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Article 7: Hearing Bodies and Review Authority

7.010 Purpose

The purpose of this Article is to set forth the method of appointment and land use review authority of the Director, Hearings Officer, Planning Commission, Historical Buildings and Sites Commission and City Council.

7.020 Director

7.021 **Appointment.** The Director shall be appointed by the City Manager as an employee of the City, according to City personnel procedures.

7.022 **Review Authority.** The Director shall have the authority to make a final decision on all land use matters requiring a Type I or Type II procedure, as provided in Sections 2.030 and 2.040, issue a Development Permit, as provided in Section 3.070, and interpret this Code, as provided in Section 1.051.

7.030 Hearings Officer

7.031 **Appointment.** A Hearings Officer may be appointed by the City Manager on a contractual basis and according to City contract procedures. The Director shall make an annual report to the City Manager regarding the performance of the Hearings Officer.

7.032 **Review Authority.** The Hearings Officer may have the authority to make a final decision on land use matters requiring a Type II or Type III procedure as established by the Director and approved by the City Council.

7.040 Urban Area Planning Commission

7.041 **Purpose.** The Urban Area Planning Commission is established to perform the functions authorized by statute in accordance with the authority provided in City and County law, policy, intergovernmental agreement and any City/County interpretations related to such laws, policies, or agreements.

The Urban Area Planning Commission shall perform its functions and duties for that portion of Josephine County within the Grants Pass Urban Growth Boundary Area, including the City of Grants Pass. Both the Urban Area Planning Commission and the Josephine County Rural Planning Commission shall have jurisdiction for recommendations regarding the location of, and amendments to, the Urban Growth Boundary.

Appointment and Service.

- (1) Joint Appointment. The Planning Commission shall consist of eight members, four appointed by the City Council and four appointed by the Board of County Commissioners.
- (2) Term of Office. Unless a members' term of office is otherwise terminated pursuant to this Code, a member of the Commission shall hold office for four years after appointment.

A commission member appointed by the City Council may be removed by the City Council for misconduct, in the Council's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member appointed by the City Council from office shall be by resolution of the City Council. Any vacancy of city appointees to the Commission occurring other than at completion of a term of office shall be filled by the City Council for the unexpired term of the predecessor in office.

A commission member appointed by the Board of Commissioners may be removed by the Board of Commissioners for misconduct, in the Board's sole judgment and discretion, or for non-performance of duty. Non-performance of duty includes, but is not limited to, the failure of a commission member to attend any three consecutive regular meetings of the Commission unless such absence has been upon leave granted by the Commission. Removal of the commission member appointed by the Board of Commissioners from office shall be by resolution of the Board of Commissioners. Any vacancy of county appointees to the Commission occurring other than at completion of a term of office shall be filled by the Board of Commissioners for the unexpired term of the predecessor in office.

- (3) Profession or Business. Members appointed to the Urban Area Planning Commission shall qualify under the standards established in ORS Chapter 215 for appointment of County Planning Commissioners and shall qualify under the standards established in ORS Chapter 227 for appointment of City Planning Commissioners.
- (4) Residence. The members of the Urban Area Planning Commission appointed by the City shall reside within the Urban Growth Boundary, whether within the City limits or the Urbanizing Area. The members of the Urban Area Planning Commission appointed by the County shall reside or own property within the Urban Growth Boundary and be residents of Josephine County.

Appointments should generally strive to provide for geographic representation throughout the Urban Growth Boundary Area.

- (5) Compensation. Urban Area Planning Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses actually incurred.

7.043 Staffing. The Urban Area Planning Commission shall be adequately staffed by both the City and County. The City shall be the administrative lead agency for the Urban Area Planning Commission and responsible for initiating the Commission agenda, establishing the time and place of Commission Meetings, and contacting Commissioners. Agendas for the Urban Area Planning Commission shall be established by the City Director of Community Development, with the consent of the County Planning Director, and the Chairman or Vice Chairman of the Urban Area Planning Commission.

When the provisions of the Intergovernmental Agreement provide for City authority or responsibility to perform those functions otherwise performed by the County, the provisions of this Section assigned to the County shall be performed by the City counterpart.

7.044 Administrative Procedure and Report Format.

- (1) Members of the Urban Area Planning Commission shall have the power to elect officers and adopt parliamentary rules and do all other things reasonably necessary to carry out their duties as prescribed by these provisions.
- (2) Administrative procedures and report format shall be in accordance with Sections IV and V of the adopted 1998 Intergovernmental Agreement between the City of Grants Pass and Josephine County, or as thereafter amended or interpreted.

7.045 Applications and Fees. Applications for permits or hearings before the Urban Area Planning Commission shall be made in accordance with the provisions of the adopted intergovernmental management agreement between the City of Grants Pass and Josephine County.

7.046 Review Authority, Other Functions, and Additional Duties

- (1) Review Authority. The Planning Commission shall have the authority: (a) to make a final decision on all land use matters requiring a Type III procedure, (b) to make recommendations to the City Council or Board of County Commissioners, as appropriate, on all land use matters requiring a Type IV procedure, (c) to make recommendations on land use matters of joint deliberation requiring a Type V procedure, when requested by the Board and Council or when otherwise specified in the Intergovernmental Agreement, the Comprehensive Plan, or the Development Code, and (d) to hold hearings and make recommendations on amendments to the Comprehensive Plan Findings, Goals, Policies, Land Use Maps and Urban Growth Boundary to the City Council and Board of County Commissioners.

- (2) Additional Advisory Functions. The Urban Area Planning Commission shall make recommendations regarding Urban Growth Boundary Amendments and Urban Service Policy Amendments.
- (3) Other Functions. The Planning Commission shall also have authority over any additional matters authorized in ORS 215 and ORS 227 as may be specifically granted by the City and County.
- (4) Additional Duties. Among the various duties of the officers of the Urban Area Planning Commission shall be the responsibility of the Chair or Vice-Chair to report semi-annually on the activities of the Commission at regularly scheduled sessions of the Board of Commissioners and City Council.

7.047 Quorum. Five (5) members of the Urban Area Planning Commission shall constitute a quorum; however, when a quorum is present, a simple majority of Commissioners voting on any issue shall be significant to resolve such issue. For quasi-judicial hearings, Section 8.044 governs the effect of abstentions on a quorum and actions when there is lack of quorum. For legislative hearings, Section 9.043 governs the effect of abstentions on a quorum.

7.048 Meetings. The Commission shall meet at least once a month at such times and places as may be fixed by the Commission. Special meetings may be called at any time by the Chair or any three members delivering a written demand for a special meeting upon the Chair. In either case, the Chair shall proceed to call a special meeting by giving each Planning Commission member and the local media at least twenty-four hours notice of such special meeting, and all other noticing and actions required in accordance with open meetings law.

7.049 Expenditures. The Urban Area Planning Commission shall have no authority to make any expenditure on behalf of the City of Grants Pass or Josephine County, or to obligate the city or county for the payment of any sums of money, except such sums as said city or county shall have first authorized.

7.050 Mayor and City Council

7.051 Election. The Mayor and members of the City Council are the elected representatives of the City of Grants Pass, elected or appointed as provided by the City charter and State law.

7.052 Review Authority.

- (1) The City Council shall have the authority to make a final decision on all land use matters requiring a Type IV procedure within the City limits, and outside the City limits subject to an annexation contract.
- (2) The City Council shall have the authority to make a final decision or participate jointly in a final decision with the Board of County Commissioners on all land use

matters requiring a Type V procedure as provided in the joint Urban Area Services Management Agreement.

7.060 Historical Buildings and Sites Commission

7.061 Purpose

The purpose of the Historical Buildings and Sites Commission is to identify, recognize, and preserve significant properties related to the history of Grants Pass; encourage the rehabilitation and on-going viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; and encourage cultural heritage tourism.

In preparing and implementing the historic preservation program, the City of Grants Pass shall comply with all federal and state laws relating to historic preservation. Oregon Administrative Rule 660-023-0200 provides primary guidance to local jurisdictions on Historic Preservation. This rule may be amended by the state from time to time and such amendment may result in a conflict between the state requirements and this Development Code. In all cases, the City will follow state rules.

7.062 Appointment and Service

- (1) The Commission shall consist of individuals with a demonstrated positive interest in and knowledge or competence in historic preservation. All reasonable efforts must be made to appoint those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties. The members must be residents of the city. Members must serve without compensation but are eligible for reimbursement of expenses related to their service. The Commission shall be appointed by the City Council and shall consist of the following seven members:
 - (a) Two representatives from local historical societies in Grants Pass,
 - (b) One representative who is either the owner of a property located within the Historic District, the owner of a property located within a Conservation District, or the owner of a Historic Landmark as defined by Section 13.312 of the Development Code and Designated under Section 13.420 of the Development Code.
 - (c) One representative who is the owner of a business located within the Central Business District of the City of Grants Pass,
 - (d) One representative who is either a licensed designer or architect or retired licensed designer or architect, or, if no candidate is available who is either a licensed designer or architect, the City Council may appoint a representative with similar credentials, with preference given to those candidates with historic preservation experience and training,

- (e) Two representatives from the citizens at large.
- (2) Terms of Service. The terms of service for members shall be for four (4) years. When any member of the Commission fails to attend three (3) consecutive regular meetings of the Commission, unless his absence has been excused by the Commission, the Commission shall thereupon report this fact to the City Council. The City Council shall thereupon declare the position held by such member vacant and another member shall be appointed to the Commission to serve the unexpired portion of the term of the position so vacant. A vacancy occurring in a position for any reason other than the expiration of the term shall be filled by the appointment of the City Council for the remainder of the term.
- (3) Officers. The officers shall consist of a chairperson and any other officer deemed necessary by the Commission. Officers shall be elected by the Commission members. No individual shall hold the same office for more than two (2) consecutive years.
- (4) Meetings, Quorum, Records and Staff. The Historical Buildings and Sites Commission shall hold official meetings monthly and as called by the chairperson. The Commission may meet less frequently if there is no business to consider, however, the Commission shall meet at least four times a year. A quorum at Commission meetings shall consist of a simple majority of members. The City Community Development Department shall serve as staff and advisors to the Commission. The Department Director, or designee, shall serve as the Historic Preservation Officer.

Notice of Commission meetings shall be in accordance with applicable state law. Meeting minutes, applications for a Certificate of Appropriateness, Landmark nominations, records of designation, staff reports, and decisions of the Commission shall be created and maintained as public records in accordance with applicable local and state law.

- 7.063 Hearing Rules. The Historical Buildings and Sites Commission shall follow the Quasi-Judicial Land Use Hearing Rules as provided in Section 8 of this Code in the conduct of any review procedure required under Section 13.400 of this Code.
- 7.064 Review Authority. The Historical Buildings and Sites Commission shall have the authority: (a) to make a final decision on all historic review matters requiring a Type III procedure, and (b) to make recommendations to the City Council on all historic review matters requiring a Type IV procedure.
- 7.065 Duties and Functions. The Historical Buildings and Sites Commission shall have the following duties and functions:
 - (1) Promotion: Promote to the community the economic, cultural, social and visual importance of historic preservation.

- (2) Education: Provide education, training and research services to the schools, colleges and libraries, and property owners including information on design, building materials, preservation tax credits and other financial incentives, information on how to research the history of a building or site, and information on sources of technical and financial assistance.
- (3) Advice: Advise the City Council, Board of County Commissioners, Urban Area Planning Commission, Josephine County Historical Society, property owners and other interested agencies, boards, commissions or citizens on matters related to historic preservation within the City and urbanizing area. The Commission must comment on National Register nominations and on work conducted under the Federal Tax Credit Program, Oregon Special Assessment Program, and Applications under ORS 358.653 or Section 106 of the Historic Preservation Act as requested by the Oregon State Historic Preservation Office or as the Commission chooses. Upon request, the Commission must provide the Oregon State Historic Preservation Office written comments on or before the stated deadline regarding the eligibility of historic resources for listing in the National Register of Historic Places. The Commission must hold a noticed public hearing as part of their deliberations and consider public testimony when writing comments.
- (4) Research: Identify and evaluate areas of archaeological significance; buildings of historic or architectural significance; historic landmarks; and areas of concentration of such sites within the City. Provide additional information on buildings that are identified as historic landmarks or that are being considered for historic landmark designation. The Commission shall maintain a Historic Resource Inventory and Resource List consistent with the standards of the Oregon State Historic Preservation Office (SHPO). The Historic Resource Inventory and Resource List enumerates, describes, and determines the eligibility of historic resources for listing in the Local Landmark Register. Not all properties listed in the Historic Resource Inventory and Resource List are eligible for listing in the Landmarks Register. A property need not be first listed in the Historic Resource Inventory and Resource List before being nominated to the Local Landmark Register. The objection of an owner must not prevent a property being inventoried, evaluated, or determined significant for placement on the Historic Resource Inventory and Resource List. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests. The Historic Resource Inventory and Resource List shall be maintained as a public record, except for archaeological sites, the publication of which is prohibited by state law.

Historic Resources must be evaluated for their historic integrity and significance and recorded in the Historic Resource Inventory and Resource List as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Inventory and Resource List shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or the

most recent guidance for such efforts published by SHPO and be supplied to SHPO within six (6) months of the completion of the study.

- (5) Designate: Designate properties to the Local Landmark Register (Resource List) as a means of providing recognition of their significance and providing incentives and guidelines for their preservation. The Local Landmark Register (Resource List) is maintained by the Historic Preservation Officer and shall be available to the public. Historic Resources, including buildings, structures, sites, objects, and historic districts may be designated to the Resource List as provided in Article 13 of this code. The Commission may recommend that the City Council designate a Historic Resource to the Resource List at a public meeting as a Type IV land use action to provide recognition of its significance. The Commission may recommend additional protections to supplement the regulations for historic preservation contained in this code to the City Council as part of the designation process necessary for the protection of a Historic Resource recommended for designation to the Resource List. This City of Grants Pass and any person, group, or government agency may nominate a Historic Resource for designation to the Resource List, provided the proposed Historic Resource is not the subject of a pending application for alteration, relocation or demolition. A permit to demolish or modify a Historic Resource under consideration for designation to the Resource List must not be issued for 120 days from the date of the owner’s refusal to consent to designation or the application to alter, relocate, or demolish the Historic Resource, whichever occurs first.

- (6) Enforce: The Commission must support the enforcement of all federal and state laws relating to the protection of National Register Resources, Archaeological Sites, and Archaeological Objects regardless if they are designated on the Resource List. The Commission must enforce design guidelines for Historical and Conservation Districts and individual properties.

REVISIONS	
DATE	ORD #
3/6/96	4853
8/1/84	4518
5/31/01	5062
6/6/07	5404
11/4/09	5499
6/6/18	5735
12/5/18	5747
4/21/21	21-5802