

**City of Banks**

**Decision of the Planning Commission**

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**File No.:** **CMP 16-01 Concept Master Plan approval for 37 single-family lots and related open space**

**PSA 16-01 Preliminary Subdivision approval for 37 single-family lots and related open space**

**Findings and Reasons:** As findings supporting its decision, the Planning Commission incorporates the April 26, 2016 Staff Report including Findings and Applicant's Submittal.

**Additional Findings:** The Planning Commission found that the Applicant's proposal met the Banks Zoning Code (BZO) applicable criteria as found in the Staff Report. The Planning Commission deliberated over the surfacing of the trail around and adjacent to the existing stormwater quality pond located in Tract C. The Applicant proposed the trail to be gravel in surface. Staff provided a discussion in the Staff Report regarding the benefits of keeping the trail a gravel surface and the benefits of requiring the trail be a paved surface. The Planning Commission found that a paved trail would provide year-round usage of the trail for strollers, bicycles, and other users and therefore requires the path be paved. The Planning Commission is aware that the paved pedestrian pathway is subject to approval of Clean Water Services.

The Planning Commission amended the **General Conditions of Approval #8** to read as follows:

**8. The Applicant shall obtain CWS consent for the public use of the portions of easements for public access. The pedestrian pathway shall be paved, subject to CWS approval. (Page 43 of the City of Banks Staff Report dated April 26, 2016.)**

**Conclusion:** The Planning Commission concludes that CMP 16-01 and PSA 16-01 can meet all applicable criteria. The Applications can be approved as **proposed** subject to the Applicant fulfilling the following conditions:

**Conditions of Approval:**

**A. General Conditions of Approval**

1. The Applicant shall apply for Detailed Development Plan and Final Plat.
2. Prior to commencing any on-site improvements, the Applicant shall submit for final plat approval. That plan shall portray how the conditions of approval are met. The final plat shall be prepared consistent with the requirements of Chapter 152 of the BZO and comply with ORS Chapter 92. All easements and tracts shall be shown on the final plat.
3. Prior to commencing any on-site improvements, the Applicant shall obtain all required permits from Clean Water Services, demonstrating compliance with all applicable provisions of the District's Standards.
4. Prior to the issuance of building permits the Applicant shall obtain final plat approval and record the final plat.
5. All public improvements as required by these conditions of approval and conditions of the final plat shall be completed and accepted by the City, prior to final plat approval.
6. The development shall be constructed in accordance with the conditions of this decision, the approved final plans and the standards of the BZO and Public Works Design Standards v 2016.
7. This approval shall automatically expire four (4) years from the date of this approval, unless development has commenced, an application for extension is filed, or this approval is revoked or invalidated.
8. The Applicant shall obtain CWS consent for public use of portions of easements for public access. The pedestrian pathway shall be paved, subject to CWS approval.
9. All common areas shall be annexed to and maintained by the Arbor Village Homeowners Association.
10. No later than twelve (12) months following final plat recording the Applicant shall complete and obtain City acceptance of all work described in the West Hills Development Developer Agreement, Washington County Document No. 2015-037807.
11. Construction of public improvements is subject to inspection by the City Engineer or his/her designee.
12. Development on all lots created by this subdivision shall comply with all dimensional and development standards of the R5 zone, accept as modified by the Master Plan and this decision.

**B. City Engineer Conditions of Approval**

1. The narrative page 3, item C. 1. describes alternating side of the street parking however plans show one side parking on the street. Either method is acceptable provided emergency vehicles can pass easily.
2. Prior to final plat approval, the Applicant shall obtain Clean Water Services final approval of stormwater facilities; provide storm drainage report with development submittal.
3. Proposed retaining walls may results in fall hazards. Provide fall-prevention for drop-offs created by retaining walls as required by code.
4. Maintain underground utility separation as required under Section 4.50 of the City of Banks Design Standards and ORS 333.
5. Streets and sidewalks shall be constructed in accordance with the City of Banks Public Works Design Standards prior to final plat approval.
6. Water Mains and services shall be installed in accordance with City of Banks standards. City of Banks revised design standards for water meters were adopted in January 2016.
7. City of Banks design standards for Street Trees were adopted in January 2016, including species appropriate for each planting strip width. These standards shall be implemented in proposed development.

C. **Public Works Conditions of Approval**

1. The Applicant shall submit a proposal to provide markings on street to delineate the on-street parking spots. The Applicant shall work with the Public Works Director regarding marking materials.
2. All water lines shall be looped. If not possible, blow off valves are required.
3. The Applicant shall submit a traffic construction plan addressing construction traffic, parking, dust control, hours of construction, etc., with the final plan.
4. The Applicant shall install radio read meters for water meters.

D. **Banks Fire Department Conditions of Approval**

1. Require 4" Storts fittings for steamer ports.

E. **Washington County Sheriff**

1. The proposed trail around the water quality facility shall be surfaced with materials to support sheriff vehicles.

F. **Traffic Engineer Conditions of Approval**

1. The final plat shall demonstrate compliance with 152.054(B) requiring each lot and parcel have a minimum of twenty (20) of frontage, consistent with this standard.
2. Prior to final plat approval, the Applicant shall submit the detailed scope of improvements and repairs agreed upon between the City and Applicant. (Washington County Document No. 2015-037807).
3. A barricade shall be installed at the Ashton Drive cul-de-sac termination with a sign stating that the road may be extended with future development. See DKS memorandum dated April 15, 2016 for suggested signage.

**Description and Date of Final Decision:** On April 26, 2016 the Planning Commission approved City File Nos. CMP 16-01 and PSA 16-01.

**How to Obtain More Information:** The decision is available for review on the City of Banks website. A copy may be obtained at cost at the following address:

City Manager  
City of Banks  
City Hall  
13680 NW Main Street  
Banks, OR 97106  
503-324-5112

**Right to Appeal:** This decision is effective the date of mailing, May 2, 2016. Within 14 days of the date of final decision by the Planning Commission, an appeal of the decision may be appeal to the City Council, consistent with BZO 151.176.

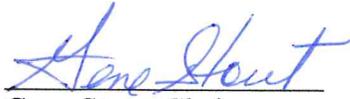
Appeals may be made by the applicant, the owner, or any other party **who has participated in the public hearing either in person or in writing, by submitting comments on the specific land use application, directed at the applicable criteria.**

Notice of the appeal shall be filed with the City Recorder along with the prescribed according to BZO 151.173. The notice of appeal must include the appellant's name, address, and phone number and relationship to the land use application, and a statement giving the reasons for the appeal.

The City Council shall schedule a public hearing on the appeal according to the procedural and notice requirements of BZO 151.171 through 151.174

A land use decision shall not become effective until the termination of any local appeal pending against it.

DATED this 2nd Day of May 2016

A handwritten signature in blue ink, appearing to read "Gene Stout", written over a horizontal line.

Gene Stout, Chair