



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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

NOTICE OF ADOPTED AMENDMENT

August 1, 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 003-06



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 16, 2006

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

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

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

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D L C D NOTICE OF ADOPTION

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

JUL 28 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Grants Pass Local File No.: 06-40200002
(If no number, use none)

Date of Adoption: July 7, 2006 Date Mailed: July 25, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 17, 2006

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
Comprehensive Plan Map Amendment from Low Density Residential to Moderate Density Residential
and a Zoning Map Amendment from R-1-8 to R-2 for three parcels totalling 3.17 acres.

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

Plan Map Changed from: Low Density Residential to Moderate Density Residential
 Zone Map Changed from: R-1-8 to R-2
 Location: 2218, 2240 + 2260 Lower River Road Acres Involved: 3.17 acres
 Specify Density: Previous: 5.4 d.u. /acre New: 11.6 d.u. /acre
 Applicable Statewide Planning Goals: Goals 7, 10 + 11
 Was an Exception Adopted? Yes: No:

DLCD File No.: 003-06 (15246)

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

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. 5365

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP FROM LOW DENSITY RESIDENTIAL TO MODERATE DENSITY RESIDENTIAL AND THE ZONING MAP FROM R-1-8 TO R-2 FOR PROPERTIES LOCATED AT 2218, 2240 AND 2260 LOWER RIVER ROAD

WHEREAS:

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

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

Section 1: The Comprehensive Plan Map is hereby amended to include the properties identified by Assessor's Map and Tax Lots 36-06-13-43/ 1400, 1500 and 1600. All of tax lots 1400, 1500 and 1600 and adjacent right of way, shown in Exhibits "A" and "B", to be entirely within the Moderate Density Comprehensive Plan Map designation; and

Section 2: The Zoning Map is hereby amended to include tax lots 1400, 1500 and 1600 entirely within the "R-2" zoning district.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session, this 5TH day of July, 2006.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 7 day of July, 2006.


Len Holzinger, Mayor

ATTEST:


Administrative Services Director

Date submitted to Mayor: 7/7/06

Chickadee CPA and ZN.A

36-06-13-43-1400, 1500 & 1600
Previous Comp Plan Designation & Zoning

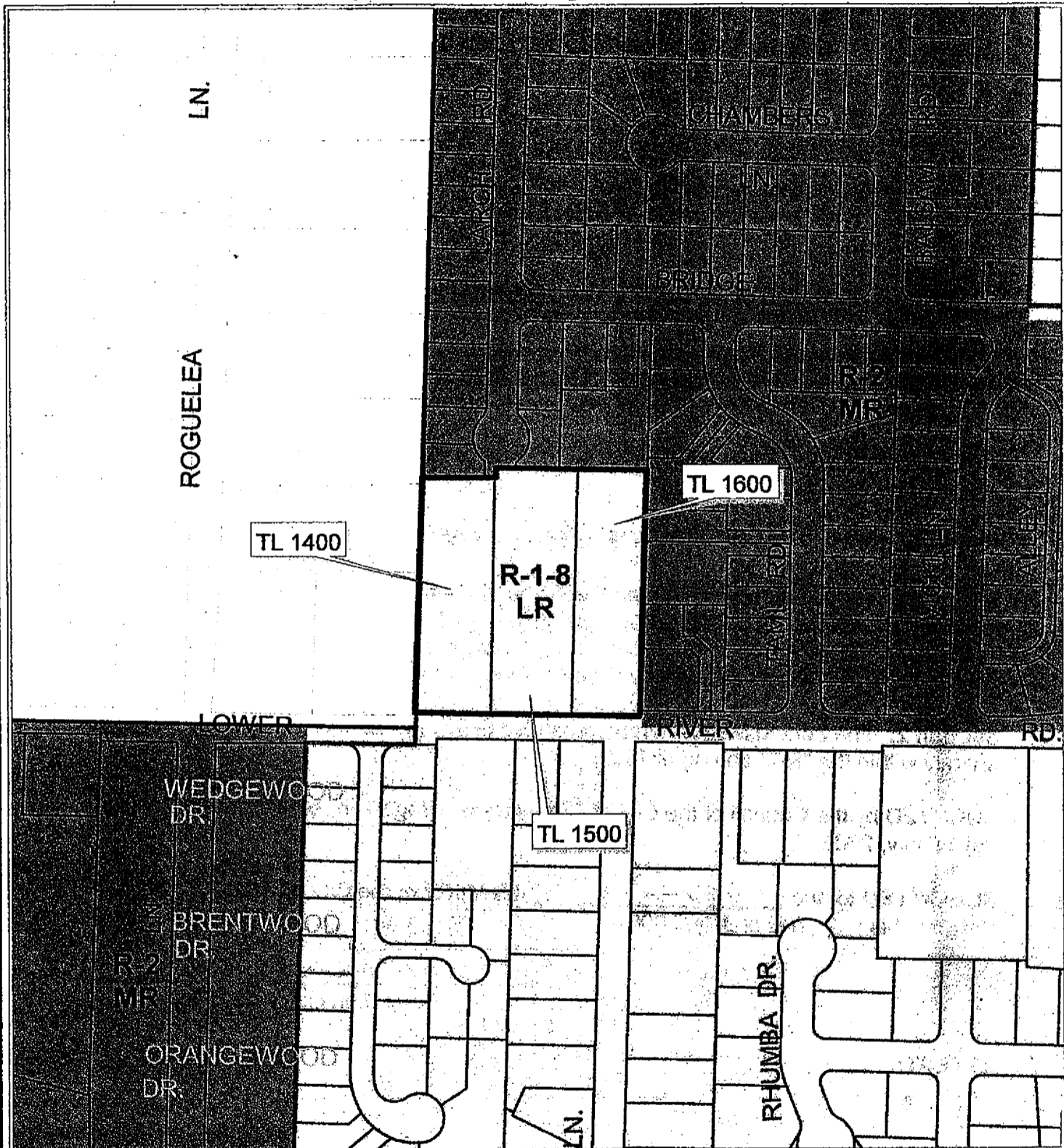


EXHIBIT A

Chickadee CPA and ZMA
36-06-13-43-1400, 1500 & 1600
New Comp Plan Designation & Zoning

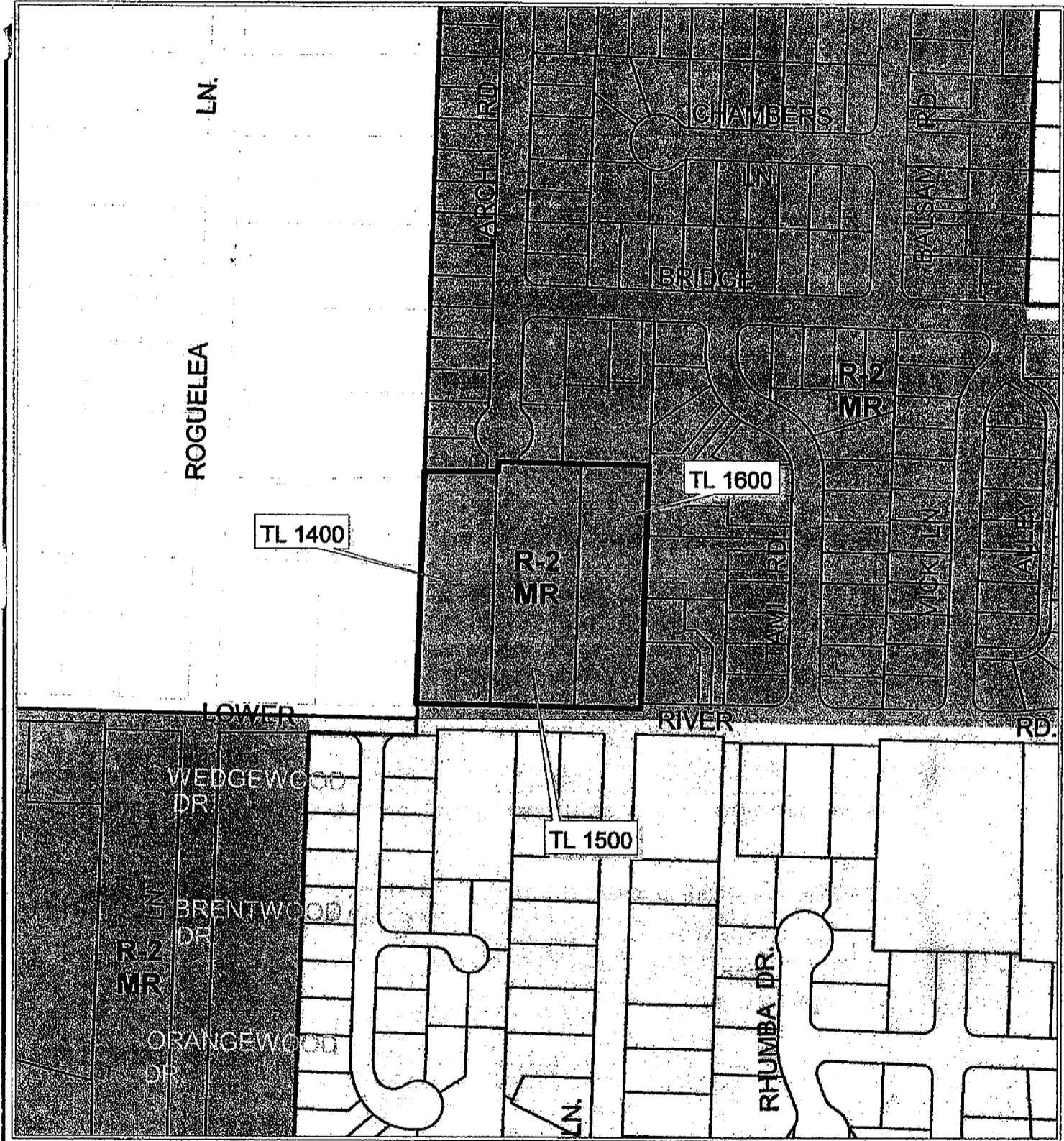


EXHIBIT B

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

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

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	06-40200002
Project Type:	Comprehensive Plan Map Amendment and Zoning Map Amendment
Map & Tax Lots:	36-06-13-43/ 1400, 1500 & 1600
Owners:	Lawrence & Linda D. Amberg (TL 1400) Kenneth R. Reinhart (TL 1500) John F. & Joyce M. Adams Trustees (TL 1600)
Applicant:	Jacoby Development L.L.C.
Representative:	Perry Wickham
Address:	2260 Lower River Road (TL 1400) 2240 Lower River Road (TL 1500) 2218 Lower River Road (TL 1600) <i>See Exhibits 1 and 2 to Planning Commission Staff Report</i>
Existing Comprehensive Plan Designation:	Low Density Residential
Proposed Comprehensive Plan Designation:	Moderate Density Residential
Current Zoning:	R-1-8 (City)
Proposed Zoning:	R-2
Planner Assigned:	Jared Voice
Application Received:	March 24, 2006
Application Complete:	March 24, 2006
Date of UAPC Staff Report:	May 17, 2006
Date of UAPC Hearing:	May 24, 2006
Date of City Council Staff Report:	June 28, 2006
Date of City Council Hearing:	July 5, 2006
City Council Findings of Fact:	July 19, 2006

I. PROPOSAL:

Comprehensive Plan Map Amendment from Low Density Residential to Moderate Density Residential and a Zoning Map Amendment from R-1-8 to R-2 for three parcels totaling 3.17 acres. *See Exhibits 3 and 4 to Planning Commission Staff Report*

II. AUTHORITY AND CRITERIA:

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

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

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

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

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

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

For legislative decisions, the IGA provides:

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

For quasi-judicial decisions, the IGA provides:

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

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

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

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

III. APPEAL PROCEDURE:

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

IV. PROCEDURE:

- A. An application for a Comprehensive Plan Map and Zone Map amendment was submitted on March 24, 2006. The application was deemed complete on March 24, 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 May 17, 2006.
- C. Josephine County and other affected agencies were notified of the proposal.
- D. Public notice of the March 24, 2006 Planning Commission hearing was mailed on May 3, 2006 in accordance with Sections 2.053, 2.063 and 2.095 of the Development Code.
- E. A public hearing was held by the Urban Area Planning Commission on May 24, 2006 to consider the request and make a recommendation.
- F. Public notice of the July 6, 2006 City Council hearing was mailed on June 14, 2006.
- G. Public notice of the July 6, 2006 City Council hearing was published in the newspaper on June 28, 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 July 5, 2006 to consider the request.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report and attached record, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the July 5, 2006 public hearing held by the City Council, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.

VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

Property Characteristics

- 1. Size
 - a. Tax Lot 1400: 1.03 acres
 - b. Tax Lot 1500: 1.14 acres
 - c. Tax Lot 1600: 1.00 acres
- 2. Frontage: The property has frontage on Lower River Road, a State Highway, and Larch Road, a local street.
- 3. Access: Proposed access via an extension of Larch Road and a new public street, as well as a new private street, to be completed by the developer.
- 4. Existing Public Utilities:
 - a. Water: 12-inch line in Lower River Road
8-inch line in Larch Road
 - b. Sewer: 8-inch sewer line in Lower River Road and Larch Road.
 - c. Storm Water: 15-inch in a portion of Lower River Road.
- 5. Topography: The property is generally level.
- 6. Natural Hazards: Flood Hazard District. The property is located within the 100 Year Flood Plain as identified on the FEMA Flood Insurance Rate Maps.
- 7. Natural Resources: Six (6) significant-sized trees are identified on the tentative plan.
- 8. Existing Land Use:
 - a. On site: Single family dwellings on all three parcels.
 - b. Surrounding:

North: Single Family Residential (R-2)

South: Single Family Residential (R-1-8)

East: Single Family Residential (R-2)

West: Single Family Residential (Outside UGB)

9. Special Purpose Districts: Flood Hazard District.

VII. CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

City Council Response: Satisfied. The subject property lies within the Lincoln Road Neighborhood of the Southwest Subarea of the North area residential portion of the Urban Growth Boundary. The policies of the Comprehensive Plan for the neighborhood call for the development of the neighborhood at low to moderate densities.

The proposal would result in an increase in density within the floodplain, although floodplain protection can be afforded to the subject properties by elevating structures at the time of development. The nature of the hazard is limited for the subject properties. The primary means of protecting development in the 100-year floodplain is through elevating structures through filling lots or through other means. The Comprehensive Plan does not specify how much land should be either low or moderate density. However, the plan does encourage that development in the area use techniques to meet the flood hazard development standards of the Code, including the provision of open space and minimizing impervious surfaces. In addition to open space already existing in the area, opportunities may exist during review of individual developments for creation of additional open spaces that will aid in meeting the policies of the Comprehensive Plan.

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

City Council Response: Satisfied. The issues raised for previous amendments in the area are also generally applicable to this proposed amendment:

1. The adjoining property to the north and east has a plan designation of MR and is zoned R-2, and many of the lots are MR/R-2 density.
2. The identification of wetlands in the area demonstrated that the inventory of buildable lands in the Lincoln Road area was overestimated.
3. Sewer and water are now available to this area.

In addition, a large portion of the area has been developed as public open space in conjunction with the development of Reinhart Volunteer Park. While the park does not provide a justification for a conversion of all R-1-8 lands in the area to R-2, it does provide additional off set for lands developed and filled in conjunction with a subdivision application.

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

City Council Response: Satisfied. The proposed amendment is in compliance with Goal 10, Housing. The state planning goals encourage the provision of adequate housing within Urban Growth Boundaries. Applicable goals are identified below.

Goal 7. Areas Subject to Natural Disaster and Hazards.
Goal 10. Housing.
Goal 11. Public Facilities and Services.

In addition to the provisions of these goals, the Comprehensive Plan has been acknowledged, and the plan policies and Development Code provide for implementation of the statewide goals. Staff has reviewed the goals and Comprehensive Plan policies and concludes that the proposal is consistent with the Statewide Goals and the Comprehensive Plan policies.

The proposal provides for moderate urban housing densities in an area planned for low and moderate density. Public services are present to serve the development, or are contiguous to the property, and will be extended in conjunction with development.

The primary concern with the proposal is increased density within the floodplain. The extent of the property affected by the proposal is of limited scope and the density is consistent with that of adjacent developed property. The predominant floodplain issues can also be addressed through elevating the property and/or structures at the time of development.

Increased density within a floodplain is not typically encouraged; however, the guidelines to Statewide Planning Goal 7 provide that, "Areas subject to natural hazards should be evaluated as to the degree of hazard present. Proposed developments should be keyed to the degree of hazard and to the limitations on use imposed by such hazard in the planning areas."

Lots and/or structure would need to be elevated so the lowest floor is at least one foot above base flood elevation. This can be addressed through development, and this has occurred for other properties in the floodplain in this area.

CRITERION (d): Citizen Review and comment.

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

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

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

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

ODOT was provided notice of the application. No written comments were received from ODOT, but Jayne Randleman stated during a telephone conversation on May 8th, 2006 that the agency had no issues with the proposed zone change. Conditions addressing ODOT concerns will be attached to any development of the subject properties.

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

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

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

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

City Council Response: Not applicable. No additional information has been requested by the review body at this time.

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

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

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

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

City Council Response: Satisfied. There are no new proposed uses for the property. The existing uses are consistent with both existing and proposed zoning districts.

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

City Council Response: Contingent on action taken on the proposed Comprehensive Plan Amendment. If the Comprehensive Plan designation were amended from Low Density Residential to Moderate Density Residential, the proposed zoning would be consistent with the Comprehensive Plan Land Use Map designation.

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

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

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

City Council Response: Satisfied. The intersection of Bridge Street and Lincoln Road was evaluated in December of 2004 as part of a proposed zone change for the Lincoln Meadows Subdivision. The intersection was projected to perform at a Level of Service D under year 2005 build conditions, the minimum performance standard allowed by the Development Code. Although the intersection is nearing capacity, the number of additional units that could potentially be constructed on the subject properties because of the increased density is minimal. However, because the intersection is nearing capacity, a traffic study likely will be required at the time the property is subdivided or developed with multi-family units.

The subject property is located on Lower River Road, a State Highway. ODOT has orally requested that the applicant apply for a permit for any proposed access to Lower River Road. No written comments were submitted.

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

City Council Response: Satisfied. The property is relatively flat and is conducive to either the existing or proposed zoning districts.

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

City Council Response: Satisfied with Conditions at the time of development. The property is located within the Flood Hazard District. The Development Code requires that the development on the property meet the flood plain development standards. Conditions include elevating structures to one foot above the base flood elevation.

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

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

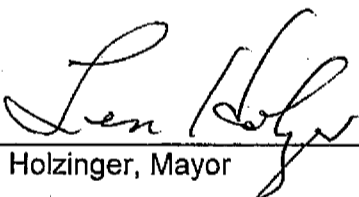
CRITERION 8: In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

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

VIII. DECISION AND SUMMARY:

The City Council finds the applicable criteria are satisfied and **APPROVES** the proposed Comprehensive Plan Map and Zoning Map amendment.

IX. ADOPTED BY THE GRANTS PASS CITY COUNCIL this 19th day of July 2006.



Len Holzinger, Mayor

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