



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: January 27, 2016  
Jurisdiction: City of Grants Pass  
Local file no.: 15-405-00003  
DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/26/2016. 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 48 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](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
 File No.: 006-15 {24094}  
 Received: 1/26/2016

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.: **15-40500003**

Date of adoption: 1/12/2016

Date sent: 1/26/2016

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): 10/23/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes  No

If yes, describe how the adoption differs from the proposal:

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

Phone: 541.450.6068

E-mail: [jgindlesperger@grantspassoregon.gov](mailto: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:

**For a change to a zoning map:**

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

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

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

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

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

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**ORDINANCE NO. 16-5668**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING ARTICLE 17 AND ARTICLE 18 REGARDING THE REVIEW AND APPROVAL FOR SUBDIVISION FINAL PLATS AND PUD FINAL PLANS.**

**WHEREAS:**

1. The Grants Pass and Urbanizing Area Comprehensive Community Development Plan was adopted December 15, 1982; and
2. The ordinance amends Article 17 Lots/Creation of Lots, Article 18 PUD, Article 2 Application Procedures and Article 3 Development Permit of the Development Code to allow administrative review and approval for subdivision final plats and PUD final plans that substantially conform to tentative and preliminary plans; 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 17 Lots/Creation of Lots, Article 18 PUD, Article 2 Application Procedures and Article 3 Development Permit, as set forth in Exhibit 1, is hereby adopted.

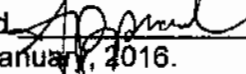
**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 6<sup>th</sup> day of January, 2016, with the following specific roll call vote:

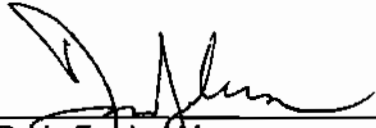
**AYES:** Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker, Roler.

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**SUBMITTED** to and  by the Mayor of the City of Grants Pass, Oregon, this 12 day of January, 2016.

  
Darin Fowler, Mayor

**ATTEST:**

  
Karen Frerk, City Recorder

Date submitted to Mayor: 1/7/16

Approved as to Form, Mark Bartholomew, City Attorney 

**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
14. Subdivision	Article 17											
a. Tentative Plan (<= 9 lots)	17.410							✓-p				
b. Tentative Plan (>= 10 lots)	17.410								✓-p			
c. Final Plat	17.420	✓										
15. Modification to Final Plat	17.422											
a. Major Modification	17.422							Same as for Tentative				
b. Minor Modification	17.422					✓						
21. Planned Unit Development	Article 18											
a. Preliminary Plan In Residential Zone	Article 18								✓-p			
b. Preliminary Plan In Commercial or Industrial Zone	Article 18							✓-p				
c. Final Plan	Article 18	✓										
22. Modification to Planned Unit Development Final Plan	18.063											
a. Major Modification	18.063							Same as for Tentative				
b. Minor Modification	18.063					✓						

3.075. Expiration and Extension of Land Use Approval

3.076. Expiration of Land Use Approval

- (1) Tentative/Preliminary Plans. Expiration of a land use approval for a tentative plan shall be governed by Article 17: Section 17.213 for Property Line Adjustments, Section 17.313 for Partitions, Section 17.415 for Subdivisions, and Section 18.046 for Planned Unit Development.

- (2) All Other Applications. Except as provided in Subsection (1), a land use approval shall expire 18 months from the effective date of the decision, unless:

3.077. Extension of Land Use Approval

- (1) Tentative/Preliminary Plans. Extension of a land use approval for a tentative plan shall be governed by Article 17: Section 17.213 for Property Line Adjustments, Section 17.313 for Partitions, Section 17.415 for Subdivisions, and Section 18.046 for Planned Unit Development.
- (2) All Other Applications. The Director may grant up to two extensions of the land use approval of six months each, in accordance with the provisions of this Section. The Director may grant an extension for less than six months if there are reasons a six month extension would be contrary to the purposes of this Code.

<sup>3</sup>3.090 Development Permits

3.091 Development Permit Required.

3.092 Development Permit Expiration.

- (1) Tentative/Preliminary Plans. Expiration of a Development Permit for a tentative plan shall be governed by Article 17: Section 17.213 for Property Line Adjustments, Section 17.313 for Partitions, Section 17.415 for Subdivisions, and Section 18.046 for Planned Unit Development.
- (2) All Other Development Activities. For all other activities, all development permits shall expire 18 months from the date of issuance, unless an extension has been granted as provided in Section 3.093.

<sup>13</sup>17.415 Expiration and Extension of Tentative Subdivision Plan.

- (1) Expiration. Except as provided in Section 17.416 for a phased development, within 24 months following the effective date of the written decision approving a tentative plan, the applicant shall fulfill all conditions necessary for a development permit, obtain a development permit, fulfill all conditions of tentative plan approval necessary to file the final plat, and submit the final plat and all required documents for final approval. For a phased development, the applicant shall obtain a development permit, complete construction, and file the final plat for each phase in accordance with the approved phasing schedule.

- (2) Extension. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan and that no other development approval would be affected.

17.420 Final Subdivision Plat

- <sup>13</sup>17.421 Standards for Approval. If the final plat substantially conforms to the approved tentative plan, it shall be reviewed through a non-discretionary, administrative procedure. The decision of the Director is final and is indicated through a signature on the final plat.

17.422 Modification to Final Plat. The applicant may petition for modification of the approved tentative plan.

- (1) Major Modification. When modification to an approved tentative plan is determined to be a Major Modification the final plat shall be reviewed using the same review procedure that the tentative plan required. A Major Modification constitutes one or more of the following:

- (a) ~~An increase in the density of the development!~~
- (b) Modifications or changes to the proposed utility plan. Changes must conform to the adopted utility plans and the requirements of Article 28.
- (c) Modifications or changes to the proposed street plan. Changes must conform to the adopted street plans and the requirements of Article 27.

- (2) Minor Modification. A minor modification to an approved tentative plan, such as phasing the development, may be made by the Director provided the Director determines the modification does not constitute a major modification.

Comment (JS1): We need to make the a, b, c, etc. here match the a), b), c), etc. below. It looks like it should be (a), (b), (c).

<sup>7</sup>17.423 Approval Standards for Final Plat.

- (1) The approved tentative plan shall be considered to have met the requirements outlined in the approval for the tentative plan if it meets all of the following:

(a). A letter has been submitted by the Responsible Engineer stating he/she supervised the grading and construction for the entire parcel and individual lots and the grading and construction was completed according to approved plans.

Comment [JS2]: See comment above

(b). All water, sewer and storm facilities have been installed, tested and tentatively approved per the approved plans. The final testing and acceptance of the water, sewer and storm facilities may be secured per Article 29.

(c). All street facilities have either been installed, tested and accepted per the approved plans, or security has been posted per Article 29.

(d). Notwithstanding Article 29 regarding Security, construction of all remaining improvements not including sidewalks and tree planting if required, shall be completed within seven months of the recording of the final plat. Occupancy of homes shall not be permitted until all public improvements have been installed, tested, and accepted by the City, and final inspection of the home has occurred.

(e). A tree re-vegetation plan has been submitted and approved in accordance with Section 11.060.

(2) Plat Requirements. After completing the requirement for tentative subdivision plan approval, the applicant shall submit a final plat and ten (10) prints to the Director. The plat shall be prepared by a registered professional land surveyor and shall contain the following:

(a). The plat shall be 18 inches x 24 inches. No part of the drawing shall be nearer to the edge of the sheet than one inch.

Comment [JS3]: See comment above

(b). All requirements of ORS 209.250 and ORS 92 and any other applicable state or federal regulations.

(c). Any dedications or changes required as part of tentative plan approval. Dedications shall be done in accordance with applicable local or state laws.

(d). When a future development plan is required, a note stating that development of the property is subject to the conditions of such plan.

(e). Any plat notes, restrictions, notices, and special conditions that was required to be placed on the final plat as part of tentative plan approval. The review body shall not require that the plat show graphically any information or requirement that is or may be subject to administrative change or variance.



(f). Statement or certifications verifying the source of water and sewage disposal in accordance with ORS 92.090.

(g). As a separate document, a land division guarantee from a title company.

<sup>14</sup>17.516 Commercial Properties. Any modification to a commercial property through a property line vacation, property line adjustment, partition, or subdivision shall address the following:

- (1) The applicant has demonstrated the property configuration does not preclude development in accordance with Article 20, including the building orientation standards.
- (2) The applicant has demonstrated the property configuration meets public street block length and perimeter standards of Articles 17 and 27, and has provided right-of-way and public street and pedestrian way improvements as necessary to meet these standards.
- (3) The applicant has provided, or revised as necessary, vehicular, pedestrian, and bicycle easements on and between properties to meet the connectivity requirements of Article 27.
- (4) When required by the Director, the applicant has provided a conceptual site plan to demonstrate the property configuration will enable development in compliance with the provisions of this Code.
- (5) Conditions relating to the issues in this section may be imposed as part of the decision as may be necessary to enable future coordinated development of the properties in accordance with the provisions of this Code.

18.034 Appeals. The Final Action of the review body may be appealed as provided in Article 10 of this Code.

18.046 Expiration and Extension of Preliminary Plan.

- (1) Expiration. Except as provided in Section 18.047 for phased development, within 24 months following the effective date of approval of a Preliminary Plan, the Final Plan shall be submitted to the Director and shall incorporate any modification or condition required by the approval of the Preliminary Plan.
- (2) Extension. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to six months. Upon granting

such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the Preliminary Plan and that no other development approval would be affected.

18.060 Final Plan Review and Action

18.061 Standards for Approval. Within 24 months of Preliminary Plan approval, or not later than the extension date authorized by the Director, a Final Plan shall be submitted to the Director for review. Within 25 days of submission, the Director shall determine whether the Final Plan conforms to the approved Preliminary Plan and conditions, and conforms with the applicable requirements of this Code. If the Final Plan substantially conforms to the approved Preliminary Plan, it shall be reviewed through a non-discretionary, administrative procedure.

18.062 Modification of the Final Plan. When Final Plan fails to conform to the Preliminary Plan, the applicant may petition for a modification.

- (1) Major Modification. When modification to an approved Preliminary Plan is determined to be a Major Modification, the Final Plan shall be reviewed using the same review procedure that the preliminary plan required. A Major Modification constitutes one or more of the following:
  - (a). An increase in the density of the development.
  - (b). Modifications or changes to the proposed utility plan. Changes must conform to the adopted utility plans and the requirements of Article 28.
  - (c). Modifications or changes that enlarge the boundaries of the approved plan or the general location or amount of land devoted to a specific land use, including open space.
- (2) Minor Modification. A minor modification to an approved preliminary plan may be made by the Director provided the Director determines the modification does not constitute a major modification.

18.063 Criteria for Approval. The decision to approve or deny the Final Plan shall be based upon the following criteria:

- (1) Conformance with the approved Preliminary Plan.
- (2) Compliance with conditions of approval.

- (3) Adoption of proposed Future Street Plan by the governing body, or conformance with the Official Street Map or previously adopted Street Plan.

18.064 Agreement to Meet Conditions. As part of the approving action, the developer must demonstrate to the satisfaction of the review body that all required offsite and onsite improvements and conditions of approval have been satisfied or guaranteed in accordance with the provisions of Article 28, Utility Standards

18.065 Filing an Approved Final Plat as Part of a PUD. If a subdivision of land is included as a part of the PUD, and after obtaining all required approvals and signatures as provided in Section 17.225, the applicant shall:

- (1) File the Map or Plat with the County Clerk within 30 days. Failure to file within 30 days will render the Final Plat null and void, and will require resubmission of the Preliminary Plat to the Planning Commission.
- (2) Immediately after Final Plat approval, file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS Chapter 92.
- (3) File copy of survey with the County Surveyor and City Engineer.

18.066 Filing Approved Final Plan. Within 30 days of final approval of the Final Plan, if units of ownership not involving the subdivision or partitioning of land are to be offered for sale, the applicant shall file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS 92. Failure to file within 30 days shall render the Final Plan null and void, and will require resubmission of the Preliminary Plan to the review body.