



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/03/2014
Jurisdiction: City of Grants Pass
Local file no.: 14-40500002
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/31/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 003-14 {22356}

Received: 10/31/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Grants Pass, Oregon

Local file no.: **14-40500002**

Date of adoption: 10/1/14

Date sent: 10/31/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5/30/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Lora Glover, Interim Director, Parks & Community Development

Phone: 541-450-6071

E-mail: lglover@grantspassoregon.gov

Street address: 101 NW A Street

City: Grants Pass, OR

Zip: 97526-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

The proposal amended the Development Code to reassign of the duties the Riverfront Review Board to the Urban Area Planning Commission. The Comprehensive Plan Policy Index was also amended to account for the Riverfront Tourist Commercial District and Medical Overlay District.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Article 4 ~ Development Code Amendment & Criteria; Article 12 ~ Zoning Districts

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Josephine County, Oregon

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**COMPREHENSIVE PLAN AMENDMENT AND
DEVELOPMENT CODE TEXT AMENDMENT
RIVERFRONT REVIEW BOARD REFERENCES
CITY COUNCIL ~ FINDINGS OF FACT**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500002
Project Type:	Comprehensive Plan/Development Code Text Amendment
Applicant:	Director of Parks and Community Development
Planner Assigned:	Lora Glover
Application Received:	May 14, 2014
Application Complete:	May 14, 2014
Date of Planning Commission Staff Report:	August 5, 2014 Due: August 6, 2014
Date of Planning Commission Hearing:	August 13, 2014
Date of Planning Commission Findings of Fact:	August 13, 2014
Date of City Council Staff Report:	September 9, 2014
Date of City Council Hearing:	September 17, 2014
Date of City Council Findings of Fact:	October 1, 2014

I. PROPOSAL:

The proposal is to amend various sections of the Development Code to provide for the reassignment of the duties and responsibilities of the Riverfront Review Board to the Urban Area Planning Commission. The Comprehensive Plan Policy Index is also proposed to be amended to account for the Riverfront Tourist Commercial districts. A summary of the proposed amendments is attached as Exhibit 1.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides the procedure for initiation of Development Code text amendments, and Section 13.5 of the Comprehensive Plan provides for the procedure for Comprehensive Plan amendments. The proposed amendments were initiated by the Director of Parks and Community Development.

Sections 13.5.5 and 13.8.3 of the Grants Pass Urban Area Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for amendment and revision to Comprehensive Plan findings, goals, policies, and land use maps of the Comprehensive Plan. However, the 1998 Intergovernmental Agreement modified that

River, was given responsibility to make recommendations to the Urban Area Planning Commission (UAPC) regarding these developments.

The scope of work for the RRB is necessarily limited, and as a result of these limitations, there have been very few meetings of the RRB since the Code was changed. Staff is recommending that the responsibilities formerly assigned to the RRB be placed on the UAPC and that the RRB be removed from the Development Code altogether. This will accomplish two things – the process for development will become more streamlined, while the guidelines and restrictions placed on the RTC zones will remain in force.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

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

SECTION 4.103:

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

City Council Response: Satisfied. The proposed amendment is consistent with both the purpose and intent of the article. The purposes of the Code will remain intact; only the review authority will be changed.

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

City Council Response: Satisfied. The proposed amendment is in harmony with other provisions in the code.

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

City Council Response: Satisfied. The Comprehensive Plan states that:

The zoning district concept has often been designated the bearer of all policy requirements over the years, regardless of whether zoning districts were the most suitable or efficient instrument of the desired policy. Also, as zoning, subdivision and other development related ordinances and policies have been adopted, a great body of varying procedures have been built into the process, often contradictory, confusing and difficult to follow for the developer, neighbor and administrator. Further, the standards by which a proposal is permitted to go forward, or that determine what a proposal must provide in the way of services, amenities or buffering are unclear, or vague and discretionary, and often unrelated to the task for which they were formulated in the first place.

In recognition of these inequities and inefficiencies "built in" to most codes, cities in Oregon have undertaken major revisions in their development ordinances and policies, ... (Chapter 13, Section 13.7, page 13-66);

and, further:

Vague and discretionary standards, whether utilized as criteria for permitting a development, or used to determine what design or construction standards must be met, are unevenly applied, often unfairly, and needlessly involve higher levels of decision making and its attendant delays and costs, rather than the quick, ministerial treatment that measurable and objective standards may receive.
(Chapter 13, Section 13.7, page 13-70)

The proposed changes eliminate an added layer of review from the process, creating a more streamlined development procedure.

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

City Council Response: Not Applicable. The proposed amendment does not affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP). Any new development must meet the requirements of the MTP and address potential traffic impacts consistent with Chapter 27 of the Development Code.

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:

SECTION 13.5.4

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

City Council Response: Satisfied. The proposed changes are consistent with the other aspects of the Comprehensive Plan.

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

City Council Response: Not applicable. There is no significant change to the data supporting the Comprehensive Plan; rather, this is an amendment which will help bring the Development Code and Comprehensive plan into greater agreement and consistency.

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

City Council Response: Satisfied. The proposed amendments are compatible with the applicable planning goals and guidelines of the State of Oregon.

CRITERION (d): Citizen review and comment.

City Council Response: Satisfied. The proposed amendment was properly noticed and affected property owners were afforded appropriate chance to provide comment.

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

City Council Response: Satisfied. Affected government units and other agencies were made aware of the proposed amendments and were given opportunity to provide comment.

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

City Council Response: Not Applicable. There is no additional need for basic urban services being generated by the proposed amendment.

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

City Council Response: Not Applicable. There is no further information required by the review body.

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

City Council Response: Satisfied. While not an error, the proposed amendments deal with the additions and revisions to the Comprehensive Plan as the document has adapted over time.

VIII. DECISION AND SUMMARY:

The City Council **APPROVED** the amendment. The vote was 7-0-1, with Councilors DeYoung, Hannum, Morgan, Goodwin, Williams, Gatlin and Riker in favor. None were against. Councilor Webber was absent.

XI. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this 1st day of October, 2014.



Darin Fowler, Mayor