



CITY OF BANKS PLANNING DEPARTMENT

The City of Banks provides planning services for all projects that are proposed inside its jurisdiction. Building permit and inspection services are provided by Washington County. We take great pride in offering a friendly environment to assist both homeowner and developer alike and are ready to help with the planning of your project. We are strongly committed to high quality service that will ensure the vitality of the community.

The development process can seem overwhelming, simply due to the number of activities occurring simultaneously. The City employees are here to assist individuals through the process and seek solutions to problems that may arise during the course of a project. The purpose of this handout is to provide an overview of the development process and get you on your way to begin construction. While we believe the material will aid in both the predictability and timeliness of developing your project, please remember staff is always available to assist you.

This is a “living document” and will be continuously changed, updated and improved. Comments and/or suggestions on changes we can make to improve this document – *or any of our services* - are always welcomed and encouraged.

Throughout this handout, we inform the reader that additional information is available at the City of Banks. Our contact information is located at the bottom of each page. In addition, our office hours are 8:00 AM to 1:00 PM, Monday through Friday.

DEVELOPING PROPERTY IN BANKS

Introduction

Do I need permits?

This simple and common question has a somewhat complex answer. Whether a permit – land use or building – is required fully depends on the proposed activity and may require both. For example, land use permits are required for new signs, and often require a separate building permit for their installation. However, a simple outdoor shed may not require even a building permit if it is less than 200-square feet. The best way to find out is to contact City staff.

What is the difference between a land use permit and a building permit?

These are two separate – but certainly related – permits. A land use permit only considers the particular use of a property, such as whether an owner may divide property, construct a new commercial building, and the setback, aesthetic, and/or height restrictions pertaining to the property's particular zone. Building permits apply only to the actual construction and include electrical, plumbing, and structural inspections. Generally, an application must first satisfy land use requirements before Washington County can authorize building permits.

Using this Guide

While there are certain similarities in the way applications and permits are processed, the City recognizes each project is unique. For this reason, instead of developing a “one-size-fits-all” handout, we have individual handouts for common application types. Along with this introductory material, supporting handouts will include:

- *Summary Application Description* - This includes the information on how the City processes specific applications, from submittal to the point of final approval, including appeals.
- *Application Form and Fee Schedule* – You will receive the application(s) needed for your project. In addition, a list of fees can be provided, and applicable ones highlighted.
- *Development Code Chapters* - The City's Zoning Code contains numerous sections related to a variety of projects. You will receive only those Chapters – zoning, parking, landscaping for example – that apply to your project. A complete copy of the development code is posted on the City's website at www.cityofbanks.org.

With this packet of material, you should be able to complete and submit an application with an understanding of the process. In addition, while it is not required of all applications, the City

strongly recommends a pre-application conference to discuss large and complex projects. This allows staff an opportunity to provide important information on the development requirements as well as its chance for approval.

Regardless of whether or not you participate in a pre-application conference, the City does not encourage anyone to submit a land use application unless there is a reasonable chance of approving the request.

The Basics

There are three basic steps to development: planning, civil engineering and building construction, although not all projects require each step. For example, a variance to reduce a setback for a house addition would only require planning approval, followed by a building permit. Conversely, a shopping center project not only requires planning approval and building permits, but civil engineering plans for public facility improvements. The following includes a quick overview for each step:

Planning – This is where development begins. With few exceptions, a project must receive planning approval prior to construction. The approval process may be as simple as reviewing a single-family building permit or require a hearing before the City Planning Commission on a large development proposal. Regardless of the complexity of a project, each decision begins with an application. While we aspire to make each step in the process easy, if you ever have a question regarding your application or process, staff is always available to assist you.

The decision timeline depends on the type of application and an appeal period. Generally, they may require one business day for a simple permit or up to 120-days for applications requiring City Council approval. Again, the packet will provide detailed information on your particular request.

Engineering – Not all projects require the City to review engineering plans for public facility improvements, for example, with a home addition the facilities are already in place. Other projects – such as a new shopping center – will likely require the City’s Contract City Engineer to review engineering plans.

The City Engineer reviews most land use applications and identifies specific improvement requirements. This often occurs during a pre-application conference. If public facility improvements are necessary, you will require the services of a professional civil engineer who will work with City staff on specific requirements. Normally, public facilities must be in place before occupying a building.

Major projects often generate significant amounts of traffic. This may require installation of turn lanes, traffic signals and similar street improvements. The City Engineer will review potential transportation improvements before you submit an application. In some cases, this may require coordination with the Oregon Department of Transportation (ODOT) or Washington County.

Costs can be significant, and we believe it is important you are aware of potential costs before you proceed. At the end of this handout you will find contact information for the Banks City Engineer, Washington County Public Works and Planning Departments and ODOT, and Banks City Planner.

Building – Building permits are processed and inspected by Washington County. The end of this handout contains the applicable contact information.

Let's Get Started

Before we examine the City's planning process, a little background may be helpful:

What is the "Statewide Land Use" system?

Oregon is unique in the nation as the state instituted a Statewide Land Use system in 1973. The System requires each jurisdiction to create a comprehensive plan and zoning ordinance, both organized around 19 Statewide Goals. In addition to the Goals, the program includes statutory requirements (Oregon Revised Statutes) and rules (Oregon Administrative Rules) to carry out the statutes. With this combination, communities address similar issues, improving coordination on critical State-wide issues such as farmland preservation, transportation and urbanization.

You may obtain additional information on Oregon's planning system from the Oregon Department of Land Conservation and Development (DLCD) website:
<http://www.lcd.state.or.us>.

What is the Comprehensive Plan?

The Comprehensive Plan is a city's long-range planning document. It identifies the status of the community; how a community wishes to look in the future; and the goals and policies that will help the community reach that desired future. The Plan includes background information and analysis as well as the goals and policies. The Plan also includes a map that projects the long-range land use pattern. In many respects, the Comprehensive Plan can be seen as the "land use constitution" providing a framework for the community's development. The City adopted the current Comprehensive Plan in 2000.

What is the Zoning and Development Code?

If the Comprehensive Plan is the "land use constitution" then the *Zoning and Development Code* contains the "laws" governing planning on a daily basis. The Zoning and Development Code contains information on uses allowed in particular zones, setbacks and height restrictions, parking and landscaping requirements, and similar development regulations.

First Step

Before you begin making development plans, it is best to determine the property's zoning and what uses the zone permits:

What are "zones" and how many do we have in Banks?

A "zone" is a district that permits certain types of property uses while prohibiting others. While each zone focuses on a specific type of use, usually addressing residential, commercial, industrial and public activities, some uses can occur in more than one zone.

Banks has nine land use zones. These include five residential zones; LDSF, R-5, R-2.5, HDSF, and HDMF, one commercial zones: C-1; one mixed use zone: MU; one industrial zone I; and one community facilities zone (CF).

There are additional zones called "overlay-zones" that address special circumstances unique to a property. These include regulations for development within the flood plain, or a historical area. For example, all single family residential zones allow a single-family home. However, if the property is also located within the 100-year flood plain, the property is then subject to regulations of the Flood Plain Overlay (FP) Zone.

How can I find out about zoning on my property?

There are several ways to determine your property's zoning. First, the zoning map is on the City's website. The City's Comprehensive Plan and Zoning Code, with zoning information, is also located on the website. You may also visit our office to see copies of the maps.

Once we identify the zone, City staff can help you determine whether the zone allows a proposed use or activity, and if so, what specific requirements apply. Remember not all uses require a land use permit; in some cases, the use may simply be allowed outright and subject only to a building permit.

If a land use permit is required, City staff will provide you the correct application and review the material with you. Many applications are simple and often do not require more than an explanation of the requirements. For complex proposals, staff strongly suggests - and in some cases the Zoning Code requires - a pre-application conference with the City's development review team.

The development review team includes the City Manager, the City Planner, and the City Engineer. Contact the City of Banks to arrange your meeting.

The Application

The appropriate application will be included in your packet. The City believes the application material is complete and helpful. However, if at any time you have questions or need more information, do not hesitate to contact staff. *As noted earlier, regardless of whether you participate in a pre-application conference, the City does not encourage anyone to submit a land use application unless there is a reasonable chance of approval.*

What are the fees?

A fee schedule is available on the city's website, and the city may provide a copy with applicable fees highlighted for your project. Fees must accompany the application(s).

Who do I contact if I need more information?

You may obtain planning information by calling the City. The office is open from 8:00 AM to 1:00 PM, Monday through Friday. At the end of this handout we included a list of other resources, including other City agencies as well as County and State agencies that may be of assistance.

The Application Submittal

Once submitted, City staff reviews your application for completeness. Completeness simply means you submitted all the required material – application form, any maps, written documentation, property deed and similar items. It is NOT a land use decision. Staff will contact you if additional information is required. Please understand this is a critical factor, as by law, we cannot begin the application process until we receive a complete application. The sooner you submit required application material, the sooner the review process begins.

Review Process

Depending on the type of application, City staff, the Planning Commission and City Council has the authority to make a land use decision. City staff may approve minor applications such as sign permits, zoning checks and small-scale projects. Larger projects – such as subdivisions – require a hearing before the Planning Commission. Finally, applications involving zone changes require hearings before the Planning Commission and City Council, with the final decision resting with the City Council.

Approval of a land use application requires compliance with “decision criteria”, that is, standards or guidelines for a specific type of application. An application must comply – or be able to

comply with conditions - with all the decision criteria or the City cannot approve the request. Each type of application review is noted below.

Type I Ministerial Reviews – These simple applications require review by City staff, usually within a day or two of applying. Only the applicant receives a copy of the decision. Examples of Type I Ministerial Reviews include right-of-way permits, zoning checks, or temporary use permits. To summarize the steps:

- Submit application, staff determines completeness.
- City Staff reviews the application and issues a decision.
- Approved – complete requirements noted in the decision.
- Denied – the decision of the City is final

Type II Administrative Reviews – These are also staff decisions, but involve applications with greater complexity, such as partitions or lot line adjustments. With more complex projects, City staff may require a neighborhood meeting with adjacent residents and/or a Traffic Impact Study by an engineer.

The City notifies area property owners who have 14-days to comment on the request. During this time, the City reviews the request and submits comments. Afterwards, staff writes a decision and provides notice to the applicant and to those who provided comments. This decision includes a 14-day appeal period. The entire process requires approximately 30 to 40 days. Anyone receiving notice may appeal the decision to the Planning Commission.

These types of decisions often contain “conditions of approval” requiring an applicant to complete certain items before occupying a building or beginning a use. For example, a decision may establish a need to install a fence along a particular property line as part of the construction of a new commercial building - the particular condition would require installation of the fence before occupying the building. To summarize the steps:

- Submit application, city staff determines completeness.
- City mails notice of application for 14-day comment period.
- Staff receives comments, reviews application and issues a decision.
- City mails notice of decision to applicant and those who commented within 5 days of the decision
- Decision becomes final in 14-days if no appeal; otherwise, Planning Commission hears the appeal.

Type III Quasi-Judicial – The Planning Commission conducts a public hearing for significant projects, such as subdivisions. The process requires at least 45 to 60 days from the time of submittal to the end of the appeal period. The City mails notice of the public hearing to the applicant, area property owners and interested agencies. At the hearing, the applicant, proponents and opponents all have an opportunity to comment on the request. After receiving

these comments and reviewing the staff report, the Planning Commission deliberates and makes a decision. Afterwards, the City mails notice of the Planning Commission's decision to the applicant and those who commented at the hearing. Their decision may be appealed to the City Council; this also applies where the Planning Commission hears the appeal of a Type II Review. To summarize the steps:

- A pre-application conference with City staff is required
- Submit application, staff determines completeness within 30 days.
- Planning Commission Hearing date established.
- City mails a notice of hearing for properties with a 300-foot radius of the proposal at least 20 days prior to the hearing.
- City publishes notice of hearing in the local newspaper at least 14 days prior to the hearing.
- Staff reviews application and prepares a written recommendation to the Planning Commission at least 7-days prior to the hearing.
- Planning Commission conducts a public hearing, makes decision.
- City mails notice of the Planning Commission decision 10 days after the decision has been made.
- Decision becomes final in 15-days if no appeal; otherwise, City Council hears the appeal.

What happens at a public hearing?

A public hearing is exactly that, a hearing open to the public where the Planning Commission or City Council review and decide upon a land use application or appeal. Prior to the hearing, the City mails notice to the applicant, area property owners and affected agencies. This notice provides information on the applicant, the proposal, the hearing location, date and time, as well as other pertinent information on the case. Effectively, the notice invites the neighborhood to attend the hearing and comment on the application. An individual unable to attend may submit written comments. This is often the case regarding state or county agencies.

The hearing is formal in its organization. The Planning Commission Chair opens the hearing and reads certain statements required by State law. Staff then reads a brief report, ending with a recommendation. The applicant then testifies, followed by those in favor of the application, then individuals opposed to the request. There is an opportunity to ask questions and the applicant has the last chance to respond to any comments made during the hearing. At that point, the Planning Commission Chair closes the public testimony portion of the hearing and the Planning Commission begins deliberations on the application. Unless there are truly unusual circumstances, the Planning Commission makes every attempt to make a decision at the end of deliberations.

What rights do I have as an applicant, or neighbor?

One fundamental element of the State planning system is the right to appeal a decision. One may appeal a staff decision to the Planning Commission, a Planning Commission decision to the City Council, and the City Council's decision to the Land Use Board of Appeals (LUBA), the State's "land use" court. Both the applicant and those receiving notice of a decision have the right to appeal. Decision notices include specifics on appeals process, including timelines and fees.

Type IV Legislative – These actions require hearings before both the Planning Commission and City Council and focus on changes to the Comprehensive Plan and Plan Map as well as the Development Code and Zoning Map. As such, they may involve a single property, groups of properties or changes to the text of the Comprehensive Plan or Development Code. The Planning Commission provides a recommendation and the City Council makes the final decision to approve or deny a request. Appeal of the City Council decision is to the Land Use Board of Appeals.

A citizen may suggest a change to the Plan or Code text (or the maps), but only the Planning Commission or City Council may initiate the request. However, you may submit an application to change the zoning on your property. The same process applies to both types of requests and requires approximately 60 to 90 days from the submittal of a complete application to the end of the appeal period. To summarize the steps:

- Submit application, staff determines completeness.
- City notifies Department of Land Conservation and Development of the request at least 35 days prior to the hearing.
- Planning Commission Hearing date established.
- Staff mails notice of hearing at least 20-40 days prior to hearing and publish the hearing notice in a local newspaper at least 10-14 days prior to the meeting. (Note: in some cases of changes to the Plan or Code text, state law requires the City to mail notice to every property owner in the City)
- Staff reviews application and prepares a written recommendation to the Planning Commission at least 7-days prior to the hearing.
- Planning Commission conducts a public hearing, makes recommendation to Council.
- City mails notice of Planning Commission decision to applicant and interested parties within 14 days of the decision. There is no appeal period as there is a second hearing
- City staff schedules a hearing before the City Council and repeats the previous notice mailings and publication.
- City Council hears application and renders a decision at the public hearing.
- Staff mails notice of the City Council decision to applicant and affected parties within 5 business days of the decision.
- Decision becomes final in 21-days if no appeal; otherwise, the State Land Use Board of Appeals hears the appeal.

What can I do once I have approval?

You received approval to divide your property, or construct a new commercial building, but remain unsure of your next step. To assist with your next step, each land use decision includes “conditions of approval,” that is, a list of requirements that implement the land use approval. It is especially important to pay close attention to this material, as you are ultimately responsible for their completion.

Each condition is self-explanatory. For example, a major project may require the installation of new water and sewer lines. The first condition will usually require submittal of engineering plans for the City to review and specify a professional engineer must complete the plans. Your action would be to hire the engineer and ensure this person submits the plans. Construction may begin once we approve the engineering plans.

Final Thoughts

City staff is here to assist you with the development process in any way we can. Please give us the opportunity to do so!

Additional information regarding specific land use submittal requirements, necessary forms and review schedules are available from the City. City Hall is located at 13680 NW Main Street, Banks, OR 97106. You may also contact us by phone, (503) 324-5112; or visit our website at: www.cityofbanks.org

CONTACT LIST

<p>General Information 13680 NW Main Street Banks, OR 97106 (503) 324-5112 www.cityofbanks.org</p>	<p>Department of Land Conservation and Development 635 Capitol St. NE, Suite 150 Salem 97301-2540 (503) 373-0050 www.lcd.state.or.us</p>
<p>City Manager Jolynn Becker 13680 NW Main Street Banks, OR 97106 (503) 324-5112 jbecker@cityofbanks.org</p>	<p>Land Use Board of Appeals 550 Capitol Street NE, Suite 235 Salem, Oregon 97301-2552 www.oregon.gov/LUBA</p>
<p>Contract City Planner Stacey Goldstein Siegel Planning Services 13680 NW Main Street Banks, OR 97106 (503) 324-5112 stacey@siegelplanning.com</p>	<p>ODOT Region 2 Headquarters 455 Airport Road, Building B Salem, Oregon 97301-5395 (503) 986-2600 www.oregon.gov/ODOT</p>
<p>Contract City Engineer Robert Peacock, PE Kennedy/Jenks Consultants 421 SW 6th Avenue, Suite 1000 Portland, OR 97204 (503) 423-4019 RobertPeacock@kennedyjenks.com</p>	
<p>Building Permit Information Washington County Land Use and Transportation Department Development Services Division Building Services Section 155 N First Avenue, Suite 350, MS 12 Hillsboro, OR 97124 (503) 846-3470</p>	

