



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 10, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Josephine County Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: July 20, 2007

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Jared Voice, Josephine County
Michael Snider, Josephine County

<paa> yal

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

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

JUL 02 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Grants Pass Josephine County Local File No.: 06-40400001 (City) (If no number, use none)

Date of Adoption: 6/20/2007 (City), 6/27/2007 (County) Date Mailed: 6/29/2007 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1/25/2007 + 2/14/2007

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: UGB Amendment
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Amendment of the Urban Growth Boundary to include an additional 0.68 acres of residential land and 0.52 acres of adjacent street right-of-way. The included land will have a Zoning designation of R-1-8 and Comprehensive Plan map designation of LR (Low Density Residential.)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." Same.

Plan Map Changed from: Residential to LR (Low Density Residential)
Zone Map Changed from: RR-5 to R-1-8
Location: Upper River Rd. + Ford St., Josephine County Acres Involved: 1.2 acres (including R.O.W.)
Specify Density: Previous: 0.2 d.u./acre New: 5.4 d.u./acre
Applicable Statewide Planning Goals: Goals 1, 2, 10, 11, 12 and 14
Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 001-07(15969)

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

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: Josephine County,
Grants Pass Irrigation District

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

Address: 101 NW "A" St.

City: Grants Pass Zip Code+4: 97526

ADOPTION SUBMITTAL REQUIREMENTS

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

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

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

ORDINANCE NO. 5403

AN ORDINANCE INCLUDING APPROXIMATELY 0.68 ACRES OF LAND, PLUS ADJACENT PUBLIC RIGHT-OF-WAY, WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF GRANTS PASS IN JOSEPHINE COUNTY, OREGON, AND ESTABLISHING A CITY COMPREHENSIVE PLAN MAP DESIGNATION OF LOW DENSITY RESIDENTIAL (LR) AND CITY ZONING MAP DESIGNATION OF R-1-8 FOR THE INCLUDED LAND.

WHEREAS:

- (1) The Comprehensive Plan of the City of Grants Pass was adopted December 15, 1982. The Development Code of the City of Grants Pass was adopted August 17, 1983; and
 - (2) The Intergovernmental Agreement for the Orderly Management of the Grants Pass Urban Growth Boundary Area was executed by Josephine County and the City of Grants Pass in August of 1998; and
 - (3) The Agreement contains provisions for amendments to the Comprehensive Plan as it pertains to the Urban Growth Boundary; and
 - (4) The owner of the subject property has requested the Urban Growth Boundary, Comprehensive Plan Map and Zone Map amendments; and
 - (5) Inclusion of property within the Urban Growth Boundary shall be enacted only after agreement by the Board of County Commissioners and the City Council in accordance with plan and ordinance amendment procedures as jointly agreed to by each jurisdiction; and
 - (6) In terms of the physical conditions and characteristics, location and availability of services, the property is appropriate for the proposed designations; and
 - (7) The proposed amendments have been done in accordance with applicable State Statutes, State Administrative Rules and local plan and ordinance amendment procedures; and
 - (8) Per State Administrative Rules 660-024-0000 (3c) and 660-018-0020, notice being sent to the Oregon Department of Land Conservation and Development (DLCD) at least 45 days prior to the first evidentiary hearing constitutes local government initiation of an Urban Growth Boundary amendment. The first evidentiary hearing was held before the Urban Area Planning Commission on April 11, 2007; notice of the proposed Urban Growth Boundary amendment was mailed to DLCD on January 25th, 2007, and a revised notice was mailed on February 14th, 2007, both of which exceed the required 45 days; and
-

- (9) State Administrative Rule 660-024-0000 became effective on April 5, 2007, and the proposed Urban Growth Boundary amendment was initiated by the City prior to this date; thus, the City has chosen not to apply State Administrative Rule 660-024-000 to the proposal; and
- (10) The applicable criteria listed in the Comprehensive Plan and the Development Code have been satisfied.

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

Section 1: The Urban Growth Boundary is hereby amended to include the property identified by Assessor's Map and Tax Lots 36-06-13-13 / 241 and 242. All of tax lots 241 and 242 and adjacent rights-of-way, shown in Exhibit "A", to be entirely within the Urban Growth Boundary of the City of Grants Pass; and

Section 2: The City of Grants Pass Comprehensive Plan Map is hereby amended to include tax lots 241 and 242 entirely within the Low Density Residential (LR) Comprehensive Plan Map designation, as shown in Exhibit "B"; and

Section 3: The City of Grants Pass Zoning Map is hereby amended to include tax lots 241 and 242 entirely within the R-1-8 zoning district, as shown in Exhibit "C", and

Section 4: Record: After County adoption, the City shall submit to the Department of Land Conservation and Development: (1) a copy of this Ordinance, (2) a copy of the County Ordinance, and (3) two copies of a complete set of the Findings of Fact.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session, this 6TH day of June, 2007.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 11 day of June, 2007.


Len Holzinger, Mayor

ATTEST:


Administrative Services Director

Date submitted to Mayor: 6/11/07


Approved as to Form, Kris Woodburn, City Attorney

Copeland UGBA / CPZMA 36-06-13-13-241 & 242 Vicinity Map

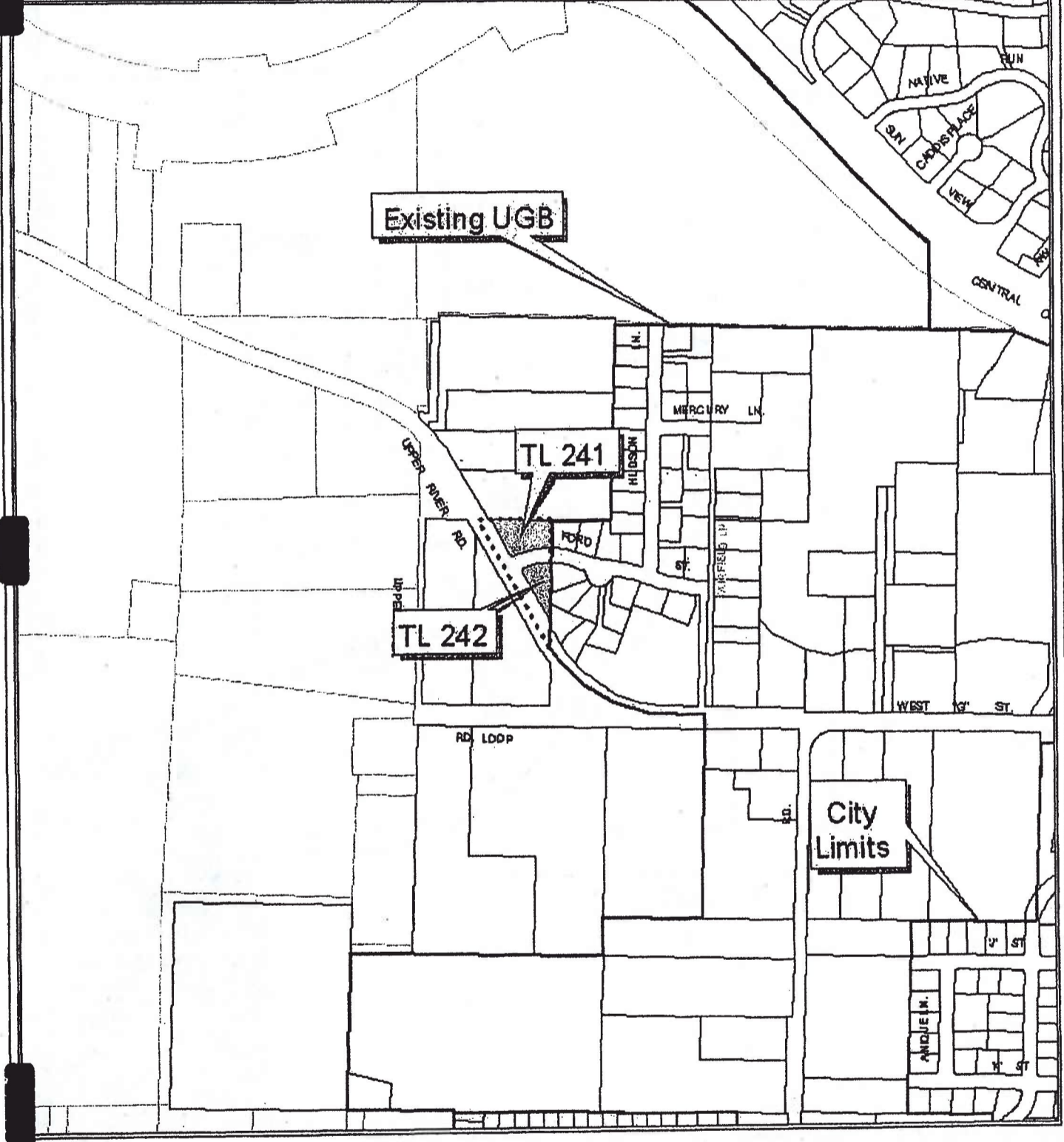
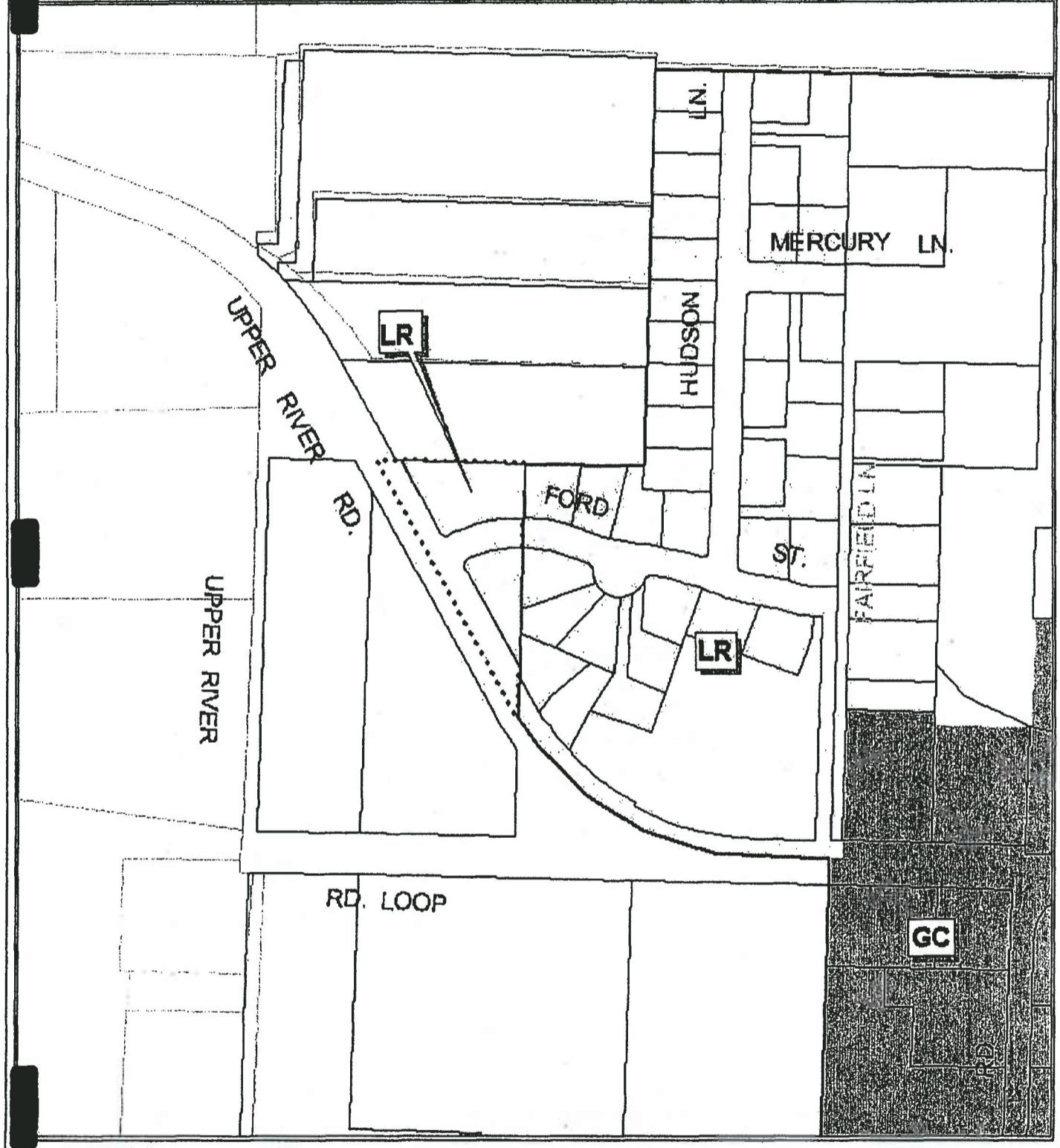


EXHIBIT A

Copeland UGBA / CPZMA
36-06-13-13-241 & 242
Comprehensive Plan Map Amendment



MAINTAIN THE QUALITY OF LIFE



200 0 200 400 Feet



EXHIBIT B

Copeland UGBA / CPZMA
36-06-13-13-241 & 242
Zoning Map Amendment

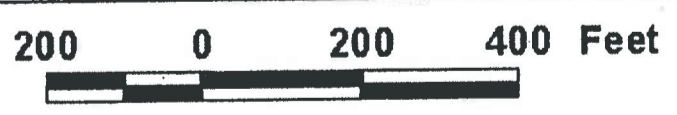
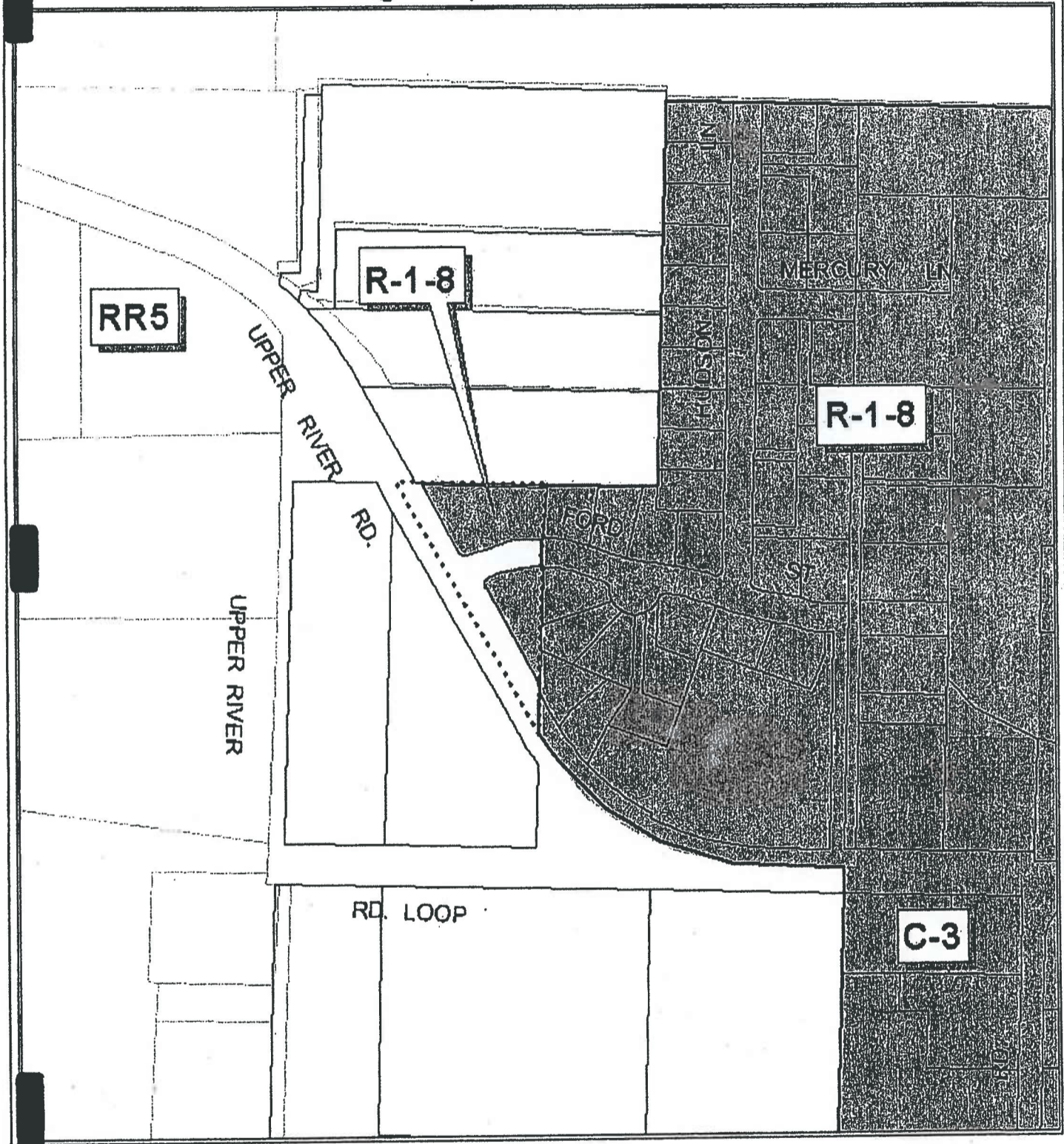


EXHIBIT C

**BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON**

ORDINANCE NO. 2007-0010

AN ORDINANCE AMENDING THE JOSEPHINE COUNTY URBAN GROWTH AREA COMPREHENSIVE PLAN (ORDINANCE 81-20, AS AMENDED), TO INCLUDE 1.2 ACRES OF LAND WITHIN THE GRANTS PASS URBAN GROWTH BOUNDARY. THE LAND TO BE INCLUDED IS OWNED ROBERT S. COPELAND AND CONSISTS OF TWO TAX LOTS DESCRIBED IN THE JOSEPHINE COUNTY ASSESSOR RECORDS AS 36-06-13-13, TAX LOTS 241 AND 242, TOGETHER ADJACENT PUBLIC RIGHT OF WAY.

WHEREAS, the City of Grants Pass and Josephine County have entered into an intergovernmental agreement, entitled Intergovernmental Agreement for the Orderly Management of the Grants Pass Urban Growth Boundary Area, dated August 5, 1998, hereafter referred to as the IGA; and

WHEREAS, the IGA states that one purpose is to enable the County and City to work together to encourage the timely, orderly and cost effective transition from rural to urban level of development and services; and

WHEREAS, the IGA also provides, at Section IV, LAND USE MANAGEMENT, Subsection 5, that adjustments to the boundary shall be jointly made by the City and County using procedures and criteria contained in Section 13.6 of the Grants Pass and Urbanizing Area Comprehensive Community Development Plan Policies, hereafter referred to as the Policies; and

WHEREAS, the Robert S. Copeland initiated the subject application for a minor amendment the Grants Pass Urban Growth Boundary as described herein, as authorized in the Policies, at Section 13.6.5(a)(3); and

WHEREAS, in conformance with all applicable land use procedures and requirements, the City of Grants Pass published and provided all required land use hearing notifications for review and recommendation by the Grants Pass Urban Area Planning Commission, which thereupon reviewed and recommended approval of the request during a public hearing held on April 11, 2007, at the Grants Pass City Council Chambers; and

WHEREAS, also in conformance with all applicable land use procedures and requirements, the Board of Commissioners for Josephine County and the Grants Pass City Council mutually considered in joint public hearings on May 16 and June 5, 2007, the subject application for amending the Urban Growth Boundary as captioned above, to include all evidence and applicable criteria, and after respective deliberations, each acted to approve the requested minor amendment to the Grants Pass Urban Growth Boundary as previously documented in the land use findings for each jurisdiction;

NOW, THEREFORE, based on the foregoing, the Board of Commissioners for Josephine County, Oregon, hereby ordains as follows:

SECTION 1: ORDINANCE AMENDED & AREA TO BE INCLUDED

Ordinance No. 81-20 is hereby amended to include within the Grants Pass Urban Growth Boundary the land shown on the attached tax lot map attached as Exhibit A, and as further described by the Assessor's legal map descriptions noted in the caption to this Ordinance.

SECTION 2: CITY TO SUBMIT RECORD

Upon adoption of the Urban Growth Boundary amendment as set forth in Section 1 above, the City of Grants Pass shall submit to the Oregon Department of Land Conservation and Development a copy of this ordinance, a copy of the city's ordinance and three complete copies of the jointly approved Findings of Fact.

SECTION 3: AFFIRMATION

Except as otherwise provided herein, Josephine County Ordinance 81-20 is hereby affirmed as originally adopted and previously amended.

SECTION 4: EFFECTIVE DATE

The first reading of this Ordinance by the Board of County Commissioners occurred this ____ day of _____, 2007.

The second reading and adoption of this Ordinance by the Board of County Commissioners occurred on this ____ day of _____, 2007, at least 13 days from the first reading. This Ordinance shall take effect ninety days from the date of this second reading.

**JOSEPHINE COUNTY BOARD OF
COUNTY COMMISSIONERS**

Jim Raffenburg, Chair

Dave Toler, Vice Chair

Dwight F. Ellis, Commissioner

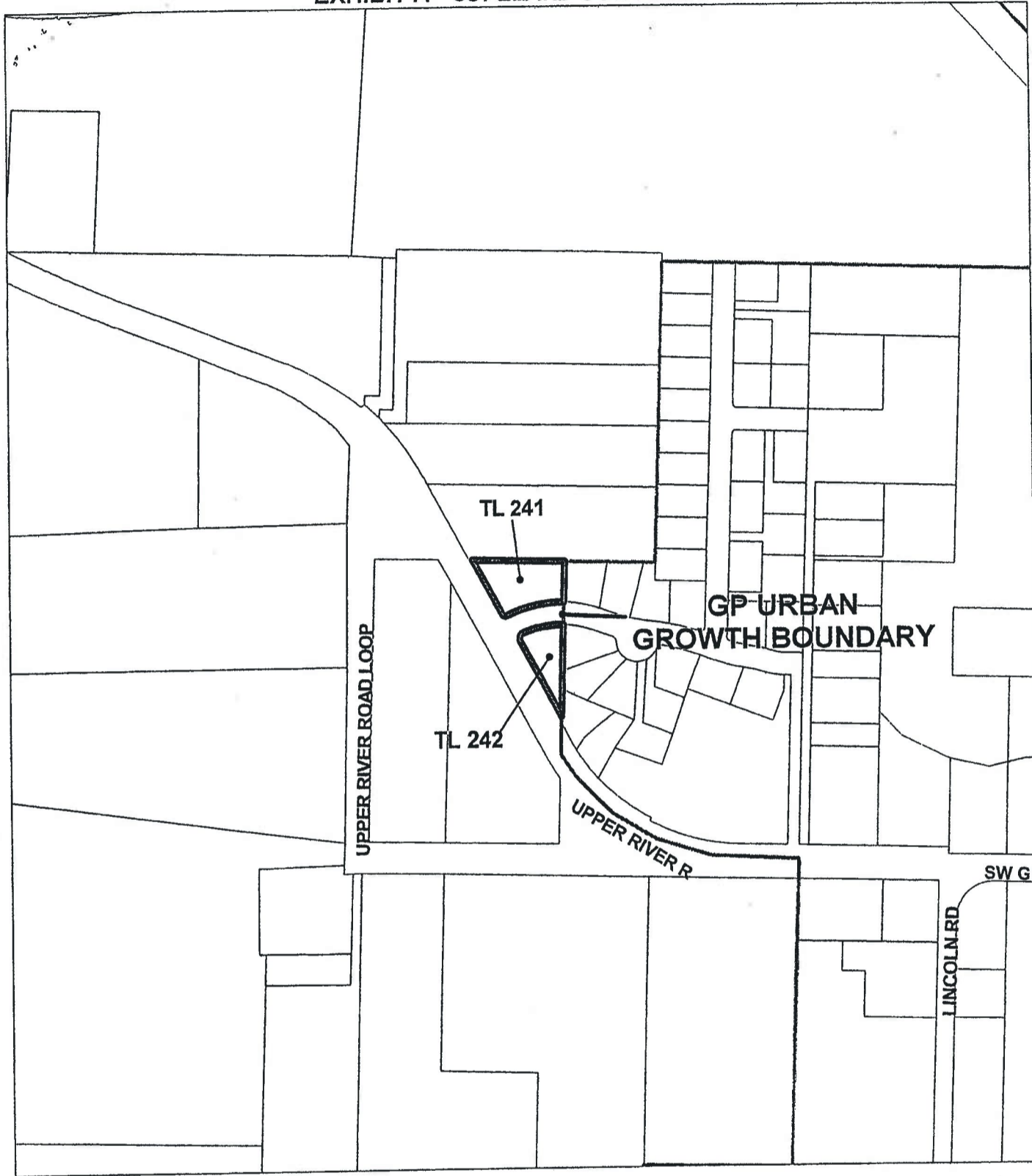
ATTEST:

Recording Secretary

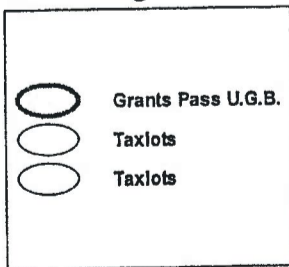
APPROVED AS TO FORM:

Steven E. Rich, Legal Counsel

EXHIBIT A - COPELAND UGB AMENDMENT



Legend



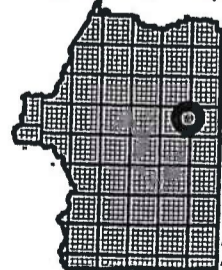
The information on this map is furnished for general interest purposes only. This information is provided without warranties of any kind, express or implied, and it should not be used to support any purchase or other investment. Neither Josephine County, Cave Junction, nor Grants Pass will accept responsibility for any errors or inaccuracies in the depicted information.



Scale
 1:3600



Locator Map



Creation date: Tuesday, June 12, 2007 C:\Puma\puma.apr

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**COPELAND URBAN GROWTH BOUNDARY AMENDMENT
COMPREHENSIVE PLAN MAP AMENDMENT TO LOW DENSITY RESIDENTIAL (LR)
AND ZONING MAP AMENDMENT TO R-1-8
CITY COUNCIL AND BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT**

Procedure Type:	Type V: Planning Commission Recommendation and City Council / Board of County Commissioners Decision
Project Number:	06-40400001
Project Type:	Urban Growth Boundary Amendment, Comprehensive Plan Map Amendment and Zoning Map Amendment
Owner:	Robert S. Copeland
Applicant:	Copeland Paving, Inc.
Representative:	Craig Stone and Associates, Inc.
Address:	Upper River Road (no numbers assigned)
Map & Tax Lot:	36-06-13-13 / 241 & 242
Planner Assigned:	Jared Voice
Application Received:	January 19, 2007
Application Complete:	February 9, 2007
Date of UAPC Hearing:	April 11, 2007
UAPC Findings of Fact:	April 25, 2007
Date of Joint City Council / Board of County Commissioners Hearing:	May 16, 2007 <i>Continued to June 6, 2007</i>

I. PROPOSAL:

A proposed Minor Amendment to the Urban Growth Boundary to include property consisting of 0.68 acres, plus approximately 0.52 acres of adjacent public right-of-way, and to establish on the property a City Low Density Residential (LR) Comprehensive Plan Map designation and R-1-8 Zoning Map designation.

II. AUTHORITY AND CRITERIA:

Sections 13.6 and 13.8 of the Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for Urban Growth Boundary Amendments which propose to include real property within the Urban Growth Boundary.

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.

Section IV of the 1998 Intergovernmental Agreement also provides:

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 hereafter mutually modified by the two governing bodies.

Section 13.8.3 of the Comprehensive Plan provides that for a UGB amendment, the jurisdiction initiating action shall notify the other jurisdiction at least 45 days prior to the initial hearing on the matter before the Urban Area Planning Commission.

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.

The Urban Growth Boundary may be recommended for amendment and amended provided the criteria in Section 13.6.3 of the Comprehensive Plan are met, and provided the proposal complies with all other applicable provisions of state law.

The Comprehensive Plan Map may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan are met.

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

III. APPEAL PROCEDURE:

The final decision of the City Council and Board of County Commissioners may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the written decision of the City Council and Board of County Commissioners.

IV. PROCEDURE:

- A.** An application for a Minor Urban Growth Boundary amendment, Comprehensive Plan Map amendment and Zoning Map amendment was submitted on January 19, 2007. The application was deemed complete on February 9, 2007 and processed in accordance with Sections 13.5, 13.6 and 13.8 of the Comprehensive Plan, Section IV of the 1998 Intergovernmental Agreement, and Section 2.060 of the Development Code.

- B. Notice of the proposed Urban Growth Boundary amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on January 25, 2007. A second notice, clarifying that the proposal also included Comprehensive Plan Map and Zoning Map amendments, was mailed to DLCD on February 14, 2007.
- C. Notice of the proposed amendment was mailed to Josephine County on February 14, 2007 in accordance with the 1998 Intergovernmental Agreement and Section 13.8.3 of the Comprehensive Plan.
- D. Public notice of the April 11, 2007 Urban Area Planning Commission hearing was mailed on March 28, 2007 in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. A public hearing was held by the Urban Area Planning Commission on April 11, 2007 to consider the request. The Planning Commission decided by motion to recommend approval of the request to City Council and the Board of County Commissioners.
- F. Public notice of the May 16, 2007 joint City Council / Board of County Commissioners public hearing was mailed on May 2, 2007 in accordance with Sections 2.053 and 2.063 of the Development Code.
- G. Public notice of the May 16, 2007 public hearing was published in the newspaper on May 9, 2007 in accordance with Sections 2.053 and 2.063 of the Development Code.
- H. A public hearing was held by City Council and the Board of County Commissioners on May 16, 2007. The hearing was continued to June 6, 2007.
- I. A public hearing was held by City Council and the Board of County Commissioners on June 6, 2007 to consider the request.

V. SUMMARY OF EVIDENCE:

- A. The applicant's Findings of Fact and Conclusions of Law, which have been adopted by the City Council and Board of County Commissioners, are attached as Exhibit "A" and incorporated herein.
- B. Additional evidence submitted during the June 6, 2007 public hearing is attached as Exhibit "B" and incorporated herein.
- C. The basic facts and criteria regarding this application are contained in the City Council / Board of County Commissioner staff report and attachments, attached as Exhibit "C" and incorporated herein.
- D. The minutes of the public hearing held by City Council and the Board of County Commissioners on May 16, 2007, which are attached as Exhibit "D", summarize the oral testimony presented and are hereby adopted and incorporated herein.

- E. The minutes of the public hearing held by City Council and the Board of County Commissioners on June 6, 2007, which are attached as Exhibit "E", summarize the oral testimony presented and are hereby adopted and incorporated herein.

VI. GENERAL FINDINGS- BACKGROUND AND DISCUSSION:

State Planning Goal 14 interpretive rule OAR 660, Division 24, became effective on April 5, 2007. Per OAR 660-024-0000 (3b), "a local government may choose to not apply this division to a plan amendment concerning the evaluation or amendment of a UGB, regardless of the date of that amendment, if the local government initiated the UGB evaluation or UGB amendment prior to April 5, 2007." The City initially sent notice of the proposed Minor UGB amendment to DLCD on January 25th, 2007. A second notice was sent on February 14th, 2007 to clarify that the proposal also included Comprehensive Plan Map and Zoning Map amendments. Per OARs 660-024-0000 (3c) and 660-018-0020, notice being sent to DLCD at least 45 days prior to the first evidentiary hearing (held April 11, 2007) constitutes local government initiation of the UGB amendment. Thus the City has the discretion to not apply 660-024 to the proposed amendment. The City has authorized this discretion and is not applying the rule to the case, primarily because the application was first made in October of 2006 and was deemed complete in January 2007, several months prior to the rule becoming effective. Although the interpretive rule is not being applied, the application is still required to comply with Goal 14.

Additional background and discussion is provided in the Planning Commission's Findings of Fact.


VII. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA:

- A. City Council and the Board of County Commissioners concur that the relevant criteria are contained in Section III of Applicant's Exhibit 1 (*Proposed Findings of Fact and Conclusions of Law*, attached as Exhibit "A" to this document.)
- B. City Council and the Board of County Commissioners find that the relevant criteria contained in Section III of Applicant's Exhibit 1 (*Proposed Findings of Fact and Conclusions of Law*, attached as Exhibit "A") are satisfied, based on the findings and conclusions presented in Sections IV and V of same document, and hereby adopt Applicant's proposed findings and conclusions.

VIII. CITY COUNCIL DECISION AND SUMMARY:

The City Council **APPROVED** the proposed Urban Growth Boundary Amendment and establishment of City LR (Low Density Residential) Comprehensive Plan Map and R-1-8 Zoning Map designations on the property. The vote was 8-0-0, with Councilors Berger, Cummings, Kangas, Paquin, Patterson, Renfro, Thompson and Wendle in favor and none opposed.

IX. ADOPTED BY THE CITY COUNCIL this 20th day of June, 2007.



Mayor Len Holzinger

X. **BOARD OF COUNTY COMMISSIONER DECISION AND SUMMARY:**

The Board of County Commissioners **APPROVED** the proposed Urban Growth Boundary Amendment and establishment of City LR (Low Density Residential) Comprehensive Plan Map and R-1-8 Zoning Map designations on the property. The vote was 2-0-0, with Commissioners Ellis and Toler in favor and none opposed. Commissioner Raffenburg was not present at the hearing.

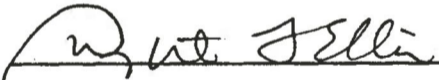
XI. **ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS:**



Jim Raffenburg, Chair



Dave Toler, Vice-Chair (Acting Chair)



Dwight Ellis, Commissioner

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BEFORE THE BOARD OF COMMISSIONERS
AND
GRANTS PASS CITY COUNCIL
JOSEPHINE COUNTY, STATE OF OREGON

IN THE MATTER OF AMENDING THE)
 URBAN GROWTH BOUNDARY FOR THE)
 CITY OF GRANT PASS TO INCLUDE)
 APPROXIMATELY 1.2 ACRES, INCLUDING)
 EXISTING PUBLIC ROAD RIGHTS OF WAY,)
 ESTABLISHING A LOW DENSITY)
 RESIDENTIAL COMPREHENSIVE PLAN)
 MAP DESIGNATION, AND TO CHANGE)
 THE ZONING MAP DESIGNATION FROM)
 JOSEPHINE COUNTY RR-5 TO GRANTS)
 PASS R-1-8 FOR LAND LOCATED)
 ADJACENT TO THE URBAN GROWTH)
 BOUNDARY AT THE INTERSECTION OF)
 FORD DRIVE AND UPPER RIVER ROAD,)
 AND FURTHER IDENTIFIED AS TAX LOTS)
 241 AND 242, TOWNSHIP 36 SOUTH,)
 RANGE 06 WEST (WILLAMETTE)
 MERIDIAN), SECTION 13AC.)
)
)
 Copeland Paving, Inc.: Applicant)
 Craig A. Stone & Associates, Ltd.:)
 Agent)

PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW

Applicant's Exhibit 1

|

NATURE, SCOPE AND INTENT OF APPLICATION

Copeland Paving, Inc., hereinafter "Applicant", seeks to amend the Grants Pass Urban Growth Boundary (UGB) to include property consisting of 0.68 acres and adjacent public road rights-of-way consisting of approximately 0.52 acres,¹ and to establish on the property a *Low Density Residential (LR)* comprehensive plan map designation consistent with the plan designation existing on adjacent land now within the city. Applicant concurrently seeks to change the Grants Pass Zoning Map designation to match the adjacent R-1-8 zoning in the subdivision adjoining the subject property to the east. The subject property is a single parcel²

¹ Approximately 0.25 acres in Ford Drive, and 0.30 acres to centerline of Upper River Road along the frontage of the subject property.

² The subject parcel was formerly identified as Tax Lot 902, Map 36-06-13A. Separate tax lot numbers were assigned to each side of the Ford Drive right-of-way subsequent to right-of-way dedication as a mapping

EXHIBIT A
to CC/BOCC FOF

located at the intersection of Ford Drive and Upper River Road. The parcel consists of two tax lots (0.253 and 0.428 acres each), which are now planned and zoned by Josephine County as *Rural Residential (RR-5)*. The intent of the application is to include the subject for development in accordance with City of Grants Pass R-1-8 zoning standards. Applicant provides herein evidentiary support of the application and requests that the City of Grants Pass verify and adopt the same as its own by way of minor amendment to the City of Grants Pass Comprehensive Plan by approval of the requested urban growth boundary amendment, comprehensive plan land use map amendment, and zone change.

II

EVIDENCE SUBMITTED WITH THE APPLICATION

The following evidence is submitted before the Josephine County Board of Commissioners (“Board of Commissioners” or “Board”) and Grants Pass City Council (“City Council” or “Council”):

- Exhibit 1.** Findings of Fact and Conclusions of Law
- Exhibit 2.** (a) Vicinity Map
(b) Zoning Map
- Exhibit 3.** Aerial Photograph
- Exhibit 4.** Priority Lands Map
- Exhibit 5.** Assessor’s Plats 36-06-13AC
- Exhibit 6.** River Road Estates – Public Facilities
 - (a) River Road Estates Subdivision Site and Utility Plan
 - (b) Transportation Impact Study prepared by JRH Transportation Engineering
- Exhibit 7.** City of Grants Pass Available Residential Land Study prepared by Craig A. Stone & Associates, Ltd.
- Exhibit 8.** Completed Land Use Application form and Limited Power of Attorney

III

RELEVANT SUBSTANTIVE CRITERIA

The Board of Commissioners and City Council have determined that the following constitute all of the relevant substantive criteria applicable to amending the Urban Growth Boundary (“UGB”) and Comprehensive Plan Map Designation on the subject property.

convenience. The tax lots are .253 and .428 acres each. These tax lots are identified as lots 241 and 242 on exhibit 2a.

UGB AMENDMENT STANDARDS AND CRITERIA

Goal 14: Urbanization (Effective April 28, 2006)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Land Need

Establishment and change of the urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

ORS 197.298. Priority of land to be included in Urban Growth Boundary.

- (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:
 - (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.
 - (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.
 - (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
 - (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.
- (2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.
- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:
 - (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;
 - (b) Future urban services could not reasonably be provided to the higher priority due to topographical or other physical constraints; or
 - (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

Oregon Administrative Rules Chapter 660, Division 4

660-004-0010

Application of the Goal 2 Exception Process to Certain Goals

- (1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:

- (c) Goal 14 "Urbanization" except as provided for in OAR chapter 660, division 014 and the applicable paragraph (1)(c)(A), (B) or (C) of this rule:
 - (A) An exception is not required for the establishment of an urban growth boundary around or including portions of an incorporated city;
 - (B) When a local government changes an established urban growth boundary applying Goal 14 as it existed prior to the amendments adopted April 28, 2005, it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning," Part II, Exceptions. *****

- (C) When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals.

Oregon Transportation Planning Rule – OAR Chapter 660, Division 12

Amendments to acknowledged comprehensive plans are also subject to specific provisions of the Oregon Transportation Planning Rule. The rule applicable provision for plan amendments is OAR 660-12-060, which states in pertinent part:

OAR 660-12-060: Plan and Land Use Regulation Amendments

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:
- (a) Limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or,
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
- (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Grants Pass - Josephine County Urban Growth Boundary and Policy Agreement

The procedure for joint City and County review and amendment of urban growth boundary and urbanization policies are established in the Grants Pass - Josephine County Intergovernmental Agreement for the Orderly Management of the Grants Pass Urban Growth Boundary Area ("IGA") as follows:

IV. Land Use Management

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 hereafter mutually modified by the two governing bodies.

Grants Pass and Urbanizing Area Comprehensive Community Development Plan

13.6 Urban Growth Boundary Amendments

13.6.1 Urban Growth Boundary Purpose and Intent:

The Urban Growth Boundary of the City and County, as adopted and amended shall:

- (a) identify and separate urbanizable land from rural land;
- (b) provide for an orderly and efficient transition from rural land uses to urban land uses;
- (c) allow for the orderly and economic provision of public facilities and services as needed to accommodate urban development;
- (d) contain future urban development within the geographical limits of the Boundary; and
- (e) be considered as part of one body with the policies of the Comprehensive Plan, and acted upon in the manner provided for in the Comprehensive Plan.

13.6.2 Boundary Amendments:

The City and County shall mutually amend the Urban Growth Boundary from time to time, making both minor and major amendments.

- (a) Minor amendments, involving only the inclusion or exclusion of lands, shall be considered annually, using the City Manager's Annual Development Report as a guide to the need for and appropriateness of such minor amendments.
- (b) Major amendments, involving major changes in the data base, goals and policies, in addition to the inclusion and exclusion of lands, shall be considered at five year intervals, two years following the decennial census and quintennial counts taken by the U.S. Bureau of the Census, using new Census data as a guide to the need and appropriateness of such major amendments.
- (c) Notwithstanding (a) and (b) above, either minor or major amendments may be considered at any time upon the mutual consent of the City Council and Board of County Commissioners using the latest Annual Development Report and revisions to the data base as a guide to the need and appropriateness of such amendments.

13.6.3 Criteria for Inclusion

For including real property within the Urban Growth Boundary, the City Council and Board of County Commissioners shall base their conclusion upon and adopt findings in consideration of the following criteria, as relevant to each inclusion:

- (a) The proposed inclusion meets applicable planning goals and guidelines of the State of Oregon.
- (b) The proposed inclusion is consistent with the goals and policies of the Comprehensive Plan.
- (c) The applicant has demonstrated need to meet population growth requirement:
 - 1. as defined by residential, commercial, industrial, public, and semi-public land requirements determined by the Comprehensive Plan, as best met by the proposal versus other available alternatives, or
 - 2. as defined by a need to meet the land use requirements of a given area, sub-area or neighborhood of the Boundary, consistent with the Comprehensive Plan policies for that area, sub-area, or neighborhood.
- (d) The applicant has demonstrated that the proposed inclusion recognized the development patterns endorsed by the Comprehensive Plan.
- (e) The proposed inclusions are not agricultural lands supporting a commercial agricultural enterprise.
- (f) The proposed inclusions are contiguous to the Urban Growth Boundary.

- (g) The proposed inclusion can be provided with the full range of basic urban services in an economical manner.
- (h) Allow for citizen review and comment.
- (i) Allow for review and comment by affected governmental units and other agencies.
- (j) If properties included within the Boundary, the zoning of the included property shall be consistent with the Comprehensive Plan Land Use Map for the Urban Growth Boundary.

Grants Pass Comprehensive Community Development Plan

6. POPULATION

Goal

To base decisions regarding the population to be accommodated within the UGB for 5, 10, and 20 year planning periods upon (a) sound, current and accurate demographic and economic data, (b) population projection models that reflect conditions and trends of the area and region, and (c) the desired growth policy of the citizenry and property owners of the planning area.

Policies

- 6.1 The probable range of persons the Urban Growth Boundary area may need to accommodate by the year 2000 is estimated to be between 27,967 and 30,261 persons. Actual need will depend upon national and regional trends, the continued attractiveness of the area, local efforts to diversify and improve the area's economic base, and local abilities to provide facilities. At this time, the target population is deemed to be 29,094 as a medium estimate.
- 6.2 The probable range of persons the Urban Growth Boundary area may need to accommodate by the year 2010 is estimated to be between 31,200 and 36,528 persons.
- 6.3 Sufficient lands capable of full urbanization shall be provided within the Boundary to ensure an adequate choice in the market place for this target population. In addition, adequate reserve lands shall be maintained within the Boundary to provide for growth reflecting the mid point or upper end of the probable population range.
- 6.4 The City and County shall actively participate in the ten year and five year census efforts of the Federal government.
- 6.5 The City and County shall ensure a continuous stream of current land-use and development data from all agencies affecting land-use and development within the Boundary, and shall provide for the electronically enhanced storage, retrieval and analysis of this data.
- 6.6 The City Manager shall prepare an annual report to the Urban Area Planning Commission, the City Council, the Board of County Commissioners and other appropriate Boards and Commissions on the location, type, and degree of development within the Boundary. The annual report shall include information on the cost and availability of various housing types and densities, on the addition to or depletion of the capacity of basic urban services (water, sewer, storm drainage, streets and parks), and the adequacy of serviced, buildable lands for each land use type shown on the Comprehensive Plan Land Use Map.

These yearly reports and analyses shall be used by the City and County to guide minor revisions to the Comprehensive Plan, and activating portions of the reserve lands, between the periods of major review and revision.

Zoning Map Amendment

City of Grants Pass Land Development Ordinance

- 4.033 Criteria for Amendment. The Zoning Map may be amended by the review bodies provided that all the following criteria are met:
- (1) The proposed use, if any, is consistent with the proposed Zoning District.
 - (2) The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.
 - (3) A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impact upon the affected service area or without a change to adopted utility plans.
 - (4) A demonstration that the proposed amendment is consistent with the functions, capacities and performance standards of transportation facilities identified in the Master Transportation Plan.
 - (5) The natural features of the site are conducive to the proposed Zoning District.
 - (6) The proposed zone is consistent with the requirements of all overlay Districts that include the subject property.
 - (7) The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.
 - (8) In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

12.023 Zoning Map Amendment. The Zoning Map may be amended according to the procedures provided in Schedule 2-1 and the criteria provided in Article 4 of this Code.

Comprehensive Plan Map Amendment

13.5.4 Criteria for the Amendment

For amending the findings, goals, policies and Land Use Map of the Comprehensive Plan, the City Council and Board of county commissioners shall base their conclusions upon, and adopt findings in consideration of, all the following criteria:

- (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.

IV

FINDINGS OF FACT

The Board and Council may reach the following findings of fact with respect to this matter:

1. Planning Area Description, Acreage, Comprehensive Plan Map Designation and Zoning and Ownership: Josephine County combines comprehensive plan designations and zoning into a single map. The zoning pattern of the subject property and surrounding area is depicted at Applicant's Exhibits 2 and 3. The subject property and adjacent unincorporated area is designated on the comprehensive plan and zoning map as Rural Residential (RR-5). An inventory of properties within 250 feet of the subject parcel is provided herein at Table 1. According to the Josephine County Planning Department, the property has been zoned for five acre residential use, as Suburban Residential SR-5 and later Rural Residential RR-5, from the

date county-wide zoning was first enacted on June 29, 1973. The property and adjacent area is not resource land as the term is defined at OAR chapter 660, Division 004, Section (2).

2. Surrounding and Adjacent Land Description, Acreage, Comprehensive Plan Map Designation and Zoning and Ownership: Land surrounding the subject property is depicted on Applicant's Exhibit 2, Zoning Vicinity Map. Table 1 below identifies ownership type, parcel size, and zoning for the surrounding properties:

TABLE 1
Property Description; Acreage; Zoning; Ownership Within 250 Feet
 Sources: Josephine County Assessor
 and
 Josephine County Planning Department

Assessors Map	Tax Lot	Acres	Zoning	Owner of Record
36-16-13A-00	901	2.414	RR-5	Private
36-16-13A-00	900	2.118	RR-5	Private
36-16-13A-00	700	1.796	RR-5	Private
36-16-13A-00	800	7.787	RR-5	Private
36-16-13A-00	242	.194	R-1-8	Private
36-16-13A-00	212	.193	R-1-8	Private
36-16-13A-00	213	.187	R-1-8	Private
36-16-13A-00	210	.194	R-1-8	Private
36-16-13A-00	209	.184	R-1-8	Private
36-16-13A-00	208	.184	R-1-8	Private
36-16-13A-00	207	.184	R-1-8	Private
36-16-13A-00	206	.190	R-1-8	Private
36-06-13A-00	241	.428	RR-5	Copeland

3. Residential Land Need and Available Inventory: The Population Element of the Grants Pass Comprehensive Community Development Plan was last revised in 1992. The study adopted at that time examined the then current and future population expectations within the UGB. The Plan addressed the need to accommodate then and future population within the urban growth boundary. Section 6.90 (page 6-50) within the Population Element of the Grants Pass Comprehensive Plan projected population from the 1992 estimate of 25,069 people, using a median of 1.5 percent annual growth for the entire UGB area, through a twenty year planning horizon as follows:

1. 29,094 people in 2000.
2. 31,342 people in 2005.
3. 33,764 people in 2010.

Using the methodology described in section 6.27 (page 6-27) to estimate population within for all land within the Urban Growth Boundary, it is estimated that the current population for all land within the Urban Growth Boundary is 34,418, or 110% of the population projected in 1992 by the City through the year 2005.

At its January 17th, 2007 public hearing, City Council adopted an Economic Opportunities Analysis (EOA) as a minor amendment to the Comprehensive Plan database (Ordinance No. 5394). The EOA shows there to be a 4.7 year supply of residential land within the Urban Growth Boundary. The EOA was based, in part, on Applicant's Exhibit 7, City of Grants Pass Available Residential Land Study (October 2006) , prepared by Craig A. Stone & Associates, Ltd., included herein is an analysis of available residential lands, trends, and projections for the City of Grants Pass. The analysis concludes that that the available inventory of residential lands is not sufficient to meet the projected demand through the twenty year planning horizon. Given current inventories, the existing land use regulations, land consumption trends since the year 2000 and projections of future consumption, the analysis concludes that the supply of buildable residential land will be exhausted in 4.7 years. Even should the rated of consumption be halved through changes in land use regulations or a market slow-down, the supply of buildable land is still insufficient to provide for the City's housing needs over the twenty-year planning period.

4. Comprehensive Plan Map Designation and Zoning: The County comprehensive plan and zoning are combined into a single map. The zoning pattern is depicted as Exhibit 3, a copy of the official county zoning map, and Table 2 above. Lands adjacent to the exception area are described as follows (also shown on Exhibit 2):

- a. **North:** Lands to the North are in the Rural Residential (RR5) zone.
- b. **West and South:** Across Upper River Road to the west and south lands are also in the RR5 zone.
- c. **East:** Lands to the east of the properties has been recently developed and is within the low density residential zone (R-1-8) zone administered by the City of Grants Pass.

5. Characteristics of the Inclusion Area, Adjacent Lands and Surrounding Area: The characteristics of the inclusion area (subject property) and adjacent and surrounding lands are set forth below:

The subject area is classified as exception land, zoned residential, Josephine County RR-5. Pursuant to ORS 197.298, an exception area is Priority 2 for inclusion at the time of urban growth boundary amendment. There are no Priority 1 (urban reserve) areas pursuant to the statute that have been designated in Josephine County. Exception and non-resource lands are the highest priority lands for inclusion.

The inclusion area is vacant rural residential land and adjacent road right-of-way (also zoned rural residential) located adjacent to the Grants Pass Urban Growth Boundary and municipal boundary. The area is adjacent to Upper River Road on the West and South. The area is also bisected by a minor residential street, SW Ford St., providing access to Upper River Road from developed residential land within the Grants Pass Urban Growth Boundary, zoned R-1-8, see table 1.

Adjacent Land: To the north of the exception area are residences on fairly large parcels, see table 1. To the west and south, across Upper River Road are also residences on large parcels, see table 1.

6. Public Facilities and Services: The inclusion area and adjacent property are supported by the following public facilities and services:

a. Public Water Source and Supply: The Grants Pass water system currently serves a population of +/- 23,000. The present maximum daily use is 7-8 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 18 MGD. Mr. Amundson stated his belief that the present facilities will be adequate until Year 2042.

b. Public Water Distribution System: The exception area and adjacent lands have access to public water as follows:

Exception Area: At present, the subject property does not receive water from a public water distribution system. The properties can be served at low cost through connection to Grants Pass water system via developed lines serving adjacent properties to the east.

Adjacent Land:

North: Properties to the north receive water from individual wells.

East: Properties to the east receive water from Grants Pass water system.

South and West: Properties to the west and south receive water from individual wells.

7. Sanitary Sewer Treatment: The Grants Pass sewage wastewater treatment plant completed a treatment plant facilities plan in 2001, which established a capital improvement program to meet growth need to Year 2042. Over the next four to five years, additions will be constructed that will accommodate an increase in capacity of at least 20 years. The facilities plan has been included in the budget and bids for construction will begin in the spring of 2002. The treatment plant is located at 1200 SW Greenwood. At present, the facility serves 10,000 connections at average dry weather flows of +/-5.2 MGD, and average wet weather

flows at 20 MGD. The plant was originally constructed in 1933, with subsequent additions in 1972-74, 1995-96, and 1999.

8. Sanitary Sewer Collection: The proposed inclusion area and adjacent lands have access to public sanitary sewer service as follows:

Exception Area: The nearest connection to public sewer is in SW Ford St., adjacent to the subject properties, see Exhibit 6. The subject property does not presently have access to sanitary sewer service.

Adjacent Land:

East: Those properties east of the exception area have access to public sanitary sewer service.

West: Properties directly west of Upper River Road do not have access to public sanitary sewer service; the nearest lines are located within the SW Ford St right of way.

South: Properties directly south of the exception area do not have access to public sanitary sewer service.

North: Properties to the north do not have access to public sanitary sewer service.

9. Storm Drainage: Josephine County Public Works is responsible for storm drainage on Upper River Road Loop nearest the subject property. Drainage is accomplished by way of roadside ditches along SW Ford St. and Upper River Road.

10. Transportation: The Josephine County Development Code defines county access as follows:

GPDC Article 30 Definitions

Arterial Street: A major street which functions primarily to move large amounts of traffic and is identified as an arterial street on the official street map.

Collector Street: A major street which transports traffic from local streets to the arterial street system and is identified as such on the official street map.

Roads adjacent to the exception area and within the surrounding area are listed in the following table, and also at Applicant's Exhibit 6(b) – Transportation Impact Study:

TABLE 5
Transportation
Source: Josephine County Roads and Parks

Road Name	From	Functional Classification	ADT and Date
Upper River Road	400' abutting west property line	Minor Arterial	
SW Ford St.	130' East of Upper River Road	Minor Residential	

Table Notes: ADT (Average Daily Trips)

11. **Electricity:** Power utility is readily available along Upper River Road and Ford Drive.

V

CONCLUSIONS OF LAW

After considering all of the evidence and argument, Board and Council have reached the following conclusions of law and ultimate conclusions with respect to each of the criteria. Where evidentiary conflicts or matters of ambiguity in the criteria (in this context) have arisen, the Board and Council have resolved them consistently with these findings:

UGB AMENDMENT STANDARDS AND CRITERIA

Goal 14: Urbanization (Effective April 28, 2006)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Criterion 1

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Discussion; Conclusions of Law: The request has been submitted for joint review by Josephine County and the City of Grants Pass consistent with the mutually adopted intergovernmental agreement for the urban growth boundary amendment and consistent with Criterion I.

Criterion 2

Land Need

Establishment and change of the urban growth boundaries shall be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Discussion; Conclusions of Law: At its January 17th, 2007 public hearing, City Council adopted an Economic Opportunities Analysis (EOA) as a minor amendment to the Comprehensive Plan database. The EOA shows there to be a 4.7 year supply of residential land within the Urban Growth Boundary. Further, the applicant has provided an analysis entitled City of Grants Pass Available Residential Land Study (October 2006) which demonstrates that the need to accommodate the 20-year population forecast will not be met by the existing inventory of land available for residential development. The Board and Council acknowledge that the current supply of residential land is insufficient, and conclude that the proposed plan map designation for the subject property will help to satisfy a need for housing. As an exception area well removed from nearby farm or forest activities, the proposed inclusion area is deemed as highest priority land available for inclusion. Additionally, the Board and Council conclude that the intersection of Ford Street and Upper River Road is a primary access into an urban residential area already developed within the City limits, and that inclusion within the urban growth boundary will provide an efficient and sensible transition from rural to urban land. The City and County, in approving the Ford Drive extension to Upper River Road, expressed a desire to petition for reduced speed limits in this area. Inclusion within the Urban Growth Boundary amendment an ultimate jurisdictional transfer to the City will serve to promote that goal.

Based upon the foregoing findings of fact and conclusions of law, the Board and Council conclude that the proposed amendment is consistent with Criterion 2 above.

Criterion 3

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

Discussion; Conclusions of Law: The proposed inclusion area will be designated as *Low Density Residential* land consistent with the adjacent urban land use and the available public facilities and services. The property will be available for appropriate urban development in accordance with Criterion 3 upon inclusion into the urban growth boundary.

Criterion 4

ORS 197.298 Priority of land to be included in Urban Growth Boundary

- (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:
 - (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.
 - (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.
 - (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
 - (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.
- (2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.
- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:
 - (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

- (b) Future urban services could not reasonably be provided to the higher priority due to topographical or other physical constraints; or
- (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

Discussion; Conclusions of Law: The above criteria establish a required priority scheme for including land within an urban growth boundary. First priority land pursuant to ORS 197.298(1)(a) does not exist in this instance because Josephine County is not required and has not established an urban reserve pursuant to ORS 195.145. The Board and Council have proceeded under the second priority — that is, land adjacent to an UGB that is identified in an acknowledged comprehensive plan as an exception area or non-resource land. The Board and Council conclude as follows:

1. The subject property is adjacent to the present UGB.
2. The Urban Growth Boundary and Josephine County Comprehensive Plan have been acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with the Statewide Planning Goals.
3. Land located outside of the urban growth boundaries of incorporated cities in Josephine County (and which are not zoned for farming or forest uses pursuant to Goals 3 and 4) are covered by goal exceptions taken at the time of the adoption of the Josephine County Comprehensive Plan. The exceptions were not appealed and the same were acknowledged by LCDC.
4. The subject property is presently zoned Rural Residential (RR-5) by Josephine County. The RR-5 district is not a district intended to for lands required to be inventoried for agricultural or forest uses pursuant to Statewide Goals 3 or 4.
5. Therefore, the subject property is an exception area or non-resource pursuant to ORS 197.298(1)(b) and the proposed urban growth boundary amendment is compliant with all of the terms of ORS 197.298(1). If compliance is established under ORS 197.298(1) the subsequent provisions of ORS 197.298 do not apply.
6. Therefore, the Board and Council conclude that the application is consistent with the requirements of Criterion 4.

Criterion 5

Grants Pass - Josephine County Urban Growth Boundary and Policy Agreement

The procedure for joint City and County review and amendment of urban growth boundary and urbanization policies are established in the Grants Pass - Josephine County Intergovernmental Agreement for the Orderly Management of the Grants Pass Urban Growth Boundary Area ("IGA") as follows:

IV. Land Use Management

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 hereafter mutually modified by the two governing bodies.

Discussion; Conclusions of Law: The application has been submitted and processed in accordance with the mutually adopted procedures applicable to minor urban growth boundary amendment proposals.

Criterion 6

Grants Pass and Urbanizing Area Comprehensive Community Development Plan

- 13.6 Urban Growth Boundary Amendments**
- 13.6.1 Urban Growth Boundary Purpose and Intent:**

The Urban Growth Boundary of the City and County, as adopted and amended shall:

- (a) identify and separate urbanizable land from rural land;
- (b) provide for an orderly and efficient transition from rural land uses to urban land uses;
- (c) allow for the orderly and economic provision of public facilities and services as needed to accommodate urban development;

Discussion; Conclusions of Law: The Board and Council conclude as follows:

1. Subpart "a" establishes as a portion of the definition of an urban growth boundary that such a boundary identify and separate urbanizable land from rural land. The amended boundary will function to separate urbanizable land from rural land.
2. Regarding subpart "b", the Board and Council conclude that the priority scheme (for including land in a UGB) contained in ORS 197.298 establishes what constitutes orderly and efficient in making the transition from rural to urban land uses. The Board and Council concluded that compliance has been established hereinabove with ORS 197.298, which is herewith incorporated and adopted. Therefore, the Board and Council conclude that this UGB amendment provides for an orderly and efficient transition from rural land uses to urban land uses.
3. Regarding subpart "c" above, the Board and Council herewith incorporates and adopts the findings of fact and conclusions of law for Criterion 3.

4. Based upon the foregoing findings of fact and conclusions of law, Board and Council conclude that the application is consistent with the requirements of Criterion 6.

Criterion 7

(d) contain future urban development within the geographical limits of the Boundary; and

Discussion; Conclusions of Law: As explained herein, the purpose of this UGB amendment is to provide the city with residential land. The Grants Pass Comprehensive Plan anticipates that the same is desired and the findings of fact herein show that there is an insufficient supply of residential land to meet this established need. While the property has historically supported residential uses, the property cannot be more utilized without first including it in the UGB and supplying it with urban public facilities and services. Criterion 7 establishes that urban uses are to be accommodated in urban areas. By amending the urban growth boundary to include the subject property, the Board and Council will establish that the subject property is appropriately, and shall be, available for future urban residential use.

Criterion 8

(e) be considered as part of one body with the policies of the Comprehensive Plan, and acted upon in the manner provided for in the Comprehensive Plan.

Discussion; Conclusions of Law: Subpart (e) does not operate as a criterion to be satisfied prerequisite to approval of a UGB amendment. Instead, it establishes the understanding of the Board and Council that the UGB is to be considered a part of the comprehensive plans of the city and county. Based upon the foregoing findings of fact and conclusions of law, the Board and Council conclude that the application is consistent with the requirements of Criterion 8.

Criterion 9

13.6.2 Boundary Amendments:

The City and County shall mutually amend the Urban Growth Boundary from time to time, making both minor and major amendments.

- (a) Minor amendments, involving only the inclusion or exclusion of lands, shall be considered annually, using the City Manager's Annual Development Report as a guide to the need for and appropriateness of such minor amendments.
- (b) Major amendments, involving major changes in the data base, goals and policies, in addition to the inclusion and exclusion of lands, shall be considered at five year intervals, two years following the decennial census and quinquennial counts taken by the U.S. Bureau of the Census, using new Census data as a guide to the need and appropriateness of such major amendments.

Findings of Fact and Conclusions of Law

City of Grants Pass UGB Amendment
Copeland Paving, Inc.

- (c) Notwithstanding (a) and (b) above, either minor or major amendments may be considered at any time upon the mutual consent of the City Council and Board of County Commissioners using the latest Annual Development Report and revisions to the data base as a guide to the need and appropriateness of such amendments.

Discussion; Conclusions of Law: The Board and Council conclude that the proposed amendment is minor based upon the size of the tract considered for inclusion in the UGB. Based upon subpart "a", this application comes and will be considered by the Board and Council during 2007 and the Board and Council find that there has been no minor amendment during 2007, the current year, and that it is appropriate to consider the subject application at this time consistent with the provisions subpart "c".

13.6.3 Criteria for Inclusion

For including real property within the Urban Growth Boundary, the City Council and Board of County Commissioners shall base their conclusion upon and adopt findings in consideration of the following criteria, as relevant to each inclusion:

Criterion 10

- (a) The proposed inclusion meets applicable planning goals and guidelines of the State of Oregon.

Discussion; Conclusions of Law: The Board and Council conclude that of the nineteen Statewide Planning Goals, only Goals 1 through 14 are applicable to this region. The Board and Council conclude as follows:

1. The process used by the Grants Pass and Josephine County to amend the UGB is consistent with Goal 1 (Citizen Involvement), ORS 197.763 (which sets forth the procedural requirements for the conduct of quasi-judicial proceedings) and the procedural requirements contained in the acknowledged comprehensive plans of the city and county. Therefore, the proposed inclusion (of the subject property) is consistent with Goal 1.
2. The proposed urban growth boundary amendment has been processed as a coordinated review before both the City and County pursuant to the mutually adopted urbanization agreement, and that the requisite procedures for interagency notice and coordination have been followed pursuant to the requirements of Goal 2, Part I. The provisions of Goal 2, Part II are inapplicable because the proposal does not require that any exception to the Statewide Planning Goals be taken.
3. The Board and Council has previously found that the subject property is rural residential non-resource or exception land and that it is not agricultural land, and it is thereby appropriately available for consideration for inclusion into the urban growth boundary. Further, it is found based on the analysis of surrounding land uses that no agricultural land

subject to preservation and maintenance pursuant to Goal 3 is located near the inclusion area.

4. The Board and Council has previously found that the subject property is rural residential non-resource or exception land and that it is not forest land, and it is thereby appropriately available for consideration for inclusion into the urban growth boundary. Further, it is found based on the analysis of surrounding land uses that no forest land subject to preservation and maintenance pursuant to Goal 4 is located near the inclusion area.
5. The Board and Council conclude that, based on the foregoing Findings of Fact, there are no inventoried Goal 5 resources on or near the subject property, nor is there any evidence of the existence of a significant Goal 5 resource that may affect the proposed inclusion area.
6. The Board and Council conclude that the proposed inclusion area will be subject to adopted and acknowledged development standards intended to implement Goal 6, and that the same will be applied in review of development request to maintain and improve the quality of air, water, and land resources of the state.
7. The Board and Council conclude that the area is not subject to any natural hazard pursuant to Goal 7 that would render the property unsuitable for urban uses.
8. The Board and Council find that the proposed inclusion area will provide urban, low density residential land that will be subject to the municipal park tax base and systems development charges as applicable to development within the City of Grants Pass in accordance with adopted recreation programs and pursuant to Goal 8.
9. The Board and Council find that inclusion of the subject area will not impact the employment land base because the vicinity is not identified as employment land or resource land important to the economic objectives of the state, county, or city and pursuant to Goal 9. The Board and Council further conclude that the inclusion of land for residential use will complement the economic opportunities for the region by increasing the supply of residential land available for the labor force.
10. The Board and Council adopt herein the residential land study provided as Applicant's Exhibit 7 supporting a finding of near term and continuing need over the planning horizon for increasing residential land inventories to meet the City's housing responsibilities, objectives, and goals pursuant to Statewide Planning Goal 10.
11. The Board and Council conclude that, based on evidence in the record and the foregoing Findings of Fact, there public services and facilities are currently or readily available and sufficient to serve the inclusion area in an economic and efficient manner.
12. The Board and Council conclude that for amending a UGB, the requirements of Goal 12 (Transportation) are satisfied by application of relevant provisions of OAR 660-12. In this

instance, the Board and Council conclude that the relevant provisions are those in OAR 660-12-060, which relate (among other matters) to amendments to an acknowledged comprehensive plan. The UGB is part of the city and county comprehensive plans. The Board and Council herewith conclude that the subject area was included as part of the Transportation Impact Study for the adjacent River Road Estates Subdivision, that the number of residential lots potentially available are within the parameters of that analysis, that on-site improvements and off-site improvements were constructed in a manner adequate to mitigate the impacts of the planning area (the subdivision and the residual area now proposed for inclusion within the urban growth boundary), and that approval of the request will not have a significant impact on any affected public transportation facility. Goal 12 is thereby satisfied.

13. Goal 13, Energy Conservation, requires that land and uses developed on the land be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principals. The subject area will require no additional energy for pumping for wet utilities, is already serviced to or adjacent to other needed utilities, and is located adjacent to and is integral to the access for an adjacent urban subdivision. Development of the land will be subject to the adopted building and energy codes, and the subject property has good solar access. Therefore, the Board and Council conclude that Goal 13 is satisfied.
14. Compliance with Goal 14 (Urbanization) has been established heretofore.
15. Based upon the foregoing findings of fact and conclusions of law, Board and Council conclude that the proposed inclusion (of the subject property) meets applicable planning goals and guidelines of the State of Oregon. Therefore, the application is consistent with the requirements of Criterion 10.

Criterion 11

- (b) The proposed inclusion is consistent with the goals and policies of the Comprehensive Plan.

Discussion; Conclusions of Law: The fact that the criterion cited in GPDC 13.6.3(b) requires UGB and comprehensive plan amendments to be consistent with the goals and policies of the comprehensive plan, does not make all plan goals and policies decisional criteria. *See, Bennett v. City of Dallas, 17 Or LUBA 450, aff'd 96 Or App 645 (1989).* In that and subsequent cases, the courts have held that approval criteria requiring compliance with a comprehensive plan does not automatically transform all comprehensive plan goals and policies into decisional criteria. A determination of whether particular plan goals and policies are approval criteria must be based on the language used in the goals and policies and the context in which they appear. The Board and Council conclude that there are no goals or policies of the Comprehensive Plan other than those addressed herein related to the mutually adopted urbanization policies which operate as independent approval criteria under *Bennett v. City of Dallas*.

Criterion 12

- (c) The applicant has demonstrated need to meet population growth requirement:
 - 1. as defined by residential, commercial, industrial, public, and semi-public land requirements determined by the Comprehensive Plan, as best met by the proposal versus other available alternatives, or
 - 2. as defined by a need to meet the land use requirements of a given area, sub-area or neighborhood of the Boundary, consistent with the Comprehensive Plan policies for that area, sub-area, or neighborhood.

Discussion; Conclusions of Law: The Board and Council find that Criterion 12 operates as alternative tests and conclude that the application has proceeded under subsection (1) above. Applicant has included with the request an analysis of the residential land inventories and needs (Applicant's Exhibit 7) demonstrating compliance with subsection (1) above. Based upon the data and analysis of residential land need, it has been demonstrated that the current inventory of residential land is adequate to serve the population needs fro the next 4.7 years, and that this is not an adequate supply to serve the population within Grants Pass to meet the residential land needs over the planning horizon. This is also acknowledged within the Economic Opportunities Analysis that was adopted by City Council on January 17, 2007 as a minor amendment to the Comprehensive Plan database . The City is currently at the beginning stages of a comprehensive evaluation of the Urban Growth Boundary. This evaluation will include a determination as to how to specifically address the deficiency in residential land supply. The proposal will not address this need in and of itself, but will add enough land to the Urban Growth Boundary to allow up to three (3) new single-family parcels. The subject area qualifies as highest priority land available pursuant to ORS 197. Therefore the Board and Council conclude that there exists a demonstrated need to meet the City's population and land use growth requirements consistent with the Comprehensive Plan policies for the City as a whole.

Criterion 13

- (d) The applicant has demonstrated that the proposed inclusion recognized the development patterns endorsed by the Comprehensive Plan.
- (e) The proposed inclusions are not agricultural lands supporting a commercial agricultural enterprise.
- (f) The proposed inclusions are contiguous to the Urban Growth Boundary.
- (g) The proposed inclusion can be provided with the full range of basic urban services in an economical manner.
- (h) Allow for citizen review and comment.
- (i) Allow for review and comment by affected governmental units and other agencies.

- (j) If properties included within the Boundary, the zoning of the included property shall be consistent with the Comprehensive Plan Land Use Map for the Urban Growth Boundary.

Discussion; Conclusions of Law: The Board and Council conclude as follows:

1. For subpart “d”, expansion of an urban growth boundary must prioritize inclusion of existing and acknowledged non-resource or exception areas as a development pattern endorsed by the Comprehensive Plan. The plan envisions that the conversion of urbanizable land for urban uses be governed by the following, which have been heretofore established:

Section 13.3 pg 13-12

Conversion of urbanizable land to urban uses shall be based on consideration of:

- 1) Orderly, economic provision for public facilities and services;
- 2) Availability of sufficient land for the various uses to insure choices in the market place;
- 3) LCDC Goals; and
- 4) Encouragement of development within urban areas before conversion of urbanizable areas.

Based upon these plan provisions, the information set forth in Applicant’s Exhibit 7 and Section IV herein (“Findings of Fact”), the Board and Council conclude that applicant has appropriately demonstrated that the land proposed to be included in the UGB is recognized by development patterns which are endorsed by the Comprehensive Plan.

2. The subject property is not agricultural land pursuant to subpart “e”.
3. The subject property is contiguous to the present Grants Pass UGB pursuant to subpart “f”.
4. In accordance with subpart “g”, the subject property can be provided with the full range of basic urban services in an economical manner.
5. For subpart “h”, the process used by the city and county to amend the UGB has provided for appropriate types and levels of citizen involvement.
6. For subpart “i” the Board and Council find that proper notice and an invitation to comment has been given to all affected government units and agencies.
7. For subpart “j”, the subject property is to be included in the UGB as land under the city’s *Low Density Residential* plan map designation. The proposed zoning is consistent with the *Low Density Residential* plan map designation.
8. Based upon the foregoing findings of fact and conclusions of law, Board and Council conclude that the application is consistent with the requirements of Criterion 13.

Zoning Map Amendment

2005 GRANTS PASS DEVELOPMENT CODE

As indicated on exhibit 2b, the adjacent R-1-8 zoning district is proposed to be extended to include parcels 241 and 242 to allow for development consistent with neighboring development in the zone.

Article 4: Development Code Amendments and Criteria

4.033 Criteria for Amendment. The Zoning Map may be amended by the review bodies provided that all the following criteria are met:

Criterion 14

(1) The proposed use, if any, is consistent with the proposed Zoning District.

Discussion; Conclusions: Use of the re-zoned area will be in accordance with the R-1-8 zoning district regulations and development standards, and subject to the review procedures prescribed by code. The prospective use of a proposed zoning district is not a determinative approval criterion for a decision basis. The provision is reasonably and appropriately construed to be implicated with requests for development or land division concurrent with the zone change. The Council thereby concludes that it does not constitute an approval criterion applicable in this case.

Criterion 15

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

Discussion; Conclusions: The requested R-1-8 zoning district is consistent with the proposed *Low Density Residential* Comprehensive Plan Land Use Map designation. The zone change is dependent upon approval by the City of the plan map amendment, and may not be approved as an independent request while the property is designated as Rural Residential land.

Criterion 16

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

Discussion; Conclusions: The council finds that urban transportation, sewer and water services are already present in the right of way adjacent to the subject property. Additional urban services can and will be provided as extensions of services to the recently developed adjoining subdivision to the east, requiring no changes to any of the adopted utility plans. The Council herewith incorporates and adopts the Findings of Fact included hereinabove and the previous conclusions reached with respect to Statewide Planning Goals 11 and 12 and the Grants Pass Comprehensive Plan pertaining to this subject.

Criterion 17

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

Discussion; Conclusions: The Board and Council conclude that for amending a UGB, the requirements of Goal 12 (Transportation) are satisfied by application of relevant provisions of OAR 660-12. In this instance, the Board and Council conclude that the relevant provisions are those in OAR 660-12-060, which relate (among other matters) to amendments to an acknowledged comprehensive plan. The UGB is part of the city and county comprehensive plans. The Board and Council herewith conclude that the subject area was included as part of the Transportation Impact Study for the adjacent River Road Estates Subdivision, that the number of residential lots potentially available are within the parameters of that analysis, that on-site improvements and off-site improvements were constructed in a manner adequate to mitigate the impacts of the planning area (the subdivision and the residual area now proposed for inclusion within the urban growth boundary), and that approval of the request will not have a significant impact on any affected public transportation facility.

The Traffic Impact Analysis (TIA) prepared for River Road Estates Subdivision recognized the southbound movement of the West "G" Street at Isham Street / Booth Street / Pine Street intersection to be operating at the overall minimum performance standard for street intersections is Level of Service "D". The failing intersection was considered in reviewing the proposed UGB amendment. However, the land proposed for inclusion is located over one mile west of the intersection. Additionally, development of the property is not part of this proposal for inclusion.

Criterion 17 is thereby satisfied.

Criterion 18

(5) The natural features of the site are conducive to the proposed Zoning District.

Discussion: Conclusions: Topography and access on the affected portions of the property are similar to access and topography on nearby parcels zoned R-1-8, which is typical for this neighborhood in Grants Pass. The zone boundary is to be established along the right of way for Upper River Road and the Urban Growth Boundary. The parcel is bisected by access to the neighboring R-1-8 subdivision and the parcel has no viable use other than as part of the adjoining subdivision. The Council concludes that the features of the site are conducive to the proposed zoning district.

Criterion 19

(6) The proposed zone is consistent with the requirements of all overlay Districts that include the subject property.

Discussion: Conclusions of Law: Based on the evidence in the record, the council finds that no overlay district pertain to the subject property. The council concludes that the proposed land use action is consistent with Criterion 19.

Criterion 20

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

Discussion: Conclusions of Law: The Council concludes, based on evidentiary exhibits provided by the Applicant and previous findings and conclusions reached hereinabove that Criterion 20 is satisfied.

Criterion 21

Oregon Transportation Planning Rule – OAR Chapter 660, Division 12

Amendments to acknowledged comprehensive plans are also subject to specific provisions of the Oregon Transportation Planning Rule. The rule provisions applicable to plan amendments is in OAR 660-012-0060 which states in pertinent part:

OAR 660-12-060: Plan and Land Use Regulation Amendments

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:
 - (a) Limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or,
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing functional classification system;
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Discussion; Conclusions of Law: The Board and Council conclude that the proposed UGB and comprehensive plan amendments do not and will not significantly affect any transportation facility over the planning period identified in the Grants Pass Urban Area Master Transportation Plan. The Traffic Impact Analysis (TIA) that was submitted as part of the River Road Estates subdivision application (applicant's Exhibit 6b) indicates that sufficient sight distance exists at Ford Street to accommodate left-turn traffic onto Upper River Road. The TIA also indicates that the West "G" Street / Upper River Road / Lincoln Rd. intersection would operate at Level of Service "D" under the Build scenario. Although the TIA recognized the southbound movement of the West "G" Street at Isham Street / Pine Street / Booth St. intersection to be operating at a Level of Service "F", the proposed inclusion area is over one mile away and development of the property is not part of this proposal for inclusion. Based on the foregoing findings of fact and conclusions of law, the Board and Council conclude that the application is consistent with the requirements of Transportation Planning Rule because this amendment (of UGB and plan map designation) will not significantly affect any transportation facility.

Criterion 22

Comprehensive Plan Map Amendment

13.5.4 Criteria for the Amendment

For amending the findings, goals, policies and Land Use Map of the Comprehensive Plan, the City Council and Board of county commissioners shall base their conclusions upon, and adopt findings in consideration of, all the following criteria:

- (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.

Discussion; Conclusions of Law: Section 13.5.2 of the City of Grants Pass Comprehensive Plan provides that the City and County shall mutually revise the Comprehensive Plan from time to time, making both minor and major amendments. The applicant has initiated a minor amendment and has provided verification of site specific or area specific studies and analyses performed by the private sector in accordance with 13.5.2(a)(3). The Residential Lands Study offered with the current application is consistent with the adopted Economic Opportunities Analysis which concludes that the City does not currently have a twenty year housing inventory and that infill policies alone will not be sufficient to provide a twenty year supply of land for all housing type. The subject property is located within an exception area that has been found to be uniquely available to serve urban needs with existing urban street and public infrastructure improvements that serve as an entry into the City. The property has also been found to be unsuitable to provide rural residential housing in the county because it lacks septic site capability and thereby requires public sewer connection from the City. Extension of such service requires inclusion of the property within the growth boundary. The City has reviewed the findings, goals, and policies within the fourteen elements of its comprehensive plan and concludes that inclusion of the subject property within the growth boundary is consistent with the urbanization policies and that the Low Density Residential comprehensive plan map designation is consistent with the map designation criteria and the surrounding area. No findings, goals, or policies, within the plan are found to conflict with the proposed amendment. The Board and Council find that the proposed Comprehensive Plan map amendment is validated and supported by the adopted data base as explained herein. The applicable planning goals and guidelines have been addressed and found to be satisfied hereinabove. Opportunity for Citizen review and comment has been provided consistent with due process in the manner prescribed for the Type 5 application procedure. The additional need for basic urban services has been found to be consistent with the existing services now available to the subject area. Accordingly, the City concludes that the criteria for comprehensive plan amendment are satisfied in this application.

VI

ULTIMATE CONCLUSIONS

Based upon the record and the foregoing findings of fact and conclusions of law, the Board and Council conclude that the application is consistent with the requirements of the relevant substantive approval criteria for amendment of the mutually adopted urban growth boundary, the City of Grants Pass Comprehensive Plan Land Use Map, and the City of Grants Pass Zoning Map, and the Board and Council herein conclude that the respective urban growth boundary, comprehensive plan land use map, and the zoning map be so amended to re-designate the subject area as *Low Density Residential* land within the urbanizable area of the City of Grants Pass and to amend the existing zoning map to include the subject parcels within the adjacent R-1-8 zone.

Respectfully submitted on behalf of applicant Copeland Paving, Inc.:

CRAIG A. STONE & ASSOCIATES, LTD.



Raul Woerner
Consulting Urban Planner

Dated:
October 10, 2006

Revisions Pursuant to Recommendation of the Urban Area Planning Commission:
April 17, 2007

SCANNED

APR 30 2007

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**COPELAND URBAN GROWTH BOUNDARY AMENDMENT
COMPREHENSIVE PLAN MAP AMENDMENT TO LOW DENSITY RESIDENTIAL (LR)
AND ZONING MAP AMENDMENT TO R-1-8
FINDINGS OF FACT- URBAN AREA PLANNING COMMISSION**

Procedure Type:	Type V: Planning Commission Recommendation and City Council/Board of County Commissioners Decision
Project Number:	06-40400001
Project Type:	Urban Growth Boundary Amendment
Owner:	Robert S. Copeland
Applicant:	Copeland Paving, Inc.
Representative:	Craig Stone and Associates, Ltd.
Address:	Upper River Road (no numbers assigned)
Map & Tax Lot:	36-06-13-13 / 241 & 242
Planner Assigned:	Jared Voice
Application Received:	January 19, 2007
Application Complete:	February 9, 2007
Date of Planning Commission Hearing:	April 11, 2007
UAPC Findings of Fact:	April 25, 2007

I. PROPOSAL:

A proposed Minor Amendment to the Urban Growth Boundary to include property consisting of 0.68 acres, plus approximately 0.52 acres of adjacent public right-of-way, and to establish on the property a City Low Density Residential (LR) Comprehensive Plan Map designation and R-1-8 Zoning Map designation.

II. AUTHORITY AND CRITERIA:

Sections 13.6 and 13.8 of the Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for Urban Growth Boundary Amendments which propose to include real property within the Urban Growth Boundary.

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.

Section IV of the 1998 Intergovernmental Agreement also provides:

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 hereafter mutually modified by the two governing bodies.

Section 13.8.3 of the Comprehensive Plan provides that for a UGB amendment, the jurisdiction initiating action shall notify the other jurisdiction at least 45 days prior to the initial hearing on the matter before the Urban Area Planning Commission.

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.

The Urban Growth Boundary may be recommended for amendment and amended provided the criteria in Section 13.6.3 of the Comprehensive Plan are met, and provided the proposal complies with all other applicable provisions of state law.

The Comprehensive Plan Map may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan are met.

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

III. APPEAL PROCEDURE:

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

IV. PROCEDURE:

- A.** An application for a Minor Urban Growth Boundary amendment, Comprehensive Plan Map amendment and Zoning Map amendment was submitted on January 19, 2007. The application was deemed complete on February 9, 2007 and processed in accordance with Sections 13.5, 13.6 and 13.8 of the Comprehensive Plan, Section IV of the 1998 Intergovernmental Agreement, and Section 2.060 of the Development Code.
- B.** Notice of the proposed Urban Growth Boundary amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on January 25, 2007. A second notice, clarifying that the proposal also included Comprehensive Plan Map and Zoning Map amendments, was mailed to DLCD on February 14, 2007.

- C. Notice of the proposed amendments was mailed to Josephine County on February 14, 2007 in accordance with the 1998 Intergovernmental Agreement and Section 13.8.3 of the Comprehensive Plan.
- D. Public notice of the April 11, 2007 Urban Area Planning Commission hearing was mailed on March 28, 2007 in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. A public hearing was held by the Urban Area Planning Commission on April 11, 2007 to consider the request and make a recommendation to the Board of County Commissioners and City Council.

V. SUMMARY OF EVIDENCE:

- A. The amended Findings of Fact and Conclusions of Law, which have been recommended for approval by the Urban Area Planning Commission, are attached as Exhibit "A" and incorporated herein.
- B. The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit "B" and incorporated herein.
- C. The minutes of the public hearing held by the Urban Area Planning Commission on April 11, 2007, which are attached as Exhibit "C", summarize the oral testimony presented and are hereby adopted and incorporated herein.

VI. GENERAL FINDINGS:

Property Characteristics

- 1. Size: Tax Lot 241: 0.43 acres
Tax Lot 242: 0.25 acres
- 2. Frontage: Upper River Road and Ford Street
- 3. Access: Access to each lot would be taken from Ford Street.
- 4. Public Utilities:
 - Water: 12-inch line in Upper River Road
8-inch line in Ford Street
 - Sewer: 8-inch lines in Upper River Road and Ford Street
 - Storm Water: 12-inch, 18-inch, and GPID canal in Ford Street
- 5. Topography: The property is generally level.
- 6. Natural Hazards: None

7. Natural Resources: Several existing significant-sized trees on both tax lots.
8. Existing Land Use:
 - On site: Vacant
 - Surrounding: North: Rural Residential (RR-5)
South: Rural Residential (RR-5)
East: Single Family Residential (R-1-8)
West: Upper River Road, Rural Residential (RR-5)
9. Special Purpose Districts: None.

Discussion

The subject properties are located adjacent to the current Urban Growth Boundary (UGB), at the intersection of Ford Street and Upper River Road. Based on the R-1-8 zoning proposed by the applicant, the properties have the potential to be divided into a maximum of three (3) developable parcels. The parent parcel, now bisected by Ford Street, was originally purchased by the applicant to allow for a safe access to the River Road Estates subdivision. The original access road for the subdivision was located at Fairfield Lane, to the east. The original application was ultimately denied by the Grants Pass City Council due to inadequate site distance at the original access road intersection with Upper River Road / G Street. The subsequent application was appealed to the Oregon Land Use Board of Appeals (LUBA) following City and County approval. LUBA denied both appeals, affirming the approval decisions of the City and County. Although the parent parcel now consists of two separate tax lots due to right-of-way dedication for Ford Street, they are still considered one developable parcel of land. Even if the proposal were to be approved, a partition application must also be reviewed and approved by the City prior to the development of more than one single-family home in the subject area.

The Traffic Impact Analysis (TIA) that was submitted as part of the River Road Estates subdivision application recognized the southbound movement of the West "G" Street at Isham Street / Booth Street / Pine Street intersection to be operating at a Level of Service "F". Development Code Section 27.121 (2) states that the overall minimum performance standard for street intersections is Level of Service "D".

The failing intersection was considered in reviewing the proposed UGB amendment. However, the land proposed for inclusion is located over one mile west of the intersection. Additionally, development of the property is not part of this proposal for inclusion.

On January 17, 2007, City Council adopted a Comprehensive Plan database amendment as part of a separate Comprehensive Plan Map / Zoning Map amendment. The database amendment consisted of an Economic Opportunities Analysis (EOA), prepared by Craig Stone and Associates in October of 2006. The EOA projected there to be a residential land supply within the Urban Growth Boundary adequate to supply the expected demand for approximately 4.7 years. Per ORS 197.296, cities are required to maintain enough residential land to satisfy expected demand for 20 years. The Available Residential Land Study submitted by the applicant recommends that *"the City...review and approve reasonable and supported requests for minor comprehensive plan map amendments and urban growth boundary amendments to meet the short term market demand given the severe shortage of residential inventory that is currently available, and to undertake a major review of its land inventories, policies, and regulations to assure that long term inventories area assured for all categories of land use."* The City recently approved a comprehensive plan map and zone map amendment to add approximately 12.84 acres of low-density residential land at 2944 NW Highland Avenue. The current proposal would add enough land to the Urban Growth Boundary to allow up to three (3) new single-family parcels. Further, the City is in the early stages of a comprehensive evaluation of the Urban Growth Boundary. This evaluation will include a determination as to how to specifically address the deficiency in residential land supply, including either an expanded Urban Growth Boundary or increased residential densities within the existing UGB, or a combination of both.

Consistent with Goal 14 and OAR 660, the application sufficiently demonstrates why the proposed inclusion area best accommodates the need for additional residential land. The applicant's findings, and particularly responses to Criterion 4, show that the inclusion area is consistent with State requirements for including land within the Urban Growth Boundary.

The City Engineering, Utilities and Public Safety Departments have all commented on the proposal. City water, sewer and storm drainage systems have more than adequate capacity to meet increased demand should the proposal be approved. The regional sewer lift station, Bridge Street Pump Station, is scheduled for upgrades. At the time of development of individual lots, the developer would be responsible for a proportional share of costs related to the upgrade of the Bridge Street Pump Station and force main.

VII. FINDINGS OF FACT- CONFORMANCE WITH APPLICABLE CRITERIA:

- A. The Urban Area Planning Commission concurs that the relevant criteria are contained in Section III of attached of Applicant's Exhibit 1 (*Proposed Findings of Fact and Conclusions of Law*, attached as Exhibit "A" to the Planning Commission Findings of Fact.)
- B. The Urban Area Planning Commission finds that the relevant criteria contained in Section III of Applicant's Exhibit 1 (*Proposed Findings of Fact and Conclusions of Law*, attached as Exhibit "A" to the Planning Commission Findings of Fact) are satisfied, based on the findings and conclusions presented in Sections IV and V of same document, and recommends adoption of Applicant's proposed findings and conclusions.

VIII. DECISION AND SUMMARY:

The Urban Area Planning Commission recommends that the City Council and Board of County Commissioners **APPROVE** the proposed Urban Growth Boundary Amendment and establishment of City LR (Low Density Residential) Comprehensive Plan Map and R-1-8 Zoning Map designations on the property. The vote was 6-0-0 with Commissioners Farrar, Fitzgerald, Berlant, Kellenbeck, Richardson and Arthur in favor, and none opposed. Commissioners Simpson and Bean were absent.

IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 25th Day of April 2007.



Commissioner Ferris Simpson, Chairperson

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Copeland UGB Amendment 36-06-13-13-241 & 242 Vicinity Map

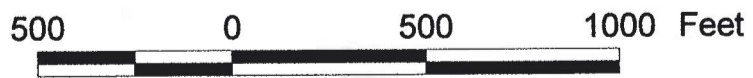
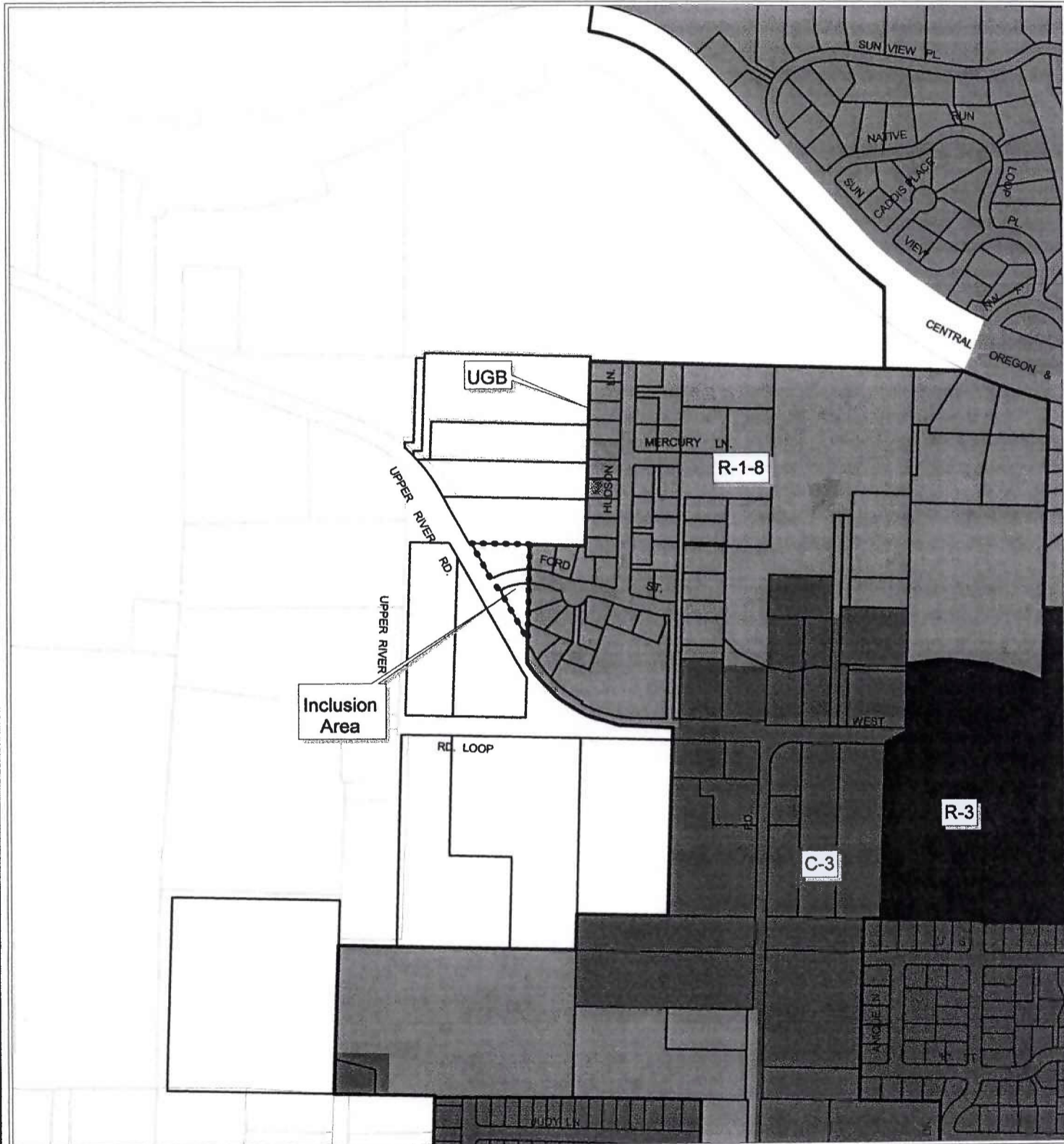


EXHIBIT 1

Copeland UGB Amendment 36-06-13-13-241 & 242 Aerial Photo



200 0 200 400 Feet



EXHIBIT 2

City of Grants Pass



March 21, 2007

Plan Amendment Specialist
Department of Land Conservation and Development **DEPT OF**
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

JUL 02 2007

**LAND CONSERVATION
AND DEVELOPMENT**

To Whom it May Concern:

Enclosed is a *DLCD Notice of Adoption* for a Minor Amendment of the Grants Pass Urban Growth Boundary, a Comprehensive Plan Map amendment, and a Zoning Map amendment. DLCD was first notified of this proposal on January 25th, 2007, and was re-notified on February 14th, 2007.

The enclosure includes two (2) copies of the Grants Pass City Council / Board of Josephine County Commissioners Findings of Fact and supporting materials. The Findings of Fact were formally adopted by the City Council on June 20th, 2007 and by the Board of County Commissioners on June 27th, 2007. Also included is a copy of the City's adopting ordinance, and an unsigned copy of the County's ordinance. Josephine County will not be formally signing its ordinance until July 18th, 2007. However, copies of all materials are being sent at this time to meet DLCD's five-day deadline for the *Notice of Adoption*, since the Findings of Fact document has been signed by both bodies.

Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jared Voice', is written over a series of vertical lines.

Jared Voice
Associate Planner
City of Grants Pass
jvoice@grantspassoregon.gov

Cc: c/f