



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



## 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

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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

☐ In person ☐ electronic ☐ mailed

DATE  
JUN 17 2013  
STAMP  
LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

Jurisdiction: **City of Banks**

Local file number: **Ord 2013-06-02**

Date of Adoption: **6/11/2013**

Date Mailed: **6/13/2013**

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

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☒ 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**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 ☒ No



**DLCD file No.** \_\_\_\_\_

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

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Local Contact: **Jolynn Becker**

Phone: (503) 324-5112 Extension:

Address: 13680 NW Main St

Fax Number: 503-324-6674

City: Banks

Zip: 97106-

E-mail Address: [jbecker@cityofbanks.org](mailto:jbecker@cityofbanks.org)

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## **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](mailto:plan.amendments@state.or.us).





**ORDINANCE No. 2013-06-02**

**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 227.010 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 14<sup>th</sup>, 2013.

**Read for the second time**, passed and adopted on June 11<sup>th</sup>, 2013.

Mayor Peter C. Edison

Attest:

  
Interim City Recorder: Angie Lanter

Summary of Votes

Craig Stewart

Mark Gregg

Brian Biehl

Dan Keller

Rob Fowler

Christy Greagor

Yes	No	Absent
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
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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.

POSTAGE DUE 60¢



OPENED IN ERROR  
OREGON DEPT OF AGRICULTURE

Attention: Plan Amendment Specialist  
Dept. of Land Conservation & Dev.  
635 Capitol Street NE, Suite 150  
Salem, OR  
97301-2540

