



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

04/03/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment
DLCD File Number 003-11

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: Wednesday, April 18, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lora Glover, City of Grants Pass
Angela Lazarean, DLCD Urban Planner
Josh LeBombard, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

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DEPT OF

MAR 30 2012

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction:

Local file number: 11-40500002

Date of Adoption:

Date Mailed: ~~12/11/11~~ 3/27/12

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No 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".

An application for a Development Code Text Amendment to allow two (2) single family residential dwellings as a permitted use in the Riverfront Tourist Commercial-3 zoning district when a minimum lot size of 4.42 acres is provided.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

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 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 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. 003-11 (19101) [16994]

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

Josephine County

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: 97526

E-mail Address: lglover@grantspassoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 16, 2010

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**ARTICLE 12 ~ RESIDENTIAL USES IN THE RTC-III ZONE
DEVELOPMENT CODE TEXT AMENDMENT
CITY COUNCIL FINDINGS OF FACT – TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	11-40500002
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	December 13, 2011
Application Complete:	December 13, 2011
Date of PC Staff Report:	January 30, 2012
Date of Planning Commission Hearing:	February 8, 2012
Date of Planning Commission Findings of Fact:	February 22, 2012
Date of City Council Staff Report:	February 22, 2012
Date of City Council Hearing:	March 7, 2012
Date of City Council Findings of Fact:	March 21, 2012

I. PROPOSAL:

The proposal as recommended by the Planning Commission is to include residential uses in the Riverfront Tourist Commercial III (RTC-III) zone; specifically, two (2) single-family dwellings, with a minimum parcel size of 4.42 acres. The amendments are proposed for Schedule 12-3 and Sections 12.241 & 12.252 of the Development Code. See *Exhibit A* of the Ordinance or *Exhibit 1.A.2* of the City Council Staff Report for the text amendment as recommended by the Urban Area Planning Commission.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides the procedures for initiation of a Development Code Text Amendment. The proposed Development Code Text Amendment was initiated by the Community Development Director.

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 applicable criteria from the Development Code to be met are found in Section 4.103 of the Development Code Text Amendment.

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 within 21 days after notice of the City Council's written decision is mailed or otherwise submitted to parties entitled to notice under ORS 197.615.

IV. PROCEDURE:

- A. An application for a Development Code Text Amendment was submitted and deemed complete by the Director on December 13, 2011. The application was processed in accordance with Section 2.060 of the Development Code, and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on December 14, 2011, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendment was mailed to Josephine County on December 14, 2011, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the February 8, 2012 Planning Commission hearing was mailed to affected parties January 18, 2012, in accordance with Sections 2.053 & 2.063 of the Development Code.
- E. Public notice of the February 8, 2010, Planning Commission hearing was published in the newspaper on February 1, 2012, in accordance with Sections 2.053 and 2.065 of the Development Code.
- F. A public hearing was held by the Planning Commission on February 8, 2012, to consider the proposal and make a recommendation to City Council. The Planning Commission recommended that the City Council adopt the proposed text amendment.
- G. Notice of the March 7, 2012 City Council hearing was mailed to affected parties February 22, 2012, in accordance with Sections 2.053 and 2.065 of the Development Code.
- H. Public notice of the March 3, 2010, City Council hearing was published in the newspaper on February 29, 2012, in accordance with Sections 2.053 and 2.065 of the Development Code.
- I. A public hearing was held by the City Council on March 7, 2012, to consider the matter.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the March 7, 2012, staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the City Council on March 7, 2012, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation given by staff at the March 7, 2012, City Council hearing is attached as Exhibit "C" and incorporated herein.

VI. FINDINGS:

The City Council found that the request meets the criteria of Section 4.103 of the Development Code based on the reasons stated in the findings below.

VII. GENERAL FINDINGS OF FACT, BACKGROUND AND DISCUSSION:

The subject property is developed with a single family residence and garage built in 1935. The zoning on the property at the time it was annexed into the City in 1990 was R-1-12. The property was subsequently rezoned at the request of the previous owners (the Von Coellns) to RTC-III by Ordinance No. 4696 in 1991. At the time of the rezoning, the Von Coellns planned to develop the property with a lodge and bed & breakfast facility, anticipating the installation of both the Pedestrian Bridge to the east and the 4th Bridge to the west. After a number of years waiting for progress to be made on the 4th Bridge, the Von Coellns abandoned the project and sold the property in 2005 to Blair and Lynn McIntire. It has been the McIntires' desire to build a new single family residence on the north portion of the parcel along the riverfront. However, new residences are not a permitted use in the RTC-III zone, and the relocation/replacement of a residence is limited to the criteria in Article 15 – Nonconforming Use and Development, of the Development Code. Under Article 15, the existing house could be expanded, repaired or replaced (due to calamity); but, could not be relocated to another area of the parcel.

The applicants have pursued a number of applications/avenues in order to accomplish their original goal of a new residence on the property, to include a previous Text Amendment to add residential uses to the RTC-III zone which was subsequently denied in 2007; and, a Major Site Plan Review for a one (1) guestroom bed & breakfast facility. Though the McIntires did receive approval of the Major Site Plan Review, the estimates to extend sewer and water mains to the property for the commercial use were found to be cost prohibitive for the project. The previous text amendment application was denied because the zone does not have a minimum parcel size and the findings concluded that the property could be developed to R-3 density, which would not maintain the purpose and intent of the RTC-III zone. When the property owners suggested the idea of a zone change to residential, staff recommended the revised text amendment in order to safeguard the Comprehensive Plan and the RTC-III zone. The primary difference between the initial text amendment and the current proposal is the establishment of a minimum parcel size for residential uses, matching the existing acreage of the McIntire parcel (4.42 acres). The inclusion of the minimum parcel size will prevent the property

from being further subdivided into smaller residential lots, and allowing for future redevelopment of the property for mixed use riverfront commercial.

VIII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA

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

SECTION 4.103:

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

City Council Response: Satisfied. The proposal amends Schedule 12-3 and Sections 12.241 and 12.252 of the Development Code. The purpose statements for applicable Development Code sections, which include Section 12.011 ~ Zoning Districts, Section 12.224 ~ Riverfront Tourist Commercial District, and Section 21.010 ~ RTC Development Standards, are included below:

Article 12. Zoning Districts

12.011. Purpose. The purpose of this Article is as follows:

- (1) To implement the policies and Land Use Map of the Comprehensive Plan;
- (2) To protect the right to use and enjoy real property;
- (3) To protect the health, safety and welfare of the community;
- (4) To serve as a basis for resolving land use conflict.

Response: The proposed amendment will continue to implement the policies of the Comprehensive Plan and the Rogue River Riverfront and Development Plan. Policy 3.3 of the Comprehensive Plan states that it is highly desirable that the RTC zones provide for mixed uses, to include residential, commercial, retail, office, etc., and that uses either requiring or depending upon a river location being given a higher priority. The allowance of the limited residential development will continue to provide for future mixed use commercial development in the RTC-III zone.

12.224. Riverfront Tourist Commercial District (RTC).

The purpose of the Riverfront Tourist Commercial District is to provide for and to promote special tourist commercial uses adjacent to the Rogue River where their existing or proposed bridges are located. Uses appropriate to the RTC

districts would either need to be located adjacent to the river for their existence or utilize the river's scenic quality for economic development. In addition to providing economic opportunity for the City of Grants Pass, these ordinances will preserve the scenic quality wetland habitat and promote river related recreation.

- (3) Riverfront Tourist Commercial District-III (RTC-III). The RTC-III District is directly related to the County Fairgrounds/Race Track and the Riverside West All Sports [Reinhart Volunteer] Park. Affordance visitor-serving activities and commercial creation development are desired. These activities should occur in a park-like setting.

Response: As noted above, the allowance of limited residential development will continue to provide for future mixed use commercial development in the RTC-III zone.

21.010 Purpose (Riverfront Tourist Commercial Development Standards). The purpose of this article is to provide development standards for the Riverfront Tourist Commercial Districts.

Response: The text amendment requires that development of RTC zoned properties will be subject to the review authority of the Riverfront Review Board (RRB) and the Urban Area Planning Commission (UAPC) as noted in Schedule 12-3 and Section 21.040. Residential development within the RTC-III zone will be subject to the Residential Design Standards of Article 22. All other development will be subject to the Design Guidelines of Section 21.310 of the Development Code.

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

City Council Response: Satisfied. The proposed amendment is internally consistent with other provisions of the Development Code. The amendments to Schedule 12-3, Sections 12.241, 12.244 and 12.252 are appropriate to the intent and purpose of each section.

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

City Council Response: Satisfied. See below

Comprehensive Plan Consistency

The proposed amendment is consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies are contained in

*Element 3 (Scenic, Rogue River, Historic and Natural Resources) and
Element 8 (Economy):*

Policy 3.3. The City shall recognize the Rogue River as the most significant natural and economic resource. Further, the City shall recognize the development opportunities of the river by the institution of "Riverfront Tourist Commercial Zones". These special commercial zones found in scenario 4 of the RRP and located at either existing or proposed bridges, would provide for development standards as well as provide specific allowable uses for each Riverfront Tourist Commercial Area. It is highly desirable that the new zoning allow for mixed use development (residential, commercial, retail, office); however, due to the limited space available, uses which either require or depend on a river location shall be higher priority.

Policy 8.1(e). The City and County shall endeavor to improve, expand, diversity and stabilize the economic base of the community by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

Response: The proposed text amendment is consistent with the policy noted above by providing for a future mixed use of residential and commercial, and by limiting the amount of residential (i.e., to two residential dwellings on 4.42 acres), to provide for the more desirable commercial use in the future. The RTC-III zoned parcel is located in a mixed use neighborhood with existing residential dwellings to the east and west; the County fairgrounds property to the south; and Reinhart Volunteer Park across the Rogue River to the north. The proposed limited residential use of the property consisting of two stand alone single-family dwellings will not impact the economic base of the community.

Element 13. Land Use.

Goal. To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that: (c) does not exceed the carrying capacity of the area's air, land and water resource... and (d) is

responsive to the wishes of the citizens and property owners of the planning area.

The Development Code standards and procedures shall act to streamline the land development process, and shall contain standards and procedures for land use actions that are clear, objective, and non-arbitrary. The public hearing process provides the opportunity to determine whether the efficient use of the land as proposed by the property owners' amendment would also be responsive to the wishes of citizens.

Most Effective Alternative

The alternative to approving the proposal is to retain the existing uses for the RTC-III zone listed within the Development Code. The proposed amendment more effectively carries out the goals and policies stated above.

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


City Council Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP). The MTP contemplates the eventual construction of the 4th Bridge west of the applicants' property, and the extension of W. Park Street westerly to the 4th Bridge. The residential use permitted by the amendment is no more intensive than other uses already permitted by the underlying zoning.

New residential uses will be subject to the Residential Review Standards of Article 22 of the Development Code. Commercial uses permitted within the RTC-III are still subject to site plan review. New development must still address traffic impacts for any specific proposal or intensity of use consistent with the provisions of Section 27.121(3) of the Development Code.

IX. CITY COUNCIL DECISION:

The City Council **APPROVED** the proposed text amendment. The vote was 6-0-1, with Councilors Webber, Morgan, Riker, Williams, Michelon and Fowler in favor. Councilor Woodburn abstained. Councilor DeYoung was absent.

X. APPROVED BY THE CITY COUNCIL this 21st day of March, 2012.



Mayor, Michael Murphy

ORDINANCE NO. 5551

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING SCHEDULE 12-3 AND SECTIONS 12.241 AND 12.252 ~ RESIDENTIAL USES IN THE RTC-III ZONE OF THE DEVELOPMENT CODE.

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Schedule 12-3 and Sections 12.241 and 12.252 of the Development Code; and
3. The proposal is consistent with the goals and policies of the Comprehensive Plan; and
4. The applicable criteria from the Development Code are satisfied and approval of the proposal is recommended by the Urban Area Planning Commission to the City Council.

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

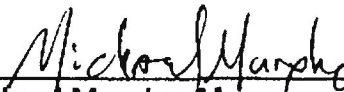
Section 1: The amendment to Development Code Schedule 12-3 and Sections 12.241 and 12.252, as set forth in Exhibit "A", is hereby adopted.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 7th day of March, 2012, with the following specific roll call vote:

AYES: Fowler, Michelon, Morgan, Riker, Williams, Webber

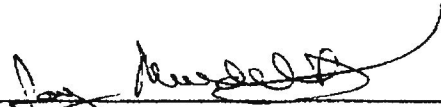
NAYES: None ABSTAIN: Woodburn ABSENT: DeYoung

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 9th day of March, 2012.



Michael Murphy, Mayor

ATTEST:



Finance Director

Date submitted to Mayor: 3/8/2012

Approved as to Form, Mark Bartholomew, City Attorney

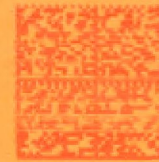


Schedule 12-3. RTC Zone - Permitted Uses and Review Procedures

Land Uses	Zoning District		
	RTC-I	RTC-II	RTC-III
1. Residential			
a. <u>Two (2) Single-Family Dwellings</u> <u>(See Notes Below)</u>			<u>P-III-r</u>
b. Multi-dwelling residential	P-III-r		
c. Condominiums	P-III-r		
2. Lodging and Visitor Accommodations			
a. Visitor information and tourist center		P-III-r	
b. Small scale visitor accommodations such as bed and breakfasts, and inns and resort lodges at a density of no greater than 25 units per acre	P-III-r		P-III-r
c. Large scale visitor accommodations such as a major hotel chain		P-III-r	
d. Youth hostel			P-III-r
e. Campground (to include RVs, tents, and trailers)			P-III-r
3. Meeting and Performing Arts			
a. Conference center		P-III-r	
b. Performing arts complex (inside and outside)		P-III-r	
4. Food and Beverage			
a. Eating and alcohol drinking establishments (inside and outside), only when associated with a restaurant	P-III-r		
b. Eating, alcohol drinking, and dancing establishments (inside and outside)		P-III-r	
c. Beer and wine drinking establishments			P-III-r
d. Fast food restaurants and other small cafes with entertainment and meeting facilities (inside and outside)			P-III-r
5. River-Related Retail			
a. Retail (indoor and outdoor) which support river-type activities	P-III-r		

Schedule 12-3. RTC Zone - Permitted Uses and Review Procedures

Land Uses	Zoning District		
	RTC-I	RTC-II	RTC-III
b. River-related retail (location necessary for existence)			P-III-r
6. River-Related Services			
a. Hotel excursion tour boats for river tours down river		P-III-r	
b. Fuel docks		P-III-r	
c. Marine hardware			P-III-r
d. Bait and tackle shop			P-III-r
e. Guided sport fishing			P-III-r
f. River-related club's and organization's facilities			P-III-r
g. Offices and businesses of river-related and recreational activities			P-III-r
7. Other Retail and Services			
a. Specialty and gift shops		P-III-r	
b. Art galleries and displays		P-III-r	
c. Esplanade along the river, small newspaper kiosks, flower carts, specialty food vendors and carts		P-III-r	
d. Small grocery			P-III-r
e. Bicycle, roller skating, moped, and other recreational equipment rental stores			P-III-r
8. Interpretive/Educational			
a. Fish spawning interpretive center	P-III-r		
b. Natural history library and/or bookstore	P-III-r		
c. Educational interpretive center and displays			P-III-r
d. River-related museums and libraries			P-III-r
9. Public Parks	P-III-r	P-III-r	P-III-r



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MAR 30 2012

LAND CONSERVATION
AND DEVELOPMENT



City of Grants Pass

101 Northwest A Street
Grants Pass, OR 97526

TO:

ATTN: PLAN AMENDMENT SPEC.
DEPARTMENT OF LAND CONSERVATION
635 CAPITOL STREET NE STE 150
SALEM OR 97301-2540