



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/31/2014

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 005-13

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, April 15, 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: Bill Cobabe, City of Grants Pass
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

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

FOR DLCD USE	
File No.:	005-13 (20110)
	[17815]
	Received: 3/25/2014

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.: **13-40500006**

Date of adoption: 03/05/2014

Date sent: 3/25/2014

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): 11/27/13

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:

Yes - final adoption limited termination for "commercial/industrial" use PUDS only.

Local contact (name and title): Lora Glover, Asst. 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:

Development Code Text Amendment - Article 18, providing revision/termination procedures for PUDs

For a change to a comprehensive plan map:

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

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

Amended Article 18, adding Section 18.100 Revision or Termination of PUD. Updated Article 2, Schedule 2-1 reflecting procedure for revision/termination.

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:

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 14-5598

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING ARTICLE 18 AND ARTICLE 2, SCHEDULE 2-1 OF THE GRANTS PASS DEVELOPMENT CODE TO PROVIDE FOR THE REVISION OF PUDs AND THE TERMINATION OF COMMERCIAL AND INDUSTRIAL USE PUDS

WHEREAS

- 1 The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982, and
- 2 This ordinance amends Article 18 and Article 2, Schedule 2-1 of the Grants Pass 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 Article 18 and Article 2, Schedule 2-1, as set forth in Exhibit "A" and Exhibit "B", is hereby adopted

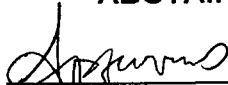
ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 5th day March, 2014, with the following specific roll call vote

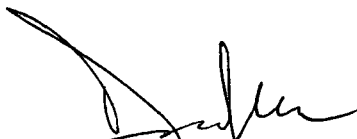
AYES DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams

NAYS None

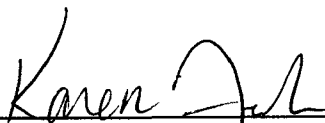
ABSTAIN None

ABSENT Gatlin

SUBMITTED to and  by the Mayor of the City of Grants Pass, Oregon, this 10 day of March 2014


Dafin Fowler, Mayor

ATTEST


Karen Frerk, City Recorder

Date submitted to Mayor: 3/7/14

Approved as to Form, Mark Bartholomew, City Attorney 

<u>Article 18</u>	<u>Planned Unit Development (PUD)</u>	18-1
<u>18 090</u>	<u>PUD Development Standards</u>	18-12
18 091	<u>Density Determination</u>	18-12
18 092	<u>Residential Development Standards Apply</u>	18-13
18 093	<u>Indoor Recreation Area</u>	18-13
18 094	<u>Maintenance of Facilities by Homeowners' Association</u>	18-14
18 095	<u>Ownership</u>	18-14
18 096	<u>Professional Design</u>	18-14
<u>18 100</u>	<u>Revision or Termination of a PUD</u>	18-14

- (1) The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided
- (a) Application for Revision, Filing Materials, Procedures
 - i An application to revise an approved PUD Plan shall be on forms supplied by the City. The application form shall bear the signature of the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than fifty percent (50%) of the total assessed value of vacant portion of the PUD.
 - ii For changes deemed by the Director to be minor but not de minimis, the Director shall exercise appropriate discretion under this Section to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions.
 - iii PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.
 - (b) Consolidated Procedure At the discretion of the Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.
 - (c) Burden of Proof; Criteria for Revisions The burden of proof and supporting findings of fact and conclusions of law for the criteria in all applicable codes, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law. It is further provided that before the Planning Commission can approve a PUD

Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD

- (d) De minimis Revisions The Director may approve revisions to an approved Preliminary or Final PUD Plan that are determined to be de minimis
 - i Proposed revisions shall be considered de minimis if the Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code
 - ii The Director's written approval of a de minimis revision(s) shall be appended to the Final Decision of the Planning Commission or final approval of the Director of the Final PUD Plan
 - iii Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as may be permitted or required by law

(2) A Commercial or Industrial Use PUD may be terminated by action of the Urban Area Planning Commission subject to the following procedures

- (a) If substantial development of the PUD has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this section
 - i Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than fifty percent (50%) of the land covered by the approved PUD and which also constitutes more than fifty percent (50%) of the total assessed value of land and improvements of the PUD
 - ii Upon receipt of a valid petition, the Planning Commission shall consider the matter in open meeting and shall declare the PUD terminated
 - iii The Planning Commission's termination of a PUD shall be evidenced by a Final Decision declaring the same When the Final Decision is signed the PUD shall be terminated and previous PUD Plan

- approvals shall be considered void and of no further effect
- iv Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property
- (b) If substantial development of the PUD has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this section
- i Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD which also constitutes more than fifty percent (50%) of the total assessed value of vacant land within the PUD
 - ii If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection
 - iii Upon receipt of the petition, the Planning Commission shall give public notice of the proposed PUD termination and conduct a public hearing on the matter Notice and public hearing shall be subject to a Type III Procedure pursuant to Schedule 2-1 in GPDC Article 2
 - iv The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare
 - v The Planning Commission's termination of a PUD shall be evidenced by a Final Decision declaring the same and after the Final Decision is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect
 - vi Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property
- (c) Notwithstanding any approved deviations from other code requirements, at the termination of any PUD, or any section of a PUD, all standard requirements of the Development Code shall apply This shall

include, but not be limited to, Articles 12, 27, and
28

Article 2, Schedule 2-1

Application Type	Development Code Section	Type I-EX	Type I-AU	Type I-A	Type I-B	Type I-C	Type II	Type III	Type IV-A	Type IV-B	Type V	
17 Future Development Plan	17.540						Submitted with Tentative Plan					
18. Revision of Future Development Plan	17.547					✓						
19 Future Street Plan (local streets only)	17.550	Same as for Land Division										
20 Future Street Plan (arterials and collectors)	17.550									✓		
21 Planned Unit Development Preliminary Plan	Article 18											
a. In Residential Zone	Article 18							✓ -p				
b. In Commercial or Industrial Zone	Article 18						✓ -p					
22. Planned Unit Development Final Plan	Article 18						✓					
23. <u>Planned Unit Development Modification or Termination</u>	Article 18							✓				
24 Site Plan Review (Minor or Major)	Article 19	Based on use, activity, zoning, adjacent zoning, and overlay zoning (-p) -See Schedule 12-2 (-p) -See Schedule 12-3 for procedures for RTC District (-p) -See Schedule 13-1 for procedures for medical uses within Medical Overlay Zone -See Schedule 13-2 for procedures for Historic Review (-p) ⁹ -See Section 20.210 for alternate review procedures for commercial site plan review										
25 ^{11, 12} Conditional Use Permit	Article 16						See Schedule 12-2 (-p)					
26. Solar Access Permit	22.640						✓					
27 Removal of noxious vegetation & replacement with riparian vegetation within stream corridor	24.343	✓										
28. Allowed Activities in Conservation Class Wetlands	24.551	✓										
29 Conditionally Permitted Activities in Conservation Class Wetlands	24.552					✓						
30. Allowed activities in Protection Class Wetlands	24.561	✓										
31 Performance Parking	25 050					✓						

