



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

May 22, 2008



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 001-08

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: June 6, 2008

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
Lora Glover, City Of Grants Pass

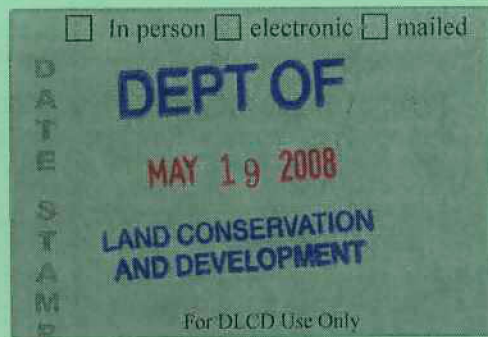
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FORM 2

DLCD

Notice of Adoption

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



Jurisdiction: City of Grants Pass

Local file number: 07-40200003

Date of Adoption: 4/26/08

Date Mailed: 5/16/08

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

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Amend the Grants Pass Comprehensive Plan Map for two parcels from Medium Density Residential (MDR) to High-Rise Density Residential (HDR) and the zone map from R-1-6 to R-4 for properties identified as 36-05-17-22, TL 5900 & TL 6000.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: MDR

to: HR

Zone Map Changed from: R-1-6

to: R4

Location: 717 & 723 NW 5th Street

Acres Involved: 0.42

Specify Density: Previous: Single Family

New: Multi-Family

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No.

001-08 (16634)

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

Josephine County Board of Commissioners; Josephine County Planning
Josephine County Public Works; Oregon Dept. of Transportation

Local Contact: Lora Glover

Phone: (541) 474 6355 Extension: 6427

Address: 101 NW A Street

Fax Number: 541 - 476 9218

City: Grants Pass OR

Zip: 97528

E-mail Address: lglover@grantspassoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

City of Grants Pass

DEPT OF

MAY 19 2008

LAND CONSERVATION
AND DEVELOPMENT



May 16, 2008

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

Re: Notice of Adoption ~ Comprehensive Plan Map and Zone Change Amendment
Legal: 36-05-17-22, TL 5900 & 6000
Local File No.: 07-40200003

Dear Sir/Madam,

Please find enclosed a Notice of Adoption, along with two copies of the Findings of Fact and Ordinance No. 5441. If you have any questions concerning this matter, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in blue ink that reads 'Lora Glover'.

Lora Glover
Associate Planner
Ext. #6427

Enclosures

Amended Comprehensive Plan Map Designation (High Rise Density Residential)

36-05-17-BB TL 5900 & 6000



WHERE THE ROGUE RIVER RUNS



100 0 100 200 Feet



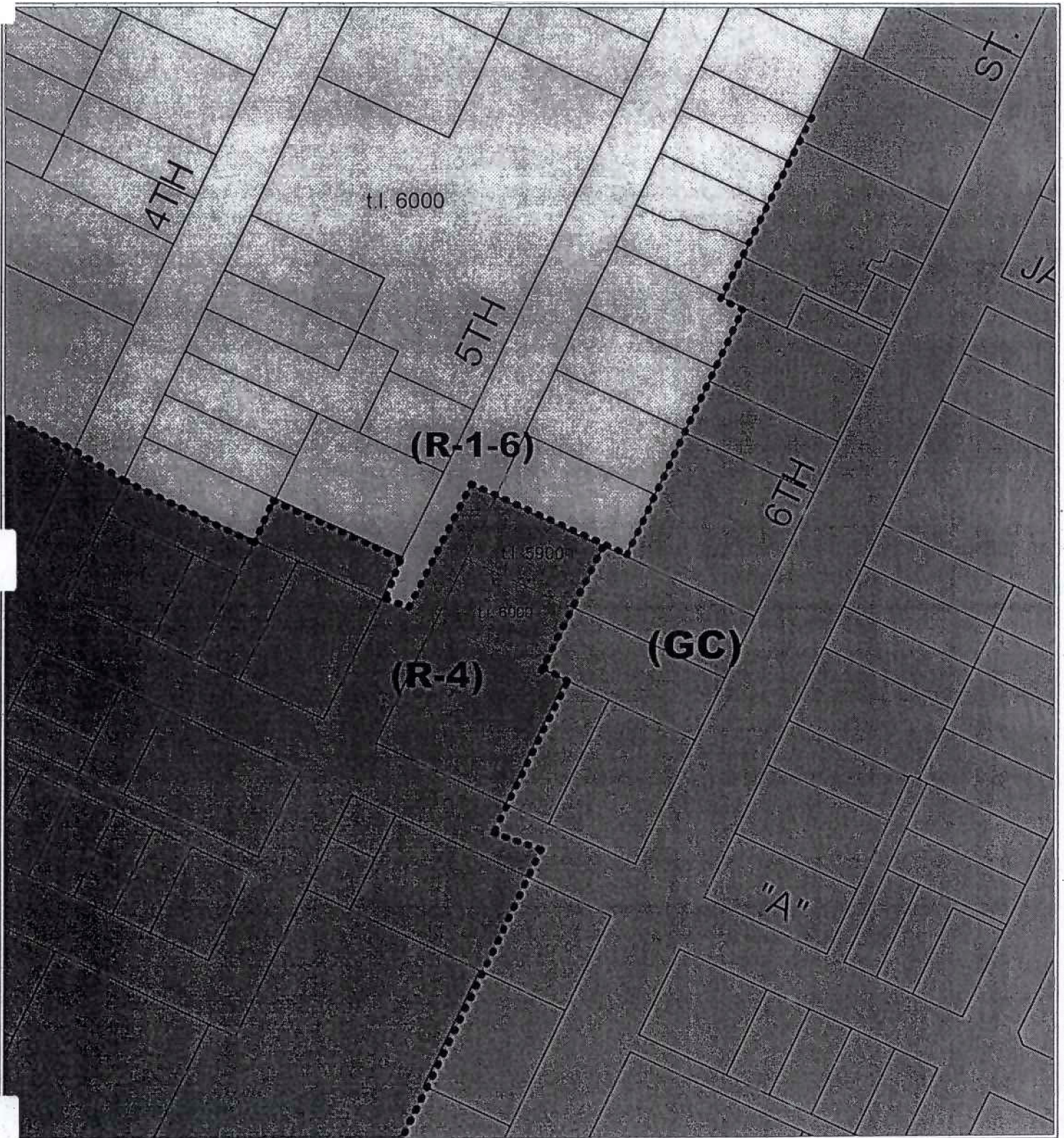
EXHIBIT A to Ordinance

Amended Zoning Map Designation (R-4)

36-05-17-BB TL 5900 & 6000



WHERE THE ROGUE RIVER RODES



100 0 100 200 Feet



EXHIBIT B to Ordinance

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made this _____ day of _____, 2008, by City of Grants Pass, the Declarant and Owner herein.

RECITALS

WHEREAS:

1. Declarant is the Owner of approximately .20 acres of real Property located in the City of Grants Pass, more specifically identified in the legal description (see Exhibit 1). The address for the property is 723 NW Fifth Street and the map and tax lot number is 36-05-17-BB/5900; and
2. Declarant/Owner has applied for and received approval for a Comprehensive Plan Map Amendment from moderate density residential to high-rise density residential and a Zone Map Amendment from R-1-6 to R-4 for the above mentioned property (Application #07-40200003); and
3. The current building on site is a vacant single family residence. Owner intends to convert the single family dwelling into a professional office, specifically for government office use; and
4. The Declarant/Owner desires to maintain the character of the neighborhood and minimize traffic impacts, Owner agrees to a deed restriction on the property.

NOW THEREFORE, Declarant/Owner in accordance with the above-mentioned recitals, hereby declares the above property will be owned, sold, conveyed, encumbered, occupied and improved subject to the restrictions set forth herein.

1. The use of this property shall be limited to any uses allowed in an R-1-6 zoning district pursuant to the 2008 version of the Grants Pass Development Code (GPDC) excepting cemeteries, and professional office use by the City of Grants Pass for a period of fifteen (15) years from the date the Ordinance for the above-mentioned Comprehensive Plan Map Amendment and Zone Map Amendment becomes effective.
2. After the fifteen (15) year period has expired, all allowable uses in the R-4 zone district pursuant to the 2008 version of the GPDC would be permissible after review through the appropriate procedure.

Executed by the duly authorized officer of the Declarant/Owner.

Owner: City of Grants Pass

By: _____

Name: _____

Title: _____

STATE OF OREGON)
) ss
COUNTY OF JOSEPHINE)

Signed before me on the ____ of _____, 2008.

By: _____

IN WITNESS WHEREOF I hereto set my hand and seal on this same date,

Notary Public of Oregon

My Commission expires _____

DECLARATION OF RESTRICTIONS
Exhibit 1

Bourne's First Addition

Beginning at the Northwest Corner of Lot 2 Block F, T36S, R5W, Willamette Meridian; then southerly along the easterly line of 5th Street 68.5 feet; then easterly and parallel to the northerly line of said Lot 2 125 feet; then northerly and parallel with the easterly line of 5th Street 68.5 feet to the northerly line of said Lot 2; then westerly along the northerly line of said Lot 2 125 feet to the point of beginning.

Also:

Together with all right, title and interest in and to a right of way from 5th Street over and across the following described premises:

Beginning on the westerly line of said Lot 2 68.5 feet northerly from the Southwest corner of said lot; then easterly and parallel with the southerly line of said Lot 2, 125 feet; then northerly and parallel with the westerly line of said Lot 2, 8 feet; then westerly and parallel with the southerly line of said Lot 2, 125 feet to the westerly line of said lot; then southerly along the westerly line of said Lot 2, 8 feet to the point of beginning.

All in T36S R5W WM.

(Map No. 36-05-17-22, TL 5900)

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

717 & 723 NW 5TH STREET

COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT

FINDINGS OF FACT – CITY COUNCIL

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	07-40200003
Project Type:	Comprehensive Plan Map Amendment and Zoning Map Amendment
Owner:	Patrick and Kathleen Kelly (TL 6000) City of Grants Pass (TL 5900)
Applicant:	City of Grants Pass
Map & Tax Lot:	36-05-17-22, TL 5900 & 6000
Address:	717 NW 5 th Street (TL 6000) 723 NW 5 th Street (TL 5900) See Exhibits 1 and 2
Existing Comprehensive Plan Designation:	Moderate Density Residential
Proposed Comprehensive Plan Designation:	High Rise Residential
Existing Zoning:	R-1-6
Proposed Zoning:	R-4
Planner Assigned:	Lora Glover
Application Received:	December 28, 2007
Application Complete:	December 28, 2007
Date of UAPC Report:	March 5, 2008
UAPC Findings of Fact:	March 26, 2008
Date of City Council Staff Report:	April 8, 2008
Date of City Council Hearing:	April 16, 2008 (continued from March 19, 2008)
City Council Findings of Fact:	May 7, 2008

I. PROPOSAL:

Comprehensive Plan Map Amendment and Zoning Map Amendment from Moderate Density Residential/MDR (R-1-6) to High Rise Residential/HRR (R-4) as described in the applicants' application and narrative.

II. AUTHORITY AND CRITERIA:

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.

The review was 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 makes the decision, and the County will have automatic party status.

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(d)(1) further provides that the hearing shall be conducted in accordance with the Legislative Hearing Guidelines of Section 9 of the *Development Code*. In this instance because specific properties are involved, the hearing was conducted in accordance with the Quasi-Judicial Guidelines of Section 8 of the *Development Code*.

Therefore, the application was processed through a "Type IV" procedure, with a recommendation from the Urban Area Planning Commission and a final decision by City Council. The County has automatic party status for appeals. 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 Comprehensive Plan Map and Zone Map Amendment was submitted and deemed complete on December 28, 2007. The application was processed in accordance with Section 2.060 of the *Development Code*.
- B. Notice of the proposed amendment and the February 27, 2008 public hearing was mailed to the Oregon Department of Land Conservation and Development on January 9, 2008 in accordance with ORS 197.610 and OAR Chapter 660, Division 18.
- C. Public notice of the February 27, 2008 public hearing was mailed on February 6, 2008 in accordance with Sections 2.053 and 2.063 of the *Development Code*.
- D. Public notice of the February 27, 2008 public hearing was published in the newspaper on February 20, 2008.
- E. The applicants requested a continuance of the February 27, 2008 public hearing until March 12, 2008. The Planning Commission granted the request.

- F. The Planning Commission made a recommendation on the request on March 12, 2008.
- G. The applicants requested a continuance of the March 19, 2008 public hearing until April 16, 2008. The City Council granted the request.
- H. Public notice of the April 16, 2008 City Council public hearing was published in the newspaper on March 26, 2008.
- I. Public notice of the April 16, 2008 City Council public hearing was mailed on March 20, 2008 in accordance with Sections 2.053 and 2.063 of the Development Code.
- J. The City Council held a public hearing to consider the request on April 16, 2008. A roll call vote was taken during the public hearing and the City Council voted to approve the request.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the City Council on April 16, 2008, which are attached as Exhibit "B" summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. During the hearing held on April 16, 2008, Holger T. Sommer submitted written comments, which are attached as Exhibit "C" and incorporated herein.
- D. A power point presentation by James E. Huber from the April 16, 2008 hearing is attached as Exhibit D.

VI. FINDINGS OF FACT:

The City Council found that the request meets the criteria contained in Section 13.5.4 of the Comprehensive Community Development Plan Policies and the criteria contained in Section 4.033 of the Development Code based on the reasons stated in the findings below.

VII. GENERAL FINDINGS OF FACT:

Background

The subject parcels are located within the Northwest Subarea (Manzanita Neighborhood) and the North Area Commercial (Downtown/North) subareas as described in the Comprehensive Plan. Each parcel is developed with a single-family residence and accessory buildings, with a paved (shared) driveway and landscaping in the front yards and parking areas to the rear (east property line). The properties are

abutted by the City's employee parking lot along the south property line of TL 6000 and the east property lines of TLs 5900 and 6000 as reflected on the aerial map.

The residence on TL 5900 (owned by the City of Grants Pass) is currently vacant. The City proposes to convert the residence into a professional office for government services, and will enter into a deed restriction limiting the use of the property to any permitted use in the R-1-6 zone, with the exception of cemeteries, and for a professional office (see Exhibit C to Ordinance entitled "Declaration of Restrictions").

The residence on TL 6000 has been used as a professional (attorney/accountant) office. The conversion of the residence to a professional office was approved as a Type II - Minor Site Plan Review in 1992. At the time of the review, a scribner's error on the zoning map indicated that TL 6000 was zoned R-4. The R-4 zone lists professional offices as a permitted use. It was not until several years after the issuance of the Development Permit and the completion of the conditions of approval for the conversion that the zoning map error was discovered. The proposed amendment would bring this property into compliance with current zoning rules.

The original proposal reviewed by the Planning Commission included a Development Agreement to be signed for the parcel owned by the City. Since the Planning Commission hearing, it was brought to the City's attention that a Development Agreement could not be used and some other type of recorded restriction or covenant needed to be evaluated for the City parcel. Therefore, staff drafted a proposed deed restriction for the City Council's consideration to replace the Development Agreement.

Property Characteristics

- 1. Comprehensive Plan Designation:** MR (Moderate Density Residential)
- 2. Zoning:** R-1-6
- 3. Size:**
 - a. Tax Lot 5900: 0.20 acres (approximately 8,712 sq. ft.)
 - b. Tax Lot 6000: 0.22 acres (approximately 9,583 sq. ft.)
- 4. Access:** Both parcels have frontage and share access off of 5th Street.
- 5. Utilities:**
 - a. **Water:** 6-inch main in the right-of-way of 5th Street.
 - b. **Sewer:** 8-inch main in the right-of-way of 5th Street and a 6-inch line running between the two parcels to serve the properties to the east.
 - c. **Storm:** 18-inch pipe runs east/west on NW A Street.
 - d. **Phone/Cable/Gas:** Natural gas is present in the 5th Street right-of-way.
- 6. Topography:** The property is generally level.
 - a. **Natural Hazards:** None identified.
 - b. **Natural Resources:** None identified.

7. Land Use

- a. Existing: TL 5900 – Single Family Residence
TL 6000 – Professional Office
- b. Proposed: TL 5900 - Professional Office
TL 6000 – Professional Office

8. Surrounding Land Use:

- a. North: Mixed use, including multi-family, commercial parking.
- b. West: Professional Office, multi-family and group care facility.
- c. South: Public parking facility owned by the City of Grants Pass.
- d. East: Real estate office and public parking facility owned by the City of Grants Pass.

Discussion

The proposed amendment would change the comprehensive plan and zoning designations for both parcels from Moderate Density Residential/MDR (R-1-6) to High Rise Residential/HHR (R-4). TL 5900 is approximately 0.20 acres and TL 6000 is approximately 0.22 acres in size. The change in designation would not cause a significant impact upon the inventory of lands zoned R-1-6 or R-4, or significantly impact utility services. Services are available to the site sufficient to serve the existing and the proposed zone.

As noted above, the subject properties are located in a mixed land use pattern in two overlapping subareas (Northwest Subarea - Manzanita Neighborhood and the North Area Commercial - Downtown/North) as described in the Comprehensive Plan. The subject properties are adjacent to R-4 zoned property to the south along the "A" Street arterial containing a variety of more intensive land uses. To the east, the property abuts General Commercial zoned properties situated in the commercial subareas along 6th and 7th Streets. The block of 5th Street between "A" and Evelyn contains a variety of uses, including two church complexes, three commercial parking lots (supporting nearby or adjoining uses), a group daycare facility, two professional offices, seven multi-family residences (for a total of 23 units) and 17 single family residences.

Element 13 – Land Use Element of the Comprehensive Plan provides the following discussion for the two overlapping subareas for the subject parcels:

Manzanita Neighborhood (Section 13.9.3 Northwest Subarea)

Location: The neighborhood is located in the southcentral part of the Northwest Subarea from Midland south to "A" Street and from 6th Street west to Highland.

Statement: The neighborhood is a low density, single family residential area with good housing stock. It is appropriate for the neighborhood to continue as a low density area.

Policies: (1) The neighborhood shall continue to be developed at low residential densities. (2) The neighborhood shall be considered an Established District.

Downtown/North (Section 13.9.10 North Area Commercial)

Location: The Downtown Subarea roughly parallels the 6th and 7th Street couplet, broadening to include 4th through 5th streets, and extending from Evelyn Avenue south to "J" Street, and may split into North downtown (above the southern Pacific tracks) and South downtown (below the tracks).

Discussion: The North downtown is dominated by public uses (County Courthouse, City Municipal Building, Public Library, Post Office) and their attendant professional office satellites. . . To accommodate the projected 47 acre demand for commercial space, it is proposed to expand the high-rise core area south along the 6th and 7th Street couplet, from 5th to 8th Streets, as far as "M" Street.

Section 13.10.2 – Commercial Space Needs 1980-2000 states in part that . . . An expansion of office uses in the north Downtown area will mean a greater conversion of present close-in residential uses to offices, or the demolition of residential structures for more intense office development. A goal of this plan is to preserve those existing residential structures deemed to be of a historical quality for rehabilitation to office uses. Other residential structures with less architectural quality should be removed for more intensive development.

Though Map 13.10.4 – Proposed Land Use Plan reflects the subject parcels as being in an area marked as "Protect Existing Neighborhood", this map was adopted prior to the 8/17/1983 amendment (Ordinance 4490) which later changed the Comprehensive Plan and zoning designations for properties along "A" Street west to Dimmick to High Rise Residential/R-4.

As previously noted, the proposal includes a deed restriction for the use of TL 5900 (owned by the City of Grants Pass). In order to mitigate potential impacts of the rezoning on the neighborhood, the City agrees to record the proposed "Declaration of Restrictions" (see Exhibit C to the Ordinance), limiting the use of the property to any permitted use in the R-1-6 zone (except cemeteries) and, to include a professional office.

VIII. FINDINGS OF FACT – 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's Response: Satisfied. The proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan for reasons summarized below.

Element 8. Economy

The proposed amendment to change the subject parcels to HRR/R-4 will bring TL 6000 into zoning compliance and provide flexibility of use for TL 5900, maintaining the economic viability of the property for office uses.

Element 9. Housing

The amendment will not be substantially beneficial or detrimental to the residential land inventory. The R-4 zone permits higher density and several uses that are not permitted in the R-1-6 zone. The change in zoning will not have an impact on the number of potential new dwellings whether the property is HRR or MDR (zoned R-4 or R-1-6) as both properties will be used as professional offices.

Element 10. Public Facilities and Services

Public facilities and services are available to serve the existing and proposed use as covered by the adopted utility plans and service policies.

Element 13. Land Use

The proposal does not have a substantial impact on the planned land uses in this area. As previously noted, The Land Use Element of the Comprehensive Plan identifies this area as overlapping between the "Manzanita Neighborhood" within the Northwest Subarea (Section 13.9.3) and the "Downtown/North" Subarea within the North Area Commercial (Section 13.9.10). The Comprehensive Plan discusses the intrusion and/or expansion of the downtown subarea to provide for land available for additional commercial uses, and the conversion of existing residences into professional offices to support the existing [municipal] activities in the subarea. The amendment does not reflect a policy change for the area, subarea, or neighborhood.

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's Response: Satisfied. TL 6000 (the Kelly property) will become consistent with the approved use. TL 5900 (the City property) will change the database to allow uses permitted in the R-4 zone (i.e., professional office). The use of "cemeteries" is being excluded as reflected in the proposed deed restriction. The Comprehensive Plan Elements support the database change. The proposed amendment will amend the plan and zoning map from MDR (R-1-6) to HRR (R-4), and will not require the amending of findings, goals or policies.

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

City Council's Response: Satisfied. The proposal is consistent with seven (7) of the statewide planning goals described below:

Goal 1: Citizen Involvement

The proposal is reviewed and noticed according to the requirements for a Type IV-B procedure. Property owners within two hundred and fifty (250) feet were sent notice of the application. Public notice is posted for both the Planning Commission and City Council hearings in the *Daily Courier* (the local newspaper), on the City of Grants Pass website, www.grantspassoregon.gov and in the cabinet on the first floor of the City Hall building. Such notification provides the public an opportunity to provide written or oral comments on the matter either before or at the hearings.

The City has an acknowledged Citizen Involvement Program adopted under Resolution 1748 that insures the public can actively engage in the planning process.

No comments were received from surrounding property owners during the notice period.

Conclusion: The City's procedures outlined in the *Comprehensive Plan* and *Development Code* pertaining to citizen involvement are being followed. The proposal is consistent with Goal 1 standards and requirements.

Goal 2: Land Use

The Grants Pass *Comprehensive Plan* and *Development Code* outline the planning process to consider a Comprehensive Plan Map Amendment and the Zoning Map Amendment. The process requires the application to be heard by both the Planning Commission and the City Council. The Planning Commission will review the proposal and provide a formal recommendation that will be considered by the City Council for final decision. Specific criteria have been adopted that relate to the proposal. The review bodies will evaluate the proposal against those criteria in order to make a decision.

Conclusion: The application is being reviewed through the City's land use process, making it consistent with the purpose of statewide Goal 2.

Goal 9: Economic Development

The proposed amendment to change the subject parcels to HRR/R-4 will bring TL 6000 into zoning compliance and provide flexibility of use for TL 5900. The two zones are similar because most of the permitted uses in the R-4 zone are permitted in the R-1-6 zone with some higher density uses (i.e., manufactured dwelling park, group quarters, etc.) and professional offices.

Conclusion: The proposal provides diversification and further economic opportunities, thus meeting the standards and requirements of Goal 9.

Goal 10: Housing

The proposed amendment to change less than ½ acre from R-1-6 to R-4 will not be substantially beneficial or detrimental to the residential land inventory of the City.

Conclusion: The proposed zone change allows for a wider ranger of economic activities to happen on the two properties, and still maintains the existing residential inventory.

Goal 11: Public Facilities and Services

The City has acknowledged master plans for urban services (including water and sewer) as part of the *Comprehensive Plan* and *Grants Pass Development Code*.

Both services are currently available to the subject properties and are adequate and available to serve further development of the properties.

Conclusion: The City has public facilities in place to adequately serve the property in regards to sewer and water and is consistent with Goal 11 related to those services.

Goal 12: Transportation

The City has acknowledged Master Transportation Plan as part of the *Comprehensive Plan* and *Grants Pass Development Code*. Both properties have frontage and existing access off of NW 5th Street, a local collector. The proposed Comprehensive Plan Map Amendment and Zone Change Map Amendment will not cause a change in functional classification of the existing transportation facilities.

Conclusion: The City has transportation facilities in place to adequately serve the property and is consistent with Goal 12 related to those services.

Goal 13: Energy

The subject properties currently have public utility and private utility services available adequate to serve the existing and proposed uses. Redevelopment of the properties shall try to implement energy conservation principles regardless of zoning designation.

Conclusion: The proposed amendment is consistent with Goal 13.

Overall Conclusion: Of the nineteen (19) statewide planning goals, the City finds the seven (7) goals analyzed above are applicable and are met by the proposal.

The remaining twelve (12) goals are as follows and are not found to be applicable to the application:

Goal 3 – Agriculture, Goal 4 – Forest, Goal 5 – Natural Resources, Scenic and Historic Areas, Goal 7 – Areas subject to Natural Hazards, Goal 8 – Recreational Needs, Goal 14 – Urbanization, Goal 15 – Willamette River Greenway, Goal 16 – Estuarine Resources, Goal 17 – Coastal Shorelands, Goal 18 – Beaches and Dunes, and Goal 19 – Ocean Resources. These goals do not relate to the site under review. The site is not designated as agricultural or forest land. The property does not contain any natural resources or natural hazards. The parcel is not identified in the City's Comprehensive Plan as a future recreational area. The site is located in an urbanized area. Goals 15-19 do not relate to Grants Pass.

CRITERION (d): Citizen review and comment.

City Council's Response: Satisfied. Public notice of the proposal was mailed to surrounding properties in accordance with the Comprehensive Plan and Development Code procedures. No comments or inquiries were received from property owners during the notice period.

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

City Council's Response: Satisfied. Affected governmental units and agencies were notified.

Notice of the proposal was mailed to the Department of Land Conservation and Development (DLCDD) on January 9, 2008. No comments were received.

Notice of the proposal was mailed to Josephine County on January 9, 2008 in accordance with the 1998 Intergovernmental Agreement. No comments were received.

Notice was provided to ODOT. They have no comments.

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

City Council's Response: Satisfied. Water, sewer, storm, and streets are all present adjacent to the property and are available to serve the property. Some utilities are not present along the full length of both frontages. If extensions are required along the frontages, they can be addressed at the time of site plan review.

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

City Council's Response: Satisfied. Any additional information requested by the review body will be provided.

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

City Council's Response: Not Applicable. There is no indication that the original boundaries were adopted in error.

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's Response: Satisfied. If the proposed zone change is approved, the existing and intended uses would be consistent with the uses permitted in the R-4 zone. As previously noted, the uses on TL 5900 (the City property) will be restricted to a uses permitted in the R-1-6 zone (except cemeteries) and a professional office pursuant to the proposed deed restriction. The current use on TL 6000 is already consistent with the proposed zone district.

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

City Council's Response: Contingent on action taken on the proposed Comprehensive Plan Amendment. If the Comprehensive Plan designation is amended as proposed, the R-4 zoning districts and the HRR comprehensive plan map designations would correspond. The proposed amendment is consistent with the surrounding plan designations, zoning, and the policy for this subarea and neighborhood.

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's Response: Satisfied. The existing services are adequate to accommodate increased density or uses that would result from the amendment.

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's Response: Satisfied. Based upon the proposed deed restriction, review by the City Engineer and no comments from ODOT, the effect of the rezone will cause only slight and/or insignificant impacts on the transportation facilities. The actual traffic characteristics of the proposed new use of TL 5900 will be addressed through site plan review, in terms of trip generation as it relates to the site design, including driveway and access locations, the relationship to the intersection, other driveways and turning movements, and existing and projected traffic.

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

City Council's Response: Not Applicable. The subject properties are both fully developed. There are no unique or unusual physical features on the properties.

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

City Council's Response: Not Applicable. There are no overlay districts that include the subject property.

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's Response: Satisfied. Adequate urban services already serve the subject properties. The zone change is appropriate at these locations.

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's Response: Not Applicable. The subject property is not zoned Urban Reserve.

IX. DECISION:

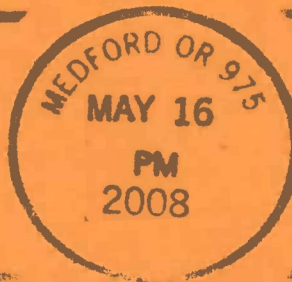
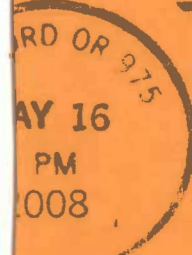
The City Council **APPROVED** the proposed Comprehensive Plan Map amendment from Moderate Density Residential/MDR (R-1-6) to High Rise Residential/HRR (R-4), and the proposed Zoning Map amendment from R-1-6 to R-4, as conditioned upon the attached Declaration of Restrictions being signed and recorded (which shall occur within thirty [30] days of the effective date of this Ordinance).

The vote was 6-0 with Councilors Cummings, Kangas, Wendle, Berger and Richardson in favor. Councilors Hyde and Patterson were absent.

X. APPROVED BY THE CITY COUNCIL this 7th day of May, 2008.



Mayor, Len Holzinger



City of Grants Pass

101 Northwest A Street
Grants Pass, OR 97526

TO: Plan Amendment Specialist
Dept. of Land Conservation & Dev
635 Capitol Street NE, Ste 150
Salem OR 97301-2540