



Oregon

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Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/03/2014
Jurisdiction: City of Grants Pass
Local file no.: 14-40200001
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/29/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

 File No.: 001-14
 {22298}

Received: 8/29/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Grants Pass, Oregon

Local file no.: **14-40200001**

Date of adoption: 8/20/14

Date sent: 8/28/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5/30/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Lora Glover, Interim Director, Parks & Community Development

Phone: 541-450-6071

E-mail: lglover@grantspassoregon.gov

Street address: 101 NW A Street

City: Grants Pass, OR

Zip: 97526-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Section 13 of the Policies Element of the Comprehensive Plan to repeal provisions related to the Urban Reserve Zone

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): N/A

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Article 4 ~ Development Code Amendment & Criteria; Article 12 ~ Zoning Districts

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Josephine County, Oregon

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Repealing provisions related to the Urban Reserve Zone. There are no lands zoned UR within the UGB. Findings of Fact are attached.

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**URBAN RESERVE
COMPREHENSIVE PLAN & DEVELOPMENT CODE TEXT AMENDMENT
FINDINGS OF FACT ~ CITY COUNCIL**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40200001
Project Type:	Comprehensive Plan Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	May 14, 2014
Application Complete:	May 14, 2014
Date of Staff Report:	July 1, 2014
Date of Planning Commission Hearing:	July 9, 2014
Date of Findings:	July 23, 2014
Date of City Council Staff Report:	July 29, 2014
Date of City Council Hearing:	August 6, 2014
Date of Findings of Fact:	August 20, 2014

I. PROPOSAL:

The proposal is to repeal the current 'UR' Urban Reserve zoning provisions of the Policies Element in Section 13 of the Comprehensive Plan and provisions of Articles 4 and 12 of the Development Code pertaining to the 'UR' Urban Reserve zoning within the Urban Growth Boundary (UGB). Since no properties currently have this zoning, no map amendments are necessary. New provisions regarding the *Urban Reserve Boundary* will be adopted as part of the urban growth planning work.

II. AUTHORITY AND CRITERIA:

Section 13.5.3 of the Grants Pass and Urbanizing Area Comprehensive Plan provides that the City Council may initiate a text amendment.

Sections 13.5.5 and 13.8 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, and policies.

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.

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 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. Section 4.103 provides the criteria for text amendments in the Development Code.

III. APPEAL PROCEDURE:

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

IV. PROCEDURE:

- A. The application was submitted and deemed complete on May 14, 2014. 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 May 30, 2014, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.

- C. Notice of the proposed amendment was mailed to Josephine County on May 30, 2014, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the proposed amendment for the August 6, 2014, Planning Commission hearing and the City Council hearing of February 5, 2014, was published in the newspaper on August 1, 2014, in accordance with Section 2.053(2) of the Development Code.
- E. A public hearing was held by the Planning Commission on July 9, 2014, to consider the proposal and make a recommendation to City Council. The Planning Commission made a recommendation to the City Council.
- F. A public hearing was held by the City Council on August 6, 2014, to consider the proposal. The City Council approved the ordinance on August 6, 2014.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the August 6, 2014, City Council 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 August 6, 2014, 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 August 6, 2014, City Council hearing is attached as Exhibit "C" and incorporated herein.
- D. The ordinance with the final text which incorporates the text of this proposal is attached as Exhibit "D" and incorporated herein.

VI. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

For amending the findings, goals, policies, and Land Use Map of the Comprehensive Plan, the City Council and Board of County Commissioners shall base their conclusions upon, and adopt findings in consideration of, all of the following criteria:

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

City Council Response: Satisfied. The proposal is consistent with other findings, goals and policies in the Comprehensive Plan. Applicable provisions are listed below.

Element 13. Land Use

Policy 13.1.3 Land Use Map Purpose. The Comprehensive Plan Land Use Map is a key tool of the Comprehensive Plan, designating the most appropriate use for all real property within the Urban Growth Boundary. The designated land

uses are based upon the goals, policies, findings and data base of the Comprehensive Plan.

RESPONSE: The proposed urban growth planning work will include the designation of an Urban Reserve boundary outside of the UGB. There are no lands inside of the UGB designated as Urban Reserve. Retaining the Urban Reserve designation inside of the UGB would cause confusion.

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

City Council Response: Satisfied. The proposed amendment is necessary due to prevent possible confusion of different 'Urban Reserve' designations inside and outside of the UGB following the completion of the urban growth planning work. A new 'Urban Reserve' boundary will be part of the completed work, which will designate land outside of the UGB for future growth.

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

City Council Response: Satisfied. The proposed amendment is consistent with applicable planning goals and guidelines of the State of Oregon. Applicable goals include the following:

- Goal 1. Citizen Involvement.
- Goal 2. Land Use Planning.
- Goal 13. Land Use

The City's Comprehensive Plan is acknowledged, and the Goals are addressed through consistency with the acknowledged Comprehensive Plan rather than directly through the statewide goals. Consistency with the Comprehensive Plan is addressed under Criterion (a).

ORS 197.610: Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development on May 30, 2014, in accordance with ORS 197.610.

CRITERION (d): Citizen review and comment.

City Council Response: Satisfied. Notice of the proposed amendment has been posted in accordance with the procedure required for a Type IV-B procedure. In addition, the agenda and packet for the July 9, 2014, Planning Commission meeting was posted on the City's website in advance of the hearing. No written comments have been received from citizens as of the date of the staff report.

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

City Council Response: Satisfied. 35-day notice was provided to the Department of Land Conservation and Development (DLCD) in accordance with

OAR 660 Division 18 and ORS 197.610. OAR 660-18-0035 provides that if DLCDC is participating in the proceeding, they shall notify the local government 15 days prior to the first evidentiary hearing. DLCDC has not provided notification to the City.

45-day notice was provided to Josephine County in accordance with the 1998 Intergovernmental Agreement for the Urbanizing Area. The County has not commented regarding the proposal. Notice of the proposed amendment was also provided to the Oregon Department of Transportation.

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: Not Applicable. The proposal does not create the need for any additional basic urban services.

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

City Council Response: Satisfied Contingent on Review Body Direction. Additional information will be provided if requested.

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 amendment is being adopted in response to a change in circumstances. See Criterion (b) for discussion of the change in circumstances.

VII. DECISION AND SUMMARY:

The City Council **APPROVED** the amendment to adopt repealing the provisions related to the Urban Reserve Zone. The vote was 8-0-0, with Councilors DeYoung, Webber, Gatlin, Goodwin, Morgan, Williams Riker & Hannum in favor. None were against.

XI. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this ____ day of August, 2014.



Darin Fowler, Mayor