



Oregon

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

Date: 12/30/2014
Jurisdiction: City of Grants Pass
Local file no.: 14-40500007
DLCD file no.: 008-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/22/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 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.: 008-14 {22405}

Received: 12/22/2014

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.: 14-40500007

Date of adoption: 12/3/14

Date sent: 12/22/2014

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): 8/11/14

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:

Comprehensive Plan and Development Code Text Amendment for industrial uses. Proposal includes Special Purpose District/Overlay Zone for "Regionally Significant Industrial Area" (RSIA)

For a change to a comprehensive plan map:

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

Change from I to RSIA 136 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): See attached list

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:

Section 13 - Policies element of Comp Plan establishing RSIA Overlay Zoning District; amending Dev Code Articles 2,3,4,10,12,13,19 and 30 revising list of permitted uses and procedures in the Industrial Zones

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: DLCD; 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.

ORDINANCE NO. 14-5632

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING SECTION 13 OF THE POLICIES ELEMENT OF THE COMPREHENSIVE PLAN ESTABLISHING THE REGIONALLY SIGNIFICANT INDUSTRIAL AREA OVERLAY ZONING DISTRICT AND AMENDING ARTICLES 2, 3, 4, 10, 12, 13, 19 AND 30 OF THE DEVELOPMENT CODE REVISING THE LIST OF PERMITTED USES AND PROCEDURES IN THE INDUSTRIAL ZONES.

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Section 13 of the Policies Element of the Comprehensive Plan establishing the Regionally Significant Industrial Area Overlay Zoning District and amending Articles 2, 3, 4, 10, 12, 13, 19 and 30 of the Development Code revising the list of permitted uses and procedures in the Industrial Zones; 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 Section 13 of the Policies Element of the Comprehensive Plan and Articles 2, 3, 4, 10, 12, 13, 19 and 30 of the Development Code as set forth in Exhibit 'A', is hereby adopted.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 3rd day December, 2014, with the following specific roll call vote:

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

NAYS: Morgan

ABSTAIN: None

ABSENT: Gatlin

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 8 day of December 2014.

Darin Fowler
Darin Fowler, Mayor

ATTEST:

Karen Frerk
Karen Frerk, City Recorder

Date submitted to Mayor: 12/5/14

Approved as to Form, Mark Bartholomew, City Attorney [Signature]

EXHIBIT A

13. LAND USE

13.2.5 Special Purpose Districts

Special Purpose Districts shall be adopted to include the following:

- (a) Slope Hazard: delineating areas of slope hazard due to combinations of steep topography and unstable soil, whose primary function is to allocate densities and development standards appropriate to the degree of hazard.
- (b) Flood Hazard: delineating areas of flood hazard, whose primary function is to determine location and standards of development appropriate to the degree of hazard.
- (c) Historic: delineating areas of historic value to the community, whose primary function is to encourage viable and economic use of historic areas while conserving and enhancing the area's historic resources.
- (d) Manufactured Housing District: delineating areas where manufactured housing is permitted outright in appropriate locations throughout the Urban Growth Boundary Area.
- (e) Regionally Significant Industrial Area (RSIA): delineating areas designated by the Economic Recovery Review Council (ERRC) in accordance with applicable state law in which an applicant can request Expedited Industrial Site Plan Review procedures.

AM

Article 2: Procedure Types

2.010 Purpose

The purposes of this section are:

- (1) To establish land use review procedures;
- (2) To stratify land use review procedures according to the degree of discretionary judgment required and the extent of public participation appropriate; and
- (3) To relate the type of the procedure to the degree of impact of the proposed development.

⁸2.020 Procedure Types

- (1) For purpose of administering the provisions of this Code, and other ordinances and policies of the City pertaining to land use and development, there are hereby established five types of basic procedures for processing all land use applications.
- (2) Applications shall be processed in accordance with the procedures specified in Schedule 2-1. Consolidated procedures shall be processed in accordance with Section 3.044(3) of this Code.
- (3) The Director may modify the procedure types as provided in this Code as follows. The Director may:
 - (a) Refer a Type I-B or I-C application to a Type II or Type III review as provided in Sections 2.036 and 2.037.
 - (b) Refer a Type II application to a Type III review as provided in Section 2.042(2).
 - (c) Refer a Type III application to a Type II review as provided in Section 2.052.
 - (d) In special cases where there is a compelling public interest, refer any Type I, II, or III application to a Type IV-A or IV-B review.

^B Schedule 2-1. Application Procedures

		Procedure Type										
Application Type	Development Code Section	Type I-FX	Type I-AU	Type I-A	Type I-B	Type I-C	Type I-D	Type II	Type III	Type IV-A	Type IV-B	Type V
1. Urban Growth Boundary Amendment	Comp. Plan Section 13.6											✓-p
2. Comprehensive Plan Map Amendment (1)	Comp. Plan Section 13.5										✓-p	
3. Comprehensive Plan Text Amendment (1)	Comp. Plan Section 13.5										✓-p	
4. Zoning Map Amendment (1)	Sections:											
-Base Zone District	-4.030											
-Special Purpose Districts	-4.040											
---Slope Hazard	---4.043											
---Flood Hazard	---4.044										✓-p	
---Historic (See 'Historic Designation, Amendment, or Recision' below)	---											
-Medical Overlay District	-4.050											
5. Development Code Text Amendment (1)	4.100										✓-p	
6. Annexation	Article 5										✓-p	
7. Minor Variance	Article 6							✓				
8. Major Variance	Article 6								✓			
9. Historic Designation, Amendment, or Recision	Sections 4.045 – 047 & 13.430										✓-p	
10. Nonconforming Use and Development	Article 15	See Schedule 15-1										
11. Property Line Vacation	17.100										✓	
12. Property Line Adjustment	17.200				✓							
13. Partition	17.300					✓						
14. Subdivision Tentative Plan	17.410											
a. ≤ 9 lots	17.410							✓-p				
b. ≥ 10 lots	17.410								✓-p			
15. Subdivision Final Plat	17.420											
a. Conforming	17.420					✓						
b. Nonconforming	17.420							Same as for Tentative				
16. Lot Authorization	17.534							✓				
17. Future Development Plan	17.540							Submitted with Tentative Plan				
18. Revision of Future Development Plan	17.547					✓						

Application Type	Development Code Section	Type I-EX	Type I-AU	Type I-A	Type I-B	Type I-C	Type I-D	Type II	Type III	Type IV-A	Type IV-B	Type V
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. ¹³ Planned Unit Development Modification or Termination	Article 18								✓			
24. Expedited Industrial Site Plan Review	Article 19						✓					
25. 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										
26. ^{11, 12} Conditional Use Permit	Article 16						See Schedule 12-2 (-p)					
27. Solar Access Permit	22.640							✓				
28. Removal of noxious vegetation & replacement with riparian vegetation within stream corridor	24.343	✓										
29. Allowed Activities in Conservation Class Wetlands	24.551	✓										
30. Conditionally Permitted Activities in Conservation Class Wetlands	24.552					✓						
31. Allowed activities in Protection Class Wetlands	24.561	✓										
32. Performance Parking	25.050					✓						

Table Legend

- I-EX= Type I Procedure, Exempt from Development Permit Review, Section 2.033
- I-AU= Type I Procedure, Administrative Use Permit Review Only, Section 2.034
- I-A= Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
- I-B= Type I Procedure, Director's Decision without Comment Period, Section 2.036
- I-C= Type I Procedure, Director's Decision with Comment Period, Section 2.037

- I-D= Type I Procedure, Director's Decision with Comment Period, Section 2.038
- II= Type II Procedure, Hearings Officer's Decision, Section 2.040
- III= Type III Procedure, Planning Commission's Decision (or Historic Buildings and Sites Commission's Decision), Section 2.050
- IV-A= Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
- IV-B= Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
- V= Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070
- ✓= Specifies the required procedure for the application type, using the procedure specified at the top of the column in which the check mark is located.
- p= In accordance with Section 3.041, a preapplication is required unless the Director finds a conference is not needed.

Notes

- (1)= The 1998 Intergovernmental Agreement gives the City decision-making authority for these items within the Urbanizing Area, and gives the County automatic party status.

¹2.030 Type I Procedures

- (1) Type I-D. Director's Decision without a public hearing, which requires a public comment period. Processed in accordance with Section 2.038 those specific procedures consistent with Expedited Industrial Site Plan Review statutes and available only for application types authorized by statute.

¹⁴2.038 Type I-D. Type I Decision for Expedited Industrial Site Plan Review within Regionally Significant Industrial Area (RSIA) .

Purpose. Consistent with ORS 197.724, this Section provides procedures for an Expedited Industrial Land Use Permit for properties within a Regionally Significant Industrial Area (RSIA) designated by the Economic Recovery Review Council (ERRC).

The permitted uses, development and activities listed as Type I-D in Schedules 2-1 and 12-2, shall be processed by the Director in accordance with the requirements of this Section. At the Director's discretion, an application requiring a Type I-D review may be referred directly to the Hearings Officer for review through a Type II review or the Planning Commission for review through a Type III review.

- (1) Public Comment Period Required. The Director shall provide a 14 day period for submission of written comments prior to making a decision on any application requiring a Type I-D procedure.
- (2) Notice of Public Comment Period. The Director shall mail public notice within 10 working days of receiving a complete application pursuant to Section 3.050 of this Code.
- (3) Notice Area. The Director shall mail notice of the public comment period to the following:
 - (a) The applicant.
 - (b) Owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.
 - (c) Any neighborhood or community organization whose boundaries include the site and who is listed by the City on a public notice registry.
 - ⁷(d) Public agencies which provide transportation facilities and services, such as Josephine County and the Oregon Department of Transportation (ODOT), for all partitions, and other applications which affect private access to roads.
- (4) 'Notice of Comment Period' Content. The notice shall:
 - (a) State the deadline for submitting written comments, and that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

[Note: The above language is required by ORS 197.365 for Expedited Land Divisions, even though the procedures herein provide for appeal of a Type I-D decision to be heard by referee under ORS 197.375. The 'notice of comment period' and 'notice of decision' language below is slightly different than the statutory

language to reflect the fact that this code allows for local appeal].

- (b) Explain the nature of the application and the proposed use or uses which could be authorized.
- (c) Briefly summarize the local decision making process for the decision being made.
- (d) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.
- (e) Set forth the street addresses or other easily understood geographical reference to the subject property.
- (f) Include the name of a City representative to contact and the telephone number where additional information may be obtained.
- (g) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, all evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
- (h) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice under paragraph (3) of this Subsection, and anyone who provides written comments during the comment period may appeal the decision by filing a written appeal in a manner provided in this Code within 12 calendar days of the date the written notice of decision is mailed.
- (i) State the place, date and time that comments are due.
- (j) State that the decision will not become final until the period for filing a local appeal has expired.
- (k) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(5) Director's Decision.

- (a) Action and Criteria. Within ⁶10 working days of the end of the public comment period, the Director shall make a decision by approving, conditionally approving, or denying the application based upon compliance with the provisions of this Code.
 - (b) Conditions. Conditions may be applied to the approval of any application when such conditions are required to comply with the relevant Sections of the Code.
- (6) Notice of Decision. Upon reaching a final decision on the application, the Director shall mail a copy of the decision to the applicant and any person who submits comments during the public comment period.

The Director shall also mail notice of the decision in writing to parties who were notified of the comment period in Subsection (3) of this Section.

- (7) 'Notice of Decision' Content. The content of the notice of the decision shall:
- (a) Explain the nature of the application and the proposed use or uses which could be authorized.
 - (b) Briefly summarize the local decision making process for the decision being made.
 - (c) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.
 - (d) Set forth the street addresses or other easily understood geographical reference to the subject property.
 - (e) Include the name of a City representative to contact and the telephone number where additional information may be obtained.
 - (f) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable criteria, and all evidence relied upon by the decision-maker are available for

inspection at no cost and will be provided at reasonable cost.

- (g) Describe the nature of the decision.
 - (h) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice under paragraph (3) of this Subsection, or anyone who provided testimony for the record may appeal the decision by filing a written appeal in a manner provided in this Code within 14 calendar days of the date the written notice of decision is mailed.
 - (i) State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
 - (j) State the place, date, and time the appeal is due.
 - (k) State that the decision will not become final until the period for filing a local appeal has expired.
 - (l) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.
- (8) Effective Date. The effective date of the final decision shall be 14 calendar days following the date the notice of decision is mailed, unless appealed, in which case the effective date shall be as provided for the Type III decision.
- (9) Appeal. A final decision shall be in accordance with ORS 197.726.
- (10) Resubmittal. A denied application may be resubmitted as provided in Section 3.080 of this Code.
- (11) Review, Eligibility.
- (a) An applicant for a new industrial use or the expansion of an existing industrial use located within a regionally significant industrial area may request that an application for a land use permit be

reviewed as an application for an expedited industrial land use permit under this section if the proposed use does not require:

- (i) An exception taken under ORS 197.732 (Goal Exceptions) to a statewide land use planning goal;
 - (ii) A change to the acknowledged comprehensive plan or land use regulations of the local government within whose land use jurisdiction the new or expanded industrial use would occur; or
 - (iii) A federal environmental impact statement under the National Environmental Policy Act.
- (b) If the applicant makes a request that complies with section 2.038, the local government shall review the applications for land use permits for the proposed industrial use by applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for Expedited Land Division) and ORS 197.370 (Failure of Local Government to Approve or Deny Application within Specified Time).
- (12) Jurisdiction on Appeal; Standing. Jurisdiction for appeal of a local decision for an Expedited Industrial Site Plan within a RSIA shall be in accordance with ORS 197.726.
- (a) The Land Use Board of Appeals does not have jurisdiction to consider decisions, aspects of decisions or actions taken under ORS 197.722 (Definitions for ORS 197.722 to 197.728) to ORS 197.728 (Rules).
 - (b) An appeal of a decision on an application for an Expedited Industrial Land Use Permit made under ORS 197.724 (Review of Application for Land Use Permit within Regionally Significant Industrial Area) may be made in the manner set forth in ORS 197.375 (Appeal of Decision on Application for Expedited Land Division) for appeal of a decision on an expedited land division. Notwithstanding ORS 197.375 (Appeal of Decision on Application for Expedited Land Division);

- (i) The applicant and a person who filed written comments in the time period established under ORS 197.365 (Application for Expedited Land Division) may file an appeal;
 - (ii) If an appeal is filed, the referee shall hold a hearing on the appeal; and
 - (iii) The referee shall issue a written decision within 56 days after the appeal was filed.
- (c) A party to a proceeding before a referee under this Section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 (Judicial Review of Board Order) and 197.855 (Deadline for Final Court Order). The Court of Appeals shall review decisions of the referee in the manner provided for review of final orders of the Land Use Board of Appeals in ORS 197.850 (Judicial Review of Board Order) and 197.855 (Deadline for Final Court Order). However, notwithstanding ORS 197.850 (Judicial Review of Board Order) (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds that:
- (i) The local government's decision clearly does not concern an application for an expedited industrial land use permit as described in ORS 197.724 (Review of Application for Land Use Permit within Regionally Significant Industrial Area) and the appellant raised this issue in proceedings before the referee;
 - (ii) The referee's decision contains a clear, material error of fact based on the record, and the Appellant raised the issue in proceedings before the referee;
 - (iii) The referee's decision contains a clear, material error of law, giving deference to any interpretations of law by the referee, and the Appellant raised the issue in proceedings before the referee; or

(iv) The decision of the local government or the referee is unconstitutional.

1. Revised 10-7-92

Article 3: Land Use Decision and Development Permit Procedures

3.030 Land Use Approval Required, Exceptions

- (1) Any use, development, or activity identified in Section 2.033 of this Code as "Exempt" (Type I-EX Procedure) does not require a permit, land use decision, or Development Permit, but shall comply with the provisions of this Code. ⁴An optional process that provides a land use decision is described in Section 3.050.
- (2) Any use, development, or activity identified in Section 2.034 of this Code as requiring an Administrative Use Permit (Type I-AU Procedure) does not require a land use decision or Development Permit, but requires a Use Permit in accordance with the provisions of this Code, and shall comply with the provisions of this Code. ⁴An optional process that provides a land use decision is described in Section 3.050.
- (3) Any use, development, or activity identified in Section 2.035 of this Code, which allows the Building Permit to serve as Development Permit (Type I-A Procedure), does not require a written land use decision, but shall comply with the conditions set forth as part of the Building Permit, and shall comply with the provisions of this Code. ⁴An optional process that provides a land use decision is described in Section 3.050.
- (4) Except as provided in Subsection (5) of this Section, any use, development, or activity identified in Sections 2.036 (Type I-B Procedure), 2.037 (Type I-C Procedure), 2.038 (Type I-D Procedure), 2.040 (Type II Procedure), 2.050 (Type III Procedure), 2.060 (Type IV Procedure), or 2.070 (Type V Procedure) requires a written land use approval issued in accordance with the procedures of Article 2.
- (5) Certain applications, such as Lot Line Vacations, are reviewed through a Type IV-B Procedure, and approval is granted by City Council by Ordinance. The ordinance serves as the approval and there is no separate written land use approval.

3.050 Application Completeness and Processing Timelines

- (1) Except as provided in subsections (5) and (7) of this section, the review body shall take final action on any application, including resolution of all local appeals under ORS 227.180, within 120 days after the application is deemed complete.

The timelines specified in Article 2 for processing an application, including noticing, scheduling a hearing, and issuing a decision shall begin on the date the application is deemed complete.

If an application is for a Regionally Significant Industrial Area (RSIA) Overlay, follow the procedures and timelines for an Expedited Land Division as defined in ORS 197.365 - 197.370. These are only available for application types authorized by statute (Expedited Industrial Site Plan Review).

- (2) Within 5 days of receiving an application, the Director will review the application materials and make a determination of whether the application is complete.

If an application is deemed complete, the Director shall process the application in accordance with the provisions of this Code, including the referral and review provisions of this Article and the applicable procedure type of Article 2.

If an application is deemed incomplete, the Director shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application, 21 days if a RSIA overlay application, and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the Director of:

- (a) All of the missing information; or
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

Article 4: Development Code Amendments and Criteria4-1

⁹4.070 Criteria for Amendment: Regionally Significant Industrial Area (RSIA) Overlay4-6

Article 4: Development Code Amendments and Criteria

²4.040 Special Purpose District Map Amendments

³4.041 Purpose. The Special Purpose District Map Amendments determine the location and extent of the slope hazard district, the flood hazard district, the historic district the medical overlay district⁹, and the regionally significant industrial area. These districts are located for a specific purpose, according to specific criteria, and affect development procedure and standards. It is the purpose of this section to provide procedures for amending the Special Purpose Districts consistent with the purpose and criteria of each district.

⁹4.070 Criteria for Amendment: Regionally Significant Industrial Area (RSIA) Overlay Zone

The RSIA can only be designated and amended by the Economic Recovery Review Council (ERRC) in accordance with applicable state law. An applicant for a new industrial use or the expansion of an existing industrial use located within a RSIA may request that an application for a land use permit be reviewed as an application for an Expedited Industrial Land Use Permit and the local government shall review the application applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for Expedited Land Division) and ORS 197.370 (Failure of Local Government to approve or Deny Application within Specified Time).

¹ Revised 11-15-95

² Revised 12-4-96

Article 10: Appeals10-1

10.030 Appeal of Final Action by the Director on Type I-C
Decision (with Public Comment Period)10-5

10.031 Appeal10-5

10.032 Procedures10-6

10.033 Planning Commission Action10-7

10.034 Notice of Decision10-7

10.035 Appeal10-7

⁴10.036 Appeal Regionally Significant Industrial Area
RSIA) Overlay10-7

¹Article 10: Appeals

³10.015 Appeal Procedures and Hearing Types

The appeal procedures are summarized in Schedule 10-1, 'Summary of Appeal Procedures'. The detailed procedural requirements for each appeal type are contained in the following Sections of this Article.

An appeal hearing shall be 'de novo', 'limited to issues', or 'on the record' as specified in this Article. ⁴SEE Section 10.036 for appeal procedures for Regionally Significant Industrial Area (RSIA) Overlay.

⁴SEE Section 10.036 for appeal procedures for Regionally Significant Industrial Area (RSIA) Overlay.

Schedule 10-1. Summary of Appeal Procedures

Type I-B	Type I-C	<u>Type I-D</u>	Type II	Type III	Type IV & V
<p>Initial Decision by Director (no hearing, no comment period, notice of decision is mailed)</p> <p align="center">↓</p>	<p>Initial Decision by Director (no hearing, comment period, notice of decision is mailed)</p> <p align="center">↓</p>	<p><u>Initial Decision by Director</u> (no hearing, comment period, notice of decision is mailed)</p> <p align="center">↓</p>	<p>Initial Decision by Hearings Officer (de novo hearing)</p>		
<p>Director's Decision is Appealed to Planning Commission</p> <p><u>Who may appeal?</u> Any person who is adversely affected or aggrieved or anyone entitled to written notice of decision</p> <p><u>What type of Planning Commission hearing?</u> De novo hearing required</p> <p align="center">↓</p>	<p>Director's Decision is Appealed to Planning Commission</p> <p><u>Who may appeal?</u> Any person who is adversely affected or aggrieved, anyone entitled to written notice of decision, or anyone who provided written comments during the comment period</p> <p><u>What type of Planning Commission hearing?</u> De novo hearing required</p> <p align="center">↓</p>	<p><u>Director's Decision is Appealed to Referee</u></p> <p><u>Who may appeal?</u> <u>The Applicant or anyone who provided written comments during the comment period</u></p> <p><u>What type of Review?</u> <u>The referee appointed by the local government may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument;</u></p> <p><u>Cannot be appealed to LUBA</u></p>	<p>Hearings Officer's Decision is Appealed to Planning Commission</p> <p><u>Who may appeal?</u> Anyone who provided written or oral testimony in the record for the initial decision</p> <p><u>What type of Planning Commission hearing?</u> De novo hearing, unless, at the outset of the hearing, the Commission specifies that it will be: -limited to issues, or -on the record</p> <p align="center">↓</p>	<p>Initial Decision by Planning Commission (de novo hearing)</p> <p align="center">↓</p>	<p><u>Type IV-A</u> (No Planning Commission Recommendation)</p> <p><u>Type IV-B</u> Recommendation by Planning Commission (de novo hearing)</p> <p><u>Type V</u> Recommendation by Planning Commission (de novo hearing)</p>
<p>Planning Commission's Decision is Appealed to City Council</p>				<p><u>Type IV-A, IV-B</u></p>	
<p><u>Who may appeal the Planning Commission's decision to City Council?</u> Anyone who previously provided written or oral testimony in the record, whether for the initial decision or for the Planning Commission hearing on appeal.</p> <p><u>What type of City Council hearing?</u> De novo hearing, unless, at the outset of the hearing, the Council specifies that it will be: -limited to issues, or -on the record</p> <p align="center">↓</p>				<p>Initial Decision by City Council (de novo hearing)</p> <p><u>Type V</u> Initial Decision by City Council and Board of County Commissioners (de novo hearing)</p> <p align="center">↓</p>	
<p>City Council's Decision is Appealed to LUBA, or City Council/Board of County Commissioners Decision is Appealed to LUBA</p>					
<p>In accordance with ORS 197.805-860.</p>					

⁴10.036 Appeal of Regionally Significant Industrial Area (RSIA) Overlay.

10.037 Appeal. A final action of the Director on a Type I-D decision (with public comment period) may be appealed to a local government appointed referee in accordance with the statutory procedures for Expedited Industrial Site Plan Review which are only available for application types authorized by statute (Expedited Industrial Site Plan Review)

10.038 Procedures.

- (1) The applicant or any person or organization who files written comments in the time period established under ORS 197.365 (Application for Expedited Land Division) may appeal the decision by filing a written appeal and paying the applicable deposit for costs. The appeal must be filed with the Director within 14 calendar days from the date the written notice of decision is mailed on a form provided by the Director. The appeal shall be based solely on allegations:
 - (a) Of violation of the substantive provisions of the applicable land use regulations;
 - (b) Of unconstitutionality of the decision;
 - (c) That the application is not eligible for review under ORS 197.360 (Expedited Land Division Defined) to 197.380 (Application fees for Expedited Land Division) and should be reviewed as a land use decision or limited land use decision; or
 - (d) That the parties substantive rights have been substantially prejudiced by an error in procedure by the local government.
- (2) The local government shall appoint a referee to decide the appeal of a decision made under ORS 197.360 (Expedited Land Division Defined) and ORS 197.365 (Application for Expedited Land Division). The referee shall not be an employee or official of the local government. However, the local government which has a designated hearings officer under ORS 215.406 (Planning and Zoning Hearings Officers) or 227.165 (Planning and Zoning Hearings Officers) may designate the hearings officer as the referee for appeals

of a decision made under ORS 197.360 (Expedited Land Division Defined) and ORS 197.365 (Application for Expedited Land Division).

- (3) The referee shall, within seven days of being appointed, notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (Application for Expedited Land Division) (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (Application for Expedited Land Division) (2) and advise them of the manner in which they may participate in the appeal. A person or organization who provided written comments but did not file an appeal may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.
- (4)
 - (a) The referee shall apply substantive requirements of the local governments land use regulations and ORS 197.360 (Expedited Land Division Defined). If the referee determines the application does not qualify as an expedited land Division as described in ORS 197.360 (Expedited Land Division Defined), the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.
 - (b) The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of the appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.
- (5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a

written decision with 42 days of the filing of an appeal shall receive no compensation for services as referee in the appeal.

- (6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the initial deposit, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.
- (7) The Land Use Board of Appeals (LUBA) does not have jurisdiction to consider any decision, aspects of decisions or action made under ORS 197.360 (Expedited Land Division Defined) to 197.380 (Application fees for Expedited Land Division).
- (8) Any party to a proceeding before a referee under this Section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 (Judicial Review of Board Order) and 197.855 (Deadline for Final Court Order). The Court of Appeals shall review decision of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (Judicial Review of Board Order) (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:
 - (a) That the decision does not concern an expedited land division as described in ORS 197.360 (Expedited Land Division Defined) and the appellant raised this issue in proceedings before the referee;
 - (b) That there is a basis to vacate the decision as described in ORS 36.705 (Vacating Award) (1) (a) to (d), or a basis for modification or correction of an award as described in ORS 36.710 (Modification or Correction of Award); or

(c) That the decision is unconstitutional.

¹ Revised 2-16-94

Article 12: Zoning Districts

12.027 Permitted Use and Procedures Schedule: Land Use Types by Zoning District. The Land Use types permitted in each Zoning District and procedure types for their review are provided in Schedule 12-2, except for the Riverfront Tourist Commercial (RTC) Districts, which are provided in Schedule 12-3.

³⁴NOTE: Applicant can request an Expedited Industrial Site Plan Review Procedure for property within a Regionally Significant Industrial Area (RSIA) Overlay. (Procedures in Schedule 12-2 apply unless requested).

For Definitions of each land use type, see Definitions, Article 30.

24, 30, 32, 33 **Schedule 12-2. Permitted Uses and Site Plan Review Procedures**

Land Use Types	Zoning Districts										
	Residential					Commercial			Industrial		
	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
General activities not covered below, exempt from Development Permit	P-I-EX. See Section 2.033										
General activities not covered below, requiring an administratively issued use permit	P-I-AU. See Section 2.034										
General activities not covered below, where Building Permit serves as Development Permit	P-I-A. See Section 2.035										
1) Agriculture											
a) Intensive	-	-	-	-	-	-	-	-	P-I-EX	P-I-EX	P-I-EX
b) Non Intensive	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX
c) Forestry	-	-	-	-	-	-	-	-	-	-	-
2) Residential Dwelling Unit											
a) Existing	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)
b) New											

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
1. Detached (1)	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
2. Detached (2)	PUD	P-II	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
3. Duplex	PUD	P-II	P-IA	P-IA	P-IA	-	P-I-A	P-I-A	-	-	-
4. Multi-Dwelling	PUD	PUD	P-II	P-I-C	P-I-C	-	P-I-C	P-I-C	-	-	-
5. Manufactured Housing											
"A" Individual Lot	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
"B" Manufactured Dwelling Park	-	-	P-III (d)	P-III (d)	P-I-C	-	-	-	-	-	-
"C" Health Condition	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	-	-	-
c) Group Quarters	-	-	-	-	P-II	-	-	P-II	-	-	-
d) Home Occupation											
1. Occupational Use, per 14.211	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX (f)	P-I-EX	P-I-EX	P-I-EX (f)	P-I-EX (f)	P-I-EX (f)
2. Minor, per 14.220	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU (f)	P-I-AU	P-I-AU	P-I-AU (f)	P-I-AU (f)	P-I-AU (f)
3. Major, per 14.220	P-II	P-II	P-II	P-II	P-II	P-I-C (f)	P-I-C	P-I-C	P-I-C (f)	P-I-C (f)	P-I-C (f)
e) Residential Accessory -Building -Use	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX (e)	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX (e)	P-I-A P-I-EX (e)	P-I-A P-I-EX (e)
f) Transient Quarters	-	-	-	-	-	-	-	-	P-III	-	P-III
g) Residential Home, per 14.510	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
b) Residential Facility, per 14.521	P-II	P-II	P-II	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	-	-	-
i) Dwelling, Accessory	-	-	-	-	-	P-I-C	P-I-C	P-I-C	-	-	-
3) Trade											
a) Retail Indoor	-	-	-	-	-	P-II	P-(a)	P-(a)	P-(b)	-	-
b) Retail Outdoor	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
c) Wholesale	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
d) Itinerant Uses (repealed Ord 5564)	-	-	-	-	-	-	-	-	-	-	-
4) Services											
a) Professional Office	-	-	-	-	P-II	-	P-(a)	P-(a)	P-(b)	P*-(b)	-
b) Business Office	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
c) Limited Office	P-II	P-II	P-II	P-II	P-II	-	-	-	-	-	-
d) Repair/Maintenance, Commercial	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	P-(b)
e) Auto Service Station	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
f) Eating/Drinking Establishment	-	-	-	-	-	P-(a)	P-(a)	P-(a)	P-(b)	-	-
g) Hotel/Motel	-	-	-	-	-	-	P-(a)	P-(a)	-	-	-
h) RV Parks	-	-	-	-	-	-	P-III	-	-	-	-
i) Day Care/Family, per 14.310	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)
j) Day Care/Group, per 14.320	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	P-II	-	-

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
k) Group Care	-	-	-	P-III	P-III	-	P-(a)	P-(a)	-	-	-
l) Hospitals	-	-	-	-	P-III	-	P-III	-	-	-	-
m) Vet. Clinics	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
n) Commercial Accessory -Building -Use	- -	- -	- -	- -	- -	P-(g) P-EX	P-(g) P-EX	P-(g) P-EX	P-(g) P-EX	- -	- -
o) Bed & Breakfast, per 14.420	P-III	P-III	P-III	P-III	P-II	-	P-(a)	P-(a)	-	-	-
p) Voluntary Parking -Local Impact -Area Impact	- -	- -	P-II P-III	P-II P-III	P-II P-III	- -	- -	- -	- -	- -	- -
q) Personal Service	-	-	-	-	P-II	P-(a)	P-(a)	P-(a)	P-(b)	-	-
5) Recreation											
a) Residential -Local Impact -Area Impact	P-I-C P-III	P-I-C P-III	P-I-C P-II	P-I-C P-II	P-I-C P-II	- -	- -	- -	- -	- -	- -
b) Commercial -Local Impact -Area Impact	- -	- -	- -	- -	- -	P-(a) -	P-(a) P-(a)	P-(a) P-(a)	P-(b) P-(b)	- -	- -
c) Athletic Clubs	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
6) Public/Quasi-Public/Institutional											
a) Public Minor	P-III (h)	P-III (h)	P-II (h)	P-II (h)	P-II (h)	P-(a) (h)	P-(a) (h)	P-(a) (h)	P-(b) (h)	P-(b) (h)	P-(b) (h)
b) Public Major	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
³⁴ c) Public Facility-Location- Dependent	P-III (h)	P-III (h)	P-II (h)	P-II (h)	P-II (h)	P-(a) (h)	P-(a) (h)	P-(a) (h)	P-(b) (h)	P-(b) (h)	P-(b) (h)
³⁴ d) Schools	P-III	P-III	P-III	P-II	P-II	-	P-(a)	P-(a)	P-(b)	-	-

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
²⁷ ³⁴ c) Religious Assembly	P-II	P-II	P-II	P-I-C	P-I-C	P-(a)	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
²⁷ ³⁴ f) Cultural Exhibit	-	-	-	-	P-II	P-(a)	P-(a)	P-(a)	P-(b)	-	-
³⁴ g) Library -Main branch -Neighborhood branch	P-III	P-III	P-III	P-II	P-II	P-(a)	P-(a)	P-(a)	P-(b)		
³⁴ h) Cemeteries	P-III	P-III	P-III	-	-	-	-	-	P-(b)	-	-
³⁴ i) Mortuaries	-	-	-	-	P-III	-	P-(a)	-	P-(b)	-	-
³⁴ j) Lodges	P-III	P-III	P-III	P-II	P-II	-	P-(a)	P-(a)	P-(b)	-	-
³⁴ k) Commercial Parking	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
²⁰ ³⁴ l) Transportation Facilities outlined in the Master Transportation Plan, and local access streets	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)
²¹ ³⁴ m) Transportation Facilities not outlined in the Master Transportation Plan, nor part of a subdivision or PUD, nor local access streets	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II
²⁷ ³⁴ n) Public Parks	P-III	P-III	P-II	P-II	P-II	-	P-II	P-II	P-II	-	-
7) Industrial											
a) Repair/Maintenance, Industrial	-	-	-	-	-	-	-	-	P-(b)	-	P-(b)
b) Indoor	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
c) Outdoor	-	-	-	-	-	-	-	-	-	-	P-(b)
d) Prohibited	-	-	-	-	-	-	-	-	X	X	X

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
e) Industrial Accessory -Building -Use	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	P-(g) P-I-EX	P-(g) P-I-EX	P-(g) P-I-EX
f) Outdoor Storage	-	-	-	-	-	-	-	-	P-II	-	P-II
8) Temporary Uses	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
^{26g)} Telecommunication Facility											
a) New Transmission Tower	-	-	-	-	-	-	C-(i)	-	C-(i)	C-(i)	C-(i)
b) Rooftop Mounted Antenna	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-I-C	C-I-C	C-I-C
c) Façade-Mounted Antenna	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-II	C-I-C	C-I-C	C-I-C
d) Collocated Antenna on Existing Transmission Tower or Other Structure Other Than Building Rooftop or Façade	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-I-C
e) Ancillary Facilities Located Within an Existing Permanent Permitted Structure	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A

Table Legend:

- P =Permitted Use
- =Use Not Permitted
- X =Use Specifically Prohibited (Uses defined in Article 30 as “Industrial, Prohibited”)
- C =Use Conditionally Permitted (See Article 16)
- I-EX =Type I Procedure, Exempt from Development Permit Review, Section 2.033
- I-AU =Type I Procedure, Administrative Use Permit Review Only, Section 2.034
- I-A =Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
- I-B =Type I Procedure, Director’s Decision without Comment Period, Section 2.036
- I-C =Type I Procedure, Director’s Decision with Comment Period, Section 2.037
- I-D =Type I Procedure, Director’s Decision with Comment Period, Section 2.038
- II =Type II Procedure, Hearings Officer’s Decision, Section 2.040
- III =Type III Procedure, Planning Commission’s Decision, Section 2.050
- IV-A =Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
- IV-B =Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
- V =Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070
- * =Professional Office use permitted in the Industrial Park District only when subject property is located within the Medical Overlay District.

Article 13: Special Purpose Districts13-1

13.600 Regionally Significant Industrial Area (RSIA)13-53
 13.610 Purpose13-53
 13.620 Permitted Uses13-
 13.625 Special Development Standards for All Uses
 Within RSIA Overlay13-
 13.630 Siting a RSIA Use Within a RSIA Overlay13-
 13.631 Review Procedure Schedule13-
 13.610 Criteria for Review13-

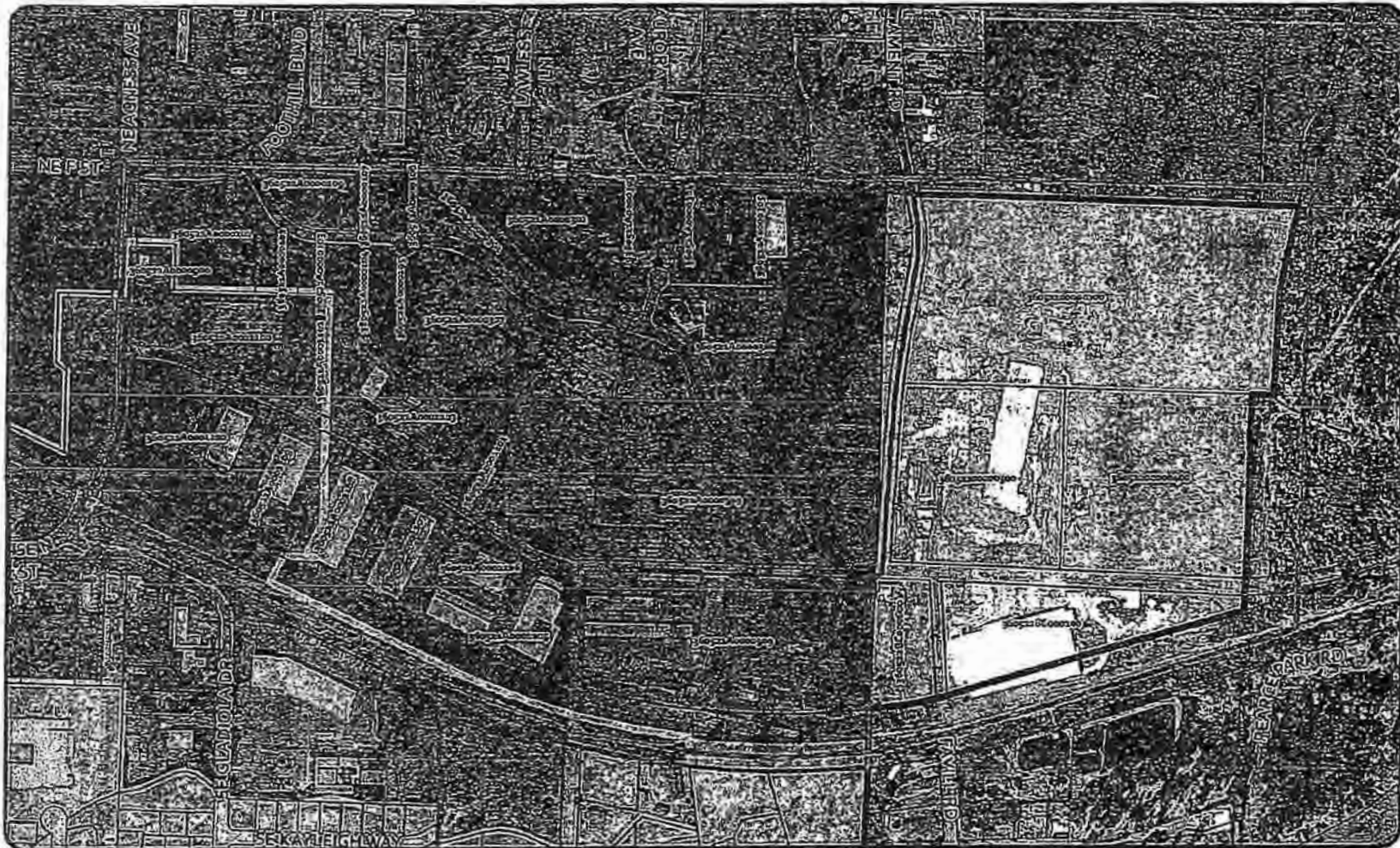
13.600 Regionally Significant Industrial Area (RSIA)

13.610 Purpose. The Regionally Significant Industrial Area (RSIA) is to identify boundary where applicant has an option to apply for Expedited Industrial Site Plan Review using Type I-D procedures. This overlay can only be designated by the Economic Recovery Review Council (ERRC).

13.611 Effect. The RSIA overlays other zoning districts shown on the zoning district map.

13.612 Location. The RSIA overlay is designated only by the ERRC on an overlay map to the Zoning District Map. The following RSIA overlay map is hereby incorporated into this Article by reference.

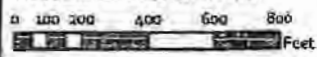
SPALDING INDUSTRIAL PARK - See next page.



CITY OF GRANTS PASS

Spalding Industrial Park

Regionally Significant
Industrial Area Nomination



LEGEND

- | | | | |
|-------------|-----------------|----|-------|
| City Limits | Enterprise Zone | BP | R-1-B |
| UGB Outline | Proposed Area | GC | RI |
| Tax Parcels | | I | |



CITY OF GRANTS PASS
 Parks & Community Development Dept.
 101 Northwest "A" Street
 Grants Pass, OR 97526
 Phone: (541) 450-6060
 Fax: (541) 476-9228
 Web: www.grantspassoregon.gov



CPGIS - 05/2010

DISCLAIMER: The Geographic Information Systems (GIS) data made available on this map are derived and maintained by the City of Grants Pass and Josephine County. Every reasonable effort has been made to ensure the accuracy of the maps and associated data.

13.620 Permitted Uses. The permitted uses, development and activities listed as Type I-D in Article 2, Schedules 2-1 and 12-2, shall be processed by the Director in accordance with the requirements of Section 2.038, Article 2 of this Code.

13.625 Special Development Standards for All Uses Within a RSIA Overlay.

13.630 Siting an Expedited Industrial Use within a RSIA Overlay.

13.631 Expedited Industrial Site Plan Review, Eligibility.

(a) An applicant for a new industrial use or the expansion of an existing industrial use located within a regionally significant industrial area may request that an application for a land use permit be reviewed as an application for an expedited industrial land use permit under this section if the proposed use does not require:

(i) An exception taken under ORS 197.732 (Goal Exceptions) to a statewide land use planning goal;

(ii) A change to the acknowledged comprehensive plan or land use regulations of the local government within whose land use jurisdiction the new or expanded industrial use would occur; or

(iii) A federal environmental impact statement under the National Environmental Policy Act.

If the applicant makes a request that complies with section 13.610, the local government shall review the applications for land use permits for the proposed industrial use by applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for Expedited Land Division) and ORS 197.370 (Failure of Local Government to Approve or Deny Application within Specified Time).

Article 19: Site Plan Review19-1

19.030 Procedures

Prior to the issuance of a development permit, the applicant shall secure site plan approval in accordance with this Article, following the procedure type specified in Article 12, Schedule 12-2 or 12-3 as applicable.

¹⁴NOTE: SEE Section 12.027 - Applicant can request Expedited Industrial Site Plan Review Procedure for property located with a Regionally Significant Industrial Area (RSIA) Overlay.

Article 30: Definitions30-1

30.010 Applicability30-1

30.020 Definitions30-1

Following definitions to be added to Article 30:

Accessory Use: A use incidental, appropriate and subordinate to the principal use. See also "Principal Use."

¹²⁸Industrial accessory uses may include uses such as:

- On-site food service: primarily, but not exclusively, for employees of the business or businesses on the subject property, provided there is no separate dedicated building, outdoor advertising, or drive-through;
- On-site day-care: primarily, but not exclusively, for employees of the business or businesses on the subject property, provided there is no separate dedicated building or outdoor advertising;
- Other uses not permitted as principal uses in subject industrial zones, provided they are principally for the convenience of the on-site industrial use and employees, provided they do not function as a separate principal use, and provided there is no separate dedicated building or outdoor advertising.

¹²⁸ Library: Collection of books, manuscripts, periodicals, and other media, etc., for study or reading, on-site or available for check out and circulation. A library may house meeting space as a secondary function. Specifically excluded from this category are exhibitions where items displayed are available for retail sale (see "Trade," "Retail.")

- (1) Main branch. When there is one library in the library system, it shall be considered the main branch. When there is more than one library in the library system, the principal library, typically the largest facility which serves as a hub for other libraries in the system, shall be considered the main branch.

Administrative functions for the library system are typically housed in the main branch rather than neighborhood branches.

- (2) Neighborhood branch. When there is more than one library in the library system, a secondary library, typically a smaller facility, which acts as a satellite facility and serves a smaller neighborhood area, shall be considered a neighborhood branch.

¹²⁸ Public Facilities: This category includes public uses and facilities which are not defined separately under more specific definitions in this Article, such as 'Public Park' and 'Library.'

Except as provided below, public facilities that operate and function similarly to their private equivalents other than for their public ownership or occupancy, shall be reviewed using the procedures that apply to their private equivalents, if there is a commonly recognized equivalent, and if the public nature itself does not make the use location-dependent. Examples of these uses include: government/public offices, maintenance facilities, storage, etc.

- (1) Public Facility, Location-Dependent: Government, public, or semi-public facilities and utilities which, by nature of their function, must be located relative to other facilities, areas, elements of the collection or distribution system, or natural or topographic features to function properly, whether they may have local impact or substantial impact. Any associated impacts are addressed through mitigation rather than zoning. If a facility could meet more than one definition (Location-Dependent Public Facility, Minor Public, or Major Public), the least restrictive shall apply.

Examples of Uses included in this definition include: Open-air utility substations and pumping stations, reservoirs and wholly enclosed pumping stations or utility sub-stations. It also includes municipal water or sewage treatment plants when separated from any residential development by a minimum 50-foot wide Type B landscaped buffer. Uses also include public safety stations and substations (police and/or fire) when necessary to serve a specific area or achieve needed response times to a specific area.

Examples of uses not included in this definition are other public uses that are included in the 'Major Public' and 'Minor Public' definitions. Those uses may have specific siting requirements, but they are not location-dependent in the same manner as uses in this definition, and they have greater siting flexibility to function properly.

¹²⁸(2) Public, Major: Government or publicly owned facilities which have substantial impact, including materials storage or equipment repair facilities, warehouses, and detention and correction institutions.

¹²⁸(3) ^{82, 125}Public, Minor: Government, public or semi-public facilities and utilities which have a local impact upon surrounding properties.

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

**REGIONALLY SIGNIFICANT INDUSTRIAL AREA OVERLAY
AND INDUSTRIAL ZONE USES
COMPREHENSIVE PLAN & DEVELOPMENT CODE TEXT AMENDMENT
CITY COUNCIL FINDINGS OF FACT – TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500007
Project Type:	Comprehensive Plan and Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	August 1, 2014
Application Complete:	August 1, 2014
Date of Staff Report:	October 15, 2014
Date of UAPC Hearing:	October 22, 2014
Date of UAPC Findings:	November 18, 2014
Date of CC Staff Report:	November 24, 2014
Date of City Council Hearing:	December 3, 2014
Date of City Council Findings:	December 17, 2014

I. PROPOSAL:

The proposal establishes a new Regionally Significant Industrial Area (RSIA) overlay zoning district in the vicinity of the Spalding Industrial area. The proposal would also amend the list of permitted uses in the Industrial Zones, focusing on the removal of “assembly” uses. The Findings of Fact for the Urban Area Planning Commission are attached.

II. AUTHORITY AND CRITERIA:

Sections 4.102, 4.040, and 4.050 of the City of Grants Pass Development Code provide the procedure for initiation of Development Code text amendments, special purpose district amendments, and medical overlay district amendments. The proposed amendment was initiated by the Parks & Community Development Director consistent with those provisions and the direction provided by the Urban Area Planning Commission and City Council.

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 the 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. An Overlay District may be established or amended in accordance with the criteria in Section 4.050 of 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. An application for a Text Amendment was submitted on August 1, 2014 and deemed complete on the same date. The application was processed in accordance with 4.103 of the Development Code.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on August 11, 2014 in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. A public hearing was held by the UAPC on October 22, 2014 to consider the proposal and make a recommendation to City Council. The Planning Commission made a recommendation to the City Council.
- D. A public hearing was held by the City Council on December 3, 2014 to consider the proposal. The City Council approved the ordinance on December 3, 2014.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the December 3, 2014 City Council staff report and exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The video of the public hearing held by the City Council on December 3, 2014, which is available on the City website, provide the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation given by staff at the December 3, 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. BACKGROUND AND DISCUSSION:

The proposal establishes a new overlay zone for Regionally Significant Industrial Area overlay zoning district in the vicinity of the Spalding Industrial area. The overlay district would be applied to ensure sites are available for true trade-sector industrial uses that rely on the highway to transport locally produced goods to external markets.

The amendment also includes changes to the list of permitted uses in the industrial zoning districts in order to protect industrial lands from conflicting uses. These changes apply to industrial zones in general, and ensure industrial lands are available for industrial uses and not used for heavy commercial/quasi-industrial uses that could be located elsewhere in the community. Changes to Schedule 12-2, within Article 12, of the Development Code clarify the list of uses that will no longer be permitted within the industrial zoning district and one additional use that will be permitted under the amendment. The uses to be removed from the Industrial Zones include assembly type uses (i.e., religious assembly, eating/drinking establishments, day care centers, libraries, cultural exhibits and public parks). Article 30 will be amended to provide additional definitions to further clarify certain uses, not exclusive to the industrial zoning district.

For industrial uses within the Regionally Significant Industrial Area that meet certain criteria, Oregon state law specifies that an applicant can request review through an expedited process. Amendments to Articles 2, 3, 4, 10, 12, 13 and 19 of the Development Code and 13.2.5 of the Comprehensive Plan add provisions for Expedited Industrial Site Plan Review. Only uses located on properties within the Regionally Significant Industrial Area can request the expedited process once they meet the specific criteria in the proposed amendments. Uses that request an expedited review must also meet all other applicable criteria that would otherwise apply to the proposed use.

VII. FINDINGS OF FACT - CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

City Council Response: Satisfied. The proposal amends several sections of the Development Code. The amendments propose to establish a Regionally Significant Industrial Area and establish a process for an expedited review of proposed uses within this area. The amendments are proposed to Articles 2 - Procedures, 3 – Development Permit Procedures, 4 – Amendments and Criteria, 10 - Appeals, 12 – Zoning Districts, 13 – Special Purpose Districts and 19 – Site Plan Review of the Development Code. Establishment of the special purpose district and expedited review procedure do not amend the procedural requirements within the Development Code, but maintain consistency in the stated provisions and purpose of the Development Code.

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. The purpose and circumstances for the establishment of the Regionally Significant Industrial Area are necessary to preserve significant industrial lands for industrial uses and protect industrial areas from conflicting uses.

The establishment of the Expedited Industrial Site Review is consistent with the provisions of the Code. Uses that request an expedited review must also comply with the requirements that would otherwise apply to the proposal. Uses that present significant impact or require changes or exceptions to local or state regulations are not eligible for an expedited review.

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 changes are consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies include:

Element 8. Economy

The proposed amendments insure adequate quality and quantity of industrial land is available, properly zoned and serviced through establishment of a new overlay zone for Regionally Significant Industrial Area (RSIA) overlay zoning district. The RSIA ensures that industrial sites are available for true trade-sector industrial uses and to protect industrial lands from conflicting uses. The proposed overlay district and permitted uses will be uniform and consistent within the goals and policies of the Comprehensive Plan.

Element 13. Land Use

The proposal includes amendment to Policy 13.2.5 Special Purpose Districts. The proposed Regionally Significant Industrial Area will be an additional Special Purpose District and will be delineated consistent with the goals and policies of the Comprehensive Plan and in accordance with applicable state law.

Most Effective Alternative

The alternative to approving the proposal is to retain the permitted uses in industrial zoning districts and not establish a Regionally Significant Industrial Area for the East Grants Pass industrial area. The proposed amendments allow for a more effective and efficient use and development of industrial lands.

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 uses permitted by the new RSIA

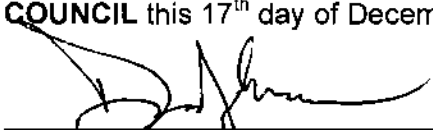
overlay district are not more intensive than other uses already permitted by the underlying zoning.

Uses permitted within the RSIA overlay district 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.

VIII. DECISION AND SUMMARY:

City Council APPROVED the proposed amendments. The vote was 6-1 with Councilors DeYoung, Goodwin, Hannum, Riker, Webber and Williams in favor and Councilor Morgan opposed. Councilor Gatlin was absent.

IX. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this 17th day of December, 2014.



Darin Fowler, Mayor

An Ordinance amending Section 13 of the Policies Element of the Comprehensive Plan Establishing the Regionally Significant Industrial Area Overlay Zoning District and Amending Articles 2, 3, 4, 10, 12, 13, 19 and 30 of the Development Code Revising the List of Permitted Uses and Procedures in the

Item: Industrial Zones

Date: December 3, 2014

SUBJECT AND SUMMARY:

The proposal is an ordinance that would amend Section 13 of the Policies Element of the Comprehensive Plan establishing and Articles 12 and 30 of the Development Code amending provisions regarding the review authority for the River Tourist Commercial (RTC) Zones, replacing the Riverfront Review Board with the Urban Area Planning Commission.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goals to promote quality livability, encourage **ECONOMIC PROSPERITY** and facilitate **SUSTAINABLE, MANAGEABLE GROWTH**.

Amending the review authority procedures will streamline development review and maintain the guidelines and development standards for the RTC zones.

BACKGROUND:

The proposal establishes a new overlay zone for Regionally Significant Industrial Area overlay zoning district in the vicinity of the Spalding Industrial area. The overlay district would be applied to ensure sites are available for true trade-sector industrial uses that rely on the highway to transport locally produced goods to external markets.

For industrial uses within the Regionally Significant Industrial Area that meet certain criteria, Oregon state law specifies that an applicant can request review through and expedited process. Amendments to Articles 2, 3, 4, 10, 12, 13 and 19 of the Development Code and 13.2.5 of the Comprehensive Plan add provisions for Expedited Industrial Site Plan Review. Only uses located on properties within the Regionally Significant Industrial Area can request the expedited process once they meet the specific criteria in the proposed amendments. Uses that request an expedited review must also meet all other applicable criteria that would otherwise apply to the proposed use.

The amendment also includes changes to the list of permitted uses in the industrial zoning districts in order to protect industrial lands from conflicting uses. These changes apply to industrial zones in general, and ensure industrial lands are available for industrial uses and not used for heavy commercial/quasi-industrial uses that could be located elsewhere in the community. Changes to Schedule 12-2, within Article 12, of the Development Code clarify the list of uses that will no longer be permitted within the industrial zoning district and one additional use that will be permitted under the

EXHIBIT A
100.000

amendment. The uses to be removed from the Industrial Zones include assembly type uses (i.e., religious assembly, eating/drinking establishments, day care centers, libraries, cultural exhibits and public parks). Article 30 will be amended to provide additional definitions to further clarify certain uses, not exclusive to the industrial zoning district.

COST IMPLICATION:

None.

ITEM: AN ORDINANCE AMENDING SECTION 13 OF THE POLICIES ELEMENT OF THE COMPREHENSIVE PLAN ESTABLISHING THE REGIONALLY SIGNIFICANT INDUSTRIAL AREA OVERLAY ZONING DISTRICT AND AMENDING ARTICLES 2, 3, 4, 10, 12, 13, 19 AND 30 OF THE DEVELOPMENT CODE REVISING THE LIST OF PERMITTED USES IN THE INDUSTRIAL ZONES

ALTERNATIVES:

- 1) Approve the ordinance as proposed;
 - 2) Modify the ordinance and adopt with additional changes; or
 - 3) Reject the amendments as proposed.
-

RECOMMENDED ACTION:

It is recommended the Council approve the attached ordinance.

POTENTIAL MOTION:

I move to approve the ordinance amending Section 13 of the Policies Element of the Comprehensive Plan establishing a Regionally Significant Industrial Area and amending Articles 2, 3, 4, 10, 12, 13, 19 and 30 of the Development Code revising the list of permitted uses in the Industrial Zones

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

**REGIONALLY SIGNIFICANT INDUSTRIAL AREA OVERLAY
AND INDUSTRIAL ZONE USES
COMPREHENSIVE PLAN & DEVELOPMENT CODE TEXT AMENDMENT
CITY COUNCIL STAFF REPORT – TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500007
Project Type:	Comprehensive Plan and Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	August 1, 2014
Application Complete:	August 1, 2014
Date of Staff Report:	October 15, 2014
Date of UAPC Hearing:	October 22, 2014
Date of UAPC Findings:	November 18, 2014
Date of CC Staff Report:	November 24, 2014
Date of City Council Hearing:	December 3, 2014

I. PROPOSAL:

The proposal establishes a new Regionally Significant Industrial Area (RSIA) overlay zoning district in the vicinity of the Spalding Industrial area (*see Exhibit 1*). The proposal would also amend the list of permitted uses in the Industrial Zones, focusing on the removal of “assembly” uses. *See Exhibits 2, 3 & 4 for text of proposed amendment.* The Findings of Fact for the Urban Area Planning Commission are attached as *Exhibit 5*.

II. AUTHORITY AND CRITERIA:

Sections 4.102, 4.040, and 4.050 of the City of Grants Pass Development Code provide the procedure for initiation of Development Code text amendments, special purpose district amendments, and medical overlay district amendments. The proposed amendment was initiated by the Parks & Community Development Director consistent with those provisions and the direction provided by the Urban Area Planning Commission and City Council.

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 the 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. An Overlay District may be established or amended in accordance with the criteria in Section 4.050 of 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. BACKGROUND AND DISCUSSION:

The proposal establishes a new overlay zone for Regionally Significant Industrial Area overlay zoning district in the vicinity of the Spalding Industrial area. The overlay district would be applied to ensure sites are available for true trade-sector industrial uses that rely on the highway to transport locally produced goods to external markets.

The amendment also includes changes to the list of permitted uses in the industrial zoning districts in order to protect industrial lands from conflicting uses. These changes apply to industrial zones in general, and ensure industrial lands are available for industrial uses and not used for heavy commercial/quasi-industrial uses that could be located elsewhere in the community. Changes to Schedule 12-2, within Article 12, of the Development Code clarify the list of uses that will no longer be permitted within the industrial zoning district and one additional use that will be permitted under the amendment. The uses to be removed from the Industrial Zones include assembly type uses (i.e., religious assembly, eating/drinking establishments, day care centers, libraries, cultural exhibits and public parks) (see *Exhibit 2*). Article 30 will be amended to provide additional definitions to further clarify certain uses, not exclusive to the industrial zoning district (see *Exhibit 3*).

For industrial uses within the Regionally Significant Industrial Area that meet certain criteria, Oregon state law specifies that an applicant can request review through and expedited process. Amendments to Articles 2, 3, 4, 10, 12, 13 and 19 of the Development Code and 13.2.5 of the Comprehensive Plan add provisions for Expedited Industrial Site Plan Review (see *Exhibit 4*). Only uses located on properties within the Regionally Significant Industrial Area can request the expedited process once they meet the specific criteria in the proposed amendments. Uses that request an expedited review must also meet all other applicable criteria that would otherwise apply to the proposed use.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

Planning Commission Response: Satisfied. The proposal amends several sections of the Development Code. The amendments propose to establish a Regionally Significant Industrial Area and establish a process for an expedited review of proposed uses within this area. The amendments are proposed to Articles 2 - Procedures, 3 – Development Permit Procedures, 4 – Amendments and Criteria, 10 - Appeals, 12 – Zoning Districts, 13 – Special Purpose Districts and 19 – Site Plan Review of the Development Code. Establishment of the special purpose district and expedited review procedure do not amend the procedural requirements within the Development Code, but maintain consistency in the stated provisions and purpose of the Development Code.

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

Planning Commission Response: Satisfied. The proposed amendments strive to be internally consistent with the provisions outlined in the Code. The purpose and circumstances for the establishment of the Regionally Significant Industrial Area are necessary to preserve significant industrial lands for industrial uses and protect industrial areas from conflicting uses.

The establishment of the Expedited Industrial Site Review is consistent with the provisions of the Code. Uses that request an expedited review must also comply with the requirements that would otherwise apply to the proposal. Uses that present significant impact or require changes or exceptions to local or state regulations are not eligible for an expedited review.

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.

Planning Commission Response: Satisfied. The proposed changes are consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies include:

Element 8. Economy

The proposed amendments insure adequate quality and quantity of industrial land is available, properly zoned and serviced through establishment of a new overlay zone for Regionally Significant Industrial Area (RSIA) overlay zoning district. The RSIA ensures that industrial sites are available for true trade-sector industrial uses and to protect industrial lands from conflicting uses. The proposed overlay district and permitted uses will be uniform and consistent within the goals and policies of the Comprehensive Plan.

Element 13. Land Use

The proposal includes amendment to Policy 13.2.5 Special Purpose Districts. The proposed Regionally Significant Industrial Area will be an additional Special Purpose District and will be delineated consistent with the goals and policies of the Comprehensive Plan and in accordance with applicable state law.

Most Effective Alternative

The alternative to approving the proposal is to retain the permitted uses in industrial zoning districts and not establish a Regionally Significant Industrial Area for the East Grants Pass industrial area. The proposed amendments allow for a more effective and efficient use and development of industrial lands.

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

Planning Commission 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 uses permitted by the new RSIA overlay district are not more intensive than other uses already permitted by the underlying zoning.

Uses permitted within the RSIA overlay district 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.

VI. RECOMMENDATION:

The Planning Commission **RECOMMEND APPROVAL** of the proposed amendments to City Council, as presented in Exhibit 1, 2, 3 & 4.

VII. CITY COUNCIL ACTION:

- A. Positive Action: Recommend approval of the request:
 - 1. as submitted.
 - 2. as modified by the City Council with the following revisions (list):
- B. Negative Action: Deny of the request for the following reasons (list):
- C. Postponement: Continue item
 - 1. indefinitely.
 - 2. to a time certain.

NOTE: This is a legislative decision. State law does **not** require that a decision be made on the application within 120 days.

VIII. INDEX TO EXHIBITS:

1. RSIA Map and affected Tax Lots
2. Mark up text for Schedule 12-2, Article 12 of the Development Code
3. Mark up text for Article 30 of the Development Code
4. New Provisions for Regionally Significant Industrial Area Overlay and Procedures for Expedited Industrial Site Plan Review
5. UAPC Findings of Fact

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

**REGIONALLY SIGNIFICANT INDUSTRIAL AREA OVERLAY
AND INDUSTRIAL ZONE USES
COMPREHENSIVE PLAN & DEVELOPMENT CODE TEXT AMENDMENT
PLANNING COMMISSION FINDINGS OF FACT– TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500007
Project Type:	Comprehensive Plan and Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	August 1, 2014
Application Complete:	August 1, 2014
Date of Staff Report:	October 15, 2014
Date of UAPC Hearing:	October 22, 2014
Date of Findings:	November 18, 2014

I. PROPOSAL:

The proposal establishes a new Regionally Significant Industrial Area (RSIA) overlay zoning district in the vicinity of the Spalding Industrial area. The proposal would also amend the list of permitted uses in the Industrial Zones, focusing on the removal of “assembly” uses.

II. AUTHORITY AND CRITERIA:

Sections 4.102, 4.040, and 4.050 of the City of Grants Pass Development Code provide the procedure for initiation of Development Code text amendments, special purpose district amendments, and medical overlay district amendments. The proposed amendment was initiated by the Parks & Community Development Director consistent with those provisions and the direction provided by the Urban Area Planning Commission and City Council.

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 the 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. An Overlay District may be established or amended in accordance with the criteria in Section 4.050 of 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. An application for a Text Amendment was submitted on August 1, 2014 and deemed complete on the same date. The application was processed in accordance with 4.103 of the Development Code.
- B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on August 11, 2014 in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. A public hearing was held by the UAPC on October 22, 2014 to consider the proposal and make a recommendation to City Council.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the October 22, 2014 UAPC staff report and exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the UAPC on October 22, 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 October 22, 2014 UPAC hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS:

The proposal establishes a new overlay zone for Regionally Significant Industrial Area overlay zoning district in the vicinity of the Spalding Industrial area. The overlay district would be applied to ensure sites are available for true trade-sector industrial uses that rely on the highway to transport locally produced goods to external markets.

The amendment also includes changes to the list of permitted uses in the industrial zoning districts in order to protect industrial lands from conflicting uses. These changes apply to industrial zones in general, and ensure industrial lands are available for industrial uses and not used for heavy commercial/quasi-industrial uses that could be located elsewhere in the community. Changes to Schedule 12-2, within Article 12, of the Development Code clarify the list of uses that will no longer be permitted within the industrial zoning district and one additional use that will be permitted under the amendment. The uses to be removed from the Industrial Zones include assembly type uses (i.e., religious assembly, eating/drinking establishments, day care centers, libraries,

cultural exhibits and public parks). Article 30 will be amended to provide additional definitions to further clarify certain uses, not exclusive to the industrial zoning district.

For industrial uses within the Regionally Significant Industrial Area that meet certain criteria, Oregon state law specifies that an applicant can request review through an expedited process. Amendments to Articles 2, 3, 4, 10, 12, 13 and 19 of the Development Code and 13.2.5 of the Comprehensive Plan add provisions for Expedited Industrial Site Plan Review. Only uses located on properties within the Regionally Significant Industrial Area can request the expedited process once they meet the specific criteria in the proposed amendments. Uses that request an expedited review must also meet all other applicable criteria that would otherwise apply to the proposed use.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

Planning Commission Response: Satisfied. The proposal amends several sections of the Development Code. The amendments propose to establish a Regionally Significant Industrial Area and establish a process for an expedited review of proposed uses within this area. The amendments are proposed to Articles 2 - Procedures, 3 – Development Permit Procedures, 4 – Amendments and Criteria, 10 - Appeals, 12 – Zoning Districts, 13 – Special Purpose Districts and 19 – Site Plan Review of the Development Code. Establishment of the special purpose district and expedited review procedure do not amend the procedural requirements within the Development Code, but maintain consistency in the stated provisions and purpose of the Development Code.

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

Planning Commission Response: Satisfied. The proposed amendments strive to be internally consistent with the provisions outlined in the Code. The purpose and circumstances for the establishment of the Regionally Significant Industrial Area are necessary to preserve significant industrial lands for industrial uses and protect industrial areas from conflicting uses.

The establishment of the Expedited Industrial Site Review is consistent with the provisions of the Code. Uses that request an expedited review must also comply with the requirements that would otherwise apply to the proposal. Uses that present significant impact or require changes or exceptions to local or state regulations are not eligible for an expedited review.

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.

Planning Commission Response: Satisfied. The proposed changes are consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies include:

Element 8. Economy

The proposed amendments insure adequate quality and quantity of industrial land is available, properly zoned and serviced through establishment of a new overlay zone for Regionally Significant Industrial Area (RSIA) overlay zoning district. The RSIA ensures that industrial sites are available for true trade-sector industrial uses and to protect industrial lands from conflicting uses. The proposed overlay district and permitted uses will be uniform and consistent within the goals and policies of the Comprehensive Plan.

Element 13. Land Use

The proposal includes amendment to Policy 13.2.5 Special Purpose Districts. The proposed Regionally Significant Industrial Area will be an additional Special Purpose District and will be delineated consistent with the goals and policies of the Comprehensive Plan and in accordance with applicable state law.

Most Effective Alternative

The alternative to approving the proposal is to retain the permitted uses in industrial zoning districts and not establish a Regionally Significant Industrial Area for the East Grants Pass industrial area. The proposed amendments allow for a more effective and efficient use and development of industrial lands.

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

Planning Commission 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 uses permitted by the new RSIA overlay district are not more intensive than other uses already permitted by the underlying zoning.

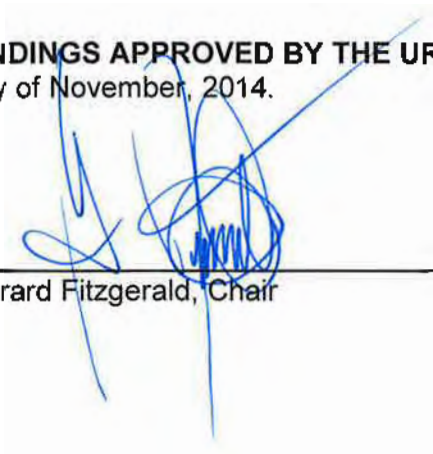
Uses permitted within the RSIA overlay district are still subject to site plan review. New development must still address traffic impacts for any specific proposal or intensity of use consistent with the provisions of Section 27.121(3) of the Development Code.

VIII. RECOMMENDATION:

The UAPC found the applicable criteria satisfied and recommended the proposal, as presented in the staff's presentation be forwarded to the City Council for adoption.

The voting was unanimous (6-0) in favor of the recommendation with Commissioners Kellenbeck and MacMillan absent.

IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 18th day of November, 2014.

A handwritten signature in blue ink, consisting of several loops and a long vertical stroke, positioned above a horizontal line.

Gerard Fitzgerald, Chair

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

**REGIONALLY SIGNIFICANT INDUSTRIAL AREA OVERLAY
AND INDUSTRIAL ZONE USES
COMPREHENSIVE PLAN & DEVELOPMENT CODE TEXT AMENDMENT
PLANNING COMMISSION STAFF REPORT – TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	14-40500007
Project Type:	Comprehensive Plan and Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	August 1, 2014
Application Complete:	August 1, 2014
Date of Staff Report:	October 15, 2014
Date of UAPC Hearing:	October 22, 2014

I. PROPOSAL:

The proposal establishes a new Regionally Significant Industrial Area (RSIA) overlay zoning district in the vicinity of the Spalding Industrial area (*see Exhibit 1*). The proposal would also amend the list of permitted uses in the Industrial Zones, focusing on the removal of “assembly” uses. *See Exhibits 2 & 3 for text of proposed amendment.*

II. AUTHORITY AND CRITERIA:

Sections 4.102, 4.040, and 4.050 of the City of Grants Pass Development Code provide the procedure for initiation of Development Code text amendments, special purpose district amendments, and medical overlay district amendments. The proposed amendment was initiated by the Parks & Community Development Director consistent with those provisions and the direction provided by the Urban Area Planning Commission and City Council.

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 the 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. An Overlay District may be established or amended in accordance with the criteria in Section 4.050 of the Development Code.

EXHIBIT A
TO UAPC PDF

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. BACKGROUND AND DISCUSSION:

The proposal establishes a new overlay zone for Regionally Significant Industrial Area overlay zoning district in the vicinity of the Spalding Industrial area. The overlay district would be applied to ensure sites are available for true trade-sector industrial uses that rely on the highway to transport locally produced goods to external markets.

The amendment also includes changes to the list of permitted uses in the industrial zoning districts in order to protect industrial lands from conflicting uses. These changes apply to industrial zones in general, and ensure industrial lands are available for industrial uses and not used for heavy commercial/quasi-industrial uses that could be located elsewhere in the community. Changes to Schedule 12-2, within Article 12, of the Development Code clarify the list of uses that will no longer be permitted within the industrial zoning district and one additional use that will be permitted under the amendment. The uses to be removed from the Industrial Zones include assembly type uses (i.e., religious assembly, eating/drinking establishments, day care centers, libraries, cultural exhibits and public parks) (see *Exhibit 2*). Article 30 will be amended to provide additional definitions to further clarify certain uses, not exclusive to the industrial zoning district (see *Exhibit 3*).

For industrial uses within the Regionally Significant Industrial Area that meet certain criteria, Oregon state law specifies that an applicant can request review through an expedited process. Amendments to Articles 2, 3, 4, 10, 12, 13 and 19 of the Development Code and 13.2.5 of the Comprehensive Plan add provisions for Expedited Industrial Site Plan Review (see *Exhibit 4*). Only uses located on properties within the Regionally Significant Industrial Area can request the expedited process once they meet the specific criteria in the proposed amendments. Uses that request an expedited review must also meet all other applicable criteria that would otherwise apply to the proposed use.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

Staff Response: Satisfied. The proposal amends several sections of the Development Code. The amendments propose to establish a Regionally Significant Industrial Area and establish a process for an expedited review of proposed uses within this area. The amendments are proposed to Articles 2 - Procedures, 3 - Development Permit

Procedures, 4 – Amendments and Criteria, 10 - Appeals, 12 – Zoning Districts, 13 – Special Purpose Districts and 19 – Site Plan Review of the Development Code. Establishment of the special purpose district and expedited review procedure do not amend the procedural requirements within the Development Code, but maintain consistency in the stated provisions and purpose of the Development Code.

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

Staff Response: Satisfied. The proposed amendments strive to be internally consistent with the provisions outlined in the Code. The purpose and circumstances for the establishment of the Regionally Significant Industrial Area are necessary to preserve significant industrial lands for industrial uses and protect industrial areas from conflicting uses.

The establishment of the Expedited Industrial Site Review is consistent with the provisions of the Code. Uses that request an expedited review must also comply with the requirements that would otherwise apply to the proposal. Uses that present significant impact or require changes or exceptions to local or state regulations are not eligible for an expedited review.

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.

Staff Response: Satisfied. The proposed changes are consistent with the goals and policies of the Comprehensive Plan. Applicable goals and policies include:

Element 8. Economy

The proposed amendments insure adequate quality and quantity of industrial land is available, properly zoned and serviced through establishment of a new overlay zone for Regionally Significant Industrial Area (RSIA) overlay zoning district. The RSIA ensures that industrial sites are available for true trade-sector industrial uses and to protect industrial lands from conflicting uses. The proposed overlay district and permitted uses will be uniform and consistent within the goals and policies of the Comprehensive Plan.

Element 13. Land Use

The proposal includes amendment to Policy 13.2.5 Special Purpose Districts. The proposed Regionally Significant Industrial Area will be an additional Special Purpose District and will be delineated consistent with the goals and policies of the Comprehensive Plan and in accordance with applicable state law.

Most Effective Alternative

The alternative to approving the proposal is to retain the permitted uses in industrial zoning districts and not establish a Regionally Significant Industrial Area for the East Grants Pass industrial area. The proposed amendments allow for a more effective and efficient use and development of industrial lands.

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

Staff 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 uses permitted by the new RSIA overlay district are not more intensive than other uses already permitted by the underlying zoning.

Uses permitted within the RSIA overlay district 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.

VI. RECOMMENDATION:

Staff recommends the Planning Commission **RECOMMEND APPROVAL** of the proposed amendments to City Council, as presented in Exhibit 1, 2, 3 & 4.

VII. PLANNING COMMISSION ACTION:

- A. Positive Action: Recommend approval of the request:
 - 1. as submitted.
 - 2. as modified by the Planning Commission with the following revisions (list):
- B. Negative Action: Recommend denial of the request for the following reasons (list):
- C. Postponement: Continue item
 - 1. indefinitely.
 - 2. to a time certain.

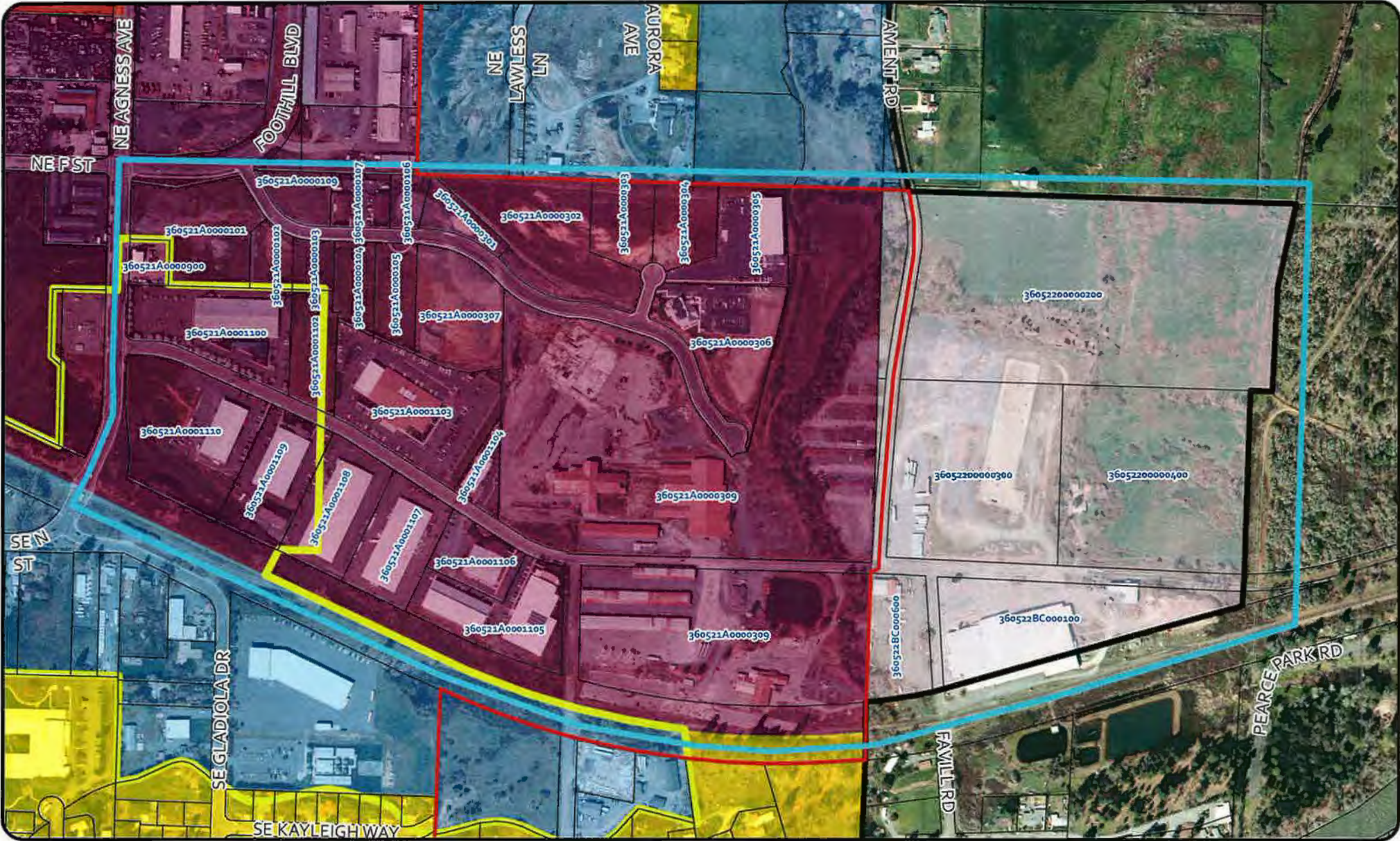
NOTE: This is a legislative decision. State law does *not* require that a decision be made on the application within 120 days.

VIII. INDEX TO EXHIBITS:

- 1. RSIA Map and affected Tax Lots
- 2. Mark up text for Schedule 12-2, Article 12 of the Development Code
- 3. Mark up text for Article 30 of the Development Code
- 4. New Provisions for Regionally Significant Industrial Area Overlay and Procedures for Expedited Industrial Site Plan Review

**SPALDING INDUSTRIAL PARK – REGIONALLY SIGNIFICANT INDUSTRIAL AREA
SUMMARY OF USE AND DEVELOPMENT BY TAX LOT**

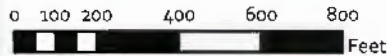
Tax Lot Number	Owner	Current Use	Developed / Undeveloped
360621A0001110	Evergreen Bank	Warehouse	
360621A0001109	Oregon Swiss Precision	Manufacturer	
360621A0001108	Rogue Industrial Park	Industrial Building	
360621A0001107	Rogue Industrial Park	Industrial Building	
360621A0001106	Marzi Sinks	Manufacturer	
360521A0001105	Encore Ceramics	Manufacturer	
360521A0001100	ESAM	Manufacturer	
360521A0001103	US Interior Building	Storage/Office Space	
360521A0001104	Precision Screw Manufacturing	Manufacture	
360521A0000107	Forest Products Company	Head Office	
360521A0000307	Cascade Metal Recycling	Head Office/Metal Processing	
360521A0000305	Rogue Pro Industrial	Manufacturer	
360521A0000306	River Valley Church	Office Space	
360521A000309	Spalding Industrial	Old Storage Sheds, a Wood Chipper, and the Spalding Industrial Park office.	
3605220000300	Spalding Industrial	Sawmill Stacking area	
360522BC000100	Spalding Industrial	Old Building currently not in use	
360522BC000600	Spalding Industrial	Remnants of Sawmill	
360521A000900	Cascade Metal Recycling	Storage Area	
360521A0000101	various owners		Water, power, sewer, to property line.
360521A0000102	“	“	“
360521A0000103	“	“	“
360521A0000104	“	“	“
360521A0000105	“	“	“
360521A0000109	“	“	“
360521A0000106	“	“	“
360521A0000301	“	“	“
360521A0000302	“	“	“
360521A0000309	“	“	“
360521A0000304	“	“	“
36052200000200	“	“	open land with no water, power, or sewer
36052200000400	“	“	“



CITY OF GRANTS PASS

Spalding Industrial Park

Regionally Significant
Industrial Area Nomination



LEGEND

- + City Limits
- UGB Outline
- Tax Parcels
- EnterpriseZone
- Proposed Area

Zoning Classification

- BP
- GC
- I
- R-1-8
- RI



CITY OF GRANTS PASS

Parks & Community Development Dept.
101 Northwest "A" Street
Grants Pass, OR 97526
Phone: (541) 450-6060
Fax: (541) 476-9218
Web: www.grantspassoregon.gov



DISCLAIMER: The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Grants Pass and Josephine County. Every reasonable effort has been made to assure the accuracy of the maps and associated data.

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
h) Residential Facility, per 14 521	P-II	P-II	P-II	P-II	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	-	-	-
i) Dwelling, Accessory	-	-	-	-	-	-	P-I-C	P-I-C	P-I-C	-	-	-
3) Trade												
a) Retail Indoor	-	-	-	-	-	-	P-II	P-(a)	P-(a)	P-(b)	-	-
b) Retail Outdoor	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
c) Wholesale	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
d) Itinerant Use, per 14.120	-	-	-	-	-	-	-	P-I-AU	P-I-AU	-	-	-
4) Services												
a) Professional Office	-	-	-	-	-	P-II	-	P-(a)	P-(a)	P-(b)	P*(b)	-
b) Business Office	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
c) Limited Office	P-II	P-II	P-II	P-II	P-II	P-II	-	-	-	-	-	-
d) Repair/Maintenance, Commercial	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	P-(b)
e) Auto Service Station	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
f) Eating/Drinking Establishment	-	-	-	-	-	-	P-(a)	P-(a)	P-(a)	P-(b)	-	P-(b)
g) Hotel/Motel	-	-	-	-	-	-	-	P-(a)	P-(a)	-	-	-
h) RV Parks	-	-	-	-	-	-	-	P-III	-	-	-	-
i) Day Care/Family, per 14 310	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)
j) Day Care/Group, per 14 320	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	P-II	P-II	P-II

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Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
1. Detached (1)	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
2. Detached (2)	PUD	PUD	P-II	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
3. Duplex	PUD	PUD	P-II	P-IA	P-IA	P-IA	-	P-I-A	P-I-A	-	-	-
4. Multi-Dwelling	PUD	PUD	PUD	P-II	P-I-C	P-I-C	-	P-I-C	P-I-C	-	-	-
5. Manufactured Housing												
"A" Individual Lot	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
"B" Manufactured Dwelling Park	-	-	-	P-III (d)	P-III (d)	P-I-C	-	-	-	-	-	-
"C" Health Condition	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	-	-	-
c) Group Quarters	-	-	-	-	-	P-II	-	-	P-II	-	-	-
d) Home Occupation												
1. Occupational Use, per 14.211	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX (f)	P-I-EX	P-I-EX	P-I-EX (f)	P-I-EX (f)	P-I-EX (f)
2. Minor, per 14.220	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU (f)	P-I-AU	P-I-AU	P-I-AU (f)	P-I-AU (f)	P-I-AU (f)
3. Major, per 14.220	P-II	P-II	P-II	P-II	P-II	P-II	P-I-C (f)	P-I-C	P-I-C	P-I-C (f)	P-I-C (f)	P-I-C (f)
e) Residential Accessory -Building -Use	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX (e)	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX (e)	P-I-A P-I-EX (e)	P-I-A P-I-EX (e)
f) Transient Quarters	-	-	-	-	-	-	-	-	-	P-III	-	P-III
g) Residential Home, per 14.510	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)

Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
27-c) Religious Assembly	P-II	P-II	P-II	P-II	P-I-C	P-I-C	P-(a)	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
27-e) Cultural Exhibit and Libraries	P-II	P-III	P-III	P-III	P-III	P-II	P-(a)	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
(g) Libraries												
Main branch	P-II					P-II	P-(a)	P-(a)	P-(a)	P-(b)	-	-
Neighborhood branch	P-II	P-III	P-III	P-III	P-II	P-II	P-(a)	P-(a)	P-(a)	P-(b)	-	-
h) Cemeteries	P-III	P-III	P-III	P-III	-	-	-	-	-	P-(b)	-	-
i) Mortuaries	-	-	-	-	-	P-III	-	P-(a)	-	P-(b)	-	-
h) Lodges	-	P-III	P-III	P-III	P-II	P-II	-	P-(a)	P-(a)	P-(b)	-	-
k) Commercial Parking	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
l) Transportation Facilities outlined in the Master Transportation Plan, and local access streets	P-I(c)	P-I(c)	P-I(c)	P-I(c)	P-I(c)	P-I(c)	P-I(c)	P-I(c)	P-I(c)	P-I(c)	P-I(c)	P-I(c)
l) Transportation Facilities not outlined in the Master Transportation Plan, nor part of a subdivision or PUD, nor local access streets	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II
27-n) Public Parks	P-III	P-III	P-III	P-II	P-II	P-II	-	P-II	P-II	P-II	-	P-II
7) Industrial												
a) Repair/Maintenance, Industrial	-	-	-	-	-	-	-	-	-	P-(b)	-	P-(b)
b) Indoor	-	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
c) Outdoor	-	-	-	-	-	-	-	-	-	-	-	P-(b)
d) Prohibited	-	-	-	-	-	-	-	-	-	X	X	X

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Land Use Types	UR	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
k) Group Care	-	-	-	-	P-III	P-III	-	P-(a)	P-(a)	-	-	-
l) Hospitals	-	-	-	-	-	P-III	-	P-III	-	-	-	-
m) Vet Clinics	-	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
n) Commercial Accessory -Building -Use		-	-	-	-	-	P-(g) P-EX	P-(g) P-EX	P-(g) P-EX	P-(g) P-EX	-	-
o) Bed & Breakfast, per 14 420	P-II	P-III	P-III	P-III	P-III	P-II	-	P-(a)	P-(a)	-	-	-
p) Voluntary Parking -Local Impact -Area Impact	- -	- -	- -	P-II P-III	P-II P-III	P-II P-III	- -	- -	- -	- -	- -	- -
q) Personal Service	-	-	-	-	-	P-II	P-(a)	P-(a)	P-(a)	P-(b)	-	-
5) Recreation												
a) Residential -Local Impact -Area Impact	P-I-C P-II	P-I-C P-II	P-I-C P-III	P-I-C P-II	P-I-C P-II	P-I-C P-II	- -	- -	- -	- -	- -	- -
b) Commercial -Local Impact -Area Impact	- -	- -	- -	- -	- -	- -	P-(a) -	P-(a) P-(a)	P-(a) P-(a)	P-(b) P-(b)	- -	- -
c) Athletic Clubs	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
6) Public / Quasi-Public / Institutional												
a) Public , Minor Public	P-II (h)	P-III (h)	P-III (h)	P-II (h)	P-II (h)	P-II (h)	P-(a) (h)	P-(a) (h)	P-(a) (h)	P-(b) (h)	P-(b) (h)	P-(b) (h)
b) Public , Major Public	-	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
c) Public Facility , Location Dependent	P-I (h)	P-II (h)	P-III (h)	P-II (h)	P-II (h)	P-II (h)	P-(a) (h)	P-(a) (h)	P-(a) (h)	P-(b) (h)	P-(b) (h)	P-(h) (h)
d) Schools	P-II	P-III	P-III	P-III	P-II	P-II	-	P-(a)	P-(a)	P-(b)	-	-

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¹Article 30: Definitions

30.010 Applicability

As used in this Code, the words and phrases contained in this Article shall have the following meanings:

30.020 Definitions

Abut: Contiguous to, as shown in Concept Sketch 30-Adjacent and Abutting. For example, two lots with a common property line or common property corner. However, "abut" does not apply to buildings, uses or properties separated by public right-of-way. See also "adjacent."

Access: The place, means or way by which pedestrian or vehicles shall have ingress and/or egress to a property or parking space.

- (1) Primary: Provides the principal means of access to off-atreet parking areas and serves the general circulation needs of the property and development.
- (2) Secondary: Provides incidental access to the property. Service drives are typical of secondary access facilities.

²Access Control Line: A line or narrow strip of land that is recorded on a plat or other legal document across which vehicular and other specified types of access are prohibited.

¹²²Access Management: Measures regulating access to streets, road and highwaya from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the mail facility.

Accessory Buildings: A building of less than 1,000 sq. ft. the use of which is subordinate to and consistent with the principal use of the property.

Accessory Use: A use incidental, appropriate and subordinate to the principal use. See also "Principal Use."

Industrial accessory uses may include uses such as:

- On-site food service: primarily, but not exclusively, for employees of the business or businesses on the subject property, provided there is no separate dedicated building, outdoor advertising, or drive-through;
- On-site day-care: primarily, but not exclusively, for employees of the business or businesses on the subject property, provided there is no separate dedicated building or outdoor advertising;
- Other uses not permitted as principal uses in subject industrial zones, provided they are principally for the convenience of the on-site industrial use and employees, provided they don't function as a separate principal use, and provided there is no separate dedicated building or outdoor advertising.

Access Way: An unobstructed way of specified width containing a drive or roadway which provides vehicular access and connects to a public street.

Active Solar Energy System: See "Solar Energy System, Active."

Adjacent: Contiguous to a property boundary at a property line or property corner, or contiguous to a property line or corner as extended across an abutting right-of-way for an alley or street, as shown in Concept Sketch 30-Adjacent and Abutting.

Comprehensive Land Use Plan/Comprehensive Plan: An official document which establishes the future land use pattern and land use goals and policies for the City.

Condominiums: A type of residential development offering individual ownership of units and common ownership of open spaces and other facilities and regulated, in part, by State Law (ORS Chapter 100).

Council: The Grants Pass Council.

¹⁸County Recorder: The Josephine County Clerk.

¹⁹County Surveyor: An individual appointed or elected to the office of Josephine County Surveyor and who is responsible for performing the duties of such office as described by law.

Courtyard: A landscape area enclosed by two or more walls.

Coverage, Building: That percentage of the total lot area covered by buildings.

Criteria: General rules or tests on which a judgment or decision can be based.

Crown: Live branches and foliage of individual trees that results in shading beneath.

Cul-de-aac: A short street which has one end open to traffic and is terminated by a vehicle turn-around.

Cul-de-sac Bulb: The circular radius at the end of a cul-de-sac.

^{12b}Cultural Exhibits and Libraries: Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, ~~or library collection of books, manuscripts, etc., for study or reading.~~ Specifically excluded from this category are exhibitions where items displayed are available for retail sale (see "Trade, Retail.")

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Day(s): Shall mean calendar days, unless working days are specified, which shall mean Monday through Friday, exclusive of official City holidays.

²⁰Day Care: Care, supervision and guidance on a regular basis provided to five or more persons during part of the

Landscape Coverage: The degree to which living plant materials cover any given landscaped area, as measured no higher than six inches from the finish grade of the landscaped area.

Library: Collection of books, manuscripts, periodicals, and other media, etc., for study or reading, on-site or available for check out and circulation. A library may house meeting space as a secondary function. Specifically excluded from this category are exhibitions where items displayed are available for retail sale (see "Trade, Retail.")

(1) Main branch. When there is one library in the library system, it shall be considered the main branch. When there is more than one library in the library system, the principal library, typically the largest facility which serves as a hub for other libraries in the system, shall be considered the main branch. Administrative functions for the library system are typically housed in the main branch rather than neighborhood branches.

(2) Neighborhood branch. When there is more than one library in the library system, a secondary library, typically a smaller facility, which acts as a satellite facility and serves a smaller neighborhood area, shall be considered a neighborhood branch.

Loading Space: An off-street space or berth on the same lot with a main building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading.

Lodge: A lodge, club or fraternal organization, except those carried on as a business for a profit, and excepting Group Care and Group Quarters uses.

³⁸Lot: Either a discrete unit of land for planning, zoning, use, and development purposes, or subdivision lot, as the context dictates.

Lot Area: The total horizontal area within the lot lines of a lot.

³⁹Lot, Authorized: A lot which is recognized by the City of Grants Pass as a discrete unit of land for planning, zoning, use, and development purposes.

⁷⁶Property Consolidation: The creation of one unit of land where more than one unit of land previously existed.

⁷⁷Property Line: The legally recognized division line between two units of land.

⁷⁸Property Line Adjustment: The relocation of a common property line between two abutting properties, when recorded with the County Recorder by the appropriate parties, when such adjustment is done in accordance with the applicable standards in effect at the time of recordation.

⁷⁹Property Line Adjustment Parcel: A unit of land created by a property line adjustment.

⁸⁰Property Line Vacation: The removal of the property lines separating two units of land resulting in the consolidation of abutting properties.

⁸¹Public Building: All buildings and structures used by the public that are constructed, purchased, leased or rented in whole or in part by the use of private funds, where the building or structure has a ground area of more than 4000 square feet or is more than 20 feet in height from the top surface of the lowest flooring to the highest interior overhead finish of the building or structure.

Public Facilities: This category includes public uses and facilities which are not defined separately under more specific definitions in this Article, such as 'Public Park' and 'Library'.

Except as provided below, public facilities that operate and function similarly to their private equivalents other than for their public ownership or occupancy, shall be reviewed using the procedures that apply to their private equivalents, if there is a commonly recognized equivalent, and if the public nature itself doesn't make the use location-dependent. Examples of these uses include: government/public offices, maintenance facilities, storage, etc.

(1) Public Facility, Location-Dependent: Government, public, or semi-public facilities and utilities which, by nature of their function, must be located relative to other facilities, areas, elements of the collection or distribution system, or natural or topographic features to function properly, whether

they may have local impact or substantial impact. Any associated impacts are addressed through mitigation rather than zoning. If a facility could meet more than one definition (Location-Dependent Public Facility, Minor Public, or Major Public), the least restrictive shall apply.

Examples of uses included in this definition include: open-air utility substations and pumping stations, reservoirs and wholly enclosed pumping stations or utility sub-stations. It also includes municipal water or sewage treatment plants when separated from any residential development by a minimum 50-foot wide Type B landscaped buffer. Uses also include public safety stations and substations (police and/or fire) when necessary to serve a specific area or achieve needed response times to a specific area.

Examples of uses not included in this definition are other public uses that are included in the 'Major Public' and 'Minor Public' definitions. Those uses may have specific siting requirements, but they are not location-dependent in the same manner as uses in this definition, and they have greater siting flexibility to function properly.

~~(2)~~ (2) Public, Major: Government or publicly owned facilities which have substantial impact, including materials storage or equipment repair facilities, warehouses, and detention and correction institutions., ~~open air utility substations and pumping stations.~~

~~(2)~~ (3) ^{82, 125} Public, Minor: Government, public or semi-public facilities and utilities which have a local impact upon surrounding properties., ~~including fire stations, reservoirs and wholly enclosed pumping stations or utility sub-stations. It also includes municipal water or sewage treatment plants when separated from any adjacent residential development by a minimum 50 foot wide Type B landscaped buffer.~~

Public Need: A conclusion based on presentation of factual evidence which demonstrates that a particular request for a change is in the best public interest for economic, social, and environmental reasons.

*New Provisions for Regionally Significant Industrial Area (RSIA) Overlay
and Procedures for Expedited Industrial Site Plan Review:*

Development Code:

- **Update all Table of Contents Pages as Needed**
- **Amend Schedule 2-1 to add a Type I-D Procedure.**
- **Amend Schedule 2-1 to add an Application Type for ‘Expedited Industrial Site Plan Review’.** Add as #24 and renumber subsequent sections. Specify procedure type as Type I-D.
- **Amend Section 2.030 to add a Type I-D Procedure Type Under 2.032(6).** Specify procedures consistent with the statutory procedures for Expedited Industrial Site Plan Review. Specify that procedures are only available for application types authorized by statute (Expedited Industrial Site Plan Review) [Add Expedited Land Division at future date].
- **Add Section 2.038** to add procedures consistent with statutory procedures for Expedited Industrial Site Plan Review.
- **Amend Section 3.030(4) to reference Type I-D.**
- **Amend Section 3.050 to reference application completeness and processing timelines consistent with statutory procedures for Expedited Industrial Site Plan Review.** Specify that procedures are only available for application types authorized by statute (Expedited Industrial Site Plan Review) [Add Expedited Land Division at future date].
- **Amend Article 4 to:**
 - **Reference RSIA Overlay in Section 4.041**
 - **Add 4.070 Criteria for Amendment: Regionally Significant Industrial Area (RSIA) Overlay Zone.** Specify that an RSIA can only be designated and amended by the ERRC in accordance with applicable state law.
- **Add Section 10.035 for Appeal of Type I-D.** Consistent with statutory procedures for Expedited Industrial Site Plan Review. Specify that procedures are only available for application types authorized by statute (Expedited Industrial Site Plan Review) [Add Expedited Land Division at future date].
- **Update Schedule 10-1 to reflect Type I-D appeal provisions** (not appealable to LUBA)
- **Amend 12.027 to also note applicant can request Expedited Industrial Site Plan Review Procedure for Property within RSIA.** (Procedures in Schedule 12-2 Apply Unless Requested). Reference where RSIA boundary is identified.
- **Amend 19.030 to reference 12.027 and include additional language that applicant can request Expedited Industrial Site Plan Review Procedure for Property within RSIA.** Reference where RSIA boundary is identified.
- **Amend Article 13 to add 13.600 Regionally Significant Industrial Area (RSIA) Overlay.** Include map and specify that these can only be designated by the ERRC. Purpose is to identify boundary where applicant has option to apply for Expedited Industrial Site Plan Review using Type I-D procedure.

Comprehensive Plan:

- **Amend 13.2.5. Special Purpose Districts.** Add **13.2.5(f) Regionally Significant Industrial Area.** Delineating areas designated by the ERRC in accordance with applicable state law in which an applicant can request Expedited Industrial Site Plan Review procedures.

Fee Schedule:

- **Add fee for Expedited Industrial Site Plan Review.** Consistent with ORS 197.727.

2.038. Type I-D. Type I Decision for Expedited Industrial Site Plan Review within Regionally Significant Industrial Area.

Include provisions consistent with below in this Section and in Article 10 as applicable.

- (1) **Purpose.** Consistent with ORS 197.724, this Section provides procedures for an Expedited Industrial Land Use Permit for properties within a Regionally Significant Industrial Area (RSIA) designated by the Economic Recovery Review Council (ERRC).
- (2) **Expedited Industrial Site Plan Review, Eligibility.**
 - (a) An applicant for a new industrial use or the expansion of an existing industrial use located within a regionally significant industrial area may request that an application for a land use permit be reviewed as an application for an expedited industrial land use permit under this section if the proposed use does not require:
 - (i) An exception taken under ORS 197.732 (Goal exceptions) to a statewide land use planning goal;
 - (ii) A change to the acknowledged comprehensive plan or land use regulations of the local government within whose land use jurisdiction the new or expanded industrial use would occur; or
 - (iii) A federal environmental impact statement under the National Environmental Policy Act.
 - (b) If the applicant makes a request that complies with subsection (1) of this section, the local government shall review the applications for land use permits for the proposed industrial use by applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for expedited land division) and 197.370 (Failure of local government to approve or deny application within specified time).
- (3) **Jurisdiction on Appeal; Standing.** Jurisdiction for appeal of a local decision for an Expedited Industrial Site Plan within a Regionally Significant Industrial Area shall be in accordance with 197.726.
 - (a) The Land Use Board of Appeals does not have jurisdiction to consider decisions, aspects of decisions or actions taken under ORS 197.722 (Definitions for ORS 197.722 to 197.728) to 197.728 (Rules).
 - (b) An appeal of a decision on an application for an expedited industrial land use permit made under ORS 197.724 (Review of application for land use permit within regionally significant industrial area) may be made in the manner set forth in ORS 197.375 (Appeal of decision on application for expedited land division) for appeal of a decision on an expedited land division. Notwithstanding ORS 197.375 (Appeal of decision on application for expedited land division):

- (i) The applicant and a person who filed written comments in the time period established under ORS 197.365 (Application for expedited land division) may file an appeal;
 - (ii) If an appeal is filed, the referee shall hold a hearing on the appeal; and
 - (iii) The referee shall issue a written decision within 56 days after the appeal was filed.
- (c) A party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 (Judicial review of board order) and 197.855 (Deadline for final court order). The Court of Appeals shall review decisions of the referee in the manner provided for review of final orders of the Land Use Board of Appeals in ORS 197.850 (Judicial review of board order) and 197.855 (Deadline for final court order). However, notwithstanding ORS 197.850 (Judicial review of board order) (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds that:
- (i) The local government's decision clearly does not concern an application for an expedited industrial land use permit as described in ORS 197.724 (Review of application for land use permit within regionally significant industrial area) and the appellant raised this issue in proceedings before the referee;
 - (ii) The referee's decision contains a clear, material error of fact based on the record, and the appellant raised the issue in proceedings before the referee;
 - (iii) The referee's decision contains a clear, material error of law, giving deference to any interpretations of law by the referee, and the appellant raised the issue in proceedings before the referee; or
 - (iv) The decision of the local government or the referee is unconstitutional.

(ORS 197.365-380 Provided for Reference):

197.365. Application for expedited land division; notice requirements; procedure.

When requested by an applicant for an expedited land division, in lieu of the procedure set forth in its comprehensive plan and land use regulations, the local government shall use the following procedures for an expedited land division under ORS 197.360 (Expedited land division defined):

(1)

(a) If the application for expedited land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) The local government shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375 (Appeal of decision on application for expedited land division), this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.

(3) The notice required under subsection (2) of this section shall:

(a) State:

(A) The deadline for submitting written comments;

(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.

(b) Set forth, by commonly used citation, the applicable criteria for the decision.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the place, date and time that comments are due.

(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.

(f) Include the name and telephone number of a local government contact person.

(g) Briefly summarize the local decision-making process for the expedited land division decision being made.

(4) After notice under subsections (2) and (3) of this section, the local government shall:

(a) Provide a 14-day period for submission of written comments prior to the decision.

(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the local governments land use regulations. An approval may include conditions to ensure

that the application meets the applicable land use regulations. For applications subject to this section, the local government:

(A) Shall not hold a hearing on the application; and

(B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.

(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:

(A) The summary statement described in paragraph (b)(B) of this subsection; and

(B) An explanation of appeal rights under ORS 197.375 (Appeal of decision on application for expedited land division).

197.370. Failure of local government to approve or deny application within specified time

(1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 197.360 (Expedited land division defined). A decision of the circuit court under this section may be appealed only to the Court of Appeals.

(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 (Expedited land division defined) to 197.380 (Application fees for expedited land division), including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the expedited land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision.

197.375. Appeal of decision on application for expedited land division; notice requirements; standards for review; procedure; costs

(1) An appeal of a decision made under ORS 197.360 (Expedited land division defined) and 197.365 (Application for expedited land division) shall be made as follows:

(a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (Application for expedited land division) (4), and shall be accompanied by a \$300 deposit for costs.

(b) A decision may be appealed by:

(A) The applicant; or

(B) Any person or organization who files written comments in the time period established under ORS 197.365 (Application for expedited land division).

(c) An appeal shall be based solely on allegations:

(A) Of violation of the substantive provisions of the applicable land use regulations;

(B) Of unconstitutionality of the decision;

(C) That the application is not eligible for review under ORS 197.360 (Expedited land division defined) to 197.380 (Application fees for expedited land division) and should be reviewed as a land use decision or limited land use decision; or

(D) That the parties substantive rights have been substantially prejudiced by an error in procedure by the local government.

(2) The local government shall appoint a referee to decide the appeal of a decision made under ORS 197.360 (Expedited land division defined) and 197.365 (Application for expedited land division). The referee shall not be an employee or official of the local government. However, a local government that has designated a hearings officer under ORS 215.406 (Planning and zoning hearings officers) or 227.165 (Planning and zoning hearings officers) may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 (Expedited land division defined) and 197.365 (Application for expedited land division).

(3) Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (Application for expedited land division) (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (Application for expedited land division) (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.

(4)

(a) The referee shall apply the substantive requirements of the local government's land use regulations and ORS 197.360 (Expedited land division defined). If the referee determines that the application does not qualify as an expedited land division as

described in ORS 197.360 (Expedited land division defined), the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

(b) The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.

(5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.

(6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.

(7) The Land Use Board of Appeals does not have jurisdiction to consider any decisions, aspects of decisions or actions made under ORS 197.360 (Expedited land division defined) to 197.380 (Application fees for expedited land division).

(8) Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 (Judicial review of board order) and 197.855 (Deadline for final court order). The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (Judicial review of board order) (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:

(a) That the decision does not concern an expedited land division as described in ORS 197.360 (Expedited land division defined) and the appellant raised this issue in proceedings before the referee;

(b) That there is a basis to vacate the decision as described in ORS 36.705 (Vacating award) (1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710 (Modification or correction of award); or

(c) That the decision is unconstitutional.

197.380. Application fees for expedited land division

Each city and county shall establish an application fee for an expedited land division. The fee shall be set at a level calculated to recover the estimated full cost of processing an application, including the cost of appeals to the referee under ORS 197.375 (Appeal of decision on application for expedited land division), based on the estimated average cost of such

applications. Within one year of establishing the fee required under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing applications under ORS 197.360 (Expedited land division defined) to 197.380 (Application fees for expedited land division).

Fee schedule:

Expedited Industrial Site Plan Review within Regionally Significant Industrial Area: *(Per ORS 197.727, the fee must be set at a level estimated to recover the full cost of processing an application, including the cost of appeals to a referee under ORS 197.726, based on the estimated cost of the use proposed in the application).*

URBAN AREA PLANNING COMMISSION
MEETING MINUTES
October 22, 2014 – 6:00 P.M.
Council Chambers

1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Vice Chair Jim Coulter and Commissioners Thomas Regan, Loree Arthur, Blair McIntire, and Dan McVay were present. Commissioners Lois MacMillan and David Kellenbeck were absent. Also present and representing the City was Parks & Community Development (PCD) Interim Director Lora Glover and City Council Liaison Rick Riker.

2. ITEMS FROM THE PUBLIC: None

3. CONSENT AGENDA:

a. MINUTES: October 8, 2014

b. FINDINGS OF FACT:

- 1) 14-40500008 – Comprehensive Plan & Development Code Text Amendments & Intergovernmental Agreements
- 2) 14-40400001 – Urban Growth Boundary (UGB) Amendment & Urban Reserve Boundary Designation
- 3) 14-40200003 – Comprehensive Plan Map & Zoning Map Amendments

Commissioner Arthur stated, I have some minor spelling-type corrections to the minutes. On page 28 at the top in the second line it should say "county" not "country". On page 35 on the fifth line down where it says "inaudible" we should clarify that is LCDC because it gets confusing whether you're talking about DLCD or LCDC.

PCD Interim Director Glover asked, are you talking about Schauer's statement?

Chair Fitzgerald asked, fifth line where it says "Senior Planner Schauer stated, that was the Commission."?

Commissioner Arthur stated, it should say LCDC.

Chair Fitzgerald asked, and remove "the Commission"?

Commissioner Arthur stated, no.

Chair Fitzgerald stated, leave "the Commission" in.

Commissioner Arthur stated, and on page 40 just below the second motion vote there was a line from me and it should say "H1" instead of "each one".

Chair Fitzgerald asked, that is where you were referring to H1-H, right? H1.1.

Commissioner Arthur stated, I don't see any more.

Chair Fitzgerald asked, does anyone else have any corrections?

MOTION/VOTE

Commissioner Regan moved and Commissioner Arthur seconded to approve the consent agenda including the findings of fact with the corrections to the minutes as stated. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter, and Commissioners Arthur, Regan, and McVay. "NAYS": None. Abstain: Commissioner McIntire. Absent: Commissioners MacMillan and Kellenbeck. The motion passed.

4. PUBLIC HEARINGS:

- a. **14-40500007** – Regionally Significant Industrial Area Overlay and Industrial Zone Uses Comprehensive Plan & Development Code Text Amendment Planning Commission

Chair Fitzgerald stated, we will begin the hearing with a staff report followed by public comment and then after that the matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Urban Area Planning Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Seeing none in this hearing the decision of the Commission will be based on specific criteria. All testimony and evidence must be directed toward those criteria. The criteria which apply in this case are noted in the staff report. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. We will now hear the staff report.

PCD Interim Director Glover stated, we have brought you two amendments bundled together tonight. This will save time and processing. The regionally significant industrial area overlay zone is a new designation that we have been working on through the State as part of their economic recovery Commission. The purpose of the regionally significant industrial overlay area is it will get the Spalding Industrial Park into a turnkey shovel ready development for industrial uses. It will also safeguard the area for employment lands and with some more intense job creation type of uses. The second part of the amendment is to move some uses out of the industrial zones. This is following through the urban growth boundary expansion. If we safeguard our industrial land for those employment uses then we do not have to expand the UGB further than what we are doing right now. As you remember we are still under the allotment that we actually need for industrial land.

The overlay zone is outlined and encompasses what we usually refer to as the Spalding Industrial Park. It will be picking up the property that is east of Ament Road right now. We just reviewed and updated the zoning on that and it had been in the urban growth boundary but it still had that rural land zone. When we get this overlay done the next part will be to start working on obtaining some grants that will help bring in some infrastructure and to get these properties ready to be developed. Right now, as you will remember, most of our utilities stop

back here off of Spalding where Shannon comes up into Spalding. We do not have sewer, water, or city streets all the way up and through this area to serve this property. We do have water sewer and streets along Industry. This will safeguard this area and maybe attract some of those employers that we are hoping to bring into our community.

The second portion of the amendment will remove what is usually termed as assembly type uses from the industrial zones. The purpose of this amendment is to protect our industrial areas from conflicting uses and to safeguard those for employment land. The uses that we are getting ready to strike from the industrial zones, and this would be for new development so existing uses that fall into this category are able to stay, we would be removing religious assembly as in church facilities, stand-alone eating and drinking establishments, day care centers, libraries, cultural exhibits, and public parks. The Bear Hotel is an example of one that would be allowed to remain at their current location and they can go up to 50% expansion because they would be considered a non-conforming use or that term people use a lot of they are "grandfathered". We have another one, Edgewater Church, that is located up off of Assembly and they have already entered into a development agreement with the City that was reviewed by the Planning Commission as part of their site plan and so they have a 15 year build-out plan and they are safeguarded for their activity. Another cultural exhibit type like Bear Hotel or another public park or a library would not be allowed in the industrial zones. We are trying to prevent having to over expand on our UGB and to protect our existing industrial zones.

Staff's recommendation is that the Planning Commission recommends approval to the City Council of this proposed amendment. We would imagine this review would come before City Council in December.

Chair Fitzgerald asked, are there any questions for Lora?

Commissioner Arthur asked, where is the church one? I do not see it. Did I miss it on the list?

Chair Fitzgerald stated, it sits up off of (inaudible).

Commissioner Arthur stated, that says River Valley Church it does not say Edgewater.

Chair Fitzgerald stated, it should say Edgewater and not River Valley.

PCD Interim Director Glover stated, it should be Edgewater Church.

Commissioner Arthur stated, this says office space.

Chair Fitzgerald stated, it is just a typo.

PCD Interim Director Glover stated, it is Edgewater, I believe, that is up there. River Valley is going to eventually be north of the highway along Scenic/Scoville up there in that area.

Commissioner Arthur asked, so it is wrong on the list?

PCD Interim Director Glover asked, are you looking at a map or a list?

Commissioner Arthur stated, I am looking at the list that faces the map.

PCD Interim Director Glover stated, I am not sure of the ownership of the property but it is the Edgewater facility. I do not know if they are related or not but that list was pulled off of the assessor's information and the GIS database. I am not sure if the ownership on that has changed or not or if they are affiliated.

Commissioner Arthur stated, I have a couple questions that we wanted to bring up at some point and I think we did discuss it once before. The industrial zone forbids retail, right?

Chair Fitzgerald stated, that is correct.

PCD Interim Director Glover stated, except for business park.

Chair Fitzgerald stated, business park is the only one you can do it in and then that changes your storage because it has to be enclosed for your storage.

Commissioner Arthur stated, it was probably 10 years ago now when we had some company come in that was up to the west of the old bowling alley and they had a very good reason for

wanting to put some showroom things in their front office and we said no you cannot do it because you cannot have walk-in retail traffic.

Chair Fitzgerald stated, I believe they cannot function retail. They can use display. If they produce an item for retail they can display it and have a showroom all they want they just cannot conduct retail business unless they have business park.

PCD Interim Director Glover stated, we have some industrial park (IP) that is up off of the Vine Street area. That restricts retail. I do not think we have business park up off of Vine. I think it is either industrial or industrial park. Retail is not permitted in industrial park.

Chair Fitzgerald stated, but they can have a showroom of their wares. If they are making widgets they can have a room full of widgets and showing what their widgets are. They just can't sell their widgets.

Commissioner Arthur stated, one of the things that the City Council has been talking about in terms of the tourism thing is like Fire Mountain Gems has tours for the public that you can go through. It would seem to me that it would be advantageous to allow some kind of use like that which is not exactly assembly nor is it retail but it is –

PCD Interim Director Glover stated, that is considered an accessory use and that would still be permitted.

Commissioner Arthur asked, where do we see that is the case?

PCD Interim Director Glover stated, accessory uses are defined under Article 30 in the definitions and so that has not been changed. I do not think you are going to find that in your packet for accessory use but it is in the development code. We have accessory buildings and accessory uses and that is how we have permitted different things. For eating and drinking establishments if it is part of an industrial complex and they have a diner or lunch room for their facility but it is not necessarily open to the public that would still be permitted and that is in some of the draft documentation there. Fire Mountain Gems also has a conference room and sometimes they have outside people come in and use their conference room. We have classified that as an accessory use.

Chair Fitzgerald asked, Loree are you talking about if there was a tour of the mighty widget factory up here and in that tour they sold miniature widgets for your keychain? Are you saying that is what you are thinking about?

Commissioner Arthur stated, I'm just trying to think of things we don't want to preclude if we really want to encourage the tourism.

Vice Chair Coulter stated, I just recall, the gems for example, they changed theirs to BP and that was part of the rationale for that even though they sat in a good location. I would think that there could be some exceptions maybe. I do not know how concrete it is for variance.

Chair Fitzgerald stated, the way I remember us going through the creation of the BP was spurred on by the fact that in general commercial there was no manufacturing allowed. There was assemblage allowed that cannot constitute 25% of your gross sales. In the industrial there was no retail, however, of any kind yet there were people who were making, as I use the term widgets, and they wanted to sell widget holders and all these other accessories to the widget they made and they couldn't do anything. The idea was a BP was made to bridge those so there was retail and manufacturing combined in one facility. Whether or not that vision included a 142,000 square foot Home Depot I do not know. At the time we were doing it I do not remember us discussing the size but that was the premise of why we were doing it to sort of take the restrictions of general commercial away a little but mostly to let the industrial manufacturer be able to sell some of their wares that they made in a retail setting that they made. That is where BP came from. Am I wrong? Is that basically it?

PCD Interim Director Glover stated, yes and then also the definition of accessory use – a use incidental, appropriate, and subordinate to the principal use. That would pretty much allow, if you go back to Fire Mountain Gems, allow that dining facility or the conference room or the touring of their facility. It is a much different operation than what the Bear Hotel has turned into which is primarily a cultural exhibit or a community event location. Somebody said something about a variance for uses. Variances are for measurable standards not for uses. I think we can pretty much cover that flexibility of additional sidebar items under accessory use.

Chair Fitzgerald stated, if in Loree's example if you are talking about Fire Mountain Gems and suddenly Mr. Friedman decides it would be a good idea to put in a gift store and start selling those beads is that going to come in under an accessory use?

PCD Interim Director Glover stated, that certainly could especially depending on the size. If all of a sudden we have a 10,000 square foot store or manufacturing facility and now we decided we would put 9,000 of that 10,000 into retail sales then I think that throws that off. However, if we're talking about a little 700 square foot shop where somebody just walks in there is a little counter, which I believe he does have, that is an acceptable accessory use. If it got to be something that the director could not approve because he is feeling uncomfortable with that then that would be an opportunity –

Chair Fitzgerald stated, we have a she as the director now –

PCD Interim Director Glover stated, interim director.

Chair Fitzgerald stated, we still have no problem with that.

PCD Interim Director Glover stated, the universal he/she, but anyway... That would be something that could be appealed to the Planning Commission. If it is the director's interpretation or decision and the director was not comfortable with that accessory use the applicant then has the ability to appeal it to the Planning Commission.

Chair Fitzgerald stated, let's just say that one of the areas down on Spalding goes in and starts making...or Fortune Brands put in Moen down there and decides to start making Moen faucets and they open an outlet. I think we are going to hear from Ferguson. How are we going to be sure we do not cross over that line and allow the retail coupled with the manufacturer?

PCD Interim Director Glover stated, I think we are going to have to deal with that as the situations arise. We could sit here and try to come up with every possible deviation but we work through these things pretty well. Sometimes we make short-term exceptions. When all of a sudden I have an industrial warehouse that has leased out for two years a space for a furniture store that I was told was wholesale. We are working with that particular person and let's get through your lease and you understand you need move once that lease is up. He thought he

was doing it the right way. We do try to work with people and try not to make things very difficult for them. That industrial area should not have a retail furniture store in it. Things happen and we try to work through those situations.

Commissioner McIntire stated, I do not know how many industrial buildings I have been in. Some of them have been 1 million square feet and some smaller but in all the large manufacturing facilities I have been in all I have seen is a very small little display in the receptionist area and that is it. To have anything to do with retail costs them money. I do not see that happening here at all. If this is going to be an industrial zone it will be.

PCD Interim Director Glover stated, that is what we are hoping for and we are hoping to attract those kinds of businesses. If we get in a difficult situation at a staff level then certainly that will be brought before the Planning Commission to wrestle over and make a decision.

Commissioner McVay stated, I just want to clear up a point. The current occupants of that area that fall into this category, are they going to be grandfathered out?

PCD Interim Director Glover stated, are we going back to the Bear Hotel example?

Commissioner McVay stated, yes.

PCD Interim Director Glover stated, they will be considered a nonconforming use. The Bear Hotel could expand up to 50% of their existing size and stay under that nonconforming category. I mentioned Edgewater because they have a development agreement. It is a legal binding document that has been recorded similar to what we did to Home Depot and Fire Mountain Gems because they have a 10 -15 year plan. They want to build a new assembly. They have quite the operation they want to do but they are going cash so they did not want to get a loan to get in on the deadline before this. A new church facility would not be allowed to go into that area. A different church facility could buy their property and continue to use it for the same use but another piece of property cannot be developed with a new church facility.

Chair Fitzgerald stated, supposedly Mr. Ward said they signed a deed restriction not to object to any of the industrial uses.

PCD Interim Director Glover stated, yes and that is part of it too. They have signed an agreement to be a good neighbor and it seems to be working out fine. We have not had any trouble.

Commissioner Arthur asked, are the yard sales at Masterbrand an example of accessory use? When they sell off their odds and ends?

PCD Interim Director Glover stated, we would have to look at that. If they are doing something in a wholesale area and they are cleaning the house... we are not going to have Public Safety standing down there because somebody popped a sign up every once in awhile. If it becomes a problem and they are doing this constantly then we'd say yes this is not just a seasonal end of year clearance getting things out the door, the dented and broken pieces or something. Then we'd have to talk to them about something like that.

Commissioner Arthur stated, go back to the beginning. As I was reading through this I was trying to remember all that original discussion we had. I'm almost positive I'm the only one who voted against putting the religions stuff in to begin with. We did that –

Chair Fitzgerald asked, (inaudible) the one where we updated for the federal legislation?

Commissioner Arthur asked, so we did it for that reason now how can we undo it if that reason still exists? Was it an all or nothing if you did some you had to do all? What was the logic?

PCD Interim Director Glover stated, we could not prohibit or restrict any assembly uses. We were allowing some and not allowing others. We are taking them back out at this point.

Chair Fitzgerald stated, at that time we still had it on the books and we hadn't enacted so they snuck underneath the line and got it fixed and got it signed so they are grandfathered there, unfortunately.

Commissioner Arthur stated, I am not talking about the church I am talking about the whole concept –

PCD Interim Director Glover stated, of assembly uses, yes. We were allowing a couple of them in and it would have been against the law, in a sense, to allow some and not allow others. Initially, I think staff was looking at the proposal to take them all back out and then they ended up all going back in. Now we are taking them back out again.

Chair Fitzgerald stated, because we couldn't change it retro-actively.

Vice Chair Coulter stated, just a question for clarification. The childcare centers – I know that precludes public but I do not recall if an industrial area can have their own little day care center for their employees. I don't remember.

PCD Interim Director Glover stated, we would look at that as an accessory use if it was just for their employees. It could be the lunch counter or it could be quite a few different accessory uses that might be pertinent to them. You see that quite often that the different manufacturers provide those benefit features for their employees. Do you have any other questions for me?

Chair Fitzgerald asked, does anyone have any other questions? Seeing none would anyone from the public like to speak for or against? Seeing none is there anything else Lora? We will now close the public hearing and turn it over to the Commission for their deliberations. This is of course a recommendation. We do not have the power or authority to take action under the quasi judicial. This is legislative so we will be making a recommendation to the City Council.

MOTION/VOTE

Commissioner Arthur moved and Commissioner Regan seconded to recommend approval of 14-40500007 to create a regionally significant industrial area overlay and industrial zone uses. The vote resulted as follows: "AYES": Chair Fitzgerald, Vice Chair Coulter, and Commissioners Arthur, McIntire, Regan, and McVay. "NAYS": None. Abstain: None. Absent: Commissioners MacMillan and Kellenbeck. The motion passed.

5. CITIZEN INVOLVEMENT COMMITTEE: None

a. Items from the Public

6. ITEMS FROM STAFF:

PCD Interim Director Glover stated, we have received an application for the site plan we were expecting on Parkway and Terry and so you will be reviewing an application for a 72,000 square foot Winco food store. There are 4-5 other pads that we will be looking at too. We do not have those facilities identified yet but we will go ahead and take those pads through. A couple fast foods and I'm not sure who the companies will be. That will be set for November 18th which is a Tuesday. Remember I told you that would be an unusual date for us. If you would mark that down, for Tuesday, here. That will be the only hearing that we have in November. That will be our next hearing.

Chair Fitzgerald asked, same time?

PCD Interim Director Glover stated, 6:00, here, in the Council Chambers, on the 18th. I believe that will be the only application for you that night. I don't really see too many obstacles to deal with, but because they are asking for discretionary review on the architectural standards that is why it is coming before the Planning Commission. We had a text amendment we were working on that night, but I think I will set that aside until December. We want to wrap up the UGB and the bundle amendments and we're starting to get so many amendments floating about we want to make sure we are not dropping something off that was already approved on the first version. It is getting a little murky that way with those text amendments. It should be just that one application that evening and I imagine it should go fairly smoothly for you.

Chair Fitzgerald asked, would you send a reminder it is going to be Tuesday?

Commissioner Arthur asked, what is happening on the 12th?

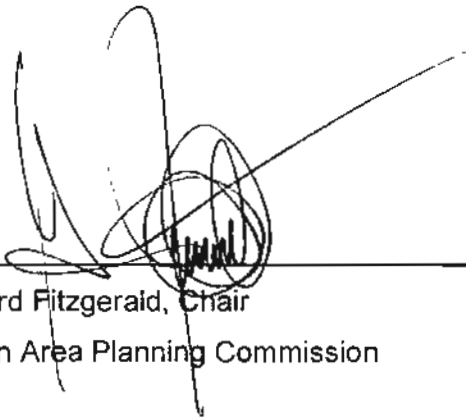
PCD Interim Director Glover stated, the 12th is the joint meeting with the Board of County Commissioners and the City Council for the UGB. We were not able to schedule the joint meeting on the City Council's normal hearing date. It landed on our Planning Commission date and so that is why we had to move our Planning Commission date for this application to the Tuesday the next week.

7. ITEMS FROM COMMISSIONERS:

Commissioner Arthur asked, (inaudible) manage to get the UGB through it will just be under the wire of eight years, right? We started in November of 2006.

8. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 6:30 P.M.



Gerard Fitzgerald, Chair
Urban Area Planning Commission

11/18/2014
Date


These minutes were prepared by contracted minute taker, Becca Quimby.

Comprehensive Plan & Development Code Text Amendment Regionally Significant Industrial Area Overlay & Industrial Zone Use Amendment

- Urban Area Planning Commission
- Wednesday October 22, 2014
- File: 14-40500007
- Type IV: UAPC Recommendation/City Council Decision
- Applicant: City of Grants Pass
- Planner: Lora Glover, Interim Director PCD

Discussion

The proposed amendment will establish a Regionally Significant Industrial Area (RSIA) overlay zoning district for the Spalding Industrial Park area.



Discussion

- The second portion of the amendment will remove "assembly" type uses from the Industrial zones.
- The purpose for the amendment is to protect industrial lands from conflicting uses and to safeguard our limited industrial areas for "employment" uses/development.
- Uses that will no longer be permitted in the Industrial zones include (new development):
 - Religious Assembly (church facilities)
 - Eating/Drinking Establishments
 - Day Care Centers
 - Libraries
 - Cultural Exhibits
 - Public Parks

Recommendation

Staff recommends the Planning Commission **RECOMMEND APPROVAL** to the City Council of the proposed amendment.

- B. The video of the public hearing held by the City Council on December 3, 2014, which is available on the City website, provide the oral testimony presented and are hereby adopted and incorporated herein.

EXHIBIT 6

→ Ce FOF

Comprehensive Plan & Development Code Text Amendment Regionally Significant Industrial Area Overlay & Industrial Zone Use Amendment

- City Council
- Wednesday December 3, 2014
- File: 14-40500007
- Type IV: UAPC Recommendation/City Council Decision
- Applicant: City of Grants Pass
- Planner: Lora Glover, Interim Director PCD



Discussion

- The purpose of an overlay district is to ensure sites are available for true trade-sector industrial uses that rely on the highway to transport locally produced goods to external markets.
- In addition, the Regionally Significant Industrial Area provides an expedited review/appeal process.



Call To Action

- Approve the amendment as proposed;
- Revise the amendment;
- Postpone the amendment; or
- Deny the amendment.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 13 OF THE POLICIES ELEMENT OF THE COMPREHENSIVE PLAN ESTABLISHING THE REGIONALLY SIGNIFICANT INDUSTRIAL AREA OVERLAY ZONING DISTRICT AND AMENDING ARTICLES 2, 3, 10, 12 AND 30 OF THE DEVELOPMENT CODE REVISING THE LIST OF PERMITTED USES AND PROCEDURES IN THE INDUSTRIAL ZONES

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Section 13 of the Policies Element of the Comprehensive Plan establishing the Regionally Significant Industrial Area Overlay Zoning District and amending Articles 2, 3, 10, 12 and 30 of the Development Code revising the list of permitted uses and procedures in the Industrial Zones; 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 Section 13 of the Policies Element of the Comprehensive Plan and Articles 2, 3, 10, 12 and 30 of the Development Code as set forth in Exhibit "A", is hereby adopted.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 3rd day December, 2014, with the following specific roll call vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this ____ day of December, 2014.

Darin Fowler, Mayor

ATTEST:

City Recorder

Date submitted to Mayor: _____

Approved as to Form, Mark Bartholomew, City Attorney _____

EXHIBIT *J*

→ ce FOF

EXHIBIT A

13. LAND USE

13.2.5 Special Purpose Districts

Special Purpose Districts shall be adopted to include the following:

- (a) Slope Hazard: delineating areas of slope hazard due to combinations of steep topography and unstable soil, whose primary function is to allocate densities and development standards appropriate to the degree of hazard.
- (b) Flood Hazard: delineating areas of flood hazard, whose primary function is to determine location and standards of development appropriate to the degree of hazard.
- (c) Historic: delineating areas of historic value to the community, whose primary function is to encourage viable and economic use of historic areas while conserving and enhancing the area's historic resources.
- (d) Manufactured Housing District: delineating areas where manufactured housing is permitted outright in appropriate locations throughout the Urban Growth Boundary Area.
- (e) Regionally Significant Industrial Area (RSIA): delineating areas designated by the Economic Recovery Review Council (ERRC) in accordance with applicable state law in which an applicant can request Expedited Industrial Site Plan Review procedures.

AM

Article 2: Procedure Types

2.010 Purpose

The purposes of this section are:

- (1) To establish land use review procedures;
- (2) To stratify land use review procedures according to the degree of discretionary judgment required and the extent of public participation appropriate; and
- (3) To relate the type of the procedure to the degree of impact of the proposed development.

⁸2.020 Procedure Types

- (1) For purpose of administering the provisions of this Code, and other ordinances and policies of the City pertaining to land use and development, there are hereby established five types of basic procedures for processing all land use applications.
- (2) Applications shall be processed in accordance with the procedures specified in Schedule 2-1. Consolidated procedures shall be processed in accordance with Section 3.044(3) of this Code.
- (3) The Director may modify the procedure types as provided in this Code as follows. The Director may:
 - (a) Refer a Type I-B or I-C application to a Type II or Type III review as provided in Sections 2.036 and 2.037.
 - (b) Refer a Type II application to a Type III review as provided in Section 2.042(2).
 - (c) Refer a Type III application to a Type II review as provided in Section 2.052.
 - (d) In special cases where there is a compelling public interest, refer any Type I, II, or III application to a Type IV-A or IV-B review.

⁸ Schedule 2-1. Application Procedures

		Procedure Type										
Application Type	Development Code Section	Type I-EX	Type I-AU	Type I-A	Type I-B	Type I-C	Type I-D	Type II	Type III	Type IV-A	Type IV-B	Type V
1. Urban Growth Boundary Amendment	Comp. Plan Section 13.6											✓-p
2. Comprehensive Plan Map Amendment (1)	Comp. Plan Section 13.5										✓-p	
3. Comprehensive Plan Text Amendment (1)	Comp. Plan Section 13.5										✓-p	
4. Zoning Map Amendment (1)	Sections:											
-Base Zone District	-4.030											
-Special Purpose Districts	-4.040											
---Slope Hazard	---4.043											
---Flood Hazard	---4.044										✓-p	
---Historic (See 'Historic Designation, Amendment, or Recision' below)	---											
-Medical Overlay District	-4.050											
5. Development Code Text Amendment (1)	4.100										✓-p	
6. Annexation	Article 5									✓-p		
7. Minor Variance	Article 6							✓				
8. Major Variance	Article 6								✓			
9. Historic Designation, Amendment, or Recision	Sections 4.045 – 047 & 13.430										✓-p	
10. Nonconforming Use and Development	Article 15	See Schedule 15-1										
11. Property Line Vacation	17.100									✓		
12. Property Line Adjustment	17.200				✓							
13. Partition	17.300					✓						
14. Subdivision Tentative Plan	17.310											
a. ≤ 9 lots	17.410							✓-p				
b. ≥ 10 lots	17.410								✓-p			
15. Subdivision Final Plat	17.420											
a. Conforming	17.420					✓						
b. Nonconforming	17.420	Same as for Tentative										
16. Lot Authorization	17.534							✓				
17. Future Development Plan	17.540	Submitted with Tentative Plan										
18. Revision of Future Development Plan	17.547					✓						

Application Type	Development Code Section	Type I-EX	Type I-AU	Type I-A	Type I-B	Type I-C	Type I-D	Type II	Type III	Type IV-A	Type IV-B	Type V
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. ¹³ Planned Unit Development Modification or Termination	Article 18								✓			
24. Expedited Industrial Site Plan Review	Article 19						✓					
25. Site Plan Review (Minor or Major)	Article 19	<p>Based on use, activity, zoning, adjacent zoning, and overlay zoning (-p)</p> <p>-See Schedule 12-2 (-p)</p> <p>-See Schedule 12-3 for procedures for RTC District (-p)</p> <p>-See Schedule 13-1 for procedures for medical uses within Medical Overlay Zone</p> <p>-See Schedule 13-2 for procedures for Historic Review (-p)</p> <p>⁹-See Section 20.210 for alternate review procedures for commercial site plan review</p>										
26. ^{11, 12} Conditional Use Permit	Article 16						See Schedule 12-2 (-p)					
27. Solar Access Permit	22.640							✓				
28. Removal of noxious vegetation & replacement with riparian vegetation within stream corridor	24.343	✓										
29. Allowed Activities in Conservation Class Wetlands	24.551	✓										
30. Conditionally Permitted Activities in Conservation Class Wetlands	24.552					✓						
31. Allowed activities in Protection Class Wetlands	24.561	✓										
32. Performance Parking	25.050					✓						

Table Legend

- I-EX= Type I Procedure, Exempt from Development Permit Review, Section 2.033
- I-AU= Type I Procedure, Administrative Use Permit Review Only, Section 2.034
- I-A= Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
- I-B= Type I Procedure, Director's Decision without Comment Period, Section 2.036
- I-C= Type I Procedure, Director's Decision with Comment Period, Section 2.037

- I-D= Type I Procedure, Director's Decision with Comment Period, Section 2.038
- II= Type II Procedure, Hearings Officer's Decision, Section 2.040
- III= Type III Procedure, Planning Commission's Decision (or Historic Buildings and Sites Commission's Decision), Section 2.050
- IV-A= Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
- IV-B= Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
- V= Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070
- ✓= Specifies the required procedure for the application type, using the procedure specified at the top of the column in which the check mark is located.
- p= In accordance with Section 3.041, a preapplication is required unless the Director finds a conference is not needed.

Notes

- (1)= The 1998 Intergovernmental Agreement gives the City decision-making authority for these items within the Urbanizing Area, and gives the County automatic party status.

¹2.030 Type I Procedures

- (1) Type I-D. Director's Decision without a public hearing, which requires a public comment period. Processed in accordance with Section 2.038 those specific procedures consistent with Expedited Industrial Site Plan Review statutes and available only for application types authorized by statute.

¹⁴2.038 Type I-D. Type I Decision for Expedited Industrial Site Plan Review within Regionally Significant Industrial Area (RSIA).

Purpose. Consistent with ORS 197.724, this Section provides procedures for an Expedited Industrial Land Use Permit for properties within a Regionally Significant Industrial Area (RSIA) designated by the Economic Recovery Review Council (ERRC).

The permitted uses, development and activities listed as Type I-D in Schedules 2-1 and 12-2, shall be processed by the Director in accordance with the requirements of this Section. At the Director's discretion, an application requiring a Type I-D review may be referred directly to the Hearings Officer for review through a Type II review or the Planning Commission for review through a Type III review.

- (1) Public Comment Period Required. The Director shall provide a 14 day period for submission of written comments prior to making a decision on any application requiring a Type I-D procedure.
- (2) Notice of Public Comment Period. The Director shall mail public notice within 10 working days of receiving a complete application pursuant to Section 3.050 of this Code.
- (3) Notice Area. The Director shall mail notice of the public comment period to the following:
 - (a) The applicant.
 - (b) Owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.
 - (c) Any neighborhood or community organization whose boundaries include the site and who is listed by the City on a public notice registry.
 - (d) Public agencies which provide transportation facilities and services, such as Josephine County and the Oregon Department of Transportation (ODOT), for all partitions, and other applications which affect private access to roads.
- (4) 'Notice of Comment Period' Content. The notice shall:
 - (a) State the deadline for submitting written comments, and that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

[Note: The above language is required by ORS 197.365 for Expedited Land Divisions, even though the procedures herein provide for appeal of a Type I-D decision to be heard by referee under ORS 197.375. The 'notice of comment period' and 'notice of decision' language below is slightly different than the statutory

language to reflect the fact that this code allows for local appeal].

- (b) Explain the nature of the application and the proposed use or uses which could be authorized.
- (c) Briefly summarize the local decision making process for the decision being made.
- (d) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.
- (e) Set forth the street addresses or other easily understood geographical reference to the subject property.
- (f) Include the name of a City representative to contact and the telephone number where additional information may be obtained.
- (g) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, all evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
- (h) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice under paragraph (3) of this Subsection, and anyone who provides written comments during the comment period may appeal the decision by filing a written appeal in a manner provided in this Code within 12 calendar days of the date the written notice of decision is mailed.
- (i) State the place, date and time that comments are due.
- (j) State that the decision will not become final until the period for filing a local appeal has expired.
- (k) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(5) Director's Decision.

- (a) Action and Criteria. Within ⁸10 working days of the end of the public comment period, the Director shall make a decision by approving, conditionally approving, or denying the application based upon compliance with the provisions of this Code.
 - (b) Conditions. Conditions may be applied to the approval of any application when such conditions are required to comply with the relevant Sections of the Code.
- (6) Notice of Decision. Upon reaching a final decision on the application, the Director shall mail a copy of the decision to the applicant and any person who submits comments during the public comment period.

The Director shall also mail notice of the decision in writing to parties who were notified of the comment period in Subsection (3) of this Section.

- (7) 'Notice of Decision' Content. The content of the notice of the decision shall:
- (a) Explain the nature of the application and the proposed use or uses which could be authorized.
 - (b) Briefly summarize the local decision making process for the decision being made.
 - (c) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.
 - (d) Set forth the street addresses or other easily understood geographical reference to the subject property.
 - (e) Include the name of a City representative to contact and the telephone number where additional information may be obtained.
 - (f) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable criteria, and all evidence relied upon by the decision-maker are available for

inspection at no cost and will be provided at reasonable cost.

- (g) Describe the nature of the decision.
 - (h) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice under paragraph (3) of this Subsection, or anyone who provided testimony for the record may appeal the decision by filing a written appeal in a manner provided in this Code within 14 calendar days of the date the written notice of decision is mailed.
 - (i) State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
 - (j) State the place, date, and time the appeal is due.
 - (k) State that the decision will not become final until the period for filing a local appeal has expired.
 - (l) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.
- (8) **Effective Date.** The effective date of the final decision shall be 14 calendar days following the date the notice of decision is mailed, unless appealed, in which case the effective date shall be as provided for the Type III decision.
- (9) **Appeal.** A final decision shall be in accordance with ORS 197.726.
- (10) **Resubmittal.** A denied application may be resubmitted as provided in Section 3.080 of this Code.
- (11) **Review, Eligibility.**
- (a) An applicant for a new industrial use or the expansion of an existing industrial use located within a regionally significant industrial area may request that an application for a land use permit be

reviewed as an application for an expedited industrial land use permit under this section if the proposed use does not require:

- (i) An exception taken under ORS 197.732 (Goal Exceptions) to a statewide land use planning goal;
 - (ii) A change to the acknowledged comprehensive plan or land use regulations of the local government within whose land use jurisdiction the new or expanded industrial use would occur; or
 - (iii) A federal environmental impact statement under the National Environmental Policy Act.
- (b) If the applicant makes a request that complies with section 2.038, the local government shall review the applications for land use permits for the proposed industrial use by applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for Expedited Land Division) and ORS 197.370 (Failure of Local Government to Approve or Deny Application within Specified Time).
- (12) Jurisdiction on Appeal; Standing. Jurisdiction for appeal of a local decision for an Expedited Industrial Site Plan within a RSIA shall be in accordance with ORS 197.726.
- (a) The Land Use Board of Appeals does not have jurisdiction to consider decisions, aspects of decisions or actions taken under ORS 197.722 (Definitions for ORS 197.722 to 197.728) to ORS 197.728 (Rules).
 - (b) An appeal of a decision on an application for an Expedited Industrial Land Use Permit made under ORS 197.724 (Review of Application for Land Use Permit within Regionally Significant Industrial Area) may be made in the manner set forth in ORS 197.375 (Appeal of Decision on Application for Expedited Land Division) for appeal of a decision on an expedited land division. Notwithstanding ORS 197.375 (Appeal of Decision on Application for Expedited Land Division);

- (i) The applicant and a person who filed written comments in the time period established under ORS 197.365 (Application for Expedited Land Division) may file an appeal;
 - (ii) If an appeal is filed, the referee shall hold a hearing on the appeal; and
 - (iii) The referee shall issue a written decision within 56 days after the appeal was filed.
- (c) A party to a proceeding before a referee under this Section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 (Judicial Review of Board Order) and 197.855 (Deadline for Final Court Order). The Court of Appeals shall review decisions of the referee in the manner provided for review of final orders of the Land Use Board of Appeals in ORS 197.850 (Judicial Review of Board Order) and 197.855 (Deadline for Final Court Order). However, notwithstanding ORS 197.850 (Judicial Review of Board Order) (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds that:
- (i) The local government's decision clearly does not concern an application for an expedited industrial land use permit as described in ORS 197.724 (Review of Application for Land Use Permit within Regionally Significant Industrial Area) and the appellant raised this issue in proceedings before the referee;
 - (ii) The referee's decision contains a clear, material error of fact based on the record, and the Appellant raised the issue in proceedings before the referee;
 - (iii) The referee's decision contains a clear, material error of law, giving deference to any interpretations of law by the referee, and the Appellant raised the issue in proceedings before the referee; or

(iv) The decision of the local government or the referee is unconstitutional.

1. Revised 10-7-92

Article 3: Land Use Decision and Development Permit Procedures

3.030 Land Use Approval Required, Exceptions

- (1) Any use, development, or activity identified in Section 2.033 of this Code as "Exempt" (Type I-EX Procedure) does not require a permit, land use decision, or Development Permit, but shall comply with the provisions of this Code. ⁴An optional process that provides a land use decision is described in Section 3.050.
- (2) Any use, development, or activity identified in Section 2.034 of this Code as requiring an Administrative Use Permit (Type I-AU Procedure) does not require a land use decision or Development Permit, but requires a Use Permit in accordance with the provisions of this Code, and shall comply with the provisions of this Code. ⁴An optional process that provides a land use decision is described in Section 3.050.
- (3) Any use, development, or activity identified in Section 2.035 of this Code, which allows the Building Permit to serve as Development Permit (Type I-A Procedure), does not require a written land use decision, but shall comply with the conditions set forth as part of the Building Permit, and shall comply with the provisions of this Code. ⁴An optional process that provides a land use decision is described in Section 3.050.
- (4) Except as provided in Subsection (5) of this Section, any use, development, or activity identified in Sections 2.036 (Type I-B Procedure), 2.037 (Type I-C Procedure), ⁵2.038 (Type I-D Procedure), 2.040 (Type II Procedure), 2.050 (Type III Procedure), 2.060 (Type IV Procedure), or 2.070 (Type V Procedure) requires a written land use approval issued in accordance with the procedures of Article 2.
- (5) Certain applications, such as Lot Line Vacations, are reviewed through a Type IV-B Procedure, and approval is granted by City Council by Ordinance. The ordinance serves as the approval and there is no separate written land use approval.

3.050 Application Completeness and Processing Timelines

- (1) Except as provided in subsections (5) and (7) of this section, the review body shall take final action on any application, including resolution of all local appeals under ORS 227.180, within 120 days after the application is deemed complete.

The timelines specified in Article 2 for processing an application, including noticing, scheduling a hearing, and issuing a decision shall begin on the date the application is deemed complete.

⁵If an application is for a Regionally Significant Industrial Area (RSIA) Overlay, follow the procedures and timelines for an Expedited Land Division as defined in ORS 197.365 - 197.370. These are only available for application types authorized by statute (Expedited Industrial Site Plan Review).

- (2) Within 5 days of receiving an application, the Director will review the application materials and make a determination of whether the application is complete.

If an application is deemed complete, the Director shall process the application in accordance with the provisions of this Code, including the referral and review provisions of this Article and the applicable procedure type of Article 2.

If an application is deemed incomplete, the Director shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application, ⁵21 days if a RSIA overlay application, and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the Director of:

- (a) All of the missing information; or
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

Article 4: Development Code Amendments and Criteria4-1

⁹4.070 Criteria for Amendment: Regionally Significant Industrial Area (RSIA) Overlay4-6

Article 4: Development Code Amendments and Criteria

²4.040 Special Purpose District Map Amendments

³4.041 Purpose. The Special Purpose District Map Amendments determine the location and extent of the slope hazard district, the flood hazard district, the historic district the medical overlay district⁹, and the regionally significant industrial area. These districts are located for a specific purpose, according to specific criteria, and affect development procedure and standards. It is the purpose of this section to provide procedures for amending the Special Purpose Districts consistent with the purpose and criteria of each district.

⁹4.070 Criteria for Amendment: Regionally Significant Industrial Area (RSIA) Overlay Zone

The RSIA can only be designated and amended by the Economic Recovery Review Council (ERRC) in accordance with applicable state law. An applicant for a new industrial use or the expansion of an existing industrial use located within a RSIA may request that an application for a land use permit be reviewed as an application for an Expedited Industrial Land Use Permit and the local government shall review the application applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for Expedited Land Division) and ORS 197.370 (Failure of Local Government to approve or Deny Application within Specified Time).

¹ Revised 11-15-95

² Revised 12-4-96

Article 10: Appeals10-1

10.030 Appeal of Final Action by the Director on Type I-C
Decision (with Public Comment Period).10-5

10.031 Appeal10-5

10.032 Procedures10-6

10.033 Planning Commission Action10-7

10.034 Notice of Decision10-7

10.035 Appeal10-7

⁴10.036 Appeal Regionally Significant Industrial Area
RSIA) Overlay10-7

¹Article 10: Appeals

³10.015 Appeal Procedures and Hearing Types

The appeal procedures are summarized in Schedule 10-1, 'Summary of Appeal Procedures'. The detailed procedural requirements for each appeal type are contained in the following Sections of this Article.

An appeal hearing shall be 'de novo', 'limited to issues', or 'on the record' as specified in this Article. ⁴SEE Section 10.036 for appeal procedures for Regionally Significant Industrial Area (RSIA) Overlay.

⁴SEE Section 10.036 for appeal procedures for Regionally Significant Industrial Area (RSIA) Overlay.

Schedule 10-1. Summary of Appeal Procedures

Type I-B	Type I-C	<u>Type I-D</u>	Type II	Type III	Type IV & V
<p>Initial Decision by Director (no hearing, no comment period, notice of decision is mailed)</p> <p align="center">↓</p>	<p>Initial Decision by Director (no hearing, comment period, notice of decision is mailed)</p> <p align="center">↓</p>	<p><u>Initial Decision by Director</u> (no hearing, comment period, notice of decision is mailed)</p> <p align="center">↓</p>	<p>Initial Decision by Hearings Officer (de novo hearing)</p>		
<p>Director's Decision is Appealed to Planning Commission</p> <p><u>Who may appeal?</u> Any person who is adversely affected or aggrieved or anyone entitled to written notice of decision</p> <p><u>What type of Planning Commission hearing?</u> De novo hearing required</p> <p align="center">↓</p>	<p>Director's Decision is Appealed to Planning Commission</p> <p><u>Who may appeal?</u> Any person who is adversely affected or aggrieved, anyone entitled to written notice of decision, or anyone who provided written comments during the comment period</p> <p><u>What type of Planning Commission hearing?</u> De novo hearing required</p> <p align="center">↓</p>	<p><u>Director's Decision is Appealed to Referee</u></p> <p><u>Who may appeal?</u> <u>The Applicant or anyone who provided written comments during the comment period</u></p> <p><u>What type of Review?</u> <u>The referee appointed by the local government may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument;</u></p> <p><u>Cannot be appealed to LUBA</u></p> <p align="center">↓</p>	<p>Hearings Officer's Decision is Appealed to Planning Commission</p> <p><u>Who may appeal?</u> Anyone who provided written or oral testimony in the record for the initial decision</p> <p><u>What type of Planning Commission hearing?</u> De novo hearing, unless, at the outset of the hearing, the Commission specifies that it will be: -limited to issues, or -on the record</p> <p align="center">↓</p>	<p>Initial Decision by Planning Commission (de novo hearing)</p> <p align="center">↓</p>	<p><u>Type IV-A</u> (No Planning Commission Recommendation)</p> <p><u>Type IV-B</u> Recommendation by Planning Commission (de novo hearing)</p> <p><u>Type V</u> Recommendation by Planning Commission (de novo hearing)</p>
<p>Planning Commission's Decision is Appealed to City Council</p> <p><u>Who may appeal the Planning Commission's decision to City Council?</u> Anyone who previously provided written or oral testimony in the record, whether for the initial decision or for the Planning Commission hearing on appeal.</p> <p><u>What type of City Council hearing?</u> De novo hearing, unless, at the outset of the hearing, the Council specifies that it will be: -limited to issues, or -on the record</p> <p align="center">↓</p>					<p><u>Type IV-A, IV-B</u> Initial Decision by City Council (de novo hearing)</p> <p><u>Type V</u> Initial Decision by City Council and Board of County Commissioners (de novo hearing)</p> <p align="center">↓</p>
<p>City Council's Decision is Appealed to LUBA, or City Council/Board of County Commissioners Decision is Appealed to LUBA</p> <p>In accordance with ORS 197.805-860.</p>					

10.036 Appeal of Regionally Significant Industrial Area (RSIA) Overlay.

10.037 Appeal. A final action of the Director on a Type I-D decision (with public comment period) may be appealed to a local government appointed referee in accordance with the statutory procedures for Expedited Industrial Site Plan Review which are only available for application types authorized by statute (Expedited Industrial Site Plan Review)

10.038 Procedures.

- (1) The applicant or any person or organization who files written comments in the time period established under ORS 197.365 (Application for Expedited Land Division) may appeal the decision by filing a written appeal and paying the applicable deposit for costs. The appeal must be filed with the Director within 14 calendar days from the date the written notice of decision is mailed on a form provided by the Director. The appeal shall be based solely on allegations:
 - (a) Of violation of the substantive provisions of the applicable land use regulations;
 - (b) Of unconstitutionality of the decision;
 - (c) That the application is not eligible for review under ORS 197.360 (Expedited Land Division Defined) to 197.380 (Application fees for Expedited Land Division) and should be reviewed as a land use decision or limited land use decision; or
 - (d) That the parties substantive rights have been substantially prejudiced by an error in procedure by the local government.
- (2) The local government shall appoint a referee to decide the appeal of a decision made under ORS 197.360 (Expedited Land Division Defined) and ORS 197.365 (Application for Expedited Land Division). The referee shall not be an employee or official of the local government. However, the local government which has a designated hearings officer under ORS 215.406 (Planning and Zoning Hearings Officers) or 227.165 (Planning and Zoning Hearings Officers) may designate the hearings officer as the referee for appeals

of a decision made under ORS 197.360 (Expedited Land Division Defined) and ORS 197.365 (Application for Expedited Land Division).

- (3) The referee shall, within seven days of being appointed, notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (Application for Expedited Land Division) (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (Application for Expedited Land Division) (2) and advise them of the manner in which they may participate in the appeal. A person or organization who provided written comments but did not file an appeal may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.
- (4) (a) The referee shall apply substantive requirements of the local governments land use regulations and ORS 197.360 (Expedited Land Division Defined). If the referee determines the application does not qualify as an expedited land Division as described in ORS 197.360 (Expedited Land Division Defined), the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

(b) The referee may not reduce the density of the land division application. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of the appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.
- (5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a

written decision with 42 days of the filing of an appeal shall receive no compensation for services as referee in the appeal.

- (6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the initial deposit, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.
- (7) The Land Use Board of Appeals (LUBA) does not have jurisdiction to consider any decision, aspects of decisions or action made under ORS 197.360 (Expedited Land Division Defined) to 197.380 (Application fees for Expedited Land Division).
- (8) Any party to a proceeding before a referee under this Section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 (Judicial Review of Board Order) and 197.855 (Deadline for Final Court Order). The Court of Appeals shall review decision of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (Judicial Review of Board Order) (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:
 - (a) That the decision does not concern an expedited land division as described in ORS 197.360 (Expedited Land Division Defined) and the appellant raised this issue in proceedings before the referee;
 - (b) That there is a basis to vacate the decision as described in ORS 36.705 (Vacating Award) (1) (a) to (d), or a basis for modification or correction of an award as described in ORS 36.710 (Modification or Correction of Award); or

(c) That the decision is unconstitutional.

¹ Revised 2-16-94

Article 12: Zoning Districts

12.027 Permitted Use and Procedures Schedule: Land Use Types by Zoning District. The Land Use types permitted in each Zoning District and procedure types for their review are provided in Schedule 12-2, except for the Riverfront Tourist Commercial (RTC) Districts, which are provided in Schedule 12-3.

³⁴NOTE: Applicant can request an Expedited Industrial Site Plan Review Procedure for property within a Regionally Significant Industrial Area (RSIA) Overlay. (Procedures in Schedule 12-2 apply unless requested).

For Definitions of each land use type, see Definitions, Article 30.

24, 30, 32, 33 **Schedule 12-2. Permitted Uses and Site Plan Review Procedures**

	Zoning Districts										
	Residential					Commercial			Industrial		
Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
General activities not covered below, exempt from Development Permit	P-I-EX. See Section 2.033										
General activities not covered below, requiring an administratively issued use permit	P-I-AU. See Section 2.034										
General activities not covered below, where Building Permit serves as Development Permit	P-I-A. See Section 2.035										
1) Agriculture											
a) Intensive	-	-	-	-	-	-	-	-	P-I-EX	P-I-EX	P-I-EX
b) Non Intensive	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX
c) Forestry	-	-	-	-	-	-	-	-	-	-	-
2) Residential Dwelling Unit											
a) Existing	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)	P-I-A (e)
b) New											

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
1. Detached (1)	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
2. Detached (2)	PUD	P-II	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
3. Duplex	PUD	P-II	P-IA	P-IA	P-IA	-	P-I-A	P-I-A	-	-	-
4. Multi-Dwelling	PUD	PUD	P-II	P-I-C	P-I-C	-	P-I-C	P-I-C	-	-	-
5. Manufactured Housing											
"A" Individual Lot	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	P-I-A	-	-	-
"B" Manufactured Dwelling Park	-	-	P-III (d)	P-III (d)	P-I-C	-	-	-	-	-	-
"C" Health Condition	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	-	-	-
c) Group Quarters	-	-	-	-	P-II	-	-	P-II	-	-	-
d) Home Occupation											
1. Occupational Use, per 14.211	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX (f)	P-I-EX	P-I-EX	P-I-EX (f)	P-I-EX (f)	P-I-EX (f)
2. Minor, per 14.220	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU	P-I-AU (f)	P-I-AU	P-I-AU	P-I-AU (f)	P-I-AU (f)	P-I-AU (f)
3. Major, per 14.220	P-II	P-II	P-II	P-II	P-II	P-I-C (f)	P-I-C	P-I-C	P-I-C (f)	P-I-C (f)	P-I-C (f)
e) Residential Accessory -Building -Use	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX (e)	P-I-A P-I-EX	P-I-A P-I-EX	P-I-A P-I-EX (e)	P-I-A P-I-EX (e)	P-I-A P-I-EX (e)
f) Transient Quarters	-	-	-	-	-	-	-	-	P-III	-	P-III
g) Residential Home, per 14.510	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
h) Residential Facility, per 14.521	P-II	P-II	P-II	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	-	-	-
i) Dwelling, Accessory	-	-	-	-	-	P-I-C	P-I-C	P-I-C	-	-	-
3) Trade											
a) Retail Indoor	-	-	-	-	-	P-II	P-(a)	P-(a)	P-(b)	-	-
b) Retail Outdoor	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
c) Wholesale	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
d) Itinerant Uses (repealed Ord 5564)	-	-	-	-	-	-	-	-	-	-	-
4) Services											
a) Professional Office	-	-	-	-	P-II	-	P-(a)	P-(a)	P-(b)	P*-(b)	-
b) Business Office	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
c) Limited Office	P-II	P-II	P-II	P-II	P-II	-	-	-	-	-	-
d) Repair/Maintenance, Commercial	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	P-(b)
e) Auto Service Station	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
f) Eating/Drinking Establishment	-	-	-	-	-	P-(a)	P-(a)	P-(a)	P-(b)	-	-
g) Hotel/Motel	-	-	-	-	-	-	P-(a)	P-(a)	-	-	-
h) RV Parks	-	-	-	-	-	-	P-III	-	-	-	-
i) Day Care/Family, per 14.310	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (f)	P-I-A	P-I-A	P-I-A (f)	P-I-A (f)	P-I-A (f)
j) Day Care/Group, per 14.320	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	P-II	-	-

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
k) Group Care	-	-	-	P-III	P-III	-	P-(a)	P-(a)	-	-	-
l) Hospitals	-	-	-	-	P-III	-	P-III	-	-	-	-
m) Vet. Clinics	-	-	-	-	-	-	P-(a)	-	P-(b)	-	-
n) Commercial Accessory -Building -Use	- -	- -	- -	- -	- -	P-(g) P-EX	P-(g) P-EX	P-(g) P-EX	P-(g) P-EX	-	-
o) Bed & Breakfast, per 14.420	P-III	P-III	P-III	P-III	P-II	-	P-(a)	P-(a)	-	-	-
p) Voluntary Parking -Local Impact -Area Impact	- -	- -	P-II P-III	P-II P-III	P-II P-III	- -	- -	- -	- -	- -	- -
q) Personal Service	-	-	-	-	P-II	P-(a)	P-(a)	P-(a)	P-(b)	-	-
5) Recreation											
a) Residential -Local Impact -Area Impact	P-I-C P-III	P-I-C P-III	P-I-C P-II	P-I-C P-II	P-I-C P-II	- -	- -	- -	- -	- -	- -
b) Commercial -Local Impact -Area Impact	- -	- -	- -	- -	- -	P-(a) -	P-(a) P-(a)	P-(a) P-(a)	P-(b) P-(b)	- -	- -
c) Athletic Clubs	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
6) Public/Quasi-Public/Institutional											
a) Public Minor	P-III (h)	P-III (h)	P-II (h)	P-II (h)	P-II (h)	P-(a) (h)	P-(a) (h)	P-(a) (h)	P-(b) (h)	P-(b) (h)	P-(b) (h)
b) Public Major	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
³⁴ c) Public Facility-Location- Dependent	P-III (h)	P-III (h)	P-II (h)	P-II (h)	P-II (h)	P-(a) (h)	P-(a) (h)	P-(a) (h)	P-(b) (h)	P-(b) (h)	P-(b) (h)
³⁴ d) Schools	P-III	P-III	P-III	P-II	P-II	-	P-(a)	P-(a)	P-(b)	-	-

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
^{27 34} e) Religious Assembly	P-II	P-II	P-II	P-I-C	P-I-C	P-(a)	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
^{27 34} f) Cultural Exhibit	-	-	-	-	P-II	P-(a)	P-(a)	P-(a)	P-(b)	-	-
³⁴ g) Library -Main branch -Neighborhood branch	P-III	P-III	P-III	P-II	P-II	P-(a)	P-(a)	P-(a)	P-(b)		
³⁴ h) Cemeteries	P-III	P-III	P-III	-	-	-	-	-	P-(b)	-	-
³⁴ i) Mortuaries	-	-	-	-	P-III	-	P-(a)	-	P-(b)	-	-
³⁴ j) Lodges	P-III	P-III	P-III	P-II	P-II	-	P-(a)	P-(a)	P-(b)	-	-
³⁴ k) Commercial Parking	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	-	-
^{20 34} l) Transportation Facilities outlined in the Master Transportation Plan, and local access streets	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)	P-I-(c)
^{21 34} m) Transportation Facilities not outlined in the Master Transportation Plan, nor part of a subdivision or PUD, nor local access streets	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II
^{27 34} n) Public Parks	P-III	P-III	P-II	P-II	P-II	-	P-II	P-II	P-II	-	-
7) Industrial											
a) Repair/Maintenance, Industrial	-	-	-	-	-	-	-	-	P-(b)	-	P-(b)
b) Indoor	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
c) Outdoor	-	-	-	-	-	-	-	-	-	-	P-(b)
d) Prohibited	-	-	-	-	-	-	-	-	X	X	X

Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3	R-4	NC	GC	CBD	BP	IP	I
e) Industrial Accessory -Building -Use	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	P-(g) P-I-EX	P-(g) P-I-EX	P-(g) P-I-EX
f) Outdoor Storage	-	-	-	-	-	-	-	-	P-II	-	P-II
8) Temporary Uses	-	-	-	-	-	-	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
²⁶⁹) Telecommunication Facility											
a) New Transmission Tower	-	-	-	-	-	-	C-(i)	-	C-(i)	C-(i)	C-(i)
b) Rooftop Mounted Antenna	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-I-C	C-I-C	C-I-C
c) Façade-Mounted Antenna	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-II	C-I-C	C-I-C	C-I-C
d) Collocated Antenna on Existing Transmission Tower or Other Structure Other Than Building Rooftop or Façade	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-I-C
e) Ancillary Facilities Located Within an Existing Permanent Permitted Structure	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A

Table Legend:

- P =Permitted Use
- =Use Not Permitted
- X =Use Specifically Prohibited (Uses defined in Article 30 as "Industrial, Prohibited")
- C =Use Conditionally Permitted (See Article 16)
- I-EX =Type I Procedure, Exempt from Development Permit Review, Section 2.033
- I-AU =Type I Procedure, Administrative Use Permit Review Only, Section 2.034
- I-A =Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
- I-B =Type I Procedure, Director's Decision without Comment Period, Section 2.036
- I-C =Type I Procedure, Director's Decision with Comment Period, Section 2.037
- I-D =Type I Procedure, Director's Decision with Comment Period, Section 2.038
- II =Type II Procedure, Hearings Officer's Decision, Section 2.040
- III =Type III Procedure, Planning Commission's Decision, Section 2.050
- IV-A =Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
- IV-B =Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
- V =Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070
- * =Professional Office use permitted in the Industrial Park District only when subject property is located within the Medical Overlay District.

Article 13: Special Purpose Districts13-1

13.600 Regionally Significant Industrial Area (RSIA)13-53
13.610 Purpose13-53
13.620 Permitted Uses13-
13.625 Special Development Standards for All Uses
Within RSIA Overlay13-
13.630 Siting a RSIA Use Within a RSIA Overlay13-
13.631 Review Procedure Schedule13-
13.610 Criteria for Review13-

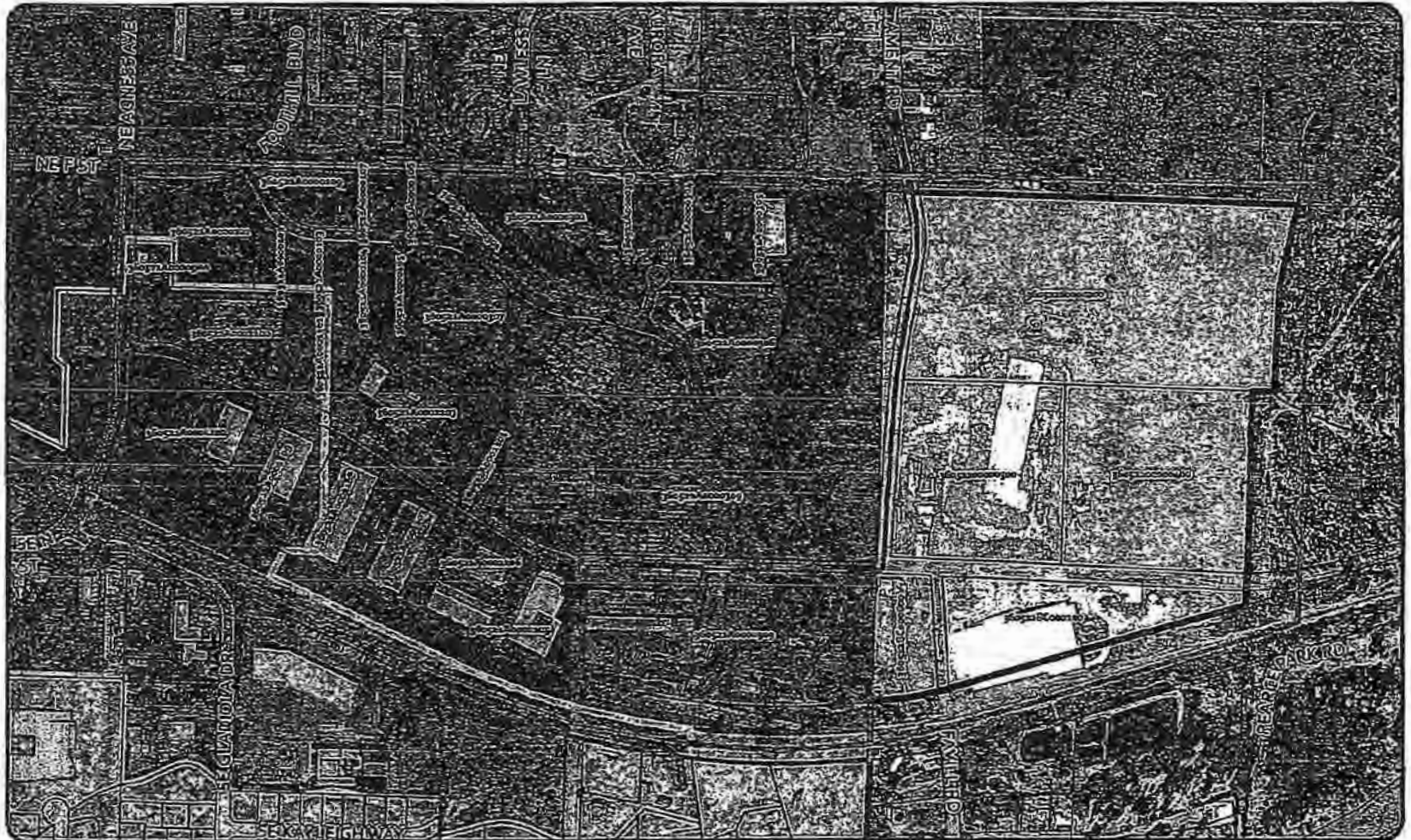
13.600 Regionally Significant Industrial Area (RSIA)

13.610 Purpose. The Regionally Significant Industrial Area (RSIA) is to identify boundary where applicant has an option to apply for Expedited Industrial Site Plan Review using Type I-D procedures. This overlay can only be designated by the Economic Recovery Review Council (ERRC).

13.611 Effect. The RSIA overlays other zoning districts shown on the zoning district map.

13.612 Location. The RSIA overlay is designated only by the ERRC on an overlay map to the Zoning District Map. The following RSIA overlay map is hereby incorporated into this Article by reference.

SPALDING INDUSTRIAL PARK ~ See next page.



CITY OF GRANTS PASS
Spalding Industrial Park
 Regionally Significant
 Industrial Area Nomination

LEGEND

City Limits	Enterprise Zone	BP	R-1-B
UGB Outline	Proposed Area	GC	R
Tax Parcels		I	

Zoning Classification

CITY OF GRANTS PASS
 Parks & Community Development Dept.
 101 Northwest "A" Street
 Grants Pass, OR 97526
 Phone: (541) 450-6060
 Fax: (541) 476-9218
 Web: www.grantspassoregon.gov

GP65 - 8/2009

DISCLAIMER: The Geographic Information Systems (GIS) data made available on this map were developed and maintained by the City of Grants Pass and Josephine County. Every reasonable effort has been made to ensure the accuracy of the map and associated data.

13.620 Permitted Uses. The permitted uses, development and activities listed as Type I-D in Article 2, Schedules 2-1 and 12-2, shall be processed by the Director in accordance with the requirements of Section 2.038, Article 2 of this Code.

13.625 Special Development Standards for All Uses Within a RSIA Overlay.

13.630 Siting an Expedited Industrial Use within a RSIA Overlay.

13.631 Expedited Industrial Site Plan Review, Eligibility.

(a) An applicant for a new industrial use or the expansion of an existing industrial use located within a regionally significant industrial area may request that an application for a land use permit be reviewed as an application for an expedited industrial land use permit under this section if the proposed use does not require:

(i) An exception taken under ORS 197.732 (Goal Exceptions) to a statewide land use planning goal;

(ii) A change to the acknowledged comprehensive plan or land use regulations of the local government within whose land use jurisdiction the new or expanded industrial use would occur; or

(iii) A federal environmental impact statement under the National Environmental Policy Act.

If the applicant makes a request that complies with section 13.610, the local government shall review the applications for land use permits for the proposed industrial use by applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for Expedited Land Division) and ORS 197.370 (Failure of Local Government to Approve or Deny Application within Specified Time).

Article 19: Site Plan Review19-1

19.030 Procedures

Prior to the issuance of a development permit, the applicant shall secure site plan approval in accordance with this Article, following the procedure type specified in Article 12, Schedule 12-2 or 12-3 as applicable.

¹⁴NOTE: SEE Section 12.027 - Applicant can request Expedited Industrial Site Plan Review Procedure for property located with a Regionally Significant Industrial Area (RSIA) Overlay.

Article 30: Definitions30-1

30.010 Applicability30-1

30.020 Definitions30-1

Following definitions to be added to Article 30:

Accessory Use: A use incidental, appropriate and subordinate to the principal use. See also "Principal Use."

¹²⁸Industrial accessory uses may include uses such as:

- On-site food service: primarily, but not exclusively, for employees of the business or businesses on the subject property, provided there is no separate dedicated building, outdoor advertising, or drive-through;
- On-site day-care: primarily, but not exclusively, for employees of the business or businesses on the subject property, provided there is no separate dedicated building or outdoor advertising;
- Other uses not permitted as principal uses in subject industrial zones, provided they are principally for the convenience of the on-site industrial use and employees, provided they do not function as a separate principal use, and provided there is no separate dedicated building or outdoor advertising.

¹²⁸ Library: Collection of books, manuscripts, periodicals, and other media, etc., for study or reading, on-site or available for check out and circulation. A library may house meeting space as a secondary function. Specifically excluded from this category are exhibitions where items displayed are available for retail sale (see "Trade," "Retail.")

- (1) Main branch. When there is one library in the library system, it shall be considered the main branch. When there is more than one library in the library system, the principal library, typically the largest facility which serves as a hub for other libraries in the system, shall be considered the main branch.

Administrative functions for the library system are typically housed in the main branch rather than neighborhood branches.

- (2) Neighborhood branch. When there is more than one library in the library system, a secondary library, typically a smaller facility, which acts as a satellite facility and serves a smaller neighborhood area, shall be considered a neighborhood branch.

¹²⁸ Public Facilities: This category includes public uses and facilities which are not defined separately under more specific definitions in this Article, such as 'Public Park' and 'Library.'

Except as provided below, public facilities that operate and function similarly to their private equivalents other than for their public ownership or occupancy, shall be reviewed using the procedures that apply to their private equivalents, if there is a commonly recognized equivalent, and if the public nature itself does not make the use location-dependent. Examples of these uses include: government/public offices, maintenance facilities, storage, etc.

- (1) Public Facility, Location-Dependent: Government, public, or semi-public facilities and utilities which, by nature of their function, must be located relative to other facilities, areas, elements of the collection or distribution system, or natural or topographic features to function properly, whether they may have local impact or substantial impact. Any associated impacts are addressed through mitigation rather than zoning. If a facility could meet more than one definition (Location-Dependent Public Facility, Minor Public, or Major Public), the least restrictive shall apply.

Examples of Uses included in this definition include: Open-air utility substations and pumping stations, reservoirs and wholly enclosed pumping stations or utility sub-stations. It also includes municipal water or sewage treatment plants when separated from any residential development by a minimum 50-foot wide Type B landscaped buffer. Uses also include public safety stations and substations (police and/or fire) when necessary to serve a specific area or achieve needed response times to a specific area.

Examples of uses not included in this definition are other public uses that are included in the 'Major Public' and 'Minor Public' definitions. Those uses may have specific siting requirements, but they are not location-dependent in the same manner as uses in this definition, and they have greater siting flexibility to function properly.

¹²⁸ (2) Public, Major: Government or publicly owned facilities which have substantial impact, including materials storage or equipment repair facilities, warehouses, and detention and correction institutions.

¹²⁸ (3) ^{82, 125} Public, Minor: Government, public or semi-public facilities and utilities which have a local impact upon surrounding properties.

The Council of the City of Grants Pass met in regular session on the above date with Mayor Fowler presiding. The following Councilors were present: DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. Also present and representing the City were City Manager Cubic, Assistant City Manager Reeves, City Attorney Bartholomew, Finance Director Meredith, Public Safety Director Landis, Parks and Community Development Assistant Director Glover, Public Works Director Haugen and City Recorder Frerk. Absent: Councilor Gatlin and Human Resource Director Lange.

Mayor Fowler opened the meeting and Councilor Morgan then led the invocation followed by the Pledge of Allegiance.

1. PUBLIC COMMENT:

2. PUBLIC HEARING:

- a. Ordinance amending Section 13 of the Policies Element of the Comprehensive Plan establishing the Regionally Significant Industrial Area Overlay Zoning District and amending Articles 2, 3, 4, 10, 12, 13, 19 and 30 of the Development Code revising the list of permitted uses and procedures in the Industrial Zones.

ORDINANCE NO. 14-5632

Councilor Riker moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Goodwin. The vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Williams. The vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be adopted. The motion was seconded by Councilor Williams. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: DeYoung - yes, Gatlin - absent, Goodwin - yes, Hannum - yes, Morgan - no, Riker - yes, Webber - yes, and Williams - yes. The ordinance is adopted.

3. CONSENT AGENDA:

- a. Resolution authorizing the City Manager to create a Network Administrator and Systems Administrator position in the Information Technology Department, reclassify two positions and amending the Classification Plan.

RESOLUTION NO. 14-6272

It was moved by Councilor DeYoung and seconded by Councilor Riker that Resolution No. 14-6272 be adopted and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The resolution is adopted.

- b. Resolution authorizing the City Manager to enter into an agreement with Ausland Group for Water Restoration Plant Ultraviolet Disinfection System Upgrade.

RESOLUTION NO. 14-6273

It was moved by Councilor DeYoung and seconded by Councilor Riker that Resolution No. 14-6273 be adopted and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The resolution is adopted.

- c. Resolution authorizing the City Manager to execute Task Order No. 14 with Carollo Engineers, Inc. for Construction Services during the Water Restoration Plant Ultraviolet Disinfection System Upgrade.

RESOLUTION NO. 14-6274

It was moved by Councilor DeYoung and seconded by Councilor Riker that Resolution No. 14-6274 be adopted and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The resolution is adopted.

- d. Resolution acknowledging voter approval of Ordinance No. 14-5614, annexing properties to the municipal boundaries.

RESOLUTION NO. 14-6275

It was moved by Councilor DeYoung and seconded by Councilor Riker that Resolution No. 14-6275 be adopted and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The resolution is adopted.

- e. Motion accepting the certified results of the November 4, 2014 General Election.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Riker to accept the certified results of the November 4, 2014 General Election and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion is passed.

- f. Motion approving the Findings of Fact Grants Pass Urban Growth Management Planning.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Riker to approve the Findings of Fact Grants Pass Urban Growth Management Planning and

the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed.

- g. Motion approving the minutes of the City Council and Josephine County Board of Commissioners joint meeting of November 12, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Riker to approve the minutes from the City Council and Josephine County Board of Commissioners joint meeting of November 12, 2014 and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed.

- h. Motion approving the minutes of the City Council meeting of November 19, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Riker to approve the minutes of the City Council meeting of November 19, 2014 and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed.

- i. Motion acknowledging the minutes of the Urban Area Planning Commission meeting of October 22, 2014.

MOTION

It was moved by Councilor DeYoung and seconded by Councilor Riker to acknowledge the minutes of the Urban Area Planning Commission meeting of October 22, 2014 and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed.

4. COUNCIL ACTION:

- a. Resolution establishing the Grants Pass Public Safety Advisory Committee.

RESOLUTION NO. 14-6276

It was moved by Councilor Morgan and seconded by Councilor Williams that Resolution No. 14-6276 be adopted as amended with the following changes: add a non-voting Council Liaison, provide a written report on November 15 and the committee will be appointed by Council and the vote resulted as follows: "AYES": Goodwin, Hannum, Morgan, Riker and Williams. "NAYS": DeYoung and Webber. Abstain: None. Absent: Gatlin. The resolution is adopted.

It was moved by Council Morgan and seconded by Council Williams that Resolution No. 14-6276 be adopted with amendment to conduct background checks and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion was adopted.

5. MATTERS FROM MAYOR, COUNCIL AND STAFF:

a. Appoint one member to the Historic Building & Sites Commission.

It was moved by Councilor DeYoung and seconded by Councilor Hannum to approve the appointment of Shirley Holzinger to the Historic Building & Sites Commission and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed.

b. Appoint one member to the Urban Area Planning Commission.

It was moved by Councilor DeYoung and seconded by Councilor Riker to approve the appointment of Dave Kellenbeck to the Urban Area Planning Commission and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed.

6. EXECUTIVE SESSION: (i) Performance Evaluations of Public Officers

MOTION

It was moved by Councilor Morgan and seconded by Councilor Williams to enter into executive session and the vote resulted as follows: "AYES": DeYoung, Goodwin, Hannum, Morgan, Riker, Webber and Williams. "NAYS": None. Abstain: None. Absent: Gatlin. The motion passed.

7. ADJOURN:

There being no further business to come before the Council, Mayor Fowler adjourned the meeting at 10:00 p.m.

The ordinances, resolutions and motions contained herein and the accompanying votes have been verified by:

City Recorder