NOTICE OF ADOPTED AMENDMENT

06/24/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Banks Plan Amendment
DLCD File Number 001-13

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: Friday, July 05, 2013

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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: Jolynn Becker, City of Banks
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative
Jurisdiction: City of Banks
Date of Adoption: 6/11/2013
Local file number: Ord 2013-06-02
Date Mailed: 6/13/2013

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☐ Yes ☒ No

☐ Comprehensive Plan Text Amendment
☐ Land Use Regulation Amendment
☐ New Land Use Regulation

☐ Comprehensive Plan Map Amendment
☐ Zoning Map Amendment
☒ Other: Planning Commission

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

On June 11, 2013, the Banks City Council adopted Ordinance 2013-06-02 that moves Section 151.179 "Planning Commission" from the Chapter 151: Zoning Code to Chapter 32: City Organizations of the Banks Code of Ordinances. It also amends the code to have option of appointing 2 of the 7 Planning Commissioner, who lives, own property, or is a business owner within the City Limits, UGB, or Rural Area.

Does the Adoption differ from proposal? Please select one
N/A

Plan Map Changed from: N/A to: N/A
Zone Map Changed from: N/A to: N/A
Location: N/A

Specify Density: Previous: N/A to: N/A
New: N/A

Accres Involved: 0

Applicable statewide planning goals:

☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

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 ☒ No
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
An Ordinance repealing in its entirety Chapter 151 (Zoning Code), Section 151.179 (Planning Commission) of the Banks Code of Ordinances, and adopting a new Section 32.30 (Planning Commission) in Chapter 32 (City Organizations), of the Banks Code of Ordinances, and amending the qualifications for Planning Commissioners.

The City Council of the City of Banks finds as follows:

WHEREAS, the City of Banks plans and zones all land within its corporate boundaries pursuant to ORS chapters 197 and 227; and

WHEREAS, the City of Banks created and adopted Section 151.179 of the Banks Code of Ordinances (BCO) in which it established the Banks Planning Commission, scope of authority and qualifications for membership on the Planning Commission pursuant to the authority granted to it by ORS 227.100 to 227.120; and

WHEREAS, the City Council now sees fit to revise the membership and qualifications of the Planning Commission to make it easier to fill vacant positions on the Planning Commission with people that either live, own property or run a business within the City or within the City’s Urban Growth Area, but still reside within Washington County; and

WHEREAS, the City Council also desires to remove the general provisions related to the Planning Commission from the Zoning Code and establish them in a new section in Chapter 32 (City Organizations) of the Banks Code of Ordinances; and

WHEREAS, the City Council held a duly noticed public hearing on this proposed revision to the Banks Code of Ordinances at its regular meeting on 5-14-13, at which time it accepted public testimony on the proposal that is attached to this Ordinance as Exhibit 1, and incorporated herein by this reference.

NOW THEREFORE, based on the foregoing Findings, the Banks City Council Ordains as follows:

Section 1 – Repeal. The City Council hereby repeals in its entirety Chapter 151 (Zoning Code), Section 151.179 (Planning Commission) of the Banks Code of Ordinances.

Section 2 – Adoption. The City Council adopts Chapter 32 (City Organizations), Section 32.30 (Planning Commission) set forth in Exhibit 1, attached hereto and by this reference made a part hereof, as part of the Banks Code of Ordinances. This ordinance becomes effective 30 days after passage.

Read for the first time May 14th, 2013.
Read for the second time, passed and adopted on June 11th, 2013.

Mayor Peter C. Edison

Summary of Votes
Craig Stewart Yes
Mark Gregg Yes
Brian Biehl Yes
Dan Keller Yes
Rob Fowler Yes
Christy Greagor Yes

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32.30 PLANNING COMMISSION.

(A) The Planning Commission shall consist of 7 voting members, at least five of whom shall reside within the City to be eligible to serve. The remaining two voting members of the Planning Commission shall meet at least one of the following sets of conditions:

1. Reside upon or own real property or own a business within the City of Banks and live within Washington County; or
2. Reside upon or own real property or own a business within the Banks Urban Growth Boundary and live within Washington County; or
3. Reside upon or own real property or own a business within the designated Banks Urban Reserve Area and live within Washington County;

Voting Members shall meet these requirements at the time of nomination, appointment and throughout their tenure on the Planning Commission. All members of the Planning Commission holding office on the effective date of this 2013 ordinance shall be entitled to continue to serve-out the duration of their current term, but shall comply with the requirements of this section to be eligible for any subsequent term on the Planning Commission.

(B) Planning Commission members are appointed for a term of 3 years. No person shall hold appointment as a member of the Planning Commission for more than 2 full consecutive terms, but any person may be appointed again to the Planning Commission after an interval of 3 months.

(C) No more than 2 voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than 2 voting members shall be engaged in the same kind of business trade or profession, as determined by the City Council.

(D) The Planning Commission will make decisions on land use plans and policies and their implementation, including land use applications. A representative from the Commission shall provide minutes of their last meeting and give a report on any decisions and activities to the City Council at the Council’s monthly meeting. A notice for a candidate application to be a member of the Planning Commission shall be posted at City Hall and 2 or more other locations within the city. Application forms shall be made available at City Hall. All completed applications shall be submitted to the City Recorder and kept on file at City Hall. All the Mayor’s appointments may be interviewed at the City Council’s discretion prior to the City Council’s confirmation vote.

(E) The Planning Commission shall elect a Chairperson and Vice-Chairperson, who shall hold office at the pleasure of the Commission. The Commission shall appoint a Secretary who need not be a member of the Commission. The Secretary shall keep an accurate record of all Commission proceedings.

(F) The Planning Commission shall meet at least once a month, at a time and place to be fixed by the Commission. All Commission meetings shall be open to the public. A notice and agenda of upcoming Commission meetings shall be posted at least 24 hours prior to the meeting at City Hall and at the other places as may be determined by the Commission.
Attention: Plan Amendment Specialist
Dept. of Land Conservation & Dev.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540