

CONDITIONAL USE



What is Conditional Use?

A Conditional Use Permit allows the City to conduct land uses which may be essential or desirable but which are not allowed as a matter of right within a zoning district.

How Do I Apply?

Application forms are available at the City of Banks. The application must meet the requirements of the Banks Municipal Code and justify the proposal in terms of the relevant ordinance criteria. A conditional use includes an application form, an original site plan (with two (2) copies of same) written narrative addressing each of the criteria (listed below) and the filing fee. The applicant must prove that the conditional use meets the criteria found in the Banks Municipal Code Section 151.115 through 151.120; if it does not, the Planning Commission is under legal obligation to deny it.

The Review Process

After the application has been submitted, a date for a public hearing before the Planning Commission will be set. Property owners and residents near to the site of the proposal will be notified and a legal notice of the hearing will be published in the newspaper. Staff will review the application and visit the site, compiling background information on the proposal. They will analyze:

- the site plan
- how the proposal complies with applicable code criteria.
- how the proposal addresses access to public facilities
- how the proposal relates to City plans
- the possible consequences of the proposal

The application is also circulated to all major public service departments to see how their services could be affected by the proposal.

With this information in hand, staff will write a report recommending approval, approval with conditions or denial. The report may also contain suggested modifications. This report is sent to you and the Planning Commission prior to the hearing. The staff report may include conditions which the Commission may impose on approval of the project. The Planning Commission hearing is quasi-judicial, meaning there will be opportunity for testimony both for and against the proposal. At this time, you may address the Commission and staff will present their report. The Commission will consider all written and oral testimony and reach its decision by evaluating whether or not the proposal meets the criteria listed above. If the Commission approves the proposal, they are legally obligated to list findings of fact that satisfy the criteria. It is your

responsibility to supply facts and evidence for the Planning Commission to use as findings in support of their decision.

Some Things to Remember

Please refer to the Banks Municipal Code for details on procedures and a listing of conditional uses for each zone. The Code is available at the City of Banks office and online at www.cityofbanks.org. Discussions with the Planning staff are required prior to submitting a formal application. It is important to note that while you may seem to have valid reasons for requesting a conditional use permit, the requirements in the Development Code (which are law) are the only basis upon which the Planning Commission may make a decision. A conditional use permit cannot be granted solely on your good intentions or economic need. City staff's role in the process is to assist you in making sure the application meets all the requirements. They also represent the community as a whole, identifying situations that could cause an increase in the cost of providing city services, or could have adverse impacts on adjacent properties.