is not included in the safe harbor allowance, so that the golf course could be included as open space if the need was substantiated. In his opinion memorandum to the City Planner he reported: "Speaking with DLCD staff, the intent of the rule is not to call a golf course a park. The intent was a simple rule to calculate total land needs for the uses listed within the rule. If the City wished to bring in the golf course, it would require separate needs analysis and justification."

Page 35 Replace the first bullet section and the paragraph following it with the following:

- January 13, 2010: Banks Planning Commission/City Council Meeting  
This meeting entailed the following elements:
  - Presentation of UGB expansion alternatives
  - City Council approved a UGB expansion Preferred Alternative (see Figure 11 of this report)
  - Retain the "thumb" configuration (as shown in Map 3 of the four alternatives) if there is DLCD concurrence on bringing the entire golf course in as open space; if not, reallocate the "placeholder" acreage (placed along the western side of the large Quail Valley Golf Course parcel) to the area northwest of the golf course.



Subsequent to this meeting, the UGB expansion Preferred Alternative was submitted and reviewed by all TAC member agencies. On January 15, 2010 DLCD staff confirmed in an email to the City's consultant its agreement with the City Attorney's opinion that the golf course would not be considered open space or a park within the "safe harbor" allowance, but would have to be justified as a needed recreation use. The email stated:

"To bring the existing golf course into the UGB, the city must establish a city-wide need for the 20-year planning period for Goal 8 recreation uses based on the appropriate data and trends. (The fact that the division 23 rules include golf courses as open space for purposes of Goal 5 compliance is not controlling for Goal 14 purposes.) If a need is established, the city must explore ways to try to accommodate it within the existing UGB, on vacant or redevelopable land or through infill or through re-zoning, among other possible measures. If it demonstrates that it can't do so, then the city completes a Goal 14/ORS 197.298/OAR 660, division 24 boundary location analysis. Mr. Derr's memorandum doesn't meet these requirements.

"By the way, Jim Lucas called me before he issued his opinion, as you can probably tell from his 5th paragraph. The only point on which I disagree with him is that a golf course must be an open space need. But this doesn't affect the conclusion."

Page 35 Replace the paragraph preceding the **Findings** with the following:

Subsequent to this meeting the firm of Cogan Owens Cogan, LLC in coordination with City staff prepared an update to the City's Park and Recreation Master Plan and proposed amendments to the Comprehensive Plan Goal 8 amendment. The update and Goal 8 amendments include a recognition of the Quail Valley Golf Course as a recreation and open space resource that contributes to meeting the City's needs and a recommendation to include the Golf Course in the City's UGB in order to protect and preserve the resource.

- September 28, 2010: Banks Planning Commission Meeting  
At this meeting the Planning Commission considered the proposed updated Park and Recreation Master Plan and the proposed Comprehensive Plan Goal 8 amendments and:
  - Recommended adoption of the updated Park and Recreation Master Plan by the City Council
  - Recommended that the City Council include in the upcoming UGB and TSP legislative plan amendment proposal the updated Park and Recreation Master Plan and Goal 8 recreational needs amendments and include the Quail Valley Golf Course as part of the UGB expansion.
- October 12, 2010: Banks City Council Meeting:  
The City Council took the actions recommended by the Planning Commission at its September 28, 2010 meeting.

Subsequent to this meeting the City provided notice to DLCD of the first evidentiary hearing to be held by the Planning Commission on December 15, 2010 of the proposed UGB amendments, the proposed TSP adoption, and the proposed actions on the updated Park and Recreation Master Plan, Goal 8 amendments and inclusion of the Quail Valley Golf Course in the UGB expansion.

- December 15, 2010: Banks Planning Commission Hearing  
At this hearing the Planning Commission made the following recommendations to the City Council:
  - Adopt the Part I UGB expansion
  - Adopt the Part II TSP
  - Adopt the Part III Park and Recreation Master Plan update as a Comprehensive Plan Goal 8 resource element, adopt the Goal 8 amendments, include the Quail Valley Golf Course in the UGB expansion

- February 8, 2011: Banks City Council Hearing:  
At this hearing the City Council directed its staff to prepare three ordinances for subsequent Council adoption that will take the following actions:
  - Adopt the Part I UGB expansion
  - Adopt the Part II TSP
  - Adopt the Part III Park and Recreation Master Plan update as a Comprehensive Plan Goal 8 resource element, adopt the Goal 8 amendments, include the Quail Valley Golf Course in the UGB expansion and amend the zoning allocation strategy as shown in Figure 13

**Page 36 *Goal 2 Land Use Planning***

In the first Response paragraph:

Change "Redmond" to "Banks".

Add to the list of technical studies in the second paragraph:

- Cogan Owens Cogan City of Banks Proposed Plan Amendments, September 7, 2010
- Cogan Owens Cogan City of Banks UGB Expansion Amendment, September 15, 2010

**Page 37 *Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources***

Replace the Findings paragraphs with the following:

Findings:

1. While there are no inventoried significant Goal 5 resources in the proposed UGB expansion area, the City has recognized that the Quail Valley Golf Course recreation resource also makes an open space contribution to the livability of the City.

**Page 38 *Goal 8 Recreational Need***

Replace the Response paragraph with the following:

**Response:** As discussed in Section II of this report, the state's safe harbor for estimating park, school, and transportation facility land needs associated with new residential lands (OAR 660-024-0040(9)) was utilized to determine the amount of park land needed exclusive of the special use classification of the Quail Valley Golf Course (30.93 acres to accommodate park, school, and transportation facility needs associated with residential growth) and the inclusion of the Quail Valley Golf Course in the UGB expansion satisfies the special use classification recreation need identified in the Park and Recreation Master Plan and the Comprehensive Plan Goal 8 element.

**Page 39 *Findings***

Replace paragraph 2. With the following:

2. The City will adopt an updated Park and Recreation Master Plan that identifies future land needs by park category to year 2029 consistent with the Goal 8 planning guidelines, will amend the Comprehensive Plan Goal 8 goals and policies, and will include the Quail Valley Golf Course within the UGB expansion as directed by the Park and Recreation Master Plan and Goal 8 goals and policies.

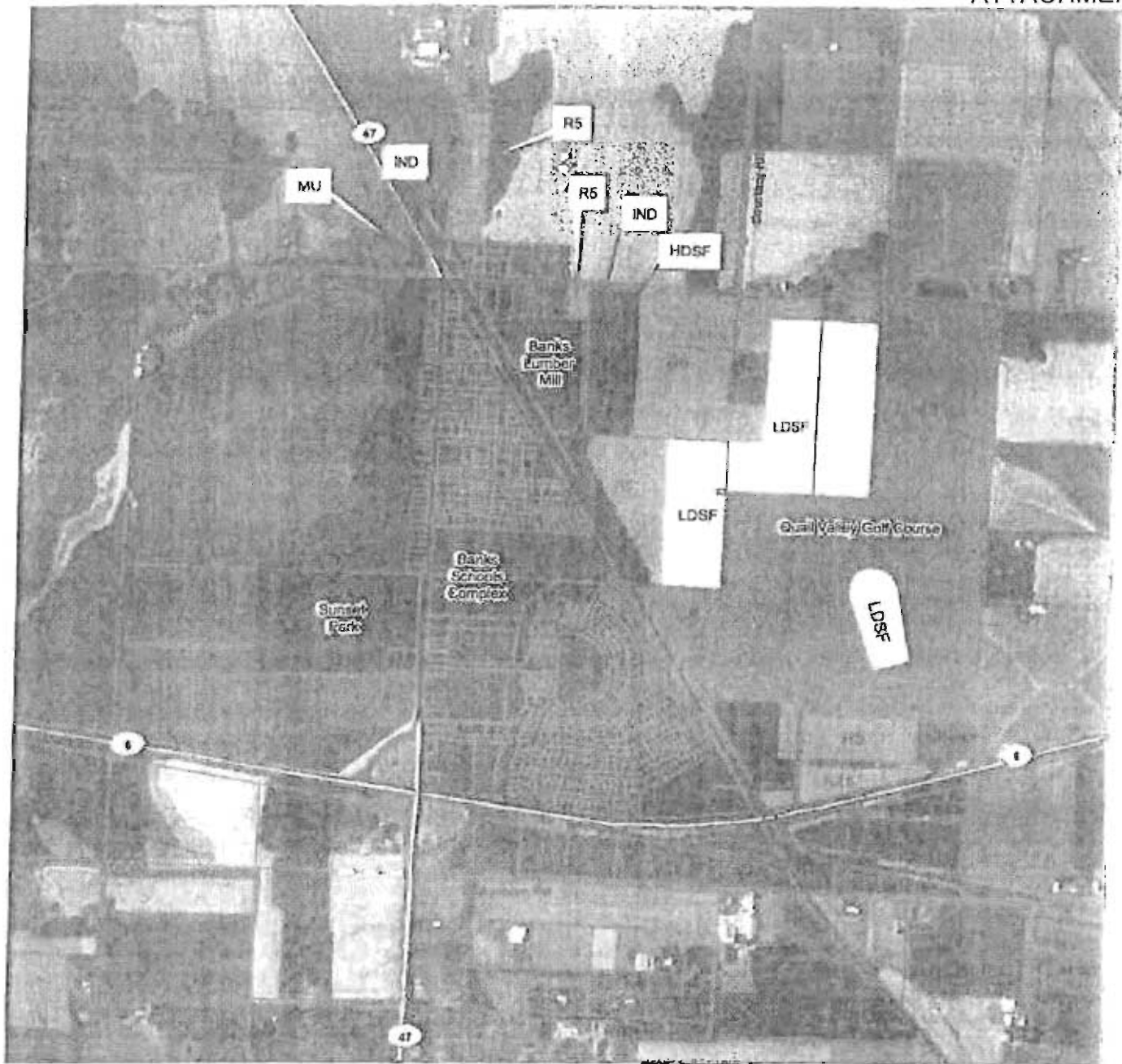
**Page 39 *Goal 9 Economic Development***

Replace the first paragraph with the following:

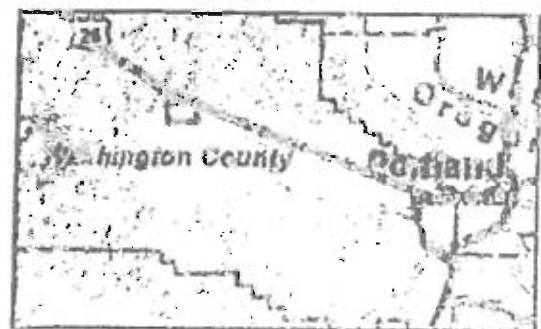
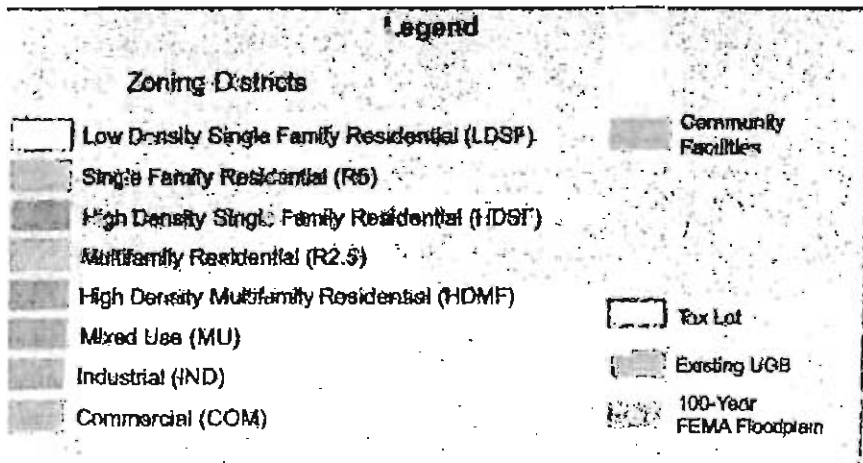
The proposed UGB expansion amendment addresses economic land needs per the City's adopted EOA. The EOA identified a need for 93.55 acres of economic land. This need, for 11.24 acres of commercial land, 76.39 acres of industrial land, and 5.92 acres of land for transportation facilities to support the economic land development, is satisfied in the UGB expansion area, as described in detail in Section II of this report. Section II also describes provisions of the EOA that recognize the contributions of Quail Valley Golf Course to the recreational opportunities of the City that help support business activity and employment growth. The inclusion of the 143.97 acres of Golf Course land in the UGB and its protection and preservation as a recreation resource for the citizens of the City, the region and the State supports the findings and conclusions of the EOA and the requirements of Goal 9.

## FIGURES

Replace Figure 13 with the following:



VICINITY MAP



**Figure 13 - Banks UGB Expansion Reanalysis Study:  
City Council UGB Expansion and  
Zoning Strategy Allocation Map  
(Amended February 8, 2011)**

CH2MHILL

2/8/11 Update prepared by Cogan Owens Cogan LLC

## **Appendix G: Preferred Alternative UGB Expansion Parcel (Tax Lot) Inventory**

Replace Appendix G with the following:

Preferred Alternative UGB Expansion Tax Lot Inventory  
(as proposed Jan, 2010)

TLID	AREA (sq.ft)	AREA (sq.ft)	OWNER1	SITEADDR	UGB Inclusion Use Type	Full or Partial Inclusion	Partial Inclusion Amt. (acres)
2N3300001500	21882.70707	0.50	CHILSON DAVID MELVIN &	14520 NW SELLERS RD	Res	Full	n/a
2N331CC04000	88025.43908	1.97	PARTAIN JIM LIVING TRUST	42005 NW WILKESBORO RD	Ind	Full	n/a
2N331D002200	117898.72745	2.71	RJEDESEL RONALD K	41101 NW WILKESBORO RD	Ind	Full	n/a
2N331CD06800	171544.33952	3.94	HERINCKX DANIEL P & PHYLLIS E	41919 NW WILKESBORO RD	Ind	Full	n/a
2N331D002300	61902.09085	1.42	OREGON STATE OF		Ind	Full	n/a
2N331CD08500	99547.80512	2.29	EVERS GENEVIEVE M TRUSTEE	41745 NW WILKESBORO RD	Ind	Full	n/a
2N331D002500	58386.53840	1.34	BURLINGTON NORTHERN INC		Ind	Full	n/a
2N331CD06400	157205.89292	3.61	HERINCKX ROGER & CINDI	41525 NW WILKESBORO RD	Ind	Full	n/a
2N331D002400	168006.42258	3.81	KEMPER WARREN E & REBECCA V	41455 NW WILKESBORO RD	Ind	Full	n/a
2N331D002100	23846.83410	0.55	O'CONNOR SARA LYNN	41065 NW WILKESBORO RD	Ind	Full	n/a
2N331D002800	19503.00071	0.45	SHAW SANDRA I & TOMMY D		Ind	Full	n/a
2N331D001900	51142.17419	1.17	HARTFORD DALE & PHYLLIS	40835 NW WILKESBORO RD	Ind	Full	n/a
2N331D002000	43877.33693	1.01	SHAW SANDRA I & TOMMY D	40975 NW WILKESBORO RD	Ind	Full	n/a
2N4250002500	46455.12477	1.07	BURLINGTON NORTHERN RR CO	14175 NW SELLERS RD	Ind	Full	n/a
2N3310000603	2929.51672	0.07	UNITED STATES OF AMERICA		Ind	Full	n/a
2N331D001800	101383.44016	2.33	LLOYD HARLENE REV TRUST	41080 NW PACIFIC AVE	Ind	Full	n/a
2N331D001700	43500.47593	1.00	CUTRIGHT ALFREDA	41010 NW PACIFIC AVE	Ind	Full	n/a
2N331D001800	321529.06070	7.38	HERINCKX ROBERT C & DONNA J	12175 NW AERTS RD	Ind	Full	n/a
2N331CC03800	186324.44541	4.28	STEPHENS JERRY L & JOAN A	42155 NW WILKESBORO RD	Ind	Full	n/a
2N3300002400	5748495.79895	131.97	WINTERS CLEL &	42095 NW BANKS RD	Res	Partial	1.00
2N330CC00200	16862.25093	0.39	MCCRAW COREY & VALERIE R	14480 NW SELLERS RD	Res	Full	n/a
2N330CC00300	68344.96640	1.57	MERS	14350 NW SELLERS RD	Res	Full	n/a
2N330CC00400	55293.97788	1.27	DUYCK BENTLEY J & EILEEN M	14230 NW SELLERS RD	Res	Full	n/a
2N330CC00500	28509.44084	0.65	DUYCK LEOLA M REV LIV TRUST	14170 NW SELLERS RD	Res	Full	n/a
2N4250002300	27230.87191	0.83	STOCKER RICK R & TINA L	42585 NW CEDAR CANYON RD	Com	Full	n/a
2N4250002400	11295.10982	0.26	WEST DANNIE B	42627 NW CEDAR CANYON RD	Com	Full	n/a
2N331BB05600	1776.75630	0.04	BIROS ELIZABETH J & EDWARD A	191 N MAIN ST	Com	Full	n/a
2N4360000600	5492199.29181	126.08	WOLVERINE FINANCIAL LLC &	42580 NW CEDAR CANYON RD	Res; Ind	Partial	16 Res; 12.6 Ind**
2N331BB00100	55325.04801	1.27	MEADE LEON STANLEY	42050 NW BANKS RD	Res	Full	n/a
2N3310000401	250022.74794	5.74	BECKER DONALD E &	41940 NW BANKS RD	Ind	Full	n/a
2N3310000400	1090148.08452	25.03	CHRISTY RIDGE FARMS		Res	Full	n/a

Preferred Alternative UGB Expansion Tax Lot Inventory  
(as proposed Jan, 2010 and updated February 8, 2011)

TUID	AREA (sq. ft)	AREA (sq. ft)	OWNER1	SITEADDR	UGB Inclusion Use Type	Full or Partial Inclusion	Partial Inclusion Amt. (acres)
2N3310000402	44861.33083	1.03	BANKS CITY OF		Res	Full	n/a
2N3310000403	232633.38848	5.34	SMITH KAREN J	41512 NW BANKS RD	Res	Full	n/a
2N3310000404	1015225.70458	23.31	CHRISTY RIDGE FARMS		Res	Partial	20.76
2N3310000200	858861.92292	19.72	JENSEN MAURICE & MARCELLA	41200 NW BANKS RD	Res	Partial	16.51
2N3310000602	118931.15650	2.73	BANKS LUMBER CO		Ind	Full	n/a
2N3310000600	1387801.52607	31.86	VANDYKE SAMUEL J &		Res	Full	n/a
2N4360000800	2112720.81201	48.50	WOLVERINE FINANCIAL LLC &		Ind	Partial	2.10
2N331C006900	388560.54000	8.92	QUAIL VALLEY GOLF CORPORATION		CommFac	Full	n/a
2N331D000100	2831709.51914	65.01	QUAIL VALLEY GOLF CORPORATION	12565 NW AERTS RD	Res; Com; CommFac	Full	11.6 Res; 3 Com; 50.21 CommFac
2N4360001101	922246.08744	21.17	VANOYKE JOINT TRUST		Com; Ind	Partial	7.12Com; 10.52 Ind
2N331D000400	432915.96509	9.94	QUAIL VALLEY GOLF CORPORATION		Res	Full	n/a
2N331D001000	65136.22115	1.50	QUAIL VALLEY GOLF CORP	40995 NW WASHINGTON AVE	Res	Full	n/a
2N331D000700	118448.85171	2.72	TRUSSELL JOSEPH F AND	41108 NW WASHINGTON AVE	Res	Full	n/a
2N331D000800	74989.65325	1.72	HUGHES ROY L & SANDRA M	40960 NW WASHINGTON AVE	Res	Full	n/a
2N331D000102	18793.92904	0.43	HUGHES ROY L & SANDRA M		Res	Full	n/a
2N331D001290	18600.19694	0.43	HARRIS JANICE LOUISE	40800 NW WASHINGTON AVE	Res	Full	n/a
2N331D000101	39543.95396	0.91	QUAIL VALLEY GOLF CORPORATION	40755 NW WASHINGTON AVE	Com	Full	n/a
2N331D001300	24092.63518	0.55	LUNDIN FRANKLIN H & MARILYN J	12345 NW ABERTS RD	Ind	Full	n/a
2N331D002600	53056.54719	1.22	DIBLER RICHARD & SHIRLEY	40805 NW PACIFIC AVE	Ind	Full	n/a
2N331D000600	42740.98201	0.98	BECKER DARRYL LEONARD &	41262 NW ROSE AVE	Res	Full	n/a
2N331D001500	15306.47159	0.35	LITTLETON RICHARD L &	40875 NW PACIFIC AVE	Ind	Full	n/a
2N331D001400	24001.92272	0.55	REES TROY L	40695 NW PACIFIC AVE	Ind	Full	n/a
2N331D001401	12974.89551	0.30	PARKER CHRISTINE E/KENNETH E	40677 NW PACIFIC AVE	Ind	Full	n/a
2N331D002700	5750.45059	0.13	LITTLETON RICHARD L &		Ind	Full	n/a
2N331CC03900	85621.85163	1.97	VANDERZANDEN STEVEN J	42085 NW WILKESBORO RD	Ind	Full	n/a
2N331CC03700	62227.06143	1.43	PORTLAND GENERAL	42311 NW WILKESBORO RD	Ind	Full	n/a
2N3310000100	929708.00000	44.30	QUAIL VALLEY GOLF CORPORATION		Res;CommFac	Full	.20 Res; 44.10 CommFac
2N3310000201	1125946.400000	25.94	QUAIL VALLEY GOLF CORPORATION		Res;CommFac	Full	1.0 Res; 24.94 CommFac
2N3310000500	688248.000000	15.80	QUAIL VALLEY GOLF CORPORATION		CommFac	Full	n/a



Preferred Alternative UGB Expansion Tax Lot Inventory  
(as proposed Jan, 2010)

TLID	AREA (sq.ft)	AREA (sq.ft)	OWNER1	SITEADDR	UGB Inclusion Use Type	Full or Partial Inclusion	Partial Inclusion Amt. (acres)
2N331D001901	47038.88142	1.08	HARTFORD DALE & PHYLLIS		Ind	Full	n/a
2N331D000104	28672.61324	0.66	USA BUREAU OF RECLAMATION		Com	Partial	0.02
2N331D000103	998.23375	0.02	USA BUREAU OF RECLAMATION		Com	Full	n/a

Notes

\*\*Includes 0.5 acres for industrial to be located in floodplain intended to enable the installation of a north-south road in the future

**Residential**

TLID	Amount to be Brought Into UGB (acres)
2N3300001500	0.50
2N3300002400	1.00
2N330CC00200	0.39
2N330CC00300	1.57
2N330CC00400	1.27
2N330CC00500	0.65
2N331BB00100	1.27
2N3310000400	25.03
2N3310000402	1.03
2N3310000403	5.34
2N3310000404	20.76
2N3310000200	16.51
2N3310000600	31.86
2N331D000400	9.94
2N331D001000	1.50
2N331D000700	2.72
2N331D000800	1.72
2N331D000102	0.43
2N331D001290	0.43
2N331D000600	0.98
2N4360000600	16.00
2N331D000100	11.80
2N3310000100	0.20
2N3310000201	1.00

**Industrial**

TLID	Amt. to be Brought Into UGB (acres)
2N331CC04000	1.97
2N331D002200	2.71
2N331CD06600	3.94
2N331D002300	1.42
2N331CD06500	2.29
2N331D002500	1.34
2N331CD06400	3.61
2N331D002400	3.81
2N331D002100	0.55
2N331D002800	0.45
2N331D001900	1.17
2N331DC02000	1.01
2N4250002500	1.07
2N331D001600	2.33
2N331D001700	1.00
2N331D001800	7.38
2N331CC03800	4.28
2N3310000401	5.74
2N3310000602	2.73
2N4360000800	2.10
2N331D001300	0.55
2N133D002600	1.22
2N331D001500	0.35
2N331D001400	0.55
2N331D001401	0.30
2N331D002700	0.13
2N331CC03900	1.97
2N331CC03700	1.43
2N331D001901	1.08
2N3460000600	12.50
2N4360001101	10.52

**Commercial**

TLID	Amt. to be Brought Into UGB (acres)
2N331D000101	0.91
2N331D000104	0.02
2N331D000103	0.02
2N4250002300	0.63
2N4250002400	0.26
2N331BB05600	0.04
2N331D000100	3.00
2N4360001101	7.12

**Community Facilities**

TLID	Amt. to be Brought Into UGB (acres)
2N3310000100	44.10
2N3310000201	24.94
2N3310000500	15.80
2N331CA06900	8.92
2N331D000100	50.21

# EXHIBIT 5



## **Amendments to the City of Banks Transportation System Plan, October, 2010**

Add the following preceding, Page 1, Introduction:

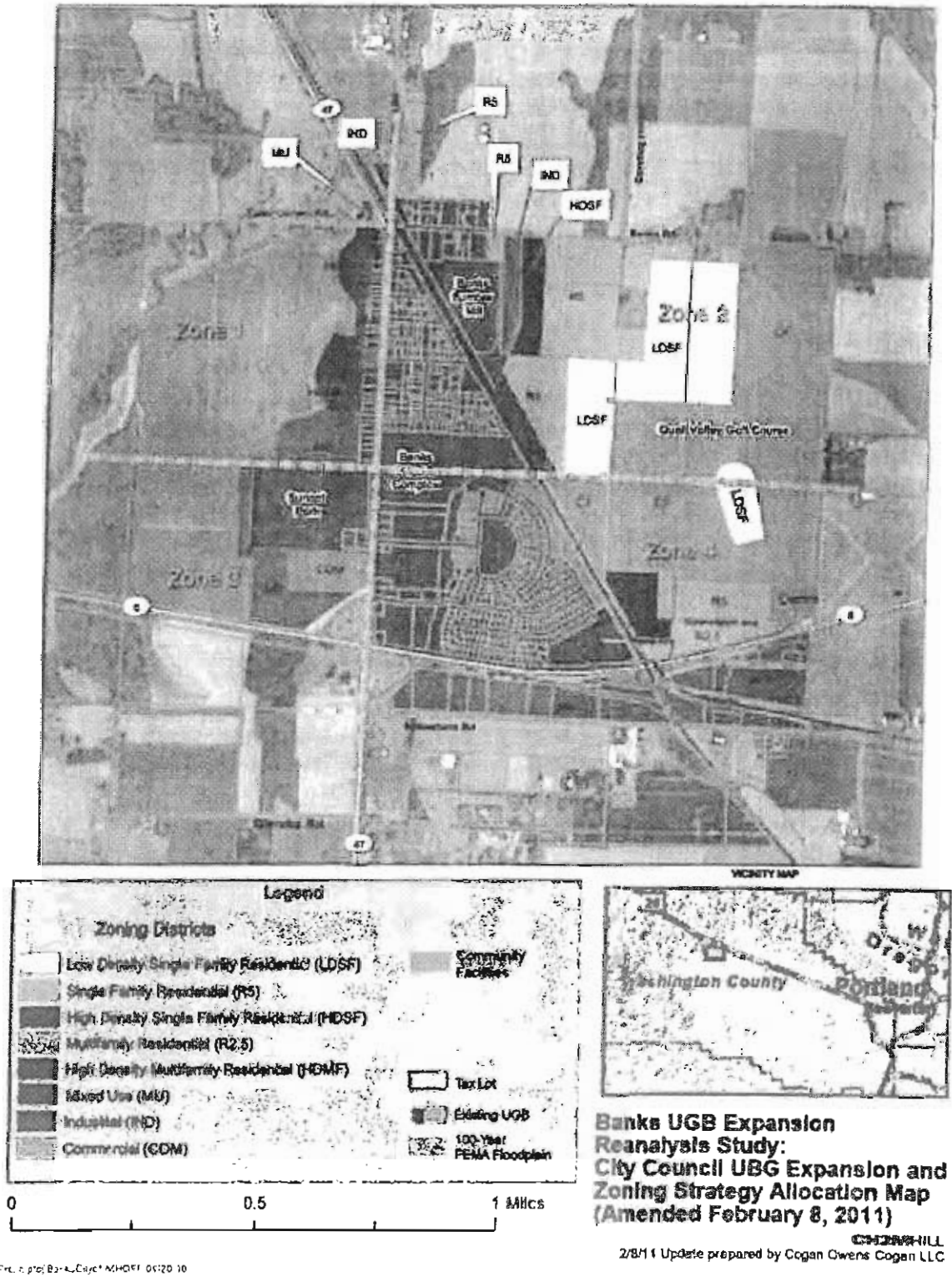
The Banks Transportation System Plan, October, 2010 (TSP) was adopted in conjunction with an amendment to the City of Banks Urban Growth Boundary (UGB) depicted in Figure 4 in the TSP. After adoption of the UGB amendment and adoption of the TSP, the City of Banks further amended the UGB to include additional land and modified the zoning allocation strategy, as shown in Figure 4 included with this amendment.

The further amendment added 143.97 acres to the UGB. With the zoning allocations shown on the attached Figure 4, the amount of land devoted to the several residential zoning districts did not change and 143.97 acres of land were designated Community Facilities to be applied to the Quail Valley Golf Course. The Golf Course is an existing land use, the transportation consequences of which were accounted for in the TSP. Because the Golf Course use and the residential zoning allocations and attendant trip generation will not change, no change to the existing and future conditions analyses and the alternatives evaluations and recommendations of the TSP are required as a result of the further UGB amendment. The adequacy of the transportation system evaluated in the TSP is unaffected by these changes. The TSP was reviewed by Kittleson & Associates, Inc. taking into account the further UGB amendment and the transportation engineering firm reached this conclusion. Its letter report is included with this amendment.

To assure that the addition of 143.97 acres of Community Facilities golf course land will not result in future land use changes that would invalidate the TSP, the City has included a policy in the Comprehensive Plan that requires that any future change in Comprehensive Plan or zoning designations of the golf course land from the Community Facilities designation to first consider and satisfy all applicable provisions of LCDC Goals and regulations, including Goal 12 and the Transportation Planning Rule, OAR 660-012, in the same manner as if the affected land had not previously been included in the UGB.

Page 22 Replace Figure 4 as follows:

FIGURE 4: PROPOSED UGB EXPANSION AREA



Add Appendix E Kittleson & Associates, Inc. January 20, 2011 letter as follows:



January 20, 2011

Project #: 11384

KJ Won  
City of Banks, Oregon  
120 South Main Street  
Banks, OR 97106

RE: *Proposed Urban Growth Boundary and Transportation System Plan Amendments in Banks, Oregon*

Dear KJ:

The purpose of this letter is to address the adequacy of the transportation system as presented in the proposed *Banks Transportation System Plan* dated October 2010, in light of the inclusion of additional Quail Valley Golf Corporation property in what the City refers to as Part III of its planned UGB amendment.

The UGB amendment evaluated in the proposed Banks TSP includes 31.29 acres of Quail Valley Golf Corporation property designated for future residential and commercial use. Although the UGB amendment that was evaluated did not include addition of the balance of the Corporation property into the UGB, that property is largely developed with the existing golf course, and as a result all of the transportation impacts of that property were taken into account in the TSP evaluation. The Part III addition includes the approximately 141 remaining acres of the Corporation's property. With the reallocation of the proposed residential zoning districts from the initial UGB amendment proposal to the Part III proposal, the amount of land devoted to each of the residential and commercial use districts will not change and the balance of the Corporation land will be designated Community Facilities zone with the use limited to a golf course.

The adequacy of the transportation system evaluated in the proposed TSP will be unaffected by these changes because:

- The 141 additional acres to be included in the expansion will be designated Community Facilities, which will limit its use to that of a golf course, except for 6 acres of Low Density Single Family Residential land the addition of which will be offset by an equal reduction of residential land compared with the initial UGB amendment proposal;
- The current use of the 141 subject acres (except for the 6 acres noted above) is as a golf course;
- No other expansion of the UGB is being proposed, and;
- The number of allowable residential units under the proposed new land designations is unchanged.



*Proposed UGB and TSP Amendments in Banks, Oregon  
January 21, 2011*

*Project #: 11502  
Page: 2 of 2*

As a result, the number of vehicle trips that will be generated under the proposed UGB expansion is the same as that assumed under the proposed Transportation System Plan. Moreover, the distribution of trips on urban arterial and collector streets within existing and proposed expanded Banks will be unaffected by the proposed Part III UGB expansion.

I trust this letter addresses your concerns. Please don't hesitate to call if you would like to discuss this issue further.

Sincerely,  
Kittelson & Associates, Inc.

A handwritten signature in black ink, appearing to read "Dan Seeman". The signature is fluid and cursive, with the first name "Dan" and last name "Seeman" clearly distinguishable.

Dan Seeman  
Senior Associate

Cc: Larry Derr



601005

**WASHINGTON COUNTY, OREGON**  
**Department of Land Use & Transportation**  
**Long Range Planning Division**  
155 N First Avenue, Suite 350, MS 14  
Hillsboro, OR 97124-3072



**FIRST CLASS MAIL**

**DEPT OF**  
**MAY 28 2013**  
**LAND CONSERVATION**  
**AND DEVELOPMENT**

Attention: Plan Amendment Specialist  
Department of Land Conservation &  
Development  
635 Capitol St. NE, Suite 150  
Salem, OR 97301-2540

**FIRST CLASS MAIL**