



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

January 18, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment
DLCD File Number 005-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 30, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Jared Voice, City Of Grants Pass

<paa> ya/

D L C D NOTICE OF ADOPTION

JAN 11 2007

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18
(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Grants Pass Local File No.: 06-40200003
(If no number, use none)

Date of Adoption: 1/3/2007 (Findings of Fact) Date Mailed: 1/8/2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/14/2006

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____

(Please Specify Type of Action)

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

Comprehensive Plan Map amendment from CBD + I Industrial to GC General Commercial / Zone Map amendment from I Industrial + R-3 to GC General Commercial.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: CBD + I to GC General Commercial

Zone Map Changed from: R-3 + I to GC General Commercial

Location: 525 NW F St. Acres Involved: 0.78

Specify Density: Previous: R-3: 17.4 du./acre New: GC: Unlimited Density

Applicable Statewide Planning Goals: Goals 7, 10 + 11

Was an Exception Adopted? Yes: No:

DLCD File No.: 005-06(15559)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: City of Grants Pass,

Josephine County

Local Contact: Jared Voice Area Code + Phone Number: (541) 474-6355

Address: 101 NW A St.

City: Grants Pass Zip Code+4: 97526

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 5386

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP FROM INDUSTRIAL TO GENERAL COMMERCIAL AND THE ZONING MAP FROM I TO GC FOR PROPERTY LOCATED AT 525 NW F STREET

WHEREAS:

1. The Comprehensive Plan of the City of Grants Pass was adopted December 15, 1982. The Development Code of the City of Grants Pass was adopted August 17, 1983; and
2. The owner of the subject property has requested the comprehensive plan and zone map amendments.
3. In terms of the physical conditions and characteristics, location and availability of services, the property is appropriate for the proposed designations; and
4. The applicable criteria listed in the Comprehensive Plan and the Development Code are met.

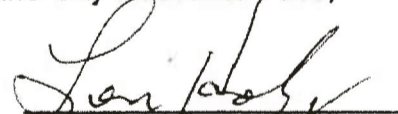
NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: The Comprehensive Plan Map is hereby amended to include the property identified by Assessor's Map and Tax Lot 36-05-18-13/ 5100. All of tax lot 5100 and adjacent rights-of-way, shown in Exhibit "A", to be entirely within the General Commercial Comprehensive Plan Map designation; and

Section 2: The Zoning Map is hereby amended to include tax lot 5100 entirely within the "GC" zoning district, as shown in Exhibit "B".

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session, this 6TH day of December, 2006.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 17 day of December, 2006.


Len Holzinger, Mayor

ATTEST:


Administrative Services Director

Date submitted to Mayor: 12/12/06

Approved as to Form, Ulys Stapleton, City Attorney 

Calvary Chapel CP and ZMA
36-05-18-13-5100
New Comprehensive Plan Designation



WHERE THE ROVER RIVER MEETS

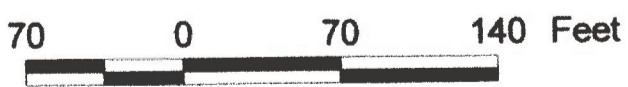
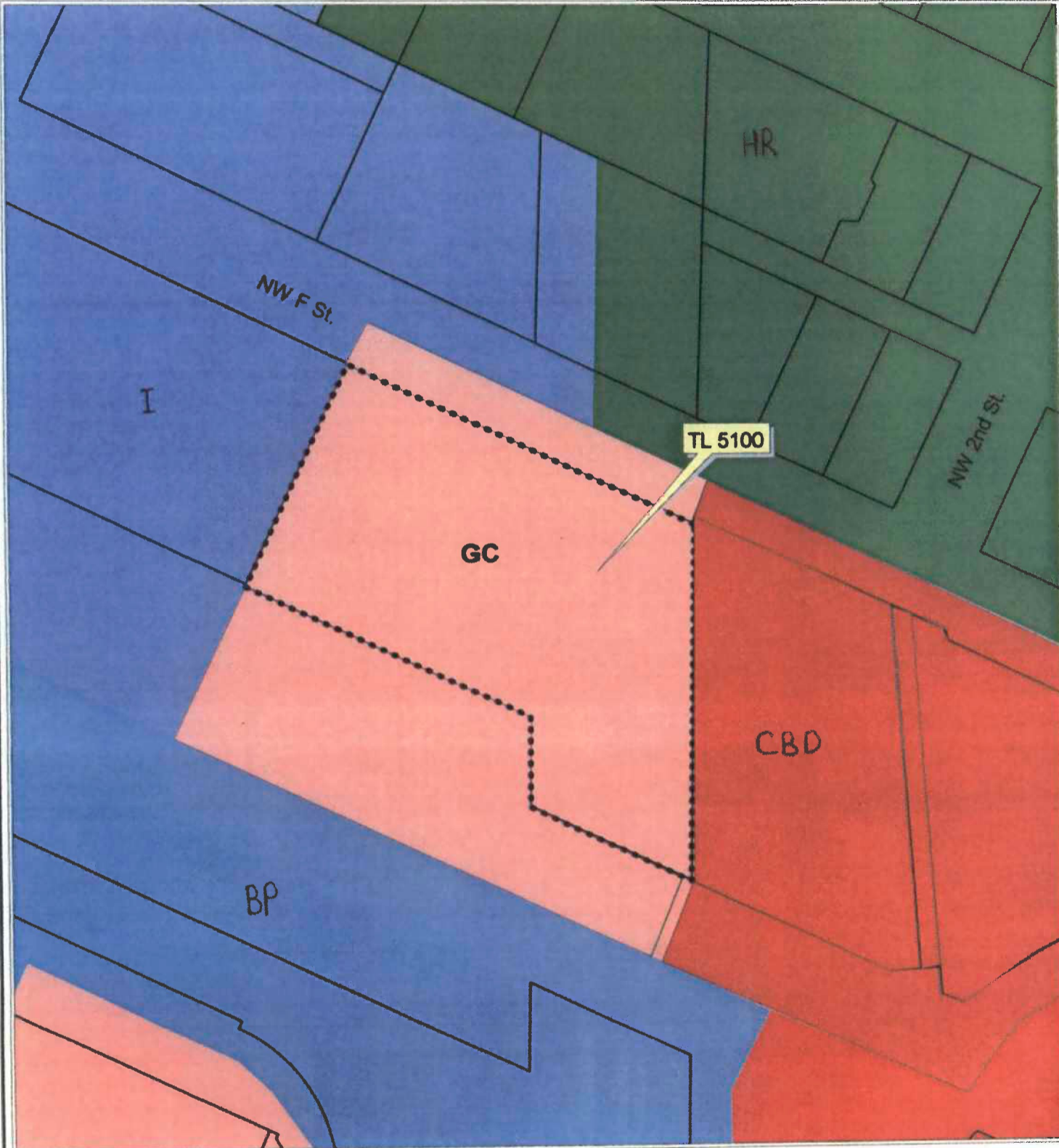


EXHIBIT A

Calvary Chapel CP and ZMA 36-05-18-13-5100 New Zoning Designation



WHERE THE HORSE NEVER SLEEPS

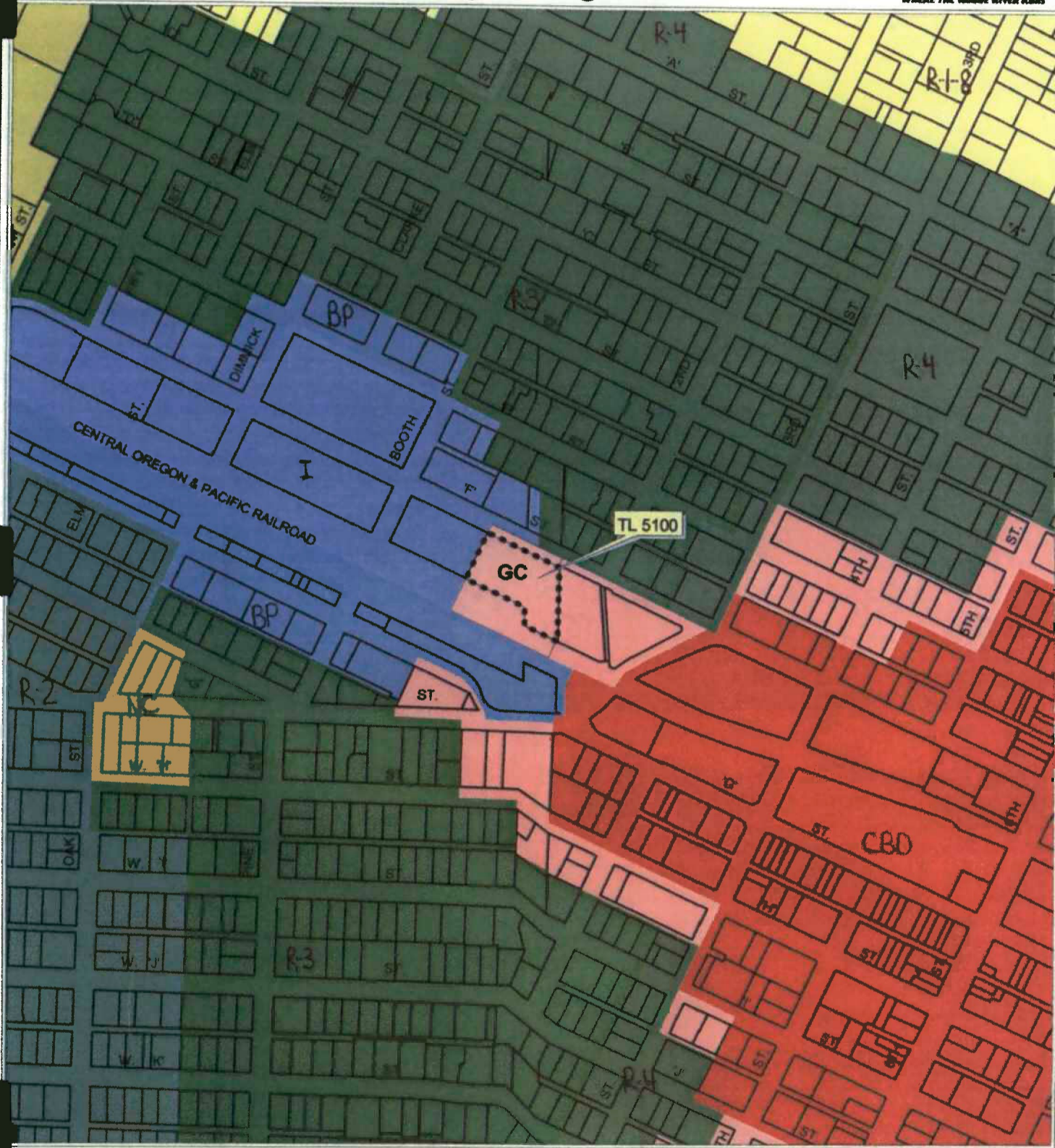


EXHIBIT B

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**CALVARY CHAPEL COMPREHENSIVE PLAN MAP AMENDMENT
AND ZONING MAP AMENDMENT
CITY COUNCIL FINDINGS OF FACT**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	06-40200003
Project Type:	Comprehensive Plan Map Amendment and Zoning Map Amendment
Map & Tax Lots:	36-05-18-13-5100
Owners:	Grange Co-Op Supply
Applicant:	Calvary Chapel
Representative:	Rick Riker
Address:	525 NW F Street
Existing Comprehensive Plan Designation:	I (Industrial)
Proposed Comprehensive Plan Designation:	GC (General Commercial)
Current Zoning:	I (City)
Proposed Zoning:	GC
Planner Assigned:	Jared Voice
Application Received:	September 1, 2006
Application Complete:	September 1, 2006
Date of UAPC Staff Report:	October 18, 2006
Date of UAPC Hearing:	October 25, 2006
UAPC Findings of Fact:	November 8, 2006
Date of City Council Staff Report:	November 29, 2006
Date of City Council Hearing:	December 6, 2006
City Council Findings of Fact:	January 3, 2007

I. PROPOSAL:

A Comprehensive Plan Map Amendment from I (Industrial) to GC (General Commercial) and a Zoning Map Amendment from I to GC for property located at 525 NW F Street.

NOTE: The current Zoning Map shows a portion of the subject property zoned R-3 and the current Comprehensive Plan Map shows a portion designated as CBD (Central Business District.) However, past Zoning and Comprehensive Plan maps show the entire parcel designated as (I) Industrial. Due to overwhelming evidence that a cartographer's error resulted in the current map designations, an administrative correction to both maps is being made to eliminate the split-zoned property.

II. AUTHORITY AND CRITERIA:

Sections 13.5.5 and 13.8.3 of the Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for amendment and revision to Comprehensive Plan findings, goals, policies, and land use maps of the Comprehensive Plan.

The review shall be in accordance with the procedures of Section 13.8.3 of the Comprehensive Plan, which provides for a recommendation hearing by the Urban Area Planning Commission prior to a joint hearing of the City Council and Board of County Commissioners.

However, with adoption of the 1998 Intergovernmental Agreement, this provision requiring a joint hearing is modified with the result that City Council will make the decision, and the County will have automatic party status, as summarized below:

Section III of the 1998 Intergovernmental Agreement (IGA) provides for transfer of authority for provision and management of planning services from the County to the City for the Urbanizing Area. It provides:

The City is hereby vested with the exclusive authority to exercise the County's legislative and quasi-judicial powers, rights, and duties within the Urbanizing Area...

Section V of the IGA contains provisions pertaining to notification and appeals for quasi-judicial and legislative decisions within the Urbanizing Area.

For legislative decisions, the IGA provides:

The City agrees to provide written notice of all proposed legislative actions to the County at least 45 days prior to the public hearing at which the action is first considered. The County shall be deemed to have automatic party status regarding all such decisions for the purposes of standing for appeals.

For quasi-judicial decisions, the IGA provides:

The City shall give the County written notice of all land use, limited land use, and expedited land division decisions in the UA in the same manner as required by Oregon Law for adjacent property owners. The County shall be deemed to have automatic party status regarding all such decisions for the purposes of standing for appeals. Quasi-judicial land use and limited land use development decisions made by the City's Director or Hearings Officer or the Urban Area Planning Commission may be appealed according to the City's Land Use Hearing Rules. The City may provide staff support for any administrative or judicial review of decisions regarding the application of Land Use Regulations to land within the UA.

Section 13.8.3 of the Comprehensive Plan provides that notice shall be as provided in Section 2.060 of the Development Code for a Type IV procedure. Section 13.8.3 further provides that the hearing shall be conducted in accordance with the Legislative Hearing Guidelines of Section 9 of the Development Code.

Therefore, the application will be processed through a "Type IV" procedure, with a recommendation from the Urban Area Planning Commission and a final decision by City Council. The County has automatic party status for appeals. The text or map of the Comprehensive Plan may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan are met.

The Zoning Map may be amended provided the Criteria in Section 4.033 of the development Code are met.

III. APPEAL PROCEDURE:

Section 10.060 provides the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

IV. PROCEDURE:

- A. An application for a Comprehensive Plan Map and Zone Map amendment was submitted on September 1, 2006. The application was deemed complete on September 1, 2006 and processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment and the public hearings was mailed to the Oregon Department of Land Conservation and Development and Oregon Department of State Lands on September 14, 2006.
- C. Public notice of the October 25, 2006 Planning Commission hearing was mailed on October 4, 2006 in accordance with Sections 2.053, 2.063 and 2.095 of the Development Code.
- D. Josephine County was notified of the proposal on October 10, 2006.
- E. A public hearing was held by the Urban Area Planning Commission on October 25, 2006 to consider the request and make a recommendation to City Council.
- F. Public notice of the December 6, 2007 City Council hearing was mailed on November 15, 2006 in accordance with Sections 2.053, 2.065 and 2.095 of the Development Code.
- G. Public notice of the December 6, 2006 City Council hearing was published in the local newspaper on November 29, 2006.
- H. A public hearing was held by the City Council on December 6, 2006 to consider the request.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report and attached record, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the December 6, 2006 public hearing held by the City Council, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.

VI. GENERAL FINDINGS- BACKGROUND AND DISCUSSION:

Property Characteristics

- 1. Size: 0.78 acres
- 2. Frontage: NW F Street
- 3. Access: Existing, from NW F Street
- 4. Public Utilities:
 - a. Water: 6-inch line in NW F Street
 - b. Sewer: 12-inch line in NW F Street
 - c. Storm Water: City drain line in railroad right-of-way
- 5. Topography: The property is generally level
- 6. Natural Hazards: Flood Hazard District. A portion of the property is located within the Gilbert Creek 100 Year Flood Plain as identified on the FEMA Flood Insurance Rate Maps.
- 7. Natural Resources: Gilbert Creek
- 8. Existing Land Use:
 - a. On site: Former Grange Co-Op building.
 - b. Surrounding:
 - North: Grants Pass Steel (I, R-3)
 - South: Railroad Right-of-Way (BP)
 - East: Parking lot, American Medical Response (GC)
 - West: Agricultural / Industrial use (I)

9. Special Purpose Districts: Flood Hazard District.

Discussion

It should be noted that approval of the proposed zone change from (I) Industrial to (GC) General Commercial will immediately cause development on lots to the north and west to become nonconforming in relation to zone buffering. (I) Industrial zones that abut commercial zones at property lines or streets are required to provide zone buffer setbacks and landscaping per Section 23.034 of the Development Code. The buildings on adjacent tax lots 5200 (to the west) and 5001 (to the north) appear to meet the required building setback of thirty (30) feet, but would not meet the building opening (TL 5001 only) or landscaping (both parcels) requirements of the Code. Rights of expansion of these existing developments in conformance with the Code will be affected by creating additional non-conforming aspects that do not currently exist.

VII. FINDINGS OF FACT- CONFORMANCE WITH APPLICABLE CRITERIA:

For comprehensive plan map amendments, Comprehensive Plan Policy 13.5.4 requires that all of the following criteria be met:

CRITERION (a): Consistency with other findings, goals and policies in the Comprehensive Plan.

City Council Response: Satisfied. The subject property lies within the West City sub-area of the North area Industrial portion of the Urban Growth Boundary. The West City sub-area, zoned primarily for I (Industrial), is developed with a mix of light industrial and heavy commercial uses. There are over ten acres of Industrially-zoned property in the area, including the subject parcel. The Comprehensive Plan states that the portion of Industrially-zoned land west of Grant Street is steeply sloping and underdeveloped, and proposes the conversion of these parcels to residential. This has since occurred, as parcels west of Grant Street are now classified as Low Density Residential on the Comprehensive Plan map and are zoned R-1-12. The Comprehensive Plan does not propose any further conversion of Industrial land in this sub-area, including the subject property. The following are responses to the applicable goals and policies of the Comprehensive Plan:

8. Economy

Goal: To improve, expand, diversify and stabilize the economic base of the community.

Policy 8.1. The City and County shall endeavor to improve, expand, diversify and stabilize the economic base of the community:

d) by insuring that an adequate quality and quantity of industrial land is available, properly zoned and serviced.

e) by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

City Council Response: Satisfied. The applicant has indicated that there appears to be an abundance of underdeveloped industrially-zoned land within the Urban Growth Boundary (UGB.) The proposed amendment would allow for the development of a property that has been vacant since Grange Co-Op relocated to Redwood Highway. The applicant has also indicated that although the subject property is zoned I (Industrial), the previous use was commercial in nature and included a retail component. Therefore, the proposed map amendments to General Commercial would be consistent with the previous use of the property.

13. Land Use

Goal: To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a matter that: (e) provides adequate amounts of industrial, commercial and residential lands to meet growth needs over the planning period.

City Council Response: Satisfied. The applicant has indicated that there is an abundance of unutilized industrially-zoned property within the UGB. The subject property has been vacant since Grange Co-op relocated to Redwood Highway. Two letters from local realtors, submitted as evidence during the Planning Commission hearing, state that property zoned for I (Industrial) is generally in less demand than that zoned for GC (General Commercial.) The conversion of less than an acre of I property to GC will not adversely affect the availability of industrial land within the UGB. Therefore, the proposed amendment from I to GC is appropriate at this time.

CRITERION (b): A change in circumstances validated by and supported by the database or proposed changes to the database, which would necessitate a change in findings, goals and policies.

City Council Response: Satisfied. Since the adoption of the Comprehensive Plan, there has been a decrease in demand for land zoned I (Industrial.) This is especially true for the I-zoned parcels in the West City sub-area, which are relatively isolated from convenient Interstate 5 access when compared to I-zoned parcels in East Grants Pass. The subject property is in close proximity to the Central Business District and a residential neighborhood, and conversion of the land to GC (General Commercial) would benefit both the neighborhood and community as a whole.

CRITERION (c): Applicable planning goals and guidelines of the State of Oregon.

City Council Response: Satisfied. The proposed amendment is in compliance with applicable state goals, identified individually below.

Goal 1: Citizen Involvement. Satisfied. Notice was provided to surrounding property owners in accordance with the Comprehensive Plan and Development Code. No written comments have been received as of the date of the staff report.

Goal 9: Economic Development. Satisfied. The applicant has indicated that there is an abundance of unutilized industrially-zoned property within the UGB. Two letters from local realtors, submitted as evidence during the Planning Commission hearing, state that

property zoned for I (Industrial) is generally in less demand than that zoned for GC (General Commercial.) The conversion of less than an acre of I property to GC will not adversely affect the availability of industrial land within the UGB. Therefore, the proposed amendment from I to GC is appropriate at this time.

Goal 14. Urbanization. Satisfied. Since the adoption of the Comprehensive Plan, there has been a decrease in demand for land zoned I (Industrial.) This is especially true for the I-zoned parcels in the West City sub-area, which are relative isolated from convenient Interstate 5 access when compared to I-zoned parcels in East Grants Pass. The subject property is in close proximity to the Central Business District and a residential neighborhood, and conversion of the land to GC (General Commercial) would benefit both the neighborhood and community as a whole.

CRITERION (d): Citizen Review and comment.

City Council Response: Satisfied. Notice was provided to surrounding property owners in accordance with the Comprehensive Plan and Development Code. No written comments have been received as of the date of the staff report.

CRITERION (e): Review and comment from affected governmental units and other agencies.

City Council Response: Satisfied. Notice was provided to affected governmental units and other agencies.

Notice was provided to the Department of Land Conservation and Development (DLCD). DLCD has not submitted any comments regarding the change.

Notice was provided to Josephine County in accordance with the 1998 Intergovernmental Agreement for the Urbanizing Area. The County did not provide comment.

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

City Council Response: Satisfied with conditions. The adopted utility plans adequately address the need for basic urban services in the area. Conditions of approval would be added to any subsequent land use application to bring urban services into compliance with the levels identified in the various master plans.

CRITERION (g): Additional information as required by the review body.

City Council Response: Not Applicable. No additional information has been requested by the review body.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan as originally adopted was in error.

City Council Response: Not Applicable. Criterion (b) is applicable. The Plan was not adopted in error. The proposed amendments are adopted in response to a change in circumstances. See Criterion (b) for discussion of the change in circumstances.

For Zone Map Amendments, Section 4.033 of the City of Grants Pass Development Code requires that all of the following criteria be met:

CRITERION 1: The proposed use, if any is consistent with the proposed Zoning District.

City Council Response: Satisfied with Conditions. The applicant has indicated that if the proposed map amendments are approved, the existing building on the site will be converted to a church. If the zone map is amended to the requested GC zoning, the proposed use and lot size will be consistent with the zoning district.

CRITERION 2: The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.

City Council Response: Contingent on action taken on the proposed Comprehensive Plan Amendment. If the Comprehensive Plan designation were amended from Industrial and Central Business District to General Commercial, the proposed zoning would be consistent with the Comprehensive Plan Land Use Map designation.

CRITERION 3: A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impact upon the affected service area or without a change to adopted utility plans.

City Council Response: Satisfied with conditions. See Discussion under Criterion (f) above.

CRITERION 4: A demonstration that the proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

City Council Response: Satisfied with conditions at the time of development. The proposed zone change to General Commercial would allow for a multitude of high traffic-generating uses, including drive-thru restaurants, convenience stores, and unlimited density residential. No traffic study was provided with the application. Depending on the use, a Traffic Impact Analysis (TIA) may be required at the time of development to ensure that all adjacent streets and intersections will function properly with the additional traffic generated by the new use. It is the applicant's responsibility to coordinate with the City Engineer regarding the requirement and scoping for a potential TIA.

CRITERION 5: The natural features of the site are conducive to the proposed Zoning District.

City Council Response: Satisfied. The property is relatively flat and is conducive to either the existing or proposed zoning district. Gilbert Creek flows through a culvert beneath the site, near the eastern property line of the parcel. Since the creek flows through an underground culvert, the Department of State Lands has verified that no waterways existing on the property and thus no riparian setbacks apply.

CRITERION 6: The proposed zone is consistent with the requirements of all overlay districts that include the subject property.

City Council Response: Satisfied with conditions at the time of development. A portion of the property is located within the Gilbert Creek 100 Year Flood Plain. The Development Code requires that the development on the property meet the flood plain development standards. Conditions include elevating structures to one foot above the base flood elevation.

CRITERION 7: The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.

City Council Response: Satisfied. The property is located adjacent to existing urban services and will not require extensions in order to have those services available for development.

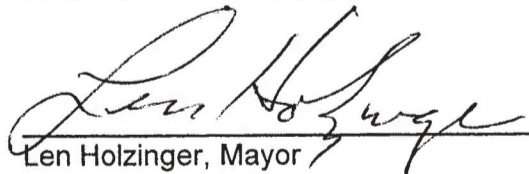
CRITERION 8: In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

City Council Response: Not Applicable. The subject property is not zoned Urban Reserve.

VIII. DECISION AND SUMMARY:

The City Council finds the applicable criteria are satisfied and **APPROVES** the proposed Comprehensive Plan Map and Zoning Map amendment. The vote was 6-0-1, with Councilors Paquin, Hyde, Patterson, Wendle, Huff and Thompson in favor and none opposed. Councilor Cummings abstained and Councilor Keith was absent.

IX. ADOPTED BY THE GRANTS PASS CITY COUNCIL this 3rd day of January 2006.



Len Holzinger, Mayor

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