



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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

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

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

### NOTICE OF ADOPTED AMENDMENT

January 11, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Josephine County Plan Amendment  
DLCD File Number 005-03A

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. This adoption was adopted by the City on January 11, 2006, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures\*

#### **DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Doug White, DLCD Community Services Specialist  
John Renz, DLCD Regional Representative  
Michael Snider, Josephine County

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# Josephine County, Oregon

Board of Commissioners: Jim Riddle, Dwight Ellis & Jim Raffenburg

## PLANNING OFFICE

**Michael Snider, Director**

510 NW 4th Street / Grants Pass, OR 97526

(541) 474-5421 / FAX (541) 474-5422

E-MAIL - [planning@co.josephine.or.us](mailto:planning@co.josephine.or.us)

DEPT OF

JAN 06 2006

LAND CONSERVATION  
AND DEVELOPMENT

January 3, 2006

Mara Ulloa  
Plan Amendment Specialist  
DLCD  
635 Capitol St NE Ste 150  
Salem, OR 97301-2540

RE: Comp Plan Map Amendment/ Zone Map Amendment  
36-05-15C, Tax Lots 100, 300, 304, 2500 (Colvin Oil Company)

Dear Ms. Ulloa:

Enclosed is a copy of Form 2 "Notice of Adoption" that was mailed to DLCD on 10/1/04 with the findings of approval and a Notice of Non-Legislative Land Use Decision. Josephine County's decision was appealed to LUBA, and on 4/1/05 a Final Opinion and Order was issued by LUBA. The County's decision was affirmed. Ordinance No. 2005-001 (attached) was signed by the Board of County Commissioners on December 21, 2005.

If you have any questions about the attached Form 2 or ordinance, please give me a call.

Sincerely,

Carol Jordan  
Senior Department Specialist  
(541) 474-5421, Extension 3606

Enclosures: Form 2 - DLCD Notice of Adoption  
Ordinance No. 2005-011

OFFICE HOURS 8-12 & 1-3 (Mon, Tue, Thur & Fri) 8-12 (Wed Only)

"Josephine County is an Affirmative Action/Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973"

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

(See reverse side for submittal requirements.)

DEPT OF

JAN 06 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: JOSEPHINE Local File No.: 36-05-15C, TL 100, 300, 304, 2500

(If no number, use none)

Date of Adoption: 9/29/04 Date Mailed: 10/1/04

(Must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/26/03

- 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 & zone map amendments with a Limited Exception to Statewide Goal 14, Urbanization (Rural Residential 2.5 Acre to Rural Industrial); and to designate the site as an Urban Exception Area - Committed (UEA-C); and a Site Plan Review to develop parking, office & caretaker quarters & to expand employee parking & septic system for TL 300 (portion), TL 100, and TL 2500 (portion).

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: Residential to Industrial

Zone Map Changed from: Rural Residential 2.5 to Rural Industrial

Location: 2520 Foothill Blvd, Grants Pass Acres Involved: 21.53

Specify Density: Previous: Rural 2.5 New: Industrial

Applicable Statewide Planning Goals: Goal 14

Was an Exception Adopted? Yes: X No:

DLCD File No.: 005-03 (13169) [12353]

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,

City of Grants Pass

Local Contact: Michael Snider Area Code + Phone Number: 541-474-5424

Address: 510 NW 4th Street

City: Grants Pass, OR Zip Code+4: 97562

## 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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR JOSEPHINE COUNTY**

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ORDINANCE NO. 2005-011

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP OF JOSEPHINE COUNTY, FROM RESIDENTIAL TO INDUSTRIAL; AND, AMENDING THE ZONING MAP FROM RURAL RESIDENTIAL 2.5 ACRE TO RURAL INDUSTRIAL (AS SUPPORTED BY AN EXCEPTION TO STATEWIDE GOAL 14 ON URBANIZATION) FOR PROPERTIES IDENTIFIED AS PORTIONS OF ASSESSOR'S MAP T36, R5, SECTION 15-C, TAX LOTS 100, 300 AND 2500. THE PROPERTY OWNER IS COLVIN OIL COMPANY.

AND FURTHER AMENDING THE COMPREHENSIVE PLAN OF JOSEPHINE COUNTY BY DESIGNATING CERTAIN LANDS AS A COMMITTED URBAN EXCEPTION AREA (UEA-C), FOR PROPERTIES IDENTIFIED AS ASSESSOR'S MAP T36, R5, SECTION 15-C, TAX LOTS 100, 300, 304 AND 2500. THE PROPERTY OWNER IS COLVIN OIL COMPANY.

WHEREAS, the Board of County Commissioners held public hearings on February 25, 2004, March 17, 2004 and April 21, 2004; and

WHEREAS, the Josephine County Planning Commission at an earlier occasion held a public hearing on December 13, 2003 to consider the above identified changes to the county's Comprehensive Plan and Zone maps, and thereupon recommended approval of the changes to the Board; and

WHEREAS, the Board of Commissioners, at the conclusion of its public hearings, concluded the applicant had met the burden of proof for showing the proposed changes complied with county and state standards, criteria and procedures pertaining to such requests;

NOW, THEREFORE, based on the foregoing, the Board of County Commissioners of Josephine County Oregon, hereby ordains as follows:

**SECTION 1: Comprehensive Plan and Zone Map Amendments**

The Josephine County Comprehensive Plan and Zoning Maps are hereby amended to change the plan designation for certain lands from Residential to Industrial, and from Rural Residential - 2.5 Acre (RR-2.5) to Rural Industrial (RI). The areas being changed are depicted on the map attached as Exhibit A. The areas of map change are located within properties described on Assessor's map T36, R5, Section 15-C, Tax Lots 100, 300 and 2500.

**SECTION 2: Urban Exception Area - Committed (UEA-C)**

The Josephine County Comprehensive Plan is hereby amended to designate all of the properties described on Assessor's map T36, R5, Section 15-C, Tax Lots 100, 300, 304 and 2500 as Urban Exception Area - Committed (UEA-C). The properties so designated are depicted on the map attached Exhibit B.

SECTION 3. Exception Area Authorizes Limited Industrial Uses.

Consistent with the findings of fact entered by the Josephine County Board of Commissioners, dated September 29, 2004, granting a limited exception to statewide Goal 14 (Urbanization), the Industrial/Rural Industrial plan and zone designations authorized by Sections 1 and 2 of this Ordinance shall be limited to the specific uses and intensity of uses as justified by the Goal 14 exception. The limitation on uses and intensity of uses are described in Exhibit C.

SECTION 3: Affirmation

Except as otherwise provided herein, the Josephine County Plan and Zone Maps are hereby affirmed as originally adopted, and heretofore amended.

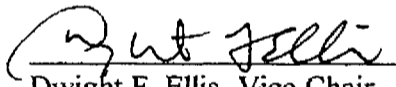
SECTION 4: Effective Date

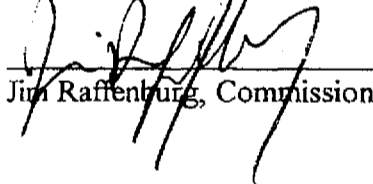
First reading by the Board of County Commissioners this 7<sup>th</sup> day of December, 2005.

Second reading and adoption by the Board of County Commissioners at least thirteen (13) days from the first reading this 21<sup>st</sup> day of December, 2005. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

**JOSEPHINE COUNTY BOARD OF COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Jim Riddle, Chair

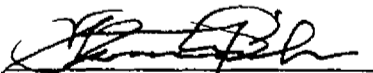
  
\_\_\_\_\_  
Dwight F. Ellis, Vice Chair

  
\_\_\_\_\_  
Jim Raffenburg, Commissioner

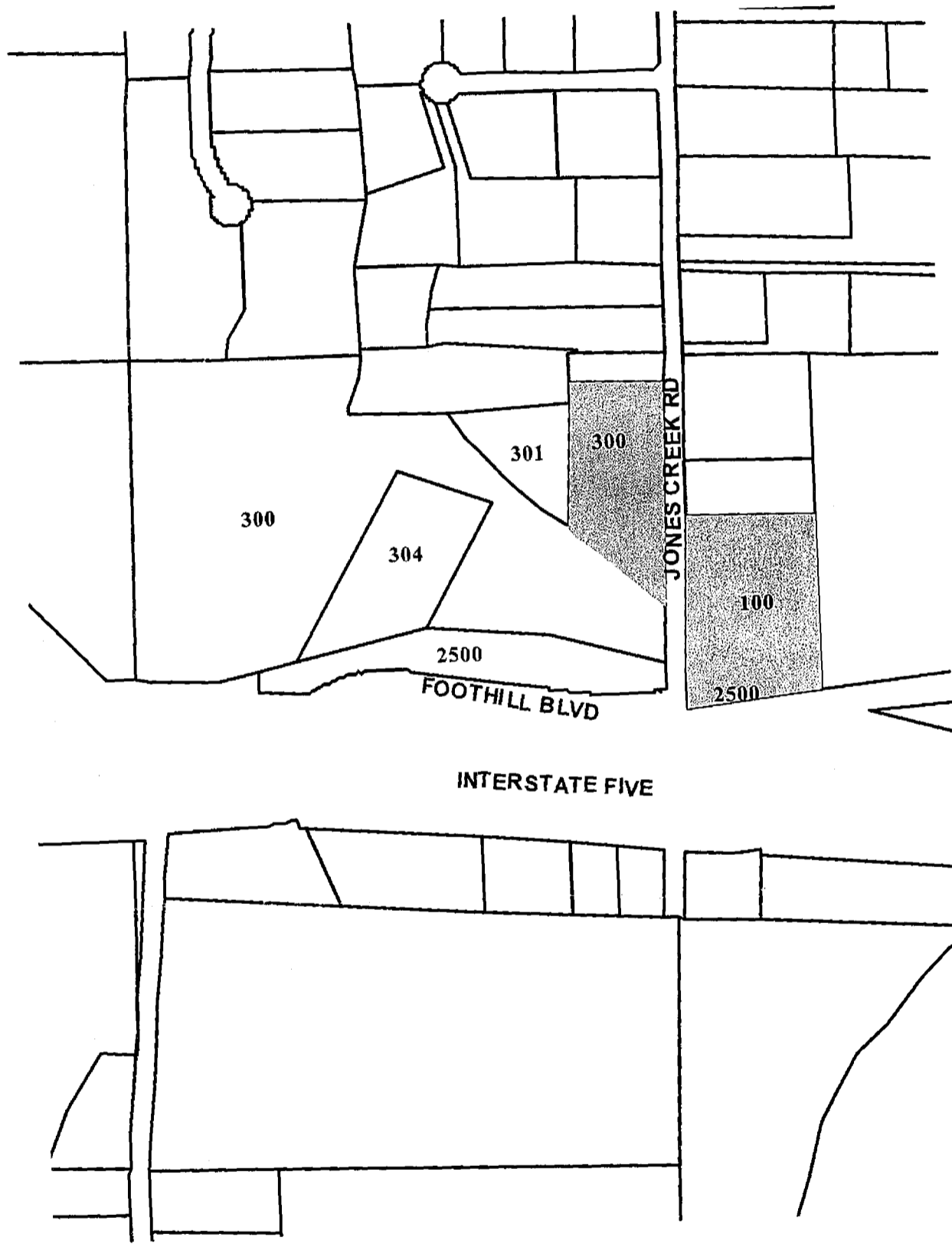
**ATTEST:**

  
\_\_\_\_\_  
Recording Secretary

**APPROVED AS TO FORM:**

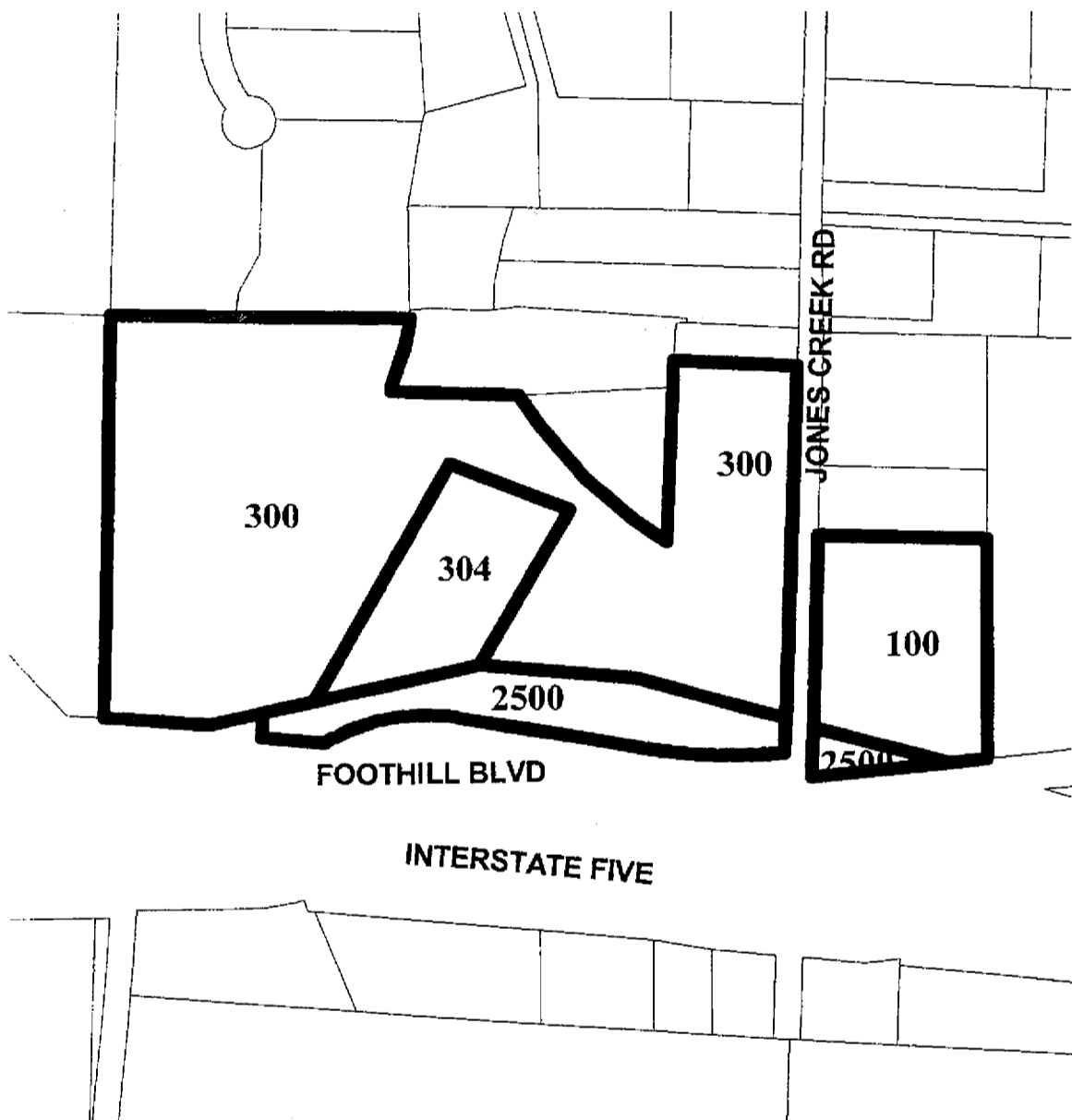
  
\_\_\_\_\_  
Steven E. Rich, Legal Counsel

**Colvin Oil – Areas of Comprehensive Plan & Zone Map Changes**



**Exhibit A**

**COLVIN OIL – URBAN EXCEPTION AREA – COMMITTED**



**Exhibit B**



## COLVIN OIL LIMITED GOAL 14 EXCEPTION

1. PLES-1 Tax Lot 300 (main), Tax Lot 304 (all) and Tax Lot 2500 (main)  
This Proposed Limited Exception Site (PLES-1) is to be limited to Colvin Oil Company operations, including the CFN automatic card fuel station, as well as the overnight trailer drop-off as a part of the fueling operation, the UPS leased area, and Ham's Body Shop, as well as those other RI uses similar in nature and intensity of use to the existing uses.
2. PLES-2 Tax Lot 300 (portion north of Tokay Canal)  
This Proposed Limited Exception Site (PLES-2) is to be limited to Colvin Oil Company operation vehicle and employee vehicle parking.
3. PLES-3 Tax Lot 100/Tax Lot 2500 (portion east of Jones Creek Road)  
This Proposed Limited Exception Site (PLES-3) shall be limited to truck parking and incidental office and support uses similar to the existing Colvin Oil operation, including overnight truck parking for those vehicles utilizing the Colvin Oil fuel center and Colvin lease operations (such as United Parcel Service center).

It is proposed further that PLES-3 shall be limited to an intensity of use which will:

- Have an impact on the PLES-3 less than or equal to the existing Colvin tract uses described above and itemized below, on a pro-rata, per-acre basis as measured by similar use, density, site coverage, traffic generation and development character;
- Utilize only rural levels of basic services, such as water, septic, access streets, and fire and police protection, all services to be within the carrying capacity of the land, as defined by RLDC Section 11.030;
- Mitigate impacts on the adjoining residential portion of Josephine County Exception Area No. 114-1 with appropriate setbacks, screening and vegetative buffers; and
- Mitigate any traffic impacts with appropriate ingress, egress and public street improvements as may be required by traffic increases resulting from the future development of PLES-3, as determined by the Traffic Impact Study (Revised) dated March 25, 2003.

Current levels of intensity of use include the following:

- Colvin Oil Operations - Tax Lot 300/304/2500 (PLES-1)
  - 11 office staff
  - 16 truckers in two shifts
  - 11 tanker trucks in single or double tractor-trailer configurations
  - 9 additional trucks and company vehicles

- Colvin Oil trucks on the coast (2-3 trucks) and in Medford (4-5 trucks) are not daily operational at the site
- The Central Fueling Network (CFN) fuel pavilion
- Active site area for Tax Lot 300 is 4.15 acres (Colvin Oil, overnight trailer drop-off, and UPS), and including septic drain fields is 5.90 acres
- UPS Operations - Tax Lot 300/2500 (PLES-1)
  - 20 daily delivery vehicles
  - Pickup and delivery by up to 3 double or triple trailer rigs, on a once per 24 hour basis
  - 2-5 trailers remaining on property at any given time
  - Active site area for UPS operations is included in the Colvin Oil active site area
- Ham's Body Shop Operations - Tax Lot 304 (PLES-1)
  - Daily entry and exit of up to 10 employees
  - Entry and exit of up to 5-7 customers per day, including vehicles to be repaired
  - This traffic activity is included in the Traffic Impact Study
- Colvin Office Building area is 1,080 square feet, or 0.42% of the active site area
- UPS Building area is 1,130 square feet, or 0.44% of the active site area
- Colvin Accessory Building area is 3,360 square feet, or 1.3% of the active site area
- Total building area is 5,570 square feet, or 2.17% of the active site area, including septic fields. Therefore, up to 2.17% of the active site area of PLES-3 (2.17% x 3.54 Ac = 3,346 square feet) could be developed as building under this proposal.
- No Body Shop use is proposed for PLES-3
- Traffic generation rates per acre of 9.5 trips/Ac for the AM peak hour and 7.5 trips/Ac in the PM peak hour. For conservative traffic impact computation purposes, all traffic from PLES-3 shall be deemed truck traffic. (See Colvin Oil Company Traffic Impact Study [Revised], Table 2, p. 4, and Discussion, p. 5.) The above employee levels and vehicle use were utilized in the Traffic Impact Study. Development of PLES-3 shall be limited to these intensities of traffic generation. Any further expansion of activities on PLES-1 or PLES-3 must demonstrate adequate traffic capacity, including mitigation measures if required by traffic study.
- The area of Tax Lot 300 west of Tax Lot 304 contains an approved septic field and reserve field, slopes down to Jones Creek and then back up to the Tokay Canal, is developed in more rural fashion with barn, sheds and mobile home, and is therefore unsuitable for expansion of uses that are "urban in character and intensity." Improvements to existing structures or

expansion under 10% of existing building area could be accommodated under this proposal. (Source: Record 1.C, pp. 6-8, emphasis added by Applicant)