



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 03, 2016

Jurisdiction: City of Banks

Local file no.: ZCA 16-01

DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/27/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-16 {24229}
Received: 4/27/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Banks

Local file no.: **ZCA 16-01**

Date of adoption: 4/12/16

Date sent: 4/28/16

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): Yes

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Jolynn Becker, City Manager

Phone: 503.324.5112

E-mail: jbecker@cityofbanks.org

Street address: 13680 NW Main Street

City: Banks

Zip: 97109-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Update to cul de sac standards, Banks Zoning Code Chapter 152.052 to implement the recommendations of the adopted Banks Bicycle and Pedestrian Plan. The update will also correct a discrepancy between the City Zoning Code and the City Public Works Standards.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

See attached ordinance.



ORDINANCE No. 2016-02-01

An Ordinance relating to the City of Banks Bicycle and Pedestrian Plan (BPP), by amending the City of Banks Development Code , Sections 152.052 (I) pertaining to cul-de-sacs of the Banks Code of Ordinances

The Banks City Council adopts the following findings:

WHEREAS, A review was completed between the Banks Public Works Design Standards v. 2015 and the Banks Municipal Code Section 152 which revealed an inconsistency between the documents; and

WHEREAS, City staff is recommending a remedy to the situation by updating the Banks Municipal Code Section 151.052.I to match what is in the Banks Public Works Design Standards;

WHEREAS, City staff provided Notice to DLCD as required; and

WHEREAS, City staff worked with the Planning Commission and the public during the process to bring updated code language acceptable to the Commission before City Council consideration; and

WHEREAS, The City Council has reviewed all evidence and testimony submitted at the Planning Commission and City Council hearings on the matter;

WHEREAS, The City of Banks City Council finds that the code amendments Staff Report to Council (Exhibit A); and the Staff Report to the Planning Commission (Exhibit B) and the testimony at the hearing, are in the public interest, the amendments conform with the Banks Comprehensive Plan and Statewide Planning Goals,

NOW THEREFORE, based on the foregoing Findings, the Banks City Council Ordains that the City of Banks Development Code Sections 152.052 (I) of the Banks Code of Ordinances is hereby amended as follows:

§ 152.052 STREETS.

Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building site for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround.

Brought before Banks City Council and read for the first time March 8, 2016.

Read for the second time and adopted April 12, 2016.

This Ordinance becomes effective May 12, 2016.

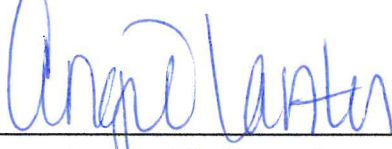


Peter C. Edison, Mayor

Summary of Votes

Teri Branstitre	Yes/No	Absent
Mark Gregg	Yes/No	
Brian Biehl	Yes/No	
Dan Keller	Yes/No	Absent
Mark Walsh	Yes/No	
Michael Nelson	Yes/No	

Attest:



Angie Lanter, City Recorder



City of Banks

Council Action & Status Report

Date Submitted: March 1, 2016

Agenda Date Requested: March 8, 2016

To: Banks City Council

Through: Planning Commission

From: Stacey Goldstein
City Planner

Subject: Adoption of the Implementing Language (ORD 2016-XX-XX) to remedy a conflict between the Public Works Design Standards and City Municipal Code pertaining to cul-de-sac length and number of units.

Type of Action Requested:

<input type="checkbox"/>	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinances
<input type="checkbox"/>	<input type="checkbox"/>	Formal Action	<input type="checkbox"/>	<input type="checkbox"/>	Report Only

Issue: The City of Banks Public Works Design Standards were updated to include the cul-de-sac standards that were adopted by the City Council. The Banks Municipal Code was not updated with the cul-de-sac standards and therefore a conflict exists. This proposed code amendment will remedy the situation. The conflict is as follows:

City of Banks Public Works Design Standards v. 2016:

Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building site for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround.

Banks Municipal Code Section 152.052 (I)

Cul-de-sac. A cul-de-sac shall be as short as possible and shall have a maximum length of 500 feet and serve building site for not more than 20 dwelling units. A cul-de-sac shall terminate with a circular turnaround.

The Planning Commission met in a work session to discuss the proposed code change at their meeting in January 2016. They met again at their regular meeting in February 2016. Staff was directed to see what other jurisdictions require. To follow is a list of requirements from other communities.

- North Plains – 600 feet, 20 units
- Forest Grove – 200 feet, 20 units, no on-street parking
- Sherwood – 200 feet, 25 units
- Small Cities Model Code, v. 2015 -- 400 feet, street shall only be used where the [City decision-making body] determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension.

Ordinance Summary:

Ordinance 2016-XX-XX. This Ordinance amends the City of Banks Development Code Sections 152.052.I

Planning Commission Recommendation:

The City of Banks Planning Commission voted to recommend the City Council adopt the ordinance.

Options:

1. Adopt the findings in ZC16-01 staff report dated February 23, 2016 and approve the proposed Ordinance XXXX-xx-xx.
2. Adopt findings demonstrating that the ordinance does not comply with the Banks Municipal Code and no not adopt Ordinances.

Recommendation: Staff recommends that the Council adopt Ordinances 2016-XX-XX, as presented.