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

Date: April 29, 2016
Jurisdiction: City of Grants Pass
Local file no.: 15-40200004
DLCD file no.: 008-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/26/2016. 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 49 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

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

Jurisdiction: City of Grants Pass
Local file no.: 15-40200004
Date of adoption: 4/5/16 Date sent: 4/26/16
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): 12/23/15
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:
Original proposal is reduced in size.

Local contact (name and title): Justin Gindlesperger, Associate Planner
Phone: 541-450-6068 E-mail: jgindlesperger@grantspassoregon.gov
Street address: 101 NW 'A' Street City: Grants Pass Zip: 97526-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:
Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:
Identify the former and new map designations and the area affected:

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

Location of affected property (T, R, Sec., TL and address):
The subject property is entirely within an urban growth boundary
The subject property is partially within an urban growth boundary

http://www.oregon.gov/LCD/Pages/forms.aspx
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:

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: Historic District Acres added: 26.87 Acres removed:

Location of affected property (T, R, Sec., TL and address): see attached list

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

Historic District

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.
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ORDINANCE NO. 16-5676

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING ARTICLE 13 SPECIAL PURPOSE DISTRICTS OF THE DEVELOPMENT CODE TO DESIGNATE THE HISTORIC DISTRICT OVERLAY ON THE ZONING DISTRICT MAP AND TO EXPAND THE HISTORIC SPECIAL PURPOSE DISTRICT.

WHEREAS:

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and

2. The ordinance amends Article 13 Special Purpose Districts of the Development Code to expand the Historic Special Purpose District; 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 Historical Buildings and Sites Commission to the City Council.

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

Section 1. The amendment to Development Code Article 13 Special Purpose Districts, as set forth in Exhibit 1, is hereby adopted.

Section 2. The Zoning District Map is hereby amended to include the Historic District Overlay, as set forth in Exhibit 2.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 6th day of April, 2016, with the following specific roll call vote:

AYES: Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker, Roler.

NAYS: None  ABSTAIN: None  ABSENT: None

SUBMITTED to and submitted to Mayor: ______________________________ by the Mayor of the City of Grants Pass, Oregon, this 11th day of April, 2016.

Darin Fowles, Mayor

ATTEST:

Karen Frerk, City Recorder

Approved as to Form, Mark Bartholomew, City Attorney
Refusal to Consent to Historic Designation, pursuant to Section 4.046

- 401 SE 6th Street
- 301 NE 6th Street
- 217 SE 6th Street
- 138 SE 'H' Street
- 111 SE 6th Street
- 321 NE 6th Street
- 117 SW H Street
- 111 SE G Street
- 117 SE 6th Street
- 201 – 215 SE 6th Street
- 333 SW 5th Street
- 128 SW I Street
- 132 SE H Street
- 305 SW H Street
- 409 – 413 SE 6th Street
- 229 SW H Street
- 306, 308, 310 SW 6th Street
- 420 SW 6th
- 144 SW G Street

EXHIBIT 2
I. PROPOSAL:

The proposal is for a Comprehensive Plan Map Amendment and Zoning Map Amendment to expand the Historic Special Purpose District to encompass additional properties within the downtown area in order to enhance the protection of the City's historical features.

II. AUTHORITY AND CRITERIA:

Sections 13.5.5 and 13.8.3 of the Grants Pass Urban Area Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for amendment and revision to Comprehensive Plan findings, goals, policies, and land use maps of the Comprehensive Plan. However, the 1998 Intergovernmental Agreement modified that provision with the result that the City Council will make the decision, and the County will have automatic party status.

Section 13.8.3 of the Comprehensive Plan provides that notice shall be as provided in Section 2.060 of the Development Code for a Type IV procedure. Sections 4.045 and 13.442 authorize the Historical Buildings and Sites Commission to make a recommendation to the City Council and authorize the City Council to make a final
decision on an application for historic designation or amendment to the historic district requiring a Type IV procedure.

The text or map of the Comprehensive Plan may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan Policies Document are met. The Historic Special Purpose District may be amended provided the Criteria in Section 4.045 of the Development Code are met.

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

III. APPEAL PROCEDURE:

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

IV. PROCEDURE:

A. An application for a Development Code text amendment was submitted and deemed complete on December 24, 2015. The application was processed in accordance with Section 2.060 of the Development Code.

B. Notice of the proposed amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on December 27, 2015, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.

C. Notice of the February 18, 2016, Historic Buildings and Sites Commission (HBSC) hearing was mailed to potentially interested parties on January 27, 2016.

D. Public notice of the February 18, 2016, HBSC hearing was published in the newspaper on February 11, 2016, in accordance with Sections 2.053 and 2.063 of the Development Code.

E. At the February 18, 2016 public hearing, the HBSC made a recommendation in support of the request.

F. The HBSC signed the Findings of Fact on March 17, 2016.

G. Notice of the March 16, 2016 City Council public hearing was mailed to potentially interested parties on February 24, 2016.

H. Public notice of the March 16, 2016 City Council public hearing was published in the newspapers on March 9, 2016, in accordance with Sections 2.053 and 2.063 of the Development Code.

I. A public hearing was held by the City Council on March 2, 2016. The Council made a motion to reconsider the Historic Design Guidelines on March 16, 2016 and postpone the Historic District Expansion to April 6, 2016.
J. Notice of the change of date of the public hearing was mailed to potentially interested parties on March 10, 2016.

K. A public hearing was held by the City Council on April 6, 2016 to consider the request. A roll call vote was taken during the public hearing and the City Council voted to approve the request.

V. SUMMARY OF EVIDENCE:

A. The basic facts and criteria regarding this application are contained in the March 28, 2016, City Council staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.

B. The minutes of the public hearing held by the City Council on April 6, 2016 are attached as Exhibit “B” and incorporated herein.

C. The PowerPoint presentation given by staff at the April 6, 2016, City Council hearing is attached as Exhibit "C" and incorporated herein.

D. Public comments letters are attached as Exhibit "D" and incorporated herein. Letters are from property owners and representatives within the proposed historic district and include Marcus Properties, LLC; Kirchoff Law Offices; Erik and Ann Kruiswyk; Next-Century Properties, LLC; Caveman Plaza Shopping Center, LLC; Bryan and Heidi Hall; Deborah L. Brownell; Robert and Genevieve Brink-Capriola and Mark G. Minnis; Vintage Corporation; The Music Shop, Inc.; Society of St. Vincent de Paul; Lee and Joan Walker; First Christian Church; Rogue River Hardware Enterprises, Inc.; 9th & I Properties, LLC; Linda L. Jordan; Albert and Linda Mehrabian; Robert W. Brutke; Beekman Corporation; Barry Lamontagne; Maurice and Meredith Ball; The Daily Courier; Walter and Christopher Cauble; Lisa Gragg; Ronald and Colene Martin; Charles Shedd; and John Roen.

VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

With increased pressure to convert historic sites and areas to new uses, many cities in Oregon are establishing historic districts to protect the culturally significant sites in their communities. The current Historic District boundaries were approved by the City Council in 2013 to protect the "old town" district along G Street, as identified in Policy 3.50 of the Comprehensive Plan.

The Historic Building and Sites Commission has identified additional resources in the downtown area, outside the current Historic District, that would benefit from expansion of the district. By expanding the Historic District, the City will be able to further preserve and protect the historic features in accordance with Section 13.411 of the Development Code. The expanded district will include properties along NW 6th Street between NW 'D' Street and SW 'J' Street and properties between SW 4th Street and SW 7th Street, south of the existing district.

As part of the proposed expansion, the HBSC recently developed design guidelines for local historic landmark structures and structures within the historic district. The design
guidelines will provide administrative review and approval for exterior improvements that conform to the design guidelines.

The Historic Building and Sites Commission outlined a “walking” historic area that featured additional resources in the downtown area, outside the current Historic District, that would benefit from the proposed expansion. Due to concerns over lack of pedestrian traffic in certain areas of the proposed district, the HBSC is supportive of a revised district boundary as presented by staff.

Any property owner within the proposed expansion may “opt out” of the proposed historic district. As of March 28, 2016, staff received requests for twenty six (26) parcels for refusal to consent to historic designation. Of the twenty six (26) requests, eight (8) are located outside the revised district boundary. The proposed district boundary includes a total of 115 parcels.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

A. For comprehensive plan map amendments, Comprehensive Plan Policy 13.5.4 requires that all of the following criteria be met:

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

CITY COUNCIL Response: Satisfied. The proposal is consistent with the applicable Goals and Policies found in Element 8 ~ Economy and Element 13 ~ Land Use of the Comprehensive Plan for reasons summarized below.

**Element 8 – Land Use**

Goal: To improve, expand, diversify and stabilize the economic base of the community.

Policy 8.8(e) – “The City shall assist in maintaining the Downtown commercial area as a vital business and office district by encouraging private building owners to maintain and improve their buildings.”

1st Conclusion under Criterion (a):

With increased pressure to convert historic sites and areas to new uses, many cities in Oregon are establishing historic districts to protect the culturally significant sites in their communities. Historic Districts protect and enhance the City's attractions and downtown core area. Along with protecting the structures and consideration towards complimenting the existing historic fabric of the downtown core area, Historic Districts also stabilize, and improve, property values for structures within those districts, providing incentives for property owners to maintain and improve their buildings.

**Element 13, Land Use:**
Goal: To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that:

(d) is responsive to the wishes of the citizens and property owners of the planning area, and

Policy 13.2.4 Other Maps:

The Development Code shall include a Zoning Map that shall include Special Purpose District Maps and Utility Maps, which maps and their criteria and standards shall meet the following basic functions:

(b) The Special Purpose District Maps and Standards shall determine which special development standards and review procedures, if any, apply to any given development proposal.

Policy 13.2.5 Special Purpose Districts:

Special Purpose Districts shall be adopted to include the following:

(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.

2nd Conclusion under Criterion (a):

While zoning is not ideally suited to deal with areas of specific needs, Special Purpose Districts are used to identify special development standards and review procedures. The Historic District serves to safeguard the City’s historic, aesthetic and cultural heritage and protect areas or features that represent architectural history. The preservation of historic sites lends a sense of place and renovation of historic buildings can be less expensive than to provide equivalent floor area through new construction.

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

CITY COUNCIL Response: Satisfied. The proposed amendment will not change the database and the underlying zoning will remain in place for the properties within the expanded Historic District. The proposed amendment would amend the plan and zoning map and would not require the amending of findings, goals or policies.

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

CITY COUNCIL Response: Satisfied. The proposal is consistent with four (4) of the nineteen (19) applicable statewide planning goals described below:

Goal 1: Citizen Involvement
The proposal is reviewed and noticed according to the requirements for a Type IV-B procedure. Owners of property within the proposed boundary expansion and property owners within two hundred and fifty (250) feet were sent notice of the application. Public notice is posted for both the Historic Building and Sites Commission and City Council hearings in the Daily Courier (the local newspaper), on the City of Grants Pass website, www.grantspassoregon.gov and on the first floor of the City Hall building. Such notification provides the public an opportunity to provide written or oral comments on the matter either before or at the hearings.

The City has an acknowledged Citizen Involvement Program adopted under Resolution 1748 that insures the public can actively engage in the planning process.

No comments were received from surrounding property owners during the notice period.

Conclusion: The City's procedures outlined in the Comprehensive Plan and Development Code pertaining to citizen involvement are being followed. The proposal is consistent with Goal 1 standards and requirements.

Goal 2: Land Use

The Grants Pass Comprehensive Plan and Development Code outline the planning process to consider a Comprehensive Plan Map Amendment and the Zoning Map Amendment. The process requires the application to be heard by both the Historic Building and Sites Commission and the City Council. The Historic Building and Sites Commission will review the proposal and provide a formal recommendation that will be considered by the City Council for final decision. Specific criteria have been adopted that relate to the proposal. The review bodies will evaluate the proposal against those criteria in order to make a decision.

Conclusion: The application is being reviewed through the City's land use process, making it consistent with the purpose of statewide Goal 2.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

The Historic District serves to safeguard the City's historic, aesthetic and cultural heritage and protect areas or features that represent architectural history. The preservation of historic sites lends a sense of place and renovation of historic buildings can be less expensive than to provide equivalent floor area through new construction.

Conclusion: The proposal to expand the historic district serves the purpose of Goal 5 by adding protections to resources within the current district and incorporating resources into the district.

Goal 9: Economic Development
With increased pressure to convert historic sites and areas to new uses, many cities in Oregon are establishing historic districts to protect the culturally significant sites in their communities. Historic Districts protect and enhance the City's attractions and downtown core area. Along with protecting the structures and consideration towards complimenting the existing historic fabric of the downtown core area, Historic Districts also stabilize, and improve, property values for structures within those districts, providing incentives for property owners to maintain and improve their buildings.

Conclusion: The proposal protects and enhances the City's attractions to tourists and visitors, providing support and stimulus to businesses, thus meeting the standards and requirements of Goal 9.

CRITERION (d): Citizen review and comment.

CITY COUNCIL Response: Satisfied. Public notice of the proposal was mailed to properties within the proposed boundary of the expanded Historic District and surrounding properties in accordance with the Comprehensive Plan and Development Code procedures. No comments were received from property owners during the notice period.

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

CITY COUNCIL Response: Satisfied. Affected governmental units and agencies were notified.

Notice of the proposal was mailed to the Department of Land Conservation and Development (DLCD) on December 23, 2015. No comments were received.

Notice of the proposal was mailed to Josephine County on December 23, 2015, in accordance with the 1998 Intergovernmental Agreement. The County had no comments.

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

CITY COUNCIL Response: Satisfied. Water, sewer, storm, and streets are all present within the proposed Historic District expansion. Therefore, the proposed amendment is in conformance with the Comprehensive Plan.

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

CITY COUNCIL Response: Satisfied. Additional information will be provided upon request of the review body.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan was originally adopted in error.
CITY COUNCIL Response: Not Applicable. There is no indication that the original boundaries were adopted in error.

B. For amendments to the Historic District Special Purpose District Map, Section 4.045 of the City of Grants Pass Development Code requires that all of the following criteria be met:

CRITERION 1: The designation of a District or Landmark serves the purpose of this section.

CITY COUNCIL Response: Satisfied. The Historic District serves to safeguard the City's historic, aesthetic and cultural heritage and protect areas or features that represent architectural history. The proposal to expand the historic district serves the purpose of this section by adding protections to resources within the current district and incorporating resources into the district.

CRITERION 2: The boundaries of a District are adequate and suitable for designation.

CITY COUNCIL Response: Satisfied. The proposed expansion is adequate and suitable for designation to provide additional buffer from non-contributing development that would detract from the historic resources within the district. The expanded district will also incorporate additional historic resources that are located outside of the existing district that will benefit from the same protections as the local Landmarks and structures within the existing historic district.

CRITERION 3: Consideration of the positive and negative effects of the designation upon residents, businesses, or property owners of the area.

CITY COUNCIL Response: Satisfied. The proposed expansion has considered the positive and negative effects of the designation. Expansion of the district will require historic review for modifications to structures within the district boundary. Historic review will only apply to exterior modifications and not affect the allowable uses of the property, as determined by the underlying zoning district. As part of the proposed expansion, the HBSC recently developed design guidelines for local historic landmark structures and structures within the historic district. The design guidelines will provide administrative review and approval for exterior improvements that conform to the design guidelines.

C. 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 proposed amendment designates the Historic District on the Zoning Overlay Map. The amendment is consistent with the purpose of Article 13 and the other Special Purpose Districts recognized by the Development Code.
CRITERION 2: The proposed amendment is consistent with other provisions of this code.

CITY COUNCIL Response: Satisfied. The proposed text amendment is consistent with the other provisions of the Code and the underlying zoning will remain in place for the properties within the Historic District.

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 Element 13, Land Use, of the Comprehensive Plan. The Development Code includes a Zoning Overlay Map that includes a Historic Special Purpose District Map that delineates areas of historic value to the community.

Most Effective Alternative

The alternative to approving the proposal is to retain the existing description of the Historic District. The existing description is not consistent with the proposed expansion and would require amendment to match the proposed boundary. The proposed amendment designates the Historic District on the Zoning Overlay Map and more effectively carries out the goals and policies stated above.

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).

VIII. DECISION AND SUMMARY:

The City Council APPROVED the Comprehensive Plan Map Amendment and Zoning Map Amendment to expand the Historic Special Purpose District.

The vote was 8-0 with Councilors DeYoung, Lindsay, Lovelace, Riker, Hannum, Roler, Bouteller and Goodwin in favor and none opposed.

IX. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this 20th day of April, 2016.

Darin Fowler, Mayor

NOTE: The amendment is legislative and is not subject to the 120-day requirement.