



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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

Date: April 12, 2016

Jurisdiction: City of Grants Pass

Local file no.:

DLCD file no.: 007-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/08/2016. 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 51 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.: 007-15 {24144}
Received: 4/8/2016

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.: **15-40500004**

Date of adoption: 3/18/2016

Date sent: 4/8/2016

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): **11/23/2016**

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:

Provided clarification on preferred materials and installation of awnings and marquees.

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

Phone: 541-450-6068

E-mail: jgindlesperger@grantspassoregon.gov

Street address: 101 NW 'A' Street

City: Grants Pass

Zip: 97526-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Article 13- Special Purpose Districts

For a change to a zoning map:

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

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

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

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

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

ORDINANCE NO. 16-5674

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING ORDINANCE NO. 16-5672 WHICH AMENDS THE GRANTS PASS DEVELOPMENT CODE ARTICLE 13 SPECIAL PURPOSE DISTRICTS TO PROVIDE DESIGN GUIDELINES FOR EXTERIOR IMPROVEMENTS TO LOCAL HISTORIC LANDMARKS AND STRUCTURES WITHIN THE HISTORIC 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 provide design guidelines for exterior improvements to local historic Landmarks and structures within the Historic 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 Urban Area Planning 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.

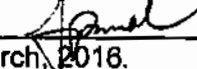
ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 16th day of March, 2016, with the following specific roll call vote:

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

NAYS: None

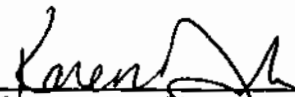
ABSTAIN: None

ABSENT: None

SUBMITTED to and  by the Mayor of the City of Grants Pass, Oregon, this 18 day of March, 2016.


Darin Fowler, Mayor

ATTEST:


Karen Frerk, City Recorder

Date submitted to Mayor: 3/18/16

Approved as to Form, Mark Bartholomew, City Attorney 

EXHIBIT 1

¹⁷13.434 Designation and Review Procedures

Schedule 13-2: Procedure for Historic Review			
Application Type	Type I-A	Type I-C	Type III
Alteration (Exterior)			
a. Per Design Guidelines (Section 13.450)	✓		
b. Not within Guidelines			✓
New Construction in District			
a. Per Design Guidelines		✓	
b. Not within Guidelines			✓
Signage			
a. Per Design Guidelines	✓		
b. Not within Guidelines			✓
c. Murals			✓
Demolition in District			✓
Demolition of Landmarks			✓

¹⁹13.450 Historic District Design Guidelines

13.451 **Review Required.** Except as provided in Section 13.454, no person may alter any structure, site or signage in a Historic District, a designated structure in a Conservation District, or any Landmark in such a manner as to affect its exterior appearance, nor may any new structure be constructed in a Historic District or Conservation District, unless it has previously been reviewed in accordance with this article, following the procedure type specified in Schedule 13-2.

13.452 **Criteria for Approval.** The decision to approve an alteration or new construction shall be based upon the following:

- (1) Complies with the applicable development standards of this section.
- (2) The purpose of the Historic Districts, Section 13.411.

- (3) The general compatibility of the signage, exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;
- (4) The effect of the proposed new structure on the character of the district; and
- (5) The economic effect of the new structure on the historic value of the district.

13.453

Elements of Compatibility. These criteria are intended to create a range of appropriate options that will allow owners to proceed with as little delay as is feasible while still assuring the goals of the Historic District are met. Elements determined to be outside these approval criteria by the Director shall be reviewed by the Historic Buildings and Sites Commission.

- (1) **Materials.** Variety of materials adds visual interest, supports compatibility, and minimizes the impact of mass.
 - (a) **Brick and stucco are the recommended materials for building faces, depending on the age and design of the building.**
 - (b) **Exposed brick is desirable when possible, particularly on buildings of the 1890-1920' period.**
 - (c) **Materials Requiring HBSC Review:**
 - (i) River rock, or other round rock surfaces.
 - (ii) Corrugated metal panels, similar metal products, corrugate fiberglass panels, or any other material that requires corrugation, seams or similar manipulation of the exterior surface to prevent deflection of the surface.
- (2) **Roofs.**
 - (a) **Exclusions.** Re-roofing any historic structure, or structure within the Historic District, with new materials of the same type, profile, and visual qualities as the existing, subject to the requirements of the adopted City of Grants Pass Building Code, is excluded from review under this section.
 - (b) **Pre-Approved Materials for Residences.** The following roofing materials are pre-approved for use in the Historic District:

- (i) Wood Shakes.
 - (ii) Wood Shingles.
 - (iii) Fiberglass Composition (Asphalt) Shingle:
 - (A) 3-Tab.
 - (B) Architectural Grade Fiberglass Composition (Asphalt).
 - (C) Asphalt Shake/Multi-Layer Asphalt.
- (3) Additions and/or New Construction. New additions, exterior alterations or related new construction shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property.
- (4) Colors. Paint and roof color represent highly visible elements of a building that can either greatly enhance, or greatly detract, from historic character.
- (a) Exteriors colors shall be selected from commercially available historical color palettes.
 - (b) The application of up to five individual colors per building, up to two for the predominate walls and up to three for trim is allowed.
- (5) Awnings/Marquees. Awnings/Marquees can help unify or provide interest to an otherwise undistinguished exterior. The installation of new awnings and marquees on existing structures require review by the HBSC.
- (a) Awnings and Marquees shall be mounted directly to the structure.
 - (b) Preferred materials are canvas or metal (depending upon the age and design of the building).
 - (c) Vinyl is not recommended.
 - (d) Awnings/Marquees should be properly maintained.
- (6) Signs. All signage applying for approval will be reviewed for compliance with the following design criteria:

- (a) **Placement.** Signage shall be installed in appropriate sign areas, as defined by the existing architecture of the façade. See Figure 20-38.
- (b) **Material.** Sign materials shall be consistent with the traditional character of the Historic District. Appropriate materials include:
 - (i) Metal, including iron, steel, brass, copper, aluminum and other natural finishes.
 - (ii) Painted metal, including powder-coated or enameled metals.
 - (iii) Wood, including painted or natural, carved or sand-blasted lettering.
 - (iv) Vinyl or other sheet claddings for backing panels or cut lettering only.
 - (v) Fiberglass, high-density urethane foam and similar cast or formed materials to create 3-dimensional objects.
- (c) **Illumination.** Signs may be illuminated or non-illuminated and shall use forms consistent with the Historic District. Appropriate illumination includes exposed neon tubing and indirect illumination.
- (d) **Shapes.** Signage in the Historic District is encouraged to employ complex shapes, mixed mounting types and multiple forms in the design.
- (e) **Awnings.** Awnings in the Historic District may incorporate signs and may project over the right-of-way.

13.454 **Historical Buildings and Sites Commission Action.** The Historical Buildings and Sites Commission shall take the role of the Urban Area Planning Commission in the Type III Procedure for historic review, pursuant to Section 2.050. The Commission shall be empowered to set the conditions of approval based on compliance with the criteria, Section 13.452, and with the purpose of this section, Section 13.411.

13.455 **Public Safety Caveat.** Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such

feature. The Building Official shall certify such repair is required for the public safety because of its unsafe or dangerous condition and that time is of the essence in such repair.

- (1) Sandblasting shall be excluded as a method for cleaning the exterior of buildings unless specifically approved by the Buildings and Sites Commission.

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

**DEVELOPMENT CODE TEXT AMENDMENT
HISTORIC DISTRICT DESIGN GUIDELINES
ARTICLE 13 ~ SPECIAL PURPOSE DISTRICTS**

FINDINGS OF FACT – CITY COUNCIL

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	15-40500004
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Justin Gindlesperger
Application Received:	November 23, 2015
Application Complete:	November 27, 2015
Date of Staff Report:	January 6, 2016
Date of UAPC Hearing:	January 13, 2016
Date of UAPC Findings of Fact:	January 27, 2016
Date of City Council Staff Report:	February 9, 2016
Date of City Council Hearing:	March 16, 2016, continued from March 2, 2016 and February 17, 2016
Date of City Council Findings of Fact:	April 6, 2016

I. PROPOSAL:

Development Code Text Amendment to provide design guidelines for exterior improvements to local Landmark structures and structures within the Historic District. The proposed amendment provides administrative review and approval for improvements that conform to the design guidelines.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The amendment has been initiated by the Director.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

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:

Section 10.060 provides the City Council's final decision to 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 the Comprehensive Plan Map and Zone Map Amendment was submitted on November 23, 2015 and deemed complete on November 27, 2015. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment and the January 13, 2016 public hearing was mailed to the Oregon Department of Land Conservation and Development on November 23, 2015, in accordance with ORS 197.610 and OAR Chapter 660, Division 18.
- C. Public notice of the January 13, 2016 public hearing was published in the newspapers on January 6, 2016, in accordance with Sections 2.053 and 2.063 of the Development Code.
- D. At the January 13, 2016 public hearing, the Planning Commission made a recommendation in support of the request.
- E. The Planning Commission signed the Findings of Fact on January 26, 2016.
- F. Public notice of the February 17, 2016 City Council public hearing was published in the newspapers on February 10, 2016, in accordance with Sections 2.053 and 2.063 of the Development Code.
- G. On February 17, 2016, the City Council held a public hearing to consider the request. A roll call vote was taken during the public hearing and the City Council voted to approve the request.
- H. A public hearing was held by the City Council on March 2, 2016. The Council made a motion to reconsider the matter on March 16, 2016.
- I. A public hearing was held by the City Council on March 16, 2016. The Council made a motion to amend the previous approval and clarify the preferred materials and use of canopies and marquees in the text. 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 staff report, which is attached as Exhibit "A" and incorporated herein.

1. Planning Commission Findings of Fact
 - A. UAPC Staff Report
 - 1 Mark up text for Section 13.434
 - 2 Mark up text for Section 13.450
 - B. Minutes from January 13, 2016 UAPC Hearing
 - C. PowerPoint Presentation

- B. The minutes of the public hearing held by the City Council on February 17, 2016, are attached as Exhibit "B" and incorporated herein.
- C. The PowerPoint Presentation given by staff at the February 17, 2016, public hearing is attached as Exhibit "C" and incorporated herein.
- D. The minutes of the public hearing held by the City Council on March 2, 2016 are attached as Exhibit "D" and incorporated herein.
- E. The minutes of the public hearing held by the City Council on March 16, 2016 are attached as Exhibit "E" and incorporated herein.
- F. The PowerPoint Presentation given by staff at the March 16, 2016 public hearing is attached as Exhibit "F" and incorporated herein.

VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

The review procedure for all exterior alterations to structures within the downtown Historic District and local Landmark structures require a Type III, Historic Buildings and Sites Commission (HBSC) Decision. The HBSC drafted the design guidelines to maintain consistent standards for exterior details that include signage, color and materials while providing flexibility to property owners for exterior improvements.

For signage and exterior alterations that comply with the design guidelines, the proposed amendment provides an administrative review and approval. New construction within the Historic District that complies with the design guidelines will follow the Type I-C, Director's Decision process.

Property owners may propose exterior alterations, signage and new construction that do not comply with the design guidelines. For any improvement or alteration that does not follow the proposed guidelines, the application will follow the Type III, HBSC Decision process. Proposed demolition of a structure within the Historic District or an existing Landmark will follow the Type III, HBSC Decision process.

At the February 17, 2016 public hearing, City Council initially approved the proposed text amendment and voted to pass the ordinance (Ordinance # 15-5672). On March 2, 2016, the City Council held a public hearing and voted to reconsider the text amendment at the March 16, 2016 public hearing. At the March 16, 2016 public hearing, the City Council reconsidered the text amendment. The text was revised to further clarify the preferred materials and the use of canopies and marquees on the exterior of buildings. The City

Council voted to approve the revised text and adopted a revised ordinance (Ordinance # 16-5674).

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.

Council Response: Satisfied. The proposed amendments are consistent with the purpose of Article 13 and provide consistent standards for exterior details and alterations within the Historic District and to Landmark structures. For any exterior alteration or signage that complies with the historic review design guidelines, the proposal will provide administrative review and approval procedure. The amendment also provides direction for new construction within the Historic District. New construction within the Historic District that complies with the design guidelines will follow the Type I-C, Director's Decision process.

For any improvement or alteration that does not follow the proposed guidelines, the application will follow the Type III, HBSC Decision process. Proposed demolition of a structure within the Historic District or an existing Landmark will follow the Type III, HBSC Decision process.

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

Council Response: Satisfied. The proposed text amendments will streamline the process for signage and exterior alterations that comply with the historic review design guidelines. These changes will not substantially change the code and the revised Sections will remain consistent with other provisions of the code.

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.

Council Response: Satisfied. The proposed changes are consistent with Element 13, Land Use, of the Comprehensive Plan. The proposed amendments attempt to streamline the review process and provide procedures for land use actions that are clear, objective and non-arbitrary, pursuant to 13.4.2 and 13.4.3 of the Comprehensive Plan.

Most Effective Alternative

The alternative to approving the proposal is to retain the existing process for review and approval of signage, exterior alterations and new construction within the Historic District and alterations to Landmarks. The proposed amendments more effectively carry 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.

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 Development Code Text Amendment to provide design guidelines for exterior improvements to local Landmark structures and structures within the Historic 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 6th day of April, 2016.



Darin Fowler, Mayor

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