



Sunset View Estates Phase 1 Final Plat (FP 25-01)

December 22, 2025

To: City of Banks

From: Emma-Quin Smith, Contract City Planner

Through: Jolynn Becker, City Manager

Request for: Phase 1 Final Plat (FP 25-01)

Applicant: David Weekley Homes (c/o Dave Cady)

Applicant (Representative): Peyton James, Pacific Community Design

Location: Tax Lots 2N4360001700

Address: 42580 NW Cedar Canyon Road,
Banks, OR 97108

Zoning: Medium Density Residential-Low (MDR-L)
High Density Residential (HDR)
Mixed-Use (MU)

Site Size: 7.96 Acres

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EXHIBITS

- Exhibit A Signed Application Form
- Exhibit B Title Report
- Exhibit C Phase 1 Plat (Signed)

APPLICABLE BANKS ZONING AND LAND DIVISION STANDARDS

- 151.232 Type II Procedure (Staff Review and Zoning Checklist)
- 152.009 Final Plat Submission
- 152.010 Filing and Recording

SUMMARY RECOMMENDATION

Based on the findings of fact, staff recommends **approval** of the Type II Final Plat (FP 25-01) review, subject to the conditions of approval to assure compliance with City and other standards.

Report Sections:

- I. Background
- II. Zoning Code Standards (Chapter 151)
- III. Land Division Regulations (Chapter 152)
- IV. Sunset View MPD Conditions of Approval
- V. Decision and Conditions of Approval

BACKGROUND

Final Plat Background

The applicant received preliminary plat approval via the West Banks (Sunset View) Master Plan (MPD 24-01 et al) approved on August 29th, 2024 and the subsequent Minor Modifications to the Master Planned Development (MM-MPD 25-01), approved on September 25th, 2025. Per the standards of Chapter 152 Land Division, an application for a partition is required to receive preliminary plat approval pursuant to a type III procedure. Once the preliminary plat is approved, the applicant must request final plat approval pursuant to a Type II procedure. This staff report details the applicable approval criteria and procedures for a final plat.

Master Planned Development Background

The Master Planned Development (MPD 24-01) application package for the development of a residential subdivision at 42580 NW Cedar Canyon Road (Tax Lots 2N4360000600 and 2N331BC05200) was approved August 29, 2024. The initial application package included requests for approvals of a Concept Plan and Detailed Development Plan (MPD 24-01), Comprehensive Plan Map and Zoning Map Amendments (CPA 24-01 and ZMA 24-01), Site Design Review (SDR 24-01), a Conditional Use for a park (CU 24-02), a Property Line Adjustment (PLA 23-01), two Minor Partitions (PAR 24-01 and PAR 24-02), and a Subdivision (SUB 24-01).

The Applicant submitted a request for Minor Modifications to the Master Planned Development (MM-MPD 25-01) which was approved on September 25, 2025. The Minor Modifications were related to the development of the residential subdivision at 42580 NW Cedar Canyon Road (Tax Lots 2N4360001700 and 2N4360001600).

The primary focus of the MPD package was the development of 83 detached single-family dwellings and 61 attached single-family dwellings (townhomes), for a total of 144 new dwelling units. The proposed development would be constructed in three phases – spanning from roughly Spring 2025 to 2030.

The development will add street connections at NW Cedar Canyon Road and NW Main Street via a new street (Strawberry Blvd) and an extension of NW Wilkes Street. Street connections will be provided at NW Depot Street and four streets east of Strawberry Blvd (Atfalati Lane, Cherry Lane, Quail Lane, and Turner Lane). West of Strawberry Blvd, two new streets are proposed (Braves Way and Lilu Lane).¹

A multi-use trail is proposed along the western boundary of the site, which will provide a connection to the regional Banks-Vernonia Trail and developing Salmonberry Trail north of the site and to the future Council Creek Trail south of the site. A neighborhood park will be dedicated to the City and will include a variety of recreational facilities and activities including a nature play area, open field, dog park, combination pickleball/basketball court, swings, and cornhole. Trees are proposed outside of the right-of-way along A Street. At the south end of the project site, approximately 10.9 acres of land will be set aside for future industrial/employment use.

¹ Braves Way shall be re-named “Braves Loop”, per comments from the Banks Fire District and Condition of Approval 7 in this decision.

Minor Modifications (MM-MPD 25-01) approved to the initial MPD consisted of the following:

1. Lot line revisions throughout the site in all three phases of development.
2. Modification of townhome products in all three phases.
3. Modification to increase building coverage for single-family detached homes in the MDR-L zone for Phases 1 and 2.
4. Modification to site design to include a stormwater facility for on-site stormwater management in Phase 1.
5. Modification of the amount of open space being provided, from 3.60 acres to 3.02 acres.

The proposal is required to meet the requirements of the Banks Zoning Code and Land Division Standards detailed below.

CHAPTER 151: BANKS ZONING CODE

Section 151.232 Type II Procedure (Administrative Review with Notice).

The City Planning Official, or their designee, performs administrative staff reviews through the Type II procedure. Type II decisions are made by the City Planning Official with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

(A) Application requirements.

(1) Application forms. Applications for projects requiring an administrative land use decision shall be made on forms provided by the City Planning Official.

(2) Submittal information. The City Planning Official shall advise the applicant on what constitutes a complete application. At a minimum, the application shall include all of the following:

- (a) The information requested on the application form;*
- (b) Plans and exhibits required for the specific approval(s) being sought for example, requirements for property line adjustments are in §§ 151.270 through 151.273;*
- (c) A written statement or letter explaining how the application satisfies each and all of the relevant code criteria and standards in sufficient detail;*
- (d) Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and*
- (e) The required fee.*

(B) Procedure.

- (1) The City Planning Official shall mail notice of a pending Type II decision to the individuals and agencies identified in (B)(2) below no fewer than 14 days prior to making the Type II decision .*

[...]

FINDING: Pursuant to Section 152.009 of the Code, this application package is being reviewed as a Type II application. All application submittal requirements were met and the City deemed the application complete on September 15, 2025. The City mailed a Notice of Pending Decision to applicable property owners and agencies on November 24, 2025, for a decision that will be made more than 14 days after that notice. Therefore, this standard is met.

CHAPTER 152: LAND DIVISION REGULATIONS

Section 152.009 Final Plat Submission Requirements and Approval Criteria

- A. *Final plat required. Final plats require review and approval through a Type II review prior to recording with Washington County. The applicant shall submit an application for final plat approval within 4 years of the approval of the preliminary plat. A professional land surveyor licensed by the State of Oregon shall prepare the final plat, which shall conform to O.R.S. Chapter 92.*

FINDING: The applicant is requesting review for the final plat. The preliminary plat was approved less than 4 years ago, and a professional land surveyor licensed by the State of Oregon has prepared the plat. Therefore, this standard is met.

- B. *Final plat approval process and criteria. The City Planning Official shall approve, approve with conditions, or deny a final plat application. The decision shall be based on findings of compliance with all of the following approval criteria:*

1. *The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;*

FINDING: As submitted, the final plat is consistent with the preliminary plat and all conditions of approval. Conditions of approval still stand for the final plat and have been added below. This standard is met.

2. *All public improvements required by the preliminary plat have been installed and approved by the city, or applicable service provider if different than the City of Banks, or are otherwise bonded with a financial guarantee in a form or amount acceptable to the City Attorney;*

FINDING: The public improvements required by the preliminary plat will be bonded for with a financial guarantee and will be submitted to the City Attorney for review once final cost reviews are provided by the applicable jurisdictions. The applicant has included these provisions in the public improvement plan (PIP-2025-03-003). Therefore, this standard is met.

3. *The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;*

FINDING: All public roads within the Phase 1 Final Subdivision plat are dedicated without reservations or restrictions. Therefore, this standard is met.

4. *All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;*

FINDING: All of the required elements are shown on the Phase 1 Final Subdivision plat. Therefore, this standard is met.

5. *The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, water, and sewer facilities, as applicable;*

FINDING: The public-right-of-way and easements are dedicated to the public as stated in the Declaration on Sheet 6 of the final plat. Therefore this standard is met.

- 6. As applicable, the applicant has furnished acceptable copies of covenants, conditions and restrictions (CC&R's); easements, maintenance agreements (e.g., for access, common areas, surface water facilities, parking, and the like); and other documents pertaining to common improvements recorded and referenced on the plat;*

FINDING: The applicant provided draft CC&Rs with the preliminary plat application. However final CC&Rs will be required before the Final Plat mylars are signed. Easements are provided on the Final Subdivision plat plan. This standard can be met with conditions of approval.

- 7. Written verification from clean water services that sanitary sewer service is provided to every lot depicted on the plat and the development conforms to applicable surface water management and storm drainage requirements; and*

FINDING: A Clean Water Services (CWS) Site Development Permit was obtained on August 25, 2025, CWS File Number 25-000692-00-SD. When the lots are developed, all surface water management and storm drainage requirements must adhere to and comply with CWS standard, and a connection permit will need to be issued, per CWS. Additionally, all surface water and storm drainage improvements have been bonded as part of the Public Improvement Plans and Permit (City PIP Number 2025-03-003). This standard is met.

- 8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by O.R.S. Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner approved by the Washington County Surveyor for purposes of identifying its location.*

FINDING: The plat contains an affidavit by Travis C. Jansen that the property has been correctly surveyed. The plat indicates the initial point of survey and appropriate references for identifying monuments. This standard is met.

Section 152.010 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat for the subdivision or partition containing the lot is recorded. Requests to validate an existing lot created through means other than a final plat ("lot of record") shall follow the procedures set forth in O.R.S. 92.010 - 92.190. The final plat filing and recording requirements are as follows:

- 1. Filing plat with county. Within 60 days of the city approval of the final plat, the applicant shall produce required final hardcopy and electronic copies of said plat, obtain required signatures, and submit the final plat to Washington County for signatures of County officials and recording as required by O.R.S. Chapter 92.*

FINDING: A condition of approval has been added below to require the applicant to file and record the plat within 60 days of approval from the City of Banks. If the final plat is not recorded within 60 days it will become void.

2. *Proof of recording. Upon final recording with the county, the applicant shall submit to the city a mylar copy and 3 paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits any newly created lot.*

FINDING: A condition of approval has been added to require the applicant to submit to the City of Banks a copy of the mylar and 3 paper copies of all sheets recorded on the final plat.

3. *Prerequisites to recording the plat*
 1. *No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by O.R.S. Chapter 92.*
 2. *No plat shall be recorded until the County Surveyor approves it in the manner provided by O.R.S. Chapter 92.*

FINDING: Conditions of approval have been added to ensure that all ad valorem taxes and all special assessments, fees, or other charges required by law have been paid and that the plat must be approved by the County Surveyor before recording. Therefore, these standards can be met with conditions.

RECOMMENDATION

Based on the above findings, Staff finds the proposed partition meets the applicable standards of the Banks Zoning Code and Land Division Code. Staff is issuing approval of this Type II Final Plat request with the following conditions of approval.

General:

1. No plat shall be recorded until the County Surveyor approves it in the manner provided by O.R.S. Chapter 92.
2. Within 60 days of the City approval of the final plat, the applicant shall produce required final hardcopy and electronic copies of said plat, obtain required signatures, and submit the final plat to Washington County for signatures of County officials and recording as required by O.R.S. Chapter 92.
3. Upon final recording with the County, the applicant shall submit to the City a mylar copy and 3 paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits any newly created lot.
4. All ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by O.R.S. Chapter 92.

Prior to the City signing the Final Plat mylar:

5. The applicant shall provide the City with the final Covenants, Conditions, and Restrictions (CC&R) document prior to the City signing the Final Plat mylar. Consistent with prior

Condition of Approvals (MPD 24-01 et al), the CC&Rs must specify common areas to be annexed to and maintained by the Homeowners Association. (Related to Master Planned Development (MPD) Condition of Approval A.III.1)

6. The applicant shall arrange for notification to homebuyers of the proximity of all homes in this development to the seasonal excessive noise source emanating from the Sunset Park and Sunset Speedway. The applicant shall include the notice in the CC&Rs that the applicant shall provide the City prior to the City signing the Final Plan mylar, and shall record the notice in the title to property for all lots in the development. (Related to MPD Condition of Approval A.V.5)
7. Based on review by the Banks Fire District and Fire Chief, for emergency response purposes, the applicant shall update the street name “Braves Way” to be “Braves Loop” prior to the City signing the Final Plat mylar. (Related to MPD Condition of Approval A.IV.11)
8. The applicant shall update the Plat Notes to reflect that Tract D will be a private tract instead of a public tract, consistent with discussion and verbal agreement between the City Manager and applicant.
9. The applicant shall convey fee simple title to the 1-acre parcel located at NW Cedar Canyon Road and Strawberry Boulevard to the City by statutory warranty deed prior to the City signing the Final Plat mylar. (Related to MPD Condition of Approval C.III.3a)

Concurrent with the recording of the Final Plat:

10. The applicant shall dedicate the park (Tract B) by deed to the City concurrent with the recording of the Final Plat for Sunset View Phase 1. (Related to MPD Condition of Approval A.V.7 and Park Review (PR 25-01) Condition of Approval 1)

Prior to sign installations:

11. The applicant shall submit requests for sign permits, consistent Title III, Chapter 39, of the Banks Municipal Code, prior to the installation of signs with subdivision names or other non-government (i.e., not street, stub street, or trail) signs. (Related to MPD Condition of Approval A.V.8)