



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

July 7, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment  
DLCD File Number 002-06

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 19, 2006**

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  
Tom Schauer, City of Grants Pass

<paa> ya

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)

JUN 30 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF GRANTS PASS Local File No.: 06-4050001 (If no number, use none)

Date of Adoption: 6/21/2006 (Must be filled in) Date Mailed: 6/23/2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 3/3/2006

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

(Please Specify Type of Action)

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

Amendment to Section 3.050, and related provisions of Article 2 of the Development Code to allow an optional review process for applications that don't require a written land use decision, allowing for a formal application process that enables them to be subject to standards and criteria in effect at the time of application.

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

It is substantively the same. Minor revisions were made to another section of the Code for internal consistency.

Plan Map Changed from: to

Zone Map Changed from: to

Location: Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals: Goal 1 - Citizen Involvement, Goal 2 Land Use Planning

Was an Exception Adopted? Yes: No: [X]

DLCD File No.: 002-06(15060)

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: DLCD

Local Contact: Tom Schauer, Code Analyst Area Code + Phone Number: (541) 474-6355 x 6418

Address: 101 NW 'A' Street

City: Brants 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](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

ORDINANCE NO. 5359

**AN ORDINANCE AMENDING ARTICLES 2 AND 3 OF THE DEVELOPMENT CODE TO ALLOW AN OPTIONAL REVIEW PROCESS FOR APPLICATIONS THAT DON'T REQUIRE A WRITTEN LAND USE DECISION**

**WHEREAS:**

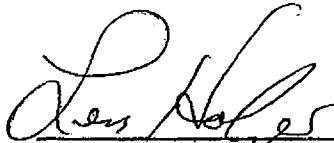
1. The Comprehensive Plan of the City of Grants Pass was adopted December 15, 1982. The Development Code of the City of Grants Pass was adopted August 17, 1983; and
2. The Development Code amendment adopts an optional review process for developments that don't require a formal land use application or written decision, allowing an applicant to obtain a formal written land use decision, so the application is subject to the standards and criteria in effect at the time a complete application is submitted; and
3. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan; and
4. The applicable criteria from the Development Code are satisfied, and the proposed amendment is recommended by the Planning Commission to the City Council.

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

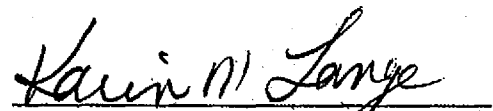
**Section 1:** The amendments to the Development Code as set forth in Exhibit 'A', which is attached to and incorporated in this ordinance, are hereby adopted.

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 7th day of June, 2006.

**SUBMITTED** to and Approved by the Mayor of the City of Grants Pass, Oregon, this 12 day of June, 2006.

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

**ATTEST:**

  
\_\_\_\_\_  
Administrative Services Director  
for Joanne Stumpf

Date submitted to Mayor: 6-8-06

# EXHIBIT 'A'

## Table Legend

|       |   |
|-------|---|
| I-EX= | Type I Procedure, Exempt from Development Permit Review, Section 2.033  |
| I-AU= | Type I Procedure, Administrative Use Permit Review Only, Section 2.034  |
| I-A=  | Type I Procedure, Building Permit Serves as Development Permit, Section 2.035   |
| I-B=  | Type I Procedure, Director's Decision without Comment Period, Section 2.036   |
| I-C=  | Type I Procedure, Director's Decision with Comment Period, Section 2.037  |
| II=   | Type II Procedure, Hearings Officer's Decision, Section 2.040   |
| III=  | Type III Procedure, Planning Commission's Decision (or Historic Buildings and Sites Commission's Decision), Section 2.050                             |
| IV-A= | Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060  |
| IV-B= | Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060   |
| V=    | Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070                  |
| ✓=    | Specifies the required procedure for the application type, using the procedure specified at the top of the column in which the check mark is located. |
| -p=   | In accordance with Section 3.041, a preapplication is required unless the Director finds a conference is not needed.                                  |

## Notes

(1)= The 1998 Intergovernmental Agreement gives the City decision-making authority for these items within the Urbanizing Area, and gives the County automatic party status.

## <sup>1</sup>2.030 Type I Procedures

2.031 Purpose. The purpose of the Type I procedure is to provide a method for the Director to make decisions on applications under land use standards either which do not require interpretation or the exercise of policy or legal judgment, or which require only limited discretion in applying land use standards.

<sup>2</sup>2.032 Type I Procedure Subcategories. This Code identifies numerous developments and activities that require a Type I review. The Type I designation includes several subcategories that have different procedural requirements.

*Section 3.050 of this code provides an option where the applicant may choose to have an application that requires a Type I-EX, I-AU, or I-A procedure reviewed through a Type I-B procedure, which provides a land use decision.*

- (1) Type I-EX. Exempt from the requirements for a Development Permit. Processed in accordance with Section 2.033.
- (2) Type I-AU. Do not require a Development Permit, but do require a use permit issued in accordance with the provisions of this Code. Processed in accordance with Section 2.034.
- (3) Type I-A. Building Permit serves as Development Permit. Processed in accordance with Section 2.035.
- (4) Type I-B. Director's Decision without a public hearing, which does not require a public comment period. Processed in accordance with Section 2.036.
- (5) Type I-C. Director's Decision without a public hearing, which requires a public comment period. Processed in accordance with Section 2.037.

<sup>b</sup>2.033

Type I-EX. Exempt. The permitted development and activities listed as Type I-EX in Schedules 2-1 and 12-2, and the following activities regardless of use, are exempt from the requirements for a Development Permit, but are nonetheless subject to the provisions of this Code:

- (1) Landscaping, irrigation, maintenance or other treatment or use of the land not involving a structure EXCEPT:
  - (a) grading which requires a permit under the Uniform Building Code or other applicable regulations.
  - (b) grading in any of the following areas, where grading shall only occur as allowed by the applicable section, and in accordance with the procedure required by the applicable section:
    - (1) a slope hazard area, which shall be processed in accordance with Section 13.100,
    - (2) a flood hazard area, which shall be processed in accordance with Section 13.200,
    - (3) a stream corridor setback, which shall be processed in accordance with Section 24.340,

Article 3: Land Use Decision and Development Permit Procedures

3.010 Purpose

Land use decisions and development permits are issued to assure property owners that the use and development of land is consistent with the provisions of this Code. The development permit replaces various land use permits previously required prior to adoption of this Code, while simplifying and regularizing the permit procedure.

<sup>3</sup>3.020 Code Compliance Required

3.021 Land Use Decision and Permit Issuance. Land Use Decisions and Development Permits shall be issued according to the provisions of this Code.

Neither the City Building Official nor any other state or local official shall issue a permit for use, development or occupation of a structure which has not been approved according to this Code. Notwithstanding the above, valid prior approvals shall be allowed to proceed as provided in Section 1.080, Validity and Prior approval.

3.022 Lands in Violation. The Director shall not issue a Land Use Approval or Development Permit for the partitioning, subdivision, development, or use of land that has been previously divided in violation of state or local codes then in effect, or divided in violation of this Code subsequent to its adoption, or otherwise developed in violation of this Code, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the proposed development in a manner provided by this Code.

3.030 Land Use Approval Required, Exceptions

- (1) Any use, development, or activity identified in Section 2.033 of this Code as "Exempt" (Type I-EX Procedure) does not require a permit, land use decision, or Development Permit, but shall comply with the provisions of this Code. ~~An optional process that provides a land use decision is described in Section 3.050.~~
- (2) Any use, development, or activity identified in Section 2.034 of this Code as requiring an Administrative Use Permit (Type I-AU Procedure) does not require a land use

decision or Development Permit, but requires a Use Permit in accordance with the provisions of this Code, and shall comply with the provisions of this Code. ~~An optional process that provides a land use decision is described in Section 3.050.~~

- (3) Any use, development, or activity identified in Section 2.035 of this Code, which allows the Building Permit to serve as Development Permit (Type I-A Procedure), does not require a written land use decision, but shall comply with the conditions set forth as part of the Building Permit, and shall comply with the provisions of this Code. ~~An optional process that provides a land use decision is described in Section 3.050.~~
- (4) Except as provided in Subsection (5) of this Section, any use, development, or activity identified in Sections 2.036 (Type I-B Procedure), 2.037 (Type I-C Procedure), 2.040 (Type II Procedure), 2.050 (Type III Procedure), 2.060 (Type IV Procedure), or 2.070 (Type V Procedure) requires a written land use approval issued in accordance with the procedures of Article 2.
- (5) Certain applications, such as Lot Line Vacations, are reviewed through a Type IV-B Procedure, and approval is granted by City Council by Ordinance. The ordinance serves as the approval and there is no separate written land use approval.

### 3.040 Land Use Decision Procedures

#### 3.041. Pre-Application Conference

- (1) A pre-application conference is required for all applications in Schedule 2-1, 'Application Procedures' identified as requiring a pre-application, unless the Director finds the conference is not needed.

An applicant or the applicant's authorized representative shall request the Director to arrange a pre-application conference, unless the Director finds the conference is not needed.

- (2) The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Code; to provide for an exchange of information regarding applicable elements of the



Comprehensive Plan and Development Code requirements, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

- (3) Any pre-application for site plan review, subdivision, or PUD requires a rough sketch conceptual plan to be reviewed in the pre-application conference.
- (4) Upon the request of the applicant, the Director shall provide the applicant with a written summary of the conference including confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards which may apply to the approval of the application.

3.042 Director Coordination. The Director shall be responsible for the coordination of the land use application and decision making procedure.

3.043 Submittal of Application Materials. Land use applications together with all application materials shall be submitted to the Director during the normal working hours of the Department. The Director shall indicate the date of submittal on each copy of the materials submitted.

A complete application shall consist of only the items required by this Code, as follows:

- (1) A completed application, on a form provided by the Director.
- (2) Legal description, assessor map page number and tax lot number for all properties included in the application.
- (3) Evidence that the property included in the application is owned by the applicant, or that the applicant is the duly authorized agent of the owner.
- (4) Additional information, including maps, plans, sketches, calculations, and traffic analysis as required by other Articles and Sections of this Code.
- (5) Where applicable, a statement of intent, explaining the nature and proposed use of the development, pertinent background information and other information that may have a bearing in determining the action to be taken.

- (6) As many duplicates of the above information as may be requested by the Director to facilitate expeditious review of the application.
- (7) Submission of application fees as established by the City Council by separate resolution.

3.044 Determination of Procedure Types

- (1) Procedure Types. A land use application shall be processed under a Type I, II, III, IV, or V procedure, as provided in this Code in Article 2, Procedure Types.
- (2) Determination of Procedure Types. When a complete application is submitted, or following the pre-application conference, the Director shall determine the type of procedure the Code specifies for its processing. Where there is a question as to the appropriate type of procedure, the Director shall determine the procedure to be utilized based upon the most similar development permit procedure specified by this Code.
- (3) Consolidated Procedures. An applicant may apply at one time for all permits or approvals required for a development, such as zone map amendment and comprehensive plan map amendment, subdivision, variance, and site plan review, provided all application materials for each permit are submitted simultaneously. In such circumstances, the procedure type followed shall be determined by the Director and may be the highest required for any of the individual applications.
- <sup>2</sup>(4) Consolidation Process for Transportation Facilities. Whenever more than one land use decision is required to permit a transportation facility, review of such decisions shall be consolidated, provided all application materials for each permit are submitted simultaneously. In such circumstances, the procedure type followed shall be determined by the Director and may be the highest required for any of the individual applications.

<sup>3</sup>3.050 Application Completeness and Processing Timelines

- (1) Except as provided in subsections (5) and (7) of this section, the review body shall take final action on any

application, including resolution of all local appeals under ORS 227.180, within 120 days after the application is deemed complete.

The timelines specified in Article 2 for processing an application, including noticing, scheduling a hearing, and issuing a decision shall begin on the date the application is deemed complete.

- (2) Within 5 days of receiving an application, the Director will review the application materials and make a determination of whether the application is complete.

If an application is deemed complete, the Director shall process the application in accordance with the provisions of this Code, including the referral and review provisions of this Article and the applicable procedure type of Article 2.

If an application is deemed incomplete, the Director shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the Director of:

- (a) All of the missing information; or
  - (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
  - (c) Written notice from the applicant that none of the missing information will be provided.
- (3) Applicable ~~Standards and~~ Criteria.
- (a) If the application was deemed complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under Section 12, Chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this section.

(c) Except for construction of a new single-family dwelling or duplex. For any application which requires a Type I-EX, Type I-AU, or Type I-A procedure described in Section 2.030 which is decided without a written land use decision, the applicant has the option of submitting an application for a formal land use decision, in which case the application shall be reviewed using a Type II-B procedure.

The Director shall establish fees associated with the additional review.

If the applicant chooses to file an application through the optional procedure, the applicable standards and criteria shall be in accordance with paragraph (a) of this section. If the application was deemed complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted. The applicable submittal requirements, standards, and criteria shall be the same as those that would apply if the application was reviewed through the Type I-EX, Type I-AU, or Type I-A procedure.

If the application is reviewed through the standard Type I-EX, Type I-AU, or Type I-A procedure, the applicable standards and criteria

(1) shall be those in effect at the time of submittal of a complete building permit application for a Type I-A application, or

(ii) shall be those in effect at the time a grading permit application is submitted for work that requires a grading permit, or

(iii) shall be those in effect at the time of submittal of a complete Administrative Use Permit application for a Type I-AU application, or

(iv) shall be those in effect at the time a use, activity, or construction legally commences for a Type I-EX application.

The land use decision shall expire as provided in Section 3.075.

The decision need not include written findings, but shall include the items required in Section 2.036 for a decision on a Type I-B application. The decision shall also include a copy of the plan, shall state the expiration date of the decision, and shall reference the provisions of Section 3.075 governing expiration of the decision.

The optional procedure above is in addition to any other applicable application, such as a building permit application, grading permit application, or Administrative Use Permit application, and does not substitute for that application.

- (4) On the 181<sup>st</sup> day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:
- (a) All of the missing information; or
  - (b) Some of the missing information and written notice that no other information will be provided; or
  - (c) Written notice that none of the missing information will be provided.
- (5) The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 245 days.

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**ARTICLES 2 AND 3  
DEVELOPMENT CODE TEXT AMENDMENT  
FINDINGS OF FACT – CITY COUNCIL**

**Procedure Type:** Type IV: Planning Commission Recommendation and City Council Decision  
**Project Number:** 06-40500001  
**Project Type:** Development Code Text Amendment  
**Applicant:** City of Grants Pass  
**Planner Assigned:** Tom Schauer  
**Application Received:** February 28, 2006  
**Application Complete:** March 3, 2006  
**Date of Planning Commission Staff Report:** April 19, 2006  
**Date of Planning Commission Hearing:** April 26, 2006  
**Date of City Council Staff Report:** May 23, 2006  
**Date of City Council Hearing:** June 7, 2006

**I. PROPOSAL:**

An amendment to Section 3.050, and related provisions of Article 2, of the Development Code, to allow an optional review process for applications that don't require a written land use decision, allowing for a formal application process that enables them to be subject to standards in effect at the time a complete application is submitted. **See Exhibit 1 to Planning Commission Staff Report for original submittal. See Exhibit 2 to Planning Commission Staff Report for revised and recommended proposal.**

**II. AUTHORITY AND CRITERIA:**

Section 4.102 and Schedule 4-3, City of Grants Pass Development Code, provide that the Director or City Council may initiate a text amendment. The amendment was initiated by the Director's designee.

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

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

**III. APPEAL PROCEDURE:**

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

**IV. PROCEDURE:**

- A. The application was received on February 28, 2006, deemed complete on March 3, 2006 and processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment and the public hearings was mailed to the Oregon Department of Land Conservation and Development on March 3, 2006.
- C. Notice of the proposed amendment and the public hearings was delivered to Josephine County on March 3, 2006.
- D. Public notice of the April 26, 2006 Planning Commission public hearing was published in the newspaper on April 19, 2006, 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 26, 2006 to consider the request.
- F. Public notice of the June 7, 2006 City Council public hearing was mailed to interested parties on May 23, 2006.
- G. Public notice of the June 7, 2006 City Council public hearing was published in the newspaper on May 31, 2006, in accordance with Sections 2.053 and 2.063 of the Development Code.
- H. A public hearing was held by the City Council on June 7, 2006 to consider the request.

**V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the City Council staff report and exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the June 7, 2006 public hearing held by the City Council, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.

**VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:**

Currently, a land use application that requires a formal decision is subject to the land use regulations, both standards and criteria, in effect at the time the land use application is submitted, provided the application is complete, or the applicant submits required information within 180 days of the date the application is first submitted. Some applications don't require a formal land use application, and these applications are

subject to the regulations in effect at the time the building permit, grading permit, or administrative use permit application is submitted, if one is required, or at the time the use, development, or activity commences, if one is not required.

In short, the submittal of a complete land use application "locks in" the regulations at the time the application is submitted, and allows the applicant to subsequently obtain a development permit and building permit based on that decision, knowing they won't be subject to revised regulations if the regulations are subsequently amended. However, there are expiration dates for land use decisions and development permits, so the approval isn't indefinite. For large projects, the applicant needs to obtain the initial approval before proceeding with more expensive detailed engineering and architectural plans.

Some projects that don't require a formal land use application may still have significant planning and cost implications for an applicant. However, the applicable standards and criteria don't lock in until a building permit application has been submitted. This means they may begin work on the detailed plans for a building permit application without having locked into the regulations in the same manner as a project that required a land use application. There is no assurance that the applicable standards in effect at the time they file a building permit application will be the same ones in effect when they began preparing those plans.

The proposed amendment provides an alternate review process that allows an applicant to go through an alternate review process and lock in to the applicable land use applications in effect at the time an application is submitted. This provides assurance the standards will remain applicable from beginning to end of the project.

These applications are not frequently subject to changes in land use regulations, but a project that has substantial interior construction work and only minor exterior site or building changes could have substantial investment associated with the overall construction, even if the Development Code standards are only a portion of the overall project.

Staff considered alternatives to the proposed amendment. However, it became evident that numerous departments and divisions are responsible for reviewing applications at either the land use application stage or building permit stage. Therefore, there was a concern that if the optional process did not include all affected departments in the review, the applicant would only receive piecemeal information. Therefore, significant issues could still arise at the building permit stage if all affected departments weren't included in the optional review, which is intended to avoid surprises. Therefore, the decision was made to make the optional process a standard land use review, using the most simplified process already available in the Development Code. There shouldn't be new issues at the building permit stage, other than the structural review. However, this proposal will only address issues related to the Development Code, and not other city ordinances, such as the Municipal Code, SDC ordinances, the Sign Code, or the Building Code. In addition, it will not affect state or federal law.

The proposed draft excludes single-family dwellings and duplexes. The intention was to focus on use, development, and activities other than new construction. There was some concern that a change that included single-family dwellings and duplexes could result in an influx of stock plans in advance of a change.



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

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

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

**City Council's Response: Satisfied.** The purpose statements for Article 2, Section 2.032, and Article 3 are:

2.010. Purpose. The purposes of this section are:

- (1) to establish land use review procedures;
- (2) to stratify land use review procedures according to the degree of discretionary judgment required and the extent of public participation appropriate; and
- (3) to relate the type of the procedure to the degree of impact of the proposed development.

2.031. Purpose. The purpose of the Type I procedure is to provide a method for the Director to make decisions on applications under land use standards either which do not require interpretation or the exercise of policy or legal judgment, or which require only limited discretion in applying land use standards.

3.010. Purpose. Land use decisions and development permits are issued to assure property owners that the use and development of land is consistent with the provisions of this Code. The development permit replaces various land use permits previously required prior to adoption of this Code, while simplifying and regularizing the permit procedure.

The proposal retains the existing procedures and provides an additional optional review procedure for Type I-EX, I-AU, and I-A applications. The optional procedure isn't intended to provide a higher level of review as discussed under (2) and (3) above. Rather, the proposal retains the existing review procedures and provides an additional, optional review procedure for projects that don't typically require a land use decision, to offer assurance for the owner that the land use regulations will not change during the course of the project when the project is substantial enough that the additional up-front time and identification of issues is important to the property owner.

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

**City Council's Response: Satisfied.** The proposed amendment is in addition to, and not in conflict with, other provisions of the Code. The original proposal only amended Section 3.050. Sections 2.030, 3.030, and 3.050 have all been

amended in the revised proposal to provide internal cross-references for consistency.

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

**City Council's Response: Satisfied. (See below).**

**Comprehensive Plan Consistency**

Applicable goals and policies are:

***Element 2. Citizen Involvement***

**Policy 2.1.** Land use actions shall be reviewed as provided in the Development Code, with the degree of public participation fitting the extent of the impact of the proposed land use action, as provided in Policy 13.12 of the Plan. The Development Code shall include provisions for adequate, timely and informed review, including notices bearing complete and easily understood information needed by the general public to make an informed opinion.

***Element 8. Economic Development***

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

**Policy 8.5.** The implementing ordinances shall act to facilitate these economic policies and shall contain a balanced mix of positive incentives (which may include rapid review procedure, clear and measurable standards of development, subsidized service extension, etc.), as well as exactive requirements...as needed to assure realization of these policies.

***Element 13. Land Use.***

**13.4. Development Procedures.**

**13.4.1. Procedure Types:** The Development Code shall separate land use procedures from land use criteria and development standards. Land use procedures shall be stratified according to the degree of discretionary judgment required, and the magnitude of the impacts of the proposal on the adjacent properties and the community as a whole as follows:

**13.4.2. Expedite Minor Review:** The Development Code shall establish procedures for the development review process which expedite minor development proposals through administrative review, with provisions for public review upon appeal.

**13.4.3. Streamline Review Process:** The Development Code procedures shall act to streamline the land development process and

eliminate unnecessary delays, and shall contain standards and procedures for land use actions that are clear, objective, and nonarbitrary.

The proposal provides an optional review process in addition to the existing procedures which are already available. The streamlined process remains available for applications requiring a Type I-EX, Type I-AU, or Type I-A procedure. However, the optional process enables an applicant to lock in to the applicable regulations at an earlier stage in the process. The primary purpose is to provide a greater degree of certainty for the applicant for a project that has more substantial investment implications while the project still has a low magnitude of impacts on adjacent properties and the community as a whole.

There is some additional time involved up-front in this optional procedure. However, it is intended to ensure that issues raised by all affected departments and agencies, other than structural issues, are brought up at the time of initial review before detailed construction drawings are prepared.

For the above reasons, the proposal is consistent with the applicable goals and policies.

**Most Effective Alternative**

Only one alternative can be found to "most effectively carry out those goals and policies of all alternatives considered."

The proposal balances several issues: keeping existing streamlined procedures in place, providing an option that offers greater certainty earlier in the process before substantial planning or structural design has been completed, using existing procedures in the Code to fulfill this option, ensuring all non-structural issues are addressed as a whole through the optional review process, and avoiding a rush of generic, stock plans or "placeholder" plans or blanket proposals for a change of land use in advance of an anticipated code change.

The proposal most effectively carries out those goals and policies of all alternatives considered by effectively balancing those issues.

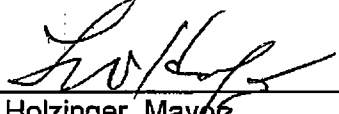
**CRITERION 4:** The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

**City Council's Response: Satisfied.** The proposal affects only procedures. It does not affect any substantive provisions that would have a bearing on the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

**VIII. DECISION AND SUMMARY:**

The City Council found the applicable criteria were satisfied and **APPROVED** the Development Code amendment.

IX. **ADOPTED BY THE GRANTS PASS CITY COUNCIL this 21st day of June 2006.**

  
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Len Holzinger, Mayor

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

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