



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

02/03/2014

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 002-13

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: Tuesday, February 18, 2014

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  
Gordon Howard, DLCD Urban Planning Specialist  
Josh LeBombard, DLCD Regional Representative

<paa> YA



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

**FOR DLCD USE**  
File No.: 002-13 (20057)  
[17747]  
Received: 01/28/2014

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

Local file no.: **13-40500001**

Date of adoption: 01/15/2014

Date sent: 1/29/2014

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): 10/16/2013

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:

Local contact (name and title): Justin Gindlesperger, Associate Planner

Phone: 541-450-6068

E-mail: jgindlesperger@grantspassoregon.gov

Street address: 101 NW A Street

City: Grants Pass

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:

### 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):

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:

13.422 Historic Map - City of Grants Pass Development Code  
13.423 Landmarks - City of Grants Pass Development Code  
Chapter 9.60 Landmark List - City of Grants Pass Municipal Code

**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):

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

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.

ORDINANCE NO. 13-5590

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING DEVELOPMENT CODE ARTICLE 13 AND CREATING MUNICIPAL CODE CHAPTER IV, SECTION 9.60 "HISTORIC LANDMARKS".

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Article 13 of the Development Code and Title 9 of the Municipal 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 Historic Buildings and Sites Commission to the City Council.

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

**Section 1.** The amendment to Development Code Article 13 and Municipal Code Chapter 9.60, as set forth in Exhibit "A", is hereby adopted.

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 18<sup>th</sup> day December, 2013 with the following specific roll call vote:

**AYES: DeYoung, Gatlin, Goodwin, Hannum, Morgan, Riker, Webber and Williams**

**NAYS: None**

**ABSTAIN: None**

**ABSENT: None**

**SUBMITTED** to and *Approved* by the Mayor of the City of Grants Pass, Oregon, this 20 day of December, 2013.

*Darin Fowler*  
Darin Fowler, Mayor

ATTEST:

*Karen Frerk*  
Karen Frerk, City Recorder

Date submitted to Mayor: 12/19/13

Approved as to Form, Mark Bartholomew, City Attorney *MB*

13.422 Historic Map. The downtown historic district consists of those blocks located between the centerlines of 4<sup>th</sup> & 6<sup>th</sup> Streets and the centerlines of G & H Streets.

There shall be an overlay map to the Zoning Map that depicts Historic Districts, Conservation Districts and Landmarks.

13.423 Landmarks. ~~The following buildings are hereby designated Landmarks, and are to be placed as such on the Historic Map.~~

The Landmark List shall be maintained and updated by City Council ordinance.

EXHIBIT A

Title 9

LAND DEVELOPMENT AND PUBLIC IMPROVEMENTS

Chapters:

**I. GENERAL PROVISIONS**

- 9.01 City Utility Easements (Ord. 5197, 2003) (Ord. 5434, §5, 2008)
- 9.04 City Building Code - 2000 (Ord. 5012 §2, 2000 & Ord. 5468 §15 2008)
- 9.08 Garage Sales and Yard Sales
- 9.12 Prohibition of Fireworks, UFC Section 78.102 Amended.
- 9.13 Open Burning Prohibited (Ord. 4982 §1, 1999; Ord. 5229, 2004, Ord 5379, 2006)
- 9.16 Building Moving (Ord. 4833 §3, 1995)
- 9.21 Sign Standards (Ord. 4952 §2, 1998; Ord. 4974 §1, 1999, Ord. 5248, 2004, Ord. 5325, 2005, Ord. 5393 §3, 2007) (Ord. 5434 §5, 2008)

**II. TRAILERS AND TRAILER PARKS**

- 9.25 Ballot Measure 37 Procedures
- 9.28 Recreational Vehicles (Ord. 5349 §15, 2006)

**III. PUBLIC IMPROVEMENTS**

- 9.36 Public Improvements
- 9.37 Prequalification Requirements (Ord. 4752 §1, 1992; Ord. 5517/Res. 5682 §2, 2010)
- 9.40 Reimbursement Districts for Public Improvements (Ord. 5439 §2, 2008)
- 9.44 Off-Street Parking Facility Assessment

~~IV. MEASURE 7~~

- ~~9.99 Claims Filed Under Ballot Measure 7 (Ord. 5037 §1, 2000)~~

**IV. HISTORIC LANDMARKS**

- 9.60 Landmark List

**V. MEASURE 7**

- 9.99 Claims Filed Under Ballot Measure 7 (Ord. 5037 §1, 2000)

9.60.100 Landmarks.

The following buildings are hereby designated Landmarks, and are to be placed as such on the Historic Map:

1. All buildings designated as "exceptional" in the Historic Inventory taken by the Mayor's Advisory Committee on Historic Preservation, dated October 1, 1981; and
2. Those buildings designated as "Landmarks" by the City Council:

122 NE "A" Street  
303 NE "A" Street  
220 NW "A" Street  
310 NW "A" Street  
612 NW "A" Street

412 NW "B" Street  
421 NW "B" Street  
614 NW "B" Street  
619 NW "B" Street  
1800 NE Beacon Drive  
331 SW Burgess Street

219 NW "E" Street  
201 NW Evelyn Street

314 NE Fetzner Street  
989 Fruitdale Drive  
1650 Fruitdale Drive

125 SE "G" Street  
111 SW "G" Street  
115 SW "G" Street  
117 SW "G" Street  
125 SW "G" Street  
129 SW "G" Street  
131 SW "G" Street  
137 SW "G" Street  
139 SW "G" Street  
141 SW "G" Street  
145 SW "G" Street  
147 SW "G" Street  
207 SW "G" Street  
211 SW "G" Street  
229 SW "G" Street  
233 SW "G" Street  
241 SW "G" Street  
509 SW "G" Street  
591 SW "G" Street  
1215 SW "G" Street

139 SW "I" Street  
417 SW "I" Street

1501 NW Lawnridge Avenue  
1223 NW Lawnridge Avenue  
1304 NW Lawnridge Avenue

821 SE "M" Street

421 SE Riverside Avenue

2030 NW Vine Street

1002 NW Washington Blvd

730 NW 2nd Street

214 NW 3rd Street

604 NW 4th Street  
716 NW 4th Street  
724 NW 4th Street  
750 NW 4th Street  
751 NW 4th Street  
757 NW 4th Street  
758 NW 4th Street  
804 SW 4th Street

612 NW 5th Street  
830 NW 5th Street  
508 SW 5th Street

605 NE 6th Street  
140 NW 6th Street  
208 NW 6th Street  
306 NW 6th Street  
512 NW 6th Street  
762 NW 6th Street  
720 NW 6th Street  
746 NW 6th Street

1021 NW Hawthorne Avenue

701 NE 8th Street  
860 NE 8th Street

1109 NE 9th Street



**CITY OF GRANTS PASS  
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**DEVELOPMENT CODE & MUNICIPAL CODE TEXT AMENDMENT  
HISTORIC DISTRICT MAP & LANDMARK LIST  
CITY COUNCIL FINDINGS OF FACT – TYPE IV**

<b>Procedure Type:</b>	Type IV: Historic Buildings and Sites Commission Recommendation and City Council Decision
<b>Project Number:</b>	13-40500001
<b>Project Type:</b>	Development Code Text Amendment
<b>Applicant:</b>	City of Grants Pass
<b>Planner Assigned:</b>	Justin Gindlesperger
<b>Application Received:</b>	October 16, 2013
<b>Application Complete:</b>	October 16, 2013
<b>Date of HBSC Staff Report:</b>	November 14, 2013
<b>Date of HBSC Hearing:</b>	November 21, 2013
<b>Date of HBSC Findings of Fact:</b>	December 12, 2013
<b>Date of City Council Staff Report</b>	December 9, 2013
<b>Date of City Council Hearing:</b>	December 18, 2013
<b>City Council Findings Signed:</b>	January 15, 2013

**I. PROPOSAL:**

The proposal is to identify the Historic District in the Grants Pass Downtown area, located between 4<sup>th</sup> and 6<sup>th</sup> Streets and G and H Streets, and remove the Landmark List from the Development Code, placing it in the Municipal Code for easier amendment.

**II. AUTHORITY AND CRITERIA:**

Section 4.102 of the City of Grants Pass Development Code provides that the Director or City Council may initiate a text amendment. The amendment was initiated by the Director.

Sections 4.047 and 13.442 authorize the Historical Buildings and Sites Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for historic designation or amendment to the historic district requiring a Type IV procedure, in accordance with procedures of Section 2.060.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

### **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. An application for a Development Code text amendment was submitted and deemed complete on October 16, 2013. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on October 16, 2013, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the November 21, 2013, Historic Buildings and Sites Commission (HBSC) hearing was mailed to potentially interested parties on November 1, 2013.
- D. Public notice of the November 21, 2013, HBSC hearing was published in the newspaper on November 10, 2013, in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. A public hearing was held by the HBSC on November 21, 2013, to consider the proposal and make a recommendation to City Council.
- F. Public notice of the December 18, 2013 City Council hearing was mailed to potentially interested parties on November 27, 2013.
- G. A public hearing was held by the City Council on December 18, 2013 to consider the proposal. The City Council approved the ordinance on January 15, 2014.

### **V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the December 18, 2013 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 December 18, 2013, 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 December 18, 2013 City Council hearing is attached as Exhibit "C" and incorporated herein.

### **VI. GENERAL FINDINGS:**

With increased pressure to convert historic sites and areas to new uses, many cities in Oregon are establishing historic districts to protect the culturally significant sites in their

communities. Policy 3.50 of the Comprehensive Plan identifies the “old town” district along G Street as a candidate for historic designation. By identifying the Historic District, the City will be able to preserve and protect the historic district in accordance with Section 13.411 of the Development Code.

The City Council recently approved a grant program that provides financial incentive to property owners of historic structures to make repairs and updates in order to comply with current building codes. Qualifying properties must be included on the Landmark List or be located within the Historic District. Timing of the grant application process and the text amendment process to amend the Landmark List in the Development Code are in conflict. The Director of Parks & Community Development directed staff to pursue including the Landmark List in the Municipal Code, and remove it from the Development Code. The Landmark List must be updated through recommendation from the Historic Buildings and Sites Commission and by ordinance from City Council. However, the timeline of the amendment process will enable property owners to comply with the grant application timeline.

The addition of the Landmark List to the Municipal Code requires amendment to Title 9 of the Municipal Code. The Landmark List will be added as Section 9.60 of “Chapter V – Historic Landmarks.”

## VII. FINDINGS OF FACT - CONFORMANCE WITH APPLICABLE CRITERIA:

*The Historic Buildings and Sites Commission found the applicable criteria for a Development Code Text Amendment to be satisfied and recommended approval of the proposed text changes.*

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

**City Council Response: Satisfied.** The proposal amends two (2) sections within Article 13. Historic Districts may be created by local governments. The creation of the Historic District provides the City with the ability to protect and preserve the historic district in accordance with the Purpose of Article 13 (Section 13.411).

The amendments propose: 1). Designating those blocks between 4<sup>th</sup> and 6<sup>th</sup> Streets and G and H Streets as the Downtown Historic District; 2). removing the “Landmark” list from the Development Code and including it in the Municipal Code under Title 9, Section V “Historic Landmarks.” The “Landmark” list will continue to provide protection for the preservation of historic, aesthetic and culturally significant sites.

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

**City Council Response: Satisfied.** The proposed amendments strive to be internally consistent with the provisions outlined in the Code: 1). The amendment to the historic district map is consistent with Sections 4.402 and 4.405 for the initiation and consideration of the amendment; 2). The amendment to the “Landmark” list shall be consistent with Sections 4.047 and 13.442 that authorize

the Historical Buildings and Sites Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for historic designation or amendment to the historic district requiring a Type IV procedure, in accordance with procedures of Section 2.060.

**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.** The proposed amendments are consistent with Element 3 (Scenic, Rogue River Corridor, Historic and Natural Resources) of the Comprehensive Plan. Policy 3.50 identifies the "old town" district along G Street as a candidate for historic designation. The renovation of historical structures is a good cultural investment. Recent decision by the City Council authorized a grant program that increases the financial incentive to help preserve aging structures and help them comply with current building codes. Structures that contribute to the historic character of a historic district are also eligible for maximum tax benefits and lend a sense of place and purpose to the community.

**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: Not Applicable.**

The proposed changes do not have a direct relationship to the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

#### **VIII. DECISION AND SUMMARY:**

City Council APPROVED the proposed amendments, as presented in Ordinance 13-5590. The vote was 8-0-0 with Councilors Morgan, DeYoung, Gatlin, Hannum, Webber, Riker, Williams, and Goodwin in favor and none opposed.

#### **IX. FINDINGS APPROVED BY THE HISTORIC BUILDINGS AND SITES COMMISSION**

this 15th day of January, 2014.



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Darin Fowler, Mayor