



Oregon

Theodore R. Kubongski, 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

11/30/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment  
DLCD File Number 006-09

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, December 11, 2009

This amendment was submitted to DLCD for review prior to adoption. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Carla Angeli Paladine, City of Grants Pass  
Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative

<paa> N

FORM 2

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: *Grants Pass*

Local file number: *09-40500005*

Date of Adoption:

Date Mailed: *11/20/09*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: *7/21/09*

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

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

*Comprehensive Plan and Development Code Text Amendments*

*1) Amends residency requirements for Planning Commission (DC Section 7.040) (CP Section 13.7)*

*2) Amends timeframe for issuance of Director's interpretations from 5 days to 20 days*

Does the Adoption differ from proposal? Please select one

*Only slightly*

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment... *yes*

45-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. 006-09 (17712) [15854]

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

DLCD; Josephine County

---

Local Contact: *Carla Angeli Paladino*

Phone: (541) 474-6355 Extension: 6417

Address: *101 NW 'A' Street*

Fax Number: 541-476-9218

City: *Grants Pass*

Zip: *97526*

E-mail Address: *cangeli@grantspassoregon.gov*

---

### **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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**PLANNING COMMISSION RESIDENCY & DIRECTOR'S INTERPRETATION  
DEVELOPMENT CODE TEXT AMENDMENT  
AND COMPREHENSIVE PLAN TEXT AMENDMENT  
CITY COUNCIL FINDINGS OF FACT-TYPE IV**

**Procedure Type:** Type IV: Planning Commission Recommendation and City Council Decision  
**Project Number:** 09-40500005  
**Project Type:** Development Code Text Amendment  
**Applicant:** City of Grants Pass  
**Planner Assigned:** Carla Angeli Paladino  
**Application Received:** July 17, 2009  
**Application Complete:** July 17, 2009  
**Date of Planning Commission Staff Report:** September 2, 2009  
**Date of Planning Commission Hearing:** September 9, 2009  
**Date of PC Findings of Fact:** September 23, 2009  
**Date of City Council Staff Report:** November 4, 2009  
**Date of CC Findings of Fact:** November 18, 2009

**I. PROPOSAL:**

A Development Code Text Amendment and Comprehensive Plan Text Amendment that includes the following items:

- Amends/Clarifies residency requirements for the Urban Area Planning Commission for City and County appointments. The proposal also includes housekeeping amendments associated with the Planning Commission provisions in Section 7.040 of the Development Code and Section 13.7 of the Comprehensive Plan.
- Amends timeframe for issuance of Director's interpretation (Section 1.053 of the Development Code).
- Also, the ordinance for City Council adoption repealed conflicting provisions of any other outdated ordinances, which are not in the Development Code or Comprehensive Plan.

**II. AUTHORITY AND CRITERIA:**

Section 13.5.3 of the Grants Pass and Urbanizing Area Comprehensive Plan provides that the City Council may initiate a text amendment. The proposed Comprehensive Plan amendments were initiated by the City Council in accordance with Section 13.5.3.

The text 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.

Section 4.102 of the City of Grants Pass Development Code provides that the City Council and the Director may initiate a Development Code text amendment. The proposed Development Code amendments were initiated by the City Council and the Director in accordance with Section 4.102.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

Sections 2.060, 7.040 and 7.050 of the Development Code authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with procedures of Section 2.060.

Sections 13.5.5 and 13.8 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, and policies.

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.

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

Therefore, the application was 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.

**III. PROCEDURE:**

- A. An application for a Development Code text amendment was submitted on July 17, 2009. The application was deemed complete on July 17, 2009, and processed in accordance with Section 2.060 of the Development Code and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on July 21, 2009, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendment was mailed to Josephine County on August 20, 2009, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the September 9, 2009, Planning Commission hearing was mailed to potentially interested parties on August 20, 2009.
- E. Public notice of the September 9, 2009, Planning Commission hearing was published in the newspaper on September 2, 2009, in accordance with Sections 2.053 and 2.063 of the Development Code.
- F. A public hearing was held by the Planning Commission on September 9, 2009, to consider the proposal and make a recommendation to City Council.
- G. Notice of the October 21, 2009, City Council hearing was mailed to potentially interested parties on October 1, 2009.
- H. Public notice of the October 21, 2009, City Council hearing was published in the newspaper on October 17, 2009, in accordance with Sections 2.053 and 2.063 of the Development Code.
- I. The public hearing on October 21, 2009, was continued by the City Council to a date certain November 4, 2009.
- J. A public hearing was held by the City Council on November 4, 2009, to consider the proposal. The City Council adopted the ordinance.

**IV. APPEAL PROCEDURE:**

The City Council's final decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes within 21 days of the Council's written decision.

**V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the November 4, 2009, City Council staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.

- B. The minutes of the public hearing continued by the City Council on October 21, 2009, which are attached as Exhibit "B", are incorporated herein.
- C. The minutes of the public hearing held by the City Council on November 4, 2009, which are attached as Exhibit "C", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- D. The PowerPoint presentation given by staff at the November 4, 2009, City Council hearing is attached as Exhibit "D" and incorporated herein.

**VI. GENERAL FINDINGS:**

**Planning Commission Residency Amendment: (See UAPC Findings for original discussion)**

Since the hearing process was initiated, and the Planning Commission held its hearing and recommended approval, comments were received by the County pertaining to the residency provisions and a conflict with their original ordinance from 1981. The County didn't support a change that would also involve an amendment to their ordinance. A subsequent meeting was held to discuss the issue.

The recommended ordinance includes the provisions recommended by the Urban Area Planning Commission, plus revisions recommended by staff to address the issues raised by the County regarding the residency provision.

The proposed amendment addresses the issue by specifying the residency requirements for the City and County appointees separately. The appointments made by the Board of Commissioners must reside or own property within the UGB, while appointments made by the City Council must reside within the UGB.

Some of the criteria below are re-addressed to reflect the amended text proposed.

**Director's Interpretation Amendment:**

Questions have been asked about the proposed timeframe change from five (5) days to twenty (20) days. The proposed twenty (20) day timeframe is more consistent with other Director's decisions rendered and was chosen to better fit within the Community Development Department's internal process of reviewing, setting up files, researching and completing the interpretation requested. The existing timeframe is too short and is difficult to meet the deadline when the time of both the Director and City Attorney need to be coordinated in order to complete the interpretation.

The timeframe proposed can be reduced by the City Council if a ten (10) or fifteen (15) day timeframe seems more reasonable and a less drastic change from the existing provisions.

The text below still reflects the original twenty (20) days proposed and recommended by the Urban Area Planning Commission.

**VII. FINDINGS OF FACT - CONFORMANCE WITH APPLICABLE CRITERIA:**

*The text 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.*

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

**City Council's Response: Satisfied.** Policy 13.7.1 specifies that a single Planning Commission designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

The proposed plan amendment is consistent with this policy, while revising specific provisions related to the commission. The proposed plan amendment provides consistency and clarification between the various documents as they relate to City and County appointments, and it repeals conflicting provisions of the various documents. These include the Comprehensive Plan, the Development Code, and the Intergovernmental Agreement. The requirements for City appointments are consistent with the three (3) documents previously mentioned and the proposed text clarifies the requirements for County appointments.

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

**City Council's Response: Satisfied.** The current provisions were adopted in the early 1980s. Since then, the City and County entered into a newer management agreement for the Urban Growth Boundary area in 1998. The proposed amendment continues to address the policy articulated in Policy 13.7.1 of the Comprehensive Plan for a joint Urban Area Planning Commission, and in a manner that is consistent with the provisions of the Intergovernmental Agreement for City appointments. The proposed text explains the differences between the residency criteria used for members appointed by each of the jurisdictions. The City appointments are limited to the provisions outlined in the 1998 IGA and require members to be residents within the UGBA, while the County appointments have slightly different criteria in that members may live or own property within the UGBA and be residents of Josephine County.

The City also adopted Resolution 1748 in 1984, after the adoption of the current provisions pertaining to the Planning Commission. Resolution 1748 pertains to the Citizen Involvement Program and designates the Planning Commission as the Citizen Involvement Committee. Therefore, the changes to the Planning Commission provisions also need to ensure consistency with its role as the Citizen Advisory Committee. This is addressed with the proposed amendment.

This is not a policy change that relates to land use or infrastructure that would be affected by changes to the database.



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

**City Council's Response: Satisfied.** Goal 1, Citizen Involvement, is "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." Part 1 "To provide for widespread citizen involvement" specifies, "The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions." The Planning Commission is also the designated Citizen Involvement Committee. Therefore, the changes need to reflect this diversity. The clarification to residency requirements for each jurisdiction and the removal of provisions requiring reciprocal confirmation of appointees is consistent with the Goal. However, some advisory language will remain pertaining to geographical diversity. The proposal is consistent with the applicable goals and guidelines of the State of Oregon. Also see discussion under Criterion 3 for the Development Code component of this amendment.

**CRITERION (d):** Citizen review and comment.

**City Council's Response: Satisfied.** The public hearing process provides the opportunity for citizen review and comment, which is appropriate to the scale of the proposed amendment.

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

**City Council's Response: Satisfied.** 45-day notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD). 45-day notice was also provided to Josephine County. The second version of the revised language and a copy of the Planning Commission's staff report were provided to DLCD and Josephine County. The City and County have met since the first evidentiary hearing held by the Planning Commission to discuss the proposed amendment. The language has been modified a third time in order to reflect the County requirements. A copy of this report and the ordinance with the revised language was provided to the County Commissioners office.

**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's Response: Not Applicable.** The proposed amendment has no impact on urban services.

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

**City Council's Response: Satisfied. UAPC direction given.** The Planning Commission requested staff discuss the proposal with the Board of County

Commissioners prior to being heard by the City Council. Since the Planning Commission hearing, staff has met and discussed the proposal with the County, which led to a change in the proposed text.

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

**City Council's Response: Not Applicable.** Criterion (b) is applicable. The Plan was not adopted in error. The proposed amendments are adopted in response to changes that occurred since this was adopted in the early 1980s, most notably the 1998 Intergovernmental Agreement. The proposed amendments clarify the City and County policies related to UAPC residency requirements.

*The text of the Development Code may be recommended for amendment and amended provided that all of the following criteria of Section 4.103 of the Development Code are met.*

**CRITERION 1:** The proposed amendment is consistent with the purpose of the subject section and article.

**City Council's Response: Satisfied.**

**Planning Commission Amendment**

The purpose of Article 7 is simply to set forth the method of appointment and land use review authority of the various review bodies. There are no separate purposes listed within the individual Sections of the Article for each of the review bodies. The proposal is consistent with the purpose of the subject Section and Article.

**Director's Interpretation Amendment**

The purpose of Article 1 states the purpose of the Development Code overall, to implement the policies of the Comprehensive Plan and to coordinate City regulations governing the development and use of land. There are no separate purposes listed within the individual Sections of the Article. Consistency with the policies of the Comprehensive Plan is addressed under Criterion 3. The proposal is consistent with the purpose of the subject Section and Article.

**CRITERION 2:** The proposed amendment is consistent with other provisions of this code.

**City Council's Response: Satisfied.**

**Planning Commission Amendment**

The modifications to the residency provisions, reciprocal confirmation, and geographic distribution requirements of the Planning Commission do not conflict with other provisions of the Development Code, and the duplicate language in the Comprehensive Plan is also proposed for amendment for consistency. Incorporating the additional provisions now in Ordinance 4399 and Resolution 4126 does not create conflicts.

**Director's Interpretation Amendment**

The change to the time within which an interpretation must be issued does not conflict with any other provision of the code.

**CRITERION 3:** The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

**City Council's Response: Satisfied.**

**Comprehensive Plan Consistency**

The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.

**Planning Commission Amendment**

The provisions of the Comprehensive Plan that address the Planning Commission are contained within the Policies Section of Element 13, Land Use. Policy 13.7 pertains to the Urban Area Planning Commission.

**Policy 13.7.1. specifies:**

A single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

The proposal remains consistent with this policy.

**The Goal in Element 13 includes the following:**

To provide a vision for the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: ... (d) is responsive to the wishes of the citizens and property owners of the planning area...

From this perspective, it is important that the Planning Commission include representation to reflect citizens and property owners of the planning area. The revised proposal remains consistent with this Goal.

**The Goal of the Citizen Involvement Element is:**

To develop a citizen involvement program that insures the ongoing involvement of citizens in all phases of the land use planning process.

This doesn't specifically address the composition of the Planning Commission; however, Resolution #1748 adopted on August 1, 1984, designates the Urban Area Planning Commission as the City's Citizen Involvement Committee. Therefore, the composition of the Committee should also reflect the role of the Planning Commission as the Citizen Involvement Committee.

**Director's Interpretation Amendment**

The provisions of the Comprehensive Plan that pertain to this amendment are contained in the policies in Element 13, Land Use.

Section 13.4 addresses development procedures, including the following policy:

13.4.3. Streamline Review Process.

The Development Code procedures shall act to streamline the land development process and eliminate unnecessary delays, and shall contain standards and procedures for land use actions that are clear, objective, and nonarbitrary.

The proposed amendment increases the time for issuance of a Director's Interpretation, but provides a reasonable amount of time to meet the requirements for an interpretation, including review, obtaining a legal opinion from the City Attorney, and issuing the formal written interpretation. The proposal increases the period from 5 working days to 20 working days. It maintains a cap on the processing time to ensure interpretations are issued in an efficient manner.

**Most Effective Alternative**

The proposed amendment most effectively carries out the goals and policies of all alternatives considered.

**Planning Commission Amendment**

The proposal includes the following main elements:

- Specifying the different residency requirements between City and County appointees. Allowing for County appointees to be eligible based on residency in the UGBA or owning property, and specifying City appointments to only be residents within the UGBA.
- Revising provisions for specified geographic distribution of appointees within the UGB
- Removing reciprocal confirmation by the City or County of the others appointees
- Incorporating provisions from Ordinance 4399 and Resolution 4126.

*Residency.* The Intergovernmental Agreement specifies that members must be residents of the UGBA, so the amendment to the Comprehensive Plan and Development Code for City appointments is consistent with this provision. The County appointments would include an additional allowance to the residency requirement within the UGBA and allow for members to own property within the UGBA and be residents of Josephine County.

The Intergovernmental Agreement contains less stringent provisions than either the Development Code or Comprehensive Plan pertaining to confirmation of appointees and geographic distribution.

*Geographic Distribution.* There is value in maintaining geographic distribution within the UGB to avoid concentration of appointees from a narrow geographic area. However, with the selection of appointees by two jurisdictions, and the provisions of ORS 215 and 227 that provide for diversity of profession or occupation, coordinating geographic distribution could be challenging. Therefore, it is proposed that language be maintained to encourage geographic distribution, but to avoid mandatory requirements. This provides the best alternative.

*Reciprocal Confirmation.* There is value in the reciprocal confirmations of City and County appointees in having a full Commission of eight members, where each jurisdiction has concurred with the other through confirmation of the other's four candidates. However, there is also value in having each jurisdiction exercising its autonomy in selection of its appointees. The latter is the best alternative.

*Provisions from Ordinance 4399.* This includes additional provisions governing the Planning Commission. It is the best alternative that these provisions be incorporated into the Development Code to have all provisions in one place.

**Director's Interpretation Amendment**

The proposed amendment is the most effective alternative to carry out the goals and policies of the alternatives considered. This amendment is a matter of balancing the issues of providing adequate time to provide a thorough analysis for an interpretation versus limiting the time to ensure efficient review of the issues. 20 days provides sufficient, but not excessive time to issue a formal interpretation.

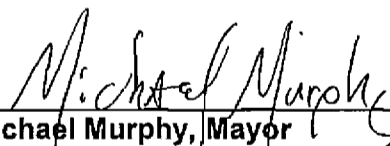
**CRITERION 4:** The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

**City Council's Response: Not Applicable.** The proposed amendments do not affect transportation facilities.

**VIII. DECISION AND SUMMARY:**

The City Council found that the applicable criteria are satisfied and adopted the proposed amendments to Development Code Sections 1.053 and 7.040 and amendments to Section 13.7 of the Comprehensive Plan Policy document. The vote was 8-0-0, with City Councilors Renfro, Boston, Gatlin, Hitchcock, Cummings, Wheatley, Webber, and Michelon in favor and none opposed.

**IX. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this 18<sup>TH</sup> day of November 2009.**

  
\_\_\_\_\_  
Michael Murphy, Mayor

ORDINANCE NO. 5499

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS  
(1) AMENDING THE DEVELOPMENT CODE AND COMPREHENSIVE PLAN TO  
REVISE PROVISIONS GOVERNING THE URBAN AREA PLANNING COMMISSION,  
(2) AMENDING THE DEVELOPMENT CODE TO REVISE THE TIMEFRAME FOR  
ISSUANCE OF A DIRECTOR'S INTERPRETATION, (3) REPEALING ORDINANCE  
4399 AND RESOLUTION 4126.

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. Ordinance 4399 governing the Urban Area Planning Commission was adopted in 1981 and incorporated as part of the Municipal Code by Ordinance 4414; and
2. The City Council desires to address housekeeping issues governing (1) the Urban Area Planning Commission and (2) timeframes for the Director's interpretations of the Development Code; and
3. Numerous documents include provisions governing the Urban Area Planning Commission, and the City Council desires to address residency requirements and consolidate provisions governing the Urban Area Planning Commission to eliminate conflicts and duplication by incorporating them into one document and repealing the other documents. This ordinance codifies the necessary provisions of Ordinance 4399 and Resolution 4126 in the Development Code, enabling their repeal; and
4. The City Council desires to provide a reasonable timeframe for issuance of a formal Director's Interpretation of the Development Code, that provides for thorough review and analysis of the issues and sufficient time to obtain the necessary legal opinions from the City Attorney; and
5. The proposal is consistent with the goals and policies of the Comprehensive Plan; and
6. The applicable criteria from the Comprehensive Plan and Development Code are satisfied.

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

**Section 1:** The amendments to Development Code Section 1.053, as set forth in Exhibit 1, which is attached to and incorporated in this ordinance, are hereby adopted.

**Section 2:** The amendments to Development Code Section 7.040, as set forth in Exhibit 2, which is attached to and incorporated in this ordinance, are hereby adopted.

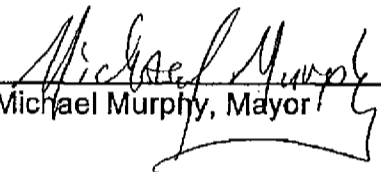
**Section 3:** The amendments to Comprehensive Plan Policies document Section 13.7, as set forth in Exhibit 3, which is attached to and incorporated in this ordinance, are hereby adopted.

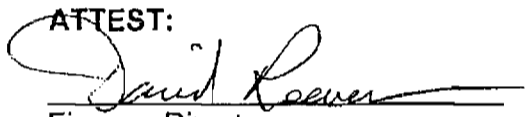
**Section 4:** Ordinance 4399, as set forth in Exhibit 4, which was incorporated as part of the Municipal Code by Ordinance 4414 in 1981, is hereby repealed.

**Section 5:** Resolution 4126, as set forth in Exhibit 5, is hereby repealed.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 4<sup>th</sup> day of November, 2009.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 5<sup>th</sup> day of November, 2009.

  
Michael Murphy, Mayor

ATTEST:  
  
Finance Director

Date submitted to Mayor: 11-5-2009

Approved as to Form, Mark Bartholomew, Interim City Attorney MB

**EXHIBIT 1**  
*to Ordinance*

1.043 Effect on Agreements Between Parties. The provisions of this Code shall not interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Code imposes a differing or greater restriction than that imposed by the agreement, the provisions of the Code shall control.

1.044 Severability and Validity. If any section, subsection, sentence, clause or phrase of this Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Grants Pass hereby declares that it would have passed this Code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.

1.050 Interpretations

1.051 Director. The Director shall interpret all terms, provisions and requirements of this Code.

1.052 Appeals. The interpretation of the Director may be appealed to the Planning Commission as provided in Article 10.

1.053 Request and Action.

(1) An application submitted for interpretation of this Code shall be made to the Director in writing. The Director shall respond in writing to those requests for interpretations under his authority within twenty (20) working days from receipt of the request.

(2) While an interpretation is pending, no action on the affected application for permit shall be taken. The count of calendar or working days required to process a permit application shall be frozen while an interpretation is pending, and shall be resumed on the day following the rendering of an interpretation by the Director.

1.054 Basis for Interpretation. Interpretations shall be considered administrative action, and shall be based upon the following considerations:



EXHIBIT 2  
to Ordinance

Article 7: Hearing Bodies and Review Authority

7.010 Purpose

The purpose of this Article is to set forth the method of appointment and land use review authority of the Director, Hearings Officer, Planning Commission, Historical Buildings and Sites Commission and City Council.

7.020 Director

7.021 Appointment. The Director shall be appointed by the City Manager as an employee of the City, according to City personnel procedures.

7.022 Review Authority. The Director shall have the authority to make a final decision on all land use matters requiring a Type I or Type II procedure, as provided in Sections 2.030 and 2.040, issue a Development Permit, as provided in Section 3.070, and interpret this Code, as provided in Section 1.051.

7.030 Hearings Officer

7.031 Appointment. A Hearings Officer may be appointed by the City Manager on a contractual basis and according to City contract procedures. The Director shall make an annual report to the City Manager regarding the performance of the Hearings Officer.

7.032 Review Authority. The Hearings Officer may have the authority to make a final decision on land use matters requiring a Type II or Type III procedure as established by the Director and approved by the City Council.

7.040 Urban Area Planning Commission

7.041 Purpose. The Urban Area Planning Commission is established to perform the functions authorized by statute in accordance with the authority provided in City and County law, policy, intergovernmental agreement and any City/County interpretations related to such laws, policies, or agreements.

The Urban Area Planning Commission shall perform its functions and duties for that portion of Josephine County within the Grants Pass Urban Growth Boundary Area,

including the City of Grants Pass. Both the Urban Area Planning Commission and the Josephine County Rural Planning Commission shall have jurisdiction for recommendations regarding the location of, and amendments to, the Urban Growth Boundary.

7.042 Appointment and Service.

- (1) Joint Appointment. The Planning Commission shall consist of eight members, four appointed by the City Council and four appointed by the Board of County Commissioners.
- (2) Term of Office. Unless a members' term of office is otherwise terminated pursuant to this Code, a member of the Commission shall hold office for four years after appointment.

A commission member appointed by the City Council may be removed by the City Council for misconduct, in the Council's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member appointed by the City Council from office shall be by resolution of the City Council. Any vacancy of city appointees to the Commission occurring other than at completion of a term of office shall be filled by the City Council for the unexpired term of the predecessor in office.

A commission member appointed by the Board of Commissioners may be removed by the Board of Commissioners for misconduct, in the Board's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member appointed by the Board of Commissioners from office shall be by resolution of the Board of Commissioners. Any vacancy of county appointees to the Commission occurring other than at completion of a term of office shall be filled by the Board of Commissioners for the unexpired term of the predecessor in office.

- (3) Profession or Business. Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners, and shall qualify under the standards established in ORS Chapter 227 for appointment of City Planning Commissioners.
- (4) Residence. The members of the Urban Area Planning Commission appointed by the City shall reside within the Urban Growth Boundary, whether within the City limits or the Urbanizing Area. The members of the Urban Area Planning Commission appointed by the County shall reside on their own property within the Urban Growth Boundary and be residents of Josephine County.

Appointments should generally strive to provide for geographic representation throughout the Urban Growth Boundary Area.

- (5) Compensation. Urban Area Planning Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses actually incurred.

7.043 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.

When the provisions of the Intergovernmental Agreement provide for City authority or responsibility to perform those functions otherwise performed by the County, the provisions of this Section assigned to the County shall be performed by the City counterpart.

7.044 Administrative Procedure and Report Format.

- (1) Members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.

- (2) Administrative procedures and report format shall be in accordance with Sections IV and V of the adopted 1998 Intergovernmental Agreement between the City of Grants Pass and Josephine County, or as thereafter amended or interpreted.

<sup>1</sup>7.045 Applications and Fees. Applications for permits or hearings before the Urban Area Planning Commission shall be made in accordance with the provisions of the adopted intergovernmental management agreement between the City of Grants Pass and Josephine County.

7.046 Review Authority, Other Functions, and Additional Duties

- (1) Review Authority. The Planning Commission shall have the authority: (a) to make a final decision on all land use matters requiring a Type III procedure, (b) to make recommendations to the City Council or Board of County Commissioners, as appropriate, on all land use matters requiring a Type IV procedure, c) to make recommendations on land use matters of joint deliberation requiring a Type V procedure, when requested by the Board and Council or when otherwise specified in the Intergovernmental Agreement, the Comprehensive Plan, or the Development Code, and (d) to hold hearings and make recommendations on amendments to the Comprehensive Plan Findings, Goals, Policies, Land Use Maps and Urban Growth Boundary to the City Council and Board of County Commissioners.
- (2) Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding Urban Growth Boundary Amendments and Urban Service Policy Amendments.
- (3) Other Functions. The Planning Commission shall also have authority over any additional matters authorized in ORS 215 and ORS 227 as may be specifically granted by the City and County.
- (4) Additional Duties. Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chair or Vice-Chair to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of Commissioners and City Council.

- 7.047 Quorum. Five (5) members of the Urban Area Planning Commission shall constitute a quorum; however, when a quorum is present, a simple majority of Commissioners voting on any issue shall be significant to resolve such issue. For quasi-judicial hearings, Section 8.044 governs the effect of abstentions on a quorum and actions when there is lack of quorum. For legislative hearings, Section 9.043 governs the effect of abstentions on a quorum.
- 7.048 Meetings. The Commission shall meet at least once a month at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the Chair or any three members delivering a written demand for a special meeting upon the Chair. In either case, the Chair shall proceed to call a special meeting by giving each Planning Commission member and the local media at least twenty-four hours notice of such special meeting, and all other noticing and actions required in accordance with open meetings law.
- 7.049 Expenditures. The Urban Area Planning Commission shall have no authority to make any expenditure on behalf of the City of Grants Pass or Josephine County, or to obligate the city or county for the payment of any sums of money, except such sums as said city or county shall have first authorized.
- 7.050 Mayor and City Council
- 7.051 Election. The Mayor and members of the City Council are the elected representatives of the City of Grants Pass, elected or appointed as provided by the City charter and State law.
- 7.052 Review Authority.
- (1) The City Council shall have the authority to make a final decision on all land use matters requiring a Type IV procedure within the City limits, and outside the City limits subject to an annexation contract.
  - (2) The City Council shall have the authority to make a final decision or participate jointly in a final decision with the Board of County Commissioners on all land use matters requiring a Type V procedure as provided in the joint Urban Area Services Management Agreement.

## EXHIBIT 3 *to Ordinance*

Inclusions or exclusions of real property to the Urban Growth Boundary shall be made jointly by the City Council and Board of County Commissioners. The procedure for joint review shall be as provided in Policy 13.8.

### 13.7 Urban Area Planning Commission

#### 13.7.1 Urban Area Planning Commission.

A single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

Provisions governing the Urban Area Planning Commission shall be as specified in Article 7 of the Development Code.

### 13.8 City/County Joint Review Procedure

#### 13.8.1 Joint Review. Joint review as provided in this section by the City Council and Board of County Commissioners shall be required for amendment and revision to the following items:

- (a) Comprehensive Plan Data Base.
- (b) Com Plan Findings, Goals and Policies.
- (c) Comp Plan Land Use Map.
- (d) Urban Growth Boundary.
- (e) Mutually adopted Service and Utility Plans.

#### 13.8.2 Data Base Joint Review.

- (a) All administrative revisions to the Data Base shall be summarized annually, and placed in both the City Manager's and the County Planning Department's annual Development Reports, together with implication for policy making that may result from the Data Base revisions, including proposed changes to the Comprehensive Plan and Development Code.
- (b) Revisions to the Data Base occurring during the year prior to the Annual Development Report that are significant enough to warrant reconsideration of Comprehensive Plan and Development Code policies, requirements and maps shall be forwarded to the City Manager for City Council consideration and to the Board Chairman for Board of County Commissioners consideration.

**EXHIBIT** 4 to Ordinance

ORDINANCE NO. 4399

AN ORDINANCE ESTABLISHING AN URBAN AREA PLANNING COMMISSION, PROVIDING FOR RULES AND REGULATIONS FOR THE GOVERNMENT AND MAINTENANCE OF SAID PLANNING COMMISSION, PRESCRIBING THE POWERS AND DUTIES OF SAID COMMISSION, AND REPEALING ORDINANCE NO. 1169.

WHEREAS, the City of Grants Pass and Josephine County did execute a Joint Urban Area Services Management Agreement by which the parties thereto agreed to establish an Urban Area Planning Commission to deal with land use activities and planning within the Grants Pass Urban Growth Boundary Area; and

WHEREAS, Exhibit "B" of said Joint Urban Area Services Agreement specifies the function and authority of such Urban Area Planning Commission, now, therefore,

THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1. There is hereby created an Urban Area Planning Commission for that portion of Josephine County located within the Grants Pass Urban Growth Boundary Area, including the City of Grants Pass.

Section 2. The said Urban Area Planning Commission shall operate under the terms and conditions specified in the provisions attached hereto, marked Exhibit "A", and by this reference incorporated herein.

Section 3. Urban Area Planning Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses actually incurred.

Section 4. Unless a member's term of office is otherwise terminated pursuant to this ordinance, a member of the Commission shall hold office for four years after appointment. A member may be removed by the City Council for misconduct, in the Council's sole judgement and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member from office shall be by resolution of the City Council. Any vacancy of city appointees to the Commission occurring other than at the completion of a term of office shall be filled by the City Council for the unexpected term of the predecessor in office.

Section 5. Five members of the Urban Area Planning Commission shall constitute a quorum, however, a simple majority of Commissioners, voting on any issue, shall be significant to resolve such issue. The Commission shall meet at least once a month at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the Chairman or any three members delivering a written demand for a special meeting upon the Chairman. In either case the Chairman shall proceed to call a special meeting by giving each Planning Commission Member and local media at least twenty-four hours written notice of such special meeting.

Section 6. Urban Area Planning Commission shall have no authority to make any expenditures on behalf of the City of Grants Pass, or to obligate the city for the payment of any sums of money, except such sums as said city shall have first authorized.

PASSED by the Council of the City of Grants Pass, Oregon this 15th day of April, 1981.

SUBMITTED to and \_\_\_\_\_ by the Mayor of the City of Grants Pass, Oregon, this \_\_\_\_\_ day of April, 1981.

Mayor

*Bruce McGregor*

ATTEST:

\_\_\_\_\_  
Assistant Finance Director



EXHIBIT "A"  
URBAN AREA PLANNING COMMISSION

1.000 Urban Area Planning Commission. The Urban Area Planning Commission shall consist of eight members, four members appointed by the Board of County Commissioners, and four members appointed by the City Council. The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: FruitGale, Harbeck and Redwood.

2.000 Appointments. In the initial appointments to the Urban Area Planning Commission, City appointments should be made from the City Planning Commission and County appointments should be made from the County Planning and Zoning Commissions.

Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners. The members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.

Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chairman or Vice Chairman to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of County Commissioners and the City Council.

3.000 Purposes, Final Actions, Recommendations. The purposes of the Urban Area Planning Commission are to assume the functions determined by Statutory law and City ordinance and policy for the City Planning Commission for the area within the City Limits of Grants Pass and to assume the functions determined by Statutory law and County ordinance and policy for the County Planning and Zoning Commissions for the area within the Urban Growth Boundary but outside the City Limits.

The Urban Area Planning Commission shall have final jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, and shall have final jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits.

The Urban Area Planning Commission shall have advisory jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, making recommendations in those matters to the City Council; and shall have advisory jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits, making recommendations in these matters to the Board of County Commissioners.

4.000 Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding zone changes in the urbanizing area to the Board of County Commissioners, make recommendations regarding site specific concerns and conditions with annexation proposals to the City Council, and make recommendations regarding Urban Growth Boundary amendments, Urban Service Policy amendments and Comprehensive Plan Map amendments, if within the Urban Growth Boundary area, to both the Board of County Commissioners and the City Council.

5.000 Governing Body Jurisdiction and Joint Review. Zone changes in the urbanizing area shall be at the discretion of the Board of County Commissioners upon recommendation by the Urban Area Planning Commission. Annexation agreements shall be at the discretion of the City Council, with site specific recommendations by the Urban Area Planning Commission.

Changes in the Comprehensive Plan, Comprehensive Plan Map, the Subdivision Ordinance and the Zoning Ordinance for the urbanizing area shall be at the discretion of the Board of County Commissioners, unless a joint hearing is requested by the City; then, in which event such changes shall be heard jointly by the Board of County Commissioners and the City Council.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint hearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint hearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Changes in the Urban Growth Boundary and the Urban Service Policies shall be heard jointly by the Board of County Commissioners and the City Council. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Other land use actions in the urbanizing area requiring joint review pursuant to the Urban Services Policies shall require a joint hearing only at the request of a governing body. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

6.000 Rehearing of Governing Body Action. In land use actions by governing bodies where a joint hearing is optional pursuant to Section 5.000 herein, and where a joint hearing was not requested, either the City Council or the Board of County Commissioners may petition for a Rehearing of the matter jointly, provided that the Rehearing is petitioned for within ten working days of the decision. A petition for a Rehearing may not be denied by either party.

The Petition for Rehearing shall comply with the administrative procedures and Land Use Hearing Rules adopted pursuant to Sections 8.500 and 8.200 herein. The decision of the governing body shall not become final until a decision is rendered pursuant to such Rehearing. The Petition for Rehearing shall be heard within twenty (20) working days of the decision, and shall be heard as a new review except that all evidence theretofore received shall be included in the record.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint Rehearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint Rehearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

No application shall be reheard more than once, regardless of whether or not requested by the same or different parties. The Petition for Rehearing as provided herein shall be a jurisdictional condition precedent for judicial review.

7.000 Call up Review of Commission Action. Final actions of the Urban Area Planning Commission shall be reported to their governing bodies. The governing bodies may, at their discretion, call up for review any final action of the Urban Area Planning Commission, whether or not such final action is appealed by any party to the action. In order to call up such an action for review, the governing body requesting review shall file notice within ten (10) working days of the action by the Urban Area Planning Commission, and the review shall occur within twenty (20) working days of the action by the Urban Area Planning Commission.

If an action is called up for review, the action shall be heard by the governing body having jurisdiction over the area in which the action is located. A joint review hearing may be held at the request of either governing body.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the Urban Growth Boundary Area, final disposition of the action at such a joint review hearing shall be at the discretion of the governing body having jurisdiction. Prior to rendering a decision at such a joint review hearing, the governing body having jurisdiction shall receive and consider the recommendation of the other governing body. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and County for the Urban Growth Boundary Area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

8.000 Authority. The Urban Area Planning Commission shall be duly constituted no later than 60 days from the execution of this agreement by the City Council and the Board of County Commissioners to pursue the purposes of Sections 3.000 through 5.000, inclusive.

8.100 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.

The Board of County Commissioners and the City Council shall jointly adopt a uniform fee schedule which shall be designed to make the activities of the Urban Area Planning Commission as self-supporting as possible. All fees collected by the City shall be retained by the City. The City of Grants Pass shall be reimbursed by the County for staff time devoted to processing applications within the urbanizing area in which the City has a lead responsibility either through an hourly billing to the County or through the provision of a budgeted line item of a mutually agreeable amount in the County's annual budget.

8.200 Administrative Procedure and Report Format. Administrative procedures and report format shall be established by a mutual agreement between the City Director of Community Development and the County Planning Director, and shall be designed to carry out the provisions of the Urban Area Services Management Agreement, and as amended. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.

8.300 Recording and Findings. The actions of the Urban Area Planning Commission shall be duly recorded and all actions shall be documented by appropriate Findings. The Board of County Commissioners and the City Council shall provide for the preparation of the Findings of the Urban Area Commission, and shall agree to a common format and method of preparation. Decisions of the Urban Area Planning Commission shall not be final until the Findings have been adopted by a majority of the quorum of the Commission meeting in public session.

8.400 Applications and Fees. Applications for permits or hearing before the Urban Area Planning Commission shall be made at the City Planning office for proposals located within the incorporated limits of the City of Grants Pass and at the County Planning office for proposals located within the urbanizing area outside of the City Limits.

8.500 Land Use Hearing Rules/Citizen Participation. The Board of County Commissioners and the City Council shall adopt within 60 days mutual land use hearing rules governing the procedures and the conduct of the Urban Area Planning Commission. The Board of County Commissioners and the City Council shall also make allowance for the participation of citizens in the planning process and shall accommodate the different citizen involvement programs of the City and the County.

EXHIBIT 5 to Ordinance

RESOLUTION NO. 4126

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS  
ESTABLISHING RESIDENCY REQUIREMENTS FOR APPOINTMENTS TO THE  
URBAN AREA PLANNING COMMISSION.

WHEREAS:

1. The City Council has the sole appointment authority for members of the Urban Area Planning Commission; and
2. The Council wishes to establish criteria for residency to be included in the Special Qualifications for Appointments to the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the following section be added to the Committee description for the Urban Area Planning Commission:

Special Qualifications for Appointments: All City appointments to the Urban Area Planning Commission shall require all City appointments to have their principal residence in the Urban Growth Boundary (including the City).

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 15<sup>th</sup> day of December, 1999.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon, this 21<sup>st</sup> day of December, 1999.

  
Mayor

ATTEST:

  
Administrative Services Director

Date: 12/21/99

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**PLANNING COMMISSION RESIDENCY & DIRECTOR'S INTERPRETATION  
DEVELOPMENT CODE TEXT AMENDMENT  
AND COMPREHENSIVE PLAN TEXT AMENDMENT  
CITY COUNCIL STAFF REPORT-TYPE IV**

**Procedure Type:** Type IV: Planning Commission Recommendation and City Council Decision  
**Project Number:** 09-40500005  
**Project Type:** Development Code Text Amendment  
**Applicant:** City of Grants Pass  
**Planner Assigned:** Carla Angeli Paladino  
**Application Received:** July 17, 2009  
**Application Complete:** July 17, 2009  
**Date of Planning Commission Staff Report:** September 2, 2009  
**Date of Planning Commission Hearing:** September 9, 2009  
**Date of PC Findings of Fact:** September 23, 2009  
**Date of City Council Staff Report:** November 4, 2009

**I. PROPOSAL:**

A Development Code Text Amendment and Comprehensive Plan Text Amendment that includes the following items:

- Amends/Clarifies residency requirements for the Urban Area Planning Commission for City and County appointments. The proposal also includes housekeeping amendments associated with the Planning Commission provisions in Section 7.040 of the Development Code and Section 13.7 of the Comprehensive Plan.
- Amends timeframe for issuance of Director's interpretation (Section 1.053 of the Development Code).
- Also, the ordinance for City Council adoption will repeal any conflicting provisions of any other outdated ordinances, which are not in the Development Code or Comprehensive Plan.

***See Exhibits 1-3 for proposed text changes (third version) Clean copies of the changes are attached to the proposed Ordinance***

**II. AUTHORITY AND CRITERIA:**

The authority and criteria are provided in the Planning Commission's Findings of Fact.

**EXHIBIT A**  
*to CC F.O.F.*

III. **APPEAL PROCEDURE:**

The City Council's final decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes within 21 days of the Council's written decision.

IV. **BACKGROUND AND DISCUSSION:**

**Planning Commission Residency Amendment: (See UAPC Findings for original discussion)**

Since the hearing process was initiated, and the Planning Commission held its hearing and recommended approval, comments were received by the County pertaining to the residency provisions and a conflict with their original ordinance from 1981. The County didn't support a change that would also involve an amendment to their ordinance. A subsequent meeting was held to discuss the issue.

The recommended ordinance includes the provisions recommended by the Urban Area Planning Commission, plus revisions recommended by staff to address the issues raised by the County regarding the residency provision.

The proposed amendment addresses the issue by specifying the residency requirements for the City and County appointees separately. The appointments made by the Board of Commissioners must reside or own property within the UGB, while appointments made by the City Council must reside within the UGB.

Some of the criteria below are re-addressed to reflect the amended text proposed.

**Director's Interpretation Amendment:**

Questions have been asked about the proposed timeframe change from five (5) days to twenty (20) days. The proposed twenty (20) day timeframe is more consistent with other Director's decisions rendered and was chosen to better fit within the Community Development Department's internal process of reviewing, setting up files, researching and completing the interpretation requested. The existing timeframe is too short and is difficult to meet the deadline when the time of both the Director and City Attorney need to be coordinated in order to complete the interpretation.

The timeframe proposed can be reduced by the City Council if a ten (10) or fifteen (15) day timeframe seems more reasonable and a less drastic change from the existing provisions.

The text below still reflects the original twenty (20) days proposed and recommended by the Urban Area Planning Commission.

**V. CONFORMANCE WITH APPLICABLE CRITERIA:**

*The text 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.*

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

**Staff's Response: Satisfied.** Policy 13.7.1 specifies that a single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

The proposed plan amendment is consistent with this policy, while revising specific provisions related to the commission. The proposed plan amendment provides consistency and clarification between the various documents as they relate to City and County appointments, and it repeals conflicting provisions of the various documents. These include the Comprehensive Plan, the Development Code, and the Intergovernmental Agreement. The requirements for City appointments are consistent with the three (3) documents previously mentioned and the proposed text clarifies the requirements for County appointments.

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

**Staff's Response: Satisfied.** The current provisions were adopted in the early 1980s. Since then, the City and County entered into a newer management agreement for the Urban Growth Boundary area in 1998. The proposed amendment continues to address the policy articulated in Policy 13.7.1 of the Comprehensive Plan for a joint Urban Area Planning Commission, and in a manner that is consistent with the provisions of the Intergovernmental Agreement for City appointments. The proposed text explains the differences between the residency criteria used for members appointed by each of the jurisdictions. The City appointments are limited to the provisions outlined in the 1998 IGA and require members to be residents within the UGBA, while the County appointments have slightly different criteria in that members may live or own property within the UGBA and be residents of Josephine County.

The City also adopted Resolution 1748 in 1984, after the adoption of the current provisions pertaining to the Planning Commission. Resolution 1748 pertains to the Citizen Involvement Program and designates the Planning Commission as the Citizen Involvement Committee. Therefore, the changes to the Planning Commission provisions also need to ensure consistency with its role as the Citizen Advisory Committee. This is addressed with the proposed amendment presented in *Exhibit 2*.

This is not a policy change that relates to land use or infrastructure that would be affected by changes to the database.



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

**Staff's Response: Satisfied.** Goal 1, Citizen Involvement, is "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." Part 1 "To provide for widespread citizen involvement" specifies, "The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions." The Planning Commission is also the designated Citizen Involvement Committee. Therefore, the changes need to reflect this diversity. The clarification to residency requirements for each jurisdiction and the removal of provisions requiring reciprocal confirmation of appointees is consistent with the Goal. However, some advisory language will remain pertaining to geographical diversity. The proposal presented in *Exhibit 2* is consistent with the applicable goals and guidelines of the State of Oregon. Also see discussion under Criterion 3 for the Development Code component of this amendment.

**CRITERION (d):** Citizen review and comment.

**Staff's Response: Satisfied.** The public hearing process provides the opportunity for citizen review and comment, which is appropriate to the scale of the proposed amendment.

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

**Staff's Response: Satisfied.** 45-day notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD). 45-day notice was also provided to Josephine County. The second version of the revised language and a copy of the Planning Commission's staff report were provided to DLCD and Josephine County. The City and County have met since the first evidentiary hearing held by the Planning Commission to discuss the proposed amendment. The language has been modified a third time in order to reflect the County requirements. A copy of this report and the ordinance with the revised language will be provided to the County Commissioners office.

**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.

**Staff's Response: Not Applicable.** The proposed amendment has no impact on urban services.

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

**Staff's Response: Satisfied. UAPC direction given.** The Planning Commission requested staff discuss the proposal with the Board of County Commissioners prior to being heard by the City Council. Since the Planning

Commission hearing, staff has met and discussed the proposal with the County, which led to a change in the proposed text.

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

**Staff's Response: Not Applicable.** Criterion (b) is applicable. The Plan was not adopted in error. The proposed amendments are adopted in response to changes that occurred since this was adopted in the early 1980s, most notably the 1998 Intergovernmental Agreement. The proposed amendments clarify the City and County policies related to UAPC residency requirements.

*The text of the Development Code may be recommended for amendment and amended provided that all of the following criteria of Section 4.103 of the Development Code are met.*

**CRITERION 1:** The proposed amendment is consistent with the purpose of the subject section and article.

**Staff Response: Satisfied.**

**Planning Commission Amendment**

The purpose of Article 7 is simply to set forth the method of appointment and land use review authority of the various review bodies. There are no separate purposes listed within the individual Sections of the Article for each of the review bodies. The proposal is consistent with the purpose of the subject Section and Article.

**Director's Interpretation Amendment**

The purpose of Article 1 states the purpose of the Development Code overall, to implement the policies of the Comprehensive Plan and to coordinate City regulations governing the development and use of land. There are no separate purposes listed within the individual Sections of the Article. Consistency with the policies of the Comprehensive Plan is addressed under Criterion 3. The proposal is consistent with the purpose of the subject Section and Article.

**CRITERION 2:** The proposed amendment is consistent with other provisions of this code.

**Staff Response: Satisfied.**

**Planning Commission Amendment**

The modifications to the residency provisions, reciprocal confirmation, and geographic distribution requirements of the Planning Commission do not conflict with other provisions of the Development Code, and the duplicate language in the Comprehensive Plan is also proposed for amendment for consistency. Incorporating the additional provisions now in Ordinance 4399 and Resolution 4126 does not create conflicts.

**Director's Interpretation Amendment**

The change to the time within which an interpretation must be issued does not conflict with any other provision of the code.

**CRITERION 3:** The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

**Staff Response: Satisfied.**

**Comprehensive Plan Consistency**

The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.

**Planning Commission Amendment**

The provisions of the Comprehensive Plan that address the Planning Commission are contained within the Policies Section of Element 13, Land Use. Policy 13.7 pertains to the Urban Area Planning Commission.

**Policy 13.7.1. specifies:**

A single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

The proposal remains consistent with this policy.

**The Goal in Element 13 includes the following:**

To provide a vision for the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: ... (d) is responsive to the wishes of the citizens and property owners of the planning area...

From this perspective, it is important that the Planning Commission include representation to reflect citizens and property owners of the planning area. The revised proposal remains consistent with this Goal.

**The Goal of the Citizen Involvement Element is:**

To develop a citizen involvement program that insures the ongoing involvement of citizens in all phases of the land use planning process.

This doesn't specifically address the composition of the Planning Commission; however, Resolution #1748 adopted on August 1, 1984, designates the Urban Area Planning Commission as the City's Citizen Involvement Committee. Therefore, the composition of the Committee should also reflect the role of the Planning Commission as the Citizen Involvement Committee.

**Director's Interpretation Amendment**

The provisions of the Comprehensive Plan that pertain to this amendment are contained in the policies in Element 13, Land Use.

Section 13.4 addresses development procedures, including the following policy:

#### 13.4.3. Streamline Review Process.

The Development Code procedures shall act to streamline the land development process and eliminate unnecessary delays, and shall contain standards and procedures for land use actions that are clear, objective, and nonarbitrary.

The proposed amendment increases the time for issuance of a Director's Interpretation, but provides a reasonable amount of time to meet the requirements for an interpretation, including review, obtaining a legal opinion from the City Attorney, and issuing the formal written interpretation. The proposal increases the period from 5 working days to 20 working days. It maintains a cap on the processing time to ensure interpretations are issued in an efficient manner.

#### **Most Effective Alternative**

The proposed amendment most effectively carries out the goals and policies of all alternatives considered.

#### **Planning Commission Amendment**

The proposal includes the following main elements:

- Specifying the different residency requirements between City and County appointees. Allowing for County appointees to be eligible based on residency in the UGBA or owning property, and specifying City appointments to only be residents within the UGBA.
- Revising provisions for specified geographic distribution of appointees within the UGB
- Removing reciprocal confirmation by the City or County of the others appointees
- Incorporating provisions from Ordinance 4399 and Resolution 4126.

*Residency.* The Intergovernmental Agreement specifies that members must be residents of the UGBA, so the amendment to the Comprehensive Plan and Development Code for City appointments is consistent with this provision. The County appointments would include an additional allowance to the residency requirement within the UGBA and allow for members to own property within the UGBA and be residents of Josephine County.

The Intergovernmental Agreement contains less stringent provisions than either the Development Code or Comprehensive Plan pertaining to confirmation of appointees and geographic distribution.

*Geographic Distribution.* There is value in maintaining geographic distribution within the UGB to avoid concentration of appointees from a narrow geographic area. However, with the selection of appointees by two jurisdictions, and the provisions of ORS 215 and 227 that provide for diversity of profession or occupation, coordinating geographic distribution could be challenging. Therefore, it is proposed that language be maintained to encourage geographic distribution, but to avoid mandatory requirements. This provides the best alternative.

*Reciprocal Confirmation.* There is value in the reciprocal confirmations of City and County appointees in having a full Commission of eight members,

where each jurisdiction has concurred with the other through confirmation of the other's four candidates. However, there is also value in having each jurisdiction exercising its autonomy in selection of its appointees. The latter is the best alternative.

*Provisions from Ordinance 4399.* This includes additional provisions governing the Planning Commission. It is the best alternative that these provisions be incorporated into the Development Code to have all provisions in one place.

**Director's Interpretation Amendment**

The proposed amendment is the most effective alternative to carry out the goals and policies of the alternatives considered. This amendment is a matter of balancing the issues of providing adequate time to provide a thorough analysis for an interpretation versus limiting the time to ensure efficient review of the issues. 20 days provides sufficient, but not excessive time to issue a formal interpretation.

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

**Staff Response: Not Applicable.** The proposed amendments do not affect transportation facilities.

**VI. RECOMMENDATION:**

Staff recommends the City Council **APPROVE** the Comprehensive Plan and Development Code text amendments by adopting the proposed ordinance with the proposed attachments, including repealing Ordinance 4399 and Resolution 4126.

**VII. CITY COUNCIL ACTION:**

- A. Positive Action:
  - 1. approve the proposal recommended by Staff
  - 2. approve the proposal recommended by Staff with modifications (list):
  - 3. approve the proposal as recommended by the Planning Commission.
  - 4. approve the proposal recommended by the Planning Commission with modifications (list):
- B. Negative Action: Deny the request and make no amendment for the following reasons (list):
- C. Postponement: Continue item
  - 1. indefinitely.
  - 2. to a time certain.

**NOTE:** *This is a legislative decision. State law does not require that a decision be made on the application within 120 days.*

**VIII. INDEX TO EXHIBITS:**

1. Revised Section 1.053 of the Development Code attached to the Ordinance
2. Revised Sections 7.040-7.049 of the Development Code attached to the Ordinance
3. Revised Section 13.7.1 of the Comprehensive Plan Policies Document attached to the Ordinance
4. Planning Commission Findings of Fact and attached Record

***NOTE: (The items below are available in the Community Development Department, in the City Council Reading File, and electronically on the City website).***

- A. Planning Commission Staff Report
  1. Proposed Text Amendment – Original Proposal
  2. Proposed Text Amendment – Revised Proposal
  3. Minutes from May 18, 2009 City Council Workshop
  4. Section IV.5. of 1998 Intergovernmental Agreement
  5. Resolution 4216
  6. ORS 227 pertaining to City Planning Commission
  7. ORS 215 pertaining to County Planning Commission
  8. Memo dated 9/2/09 re: Municipal Code with Attachments
- B. Planning Commission Minutes dated September 9, 2009
- C. Planning Commission Power Point dated September 9, 2009

**EXHIBIT 1**  
*to CC report*

- 1.043 Effect on Agreements Between Parties. The provisions of this Code shall not interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Code imposes a differing or greater restriction than that imposed by the agreement, the provisions of the Code shall control.
- 1.044 Severability and Validity. If any section, subsection, sentence, clause or phrase of this Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Grants Pass hereby declares that it would have passed this Code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.
- 1.050 Interpretations
- 1.051 Director. The Director shall interpret all terms, provisions and requirements of this Code.
- 1.052 Appeals. The interpretation of the Director may be appealed to the Planning Commission as provided in Article 10.
- 1.053 Request and Action.
- (1) An application submitted ~~request~~ for interpretation of this Code shall be made to the Director in writing. The Director shall respond in writing to those requests for interpretations under his authority within ~~five (5)~~ twenty (20) working days from receipt of the request.
- (2) While an interpretation is pending, no action on the affected application for permit shall be taken. The count of calendar or working days required to process a permit application shall be frozen while an interpretation is pending, and shall be resumed on the day following the rendering of an interpretation by the Director.
- 1.054 Basis for Interpretation. Interpretations shall be considered administrative action, and shall be based upon the following considerations:

EXHIBIT 2  
to CC report

Article 7: Hearing Bodies and Review Authority

7.010 Purpose

The purpose of this Article is to set forth the method of appointment and land use review authority of the Director, Hearings Officer, Planning Commission, Historical Buildings and Sites Commission and City Council.

7.020 Director

7.021 Appointment. The Director shall be appointed by the City Manager as an employee of the City, according to City personnel procedures.

7.022 Review Authority. The Director shall have the authority to make a final decision on all land use matters requiring a Type I or Type II procedure, as provided in Sections 2.030 and 2.040, issue a Development Permit, as provided in Section 3.070, and interpret this Code, as provided in Section 1.051.

7.030 Hearings Officer

7.031 Appointment. A Hearings Officer may be appointed by the City Manager on a contractual basis and according to City contract procedures. The Director shall make an annual report to the City Manager regarding the performance of the Hearings Officer.

7.032 Review Authority. The Hearings Officer may have the authority to make a final decision on land use matters requiring a Type II or Type III procedure as established by the Director and approved by the City Council.

7.040 Urban Area Planning Commission

7.041 Purpose. The Urban Area Planning Commission is established to perform the functions authorized by statute in accordance with the authority provided in City and County law, policy, intergovernmental agreement and any City/County interpretations related to such laws, policies, or agreements.

The Urban Area Planning Commission shall perform its functions and duties for that portion of Josephine County within the Grants Pass Urban Growth Boundary Area,



including the City of Grants Pass. Both the Urban Area Planning Commission and the Josephine County Rural Planning Commission shall have jurisdiction for recommendations regarding the location of, and amendments to, the Urban Growth Boundary.

7.0412 Appointment and Service.

- (1) Joint Appointment. The Planning Commission shall consist of eight members, four appointed by the City Council and confirmed by the Board of County Commissioners, and four appointed by the Board of County Commissioners, and confirmed by the City Council.
- (2) Term of Office. Unless a members' term of office is otherwise terminated pursuant to this Code, a member of the Commission shall hold office for four years after appointment.

A commission member appointed by the City Council may be removed by the City Council for misconduct, in the Council's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member appointed by the City Council from office shall be by resolution of the City Council. Any vacancy of city appointees to the Commission occurring other than at completion of a term of office shall be filled by the City Council for the unexpired term of the predecessor in office.

A commission member appointed by the Board of Commissioners may be removed by the Board of Commissioners for misconduct, in the Boards's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member appointed by the Board of Commissioners from office shall be by resolution of the Board of Commissioners. Any vacancy of county appointees to the Commission occurring other than at completion of a term of office shall be filled by the Board of Commissioners for the unexpired term of the predecessor in office.

(23) Profession or Business. Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners, and shall qualify under the standards established in ORS Chapter 227 for appointment of City Planning Commissioners.

(34) Residence. ~~The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeek and Redwood.~~

The members of the Urban Area Planning Commission appointed by the City shall reside within the Urban Growth Boundary, whether within the City limits or the Urbanizing Area. The members of the Urban Area Planning Commission appointed by the County shall reside or own property within the Urban Growth Boundary and be residents of Josephine County.

Appointments should generally strive to provide for geographic representation throughout the Urban Growth Boundary Area.

(5) Compensation. Urban Area Planning Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses actually incurred.

7.0423 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.

When the provisions of the Intergovernmental Agreement provide for City authority or responsibility to perform those functions otherwise performed by the County, the provisions of this Section assigned to the County shall be performed by the City counterpart.

7.0434 Administrative Procedure and Report Format.

- (1) Members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.
- (2) Administrative procedures and report format shall be in accordance with Sections IV and V of the adopted 1998 Intergovernmental Agreement between the City of Grants Pass and Josephine County, or as thereafter amended or interpreted. ~~established by a mutual agreement between the Director and the County Planning Director, and shall be designed to carry out the provisions of this Code and the Urban Area Services Management Agreement, and as amended. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.~~

<sup>1</sup>7.0445 Applications and Fees. Applications for permits or hearings before the Urban Area Planning Commission shall be made in accordance with the provisions of the adopted intergovernmental management agreement between the City of Grants Pass and Josephine County.

7.0456 Review Authority, Other Functions, and Additional Duties

- (1) Review Authority. The Planning Commission shall have the authority: (a) to make a final decision on all land use matters requiring a Type III procedure, (b) to make recommendations to the City Council or Board of County Commissioners, as appropriate, on all land use matters requiring a Type IV procedure, and (c) to make recommendations on land use matters of joint deliberation requiring a Type V procedure, when requested by the Board and Council or when otherwise specified in the Intergovernmental Agreement, the Comprehensive Plan, or the Development Code ~~when requested by the Board and Council, to make recommendations to the City Council and Board of County Commissioners on land use matters of joint deliberation requiring a Type V procedure.~~ and (d) to hold hearings and make recommendations on amendments to the Comprehensive Plan Findings, Goals, Policies, Land Use Maps

and Urban Growth Boundary to the City Council and Board of County Commissioners.

- (2) Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding Urban Growth Boundary Amendments and Urban Service Policy Amendments.
- (3) Other Functions. The Planning Commission shall also have authority over any additional matters authorized in ORS 215 and ORS 227 as may be specifically granted by the City and County.
- (4) Additional Duties. Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chair or Vice-Chair to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of Commissioners and City Council.

7.047 Quorum. Five (5) members of the Urban Area Planning Commission shall constitute a quorum; however, when a quorum is present, a simple majority of Commissioners voting on any issue shall be significant to resolve such issue. For quasi-judicial hearings, Section 8.044 governs the effect of abstentions on a quorum and actions when there is lack of quorum. For legislative hearings, Section 9.043 governs the effect of abstentions on a quorum.

7.048 Meetings. The Commission shall meet at least once a month at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the Chair or any three members delivering a written demand for a special meeting upon the Chair. In either case, the Chair shall proceed to call a special meeting by giving each Planning Commission member and the local media at least twenty-four hours notice of such special meeting, and all other noticing and actions required in accordance with open meetings law.

7.049 Expenditures. The Urban Area Planning Commission shall have no authority to make any expenditures on behalf of the City of Grants Pass or Josephine County, or to obligate the city or county for the payment of any sums of money, except such sums as said city or county shall have first authorized.

**EXHIBIT 3**  
*to CC report*

Inclusions or exclusions of real property to the Urban Growth Boundary shall be made jointly by the City Council and Board of County Commissioners. The procedure for joint review shall be as provided in Policy 13.8.

13.7 Urban Area Planning Commission

13.7.1 Urban Area Planning Commission.

A single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

**Provisions governing the Urban Area Planning Commission shall be as specified in Article 7 of the Development Code.**

13.7.2 Appointment

- ~~(a) — Joint Appointment. The Planning Commission shall consist of eight members, four appointed by the City Council and confirmed by the Board of County Commissioners, and four appointed by the Board of County Commissioners, and confirmed by the City Council.~~
- ~~(b) — Profession or Business. Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners, and shall qualify under the standards established in ORS Chapter 227 for appointment of City Planning Commissioners.~~
- ~~(c) — Residence. The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck, and Redwood.~~

13.7.3 Staffing and Procedure.

- ~~(a) — Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, established the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning~~

Commission:

- ~~(b) — Administrative Procedure and Report Format. Administrative procedures and report format shall be established by a mutual agreement between the Director and the County Planning Director. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.~~
  
- ~~(e) — Applications and Fees. Applications for permits or hearing before the Urban Area Planning Commission shall be made at the City Planning office for proposals located within the incorporated limits of the City of Grants Pass and at the County Planning office for proposals located within the urbanizing area outside of the City limits. The Board of County Commissioners and the City Council shall adopt a uniform fee schedule which shall be designed to make the activities of the Urban Area Planning Commission as self-supporting as possible.~~

13.7.4 Review Authority.

- ~~(a) — Within City limits, the Planning Commission shall have the authority:
  - ~~1. — to make a final decision on all land use matters requiring a Type III procedure.~~
  
  - ~~2. — to make recommendations to the City Council, designated on all land use matters requiring a Type IV procedure.~~~~
  
- ~~(b) — Within the urbanizing area, outside Grants Pass City limits but inside the Urban Growth Boundary, the Planning Commission shall have the authority:
  - ~~1.~~
  
  - ~~2.~~
  
  - ~~3.~~
  
  - ~~4.~~~~
  
- ~~(e) — Within the Urban Growth Boundary, the Planning Commission shall have the authority to hold hearings and make recommendations on amendments to the Comprehensive Plan Findings, Goals, Policies, Land Use Maps and Urban Growth Boundary to the City Council and Board of County Commissioners.~~

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**PLANNING COMMISSION RESIDENCY & DIRECTOR'S INTERPRETATION  
DEVELOPMENT CODE TEXT AMENDMENT  
AND COMPREHENSIVE PLAN TEXT AMENDMENT  
PLANNING COMMISSION – FINDINGS OF FACT**

**Procedure Type:** Type IV: Planning Commission Recommendation and City Council Decision  
**Project Number:** 09-40500005  
**Project Type:** Development Code Text Amendment & Comprehensive Plan Text Amendment

**Applicant:** City of Grants Pass

**Planner Assigned:** Tom Schauer  
**Application Received:** July 17, 2009  
**Application Complete:** July 17, 2009  
**Date of Planning Commission Staff Report:** September 2, 2009  
**Date of Planning Commission Hearing:** September 9, 2009  
**Date of PC Findings of Fact:** September 23, 2009

**I. PROPOSAL:**

A Development Code Text Amendment and Comprehensive Plan Text Amendment that includes the following items:

- Amends residency requirements for the Urban Area Planning Commission (Section 7.040 of the Development Code and Section 13.7 of the Comprehensive Plan).
- Amends timeframe for issuance of Director's interpretation (Section 1.053 of the Development Code).
- The proposal also includes housekeeping amendments associated with the Planning Commission residency provisions in Section 13.7 of the Comprehensive Plan and Section 7.040 of the Development Code.
- The adopting ordinance for the City Council adoption will also repeal any conflicting provisions of any other outdated ordinances and/or resolutions which are not in the Development Code or Comprehensive Plan.

**II. AUTHORITY AND CRITERIA:**

Section 13.5.3 of the Grants Pass and Urbanizing Area Comprehensive Plan provides that the City Council may initiate a text amendment. The proposed Comprehensive Plan amendments were initiated by the City Council in accordance with Section 13.5.3.

**EXHIBIT 4**  
*to CC report*

The text 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.

Section 4.102 of the City of Grants Pass Development Code provides that the City Council and the Director may initiate a Development Code text amendment. The proposed Development Code amendments were initiated by the City Council and the Director in accordance with Section 4.102.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

Sections 2.060, 7.040 and 7.050 of the Development Code authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with procedures of Section 2.060.

Sections 13.5.5 and 13.8 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, and policies.

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.

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.

**III. APPEAL PROCEDURE:**

The City Council's final decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes within 21 days of the Council's written decision.

**IV. PROCEDURE:**

- A. An application for a Development Code text amendment was submitted on July 17, 2009. The application was deemed complete on July 17, 2009, and processed in accordance with Section 2.060 of the Development Code and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on July 21, 2009, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendment was mailed to Josephine County on August 20, 2009, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the September 9, 2009, Planning Commission hearing was mailed to potentially interested parties on August 20, 2009.
- E. Public notice of the September 9, 2009, Planning Commission hearing was published in the newspaper on September 2, 2009, in accordance with Sections 2.053 and 2.063 of the Development Code.
- F. A public hearing was held by the Planning Commission on September 9, 2009, to consider the proposal and make a recommendation to City Council.

**V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the September 2, 2009, Planning Commission staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on September 9, 2009, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation given by staff at the September 9, 2009, Planning Commission hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS:

**Planning Commission Residency**

On May 18, 2009, City Council provided direction to staff to initiate an amendment to change the residency requirements and additional provisions pertaining to the Planning Commission.

Over time, there have been several different ordinances and/or resolutions that specified requirements for the Planning Commission. In some cases, some of the conflicting provisions remained in effect at the same time. For example, there are provisions in the Comprehensive Plan, the Development Code, the Intergovernmental Agreement, and in some ordinances that were in effect prior to adoption of the Comprehensive Plan and Development Code that it appears were not repealed. Most of those conflicts had been cleaned up, but some remain. This amendment will update the provisions of the Development Code consistent with the Intergovernmental Agreement, which is consistent with the Council's direction. The ordinance will also repeal any existing provisions still in effect that conflict with these provisions.

The proposed amendment includes the following changes:

- Members must reside within the Urban Growth Boundary Area (UGBA), and ownership of property within the UGBA would no longer qualify;

**NOTE:** Currently, there are conflicting ordinances, and the most restrictive provisions already apply. The Intergovernmental Agreement adopted on August 5, 1998 already specifies that both City and County appointees must be residents of the UGBA. In addition, the City Council adopted Resolution 4126 on December 21, 1999 which also specified that all City appointees are required to have their principal residence within the UGBA. Ordinance 4399 also appears to remain in effect. The proposed amendments will eliminate the conflicts.

- The membership would still include four City and for County appointees, but the City would no longer be required to confirm the County's appointees and the County would no longer be required to confirm the City's appointees;
- Provisions providing for geographic distribution of members within the UGB would be revised.

The text as originally submitted to DLCD with the 'notice of proposed amendment' is attached to the Planning Commission staff report. The language was substantially the same as contained in the 1998 Intergovernmental Agreement. While still consistent with the Intergovernmental Agreement, the proposal has been revised slightly to better correspond to the structure of the Development Code format.

**Additional Housekeeping**

The revised proposal also includes housekeeping language within this Development Code section to correspond with the Intergovernmental Agreement. It also clarifies issues related to quorum. Further, it is recommended that duplicate and conflicting ordinances and resolutions be repealed. This includes repeal of Ordinance 4399. However, that document includes additional provisions not already reflected elsewhere. Therefore, those provisions are also incorporated into the Development Code.

**Timing for Director's Interpretation**

This amendment was initiated by the Director. Currently, the Development Code contains a process for a formal application for an interpretation of the Development Code. This requires the Director to provide a written interpretation, including an opinion from the City Attorney. The Code specifies that this must all occur within 5 working days. The proposed amendment would provide 20 working days.

**VII. FINDINGS OF FACT - CONFORMANCE WITH APPLICABLE CRITERIA:**

*The text 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.*

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

**Planning Commission's Response: Satisfied.** Policy 13.7.1 specifies that a single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

The proposed plan amendment is consistent with this policy, while revising specific provisions related to the commission. The proposed plan amendment provides consistency between various documents, and it repeals conflicting provisions of the various documents. These include the Comprehensive Plan, the Development Code, and the Intergovernmental Agreement.

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

**Planning Commission's Response: Satisfied.** The current provisions were adopted in the early 1980s. Since then, the City and County entered into a newer management agreement for the Urban Growth Boundary area in 1998. The proposed amendment continues to address the policy articulated in Policy 13.7.1 of the Comprehensive Plan for a joint Urban Area Planning Commission, and in a manner that is consistent with the provisions of the Intergovernmental Agreement. Several of the amendments include revised language that reflects the operation of the 1998 Intergovernmental Agreement, rather than the outdated language that still applied prior to adoption of that agreement.

The City also adopted Resolution 1748 in 1984, after the adoption of the current provisions pertaining to the Planning Commission. Resolution 1748 pertains to the Citizen Involvement Program and designates the Planning Commission as the Citizen Involvement Committee. Therefore, the changes to the Planning Commission provisions also need to ensure consistency with its role as the Citizen Advisory Committee. This is addressed with the proposed amendment.

This is not a policy change that relates to land use or infrastructure that would be affected by changes to the database.

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

**Planning Commission's Response: Satisfied.** Goal 1, Citizen Involvement, is "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." Part 1 "To provide for widespread citizen involvement" specifies, "The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions." The Planning Commission is also the designated Citizen Involvement Committee. Therefore, the changes need to reflect this diversity. The change to residency requirements and the removal of provisions requiring reciprocal confirmation of appointees is consistent with the Goal. However, some advisory language should remain pertaining to geographical diversity. The proposal presented is consistent with the applicable goals and guidelines of the State of Oregon. Also see discussion under Criterion 3 for the Development Code component of this amendment.

**CRITERION (d):** Citizen review and comment.

**Planning Commission's Response: Satisfied.** The public hearing process provides the opportunity for citizen review and comment, which is appropriate to the scale of the proposed amendment.

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

**Planning Commission's Response: Satisfied.** 45-day notice of proposed amendment was provided to DLCD. 45-day notice was also provided to Josephine County. A copy of the staff report and the revised proposal were also provided to DLCD and Josephine County.

**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.

**Planning Commission's Response: Not Applicable.** The proposed amendment has no impact on urban services.

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

**Planning Commission's Response: Satisfied with direction given.** It was requested that the proposal be discussed with the Board of County Commissioners.

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

**Planning Commission's Response: Not Applicable.** Criterion (b) is applicable. The Plan was not adopted in error. The proposed amendments are adopted in response to changes that occurred since this was adopted in the early 1980s, most notably the 1998 Intergovernmental Agreement.

*The text of the Development Code may be recommended for amendment and amended provided that all of the following criteria of Section 4.103 of the Development Code are met.*

**CRITERION 1:** The proposed amendment is consistent with the purpose of the subject section and article.

**Planning Commission's Response: Satisfied.**

**Planning Commission Amendment**

The purpose of Article 7 is simply to set forth the method of appointment and land use review authority of the various review bodies. There are no separate purposes listed within the individual Sections of the Article for each of the review bodies. The proposal is consistent with the purpose of the subject Section and Article.

**Director's Interpretation Amendment**

The purpose of Article 1 states the purpose of the Development Code overall, to implement the policies of the Comprehensive Plan and to coordinate City regulations governing the development and use of land. There are no separate purposes listed within the individual Sections of the Article. Consistency with the policies of the Comprehensive Plan is addressed under Criterion 3. The proposal is consistent with the purpose of the subject Section and Article.

**CRITERION 2:** The proposed amendment is consistent with other provisions of this code.

**Planning Commission's Response: Satisfied.**

**Planning Commission Amendment**

The changes to the residency provisions, reciprocal confirmation, and geographic distribution requirements of the Planning Commission do not conflict with other provisions of the Development Code, and the duplicate language in the Comprehensive Plan is also proposed for amendment for consistency. Incorporating the additional provisions now in Ordinance 4399 does not create conflicts.

**Director's Interpretation Amendment**

The change to the time within which an interpretation must be issued does not conflict with any other provision of the code.

**CRITERION 3:** The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

**Planning Commission's Response: Satisfied.**

**Comprehensive Plan Consistency**

The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.

**Planning Commission Amendment**

The provisions of the Comprehensive Plan that address the Planning Commission are contained within the Policies Section of Element 13, Land Use. Policy 13.7 pertains to the Urban Area Planning Commission.

Policy 13.7.1. specifies:

A single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

The proposal remains consistent with this policy.

The Goal in Element 13 includes the following:

To provide a vision for the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: ... (d) is responsive to the wishes of the citizens and property owners of the planning area...

From this perspective, it is important that the Planning Commission include representation to reflect citizens and property owners of the planning area. The proposal remains consistent with this Goal.

The Goal of the Citizen Involvement Element is:

To develop a citizen involvement program that insures the ongoing involvement of citizens in all phases of the land use planning process.

This doesn't specifically address the composition of the Planning Commission; however, Resolution #1748 adopted on August 1, 1984 designates the Urban Area Planning Commission as the City's Citizen Involvement Committee. Therefore, the composition of the Committee should also reflect the role of the Planning Commission as the Citizen Involvement Committee.

**Director's Interpretation Amendment**

The provisions of the Comprehensive Plan that pertain to this amendment are contained in the policies in Element 13, Land Use.

Section 13.4 addresses development procedures, including the following policy:

13.4.3. Streamline Review Process.

The Development Code procedures shall act to streamline the land development process and eliminate unnecessary delays, and shall contain standards and procedures for land use actions that are clear, objective, and nonarbitrary.

The proposed amendment increases the time for issuance of a Director's Interpretation, but provides a reasonable amount of time to meet the requirements for an interpretation, including review, obtaining a legal opinion from the City Attorney, and issuing the formal written

interpretation. The proposal increases the period from 5 working days to 20 working days. It maintains a cap on the processing time to ensure interpretations are issued in an efficient manner.

**Most Effective Alternative**

The proposed amendment most effectively carries out the goals and policies of all alternatives considered.

**Planning Commission Amendment**

The proposal includes the following main elements:

- Removing provision that would allow eligibility based only property ownership within the UGB, leaving residency as the eligibility requirement, as already reflected in other law and policy (in addition to existing provisions about composition specified in statute).
- Revising provisions for specified geographic distribution of appointees within the UGB
- Removing reciprocal confirmation by the City or County of the others appointees
- Incorporating provisions from Ordinance 4399.

*Residency.* The Intergovernmental Agreement already specifies that members must be residents of the UGBA, so the amendment to the Comprehensive Plan and Development Code would be consistent with this provision which is currently governing.

The Intergovernmental Agreement contains less stringent provisions than either the Development Code or Comprehensive Plan pertaining to confirmation of appointees and geographic distribution.

*Geographic Distribution.* There is value in maintaining geographic distribution within the UGB to avoid concentration of appointees from a narrow geographic area. However, with the selection of appointees by two jurisdictions, and the provisions of ORS 215 and 227 that provide for diversity of profession or occupation, coordinating geographic distribution could be challenging. Therefore, it is recommended that language be maintained to encourage geographic distribution, but to avoid mandatory requirements. This provides the best alternative.

*Reciprocal Confirmation.* There is value in the reciprocal confirmations of City and County appointees in having a full Commission of eight members, where each jurisdiction has concurred with the other through confirmation of the other's four candidates. However, there is also value in having each jurisdiction exercising its autonomy in selection of its appointees. The latter is the best alternative.

*Provisions from Ordinance 4399.* This includes additional provisions governing the Planning Commission. It is the best alternative that these provisions be incorporated into the Development Code to have all provisions in one place.

**Director's Interpretation Amendment**

The proposed amendment is the most effective alternative to carry out the goals and policies of the alternatives considered. This amendment is a matter of balancing the issues of providing adequate time to provide a thorough analysis for an interpretation versus limiting the time to ensure efficient review of the issues. 20 days provides sufficient, but not excessive time to issue a formal interpretation.

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

**Planning Commission's Response: Not Applicable.** The proposed amendments do not affect transportation facilities.

**VIII. RECOMMENDATION:**

The Planning Commission found that the applicable criteria are satisfied and recommended that the proposed amendments to Development Code Sections 1.053 and 7.040 and amendments to Section 13.7 of the Comprehensive Plan Policy document, as set forth in Exhibit 2 to the Planning Commission staff report, be forwarded to City Council for adoption. The vote was 4-2-0, with Commissioners Berlant, Kellenbeck, Fowler and Richardson in favor, and Commissioners Arthur and Fitzgerald opposed. Commissioner Fedosky was absent; there is one vacant position.

**IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION** this 23rd day of September 2009.

  
\_\_\_\_\_  
**Commissioner Gary Berlant, Chairperson**



**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**PLANNING COMMISSION RESIDENCY & DIRECTOR'S INTERPRETATION  
DEVELOPMENT CODE TEXT AMENDMENT  
AND COMPREHENSIVE PLAN TEXT AMENDMENT  
PLANNING COMMISSION STAFF REPORT-TYPE IV**

**Procedure Type:** Type IV: Planning Commission Recommendation and City Council Decision  
**Project Number:** 09-40500005  
**Project Type:** Development Code Text Amendment  
**Applicant:** City of Grants Pass  
**Planner Assigned:** Tom Schauer  
**Application Received:** July 17, 2009  
**Application Complete:** July 17, 2009  
**Date of Planning Commission Staff Report:** September 2, 2009  
**Date of Planning Commission Hearing:** September 9, 2009

**I. PROPOSAL:**

A Development Code Text Amendment and Comprehensive Plan Text Amendment that includes the following items:

- Amends residency requirements for the Urban Area Planning Commission (Section 7.040 of the Development Code and Section 13.7 of the Comprehensive Plan).
- Amends timeframe for issuance of Director's interpretation (Section 1.053 of the Development Code).
- The proposal also includes housekeeping amendments associated with the Planning Commission residency provisions in Section 13.7 of the Comprehensive Plan and Section 7.040 of the Development Code.
- The adopting ordinance for the City Council adoption will also repeal any conflicting provisions of any other outdated ordinances and/or resolutions which are not in the Development Code or Comprehensive Plan.

***See Exhibit 1 for text of amendment as originally proposed. See Exhibit 2 for text of amendment as revised.***

**II. AUTHORITY AND CRITERIA:**

Section 13.5.3 of the Grants Pass and Urbanizing Area Comprehensive Plan provides that the City Council may initiate a text amendment. The proposed Comprehensive Plan amendments were initiated by the City Council in accordance with Section 13.5.3.

The text 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.

Section 4.102 of the City of Grants Pass Development Code provides that the City Council and the Director may initiate a Development Code text amendment. The proposed Development Code amendments were initiated by the City Council and the Director in accordance with Section 4.102.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

Sections 2.060, 7.040 and 7.050 of the Development Code authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with procedures of Section 2.060.

Sections 13.5.5 and 13.8 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, and policies.

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.

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.

### III. APPEAL PROCEDURE:

The City Council's final decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes within 21 days of the Council's written decision.

### IV. BACKGROUND AND DISCUSSION:

#### Planning Commission Residency

On May 18, 2009, City Council provided direction to staff to initiate an amendment to change the residency requirements and additional provisions pertaining to the Planning Commission. The minutes of the May 18 City Council Workshop are attached as **Exhibit 3**.

Over time, there have been several different ordinances and/or resolutions that specified requirements for the Planning Commission. In some cases, some of the conflicting provisions remained in effect at the same time. For example, there are provisions in the Comprehensive Plan, the Development Code, the Intergovernmental Agreement, and in some ordinances that were in effect prior to adoption of the Comprehensive Plan and Development Code that it appears were not repealed. Most of those conflicts had been cleaned up, but some remain. This amendment will update the provisions of the Development Code consistent with the Intergovernmental Agreement, which is consistent with the Council's direction. The ordinance will also repeal any existing provisions still in effect that conflict with these provisions.

The proposed amendment includes the following changes:

- Members must reside within the Urban Growth Boundary Area (UGBA), and ownership of property within the UGBA would no longer qualify;

**NOTE:** Currently, there are conflicting ordinances, and the most restrictive provisions already apply. The Intergovernmental Agreement adopted on August 5, 1998 already specifies that both City and County appointees must be residents of the UGBA. **See Exhibit 4.** In addition, the City Council adopted Resolution 4126 on December 21, 1999 which also specified that all City appointees are required to have their principal residence within the UGBA. **See Exhibit 5.** Ordinance 4399 also appears to remain in effect. **See Exhibit 8.** The proposed amendments will eliminate the conflicts.

- The membership would still include four City and four County appointees, but the City would no longer be required to confirm the County's appointees and the County would no longer be required to confirm the City's appointees;
- Provisions providing for geographic distribution of members within the UGB would be revised.

The text as originally submitted to DLCD with the 'notice of proposed amendment' is provided in **Exhibit 1**. The language was substantially the same as contained in the

1998 Intergovernmental Agreement. While still consistent with the Intergovernmental Agreement, the proposal has been revised slightly to better correspond to the structure of the Development Code format. *See Exhibit 2.*

**Additional Housekeeping**

The revised proposal also includes housekeeping language within this Development Code section to correspond with the Intergovernmental Agreement. It also clarifies issues related to quorum. Further, it is recommended that duplicate and conflicting ordinances and resolutions be repealed. This includes repeal of Ordinance 4399. However, that document includes additional provisions not already reflected elsewhere. *See Exhibit 8.* Therefore, those provisions are also incorporated into the Development Code. *See Exhibit 2.*

**Timing for Director's Interpretation**

This amendment was initiated by the Director. Currently, the Development Code contains a process for a formal application for an interpretation of the Development Code. This requires the Director to provide a written interpretation, including an opinion from the City Attorney. The Code specifies that this must all occur within 5 working days. The proposed amendment would provide 20 working days. *See Exhibit 2.*

**V. CONFORMANCE WITH APPLICABLE CRITERIA:**

*The text 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.*

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

**Staff's Response: Satisfied.** Policy 13.7.1 specifies that a single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

The proposed plan amendment is consistent with this policy, while revising specific provisions related to the commission. The proposed plan amendment provides consistency between various documents, and it repeals conflicting provisions of the various documents. These include the Comprehensive Plan, the Development Code, and the Intergovernmental Agreement.

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

**Staff's Response: Satisfied.** The current provisions were adopted in the early 1980s. Since then, the City and County entered into a newer management agreement for the Urban Growth Boundary area in 1998. The proposed amendment continues to address the policy articulated in Policy 13.7.1 of the Comprehensive Plan for a joint Urban Area Planning Commission, and in a manner that is consistent with the provisions of the Intergovernmental Agreement. Several of the amendments include revised language that reflects the operation of the 1998 Intergovernmental Agreement, rather than the outdated language that still applied prior to adoption of that agreement.

The City also adopted Resolution 1748 in 1984, after the adoption of the current provisions pertaining to the Planning Commission. Resolution 1748 pertains to the Citizen Involvement Program and designates the Planning Commission as the Citizen Involvement Committee. Therefore, the changes to the Planning Commission provisions also need to ensure consistency with its role as the Citizen Advisory Committee. This is addressed with the proposed amendment presented in *Exhibit 2*.

This is not a policy change that relates to land use or infrastructure that would be affected by changes to the database.

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

**Staff's Response: Satisfied.** Goal 1, Citizen Involvement, is "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." Part 1 "To provide for widespread citizen involvement" specifies, "The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions." The Planning Commission is also the designated Citizen Involvement Committee. Therefore, the changes need to reflect this diversity. The change to residency requirements and the removal of provisions requiring reciprocal confirmation of appointees is consistent with the Goal. However, some advisory language should remain pertaining to geographical diversity. The proposal presented in *Exhibit 2* is consistent with the applicable goals and guidelines of the State of Oregon. Also see discussion under Criterion 3 for the Development Code component of this amendment.

**CRITERION (d):** Citizen review and comment.

**Staff's Response: Satisfied.** The public hearing process provides the opportunity for citizen review and comment, which is appropriate to the scale of the proposed amendment.

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

**Staff's Response: Satisfied.** 45-day notice of proposed amendment was provided to DLCD. 45-day notice was also provided to Josephine County. A copy of the staff report and the revised proposal in *Exhibit 2* were also provided to DLCD and Josephine County.

**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.

**Staff's Response: Not Applicable.** The proposed amendment has no impact on urban services.

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

**Staff's Response: Satisfied Contingent on Review Body Direction.**  
Additional information will be provided if requested.

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

**Staff's Response: Not Applicable.** Criterion (b) is applicable. The Plan was not adopted in error. The proposed amendments are adopted in response to changes that occurred since this was adopted in the early 1980s, most notably the 1998 Intergovernmental Agreement.

*The text of the Development Code may be recommended for amendment and amended provided that all of the following criteria of Section 4.103 of the Development Code are met.*

**CRITERION 1:** The proposed amendment is consistent with the purpose of the subject section and article.

**Staff Response: Satisfied.**

**Planning Commission Amendment**

The purpose of Article 7 is simply to set forth the method of appointment and land use review authority of the various review bodies. There are no separate purposes listed within the individual Sections of the Article for each of the review bodies. The proposal is consistent with the purpose of the subject Section and Article.

**Director's Interpretation Amendment**

The purpose of Article 1 states the purpose of the Development Code overall, to implement the policies of the Comprehensive Plan and to coordinate City regulations governing the development and use of land. There are no separate purposes listed within the individual Sections of the Article. Consistency with the policies of the Comprehensive Plan is addressed under Criterion 3. The proposal is consistent with the purpose of the subject Section and Article.

**CRITERION 2:** The proposed amendment is consistent with other provisions of this code.

**Staff Response: Satisfied.**

**Planning Commission Amendment**

The changes to the residency provisions, reciprocal confirmation, and geographic distribution requirements of the Planning Commission do not conflict with other provisions of the Development Code, and the duplicate language in the Comprehensive Plan is also proposed for amendment for consistency. Incorporating the additional provisions now in Ordinance 4399 does not create conflicts.

**Director's Interpretation Amendment**

The change to the time within which an interpretation must be issued does not conflict with any other provision of the code.

**CRITERION 3:** The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

**Staff Response: Satisfied.**

**Comprehensive Plan Consistency**

The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.

**Planning Commission Amendment**

The provisions of the Comprehensive Plan that address the Planning Commission are contained within the Policies Section of Element 13, Land Use. Policy 13.7 pertains to the Urban Area Planning Commission.

Policy 13.7.1. specifies:

A single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

The proposal remains consistent with this policy.

The Goal in Element 13 includes the following:

To provide a vision for the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: ... (d) is responsive to the wishes of the citizens and property owners of the planning area...

From this perspective, it is important that the Planning Commission include representation to reflect citizens and property owners of the planning area. The proposal remains consistent with this Goal.

The Goal of the Citizen Involvement Element is:

To develop a citizen involvement program that insures the ongoing involvement of citizens in all phases of the land use planning process.

This doesn't specifically address the composition of the Planning Commission; however, Resolution #1748 adopted on August 1, 1984 designates the Urban Area Planning Commission as the City's Citizen Involvement Committee. Therefore, the composition of the Committee should also reflect the role of the Planning Commission as the Citizen Involvement Committee.

**Director's Interpretation Amendment**

The provisions of the Comprehensive Plan that pertain to this amendment are contained in the policies in Element 13, Land Use.

Section 13.4 addresses development procedures, including the following policy:

13.4.3. Streamline Review Process.

The Development Code procedures shall act to streamline the land development process and eliminate unnecessary delays, and shall contain standards and procedures for land use actions that are clear, objective, and nonarbitrary.

The proposed amendment increases the time for issuance of a Director's Interpretation, but provides a reasonable amount of time to meet the requirements for an interpretation, including review, obtaining a legal opinion from the City Attorney, and issuing the formal written interpretation. The proposal increases the period from 5 working days to 20 working days. It maintains a cap on the processing time to ensure interpretations are issued in an efficient manner.

**Most Effective Alternative**

The proposed amendment most effectively carries out the goals and policies of all alternatives considered.

**Planning Commission Amendment**

The proposal includes the following main elements:

- Removing provision that would allow eligibility based only property ownership within the UGB, leaving residency as the eligibility requirement, as already reflected in other law and policy (in addition to existing provisions about composition specified in statute).
- Revising provisions for specified geographic distribution of appointees within the UGB
- Removing reciprocal confirmation by the City or County of the others appointees
- Incorporating provisions from Ordinance 4399.

*Residency.* The Intergovernmental Agreement already specifies that members must be residents of the UGBA, so the amendment to the Comprehensive Plan and Development Code would be consistent with this provision which is currently governing.

The Intergovernmental Agreement contains less stringent provisions than either the Development Code or Comprehensive Plan pertaining to confirmation of appointees and geographic distribution.

*Geographic Distribution.* There is value in maintaining geographic distribution within the UGB to avoid concentration of appointees from a narrow geographic area. However, with the selection of appointees by two jurisdictions, and the provisions of ORS 215 and 227 (***see Exhibits 6 and 7***) that provide for diversity of profession or occupation, coordinating geographic distribution could be challenging. Therefore, it is recommended that language be maintained to encourage geographic distribution, but to avoid mandatory requirements. This provides the best alternative.



*Reciprocal Confirmation.* There is value in the reciprocal confirmations of City and County appointees in having a full Commission of eight members, where each jurisdiction has concurred with the other through confirmation of the other's four candidates. However, there is also value in having each jurisdiction exercising its autonomy in selection of its appointees. The latter is the best alternative.

*Provisions from Ordinance 4399.* This includes additional provisions governing the Planning Commission. It is the best alternative that these provisions be incorporated into the Development Code to have all provisions in one place.

**Director's Interpretation Amendment**

The proposed amendment is the most effective alternative to carry out the goals and policies of the alternatives considered. This amendment is a matter of balancing the issues of providing adequate time to provide a thorough analysis for an interpretation versus limiting the time to ensure efficient review of the issues. 20 days provides sufficient, but not excessive time to issue a formal interpretation.

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

**Staff Response: Not Applicable.** The proposed amendments do not affect transportation facilities.

**VI. RECOMMENDATION:**

Staff recommends the Planning Commission **RECOMMEND APPROVAL** of the proposed Comprehensive Plan and Development Code text amendment to City Council, as presented in ***Exhibit 2***.

In addition, staff recommends that the Planning Commission **RECOMMEND** that, through the adopting ordinance, City Council repeal conflicting or duplicate ordinances, resolutions, and provisions of the Municipal Code.

**VII. PLANNING COMMISSION ACTION:**

- A. Positive Action: Recommend that City Council approve the request:
  - 1. as submitted
  - 2. with the revisions as modified by the Planning Commission (list):
- B. Negative Action: Recommend that City Council deny the request for the following reasons (list):
- C. Postponement: Continue item
  - 1. indefinitely.
  - 2. to a time certain.

**NOTE:** *The application is a legislative amendment and is not subject to the 120-day limit.*

**VIII. INDEX TO EXHIBITS:**

1. Proposed Text Amendment – Original Proposal
2. Proposed Text Amendment – Revised Proposal
3. Minutes from May 18, 2009 City Council Workshop
4. Section IV.5. of 1998 Intergovernmental Agreement
5. Resolution 4216
6. ORS 227 pertaining to City Planning Commission
7. ORS 215 pertaining to County Planning Commission
8. Memo re: Municipal Code with Attachments

tms

t:\cd\planning\reports\2009\09-40500005\_planning commission residency and directors Interpretation dc text amendment\uapc residency and directors Interpretation dca.pc.sr.fs.doc

1.043 Effect on Agreements Between Parties. The provisions of this Code shall not interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Code imposes a differing or greater restriction than that imposed by the agreement, the provisions of the Code shall control.

1.044 Severability and Validity. If any section, subsection, sentence, clause or phrase of this Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Grants Pass hereby declares that it would have passed this Code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.

1.050 Interpretations

1.051 Director. The Director shall interpret all terms, provisions and requirements of this Code.

1.052 Appeals. The interpretation of the Director may be appealed to the Planning Commission as provided in Article 10.

1.053 Request and Action.

(1) ~~An application submitted~~ request for interpretation of this Code shall be made to the Director in writing. The Director shall respond in writing to those requests for interpretations under his authority within ~~five (5)~~ ~~ten (10)~~ working days from receipt of the request.

(2) While an interpretation is pending, no action on the affected application for permit shall be taken. The count of calendar or working days required to process a permit application shall be frozen while an interpretation is pending, and shall be resumed on the day following the rendering of an interpretation by the Director.

1.054 Basis for Interpretation. Interpretations shall be considered administrative action, and shall be based upon the following considerations:

**EXHIBIT** 1

Article 7: Hearing Bodies and Review Authority

7.010 Purpose

The purpose of this Article is to set forth the method of appointment and land use review authority of the Director, Hearings Officer, Planning Commission, Historical Buildings and Sites Commission and City Council.

7.020 Director

7.021 Appointment. The Director shall be appointed by the City Manager as an employee of the City, according to City personnel procedures.

7.022 Review Authority. The Director shall have the authority to make a final decision on all land use matters requiring a Type I or Type II procedure, as provided in Sections 2.030 and 2.040, issue a Development Permit, as provided in Section 3.070, and interpret this Code, as provided in Section 1.051.

7.030 Hearings Officer

7.031 Appointment. A Hearings Officer may be appointed by the City Manager on a contractual basis and according to City contract procedures. The Director shall make an annual report to the City Manager regarding the performance of the Hearings Officer.

7.032 Review Authority. The Hearings Officer may have the authority to make a final decision on land use matters requiring a Type II or Type III procedure as established by the Director and approved by the City Council.

7.040 Planning Commission

7.041 Appointment and Service.

- (1) Joint Appointment and Quorum. The Planning Commission shall consist of eight members, four appointed by the City Council and confirmed by the Board of County Commissioners, and four appointed by the Board of County Commissioners and confirmed by the City Council. ~~Five (5) members of the Urban Area Planning Commission shall constitute a quorum.~~

(2) Profession or Business. Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners, and shall qualify under the standards established in ORS Chapter 227 for appointment of City Planning Commissioners.

(3) Residence. ~~The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck and Redwood.~~ ~~The Urban Area Planning Commission shall be composed of an equal number of County and City appointees who are either residents in the boundaries of the City of Grants Pass or City's Urban Growth Boundary Area.~~

7.042 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.

7.043 Administrative Procedure and Report Format.  
Administrative procedures and report format shall be established by a mutual agreement between the Director and the County Planning Director, and shall be designed to carry out the provisions of this Code and the Urban Area Services Management Agreement, and as amended. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.

7.044 Applications and Fees. Applications for permits or hearings before the Urban Area Planning Commission shall be made in accordance with the provisions of the adopted intergovernmental management agreement between the City of Grants Pass and Josephine County.

### 13.7 Urban Area Planning Commission

#### 13.7.1 Urban Area Planning Commission.

A single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

#### 13.7.2 Appointment

- (a) Joint Appointment and Confirmation. The Planning Commission shall consist of eight members, four appointed by the City Council and confirmed by the Board of County Commissioners, and four appointed by the Board of County Commissioners and confirmed by the City Council. ~~The members of the Urban Area Planning Commission shall constitute a quorum.~~
- (b) Profession or Business. Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners, and shall qualify under the standards established in ORS Chapter 227 for appointment of City Planning Commissioners.
- (c) Residence. ~~The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck, and Redwood.~~ ~~The Urban Area Planning Commission shall be composed of an equal number of County and City appointees who are either residents in the boundaries of the City of Grants Pass or in the City's Urban Growth Boundary Area.~~

#### 13.7.3 Staffing and Procedure.

- (a) Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, established the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.
- (b) Administrative Procedure and Report Format. Administrative procedures and

report format shall be established by a mutual agreement between the Director and the County Planning Director. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.

- (c) Applications and Fees. Applications for permits or hearing before the Urban Area Planning Commission shall be made ~~in accordance with the provisions of the adopted intergovernmental management agreement between the City of Grants Pass and Josephine County~~ at the City Planning office for proposals located within the incorporated limits of the City of Grants Pass and at the County Planning office for proposals located within the urbanizing area outside of the City limits. The Board of County Commissioners and the City Council shall adopt a uniform fee schedule which shall be designed to make the activities of the Urban Area Planning Commission as self-supporting as possible.

13.7.4 Review Authority.

- (a) Within City limits ~~and Urban Growth Boundary Area~~, the Planning Commission shall have the authority:
1. to make a final decision on all land use matters requiring a Type III procedure.
  2. to make recommendations to the City Council, designated on all land use matters requiring a Type IV procedure.
  3. ~~upon request by the Board and Council to make recommendations on land use matters of joint deliberation requiring a Type V procedure.~~
- (b) Within the urbanizing area, outside Grants Pass City limits but inside the Urban Growth Boundary, the Planning Commission shall have the authority:
- 1.
  - 2.
  - 3.
  - 4.

(e) Within the Urban Growth Boundary, the Planning Commission shall have the authority to hold hearings and make recommendations on amendments to the Comprehensive Plan Findings, Goals, Policies, Land Use Maps and Urban Growth Boundary to the City Council and Board of County Commissioners.



1.043 Effect on Agreements Between Parties. The provisions of this Code shall not interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Code imposes a differing or greater restriction than that imposed by the agreement, the provisions of the Code shall control.

1.044 Severability and Validity. If any section, subsection, sentence, clause or phrase of this Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Code. The City Council of the City of Grants Pass hereby declares that it would have passed this Code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.

1.050 Interpretations

1.051 Director. The Director shall interpret all terms, provisions and requirements of this Code.

1.052 Appeals. The interpretation of the Director may be appealed to the Planning Commission as provided in Article 10.

1.053 Request and Action.

(1) ~~All application submitted~~ request for interpretation of this Code shall be made to the Director in writing. The Director shall respond in writing to those requests for interpretations under his authority within ~~five (5)~~ ~~twenty (20)~~ working days from receipt of the request.

(2) While an interpretation is pending, no action on the affected application for permit shall be taken. The count of calendar or working days required to process a permit application shall be frozen while an interpretation is pending, and shall be resumed on the day following the rendering of an interpretation by the Director.

1.054 Basis for Interpretation. Interpretations shall be considered administrative action, and shall be based upon the following considerations:

**EXHIBIT 2**

**Article 7: Hearing Bodies and Review Authority**

**7.010 Purpose**

The purpose of this Article is to set forth the method of appointment and land use review authority of the Director, Hearings Officer, Planning Commission, Historical Buildings and Sites Commission and City Council.

**7.020 Director**

**7.021 Appointment.** The Director shall be appointed by the City Manager as an employee of the City, according to City personnel procedures.

**7.022 Review Authority.** The Director shall have the authority to make a final decision on all land use matters requiring a Type I or Type II procedure, as provided in Sections 2.030 and 2.040, issue a Development Permit, as provided in Section 3.070, and interpret this Code, as provided in Section 1.051.

**7.030 Hearings Officer**

**7.031 Appointment.** A Hearings Officer may be appointed by the City Manager on a contractual basis and according to City contract procedures. The Director shall make an annual report to the City Manager regarding the performance of the Hearings Officer.

**7.032 Review Authority.** The Hearings Officer may have the authority to make a final decision on land use matters requiring a Type II or Type III procedure as established by the Director and approved by the City Council.

---

**7.040 Urban Area Planning Commission**

**7.041 Purpose.** The Urban Area Planning Commission is established to perform the functions authorized by statute in accordance with the authority provided in City and County law, policy, and by intergovernmental agreement.

**The Urban Area Planning Commission shall perform its functions and duties for that portion of Josephine County within the Grants Pass Urban Growth Boundary Area, including the City of Grants Pass. Both the Urban Area Planning Commission and the Josephine County Rural Planning**

Commission shall have jurisdiction for recommendations regarding the location of, and amendments to, the Urban Growth Boundary.

7.0412 Appointment and Service.

- (1) Joint Appointment. The Planning Commission shall consist of eight members, four appointed by the City Council ~~and confirmed by the Board of County Commissioners,~~ and four appointed by the Board of County Commissioners, ~~and confirmed by the City Council.~~
- (2) Term of Office. Unless a members' term of office is otherwise terminated pursuant to this Code, a member of the Commission shall hold office for four years after appointment.

A commission member appointed by the City Council may be removed by the City Council for misconduct, in the Council's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member appointed by the City Council from office shall be by resolution of the City Council. Any vacancy of city appointees to the Commission occurring other than at completion of a term of office shall be filled by the City Council for the unexpired term of the predecessor in office.

A commission member appointed by the Board of Commissioners may be removed by the Board of Commissioners for misconduct, in the Boards's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member appointed by the Board of Commissioners from office shall be by resolution of the Board of Commissioners. Any vacancy of county appointees to the Commission occurring other than at completion of a term of office shall be filled by the Board of Commissioners for the unexpired term of the predecessor in office.

(23) Profession or Business. Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners, and shall qualify under the standards established in ORS Chapter 227 for appointment of City Planning Commissioners.

(34) Residence. ~~The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck and Redwood.~~

The members of the Urban Area Planning Commission shall reside within the Urban Growth Boundary, whether within the City limits or the Urbanizing Area. Whether appointed by the City or County, a member may reside anywhere within the Urban Growth Boundary Area.

Appointments should generally strive to provide for geographic representation throughout the Urban Growth Boundary Area.

(5) Compensation. Urban Area Planning Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses actually incurred.

7.0423 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.

When the provisions of the Intergovernmental Agreement provide for City authority or responsibility to perform those functions otherwise performed by the County, the provisions of this Section assigned to the County shall be performed by the City counterpart.

7.0434 Administrative Procedure and Report Format.

- (1) *Members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.*
- (2) Administrative procedures and report format shall be *in accordance with Sections IV and V of the adopted 1998 Intergovernmental Agreement between the City of Grants Pass and Josephine County, or as thereafter amended.*  
~~established by a mutual agreement between the Director and the County Planning Director, and shall be designed to carry out the provisions of this Code and the Urban Area Services Management Agreement, and as amended. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.~~

<sup>1</sup>7.0445 Applications and Fees. Applications for permits or hearings before the Urban Area Planning Commission shall be made in accordance with the provisions of the adopted intergovernmental management agreement between the City of Grants Pass and Josephine County.

7.0456 Review Authority, Other Functions, and Additional Duties

- (1) **Review Authority.** The Planning Commission shall have the authority: (a) to make a final decision on all land use matters requiring a Type III procedure, (b) to make recommendations to the City Council or Board of County Commissioners, as appropriate, on all land use matters requiring a Type IV procedure, and (c) **to make recommendations on land use matters of joint deliberation requiring a Type V procedure, when requested by the Board and Council or when otherwise specified in the Intergovernmental Agreement, the Comprehensive Plan, or the Development Code.** ~~when requested by the Board and Council, to make recommendations to the City Council and Board of County Commissioners on land use matters of joint deliberation requiring a Type V procedure.~~ , and (d) **to hold hearings and make recommendations on amendments to the Comprehensive Plan Findings, Goals, Policies, Land Use Maps and Urban Growth Boundary to the City Council and Board of County Commissioners.**

- (2) Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding Urban Growth Boundary Amendments and Urban Service Policy Amendments.
- (3) Other Functions. The Planning Commission shall also have authority over any additional matters authorized in ORS 215 and ORS 227 as may be specifically granted by the City and County.
- (4) Additional Duties. Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chair or Vice-Chair to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of Commissioners and City Council.

7.047 Quorum. Five (5) members of the Urban Area Planning Commission shall constitute a quorum; however, when a quorum is present, a simple majority of Commissioners voting on any issue shall be significant to resolve such issue. For quasi-judicial hearings, Section 8.044 governs the effect of abstentions on a quorum and actions when there is lack of quorum. For legislative hearings, Section 9.043 governs the effect of abstentions on a quorum.

7.048 Meetings. The Commission shall meet at least once a month at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the Chair or any three members delivering a written demand for a special meeting upon the Chair. In either case, the Chair shall proceed to call a special meeting by giving each Planning Commission member and the local media at least twenty-four hours notice of such special meeting, and all other noticing and actions required in accordance with open meetings law.

7.049 Expenditures. The Urban Area Planning Commission shall have no authority to make any expenditures on behalf of the City of Grants Pass or Josephine County, or to obligate the city or county for the payment of any sums of money, except such sums as said city or county shall have first authorized.

7.050 Mayor and City Council

7.051 Election. The Mayor and members of the City Council are the elected representatives of the City of Grants Pass,

Inclusions or exclusions of real property to the Urban Growth Boundary shall be made jointly by the City Council and Board of County Commissioners. The procedure for joint review shall be as provided in Policy 13.8.

### 13.7 Urban Area Planning Commission

#### 13.7.1 Urban Area Planning Commission.

A single Planning Commission, designated the "Urban Area Planning Commission", shall be appointed to serve the Grants Pass Urban Growth Boundary area, both inside and outside the City limits.

**Provisions governing the Urban Area Planning Commission shall be as specified in the 1998 Intergovernmental Agreement, or as thereafter amended, and as specified in Article 7 of the Development Code.**

#### 13.7.2 Appointment

- (a) ~~Joint Appointment.~~ The Planning Commission shall consist of eight members, four appointed by the City Council and confirmed by the Board of County Commissioners, and four appointed by the Board of County Commissioners, and confirmed by the City Council.
- (b) ~~Profession or Business.~~ Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners, and shall qualify under the standards established in ORS Chapter 227 for appointment of City Planning Commissioners.
- (c) ~~Residence.~~ The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck, and Redwood.

#### 13.7.3 Staffing and Procedure.

- (a) ~~Staffing.~~ The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, established the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director,

~~and the Chairman or Vice Chairman of the Urban Area Planning Commission.~~

- ~~(b) Administrative Procedure and Report Format. Administrative procedures and report format shall be established by a mutual agreement between the Director and the County Planning Director. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.~~
- ~~(c) Applications and Fees. Applications for permits or hearing before the Urban Area Planning Commission shall be made at the City Planning office for proposals located within the incorporated limits of the City of Grants Pass and at the County Planning office for proposals located within the urbanizing area outside of the City limits. The Board of County Commissioners and the City Council shall adopt a uniform fee schedule which shall be designed to make the activities of the Urban Area Planning Commission as self-supporting as possible.~~

~~13.7.4 Review Authority.~~

- ~~(a) Within City limits, the Planning Commission shall have the authority:
  - ~~1. to make a final decision on all land use matters requiring a Type III procedure.~~
  - ~~2. to make recommendations to the City Council, designated on all land use matters requiring a Type IV procedure.~~~~
- ~~(b) Within the urbanizing area, outside Grants Pass City limits but inside the Urban Growth Boundary, the Planning Commission shall have the authority:
  - ~~1.~~
  - ~~2.~~
  - ~~3.~~
  - ~~4.~~~~
- ~~(c) Within the Urban Growth Boundary, the Planning Commission shall have the authority to hold hearings and make recommendations on amendments to the Comprehensive Plan Findings, Goals, Policies, Land Use Maps and Urban Growth Boundary to the City Council and Board of County Commissioners.~~



~~Councilor Warren stated, is there any reason why we can't Wednesday night or whatever just say, I mean I don't find it too difficult how to round up. I'm concerned that some of the existing units downtown area get replaced by apartments or multiple unit complexes, more and more pressure on parking downtown which will necessitate additional lots. I'd rather see us round up if it's 0.5 or greater.~~

~~Community Development Director Huber stated, if you do the math, 5 times 0.75 is 3.75. They're saying make it 3, you're saying make it 4. Yes, we can add that.~~

#### 4. MAKE UP OF URBAN AREA PLANNING COMMISSION: RESIDENCY IN URBAN GROWTH BOUNDARY

Community Development Director Huber stated, 3 sections that have references to this: Ordinance # 4399, our Development Code, and the Intergovernmental Agreement for the Orderly Management of the Grants Pass Urban Growth Boundary commonly referred to as the IGA. Each is slightly different from the other two.

Community Development Director Huber continued, The first one, Ordinance # 4399, was adopted in 1981. Attached to this ordinance is Exhibit A. In section 1 it says the UAPC shall consist of eight members, 4 appointed by the county commissioners and 4 by the city council. The members shall reside or own property within the UGB and be residents of the county. This is very specific and we may have outgrown this by virtue of annexation: whomever you appoint shall represent the 4 wards of the city of Grants Pass in their future expansion north of the Rogue River and the 3 geographical areas south of the river, Fruitdale, Harbeck and Redwood. In 1981 the UGB had not even been established.

Community Development Director Huber continued, The Development Code ... this was in 1983 in Section 7.041 says the same thing ... shall consist of 8 members, 4 appointed by the county commissioners and 4 by the city council. The twist in this one is the 4 appointed by city council are supposed to be confirmed by county commissioners, and the 4 appointed by the county commissioners are supposed to be confirmed by city council. Historically you have never done that. I don't know why.

Community Development Director Huber continued, The last one is the IGA, the most recent document, August 1998. It references joint, 4 from county, 4 from city. UAPC shall be composed by an equal number of city/county appointees who are residents of the UGBA (Urban Growth Boundary Area). The city shall be responsible for the administrative or functions of the

commission.

Community Development Director Huber continued, Exhibit A to the ordinance refers to an old urban area service management agreement as amended. I noted the IGA is the most recent agreement with the county. That one says they shall reside or own property within the UGB and be residents. The Development Code is silent on the issue. The 1998 agreement only requires residency within the UGB. The practice that has occurred, you appear to be using the provisions of Exhibit A to Ordinance 4399 and that's reside or own property within the UGB and be residents. You're using that section and you're ignoring the confirmation element that's found in the Development Code.

Councilor Berger stated, I'm the one who brought this forward some time ago with a very old council. I remember having discussions with Phil Paquin. It was one of the only times we agreed. My proposal is the people that sit on the Planning Commission should really reside in the area they are overseeing. It looked to me like the 1981 ordinance said reside or own property but in the IGA it says reside. That's 1998 so I will suggest that the 1998 supersedes the 1981. I don't know if we need to adopt an ordinance that says planning commissioners ... UAPC ... urban area need to reside in the urban area. Under this standard, we could theoretically have 8 planning commissioners all living outside the urban area. I think if you're going to make decisions that affect the livability of an area just like us on council we need to literally live with our decision. I don't know how you get rid of all these codes. One contradicts the other. Confusion. I could see the thought process behind one body approving the other, but I can also see we might never get anything done. Getting 8 of us to agree on something and then adding 3 more to agree ... I'd leave that open to council discussion.

Councilor Cummings stated, I'll agree with Lisa today. I think that's the right thing to do. Cleaning up the language having one group's decision affirm the other group's decision, it just doesn't happen. When I was council president, we met every month with the county commissioners and they're not going to give up those 4 appointments. We'd asked that. It's not unreasonable to expect that people who are making the decisions need to live in the urban growth area that those decisions affect.

Councilor Michelin stated, I for the first time disagree with those 2.

Councilor Berger stated, too bad.

Councilor Michelon continued, it seems to me we're empowering a body to make decisions based on where they live to the exclusion of the rest of us inside the city that may have to pay for some of the consequences.

Councilor Berger stated, if we're in general agreement on this because I don't hear anyone saying no ...

Community Development Director Huber stated, including your discussions with the county commissioners just let them know what you're proposing. The Development Code text amendment we can initiate that, and then I'll look at how we take care of Exhibit A and talk to Doug about how we do these. So maybe just repeal Exhibit A and amend the Development Code.

Councilor Townes stated, I'm not falling for it, Tim. Just to get some input from the UA ... I've heard very little discussion ... I've heard no discussion but I'll bring it up to them.

Councilor Berger stated, then there would be the issue of if there are and I know of one members on the UAPC currently that live outside, how do we handle that? My suggestion would be to temporarily let them stay to the end of their term, then the new requirements kick in.

#### 5. AGENDA REVIEW

Mayor Murphy stated, we did skip ahead and replaced one item and that's noted.

Councilor Michelon stated, items 1a and 1b, no just 1a, no, 2a and 2b ... I'm not giving up on that battle but I think we ought to cancel those 2 for Wednesday. I'll bring it back after all this budget stuff.

Councilor Townes stated, I think we should table this indefinitely and we may have to do it at the meeting itself but indefinitely until somebody is ready because I know people are showing up for that and then leaving disgusted because nothing has been done.

Mayor Murphy stated, would it be cleaner to take it off the agenda now so that it doesn't even appear on the agenda? Am I seeing consensus for that?

City Manager Frasher stated, you don't have to table it. You can just reach consensus to take it off and it will remain off until you direct us to put it back on.

1. As authorized by ORS 190.010(4) and ORS 215.170, it is hereby agreed the City shall exclusively apply the Comprehensive Community Development Plan for Grants Pass and the Urbanizing Area, as has been adopted or as may be hereinafter be adopted or amended and maintained by the City of Grants Pass within the UA.
2. As authorized by ORS 190.010(4) and ORS 215.170, it is hereby agreed the City shall exclusively apply the City's Development Code, as has been adopted or as may be hereinafter be adopted or amended and maintained by the City of Grants Pass within the UA.
3. All land uses within the UA (Category 1 and Category 2) shall be subject to the City's Land Use Regulations, Land Development Regulations including Development, Building and Utility standards and procedures, except Category 1 developments shall not be required to execute an agreement for future annexation or to extend water as a condition of development unless annexation or extension is otherwise required by state statute or administrative rule.
4. The County and City shall jointly adjust the Grants Pass Urban Growth Boundary using the procedures currently contained in Section 13.6 of the Grants Pass and Urbanizing Area Comprehensive Community Development Plan Policies, or as hereinafter mutually modified by the two governing bodies.
5. The Joint Urban Area Planning Commission shall be composed by an equal number of County/City appointees who are residents of the UGBA. The City, however, shall be responsible for the administrative functions of the commission.
6. Within the UA the City shall:
  - a. Administer and enforce the Land Development Regulations, using its Code and Implementation procedures;
  - b. Issue building, development, and other permits and provide for site inspection necessary for the administration of the Land Development Regulations;
  - c. Update fees for Land Development Regulations, permits, processing, inspections, appeals, enforcement, user and utility fees as necessary to recover costs and implement and manage urban services required by the State Planning Goals or ordinances and resolutions of the City.
  - d. Update, establish or manage System Development Charges, utility charges, impact fees, and manage local improvement districts as authorized by state law.

EXHIBIT 4

RESOLUTION NO. 4126

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS  
ESTABLISHING RESIDENCY REQUIREMENTS FOR APPOINTMENTS TO THE  
URBAN AREA PLANNING COMMISSION.

WHEREAS:

1. The City Council has the sole appointment authority for members of the Urban Area Planning Commission; and
2. The Council wishes to establish criteria for residency to be included in the Special Qualifications for Appointments to the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the following section be added to the Committee description for the Urban Area Planning Commission:

Special Qualifications for Appointments: All City appointments to the Urban Area Planning Commission shall require all City appointments to have their principal residence in the Urban Growth Boundary (including the City).

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 15<sup>th</sup> day of December, 1999.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon, this 21<sup>st</sup> day of December, 1999.

  
Mayor

ATTEST:

  
Administrative Services Director

Date: 12/21/99

EXHIBIT 5

## CITY PLANNING COMMISSION

**227.010 Definition for ORS 227.030 to 227.300.** As used in ORS 227.030 to 227.300, "council" means a representative legislative body. [Amended by 1975 c.767 §1]

**227.020 Authority to create planning commission.** (1) A city may create a planning commission for the city and provide for its organization and operations.

(2) This section shall be liberally construed and shall include the authority to create a joint planning commission and to utilize an intergovernmental agency for planning as authorized by ORS 190.003 to 190.130. [Amended by 1973 c.739 §1; 1975 c.767 §2]

**227.030 Membership.** (1) Not more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.

(2) A member of such a commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.

(3) Any vacancy in such a commission shall be filled by the appointing authority for the unexpired term of the predecessor in the office.

(4) No more than two voting members of the commission may engage 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 engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. [Amended by 1969 c.430 §1; 1973 c.739 §2; 1975 c.767 §3]

227.035 [1973 c.739 §5; renumbered 244.135 in 1993]

227.040 [Repealed by 1973 c.739 §13]

227.050 [Amended by 1969 c.430 §2; repealed by 1975 c.767 §16]

227.060 [Repealed by 1975 c.767 §16]

227.070 [Amended by 1969 c.430 §3; 1973 c.739 §3; repealed by 1975 c.767 §16]

227.080 [Repealed by 1973 c.739 §13]

**227.090 Powers and duties of commission.** (1) Except as otherwise provided by the city council, a city planning commission may:

(a) Recommend and make suggestions to the council and to other public authorities concerning:

(A) The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;

(B) Betterment of housing and sanitation conditions;

(C) Establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development;

(D) Protection and assurance of access to incident solar radiation; and

(E) Protection and assurance of access to wind for potential future electrical generation or mechanical application.

(b) Recommend to the council and other public authorities plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities.

(c) Recommend to the council and other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits.

(d) Advertise the industrial advantages and opportunities of the city and availability of real estate within the city for industrial settlement.

(e) Encourage industrial settlement within the city.

(f) Make economic surveys of present and potential industrial needs of the city.

(g) Study needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.

(h) Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.170, 227.175 and 227.180.

(i) Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area within six miles thereof.

(2) For the purposes of this section:

(a) "Incident solar radiation" means solar energy falling upon a given surface area.

(b) "Wind" means the natural movement of air at an annual average speed measured at a height of 10 meters or at least eight miles per hour. [Amended by 1975 c.153 §3; 1975 c.767 §4; 1979 c.671 §3; 1981 c.590 §8; 1987 c.447 §118]

**227.095 Definitions for ORS 227.100 and 227.110.** As used in ORS 227.100 and 227.110, "subdivision" and "plat" have the meanings given those terms in ORS 92.010. [1955 c.756 §28]

## COUNTY PLANNING

**215.010 Definitions.** As used in this chapter:

(1) The terms defined in ORS 92.010 shall have the meanings given therein, except that "parcel":

(a) Includes a unit of land created:

(A) By partitioning land as defined in ORS 92.010;

(B) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or

(C) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

(b) Does not include a unit of land created solely to establish a separate tax account.

(2) "Tract" means one or more contiguous lots or parcels under the same ownership.

(3) The terms defined in ORS chapter 197 shall have the meanings given therein.

(4) "Farm use" has the meaning given that term in ORS 215.203.

(5) "The Willamette Valley" is Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and the portion of Benton and Lane Counties lying east of the summit of the Coast Range. [Amended by 1955 c.756 §25; 1963 c.619 §1 (1); 1985 c.717 §4; 1993 c.792 §8; 1999 c.327 §1]

**215.020 Authority to establish county planning commissions.** (1) The governing body of any county may create and provide for the organization and operations of one or more county planning commissions.

(2) This section shall be liberally construed and shall include the authority to create more than one planning commission, or subcommittee of a commission, for a county or the use of a joint planning commission or other intergovernmental agency for planning as authorized by ORS 190.003 to 190.130. [Amended by 1973 c.552 §1; 1975 c.767 §15]

**215.030 Membership of planning commission.** (1) The county planning commission shall consist of five, seven or nine members appointed by the governing body for four-year terms, or until their respective successors are appointed and qualified; provided that in the first instance the terms of the initial members shall be staggered for one, two, three and four years.

(2) A commission member may be removed by the governing body, after hearing, for misconduct or nonperformance of duty.

(3) Any vacancy on the commission shall be filled by the governing body for the unexpired term.

(4) Members of the commission shall serve without compensation other than reimbursement for duly authorized expenses.

(5) Members of a commission shall be residents of the various geographic areas of the county. No more than two 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 two voting members shall be engaged in the same kind of occupation, business, trade or profession.

(6) The governing body may designate one or more officers of the county to be nonvoting members of the commission.

(7) Except for subsection (5) of this section, the governing body may provide by ordinance for alternative rules to those specified in this section. [Amended by 1963 c.619 §2; 1973 c.552 §2; 1977 c.766 §1]

215.035 [1973 c.552 §10; renumbered 244.135 in 1993]

215.040 [Amended by 1973 c.552 §3; repealed by 1977 c.766 §16]

**215.042 Planning director.** (1) The governing body of each county shall designate an individual to serve as planning director for the county responsible for administration of planning. The governing body shall provide employees as necessary to assist the director in carrying out responsibilities. The director shall be the chief administrative officer in charge of the planning department of the county, if one is created.

(2) The director shall provide assistance, as requested, to the planning commission and shall coordinate the functions of the commission with other departments, agencies and officers of the county that are engaged in functions related to planning for the use of lands within the county.

(3) The director shall serve at the pleasure of the governing body of the county. [1973 c.552 §9]

**215.044 Solar access ordinances; purpose; standards.** (1) County governing bodies may adopt and implement solar access ordinances. The ordinances shall provide and protect to the extent feasible solar access to the south face of buildings during solar heating hours, taking into account latitude, topography, microclimate, existing development, existing vegetation and planned uses and densities. The county governing body shall consider for inclusion in any solar access ordinance, but not be limited to, standards for:

(a) The orientation of new streets, lots and parcels;

# City of Grants Pass



## MEMO

**To:** File 09-40500005  
**From:** Tom Schauer  
**Re:** Planning Commission Text Amendment  
**Date:** September 2, 2009

Ordinance 4399 was adopted on April 15, 1981. It established the Urban Area Planning Commission and repealed Ordinance 1169. Ordinance 1169 was the ordinance adopted in 1942 that established the City Planning Commission. *See Exhibit A.*

The Municipal Code was adopted by Ordinance 4414 on August 5, 1981. Several ordinances were passed after the code was codified but before it was adopted. Therefore, ordinance 4414 specifically adopted those ordinances and made them part of the Municipal Code. This included Ordinance 4399. *See Exhibit B.*

Chapter 2.24 of the Municipal Code was the chapter that contained the provisions pertaining to the Planning Commission. Chapter 2.24 was repealed in 2002 by Ordinance 5150, and the background sheet noted, "The law regarding the Planning Commission (Chapter 2.24) was adopted in 1942 when state-wide land use planning and the Urban Area Planning Commission were non-existent. The organization and function of the Urban Areas Planning Commission is set forth in the Development Code in Article 7." *See Exhibit C.*

However, it appears Ordinance 4439 was never codified as part of the Municipal Code, and the provisions in Chapter 2.24 that were repealed in 2002 appear to be the original language of Ordinance 1169 adopted in 1942, as well as some amendments through 1974, rather than the provisions of Ordinance 4439 that were adopted on April 15, 1981 and made part of the Municipal Code on August 5, 1981.

The effect is that Ordinance 1169 was repealed in 1981 by Ordinance 4399 and again, as subsequently amended through 1974, by Ordinance 5150 in 2002. It appears the provisions of Ordinance 4399 were "adopted and made part of" the Municipal Code, but never codified in a Chapter of the Municipal Code. Therefore, it appears Ordinance 4399 was not repealed in 2002 and still remains in effect as part of the Municipal Code.

Therefore, together with the Development Code amendments and Comprehensive Plan amendments proposed in file 09-40500005, the adopting ordinance should also repeal Ordinance 4399 which is a part of the Municipal Code. (I have not reviewed the other 12 ordinances adopted as part of the Municipal Code by Ordinance 4414 to determine if they were codified as Chapters of the Municipal Code, or subsequently amended or repealed as part of the Municipal Code). Any provisions of Ordinance 4399 that aren't already in the Development that should be retained need to be incorporated into the Development Code as part of the amendment before Ordinance 4399 is repealed.

**EXHIBIT 8**



ORDINANCE NO. 4399

AN ORDINANCE ESTABLISHING AN URBAN AREA PLANNING COMMISSION, PROVIDING FOR RULES AND REGULATIONS FOR THE GOVERNMENT AND MAINTENANCE OF SAID PLANNING COMMISSION, PRESCRIBING THE POWERS AND DUTIES OF SAID COMMISSION, AND REPEALING ORDINANCE NO. 1169.

WHEREAS, the City of Grants Pass and Josephine County did execute a Joint Urban Area Services Management Agreement by which the parties thereto agreed to establish an Urban Area Planning Commission to deal with land use activities and planning within the Grants Pass Urban Growth Boundary Area; and

WHEREAS, Exhibit "B" of said Joint Urban Area Services Agreement specifies the function and authority of such Urban Area Planning Commission, now, therefore,

THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1. There is hereby created an Urban Area Planning Commission for that portion of Josephine County located within the Grants Pass Urban Growth Boundary Area, including the City of Grants Pass.

Section 2. The said Urban Area Planning Commission shall operate under the terms and conditions specified in the provisions attached hereto, marked Exhibit "A", and by this reference incorporated herein.

Section 3. Urban Area Planning Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses actually incurred.

Section 4. Unless a member's term of office is otherwise terminated pursuant to this ordinance, a member of the Commission shall hold office for four years after appointment. A member may be removed by the City Council for misconduct, in the Council's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member from office shall be by resolution of the City Council. Any vacancy of city appointees to the Commission occurring other than at the completion of a term of office shall be filled by the City Council for the unexpected term of the predecessor in office.

EXHIBIT A  
to Memo 9/2/09  
2.8

Section 5. Five members of the Urban Area Planning Commission shall constitute a quorum, however, a simple majority of Commissioners, voting on any issue, shall be significant to resolve such issue. The Commission shall meet at least once a month at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the Chairman or any three members delivering a written demand for a special meeting upon the Chairman. In either case the Chairman shall proceed to call a special meeting by giving each Planning Commission Member and local media at least twenty-four hours written notice of such special meeting.

Section 6. Urban Area Planning Commission shall have no authority to make any expenditures on behalf of the City of Grants Pass, or to obligate the city for the payment of any sums of money, except such sums as said city shall have first authorized.

PASSED by the Council of the City of Grants Pass, Oregon this 15th day of April, 1981.

SUBMITTED to and \_\_\_\_\_ by the Mayor of the City of Grants Pass, Oregon, this \_\_\_\_\_ day of April, 1981.

Mayor

*Bruce Mc Gregor*

ATTEST:

Assistant Finance Director

EXHIBIT "A"  
URBAN AREA PLANNING COMMISSION

1.000 Urban Area Planning Commission. The Urban Area Planning Commission shall consist of eight members, four members appointed by the Board of County Commissioners, and four members appointed by the City Council. The members of the Urban Area Planning Commission shall reside or own property within the Urban Growth Boundary and be residents of Josephine County, and shall generally represent the four wards of the City of Grants Pass and their future expansion North of the Rogue River, and the three geographic areas South of the Rogue River: Fruitdale, Harbeck and Redwood.

2.000 Appointments. In the initial appointments to the Urban Area Planning Commission, City appointments should be made from the City Planning Commission and County appointments should be made from the County Planning and Zoning Commissions.

Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners. The members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.

Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chairman or Vice Chairman to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of County Commissioners and the City Council.

3.000 Purposes, Final Actions, Recommendations. The purposes of the Urban Area Planning Commission are to assume the functions determined by Statutory law and City ordinance and policy for the City Planning Commission for the area within the City Limits of Grants Pass and to assume the functions determined by Statutory law and County ordinance and policy for the County Planning and Zoning Commissions for the area within the Urban Growth Boundary but outside the City Limits.

The Urban Area Planning Commission shall have final jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, and shall have final jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits.

The Urban Area Planning Commission shall have advisory jurisdiction over those land use matters as specified in City ordinances and policies for land use actions originating within City Limits, making recommendations in those matters to the City Council; and shall have advisory jurisdiction over those land use matters as specified in County law, ordinances and policies for land use actions originating within the Urban Growth Boundary, but outside City Limits, making recommendations in those matters to the Board of County Commissioners.

4.000 Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding zone changes in the urbanizing area to the Board of County Commissioners, make recommendations regarding site specific concerns and conditions with annexation proposals to the City Council, and make recommendations regarding Urban Growth Boundary amendments, Urban Service Policy amendments and Comprehensive Plan Map amendments, if within the Urban Growth Boundary area, to both the Board of County Commissioners and the City Council.

5.000 Governing Body Jurisdiction and Joint Review. Zone changes in the urbanizing area shall be at the discretion of the Board of County Commissioners upon recommendation by the Urban Area Planning Commission. Annexation agreements shall be at the discretion of the City Council, with site specific recommendations by the Urban Area Planning Commission.

Changes in the Comprehensive Plan, Comprehensive Plan Map, the Subdivision Ordinance and the Zoning Ordinance for the urbanizing area shall be at the discretion of the Board of County Commissioners, unless a joint hearing is requested by the City; then, in which event such changes shall be heard jointly by the Board of County Commissioners and the City Council.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint hearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint hearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Changes in the Urban Growth Boundary and the Urban Service Policies shall be heard jointly by the Board of County Commissioners and the City Council. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

Other land use actions in the urbanizing area requiring joint review pursuant to the Urban Services Policies shall require a joint hearing only at the request of a governing body. Concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

6.000 Rehearing of Governing Body Action. In land use actions by governing bodies where a joint hearing is optional pursuant to Section 5.000 herein, and where a joint hearing was not requested, either the City Council or the Board of County Commissioners may petition for a Rehearing of the matter jointly, provided that the Rehearing is petitioned for within ten working days of the decision. A petition for a Rehearing may not be denied by either party.

The Petition for Rehearing shall comply with the administrative procedure and Land Use Hearing Rules adopted pursuant to Sections 8.500 and 8.200 herein. The decision of the governing body shall not become final until a decision is rendered pursuant to such Rehearing. The Petition for Rehearing shall be heard within twenty (20) working days of the decision, and shall be heard as a new review except that all evidence theretofore received shall be included in the record.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the urbanizing area, final disposition of the action at such a joint Rehearing shall be at the discretion of the Board of County Commissioners. Prior to rendering a decision at such a joint Rehearing, the Board shall receive and consider the recommendation of the City Council. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and the County for the urbanizing area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

No application shall be reheard more than once, regardless of whether or not requested by the same or different parties. The Petition for Rehearing as provided herein shall be a jurisdictional condition precedent for judicial review.

7.000 Call up Review of Commission Action. Final actions of the Urban Area Planning Commission shall be reported to their governing bodies. The governing bodies may, at their discretion, call up for review any final action of the Urban Area Planning Commission, whether or not such final action is appealed by any party to the action. In order to call up such an action for review, the governing body requesting review shall file notice within ten (10) working days of the action by the Urban Area Planning Commission, and the review shall occur within twenty (20) working days of the action by the Urban Area Planning Commission.

If an action is called up for review, the action shall be heard by the governing body having jurisdiction over the area in which the action is located. A joint review hearing may be held at the request of either governing body.

Until such time as common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map are mutually adopted by the City and County for the Urban Growth Boundary Area, final disposition of the action at such a joint review hearing shall be at the discretion of the governing body having jurisdiction. Prior to rendering a decision at such a joint review hearing, the governing body having jurisdiction shall receive and consider the recommendation of the other governing body. Upon mutual adoption of common zoning and development standards, and a common Comprehensive Plan and Comprehensive Plan Map by the City and County for the Urban Growth Boundary Area, concurrence of the City and County at such a joint hearing shall be required for approval of the proposed change.

8.000 Authority. The Urban Area Planning Commission shall be duly constituted no later than 60 days from the execution of this agreement by the City Council and the Board of County Commissioners to pursue the purposes of Sections 3.000 through 5.000, inclusive.

8.100 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.

The Board of County Commissioners and the City Council shall jointly adopt a uniform fee schedule which shall be designed to make the activities of the Urban Area Planning Commission as self-supporting as possible. All fees collected by the City shall be retained by the City. The City of Grants Pass shall be reimbursed by the County for staff time devoted to processing applications within the urbanizing area in which the City has a lead responsibility either through an hourly billing to the County or through the provision of a budgeted line item of a mutually agreeable amount in the County's annual budget.

8.200 Administrative Procedure and Report Format. Administrative procedures and report format shall be established by a mutual agreement between the City Director of Community Development and the County Planning Director, and shall be designed to carry out the provisions of the Urban Area Services Management Agreement, and as amended. Such procedures shall clearly establish between the City and County Planning staffs the lead staff responsibility for client contact, project analysis, staff reports, and presentation to the Urban Area Planning Commission and to the appropriate governing body.

8.300 Recording and Findings. The actions of the Urban Area Planning Commission shall be duly recorded and all actions shall be documented by appropriate Findings. The Board of County Commissioners and the City Council shall provide for the preparation of the Findings of the Urban Area Commission, and shall agree to a common format and method of preparation. Decisions of the Urban Area Planning Commission shall not be final until the Findings have been adopted by a majority of the quorum of the Commission meeting in public session.

8.400 Applications and Fees. Applications for permits or hearing before the Urban Area Planning Commission shall be made at the City Planning office for proposals located within the incorporated limits of the City of Grants Pass and at the County Planning office for proposals located within the urbanizing area outside of the City Limits.

8.500 Land Use Hearing Rules/Citizen Participation. The Board of County Commissioners and the City Council shall adopt within 60 days mutual land use hearing rules governing the procedure and the conduct of the Urban Area Planning Commission. The Board of County Commissioners and the City Council shall also make allowance for the participation of citizens in the planning process and shall accommodate the different citizen involvement programs of the City and the County.

ORDINANCE NO. 4414

AN ORDINANCE ADOPTING THE MUNICIPAL CODE OF THE CITY OF GRANTS PASS, OREGON.

THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1. Adoption. There is hereby adopted the Grants Pass Municipal Code as published by Book Publishing Company, Seattle, Washington.

Section 2. Title--Citation--Reference. This code shall be known as the Grants Pass Municipal Code and it shall be sufficient to refer to said code as the Grants Pass Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Grants Pass Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Grants Pass Municipal Code, and such references shall apply to that numbered title, chapter, section or subsection as it appears in that code.

Section 3. Contents. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Grants Pass, Oregon.

Section 4. Ordinances passed prior to adoption of the code. The last ordinance included in the original code is Ordinance No. 4377, passed November 19, 1980. The following ordinances, passed subsequent to Ordinance No. 4377, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 4380, 4381, 4384, 4387, 4397, 4398, 4399, 4401, 4402, 4405, 4408, ~~4412~~ and 4413. ]

Section 5. Reference applies to all amendments. Whenever a reference is made to this code as the Grants Pass Municipal Code or to any portion thereof, or to any ordinance of the City of Grants Pass, Oregon, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 6. Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

Section 7. Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

Section 8. Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

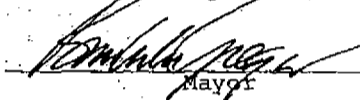
Section 9. Effective date. This code shall become effective on the date the ordinance adopting this code as the Grants Pass Municipal Code shall become effective.

**EXHIBIT B**  
to memo 9/2/89  
ev

Section 10. Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

PASSED by the Council of the City of Grants Pass, Oregon, this 5th day of August, 1981.

SUBMITTED to and approved by the Mayor of the City of Grants Pass, Oregon, this 5 day of August, 1981.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Finance Director



Ordinance repealing Chapter 2.24  
of the Municipal Code  
Item: regarding a Planning Commission

Date: August 21, 2002

---

RECOMMENDED ACTION:

It is recommended Chapter 2.24 of the Municipal Code be repealed.

---

PROCEDURE:

Follow the procedure for an Ordinance

---

BACKGROUND:

This suggested repeal is part of a continuing staff effort to periodically identify past municipal legislation that is no longer necessary. The law regarding the Planning Commission (Chapter 2.24) was adopted in 1942 when state-wide land use planning and the Urban Area Planning Commission were non-existent. The organization and function of the Urban Area Planning Commission is set forth in the Development Code in Article 7.

---

RELATIONSHIP TO COUNCIL GOALS:

Streamlining the Municipal Code will help government to operate more efficiently and effectively.

---

COST IMPLICATION:

None.

---

ITEM: 1.g. ORDINANCE REPEALING CHAPTER 2.24 OF THE MUNICIPAL CODE  
REGARDING A PLANNING COMMISSION

EXHIBIT C  
to memo 9/2/09  
Ex 8  
000031

ORDINANCE NO. 5150

**AN ORDINANCE FOR THE CITY OF GRANTS PASS, OREGON, REPEALING CHAPTER 2.24 REGARDING A PLANNING COMMISSION.**

**WHEREAS**, the Municipal Code contains provisions that are no longer necessary for the efficient running of the City. One such provision is Chapter 2.24 that duplicates the functions of the Urban Area Planning Commission as set forth in Article 7 of the Development Code.

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

Section 1. CHAPTER 2.24 regarding a PLANNING COMMISSION is hereby repealed in its entirety.

Section 2. This Ordinance shall become effective immediately upon passage.

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 21<sup>st</sup> day of August, 2002.

**SUBMITTED** to and \_\_\_\_\_ by the Mayor of the City of Grants Pass, Oregon, this \_\_\_\_ day of August, 2002.

\_\_\_\_\_  
Len Holzinger, Mayor

**ATTEST:**

\_\_\_\_\_  
Administrative Services Director

Date submitted to Mayor: \_\_\_\_\_

Chapter 2.24

PLANNING COMMISSION

Sections:

- ~~2.24.010 — Created.~~
- ~~2.24.020 — Membership.~~
- ~~2.24.030 — Election of Officers.~~
- ~~2.24.040 — Membership Not Compensated—Election of Secretary.~~
- ~~2.24.050 — Operational Regulations.~~
- ~~2.24.060 — Employment of Consultants and Clerical Help.~~
- ~~2.24.070 — Powers and Duties.~~
- ~~2.24.080 — Submission of Maps, Plats and Replats—Within City Limits.~~
- ~~2.24.090 — Submission of Maps, Plats and Replats—Adjacent to but Outside of City Limits.~~
- ~~2.24.100 — Submission of Rezoning Ordinances.~~
- ~~2.24.110 — Recommendations and Reports.~~
- ~~2.24.120 — Control and Disposition of Gifts, Bequests and Devises of Property.~~
- ~~2.24.130 — Statutory Authority.~~
- ~~2.24.140 — Recommendations to Council to be Written.~~
- ~~2.24.150 — Limitation on Powers to Make Expenditures.~~

~~2.24.010 — Created.~~

~~There is created a City Planning Commission. (Ord. 1169 §1, 1942)~~

~~2.24.020 — Membership.~~

- ~~A. — The City Planning Commission shall consist of nine members to be appointed by the common Council.~~
- ~~B. — Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses.~~
- ~~C. — Not more than two members of the Commission may be City officers, who shall serve as ex-officio nonvoting members.~~

- ~~D. — Unless a member's term of office is otherwise terminated pursuant to this ordinance, a member of the Commission shall hold office for four years after appointment. A member may be removed by the City Council for misconduct or nonperformance of duty after receiving pertaining thereto a report in writing from the Commission or upon motion of the City Council. Nonperformance of duty includes but is not limited to the failure of a commission member to attend any three consecutive regular meetings of the commission, unless such absence has been upon leave granted by the commission. Removal of a commission member from office shall be by resolution of the City Council.~~
- ~~E. — Any vacancy upon the commission occurring other than at the completion of a term of office four years after appointment shall be filled by the City Council for the unexpired term of the predecessor in office.~~
- ~~F. — No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profits 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 two voting members of the commission shall be engaged in the same kind of business, trade or profession. (Ord. 1169 ¶2, 1942; Ord. 3955, 1973; Ord. 3990, 1974)~~

~~2.24.030 Election of Officers.~~

~~The City Planning Commission, at its first meeting, shall elect as officers a president and vice president, who shall be members appointed by the City Council, and who shall hold office during the pleasure of the commission. (Ord. 1169 ¶3, 1942; Ord. 3955, 1973)~~

~~2.24.040 Membership Not Compensated Election of Secretary.~~

- ~~A. — Members of the City Planning Commission shall receive no compensation.~~
- ~~B. — The City Planning Commission shall elect a secretary who need not be a member of the commission. The secretary shall keep an accurate record of all proceedings of the commission, and the commission shall, on the first day of October of each year, make and file with the City Council a report of all transactions of the commission. (Ord. 1169 ¶4, 1942)~~

2.24.050 Operational Regulations.

~~Five members of the City Planning Commission shall constitute a quorum. The commission may make and alter rules and regulations for its government and procedure consistent with the laws of this state and the City Charter, this code and other ordinances of the City. It shall meet at least once a month at such times and places as may be fixed by the commission. Special meetings may be called at any time by the president or by three members by written notice served upon each member of the commission at least three hours before the time specified for the proposed meeting. (Ord. 1169 ¶5, 1942; Ord. 3704, 1969)~~

2.24.060 Employment of Consultants and Clerical Help.

~~The City Planning Commission shall have power and authority to employ consulting advice on municipal problems, a secretary, and such clerks as may be necessary, and to pay for their services and for such other expenses as such commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the commission, out of such funds as are theretofore placed at the disposal of the commission by the City Council. (Ord. 1169 ¶6, 1942)~~

2.24.070 Powers and Duties.

~~It is the duty of the City Planning Commission, and it shall have power, except as otherwise provided by law, to recommend and make suggestions to the City Council and to all other public authorities concerning the laying out, widening, extending, parking and locating of streets, sidewalks and boulevards, the establishment of setback lines, the relief of traffic congestion, the betterment of housing and sanitation conditions and the establishment of zones and districts limiting the use, height, area and bulk of buildings and structures; to recommend to the City Council and all other public authorities plans for the regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots; and plans consistent with the future growth and development of the City in order to secure to the City and its inhabitants, sanitation, proper service of all public utilities, and transportation facilities; to do and perform any and all other acts and things necessary or proper to carry out the provisions of this ordinance; and in general to study and to propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City, and of the area for six miles adjacent thereto. (Ord. 1169 ¶7, 1942)~~

~~2.24.080 Submission of Maps, Plats, and Replats Within City Limits.~~

~~All maps, plats, and replats of land laid out in building lots and the streets, alleys, or other portions of the same intended to be dedicated for public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the City limits, and all plans or plats vacating or laying out, widening, extending, parking, and locating streets or plans for public buildings shall first be submitted to the City Planning Commission by the City Engineer or other proper municipal officer, and a report thereon from the commission secured in writing before approval shall be given by the proper municipal official. (Ord. 1169 ¶8, 1942)~~

~~2.24.090 Submission of Maps, Plats, and Replats Adjacent to But Outside of City Limits.~~

~~All plans, plats, or replats of lands laid out in lots or plats within the City, including the streets, alleys, and other portions of the same intended to be dedicated to public use or private use, and all plats or deeds dedicating land to public use outside the limits of the City, but within six miles of the corporate limits of the City, shall first be submitted to the Planning Commission and approved by it before they shall be recorded. (Ord. 1169 ¶9, 1942)~~

~~2.24.100 Submission of Rezoning Ordinances.~~

~~Copies of all proposed ordinances for the establishment of the boundaries of any zone or district provided by Section 2.24.070, and of all proposed ordinances regulating or limiting the use, height, area, bulk, and construction of buildings to be submitted to the Council shall, before the same are presented to the Council, be first submitted by the City Auditor to the City Planning Commission for recommendation, and the auditor or city clerk shall immediately so notify the Council of such submission to the commission, and the commission shall make its recommendation thereon in writing to the Council; provided, that, the City Planning Commission shall first hold a public hearing at such time and place as may be directed by the Council, and make a careful and appropriate investigation thereon; and hereafter, before final action shall be taken by the Council, or any department of the city government, on the location or design of any public building, bridge, statute, park, parkway, boulevard, playground or public grounds the same shall be submitted to the City Planning Commission for consideration and report, and provided further, that unless the City Council definitely names a longer period for the return of a report specified herein, the approval of the City Planning Commission to any matter so referred to it in accordance with the provisions of this chapter shall be deemed to have been given at the end of thirty days after the receipt of the same in writing by its secretary unless the City Planning Commission shall submit a report thereon prior to that time. (Ord. 1169 ¶10, 1942)~~

2.24.110 Recommendations and Reports.

~~The City Planning Commission may make recommendations to any person, copartnership, corporation or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered by or for such person, copartnership, corporation or public authority; provided, however, such recommendation shall not have the force or effect of a law or ordinance, except when so prescribed by the laws of the state, or by City ordinance. Any person, copartnership, corporation or public authority having charge of the construction, placing or designing of buildings or other structures and improvements, may call upon the City Planning Commission for a report thereon. (Ord. 1169 §11, 1942)~~

2.24.120 Control and Disposition of Gifts, Bequests, and Devises of Property.

~~The City Planning Commission may receive gifts, bequests, or devises of property to carry out any of the purposes of this act, and shall have control and disposition over same, unless the ordinance codified in this chapter should be repealed in which case such control shall be vested in the Council. (Ord. 1169 §12, 1942)~~

2.24.130 Statutory Authority.

~~The City Planning Commission shall also have all the powers which are now, or may hereafter be given to it under the general laws of the state. (Ord. 1169 §13, 1942)~~

2.24.140 Recommendations to Council to be Written.

~~All recommendations made to the Council by the commission shall be in writing. (Ord. 1169 §14, 1942)~~

2.24.150 Limitation on Powers to Make Expenditures.

~~The City Planning Commission shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money, except as provided in this chapter, and then only after the City Council shall have first authorized such expenditures for the purpose from time to time by appropriate ordinance or resolution, which ordinance or resolution shall provide the administrative method by which the funds shall be drawn and expended. (Ord. 1169 §15, 1942)~~

URBAN AREA PLANNING COMMISSION  
September 9, 2009  
6:00 P.M. MEETING  
City Council Chambers

1. ROLL CALL

The Urban Area Planning Commission met in regular session on the above date with Chair Bertant presiding. Commissioners Arthur, Kellenbeck, Fowler, Fitzgerald, and Richardson were present. Absent was Commissioner Fedosky with one seat vacant. Also present and representing the City was Principal Planner Angeli-Paladino, Associate Planner Glover, and City Engineer Schaff.

2. ITEMS FROM PUBLIC: None.

3. CONSENT AGENDA

a. MINUTES

i. August 26, 2009

Chair Bertant called for the Consent Agenda and Findings of Fact of Avista Hillcrest fire station and Tussing Park major site plan. Chair Bertant asked, are any of those items being requested to be removed from the Consent Agenda? No. Then I'll entertain a motion on the Consent Agenda.

Commissioner Kellenbeck stated, I have a couple of changes. On page one of the minutes, it starts out by saying Chair Kellenbeck and then the rest of the minutes say Vice Chair. So it should be Vice Chair. The page number is 481 of the packet. And then page 41 of the minutes, page 521 of the packet, about halfway down the page it says Mr. Eastman stated and I believe that should say Mr. Eastwood unless we also have an Eastman on the Steering Committee for the UGB. I think it was Eastwood. That's all I had.



## MOTION

Commissioner Fitzgerald moved and Commissioner Richardson seconded the motion to approve as noted in the Staff report, including changes on Exhibit 14 and the changes noted in Staff's presentation. The vote resulted as follows: AYES": Berlant, Arthur, Fitzgerald, Fowler, and Richardson. "NAYS": None. Abstain: Kellenbeck. Absent: Fedosky. The motion carries.

**v. 09-40500005: Development Code & Comprehensive Plan Text Amendments related to Planning Commission Residency and Director's Interpretation**

Proposal: Proposal amends the Development Code and Comprehensive Plan related to residency requirements and provisions for the Urban Area Planning Commission and amends the timeframe for issuance of Director's Interpretations

Applicant: City of Grants Pass

Planner: Tom Schauer

Chair Berlant stated, I believe this is a legislative matter. Chair Berlant asked if there was anyone present who wishes to challenge the authority of the Commission to hear this matter. Seeing none, Chair Berlant asked if there were any Commissioners who wished to abstain from participating in the hearing or declare a conflict or a potential conflict of interest. Seeing none, I don't believe that ex parte contacts apply in this legislative matter, is that correct Principal Planner Angeli-Paladino. That is correct. Chair Berlant stated, in this hearing the decision of the Commission will be based upon specific criteria which are set forth in the Development Code, all testimony given which apply in this case are noted in the Staff Report. If anyone would like a copy of the Staff Report, please write that in a note to me and one will be provided to you. I think that takes care of it. Will Staff please present the Staff Report.

Principal Planner Angeli Paladino stated, thank you Commissioners. The application before you is two-part, Development Code amendment and Comprehensive Plan amendment and for two separate changes. The first one is to amend provisions pertaining to residency for the Urban Area Planning Commission and that would amend the Comprehensive Plan and the Development Code, it would incorporate and consolidate provisions of ordinance 4399 and repeal any conflicting or duplicate provisions of various ordinances and resolutions. Senior Planner Schauer pulled all kinds of different ordinances that have been around for a long time, some say things and some don't, some have more authority than others so we are trying to clean all of that up. The second proposal is to extend the

timeframe for issuance of Directors Interpretations from 5 days to 20 days. Criteria for the Comprehensive Plan amendment is shown above, those are specified in your Staff Report. Criteria for the amendment of the Development Code, there are four of those and those also have been addressed in the Staff Report. We are recommending that you recommend approval to the City Council as amended and presented in Exhibit 2 of the packet, and we can go over that in more detail. As Chair Berlant noted earlier, the hearing is conducted in the legislative manner.

The Planning Commission amendment was originally initiated by City Council. We did a workshop back in... I think it was May. It was for a change of residency requirement. One is that the Commissioners must reside within the Urban Growth Boundary and not just own property in the Urban Growth Boundary and that is a pretty good distinction that needs to be made, and that is consistent with existing provisions of the Intergovernmental Agreement, resolution 4126. It would repeal provisions for reciprocal confirmation of City/County appointments. There is some language in there now that the City appoints, the County confirms and vice versa. I haven't seen that happen. It's probably a good idea but we haven't done it so we are taking it out. Then we would revise provisions for geographic representation within the UGB as more aspirational language that we are keeping in there, rather than saying there needs to be two people from each quadrant. Also, we would amend the Comprehensive Plan and Development Code incorporating provisions related to the Urban Area Planning Commission contained elsewhere. Again, those are different ordinances that are out there and we are trying to pull all of the previous ordinances and things that are out there those pieces together. Once incorporated and reconciled, but repeal other freestanding ordinances and resolutions related to the Urban Area Planning Commission that duplicate or conflict. Once we get to the City Council level we would have a new ordinance and we would hope that the text changes would embody all of the previous ordinances and things that are out there and we would have one document to move forward, and we wouldn't have to worry about that 1910 or whatever. Then those provisions pertaining to the Urban Area Planning Commission would be consolidated into the system.

In terms of the Director's interpretation amendment, this is a pretty easy one. This was originally initiated by the previous director. It is a Development Code amendment. Currently we have... there was one actually this year before the Planning Commission. We have Directors Interpretations that can be appealed. The director has only five days in order to look at the comprehensive plan, identify definitions in the Development Code, research that, talk to the City Attorney, draft an opinion and put it all together and make sure it's right -- and that's all only in five days. So in order to provide a little bit more time, we

are looking at 20 working days. This is a little more consistent with the Type I procedures. It gives time for the director to talk to the City Attorney and make sure that everything is working together. With that, I would be happy to answer any questions and if you would like to go into detail about the language, we can do that.

Commissioner Kellenbeck stated, I was just wondering if the County Commissioners have at least been noticed that that cross check won't happen anymore.

Commissioner Fitzgerald stated, Did we send a copy of the amendment to the Board of County Commissioners?

Principal Planner Angeli Paladino stated, the cross check on the appointments? Yes, we did send them a copy of the proposal.

Commissioner Fitzgerald stated, according to Commissioner Ellis, no, they have not seen this and didn't know anything about it as of this evening.

Principal Planner Angeli Paladino stated, oh, even better. We did send it to their office though.

Commissioner Arthur stated, I wasn't aware that it was actually happening and I noticed on page 441, and it is mentioned in several places the thing on confirmation but here it says, "there is value in reciprocal confirmations..." and so on and the concluding sentence then it says, "however, there is also value in having each jurisdiction exercising its autonomy in selection of appointees, the latter is the best alternative." But it sure doesn't say why, and I think we have the perfect example sitting here on our Council when they appointed somebody that was suing us to sit with us and it would have been nice to have that one confirmed. I don't know, it is just odd. I didn't know it wasn't happening.

Patterson who had been on for 15 years and he could never remember when we had confirmed or agreed to a County appointee.

Principal Planner Angeli Paladino stated, from a staff perspective, it would also be nice to know what is happening at the County level. Obviously, I am staff but it would be nice to know when the County makes those appointments because we find out after the fact, you know, three people later they say "oh, by the way..." If the Commission feels that you want to keep that in there, we could do that.

Commissioner Fitzgerald stated, the question about the cross ratification, I think isn't bad, just from the standpoint of making sure that each body knows what it is but if you change the "or" to an "and" on ownership -- "must live inside the UGB" -- you change the entire flavor of how the Urban Area Planning Commission was set up. That was to have four members with a County perspective, so to speak, and four members were to have a City perspective. The Urban Growth Boundary was that interface area that sort of what Commissioner Richardson talks about with roads that don't work and things like that, and it was to have that balance and that exchange. The ratification of the appointments was also supposed to be that way. This particular deal states, of course, a body of eight that all think and live inside the urban growth boundary and think like City people. There is no balance for the County whatsoever. They do not know about this because I asked tonight. When I got this and read it the other day I tried to get them. There is nothing at all from any of the Commissioners who know about this change in this language so I think it needs to be... I would imagine it needs to be run by them, if you are going to change what is agreed to and signed in an intergovernmental agency agreement. I would imagine that it is not arbitrarily changed by one side, it would have to be mutually agreed to.

Commissioner Richardson stated, that was the other issue. When this was originally raised -- I realize it has been several city attorneys ago -- the language in here said that you had to be appointed by one of the two bodies and affirmed by the other one, and so we wondered what happens if one of the bodies appoint someone who is anathema to the other body, for reasons that there could be lawsuits or other issues, threats of violence... who knows, and what it came down to is there is nothing in the intergovernmental agreement according to Kris Woodburn at the time that would enable the City to do

anything if they did in fact object to a County appointee. So in essence, getting rid of the language saves you from having to come up with a method for dealing with it. Because we tried behind the scenes to deal with that particular issue and basically had led nowhere. I know Kris Woodburn talked to the County Attorney, Steve Rich, and that is what they ran into. There was no language, nothing in terms of ordinances or what have you, that enabled this to go anywhere. It just...

Commissioner Fitzgerald stated, it wouldn't be in an ordinance. It is an intergovernmental agency agreement, a contract of sorts that says this is what we are going to do -- we are going to set up an Urban Area Planning Commission and it is compromised of this and that -- it doesn't go by ordinance. It doesn't set of ordinances it set up an agreement. I think that it's...

Commissioner Richardson stated, there is still no way to deal with it if you don't agree, that's the problem.

Commissioner Fitzgerald stated, then put something in that makes the mechanism... some kind of procedure for it to agree...

Commissioner Richardson stated, at this point, no one will open the intergovernmental agreement.

Commissioner Fitzgerald stated, I think this idea that you are saying is the end justifies the means and I don't think it does. I don't think you say, "Look, there is no mechanism to handle if we don't like an appointment made by the County, therefore, let's completely change the agreement we signed." I don't think that that is appropriate. It was set up to have some kind of coexistence, why not sit down and work out an agreement that says how we are going to ratify and if indeed there is an objection, here is how that objection is dealt with -- rather than throw the baby out with the bath water.

Commissioner Richardson stated, all I am going to say is that both attorneys at the time said they didn't want to open the intergovernmental agreement because it is like opening a bargaining contract and once you do that then all of the provisions become open... so what others do you want to agree to? And that works for both sides. So even if you had an ability to...

Commissioner Fitzgerald stated, so now you are saying you're throwing it out... you don't want to change it, so you are throwing it out.

Chair Berlant stated, hang on, wait a second. I want to bring a little civility into this. Let a person finish having their say because, for one thing minutes will not reflect conversations going over each other. I am certainly not trying to stop anyone from saying what they want to say but let the first person finish before you jump into interrupt please. Thank you.

Commissioner Arthur stated, I can't understand the rationale in putting it in to begin with and I don't understand what you are saying about why they should have a say about us. Did we get to appoint four people on the Rural Planning Commission? Because what they are doing affects us constantly. All of our Redwood problems came from that. Why didn't we get to appoint four of theirs if they get to appoint four of ours?

Commissioner Fitzgerald stated, first of all, the Rural Planning Commission does not have anything to do with the area that interfaces between the County's jurisdiction and the City's jurisdiction. So the idea is that is the reason you don't appoint to the Rural Commission. The idea was that this was to deal with the situation that I can tell you was absolutely immense in the early 1990s, where you had this conflicting jurisdiction between something that was in the Urban Growth Boundary and you would go to the City and the City would say that belongs to the County so you go to the County and the County would say that belongs to the City. You would end up bouncing back and forth and that is why I think it was the eighth or ninth try we got the intergovernmental agency agreement put together so we had a way to deal with that urban growth boundary area that was the idea that it was going to be transitioning

from a County area to an urban area. Therefore, that is what it was to do... it was to clearly define the jurisdictions. The idea of the Urban Area Planning Commission was to deal with that interface area and that is why it was made up the way it was made up. Now the idea if you could say the City should be able to appoint to the Rural Planning Commission, then I suppose from that point you should also be able to apply that to the State because that affects you too. Where do you draw the line as to what you get to do? The rural commission is supposed to take care of Josephine County, not the urban growth boundary and within so that is why it was set up the way it was... that is why this commission was set up the way it is.

Chair Berlant stated, I have to disagree with some of that history. I think it was 1993 when I was put on the Urban Area Planning Commission and served for many years before the intergovernmental agency agreement came into existence but the makeup of the urban area planning commission had been for quite some time -- and I don't know when it was first adopted, I think it was in the 1980s -- those original ordinances that created the planning commission and establish that it was joint appointments were at least four and four, was because it was designated to deal with those areas under separate control but some kind of combined process. The residency was never established to say that necessarily for had to come from the County. In fact, the only residency requirement for all of it was that they either own property or lived in the urbanizing area and/or the City. The City always have the policy, although it was not necessarily supported by the Code that they only appointed, generally only appointed City residents but the County generally, but not always, appointed people in the urbanizing area and not necessarily the City did. That is how it had been historically done. It changed over time, and part of the time, when it changed, I had to go to the Commissioners to get reappointed to this because I couldn't get appointed by the City. Also the City decided at times it was appropriate to point people out of the urbanizing area. It was just a mix of people, not necessarily real turf battles that were going on. The issue of control in developments standards, that was a constant problem and that was something that was finally hammered out through the intergovernmental agreement. But that was just because the County said they were tired of dealing with this, go ahead City, take it over. It didn't change any of the makeup or the responsibilities of the Planning Commission.

Commissioner Fitzgerald stated, one-word changed in here "the" now it says "and." It doesn't say "may," it now says "and." So now you have a residency requirement instead of ownership, you have to live within the urban growth boundary. That is the difference to these changes and it does substantially change what was originally set up. I just think that needs to be run through the County Commissioners also because they were party to that original agreement and I think it is appropriate that those discussions are held before the City Council -- with all due respect to Councilor Townes -- makes an arbitrary decision on one side of the deal were there was an agreement put together. I think they should weigh in on it. They wouldn't want it the other way around.

Principal Planner Angeli Paladino stated, if I may add to that, I think the amendment actually reflects what is in the IGA. Because #5 of the IGA says, "the joint urban area planning commission shall be composed by an equal number of City and County appointments who are residents of the UGBA. The City, however, shall be responsible for the administrative functions of the Commission." We are basically changing and codifying what already is in the IGA, which says "reside." It does not say "own property" in here. The portion where there was property was in ordinance that the City had, 4399, this was from... Exhibit A, which is ordinance 4399 -- which doesn't have a date on it. But it talks about the Urban Area Planning Commission, "the members of the urban area planning commission shall reside or own property within the urban growth boundary and be residents of Josephine County." Unfortunately, not knowing the date... This had nothing to do with the County, this was a City ordinance and this has nothing to do with the County. The IGA does.

Commissioner Fitzgerald stated, but your document on page 435 says "and." I was making the point Principal Planner Angeli Paladino that now it says "and" where it used to say "or." Is that correct?

Commissioner Arthur stated, the thing is that the IGA agreement says residents only.

Commissioner Fitzgerald stated, still, my feeling is that an agreement was made and has been set this way, is it appropriate to make it a one-sided change? I don't think so.



Commissioner Arthur stated, but it is not a change. She just read you it.

Principal Planner Angeli Paladino asked, are you talking about bullet number one on page 435 that says the proposed amendment includes the following changes "members must reside within the urban growth boundary area and ownership of property within the UGBA would no longer qualify." That codifies what is already in the IGA. Because the IGA does not talk about ownership of property, it says that you must reside within the UGBA and we are simply taking... before was ordinance 4399, this is a City document that the County did not have any jurisdiction over.

Chair Berlant stated, I think what you are really getting at is whether we should postpone before we make a decision and give the County Commissioners a chance to at least provide some input. Obviously, they are not here now. If you want that then we postpone and give them a chance to weigh in on it. That is a different issue than whether that change is appropriate or not. I don't know if you are really going after that or not.

Commissioner Fitzgerald stated, all I am saying is the same thing I said in the beginning -- since it was entered into by two parties and they have not apparently weighed in on this, is it appropriate for us to say to them "weigh in on it." Give them an opportunity to weigh in on it or not. If you say "no it is not," then that is your decision but I just think it is appropriate to... and they do not know, according to them tonight.

Commissioner Richardson stated, what I am saying is if it was modified by a City ordinance then the City has the authority to do it. If it changes the language in the intergovernmental agreement, no we don't. But if it is simply changing it to reflect the intergovernmental agreement then we are perfectly within our purview to go forward with it, knowing that there will be another opportunity for the Council to debate this.

Principal Planner Angeli Paladino stated, we did send notice to the County. Whether or not it was in their hands, I don't know where the mail goes there so I don't have any control over whether or not they are going to contact us on that part.

Chair Berlant stated, I think that is a good point to make that this is a recommendation to the City Council. The action we take is not the final action. I think we would be well served to get to a discussion of the substance of what is being done as opposed to that procedural part.

Principal Planner Angeli Paladino stated, staff will make sure we follow up with the County.

Commissioner Kellenbeck asked, do you want call for public testimony then returned it to the Commission before I go into my discussion?

Chair Berlant asked if there was anyone in the audience who wished to comment on this item. Seeing none, he closed the public hearing portion and returned the item to the Commission.

Commissioner Kellenbeck stated, thank you. I think this is very timely and I am glad to see that this is coming about because one of the things that Commissioner Fitzgerald said early on about have when you are appointing members from the UGB and members from the City, you are basically appointing the same group of people and I think that that attitude is completely sound based on the fact that our City limits have pushed all the way out to the edge of the UGB. This is going to become so critically important when or if or whatever the UGB expands because we have then taken in brand-new people who still consider themselves County residents is and that while still lend them to their County Commissioners that they are used to for their appointments to this body where they then get to provide a new perspective on what it is like to be an outsider brought in. So I think that this is really good the

way it is presented. I agree you should reside in those locations as it is clarified here. I don't necessarily see the point for the cross check that would be happening between the County of the City. Commissioner Arthur's example, I think, is a really good one when she was talking about a really difficult person that was suing the City and appointed by the County and as difficult as he was -- I don't think any of us would disagree about that -- he brought a certain flair and perspective that we don't normally get. The County chose him and I still think that within the intergovernmental agreement, as a larger perspective, the City and the County have agreed to trust each other's opinions. To do that cross check, to me, sets up a very awkward, potentially litigious process. It is if the County really wants somebody and the City gets put in a position of going, "ugh, we don't really like that person," I don't think anybody really wants to be there. I think we respect their judgment and we accept the recommendation and we make do, like we did. We survived that and he learned a lot in the process and we became better at dealing with difficult people, and I think we all walked away better for it. So I like this the way it is and I definitely think the County Commissioners need to weigh in on it. I know that staff is very aware of that now and since we are only making a recommendation to the Council, I would suggest that it is even more appropriate for the County's opinion to come in at the Council level because that is really what this is dealing with -- the County and the City -- and that happens at the Council with the County Commissioners so my recommendation would be to move forward with this to the City Council. That this is sound the way it is.

Chair Berlant stated, I have a question about it in regards to the term and I don't know... I really

Didn't look closely enough when I first read it but it came to me later while we've been sitting here. I have always known that the term was four years but in looking, I looked at the present terms of all the people that are on it and they are all over the place. I see that mine expires in July of next year. I am wondering, it looks like now there seems to be a new change that if there is a vacancy, resignation or whatever, that the appointment only then appoint someone to finish that term. That seems more appropriate if in fact there are established dates when the term becomes open -- you know, January 1 and staggered or whatever would be the best way -- but because in the past it has always been, it appears, once someone is appointed that begins therefore your term we are setting up a new pattern now and I don't know that it makes sense if we don't make a set date when those terms begin in the first place.

Commissioner Arthur stated, I agree with the idea that people who have been appointed are just filling out people's terms still.

Chair Berlant stated, I'm not so sure.

Commissioner Arthur stated, because I did and you did...

Commissioner Richardson stated, I am filling in an unexpired term and my previous term was an unexpired term, and that term was filled by somebody else. So we had at least two filling in an unexpired term, which didn't really make a lot of sense but that was how that one happened. Dick Sackett was filling in for me and I was filling in for somebody else and I suppose if you had frequent turnover, you could have five or six people in the course of a four-year term of office.

Commissioner Kellenbeck stated, I think that you have called attention to something that does seem a little bit ridiculous now that I am thinking about it because it isn't the situation where you have an elected City Councilor and then the appointment fills out the term. If the City Council is going to go through the trouble of interviewing and picking the best qualified applicants, it would seem that a four-year term starting at the point of that appointment would make a ton of sense.

Chair Berlant stated, what is in here is Term of Office, page 451... and like I said, I didn't look at the old stuff closely enough to see whether it was just adopting what was already in place, I looked at that dates of term expirations of the people that are sitting here and there is no real consistency to win an all of that. There just seemed to be a disconnect. It says, "Any vacancy..." number two in that second paragraph, "Any vacancy of City appointees to the Commission occurring other than at completion of a term of office shall be filled by the City Council for the unexpired term of the predecessor in office."

Commissioner Fowler stated, I think I agree with Commissioner Kellenbeck that it totally makes sense because then you have a natural overlap of experience and not for people leaving and for people coming on or something cumbersome like that. Because this one is such a technical commission, it is not easy to just bring for people on and train them roll quick on the Development Code.

Commissioner Arthur stated, and "shall hold office for four years after appointment."

Chair Berlant stated, but then it is modified -- except if that is filling a vacancy. But it doesn't make sense to me also. I don't know, but maybe some of you do know, when you were appointed were you told your appointment was only for six months work was only for one year? Okay? I think mine was an opening... I don't know why.

Commissioner Fedosky stated, I have the dates here and you are right, nobody goes anywhere near anyone else. There is one within a month, there is one for April 2011, one March 2011, December 2010, July 2010, August 2011, September 2011, and February 2013 -- boy you are here forever.

Commissioner Kellenbeck stated, I am going to make a motion that we recommend approval to the City Council with the change to...

Commissioner Arthur stated, we haven't been able to discuss the rest of it yet. Are you just going to go with that one item?

Commissioner Kellenbeck stated, I was going to make a whole motion.

Commissioner Arthur stated, no, no, no it is all screwed up.

Chair Berlant stated, I thought this was going to be an easy one.

Commissioner Arthur stated, one side light, we go from the ORS in terms of how people are appointed according to their role in life, their job category or their background experience, that kind of thing, but it is never been clear to me how you settle that with the County if you never talk with them about it. Is it just accidental or do you just fill somebody that you don't have a slot on the Commission?

Commissioner Richardson stated, the state statute is for both for the County appointments and for the City and both specify one for each person. What I have never figured out, and we did ask this question, what if someone from the City appoints a realtor and someone from the County also appoints a realtor and you are, in fact, allowed only one. So it does mean that there has to be some discussion between City staff and County staff on the opening and it needs to be such and such. That goes to, with me, why can't we say in the posted opening that this person needs to represent the Northeast or this person needs to represent the Southeast, but to correspond to the four wards?

Commissioner Arthur stated, that's geography and we are talking about interest in life and it is not the same thing.

Commissioner Richardson stated I'm saying to do both of them.

Commissioner Arthur stated, I know but let's talk about them separately.

Principal Planner Angeli Paladino stated, I know with other committees like the Historical Buildings and Sites Commission, there are specific rules that need to be filled and that is actually noted in the chart that you have. Maybe we need to just set something up like that which identifies in the ORS where each of you fall in that role and if there is a vacancy then we know.

Commissioner Richardson stated, we did have to inquire of the County and get additional background information on that one individual because there was considerable speculation because he had done some development that he fit into the category of developer at a time when we already had a person doing the development. So there has to be some judicious inquiry, I just don't know how it is done and if you run up and say no I'm sorry we can't, we are the have that category full... there does not appear to be a good mechanism for it.

Commissioner Fitzgerald stated, the reason you got Mr. Wickham, according to the Commissioners, was that he was the only applicant period.

Commissioner Kellenbeck stated, I thought he claimed to work for the BLM at the time. I have another question. I also wondered about what happens if a person's job classification changes during their term of appointment and I will just be specific and say that when I was appointed I was working for a local land developer then after the economy turned I decided I was going to work for myself as a planning consultant, but looking at the ORS it says, "no more than two voting members may engage principally in the buying, selling, or developing the real estate for-profit as individuals or be members..." I certainly at this point and not principally engaged in that, I guess that maybe one half hour of my time per week, but I do have other jobs that I do that or not anything related to land use. It's a two-part question. What happens if the changes? Does it open up that spot for filling the vacancy and how do I make that declaration to the record... that sort of thing.

Chair Berlant stated, also, contrary to my other statement about filling out the vacancy, and now reading the ORS by statute it says, "Any vacancy shall be appointed to fill the unexpired term of the predecessor." Of course, it doesn't give any guidance about how long that term should be or any of that.

Commissioner Arthur stated, it can get messy on this deal about two people in the same job category because it came up about whether you are tradesmen that made you a developer. It came up with Commissioner Fedosky because his website says that his business engages in Development and has real estate contacts, and that was challenge but that is what was said.

Commissioner Fitzgerald stated, his website mentioned about real estate loans so the connotation was that he engaged in "real estate" but the fact is he is a financial planner. That is part of financial planning. It is like saying the bank is only allowed to do checking accounts, they aren't allowed to do savings and they aren't allowed to do loans. Well, part of the bank has CDs and all the rest of that stuff. So that is one of the issues that did get in there. It's like Commissioner Kellenbeck was saying in the case of her job change. In one instance, she was clearly working as a consultant for a land developer and therefore she fit into that category. Now she doesn't. So how do you address it?

Commissioner Arthur stated, I want to go onto the next issue I have.

Principal Planner Angeli Paladino stated, maybe we should have done this is a workshop.

Commissioner Arthur stated, yes, I think so. This was a total surprise. On page 437 where it talks about Goal One citizen involvement. It seems to me this is very convoluted through this whole thing and that everybody needs to go back. The easy way is to go to the Josephine County website and click under planning, citizen involvement, and they have under there the manuals for citizen involvement. They have all the rules and regulations and the suggestions, and it is true we have that ordinance from long ago that designated are planning commission to be CIC and that appears to have been a default because



they didn't want to deal with it or something. But the fact is, the committee for citizen involvement, the CIC, all that group is supposed to do -- which we do by opening and closing, and nothing happens in between -- is to supervise the activities of the CACs. The geographic land use CACs. And it is very clear in the State materials that this is how it is supposed to operate and that you were supposed to have citizen advisory committees that are land use, geographically based, and that is where the geographic diversity comes from. Not on the Planning Commission. It doesn't have anything to do with the Planning Commission. It is in the citizen involvement process and what you are supposed to have is you are supposed to have your geographic area divided up logically, I guess, into CACs (citizen advisory councils). When I tried to get the Council to address this three or four years ago in preparation for urban growth boundary expansion process, nobody wanted to talk about it and Jim Huber said, "Oh we have CAC's, we are meeting the requirement." But if you go back and you read that, that is not meeting the requirement. You have the CAC's for the parks and historic and I don't know what all they are but there is a list of nine or 11 of them or something. Yes, we do have them that we have zero land-use CACs.

Commissioner Fitzgerald stated, we have one active in the County which is the one on Hugo.

Commissioner Arthur stated, that is not. That is a neighborhood association.

Commissioner Fitzgerald stated, no, they call themselves a CAC.

Commissioner Arthur disagreed. They are a neighborhood association.

Commissioner Fitzgerald stated, you better talk to Wayne Mackey because he says he is part of a CAC.

Commissioner Arthur stated, he is part of a CAC but that is not Hugo.

Commissioner Fitzgerald stated, he introduces himself as that.

Commissioner Arthur stated, it is Holger Sommer's wonderful North Valley CAC. The only active CAC in the County right now is the Lower Applegate one. They may have killed each other off last night because they were electing again. But the way it is supposed to work is you have these geographically-based citizen advisory councils, and this is the perfect time for the City Council to set these up, finally, after all of these years of avoiding them because if you really, really want to have your old-fashioned neighborhoods and your small-town feeling, the cities that have gone to the neighborhood concepts, like Santa Barbara and well Portland too, San Jose, they have their neighborhoods now defined more sensibly so they really are cohesive areas, not just a 12 mile road is the boundary like what these are here. You have the neighborhoods, you have the functioning groups, they come in and they bring their issues to us as the CIC or you appoint a new CIC -- which is what should've been done to begin with -- and that way you have functioning groups that can address their own neighborhood and local issues, and you have them working.

Commissioner Richardson stated, I just want to say it that that works really, really well in places where you have -- we used to call it the Strawberry Hill neighborhood -- where everybody was Polish and then you have the southern neighborhood where everybody all went to Saint so-and-so's church. There was a reason for it. When you deal with the community the size of Grants Pass that has relative ethnic similarity across all levels and there is not a ghetto in the classic terms of localized groups, then having diversity here and having us represent the urban growth boundary, the central city, the Northeast, Northwest, Southwest, Southeast is in fact meeting the criteria of making sure that the neighborhoods get represented. Because in the Northeast, you have the older homes and you have one set of people. In the Southeast and Southwest you have the new growth and you have folks that represent those areas. I think we have it and I think that is why the State has never come down and said for us to do anything different, because we meet the minimum criteria.

Commissioner Arthur stated, looking at how you are going to juggle 8 positions with 8 different job categories and 8 different neighborhoods what if two of the people that you need live in the Northwest, or none. Nobody in that area has qualifications. You can't juggle both of them at once and make any sense out of it and it is also...

Commissioner Richardson stated, but we do in other categories. You look at the historic buildings group and their postings for certain things and the same thing with the forestry group.

Commissioner Arthur stated, but they are not geographical.

Commissioner Richardson stated, they are looking for multiple criteria when they do that.

Commissioner Arthur stated, what I am saying is if you go back and read what was set up, what was supposed to be happening for citizen involvement from Goal One right off the get go was to have geographic representation for land-use CACs reporting to your CIC, which is the one that gives the annual report to the Council and make sure that they are alive and well and actually meeting and doing something if they have something to do. So this whole thing all the way through where it references geographic representation on the Planning Commission, it is not appropriate. It should be geographic representation for the citizen advisory councils and the citizen involvement, the Goal One citizen involvement group. So I object to everything in here that mentions the geography thing, and the fact that it does not address Goal One yet. After all of these years, it's still not really doing it.

Commissioner Kellenbeck asked, do you want to continue this and ask for a workshop on that issue?

Principal Planner Angeli Paladino stated, a workshop sounds good. Are there other specific issues that you don't like being here that we can address, that would be helpful. You said the geography...

Commissioner Richardson stated, the issue of the Director's interpretation going from 5 to 20 days, I don't have a particular problem with it taking as long as it takes to get a good answer to somebody but I don't think anyone should wait for 20 days to get a response. It's like, within 5 days the director should provide that individual with some knowledge about how long it is going to take, what it is going to do, and an estimate of when they are going to get the information. I would rather see us do that than say 20 days because, sure as shootin', stuff gets postponed to the 15th day and you are still scrambling. So why don't we just say something to the effect of within five days the director will advise the person of a date.

Principal Planner Angeli Paladino stated, the time frame.

Commissioner Richardson stated, yes, make a commitment to meet at a specific date not just 20 days out.

Principal Planner Angeli Paladino stated, my only concern with that is there is an appeals period that starts and then we are into the 120 days -- all of that timeframe happens. So to say in 5 days that it is going to take 30 days or 10 days or 45 days, what is appropriate?

Commissioner Richardson stated, I just want some sort of closure because we see too many times in terms of responsiveness, the appearance of responsiveness, that people are actually working the issue but it is like it went into a black hole. Somehow there needs to be something upfront that says, "I have got it, it is in the works and you will have an answer." Instead of putting in for an answer and you wait and wait and you wait, and after about two weeks you go to the City Council and say I'm mad I can never get anything out of the City. I don't want that to happen.

Principal Planner Angeli Paladino stated, it is an application so if it is reviewed on Friday to make sure it is complete, the director then has the file the next week saying, "Okay, I have to get this thing completed." So do you just want there to be more communication from the City staff saying that we have it? When it is turned in it becomes a project and we have to turn it around, you know, we've got 5 days right now.

Commissioner Richardson asked, so what are you averaging?

Principal Planner Angeli Paladino stated, some of them have taken a month and a half and some of them we meet the 5 days. We haven't had that many. It depends upon what the issue is too, what they are asking the interpretation of.

Commissioner Fitzgerald asked, so you are saying the trouble with the ones you are turning around now is because of the 5 day deadline or is it because of the topic?

Principal Planner Angeli Paladino stated, we have the 5 day deadline and that is what we're supposed to meet. If we exceed the 5 days then we call the applicant and say we are still working on it but that is not... it's almost like, the Code gives us 5 days so it should be done in 5 days but for some issues it cannot be finished in 5 days and there is an expectation from the customer that if the Code says 5 days then it should be done in 5.

Commissioner Richardson stated, I understand that but what I'm saying is there needs to be some communication back to the applicant within 5 days even if you just say that this one is going to be a humdinger and it is going to take me two months.

---

Commissioner Fitzgerald stated, you could get more days if you used 7 business days. That way, rather than having 5 calendar days, if you use business days then it is actually 5 physical working days rather than just 5 days in a week.

Principal Planner Angeli Paladino stated, that is what it says now. It says working days.

Commissioner Richardson stated, I think what concerns me is, in looking at various codes for different cities, Grants Pass tends to give itself deadlines and then cannot meet them. When you look at how some of the other cities establish their codes, they do a lot more of "work with us, give us a date" instead of "thou shalt be done in 10 days." That is the notion.

Commissioner Kellenbeck stated, I think at least a few of those came out of the CD task force. That was the "angry mob" of building and developing and banking professionals that said just let us know what it's going to be done and will stay out of your hair. They did not like that open ended, "well, we will work with you" responds because it was to open. I wanted to say that I do think that 20 days is fair, especially if staff is confident that they can meet that deadline because then you are not ending up in that great area where the customer is expecting a certain deadline and it goes beyond it. The reason I would support that is because sometimes part of the research is networking with other departments and to take in this request is an application, do the research, and then possibly take it to the site plan review committee and then process it into information that the customer is expecting... I can easily see how it could become that timeframe.

Principal Planner Angeli Paladino stated, this is all right him and days and if you would like to change that than that is what we will forward on but 20 days is a reasonable time frame in our mind -- and we will workshop this.

Commissioner Kellenbeck stated, I have another question for you about that Principal Planner Angeli Paladino, addressing Commissioner Richardson's concern, which is that since it is coming in and being treated more closely like an application, possibly then it would be appropriate to put it on that same type of letter of completeness idea where you take the application in, it gets entered in and goes to the director, a letter automatically gets sent out saying we have received your application and we are expecting your answer to be on a certain date and it might be that 20 days. But in writing it will say September 27, 2009, and it goes in the mail so the applicant has that for their records. Would that be something to look at?

Principal Planner Angeli Paladino stated, we should add that into the language then.

Commissioner Kellenbeck stated, yes, it would be approximately within five days. It's like when you submit your application by Friday then the letter goes into the mail by Monday right?

Principal Planner Angeli Paladino stated, we can talk about that at the workshop. Do you want that in the next two weeks or do you want that... the expectation was that the City Council was hoping to see this in October -- that is what we told them earlier this summer -- so maybe on the 23rd?

Commissioner Arthur stated, it would help to find out what the goal of the City Council was, what they're hurry or interest -- primary interest is -- and that might determine how fast we can get it done.

Commissioner Kellenbeck stated, their interest is to make sure that the residency is clarified.

Chair Bertant stated, I don't know that we necessarily need a workshop as much as... I mean this was drafted, Senior Planner Schauer looked at this and went through it and put this together right? There is a lot of discussion on the record here certainly providing guidance to him as to what some of the concerns

were. I think the issue of the CIC and all of that is kind of separate from this, aside from whether we meet Goal One in this. I think the issue of cleaning up the language and all of that does not necessarily need finalizing any decisions about CIC in CAC but in terms of issues about the term and residency requirements, in terms of County involvement maybe all of those can be accomplished by either a revised recommendation or some explanation with that as to why the Code constrains us to do this or why this decision was made and then we can act on it from there without necessarily doing a workshop. Because the workshop implies that we are going to talk about it and then it is going to come back again for a final draft and decision and I don't know if we want to do a two-step process on that.

Commissioner Arthur stated, maybe we should just go ahead and afford the parts that do not apply to geographic... there is absolutely nothing in the ORS that refers to geographic diversity. That is the CIC requirement. If we could do everything and remove that geographic language out of their and the CIC's CAC, Goal One citizen involvement part, I think everybody would be ready to move ahead with the other. The ordinance is extremely specific about the requirements for the job in terms of where you get your income from and that sort of thing, what you do, and the IGA was very clear about being a resident of the UGB so I don't know what the issue is at this point on those things. If you could arrive at a date...

Principal Planner Angeli Paladino stated, if I could just clarify one thing about the geographic conversation. On page 452 it talks about, "members of the Urban Area Planning Commission shall reside within the urban growth boundary, whether within the city limits or the urbanizing area, whether appointed by the City or County a member may reside anywhere within the urban growth boundary area. Appointments should generally strive to provide for geographic representation throughout the urban growth boundary area." I think that is the only location where talked about geography in a general context but under criterion... see on page 437 is where talked about citizen diversity and interests and all of that stuff. Are you not happy with the response to the criteria and not necessarily the text change?

Commissioner Arthur stated, the one on page 452 I don't think that is appropriate at all. It is coming from, sourcing from this statement at the bottom of 439 that says, "this does not specifically address the composition of the Planning Commission; however, Resolution #1748..." -- you know, the resolution



that made us be the CIC or the CCI – “therefore, the composition of the Committee should also reflect the role of the Planning Commission as the Citizen Involvement Committee.” But the citizen involvement committee does not require geographic diversity, it is the CACs that report to the CCI that require the geographic diversity, not the CIC itself.

Principal Planner Angeli Paladino stated, it sounds like I am hearing that there are responses to the criterion that are not adequate in that language about...

Commissioner Arthur stated, that one on page 452 where it said, "Appointments should strive to provide geographic representation throughout the urban growth boundary." There is no basis for that. For appointing the Commissioners in that way.

Principal Planner Angeli Paladino stated, unfortunately the language doesn't even mean anything. It says "strive." It is aspirational language.

Commissioner Arthur asked, but where did it come from?

Chair Berlant stated, it comes from the concept that we have wards.

Principal Planner Angeli-Paladino stated, it also talks about that in ordinance #4399 from 1981.

Commissioner Arthur stated, but it is a misunderstanding of the whole process if that is the case.

Chair Berlant stated, I think that that may be, to my mind, confusing a couple of different concepts there but I don't think it is necessarily wrong. The idea... I don't think it is necessarily accurate anymore that the City Council... the wards that we have for the City Council reflect anything in reality now. Way back when, it was more representative of where the population was and it kind of equalized it out but now with the growth, you know, out in Redwood area and all of that, the wards, if that is what it is trying to achieve, need to be redistricted and we need something new. But I think that was a carryover from that, that different areas of the City had different interests. Now it would be like, if everybody on the Commission was from the Northeast end of town, the people in Redwood area would not feel like they were being adequately represented on this Commission. That is all this says, let's try to keep a balance... whether it means anything or not.

Commissioner Arthur stated, but it's just not workable to balance the list of realtors and developers and all of those and the geographical list at the same time -- it isn't functional.

Commissioner Fitzgerald stated, the idea is that the Urban Area Planning Commission, as it states in here, is to take care of that urban growth boundary area. That is what it is for, in and out of the City limits. That is what it says it is to do. That is its job, just like the historic buildings committee. Their job is to take care of historic buildings. Regardless of where they end up in the City, that is their job. I suppose the reason they would have different categories and the State is looking at the Planning Commission having different categories is so there is a balance. So it is not lopsided one way or the other, there is a balance of different players and backgrounds and ambitions and genders perhaps. That is why that is done and I think that works but when you start putting in the geographic, Commissioner Arthur is right that the CACs up to the CICs are the ones where that whole demographic thing is handled. Down there. This board up here talks about just the urban growth boundary, that is its job. Just like the Historic Buildings Committee is just historic buildings and parks is just parks.

Commissioner Richardson stated, when you look at it from a big picture, if in fact we are the citizen involvement group then you have to say something to the effect of geographic diversity because that reinforces the notion that it covers the entire community. Yes, it is aspirational language but it also helps

demonstrate... if someone from a citizen involvement committee, a guru, came in and asked who is your citizen involvement committee? And you said, "It is the Urban Area Planning Commission and here is how we pick them based on their jobs, we strive to represent the city. They do represent the City in here is the language that says how we strive to do it. Therefore, we have met your goal and objective." You know that it has not been... but that's what the Council said that is what we are here for and the language in our documentation reflects that. You take that language out, it no longer reflects it.

Commissioner Arthur stated, it is not the CIC, it is the CAC that carries the geography and there is absolutely nothing in ordinance #4399. When Mr. McGregor was Mayor, he did not say anything about geographic representation on it. It is not in there.

Principal Planner Angeli Paladino stated, it is part of Exhibit A. at the top, "The members of the Urban Area Planning Commission shall reside or own property within the urban growth boundary and the residents of Josephine County, and shall generally represent the four wards of the city of Grants Pass in their future expansion..."

Commissioner Arthur asked where she was reading that from.

Principal Planner Angeli Paladino stated, it is number one at the top.

Commissioner Arthur asked, so that is part of that ordinance?

Principal Planner Angeli Paladino stated, Exhibit A is ordinance number #4399.

Commissioner Kellenbeck stated, I have a question for Commissioner Arthur. Are you comfortable with everything else in here except for...

Commissioner Arthur stated, except for that line on 452.

Commissioner Kellenbeck asked, so you don't like that the "appointments should generally strive"?

Commissioner Arthur stated, right, because there is no reason for that. It is the CACs they carry the geography.

Commissioner Kellenbeck stated, if we were to make a recommendation on to the city Council tonight and have the workshop about the CACs and take some initiative and direction as the Urban Area Planning Commission and develop a plan and suggest that on to the Council that they adopt a policy about it. Separate that issue out from this? I have to say that even with that concept, and I agree we should spend some time looking at it, I disagree with pulling out the statement. I think that "generally strive" is a great way to look at it because, like Chair Berlant said, if we don't generally strive for that -- I wouldn't want to box it in because you want to take the best available applicant at the time, but to generally strive for that makes a ton of sense because it would be horribly lopsided if every one of us resided in the Northeast side of town. So "generally striving" sounds like nice language to me and I would for that on.

Commissioner Arthur stated, it depends upon how the future City Council interprets it. I think the view that you should pick the most qualified person regardless of where they live, and if they are representing their areas, they are not going to let Redwood be left out in the cold totally.

Commissioner Richardson asked, so where do we stand? Can I move to accept this as it stands? Let's take a vote or do something. I move that we accept this as proposed.

Commissioner Kellenbeck stated, you mean recommend we move it forward to the City Council for approval? Okay, I will second the motion.

Chair Berlant noted there is a motion and a second. He asked if there was need for further discussion. Seeing none, he called for the vote.

#### MOTION

It was moved by Commissioner Richardson and seconded by Commissioner Kellenbeck that the amendment be recommended to the City Council for approval as written and the vote resulted as follows: Berlant, Kellenbeck, Fowler and Richardson. "NAYS": Arthur and Fitzgerald. Abstain: None. Absent: Fedosky. The motion has passed.

Chair Berlant noted the item will be moving on to the City Council.

#### 5. CITIZEN INVOLVEMENT COMMITTEE:

- a. Items from the Public: None.

#### 6. ITEMS FROM STAFF:

Principal Planner Angeli Paladino asked, did I hear a request for a workshop on CACs and CICs? Okay, got it. I have nothing else.

#### 7. ITEMS FROM COMMISSIONERS:

Commissioner Richardson stated, I was really, really pleased to see tonight that they are tearing down that building that I worried about on the corner of Daisy Lane and Redwood. I did have a question, they were not there tonight but parked in the parking lot at the Texaco right there next to the fairgrounds has been this chicken taco stand. We have not had a Board of Health meeting for me to ask the Board of Health whether or not they were routinely inspected but when somebody does that, when I'm sure they worked out a deal with the Texaco people that they could park their mobile taco stand, there is a city itinerant peddlers license required is there not?

Principal Planner Angeli Paladino stated, yes, and it is for limited days as well.

Commissioner Richardson stated, because they were they are probably the better part of two months and I'm not sure but they still don't show up during the day so I thought I would highlight that somebody because I'm not sure there being... and I asked Denise Terrell at the Board of Health too about people just coming in and setting up a food stand like that. I am just passing it on as an issue.

Commissioner Arthur stated, I will send you an article I saved from some time ago and I send it to Jim Huber, I don't know if I send it to you at the time, but it was about this issue which in some communities is a huge problem because they are taking away business from the established businesses with mobile food vendors. We obviously, at least I don't think we have anything covering that. A couple years ago when I sent that it was...

Commissioner Richardson stated, we do have a peddler's license that people are required to get but it was a Board of Health thing and I know that Jackie at the County fairgrounds is adamant that everybody has to have their temporary permit but I just wasn't sure about the people who set up shop. I suppose they paid the Texaco people something in order to use their parking lot.

Principal Planner Angeli Paladino stated, for the itinerant use we require that they talk to Finance to make sure that they need a peddlers license or not. In some instances they don't. But in all instances, they do need to provide a copy of their business tax. If they are making money doing that, then they should have that as well with the City so there are some checks and balances.

Commissioner Fitzgerald stated, I would like it to reflect that we talked about this ordinance #4399 and it would just seem logical to me that the reason 4399 is there is because the City is the one who adopted the ordinance and wished to put it in place and the ordinance says, "An ordinance establishing an Urban Area Planning Commission, providing for rules and regulations for the government and maintenance of said planning commission, proscribing the powers and duties of said commission and repealing ordinance #1169. Whereas the City of Grants Pass and Josephine County did execute a joint urban area service management agreement by which the parties thereto agree to establish an Urban Area Planning Commission to deal with land use activities and planning within the Grants Pass urban growth boundary area." The idea is this ordinance would be adopted by the City, it certainly couldn't be adopted by the Board of County Commissioners, so where else would you get the power to come from. You say that the City had this ordinance, therefore, they can change it. I say that the ordinance is the product of an agreement that was worked out between the two bodies. That is why I think it needs to be reviewed and so that is why I say it needs to be that way. This is that agreement.

Principal Planner Angeli Paladino asked, can I say something to that? This is from April 1981, the intergovernmental agreement was in 1988.

Commissioner Fitzgerald stated, they were trying to establish it for all those years. I was working in here in the early 1990s. It was absolutely unbelievable. Talk to Jim Huber sometime. He and I used to go around and around and around. I would bring him a deal and he would send it over to the County and they would say no, no, no, that has to go to the City." You would end up doing two completely different applications trying to figure out this part might go here and this part might go...and in the end the party that said, "Go to the other one," always had something to say at the very end of it. That was that whole process. I'm telling you this was the beginning of it, the genesis of it that carried through.

— — — — —

This is why you would see an agreement and an ordinance drafted and adopted by the City. It was because it was their jurisdiction to draft this to reflect what had been agreed. It would be natural. It would not say "Adopted by the Commissioners of Josephine County" and imposing it upon the City. That couldn't possibly take place.

Commissioner Arthur stated, I still think if they get to a 0.4 of ours, we should get to a 0.4 of theirs and maybe we could keep these little bitty lots from encircling us and get some streets that go through, and all of those things.

Commissioner Kellenbeck stated, I just discovered that one of those things in the back of that text is that the chair or vice chair is supposed to make an annual or semi-annual presentation to both the Board of County Commissioners and the City Council, and I think certainly the City Council sees many of us every once in awhile but that might be an opportunity, semi-annually to make a presentation to the Board of County Commissioners and address those concerns coming out of this body.

Chair Berlant stated, I do think that is an appropriate role for the vice chair (laughter). I got notice of a hearing we are going to be doing as being a property owner – and I am sure some other people did too – on the flood, whatever, and I just wanted to make sure when that comes up that those of us who received notice... I think it is legislative... I don't know that there is any conflict but if you could make sure about that when it comes time for the hearing whether we can hear it or not.

Principal Planner Angeli Paladino asked, so do you mean you want me to check in with the City Attorney on that because it is actually the next hearing.

Chair Berlant stated, yes, it is a notice of a public hearing that has to do with flood...



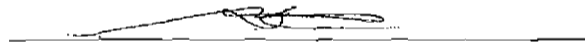
Principal Planner Angeli Paladino stated, it is a Type IV hearing. There are 2 notices on that same one. It says September 23 and November 4. We are required by the State and Federal to adopt the new Federal Insurance Rate Maps and the Flood Insurance Study by December of this year. If not, the City is in jeopardy of losing its status in the National Flood Insurance program which affects your insurance rates.

Chair Berlant asked, but the September 23 meeting is a Planning Commission meeting right? Okay, so if Commissioner Arthur received that notice and I received that notice that we may be affected property owners, does that prevent us from hearing it? It says that there may be an impact.

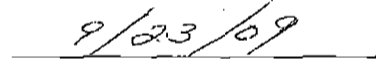
Principal Planner Angeli Paladino stated, I will talk to the City Attorney about that.

8. ADJOURNMENT:

There being no further business to come before the Commission, Chair Berlant adjourned the meeting at 9:35 p.m.



Gary Berlant, Chair  
Urban Area Planning Commission



Date

These minutes were prepared by contracted minute taker, Wendy Hain.

**Planning Commission/  
Director's Interpretation**

**Development Code Amendment and  
Comprehensive Plan Amendment  
09-40500005**

Planning Commission Hearing  
September 9, 2009

**Proposal**

1. Amend provisions pertaining to residency, etc. for Planning Commission
  - Amend Comprehensive Plan and Development Code, incorporate & consolidate provisions of Ordinance 4399, and repeal conflicting and duplicate provisions of various ordinances and resolutions
2. Extend time for issuance of Director's Interpretation from 5 days to 20 days

**Criteria for Amendment**

(Comprehensive Plan § 13.5.4)

- a) Consistency with other findings, goals and policies in the Comprehensive Plan.
- b) A change in circumstances, validated by and supported by the data base or proposed changes to the data base, which would necessitate a change in findings, goals and policies.
- c) Applicable planning goals and guidelines of the State of Oregon.
- d) Citizen review and comment.
- e) Review and comment from affected governmental units and other agencies.
- 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.
- g) Additional information as required by the review body.
- h) In lieu of item (b) above, demonstration that the Plan as originally adopted was in error.

**Criteria for Amendment**

(Development Code § 4.103)

- 4.103. **Criteria for Amendment.** The text of this Code may be recommended for amendment and amended provided that all the following criteria are met:
- (1) The proposed amendment is consistent with the purpose of the subject section and article.
  - (2) The proposed amendment is consistent with other provisions of this Code.
  - (3) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.
  - (4) The proposed amendment is consistent with the functions, capacities and performance standards of transportation facilities identified in the Master Transportation Plan.

**Recommendation  
and Procedure**

- Recommend Approval of the proposed amendment as presented in Exhibit 2.
- The hearing will be conducted in accordance with procedures for legislative hearing.

**Planning Commission Amendment**

- Initiated by City Council to change residency requirements—
  - Must reside within UGB, not just own property in UGB (Consistent with existing provisions of IGA, Resolution 4120)
  - Repeal provisions for reciprocal confirmation of City/County appointments
  - Revise provisions for geographic representation within UGB
- Amend Comprehensive Plan and Development Code, also incorporating provisions related to UAPC contained elsewhere
  - (Incorporate provisions governing UAPC that were in Ordinance 4399)
- Once incorporated and reconciled, repeal other freestanding ordinances and resolutions related to UAPC that duplicate or conflict
- All provisions pertaining to UAPC will be consolidated and consistent

**EXHIBIT C**<sup>1</sup>  
to PC F.O.F.

### Director's Interpretation Amendment

- Initiated by Director
- Development Code Amendment
- Extends time period for issuance of formal written Director's interpretation of the Development Code from 5 days to 20 days.
- Provides reasonable time to review and research issue, obtain opinion from City Attorney as required by Code, and prepare written interpretation.

### Conclusion of Presentation

- Questions for staff?
- Public testimony

EXHIBIT C1<sup>2</sup>  
to PC F.O.F.



City Council Meeting  
October 21, 2009  
6:00 PM  
City Council Chambers

The Council of the City of Grants Pass met in regular session on the above date with Mayor Murphy presiding. The following Councilors were present: Cummings, Wheatley, Renfro, Boston, Hitchcock, Gatlin, Michelin, and Webber. Absent: None. Also present and representing the City were City Manager Pro Tem Samson, Interim City Attorney Bartholomew, Finance Director Reeves, Public Safety Director Henner, Interim Community Development Director Angeli Paladino, Parks and Community Services Director Seybold, Public Works Director Haugen and Human Resources Director Lange.

The invocation was given by Councilor Boston, followed by the Pledge of Allegiance.

Proclamations:

**Domestic Violence Awareness Month**

Mayor Murphy read the proclamation for Domestic Violence Awareness Month. Rachel Williams thanked the City Council for giving the Women's Crisis Support Team the opportunity to address this issue at the City Council meeting and proclaim October as Domestic Violence Awareness month. She then went on to explain the importance of domestic violence awareness.

**Red Ribbon Week**

Mayor Murphy read the proclamation for Red Ribbon Week. Shawn Martinez thanked the Mayor for the proclamation. She stated that the Commissioners are also doing a proclamation for us tonight at the same time. She noted Red Ribbon Week as October 23 through the 31st. She then went on to give the schedule of events for the week.

**Presentation: Recognition of Concerned Fathers Against Crime**

Director Henner gave background about Concerned Fathers Against Crime and presented a certificate of appreciation to CFAC. Deputy Chief Landis described an incident at Councilor Boston's church where CFAC was involved and how effective they have been over the years.

1. **PUBLIC HEARING:**

- a. Ordinance adopting a Development Code and Comprehensive Plan Text Amendment to amend the residency requirements for persons appointed to the Urban Area Planning Commission and to amend the time frame for issuance of Director's Interpretations.

---

City Council Meeting  
October 21, 2009

EXHIBIT B  
to CC F.O.F.

Mayor Murphy stated, Item 1(a) is a hearing that is going to be continued until November 4, so I need a motion. Councilor Cummings made a motion to continue the item until November 4 which was seconded by Councilor Renfro. Mayor Murphy called for a vote.

#### MOTION

It was moved by Councilor Cummings and seconded by Councilor Renfro that the hearing be continued until November 4 and the vote resulted as follows: "AYES": Renfro, Wheatley, Gatlin, Hitchcock, Michelon, Boston, Cummings and Webber. "NAYS": None. Abstain: None. Absent: None.

Having received a favorable vote, Mayor Murphy declared the motion to have duly passed.

- b. Ordinance adopting a Development Code text amendment to require the verification of property line location with certain variance applications.

Mayor Murphy stated, this is a legislative land-use hearing and at this time I will open the public hearing to consider the application. We will begin the hearing with a Staff report followed by a presentation by the applicant, statements from persons in favor of the applicant, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. Once that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Council. Mayor Murphy asks if there is anyone present who wishes to challenge the authority of the Council to hear this matter. Seeing none, Mayor Murphy asks if there are any additional Council members who wish to abstain from participating in the hearing or declare a conflict or a potential conflict of interest. Seeing none, he stated that's all we need and called for a Staff report.

Interim Community Director Angeli Paladino stated, the application before you this evening is a Development Code Text Amendment. We are looking at is revising Article 6 of the Development Code to specify property line location verification with variance applications. A little bit of background, the Planning Commission did initiate this Text Amendment in November of 2008. Staff then took that initiation and then moved forward producing some language to revise the Development Code. The reason for their initiation was that they had reviewed several land-use applications, specifically variance applications, where the property line location was unknown and at the time the applicants were not willing to provide survey information to actually tie those applications together. To date there is no requirement to submit evidence of property line location with a variance application, even if the variance is to a standard; specifically, something measurable, like a setback. The amendment is intended to ensure that the review body has adequate information so that when they are reviewing those cases they know exactly where the property lines are and where those setbacks are going. The criteria for the amendment this evening is 4.013 of the Development Code. Those criteria have been addressed in detail in the Staff report for the Planning Commission and they have looked at those and reviewed those and found those to be satisfied.

EXHIBIT B1  
to CC F.O.R.

**Exhibit C to City Council Findings of Fact**

**Minutes from November 4, 2009  
Not Yet Available**

**Urban Area Planning Commission  
Provisions &  
Timeframe for Director's Interpretations**

**Development Code Amendment and  
Comprehensive Plan Amendment**

City Council Hearing  
09-40500005  
Wednesday, November 4, 2009  
Presented by: Carla Angeli Paladino

**Proposal**

1. Amend the provisions governing the composition of the Urban Area Planning Commission; specifically clarify residency requirements for appointees
  - Amend Comprehensive Plan and Article 7 of the Development Code; old ordinances and resolutions have been consolidated; Ordinance 4399 and Resolution 4126 will be repealed with proposed new Ordinance
2. Extend timeframe for issuance of Director's Interpretation from 5 days to 20 days
  - (Amends Article 1 of the Development Code)

**Criteria for Amendment**

(Comprehensive Plan § 13.5.4)

- a) Consistency with other findings, goals and policies in the Comprehensive Plan.
- b) A change in circumstances, validated by and supported by the data base or proposed changes to the data base, which would necessitate a change in findings, goals and policies.
- c) Applicable planning goals and guidelines of the State of Oregon.
- d) Citizen review and comment.
- e) Review and comment from affected governmental units and other agencies.
- 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.
- g) Additional information as required by the review body.
- h) In lieu of item (b) above, demonstration that the Plan as originally adopted was in error.

**Criteria for Amendment**

(Development Code § 4.103)

- (1) The proposed amendment is consistent with the purpose of the subject section and article.
- (2) The proposed amendment is consistent with other provisions of this Code.
- (3) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.
- (4) The proposed amendment is consistent with the functions, capacities and performance standards of transportation facilities identified in the Master Transportation Plan.

**Planning Commission Amendment**

- Original Direction - Amendment Initiated by City Council in May 2009
  - Council wanted to clarify residency requirements for members appointed to Commission
  - Different requirements for residency found in different Ordinances, Resolutions, and the IGA
  - Council wanted to be consistent with the 1998 IGA provisions & Res. 4126
    - Members appointed to Commission must reside within the UGBA
  - Staff moved forward with making the changes and consolidated/eliminated any other conflicting or duplicate provisions
- Planning Commission reviewed and recommended approval of those original changes.
- After PC hearing, staff was contacted by the County; Proposed changes in conflict with their ordinance related to the UAPC; County did not want to support a change that would include amending their ordinance
  - County ordinance would allow PC member to reside or own property within UGBA

**PC Amendment continued**

- Proposal modified after discussions held between City and County
- Residency requirement now addresses City and County Appointees separately
  - City Appointees to reside in UGBA
  - County Appointees to reside or own property in UGBA
- Provisions found in Ordinance 4399 & Resolution 4126 have been incorporated into the Development Code

**EXHIBIT D** <sup>1</sup>  
to CC F.O.F.



### **Timeframe for Director's Interpretations**

- Authority to interpret the provisions outlined in the Development Code is given to the Director
- Current timeframe only provides 5 working days for an interpretation to be completed, which includes an opinion provided by the City Attorney
- Proposal would extend timeframe from 5 days to 20 working days
- Provides a more reasonable time to review and research issue, obtain opinion from the City Attorney, and prepare written interpretation.
- Timeframe in line with other Type 1 decisions rendered by the Director

### **Recommendation**

- Adopt the Ordinance proposed to:
  - Amend Article 1 for Timeframe of Director's Interpretations
  - Amend Article 7 & the Comp. Plan Policies document for UAPC Composition & Provisions
  - Repeal Ordinance 4399
  - Repeal Resolution 4126

### **Conclusion of Presentation**

- Questions for staff?
- Comments from the Public

COMMUNITY DEVELOPMENT  
OFFICE OF GRANTS PASS  
101 N.W. "A" ST.  
GRANTS PASS, OR 97526

PRIORITY

*Attention: Plan Amendment Specialist*  
Department of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301 -- 2546



UNITED STATES POSTAGE  
FIRST CLASS  
\$ 05.20  
NOV 20 2009  
0004269384  
02 1M  
MAILED FROM ZIP CODE 97504