

URBAN AREA PLANNING COMMISSION

MEETING MINUTES

April 13, 2016 – 6:00 P.M.

Court Yard Conference Room

1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Vice Chair Jim Coulter and Commissioners Loree Arthur, David Kellenbeck, Blair McIntire, Dan McVay, Lois MacMillan, and Robert Wiegand were present. Also present and representing the City was Parks & Community Development (hereafter: PCD) Director Lora Glover and PCD Senior Planner Joe Slaughter. City Council Liaison Rick Riker was present as well.

2. VOLUNTEER OF THE YEAR DISCUSSION - Darin Fowler:

- The Volunteer dinner will be held at Reinhart Park on July 14th. Three awards will be given for the Volunteer of the Year, for the Volunteer Group of the Year, and the Future Citizen of the Year. The deadline for applications is June 1st. Additional application forms can be found at City Administration or on the City website. Please nominate anyone you feel is deserving.

3. ITEMS FROM THE PUBLIC: None.

4. PUBLIC HEARING:

a. 201-00103-16 & 301-00100-16: Major Site Plan Review and Major Variance ~ Gospel Rescue Mission Indoor Industrial Building - Pg. 1-64

- Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 201-00103-16 & 301-00100-16: Major Site Plan Review and Major Variance ~ Gospel Rescue Mission Indoor Industrial Building. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed and the

matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which apply in this case are noted in the staff report. If you would like a copy of the staff report please let us know and we will try and get you one. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. The hearing will now proceed with a report from staff.

- Joe gave the staff report.
- It was brought up that the lease says they need prior consent for the variance; the Commission would like to confirm they have that consent.
- Alan Harper with Ausland Group – 130 A Street Ashland, OR 97520
- Mr. Harper let the Commission know that this was a very challenging project with a challenging piece of property. His job is to get the design to work with this odd piece of property. It is a narrow strip of land and trying to find an indoor industrial use that will meet the land was difficult.
- It was challenging - we wanted to build out as much of the side as possible, while trying to respect as much of the code as possible. Had the building shift from a more retail use to a more industrial look as it moves down foundry. Tried to meet a balance between uses and keep a pedestrian feel at the retail area while keeping with the spirit of the policy of the code.
- Willing to add windows in the back and made an amendment in the plan.
- To answer the Commissions question there was no formal consent on the lease but they will be sending in forms to have written consent.
- Ken Emilio – Gospel Rescue Mission, 1300 Pinecrest Dr. Grants Pass, OR 97526

- In addressing concerns about the lease holders saying no to the request Mr. Emilio said that they aren't asking for anything more than they already have from railroad. He is confident in the railroad granting permission
- They are asking the Commission to help make a multi-purpose facility that can act as a food packaging area, a clothing donation area, a donation center, a thrift store, and a shelter.
- The cut out in the front works well for a bus stop area for the children that are at the shelter.
- "Commissioner Kellenbeck asked what happens to the entrance on Foundry, what happens to it during the week? Is it a walk up or does someone park there and try to walk in?"
- Right now the access to the building is from the back of the building by the parking lot. Foundry entrance is part of retail front, but no parking will be accessible and it will mainly be used to get kids in and out.
- Bernie Beck 234 peppermint lane – Bernie owns property close by and is concerned that this may attract more homeless to camp out in the surrounding neighborhoods. She has concerns about the safety of the area.
- Lora let it be known that Public Safety had their own concerns when the sobering center went in and they said additional forces would be put in the area to avoid that happening. With the addition of the sobering center these people may be there rather than on the street.
- Mr. Emilio let it be known that they have been restricting services and increasing standards to keep unsavory people away.
- Mr. Harper let the Commission know that the cross access easement is only on railroad property and asked that the condition be modified to reflect that the easement permissions will not be required.
- The commission asked Lora if the number should be kept in the discretionary. Lora said to keep it in the motion a staff is going to amend the recommendation on the staff report. The applicant is comfortable with the time frame of May 11th.

MOTION/VOTE

Commissioner MacMillian moved and Commissioner Coulter seconded the motion to approve the variance of the five feet into the required ten foot setback. The vote resulted as follows: “AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners Kellenbeck, McIntire, Arthur, MacMillian, Wiegand, and McVay. “NAYS”: None. Abstain: None. Absent: None.

The motion passed.

Commissioner Kellenbeck moved and Commissioner McIntire seconded the motion to approve the site plan with the two additions of the window above the exterior shown on exhibit nine and the modified condition of A.1.a and the exclusion of conditions A.2.c.i and A.2.c.ii. The vote resulted as follows:

“AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners Kellenbeck, McIntire, Arthur, MacMillian, Wiegand, and McVay. “NAYS”: None. Abstain: None. Absent: None.

The motion passed.

5. CONSENT AGENDA:

a. FINDINGS OF FACT: 201-00103-16 & 301-00100-16: Major Site Plan Review and Major Variance ~ Gospel Rescue Mission Indoor Industrial Building - Pg. 65-87

- Moved to May 11, 2016.

6. OTHER ITEMS/STAFF DISCUSSION:

- None.

7. ITEMS FROM COMMISSIONERS:

- Commissioner Coulter asked if City Council sees the minutes. He is wanting to make sure that Council has the opportunity to see Ms. Beck's safety concerns.
- The commission wants to make sure we're getting what we asked for and approved on future projects.
- Lora let the Commission know that in the future when we see items in the artist rendering staff will be careful to make sure they are conditioned to be included in the site plan.

- Commissioner Arthur will be gone for 6 weeks in England for the month of July until the middle of August.

8. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 7:05 P.M.

Gerard Fitzgerald, Chair
Urban Area Planning Commission

Date

These minutes were prepared by Carlie Paulsen, Administration Department, City of Grants Pass.

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

**GOSPEL RESCUE MISSION INDOOR INDUSTRIAL BUILDING
MAJOR SITE PLAN AND MAJOR VARIANCE
FINDINGS OF FACT**

Procedure Type:	Type III: Urban Area Planning Commission Decision	
Project Number:	201-00103-16 & 301-00100-16	
Project Type:	Major Site Plan Review & Major Variance	
Owner:	Gospel Rescue Mission, Central Oregon & Pacific Railroad, Inc.	
Applicant:	Gospel Rescue Mission	
Representative:	Ausland Group	
Property Address:	530 SW Foundry Street	
Map and Tax Lot:	36-05-18-AC, TL 6800	
Zoning:	BP ~ City	
Size:	0.89 acre	
Planner Assigned:	Joe Slaughter	
Application Received:	March 4, 2016	
Application Complete:	March 4, 2016	
Date of Staff Report:	April 6, 2016	Due: 04/06/16
Date of Hearing:	April 13, 2016	
Date of Findings of Fact:	May 11, 2016	
120-Day Deadline:	July 2, 2016	

I. PROPOSAL:

The application is for a Major Site Plan Review and associated Major Variance to front yard setback, to construct a 7,027 square foot multi-use facility, with an additional 1,403 square foot optional mezzanine space above the retail area, on Tax Lot 6800 and adjacent property owned by the Central Oregon & Pacific Railroad ("Railroad"), similar to the parking and access on Railroad property currently serving the Mission campus. The Mission leases from the Railroad, this 20,750 square feet of land commencing at Milepost 474.26 for parking and access under document CORP-001201, dated 11/30/2000. This third phase building of the Mission campus is on the undeveloped portion of Tax Lot 6800, a narrow peninsula of land bordered by Railroad ownership and right-of-way to the north, fully developed commercial use to the west, the existing phases of the Missions campus on the remainder of the Lot to the east and Foundry Street right-of-way to the south. The project will include expanded parking areas to serve the entire campus, related vehicle access, landscaping and new trash facilities. The application includes a Major Variance request to allow for a reduced (zero for portions and 4.5 feet for portions) front yard setback along Foundry Street. The property is in the BP zoning district.

II. AUTHORITY & CRITERIA:

Per Section 12.029, Schedule 12-2, the proposed uses within the BP zone are either Type I or Type II reviews (depending on adjacent uses and zones) but the applicant is seeking a variance so the entire application will be processed as one Type III application (per Section 2.020, Schedule 2-1). Sections 2.050 & 7.040 of the Development Code authorize the Urban Area Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny.

The decision must be based on the criteria contained in Sections 6.060 and 19.052 of the Development Code.

III. PROCEDURE:

- A. An application for a Major Site Plan Review and a Major Variance was submitted on March 4, 2016 and deemed complete that same day. The application was processed in accordance with Section 2.050 of the Development Code.
- B. Public notice of the April 13, 2016 hearing was mailed on March 23, 2016, in accordance with Section 2.053 of the Development Code.
- C. A public hearing was held on April 13, 2016 and the Planning Commission voted unanimously to approve the Major Site Plan, Major Variance, and discretionary architectural review request with the conditions attached in the Staff Report.

IV. 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.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on April 13, 2016, attached as Exhibit "B", summarize the oral testimony presented and are hereby incorporated herein.
- C. The PowerPoint given by staff is attached as Exhibit "C".

V. APPEAL PROCEDURE:

Section 10.050, City of Grants Pass Development Code, provides for an appeal of the commission's decision to the Grants Pass City Council. An appeal must be filed with the Director within twelve (12) calendar days of the Urban Area Planning Commission's oral decision, and a statement of grounds to the appeal must be filed with the Director within seven (7) calendar days of the Planning Commission's written decision.

VI. GENERAL FINDINGS:

A. Characteristics of the Property:

1. Land Use Designation:
 - a. Comprehensive Plan: Business Park
 - b. Zone District: BP
 - c. Special Purpose District: None
2. Size: 0.89 acre
3. Frontage: SW Foundry Street (Local) and SW G Street (Arterial)
4. Access: SW Foundry and SW G Street
5. Existing Public Utilities:
 - a. Water: 8-inch main in SW Foundry and SW G.
 - b. Sewer: 8-inch main in SW Foundry.
 - c. Storm: 12-inch main in SW G and partial 12-inch main in SW Foundry.
6. Topography: Essentially flat.
7. Natural Hazards: None identified.
8. Natural Resources: None identified.
9. Existing Land Use: A portion of the site is developed with buildings for other Gospel Rescue Mission services.
10. Surrounding Land Use:

North:	BP ~ Railroad right-of-way
South:	BP & GC ~ Commercial and residential
East:	CBD ~ Park and commercial
West:	BP ~ Food pantry

B. Discussion:

The Gospel Rescue Mission ("Mission") is a community service organization that serves the needy of Josephine County by providing food, clothing, shelter, and education. The Mission currently cares for over 130 people every day of the year at the existing facilities at 540 SW Foundry in Grants Pass. The proposed new facility is located on the same lot as the current facilities and will continue the same vision as the existing facilities.

This project will allow the Mission to consolidate and expand existing operations on to the Mission campus. The layout of the building and configuration reflects various operations which include: Community Recycling, Work Skills Training, Micro-

Entrepreneur Development and Education, Food Processing and Storage, Donation Drop-Off, Warehouse, and Retail.

The Project will include uses that are within the Use Classification of "Indoor Industrial" and uses accessory to permitted uses as listed on Schedule 12-2.

The Mission is seeking a Variance from the Industrial set back standards set forth in Schedule 12-9, and subsequently impacted landscape areas, to allow development of a proposed building. The proposal is for full development of the depth of the property to allow functional warehouse and storage space. The Mission has proposed that the building be designed in order to comply with set back and front yard landscaping for the portion of the building that is open to the public and will house the accessory retail use. This concept will also break up the mass of the Industrial building. BP zoning (not adjacent to commercial or residential zoning) allows zero lot line development on side and rear yards. The applicant will be required to obtain a "no-build" easement from the Railroad in order to construct openings exiting from the proposed building directly onto the Railroad property / parking and vehicle area at the rear of the development.

The application is also subject to meeting the commercial design standards of Article 20. The applicant had originally elected the standard architectural review procedure but then requested Discretionary Review for a portion of the building elevations at the Planning Commission hearing. As conditioned below, the application will be in compliance with the requirements of Article 20.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

A. Major Variance:

Section 6.060 of the Development Code states that previously granted variances shall not be considered to have established a precedent. The review body shall approve, approve with conditions, or deny the application. No variance shall be granted unless the review body finds that all of the applicable criteria under (A) and (B) have been satisfied.

The applicant seeks a Variance from specific set back standards and to the extent relief is sought there by limiting the area (yards) surrounding the proposed building, the proposal consequentially seeks relief from certain portions of the landscape code in relation to landscaping in front yards and adjacent to buildings. Specifically, the applicant is also requesting relief from yard landscaping standards, reducing the amount of landscaped area adjacent to the building and providing only one street tree, as set forth on the conceptual site plan.

(A) Qualifying Condition. The applicant shall demonstrate that the following elements are present to qualify for a variance.

Criterion (1) Unique Physical Constraint or Characteristic. The applicant has clearly described the nature of a unique physical constraint or characteristic of the property to which the variance application is related. The constraint is related to the particular property for which the variance is sought, regardless of the owner, and it does not relate

to other property or personal conditions of the owner or applicant, such as personal financial circumstances or inconvenience. Either:

- a. The property has unique physical constraints or characteristics peculiar to the land involved, over which the applicant has no control, such as lot size or shape, topography, natural features, or other physical conditions on the site or in the immediate vicinity, which are not typical of other lands in the same zoning district subject to the same regulation; or
- b. The property has existing development, conforming or nonconforming, located such that it poses unique constraints to the further development of the property in full compliance with the standards of this Code.

Planning Commission Response: Satisfied. The subject property, as shown on the attached Site Plan, has unique physical constraints by virtue of its extremely narrow depth and committed surrounding development. Its designation as Industrial (Business Park) makes accommodating any sort of industrial facility extremely difficult to develop.

Criterion (2) Self-Created Constraint. If the review body finds the unique constraint described in Subsection (1) was self-created, the property shall only qualify for a variance if the review body determines that the self-created constraint can no longer be reasonably eliminated or reversed, or that it is in the public interest to grant a variance rather than require the owner to eliminate the self-created constraint. A situation shall be considered self-created if:

- a. A current or previous owner created the unique physical constraint or characteristic by dividing, reconfiguring, or physically altering the property in a manner such that it could only be subsequently developed, or further developed, by obtaining a variance to the regulations in effect at the time of alteration; and
- b. At the time the current owner altered or acquired the property, he could have known that, as a result of the deliberate alteration, the property could only be developed, or further developed, by obtaining a variance.

Planning Commission Response: Satisfied. The constraint of the subject property was not self-created. The narrow depth of the property is the result of its location between the railroad property/right-of-way and the Foundry Street right-of-way.

Criterion (3) Need for Variance. The applicant has demonstrated that a variance is necessary to overcome at least one of the following situations:

- a. Allow Reasonable Use of an Existing Property. Due to the unique physical constraint or characteristic of an existing lot or parcel, strict application of the provisions of the Development Code would create a hardship by depriving the owner of the rights commonly enjoyed by other properties in the same zoning district subject to the same regulation. The variance is necessary for preservation of a property right of the owner, substantially the same as is possessed by owners of other property in the same district subject to the same regulation.

- b. Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels. There need not be a hardship to the owner to qualify for a variance under this Subsection. Due to the unique physical constraint or circumstance, the variance is necessary to better achieve the public purposes of the Comprehensive Plan and Development Code, with minimum deviation from standards. The variance will allow preservation of scenic, natural, or historic resources or features; allow a lot arrangement that represents a more efficient use of land; avoid odd shaped lots or flag lots; or alleviate other unique physical conditions to better achieve public purposes.

- c. Allow Flexibility for Expansion of Existing Development. The location of existing development on the property poses a unique constraint to expansion in full compliance with the Code. The variance is needed for new construction and site improvements in order to provide for efficient use of the land or avoid demolition of existing development, where the public purpose can be substantially furthered in alternate ways with minimal deviation from standards.

Planning Commission Response: Satisfied. The applicant has demonstrated that it has requested the least amount of Variance necessary to make reasonable use of the property as Indoor Industrial / Warehouse. Industrial uses generally occur on larger lots in order to accommodate the processing, warehousing and storage needs associated with this sort of employment creation. Section 12.352 requires a minimum depth of 100' for the creation of a new BP zoned lot. This portion of the parcel is only 44' deep, less than half of the minimum lot depth for Business Park zoning. The variance requested by the applicant satisfies the standard of (3)(a) in that it is the minimum variance necessary to allow reasonable use of the existing property.

The Goals of the Comprehensive Plan for Industrial zoned lands being utilized for job creation are better met by allowing this variance to overcome the uniquely narrow lot depth. Indoor Industrial uses such as those proposed by the applicant require a certain amount of warehouse and storage space to operate. This variance will allow this property to be developed consistent with the Comprehensive Plan goals for employment and economic development.

Criterion (4) No Other Reasonable Alternative. Reasonable alternatives to comply with the provisions of the Development Code have been exhausted. No reasonable alternatives have been identified that would accomplish the same purpose in accordance with the Code without the need for a variance. If applicable, the applicant shall, at a minimum, demonstrate that the following are not reasonable alternatives instead of the requested variance:

- a. Lot line adjustment.
- b. Modified setback option, pursuant to Section 22.200.
- c. Alternate solar standards, pursuant to Section 22.623.

Planning Commission Response: Satisfied. There is no other reasonable alternative to the relief sought. The property is bordered by public ROW to the south, Railroad property (which includes Railroad ROW) to the north and property fully developed and

committed to the west. There is no opportunity for a lot line adjustment to address the unusual depth of the property designated for this range of Industrial primary uses. The other potential tools of Section 22.200 and 22.263 address relief suitable for residential development only.

- (B) **Result of Relief.** If the review body finds the proposal for a variance based on the criteria in Subsection (A) above, the review body shall only approve the proposal if it finds the specific proposal is consistent with the following criteria.

Criterion (5) Best Alternative. When a variance is needed for a purpose identified in Subsection (3) above, the proposed variance shall be the best alternative to achieve the purpose compared with variances to other standards that could accomplish the same purpose. The best alternative will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code, with the least impact to other properties and the public interest. Impacts to public facilities, substantial natural features, and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.

Planning Commission Response: Satisfied. Allowing the modified setbacks, and related modified landscaping, will allow the reasonable use of the property for Indoor Industrial uses. To the extent the applicant can, it has demonstrated limiting the amount of relief sought and conformance with the expressed setback and landscaping provisions of the Code for the retail portion of the building, seeking the relief specifically for those portions related to the Indoor Industrial uses. This proposal will allow reasonable job creation and economic development as well as serving the public good as provided by the Mission.

Criterion (6) Minimum Deviation. Adherence to the standards of this Code shall be maintained to the greatest extent that is reasonably possible while accomplishing the purpose in Subsection (3). The deviation from standards shall be the minimum necessary to accomplish the purpose, and shall not convey a special right to the property that is not available to properties in the same zoning district subject to the same regulation.

Planning Commission Response: Satisfied. Allowing the modified setbacks, and related modified landscaping, will allow for reasonable use of the property for indoor industrial. To the extent the applicant can, it has demonstrated limiting the amount of relief sought and conformance with the expressed setback and landscaping provisions of the Code for the retail portion of the building, seeking the relief specifically for those portions related to the indoor industrial uses. This proposal will allow reasonable job creation and economic development as well as serving the public good as provided by the Mission.

Criterion (7) No Hazard. The proposal shall not pose a public safety hazard such as a visual obstruction or traffic hazard, and shall not obstruct pedestrian or vehicular movement or impede emergency access.

Planning Commission Response: Satisfied. The proposal does not create any public safety hazard.

Criterion (8) Plan and Ordinance Consistency. The proposal shall not adversely affect implementation of the Comprehensive Plan, and shall not be materially detrimental or injurious to the purposes of the Comprehensive Plan or Development Code; other applicable plans, policies, or standards; or other properties in the same district or vicinity.

Planning Commission Response: Satisfied. The project and the Variance sought specifically acts to further the zoning uses for this property.

Criterion (9) Mitigate Adverse Impacts. Adverse impacts shall be avoided where possible and mitigated to the extent practical. If a variance is not necessary to preserve a property right, or if the unique constraint in Subsection (1) was self-created, adverse impacts may be grounds for denial.

Planning Commission Response: Satisfied. The project, with requested Major Variance to front yard setback and associated landscaping, will have sparse landscaping compared to other projects in the BP zone. This shortage of landscaping is further amplified by the location of roll-up doors and a loading zone adjacent to the parking lot, which will not allow for landscaping between the building and the parking lot along most of the north elevation. In order to help mitigate the impact of reduced landscaping along the south and north elevations of the building, as a condition of approval, the applicant shall place additional landscaping along the north side of the new parking lot. This landscaping shall include the following, in addition to the typical parking lot landscaping required along that frontage:

- a. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;
- b. Five 5-gallon and ten 1-gallon shrubs or accent plants;

Criterion (10) No Significant Increase in Residential Density. For development of an existing lot, if the variance is for a reduction to lot area, it shall not result in a significant increase in density. For a land division, the variance shall not result in an increase in density over that permitted by the zoning district, except that when a lot is reduced in size due to dedication of right-of-way, minimum lot area may be reduced by fifty square feet or less.

Planning Commission Response: Not Applicable. The project is strictly Indoor Industrial permitted uses and accessory uses.

Criterion (11) Recommendation of City Engineer. The review body shall consider a written recommendation of the City Engineer when the variance is to any of the following standards:

- a. A street, access, or utility development standard in Article 27 or 28 of the Code.
- b. The Flood Hazard or Slope Hazard provisions in Article 13 of this Code.
- c. To allow encroachment into existing or planned right-of-way or public utility easement. When a variance is authorized to allow encroachment into a right-of-way, the owner shall sign a right-of-way use agreement that specifies the terms and conditions under which the right-of-way may be utilized.

Planning Commission Response: Satisfied with Conditions. Franchise utilities for power and cable/telephone were consulted regarding the proposed encroachment into an area that would typically be dedicated as City Utility Easement (CUE). They had no objections to routing their utilities in the SW Foundry Street right-of-way around the portion of the building proposed with zero setback. As conditioned below, the cost of routing utilities through and around the property will be the responsibility of the development.

The Variance request was routed to the City Engineer for comment. As of the date of this report no comments had been received.

Criterion (12) Additional Criteria. Variances from the street standards in Article 27 of this Code shall meet the additional criteria of 27.121(11)(h)(4) General Design Standards, 27.122(5) Connectivity Standards, and 27.123(15) Street Section Design Standards.

Planning Commission Response: Not Applicable. The applicant is not seeking relief from the street standards.

B. Major Site Plan Review

Site Plan Review is conducted pursuant to Section 19.052 of the GPDC. This Section states that the review body shall approve, approve with conditions, or deny the request for site plan approval based upon the following criteria:

Criterion (1): Complies with applicable development standards: Base Standards of Zoning District, Special Development Standards, Residential Development Standards, or standards as previously approved under the provisions of an optional development plan or other approved permit.

Planning Commission Response: Satisfied with Conditions. As noted above, the subject property is 0.89 acres located within the BP zoning district. The project complies with the Base Industrial Development standards set forth in Section 12.350 and related Schedule 12-9 in regard to building height, roof pitch, access and setbacks (except as relief is sought under a Major Variance above), with the following conditions:

- a. The site plan shows vehicle circulation between the subject property and the property to the west. Show that there is legal access between these two properties.
- b. The applicant shall provide documentation of a no-build easement from the Railroad in order to construct openings exiting from the proposed building directly onto the Railroad property along the north aspect of the proposed building.

The proposal is also subject to meeting the commercial design standards of Article 20 of the Development Code, with the exception of a portion of Section 20.410 to be met through Discretionary Review (see below). The applicant has submitted elevations for the proposed buildings. As conditioned below, the following elevation revisions are required:

- c. Reflect the location of the mechanical equipment and screening in conformance with Section 23.036(4) and Figure 23-6.
- d. Reflect a sheltering element greater than, or equal to, five (5) feet in depth at both entrances to the retail portion of the building, pursuant to Section 20.405(2).
- f. The remainder of the building elevation details have been reviewed and deemed consistent with the requirements of Article 20, with the additional details shown on Exhibit 9 to the staff report. Any proposed changes to building elevation details, aside from those required to be changed through conditions of approval, must be authorized by Planning staff prior to submittal of plans.

Criterion (2): Complies with applicable elements of the Comprehensive Plan, including: Traffic Plan, Water Plan, Sewer Plan, Storm Drainage Plan, Bicycle Plan, and Park Plan.

Planning Commission Response: Satisfied with Conditions.

Traffic Plan: The applicants are proposing to expand an existing driveway on Foundry Street from 24 feet to 48 feet. This driveway will be shared between the existing uses on the property and the new uses. Per Section 27.121(11)(b), Schedule 27-1, 48 feet is the maximum permitted driveway width for Industrial uses. The site plan also shows cross access between the subject property and the parcel to the west. As stated above, the applicants will be required to record a cross access easement between the two properties.

Section 27.121(3) requires a traffic analysis report for uses that produce more than 500 daily trips and/or more than 25 peak hour trips. As shown on Applicant's sheet C3.0, the proposed development is expected to generate approximately 116 daily trips and 14 p.m. peak hour trips.

Water and Sewer Plan: The property is currently served by public water and sewer services. As conditioned below, the applicant shall submit a detailed utility plan that identifies the water and sewer laterals that will be used for the proposed development. All unused utilities shall be properly abandoned as directed by the City of Grants Pass Wastewater Collection Division.

As conditioned below, water service (water mains, meters, etc.) shall only be located with the public right-of-way of SW Foundry Street.

As conditioned below, the applicant is required to provide documentation of a ten (10) foot City Utility Easement (CUE) along all street frontages, with the exception of the portion of the building frontage along Foundry where the Major Variance is applied.

Storm Drainage Plan: As a condition of approval, the applicant is required to submit storm drainage calculations to the Engineering Division as part of the civil engineering submittals. Post development storm water runoff shall not exceed runoff from pre development conditions. The plans show connecting the new drainage to an existing drain line in the railroad right-of-way. As conditioned below, the drainage plans need to show that this existing line is adequate to handle the additional water.

Bicycle Plan: There are existing bicycle facilities on SW G/NW 3rd Street. Since SW Foundry is classified as a local street, there are no bicycle facilities either existing or planned.

Park Plan: The subject property is not listed as park land in the Parks and Recreation Master Plan.

Criterion (3): Complies with all other applicable provisions of this Code, including off-street parking, landscaping, buffering and screening, signage, environmental standards, and Special Purpose District standards.

Planning Commission Response: Satisfied with Conditions.

Landscaping: As conditioned below, the applicant is required to provide a landscaping and irrigation plan, pursuant to the requirements for commercial development in Section 23.032 and parking lot landscaping requirements in Section 23.035, including the following:

- a. In order to help mitigate the impact of reduced landscaping along the south and north elevations of the building, as a condition of approval, the applicant shall place additional landscaping along the north side of the new parking lot. This landscaping shall include the following, in addition to the typical parking lot landscaping required along that frontage (condition from Variance):
 - i. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;
 - ii. Five 5-gallon and ten 1-gallon shrubs or accent plants;
- b. A ten (10) foot landscaped front/exterior yard (with the exception of the portion of the building frontage along Foundry where the Major Variance is applied), including minimum landscape requirements per 1,000 square feet of required front or exterior yard, pursuant to Section 23.032:
 - i. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;
 - ii. Five 5-gallon and ten 1-gallon shrubs or accent plants;
 - iii. Remaining area treated with attractive living ground cover.
- c. Parking lot landscaping, pursuant to Section 23.035:
 - i. Three (3) foot buffer between the parking area and adjacent properties, including an 18-inch hedge for screening;
 - ii. Landscaped end islands at the end of parking rows;
 - iii. Parking lot trees so there are no more than five (5) parking spaces between any parking space and a tree.

- d. Landscape beds or planters at least five (5) feet deep adjacent to a building where the building does not abut a landscaped yard or public sidewalk, pursuant to Section 23.035(4).

Parking: Section 25.031(1) of the Development Code identifies the necessary off-street parking and bicycle spaces that the applicant must provide onsite in association with sum of each proposed use. The applicant has identified the location of spaces and the calculation of the number of necessary spaces and is in compliance with the requirements of Section 25.042. Parking will be in excess of what is required by Code (8 spaces required, 21 spaces proposed). Loading space for the new facility is identified and is provided as required by Section 25.031(2). The ADA accessible space required for this development must be van accessible. One uncovered bicycle space is required.

Although the parking provided for the various uses and the existing facility will also be allowed use of the new parking area, the applicant is providing parking in excess of the minimum required. Parking is located on the adjacent Railroad parcel, to the rear of the entire campus. The applicant is authorized to develop and use the proposed off-site area pursuant to Lease CORP 001201, dated 11/30/2000, as required by Section 25.0054(2).

As conditioned, the parking area will meet the design standards of 25.033. The service drive proposed is appropriately marked and complies with Section 25.033(12).

Buffering and Screening: There is no zone buffer required for this development.

Development subject to the commercial design standards of Article 20 shall also provide screening for refuse containers. As conditioned below, any refuse container or disposal area shall be screened from view with a solid wood fence or masonry wall from five (5) to eight (8) feet in height.

Signage: No new signs are currently proposed by the applicant. Signs are reviewed under a separate application and are not part of this application.

Environmental Standards: No environmental constraints appear to exist on the subject parcel.

Special Purpose District Standards: The property is not located within any special purpose district.

Criterion (4): Potential land use conflicts have been mitigated through specific conditions of development.

Planning Commission Response: Satisfied. No land use conflicts have been identified. The surrounding property is entirely developed and committed with compatible uses.

Criterion (5): Adequate basic urban services are available, or can be made available by the applicant as part of a proposed development, or are scheduled by the City Capital Improvement Plan.

Planning Commission Response: Satisfied with Conditions. As noted above, public water and public sewer utility services are available to the site. As conditioned below, unutilized private sewer laterals shall be properly abandoned as directed.

Franchise utilities for power and cable/telephone were consulted regarding the proposed encroachment (see Major Variance above) into an area that would typically be dedicated as City Utility Easement (CUE). They had no objections to routing their utilities in the SW Foundry Street right-of-way around the portion of the building proposed with zero setback. As conditioned below, the cost of routing utilities through and around the property will be the responsibility of the development.

Criterion (6): Provision of public facilities and services to the site will not cause service delivery shortages to existing development.

Planning Commission Response: Satisfied with Conditions. Urban services provided to the project will not unreasonably impact any existing development.

Franchise utilities for power and cable/telephone were consulted regarding the proposed encroachment (see Major Variance above) into an area that would typically be dedicated as City Utility Easement (CUE). They had no objections to routing their utilities in the SW Foundry Street right-of-way around the portion of the building proposed with zero setback. As conditioned below, the cost of routing utilities through and around the property (this shall include the extension of these services to the west side of the property along SW Foundry Street beyond the building encroachment into the typical setback) will be the responsibility of the development.

Criterion (7): To the extent possible, identified significant resources, such as intermittent and perennial creeks, stands of pine, fir and oak trees, wildlife habitats, historic sites, and prominent land features have been preserved and designed into the project. Alternatives shall be considered and the proposal shall represent the most effective design to preserve these resources.

Planning Commission Response: Not applicable. No natural features or significant resources have been identified on this site that would require special attention or preservation.

Criterion (8): The characteristics of existing adjacent development have been determined and considered in the development of the site plan. At a minimum, special design consideration shall be given to:

- (a) Areas of land use conflicts, such as more restrictive use adjacent or across street from proposal. Mitigate by orienting business operations away from use, additional setbacks, screening/buffering, landscaping, direct traffic away from use.
- (b) Setbacks. Where existing buildings are setback deeper than required by Code, new setbacks to be compatible.
- (c) Transitions between existing development and new development. New development should be consistent with the purpose statement of the base zone but also recognize compatibility with existing, adjacent development.
- (d) Signs. New signs shall not block primary view to existing signs, and shall be sized consistent with Code or existing signs, whichever is less.
- (e) Lighting. Exterior lighting shall not impact adjacent development or traveling motorist.

Planning Commission Response: Satisfied with Conditions. The proposed project is compatible with existing development on the same lot (making up the entire Mission Campus) and other adjacent development. Vehicular access will meet code for access to Foundry Street and connectivity along the Railroad ROW property. The design of the project locates the proposed retail use, and that portion of the building, to the east in order to match existing commercial uses in the area. The “face” of the building is located at the vehicular entry point and is a key visual element as seen from the intersection of Foundry and “G” Street. The applicant is proposing building excess parking, beyond the off-street parking required for the new facility which will help serve the existing Mission Campus and alleviate parking conflicts with the neighbors.

Setbacks along Foundry Street are varied in relation to the proposed uses of the new building in order to break up the massing of the building, seek the least variance possible, and allowing for street landscaping at the public point of contact (the retail use area and vehicular entry point). This approach is consistent with the intent and policies of the Code, as discussed in relation to the Major Variance above.

Signage will be evaluated under a separate application.

As conditioned below, the applicant is required to submit a lighting plan, demonstrating that lighting will not glare on adjacent development or the traveling public.

Criterion (9): Traffic conflicts and hazards are minimized on-site and off-site, as provided in Article 27.

Planning Commission Response: Satisfied with Conditions. Section 27.121(3) requires a traffic analysis report for uses that produce more than 500 daily trips and/or more than 25 peak hour trips. As shown on Applicant’s sheet C3.0, the proposed development is expected to generate approximately 116 daily trips and 14 p.m. peak hour trips.

The applicants are proposing to expand an existing driveway on Foundry Street from 24 feet to 48 feet. This driveway will be shared between the existing uses on the property and the new uses. Per Section 27.121(11)(b), Schedule 27-1, 48 feet is the maximum permitted driveway width for Industrial uses. The site plan also shows cross access between the subject property and the parcel to the west. As stated above, the applicants will be required to record a cross access easement between the two properties.

Criterion (10): If phased development, each phase contains adequate provisions of services, facilities, access, off-street parking, and landscaping.

Planning Commission Response: Satisfied. This project is the final phase of development of the Mission Campus.

Criterion (11): There are adequate provisions for maintenance of open space and other common areas.

Planning Commission Response: Satisfied. The project is in compliance with the Goals and Zone development standards for Business Park.

Criterion (12): Internal circulation is accommodated for commercial, institutional and office park uses with walkways and bikeways as provided in Article 27.

Planning Commission Response: Satisfied with Conditions. Per Section 27.321, private pedestrian ways are required for all commercial and office park uses and may be required for other uses, such as industrial or multi-family residential uses. In this case, the multi-use nature of the proposed facility and existing uses on the property make the requirement for pedestrian facilities appropriate. The proposed site plan shows pedestrian connectivity between the new building and the existing uses via the public sidewalk along the front of the buildings and via a new painted crosswalk at the back of the buildings. The plan also shows a painted pedestrian path between the new parking and the new building. The applicant shall verify that Building Code allows for the overlap between this pedestrian path and the ADA van accessible space. The front door of the new building connects to the public sidewalk on SW Foundry Street via a paved patio area.

Criterion (13): If the property contains existing nonconforming use or development to remain, the application and the Review Body's decision shall also be consistent with the provisions of Article 15, including any additional standards, relief from the Code, or conditions imposed.

Planning Commission Response: Satisfied. Other than parking and trash - which the applicant has addressed by providing additional parking and the relocation of the trash enclosure, no other elements of the existing development on Tax Lot 6800 has been identified as non-conforming.

C. Architectural Standards

The applicant has elected the "Discretionary Review" procedure to deviate from the Commercial Design Standards of Article 20 of the City of *Grants Pass Development Code (GPDC)*, and has provided testimony addressing the specific standards of Article 20 which are not fully in compliance with the Code but meet the principle of the standards through other proposed features or elements.

Minimum 25% of the width of the building elevation shall contain windows (20.410)

Planning Commission Response: Satisfied. The applicant is proposing to provide windows for at least 25% of the south building elevation, abutting Foundry Street. On the north elevation there will be windows on both the lower and upper floor for the portion of the building that will contain the retail use. There are concerns with security and the appropriateness of windows for the portions of the building that will be used for warehousing and other primarily industrial uses. Rather than provide windows along much of this elevation, the applicants have proposed placing windows in the equivalent second floor height for the center portion of the building. The roll-up doors that will be placed along this elevation will also help to break up the building wall. These door will act as features in lieu of windows in this location.

VIII. DECISION AND SUMMARY:

Based on the above findings, the Planning Commission found the applicable criteria were satisfied and **APPROVED** the request for Major Site Plan Review, the Discretionary Review to the Commercial Design Standards, and the request for a Major Variance to the building setback requirements in Section 12.350, Schedule 12-9 and the deviation from landscaping requirements associated with that variance, with the following conditions.

The vote was 8-0 with Commissioners Fitzgerald, Coulter, MacMillan, Arthur, McIntire, Kellenbeck, Wiegand, and McVay in favor.

NOTE: *Bold Italic Highlighted Text* indicates text added by the Planning Commission that was not contained in the staff report. ~~Strikeout Text~~ indicates text deleted by the Planning Commission from the text that was contained in the staff report.

Conditions of Approval:

A. The following shall be accomplished within eighteen months of the date this report is signed and prior to issuance of a Development Permit. Otherwise, the approval shall expire. Extension of the Site Plan Review approval is permitted pursuant to Section 3.077(2) of the Development Code. Extension of the Development Permit is permitted pursuant to Section 3.093(2) of the Development Code. (NOTE: A development permit is required prior to commencement of construction).

1. Submit four (4) copies of a revised site plan for approval. The plan shall display the following information:
 - a. Show **legal access easement between the parking lot for the subject property (on railroad property) and the parking lot for the property to the west (also on railroad property)**. ~~If this access is needed to meet fire access then a cross-access easement must be recorded for each of the two properties. Provide supporting documentation for required easements.~~
 - b. Show a no-build easement from the Railroad in order to construct openings exiting from the proposed building directly onto the Railroad property along the north aspect of the proposed building. Provide supporting documentation for required easement.
 - c. Show that any refuse container or disposal area shall be screened from view with a solid wood fence or masonry wall from five (5) to eight (8) feet in height.
 - d. Submit a lighting plan demonstrating that lighting will not glare on adjacent development or the traveling public.
 - e. Show that the ADA parking space provided is a van accessible space. Verify that Building Code allows for the overlap between the van accessible space and the proposed pedestrian route.

- f. Show that the required space dimensions (20' x 9') for parking spaces are being provided. Spaces can include a 2.5 foot overhang over adjacent walkways and planter areas, but this overhang does not count towards meeting the minimum walkway or planter bed depth.
 - g. The remainder of the site plan details have been reviewed and deemed consistent with the applicable sections of the Code. Any proposed changes to site plan details, aside from those required to be changed through conditions of approval, must be authorized by Planning staff prior to submittal of plans.
2. Revised architectural drawings for the proposed building to reflect the following:
- a. The location of the mechanical equipment and screening in conformance with Section 23.036(4) and Figure 23-6.
 - b. A sheltering element greater than, or equal to, five (5) feet in depth **at both entrances to the retail portion of the building**, pursuant to Section 20.405(2).
 - ~~c. Proper exterior wall treatment with windows and glass doors, pursuant to Sections 20.410, including the following:

 - ~~i. At least 25% of the width of the building elevation shall contain windows at least three (3) feet tall, including the area between three (3) and six (6) feet above the ground; and~~
 - ~~ii. Additional features, at least three (3) feet tall, within three (3) to six (6) feet of the equivalent upper floor height for at least ten (10%) of the width of the elevation on all sections of the building with elevations of more than 18 feet in height.~~~~
 - c. The remainder of the building elevation details have been reviewed and deemed consistent with the requirements of Article 20, **with the additional details shown on Exhibit 9 submitted to the Planning Commission at the hearing**. Any proposed changes to building elevation details, aside from those required to be changed through conditions of approval, must be authorized by Planning staff prior to submittal of plans.
3. A detailed landscape and irrigation plan in accordance with commercial development in Section 23.032 and parking lot landscaping requirements in Section 23.035. The landscape plan shall include the following:
- a. In order to help mitigate the impact of reduced landscaping along the south and north elevations of the building, as a condition of approval, the applicant shall place additional landscaping along the north side of the new parking lot. This landscaping shall include the following, in addition to the typical parking lot landscaping required along that frontage (condition from Variance):
 - i. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;

- ii. Five 5-gallon and ten 1-gallon shrubs or accent plants;
- b. A ten (10) foot landscaped front/exterior yard (with the exception of the portion of the building frontage along Foundry where the Major Variance is applied), including minimum landscape requirements per 1,000 square feet of required front or exterior yard, pursuant to Section 23.032:
 - i. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;
 - ii. Five 5-gallon and ten 1-gallon shrubs or accent plants;
 - iii. Remaining area treated with attractive living ground cover.
- c. Parking lot landscaping, pursuant to Section 23.035:
 - i. Three (3) foot buffer between the parking area and adjacent properties, including an 18-inch hedge for screening;
 - ii. Landscaped end islands at the end of parking rows;
 - iii. Parking lot trees so there are no more than five (5) parking spaces between any parking space and a tree.
- d. Landscape beds or planters at least five (5) feet deep adjacent to a building where the building does not abut a landscaped yard or public sidewalk, pursuant to Section 23.035(4).
- e. An accompanying letter from the designer of the landscape plan stating that the design of the proposed irrigation system can provide irrigation sufficient for the health and survival of the tree and plan species specified in the landscape plan.
- 4. Submit draft documentation (including legal description and maps) to the City of Grants Pass for the following:
 - a. A ten (10) foot CUE along SW G Street and SW Foundry Street up to the point where the building encroaches into the setback;
 - b. A four and one-half (4.5) foot CUE along SW Foundry Street adjacent to the portion of the building with a 4.5 foot setback.
- 5. Provide four (4) copies of the following to the City Engineering Division for review and approval:
 - a. An engineered drainage plan including detention calculations and detention plan with details for drainage swales and detention basins. Post development storm water runoff shall not exceed runoff from pre development conditions. The plans show connecting the new drainage to an existing drain line in the railroad right-of-way. The drainage plans need to show that this existing line is adequate to handle the additional water.

- b. A grading plan if applicable. **Note:** A grading permit is required prior to any grading on site.
- c. An erosion and dust control plan.
- d. A detailed Utility Plan reflecting the following, as required by Public Works:
 - i. An RP backflow device shall be required as “premises” protection on the proposed domestic water service.
 - ii. All “premises” backflow protection devices shall be located within 10 feet behind each public water meter.
 - iii. Water services shall only be located within the public right of way of SW Foundry Street.
 - iv. Additional “point of use” backflow prevention assemblies may also be required internal to the facility dependent upon the types of uses present.
 - v. The developer shall be responsible for all costs related to the relocation and/or adjustment of existing water valves, air releases, water services and blow off assemblies.
 - vi. Any existing fire hydrant abandonment shall be performed by City crews.
 - vii. Water services installed on existing public water mains shall only be performed by City crews.
 - viii. Each fire sprinkler system shall be protected with a DC backflow device with a detector meter. If anti-freeze agents are utilized within the private sprinkler system, an RP backflow device shall be required in place of the DC backflow assembly.
 - ix. All “on-site” public fire lines and fire hydrants, shall be located within a 20 foot unobstructed and drivable public water easement.
 - x. The proposed trash enclosure shall not be located within 10 feet of the existing on site public fire hydrant.
 - xi. 24 hour unobstructed access shall be provided to all public “on site” fire hydrants. If such access is not provided, a private fire line with “city” standard fire hydrants shall be required. The private fire line shall be protected with a DC backflow device with a detector meter. Conditions and requirements related to private fire systems are as follows:
 - Private fire hydrant lines shall only be utilized for fire protection purposes.
 - The private fire hydrant line shall be protected with a DC backflow device with a detector meter. The DC backflow device shall be

located in a vault within the public right of way and behind the sidewalk area. The fire line vault containing the DC assembly shall conform to City of Grants Pass Utility Standards.

- Anti-freeze agents shall not be utilized in private fire hydrant portion of the fire line. Private fire sprinkler lines connected to the private fire hydrant line and containing anti-freeze agents shall require additional RP backflow prevention device protection.
 - Fire hydrants installed upon private fire lines shall be the same type, model, and style as hydrants approved by the City of Grants Pass Utility Division for use on public fire lines.
 - The minimal pipe size of a private fire hydrant line shall be 6 inch. Private fire hydrant lines exceeding 50 feet in length shall be 8 inch in size. Branch line valves shall be installed to enable the individual isolation of each fire hydrant during repairs.
 - Private fire hydrant location and spacing requirements shall be as directed by the City of Grants Pass Public Safety Division.
 - Private fire hydrants shall be inspected on an annual basis by a certified fire system firm or approved equal. Written documentation of all hydrant inspections and repair activities shall be provided annually to the City of Grants Pass Public Safety Division.
 - If a private fire hydrant is turned off (placed "out of service"), the fire hydrant owner shall immediately contact the Public Safety Division with detailed information regarding the affected fire hydrants location and estimated time of completed repairs.
- xii. The TV inspection of the existing private sewer lateral proposed to serve the new facility must to be conducted.
- xiii. Unutilized private sewer laterals shall be properly abandoned as directed by the City of Grants Pass Wastewater Collection Division. Abandonment of existing sewer laterals shall be field verified by Wastewater Collection Crews or the City of Grants Pass Plumbing Inspector.
- e. Enter into a Developer Installed Agreement (DIA), for plan check and engineering inspection services, prior to construction. Contact Engineering for details.
6. Obtain an encroachment permit prior to any work within the right of way, including landscaping, removal or installation of trees, installation of drive approaches or sidewalks, or installation of utilities.
7. The cost of routing utilities through and around the property (this shall include the extension of these services to the west side of the property along SW Foundry

Street beyond the building encroachment into the typical setback) will be the responsibility of the development.

B. The following must be accomplished prior to issuance of a Building Permit:

1. Pay all System Development Charges including, water, sewer, transportation, parks, and storm drain.

Submit construction documents to the Building Division for their review and approval to determine compliance with all Building, Fire and Life Safety, and Americans with Disabilities Act requirements.

- a. Building plans shall be consistent with the approved site plan.
- b. Building must comply with the applicable building and fire codes. The plans must be prepared by an Oregon-licensed design professional.
 - i. If the building is required to have a fire alarm or fire sprinkler, a KNOX Box is required for after-hours access before final fire signoff. Contact the Fire Prevention Division for the required form. OFC 506.1.2.
 - ii. If the building is required to have an Fire Department Connection, a locking KNOX FDC Caps required before final signoff. OFC 912.3.1.
 - iii. If the building does not meet the excluding requirements of OFC 510, the building shall be provided with Emergency Responder Radio Coverage as provided in OFC 510 & Appendix J. OFC 510.1 (4).

3. Submit a sign permit for any proposed freestanding or attached signs.

C. The following must be accomplished prior to issuance of a Certificate of Completion:

1. Development must occur according to the approved site plan, landscape plan, and construction drawings including the items listed below. The developer must contact the Parks & Community Development Department and arrange for a final inspection prior to occupancy to insure compliance.
2. Provide recorded copies of the following documents:
 - a. A ten (10) foot CUE along SW G Street and SW Foundry Street up to the point where the building encroaches into the setback;
 - b. A four and one-half (4.5) foot CUE along SW Foundry Street adjacent to the portion of the building with a 4.5 foot setback.
3. Install parking spaces as reflected on the approved site plan.
5. Parking lots and maneuvering areas must be paved and surrounded with a 6-inch curb (Section 25.033(5) *GPDC*). Individual parking spaces shall be striped.

6. The situs address numbers to be installed so they are clearly visible from the street frontage.
7. All signs are the developers to install. Install signs and pavement markings for the required ADA parking space.
8. Install at least one (1) Type-3 bicycle parking spaces.
9. Comply with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code Act requirements.
10. Comply with all requirements of the Engineering and Utility Divisions.
11. Provide directional pavement markings for vehicle circulation.
12. Installed lighting shall be directional, non-glare and shall not cause glare onto adjacent properties or passing motorists.
13. Install landscaping according to approved plans.
 - a. In order to help mitigate the impact of reduced landscaping along the south and north elevations of the building, as a condition of approval, the applicant shall place additional landscaping along the north side of the new parking lot. This landscaping shall include the following, in addition to the typical parking lot landscaping required along that frontage (condition from Variance):
 - i. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;
 - ii. Five 5-gallon and ten 1-gallon shrubs or accent plants;
 - b. A ten (10) foot landscaped front/exterior yard (with the exception of the portion of the building frontage along Foundry where the Major Variance is applied), including minimum landscape requirements per 1,000 square feet of required front or exterior yard, pursuant to Section 23.032:
 - i. Three (3) trees at least eight (8) feet in height, 1.5 caliper measured three (3) feet from the base;
 - ii. Five 5-gallon and ten 1-gallon shrubs or accent plants;
 - iii. Remaining area treated with attractive living ground cover.
 - c. Parking lot landscaping, pursuant to Section 23.035:
 - i. Three (3) foot buffer between the parking area and adjacent properties, including an 18-inch hedge for screening;
 - ii. Landscaped end islands at the end of parking rows;

- iii. Parking lot trees so there are no more than five (5) parking spaces between any parking space and a tree.
 - d. Landscape beds or planters at least five (5) feet deep adjacent to a building where the building does not abut a landscaped yard or public sidewalk, pursuant to Section 23.035(4).
14. Vegetation should be maintained throughout the year.
 15. All new utilities should be placed underground.
 16. An RP backflow device shall be required as “premises” protection on the existing domestic water service. All “premises” backflow devices shall be located within 10 feet of the public water service.
 17. A DC backflow device shall be required as “point of use” protection on any water service with a multiple zone irrigation system. A DC backflow device shall be required as “premises” protection on any irrigation only service.
 18. Pay all inspection fees incurred by the Engineering and Utility Divisions, as well as all City bills due.
 19. A sign permit is required prior to erection of any signs. Location of a sign within the CUE must be in compliance with Section 9.21.130 of the Municipal Code.

IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 11th day of May 2016.

Gerard Fitzgerald, Chair

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

**LANDON ESTATES SUBDIVISION
TENTATIVE PLAN & MAJOR VARIANCE
STAFF REPORT**

Procedure Type:	Type III: Urban Area Planning Commission	
Project Number:	104-00100-16 & 301-00101-16	
Project Type:	Subdivision Tentative Plan & Major Variance	
Owner(s):	Jantzer & Sons Logging	
Applicant:	Same	
Representative:	Rhine-Cross Group, LLC. Attn: Marc Cross	
Property Address:	395 Grandview Ave	
Map and Tax Lot:	36-05-30-AA, Tls 1100 & 1101 See Exhibits 1 and 2.	
Zoning:	R-3-1 (City)	
Size:	2.47 acres	
Planner Assigned:	Joe Slaughter	
Application Date:	April 1, 2016	
Application Complete:	April 1, 2016	
Date of Staff Report:	May 3, 2016	Due: 05/04/2016
Hearing Date:	May 11, 2016	
120 Day Deadline:	July 30, 2016	

I. PROPOSAL:

The proposal is for a fourteen (14) lot subdivision in the R-3-1 zoning district (see **Exhibit 3** and **Exhibit 4**). The proposal will construct one (1) new public street (Briggs Way) to provide access to proposed lots 3-14 and lots 1 & 2 will take access from Grandview Lane. In conjunction with the application for the subdivision the applicant has applied for a Major Variance to Section 27.123(1)(f) which limits the maximum length of cul-de-sac streets to 250 feet outside of the Slope Hazard area. The subject property is located outside of the Slope Hazard area and the plans include the construction of a cul-de-sac street that is 330 feet long.

II. AUTHORITY:

Section 2.050, Schedule 2-1, Section 6.050 and Section 17.031 of the City of Grants Pass Development Code, authorize the Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny.

III. CRITERIA:

The decision on the Tentative Plan and Major Variance must be based on the criteria contained in Sections 6.060 & 17.413 of the Development Code.

IV. APPEAL PROCEDURE:

Section 10.050, City of Grants Pass Development Code, provides for an appeal of the Urban Area Planning Commission's decision to the City Council. An appeal application and fee must be submitted within twelve (12) calendar days of the Urban Area Planning Commission's oral decision. A statement of grounds to the appeal must be filed within seven (7) calendar days of the Urban Area Planning Commission's written decision.

V. BACKGROUND AND DISCUSSION:

A. Characteristics of the Property:

1. Land Use Designation:
 - a. Comprehensive Plan: Moderate High Density Residential
 - b. Zone District: R-3-1
 - c. Special Purpose District: None
2. Size: 2.47 acres
3. Frontage: Grandview Lane
4. Access: All lots will have access from a public street
5. Public Utilities:
 - a. Existing Utilities:
 - i. Water: 8-inch main in Grandview Lane
 - ii. Sewer: 8-inch main in Grandview Lane
 - iii. Storm Drain: None adjacent to site
 - b. Proposed Utilities:
 - i. Water: 8-inch main in new Briggs Way
 - ii. Sewer: 8-inch main in new Briggs Way
 - iii. Storm: 12-inch main in new Briggs Way and 12-inch main in Grandview Lane to connect to existing storm drainage line in Harbeck Road
6. Topography: Gently sloping down approximately 13 feet from southeast corner to northwest corner of property
7. Natural Hazards: None
8. Natural Resources: None

9. Existing Land Use:

- a. Subject Parcel: Mostly vacant; one existing home
- b. Surrounding: Moderate Density Residential

B. Background:

The proposal is for a fourteen (14) lot subdivision in the R-3-1 zoning district. The development, which will be named Landon Estates, will construct one (1) new public street (Briggs Way) to provide access to proposed lots 3-14 and lots 1 & 2 will take access from Grandview Lane. In conjunction with the application for the subdivision the applicant has applied for a Major Variance to Section 27.123(1)(f) which limits the maximum length of cul-de-sac streets to 250 feet outside of the Slope Hazard area. The subject property is located outside of the Slope Hazard area and the plans include the construction of a cul-de-sac street that is 330 feet long.

The subject property is designated as Moderate High Density Residential by the Grants Pass Comprehensive Plan. The applicant is proposing a subdivision plan with 14 lots ranging in size from 5,026 square feet to 12,551 square feet. The property is located within the Urban Growth Boundary (UGB) but outside of the City limit. A Service and Annexation Agreement (S&A) will be required for this development.

The site is bounded to the west by vacant property also zoned R-3. An assisted living facility has been proposed on this site and therefore a street connection to this property is not needed or wanted. To the north is a developed residential property known as Chicago Co Division, which is a series of partition plats with the property developed into smaller lots as topography has allowed. To the east is developed single family residential properties known as "Sky Way Estates Subdivision" on R-1-8 zoned property. The south property line of this development is the urban growth boundary and also the south high line canal (GPID) and therefore no connection roads are proposed to the south. The site is surrounded by moderate density development and is therefore irrevocably committed to similar use.

The site has direct access to Grandview Lane along the north frontage of the site. There is one existing house on tax lot 1101 which is proposed to remain within Lot 1 of the development. The site is located within the Grants Pass service area for water service, sanitary sewerage service, and storm water management. Other utilities readily available are power, telephone, and cable TV all existing within the right of way of Grandview Lane.

The site consists of Clawson sandy loam (#17B), with hydrologic soil classification B. The site is currently occupied by an existing residential house, with a mix of weeds and grasses covering the areas. The site is "located" on Panel No. 41033C – 0512E of the Flood Insurance Rate Map (FIRM) for Josephine County. The property is outside of all Zone A mapped flood areas.

An emergency turn around in the form of a cul-de-sac is proposed on the new street. Article 27.132 (1)(f) requires cul-de-sacs to be a maximum of 400 feet in the Slope Hazard District, or 250 feet in all other areas. The proposed cul-de-sac is 330 feet long

and the property is not within the Slope Hazard District, therefore a Variance is required by the applicant for the proposed layout. The cul-de-sac length is dictated by the existing property shape and presence of surrounding property development and the GPID main line ditch, therefore the Variance request is not the result of a self-created condition and is unique to this property.

VI. CONFORMANCE WITH APPLICABLE CRITERIA:

A. MAJOR VARIANCE

Section 6.060 of the Development Code states that previously granted variances shall not be considered to have established a precedent. The review body shall approve, approve with conditions, or deny the application. No variance shall be granted unless the review body finds that all of the applicable criteria under (A) and (B) have been satisfied.

A. **Qualifying Condition.** The applicant shall demonstrate that the following elements are present to qualify for a variance.

CRITERION (1): Unique Physical Constraint or Characteristic. The applicant has clearly described the nature of a unique physical constraint or characteristic of the property to which the variance application is related. The constraint is related to the particular property for which the variance is sought, regardless of the owner, and it does not relate to other property or personal conditions of the owner or applicant, such as personal financial circumstances or inconvenience. Either:

- (a) The property has unique physical constraints or characteristics peculiar to the land involved, over which the applicant has no control, such as lot size or shape, topography, natural features, or other physical conditions on the site or in the immediate vicinity, which are not typical of other lands in the same zoning district subject to the same regulation; or
- (b) The property has existing development, conforming or nonconforming, located such that it poses unique constraints to the further development of the property in full compliance with the standards of this Code.

Staff Response: Satisfied. The property and request meet this criterion under subsection (a) above. The applicant is requesting a variance for the maximum cul-de-sac length of 250' to extend it a distance of 80' for a total cul-de-sac length of 330'. The reason for the longer cul-de-sac length is based on the existing shape of the property and the fact that connecting roads to adjacent properties are not practical because the property to the east is already developed with no connecting street, the property to the south is bounded by the GPID south high line canal, and the property to the west is currently being planned for an assisted living facility where a public road is not warranted. The proposal for 14 lots is much less than the 35 units allowed by code. Shortening the cul-de-sac would lessen further the proposed density which is counter to the policy that the City has been promoting trying to maximize density within this type of infill development.

CRITERION (2): Self-Created Constraint. If the review body finds the unique constraint described in Subsection (1) was self-created, the property shall only qualify for a variance if the review body determines that the self-created constraint can no longer be reasonably eliminated or reversed, or that it is in the public interest to grant a variance rather than require the owner to eliminate the self-created constraint. A situation shall be considered self-created if:

- (a) A current or previous owner created the unique physical constraint or characteristic by dividing, reconfiguring, or physically altering the property in a manner such that it could only be subsequently developed, or further developed, by obtaining a variance to the regulations in effect at the time of alteration; and
- (b) At the time the current owner altered or acquired the property, he could have known that, as a result of the deliberate alteration, the property could only be developed, or further developed, by obtaining a variance.

Staff Response: Satisfied. The requested variance is not a self-created constraint for the reasons listed in the section above.

CRITERION (3): Need for Variance. The applicant has demonstrated that a variance is necessary to overcome at least one of the following situations:

- (a) Allow Reasonable Use of an Existing Property. Due to the unique physical constraint or characteristic of an existing lot or parcel, strict application of the provisions of the Development Code would create a hardship by depriving the owner of the rights commonly enjoyed by other properties in the same zoning district subject to the same regulation. The variance is necessary for preservation of a property right of the owner, substantially the same as is possessed by owners of other property in the same district subject to the same regulation.
- (b) Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels. There need not be a hardship to the owner to qualify for a variance under this Subsection. Due to the unique physical constraint or circumstance, the variance is necessary to better achieve the public purposes of the Comprehensive Plan and Development Code, with minimum deviation from standards. The variance will allow preservation of scenic, natural, or historic resources or features; allow a lot arrangement that represents a more efficient use of land; avoid odd shaped lots or flag lots; or alleviate other unique physical conditions to better achieve public purposes.
- (c) Allow Flexibility for Expansion of Existing Development. The location of existing development on the property poses a unique constraint to expansion in full compliance with the Code. The variance is needed for new construction and site improvements in order to provide for efficient use of the land or avoid demolition of existing development, where the public purpose can be substantially furthered in alternate ways with minimal deviation from standards.

Staff Response: Satisfied. The applicant is requesting the variance under subsection (a) and (b) above in that the variance will allow the applicant to create a lot arrangement

that is a much more efficient use of the subject property while working in harmony with the surrounding developments that exist and are proposed. The lengthening of the proposed cul-de-sac by 80 feet will allow the in-fill property to be developed to the greatest density possible given that the applicant wishes to keep the lots as single family residences to match the surrounding developments. The allowable density for the existing acreage is 35 units, the applicant is proposing 14 single family residential lots. If the cul-de-sac was shortened by 80 feet, the applicant would likely lose at least one lot and the result would be many more flag lots than already proposed.

CRITERION (4): No Other Reasonable Alternative. Reasonable alternatives to comply with the provisions of the Development Code have been exhausted. No reasonable alternatives have been identified that would accomplish the same purpose in accordance with the Code without the need for a variance. If applicable, the applicant shall, at a minimum, demonstrate that the following are not reasonable alternatives instead of the requested variance:

- a. Lot line adjustment.
- b. Modified setback option, pursuant to Section 22.200.
- c. Alternate solar standards, pursuant to Section 22.623.

Staff Response: Satisfied. The above mentioned alternatives will not provide the same benefit to the future property owners that the requested variance for an over-length cul-de-sac street will provide. A lot line adjustment is not possible as all of the surrounding properties are developed or are currently being developed in the case of the proposed assisted living facility to the west of the subject development. The modified set-back could not help because shortening the cul-de-sac would increase the setbacks due to the increase in the number of flag lots that would be required. Alternate solar standards are not applicable to this development.

(B) **Result of Relief.** If the review body finds the proposal for a variance based on the criteria in Subsection (A) above, the review body shall only approve the proposal if it finds the specific proposal is consistent with the following criteria.

CRITERION (5): Best Alternative. When a variance is needed for a purpose identified in Subsection (3) above, the proposed variance shall be the best alternative to achieve the purpose compared with variances to other standards that could accomplish the same purpose. The best alternative will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code, with the least impact to other properties and the public interest. Impacts to public facilities, substantial natural features, and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.

Staff Response: Satisfied. The requested variance is the best alternative for development of the subject property. The property is surrounded by development, the GPID south high line canal, and a proposed assisted living facility that prevents any other alternative from being employed.

CRITERION (6): Minimum Deviation. Adherence to the standards of this Code shall be maintained to the greatest extent that is reasonably possible while accomplishing the purpose in Subsection (3). The deviation from standards shall be the minimum

necessary to accomplish the purpose, and shall not convey a special right to the property that is not available to properties in the same zoning district subject to the same regulation.

Staff Response: Satisfied. The requested variance is the best alternative for development of the subject property. The property is surrounded by development, the GPID south high line canal, and a proposed assisted living facility that prevents any other alternative from being employed.

CRITERION (7): No Hazard. The proposal shall not pose a public safety hazard such as a visual obstruction or traffic hazard, and shall not obstruct pedestrian or vehicular movement or impede emergency access.

Staff Response: Satisfied. The proposed variance will not create hazards to public safety. Lengthening the cul-de-sac to a total of 330 feet is still under the maximum allowable cul-de-sac length of 400 feet that is allowed in the Slope Hazard Districts.

CRITERION (8): Plan and Ordinance Consistency. The proposal shall not adversely affect implementation of the Comprehensive Plan, and shall not be materially detrimental or injurious to the purposes of the Comprehensive Plan or Development Code; other applicable plans, policies, or standards; or other properties in the same district or vicinity.

Staff Response: Satisfied. This subject development is located in an infill area where the proposed variance will not affect any implementation of the Comprehensive Plan or any proposed transportation systems.

CRITERION (9): Mitigate Adverse Impacts. Adverse impacts shall be avoided where possible and mitigated to the extent practical. If a variance is not necessary to preserve a property right, or if the unique constraint in Subsection (1) was self-created, adverse impacts may be grounds for denial.

Staff Response: Satisfied with Conditions. No adverse impacts are anticipated as all surrounding properties are developed or are in the process of being developed. As conditioned below, the proposed cul-de-sac street will be required to meet City standards for construction and will provide an adequate fire turn-around.

CRITERION (10): No Significant Increase in Residential Density. For development of an existing lot, if the variance is for a reduction to lot area, it shall not result in a significant increase in density. For a land division, the variance shall not result in an increase in density over that permitted by the zoning district, except that when a lot is reduced in size due to dedication of right-of-way, minimum lot area may be reduced by fifty square feet or less.

Staff Response: Not applicable. The density is calculated by taking the total developable area (2.47 acres) and subtracting the area for street right of ways (0.41 acres) which equals 2.06 acres. Then taking the total developable area x 17.4 du/acre (R3 zone maximum density) = 35 maximum dwelling units. The applicant is proposing 14 single family residential lots and therefore the maximum density will be 14, meeting this code requirement.

CRITERION (11): Recommendation of City Engineer. The review body shall consider a written recommendation of the City Engineer when the variance is to any of the following standards:

- (a) A street, access, or utility development standard in Article 27 or 28 of the Code.
- (b) The Flood Hazard or Slope Hazard provisions in Article 13 of this Code.
- (c) To allow encroachment into existing or planned right-of-way or public utility easement. When a variance is authorized to allow encroachment into a right-of-way, the owner shall sign a right-of-way use agreement that specifies the terms and conditions under which the right-of-way may be utilized.

Staff Response: Satisfied. The requested Variance was forwarded to the City Engineer for review and comment. As shown on attached **Exhibit 6, the City Engineer recommended that the variance request be granted as proposed.**

CRITERION (12): Additional Criteria. Variances from the street standards in Article 27 of this Code shall meet the additional criteria of 27.121(11)(h)(4) General Design Standards, 27.122(5) Connectivity Standards, and 27.123(14) Street Section Design Standards.

Staff Response: Satisfied with Conditions. Other than the cul-de-sac length, the proposed street will meet the criteria listed in Article 27 of the code as conditioned below.

B. SUBDIVISION

Section 17.413 of the City of Grants Pass Development Code states that the review body shall approve, approve with conditions or deny the request based upon the following criteria:

CRITERION (1): The plan conforms to the lot dimension standards of Article 12, the base lot standards of Section 17.510, and the requirements of any applicable overlay district.

Staff Response: Satisfied with Conditions. The R-3 zone district requires a minimum lot size of 5,000 square feet. The applicant is proposing a subdivision plan with 14 lots ranging in size from 5,026 square feet to 12,551 square feet. The proposed lots all exceed this base requirement. Each lot is required to have a minimum lot width of fifty (50) feet. As shown on plan Sheet T1, all lots meet this requirement per the definition of "Lot Width" in Article 30 (see Exhibit 3). All lots meet or exceed the 20' minimum lot frontage requirement of Section 27.200.

There are existing structures on proposed Lot 1 but the tentative plan does not show setback distances for those structures. As conditioned below, the applicant will be required to submit a revised tentative, demonstrating that all required setbacks are met on Lot 1.

The lots are in compliance with Section 17.510 of the Development Code specifically the lot width to depth ratio, no through lots are created, side property lines are being created

at right angles to streets as far as practical, and curved property lines are created at the public street intersections

CRITERION (2): When required, the proposed future development plan allows the properties to be further developed, partitioned, or subdivided as efficiently as possible under existing circumstances, in accordance with requirements for typical permitted uses in the applicable zone and comprehensive plan district, and in conjunction with other development in the neighborhood.

Staff Response: Satisfied. The only proposed lot that is large enough to be further divided, Lot 1, has an existing single family home and accessory structures. The applicant plans to leave these structures in place. The applicant has included a possible future development plan for tax lot 1118, showing how that property could be served by the proposed Briggs Way should that owner decide to divide the property. The subject property is bordered by to the west by vacant property also zoned R-3. The owners of that property have expressed interest in developing the property with an assisted living facility and therefore interconnecting roads are not warranted. To the north is a developed residential property known as Chicago Co Division, which is a series of partition plats with the property developed into smaller lots as topography has allowed. To the east is developed single family residential properties known as "Sky Way Estates Subdivision" on R-1-8 zoned property. The south property line of this development is the urban growth boundary and also the south high line canal (GPID) and therefore no connection roads are proposed to the south.

CRITERION (3): When one is required or proposed, the street layout conforms to the applicable requirements of the adopted street plans, meets the requirements of Article 27 and other applicable laws, and best balances needs for economy, safety, efficiency and environmental compatibility.

Staff Response: Satisfied with Conditions. As stated above the only property that could have future development is the property directly west of the project. At the time of this application, there is a development proposal for an assisted living facility on this property, therefore no interconnecting streets are proposed. There are no TSP identified streets that are planned through the property. As part of the project, Grandview Lane will be improved along the frontage of the development. A possible future development plan is shown for tax lot 1118 which is located on the northwest corner of the development but is not currently part of the development. There is an existing house on this property and no immediate development plans are proposed.

The plans show the construction of a new cul-de-sac street, Briggs Way, to be constructed to provide access to Lots 3-14. The proposed street name was routed through emergency dispatch and was approved provided the "SE" designator is added in front of the proposed name, per Section 6.40.030(B) of the Municipal Code. As conditioned below, the new street name shall be SE Briggs Way. The construction of SE Briggs Way and the improvements along Grandview Lane shall be to City standards, as conditioned below.

In 2004, the City Council passed Resolution 4851, which requires off-site pedestrian paths to connect all new subdivisions to "destination" streets (see **Exhibit 4**). The nearest destination streets to the proposed subdivision are W Harbeck Road and

Grandview Avenue. Sheet T3 of the submitted plans (see Exhibit 3) shows the construction of a 5 foot wide asphalt path along the south edge of Grandview Lane to provide pedestrian connectivity from the proposed subdivision to Harbeck Road. Existing sidewalks connect Harbeck Road to SE Grandview Ave. to the north. Resolution 4851 requires asphalt paths used to meet this requirement to be a minimum of 5.5 feet wide unless they are separated from the road surface by a borrow ditch. As conditioned below, the applicant is required to build the path as shown on the plans to a width of at least 5.5 feet.

CRITERION (4): The proposed utility plan conforms to the applicable requirements of adopted utility plans, the requirements of Article 28 and other applicable laws, and best balances needs for economy, safety, efficiency and environmental compatibility.

Staff Response: Satisfied with Conditions.

Water: The proposal includes the extension of an 8" public water main to provide domestic and fire services to the individual properties along SE Briggs Way. Many of the proposed lots within the subdivision exist at elevations exceeding 1,020 feet. Water service pressures for homes located at the elevation of 1,020 feet will only be about 36 psi. The addition of RP backflow devices due to GPID will further reduce these pressures by 8 to 12 psi. Point of use backflow devices on irrigation system also will reduce service pressures an additional 8 to 12 psi. The construction of multiple story housing in this area may require the installation of individual private water booster pumps to supply upper story plumbing fixtures at acceptable levels. As conditioned below, the applicant shall submit a detailed utility plan to the Engineering Division for review and approval.

Sewer: The proposal includes the extension of an 8" public sewer main to provide sewer service to the individual properties along SE Briggs Way. As conditioned below, a detailed utility plan shall be submitted to the Engineering Division. The construction drawings will also need to address the abandonment of unutilized private sewer laterals on Grandview Lane not utilized for the development. The plans may also show the reuse of the existing sewer lateral serving the existing residence on proposed Lot 1 for the service of proposed Lot 2 is acceptable provided the existing private sewer lateral is TV inspected prior to the reuse of the lateral by the new development. All defects discovered during the TV inspection shall be corrected prior to each laterals reuse. If an existing sewer lateral cannot be reutilized by new development, it shall be properly abandoned as directed by the wastewater collection division.

Storm Water: The proposal includes the construction of a 12" public storm water main in SE Biggs Way and the extension of a 12" public storm water main on Grandview Lane to connect the new line in SE Briggs Way to the existing line in Harbeck Road. The plans also show the installation of a curtain drain at the toe of the existing GPID ditch to capture any ditch seepage and direct this water around Lots 7-12. The plans show the easements needed for this proposed curtain drain. As conditioned below, the applicant shall submit storm drain calculations that must demonstrate that post-development run-off does not exceed pre-development run-off and that storm drainage does not cross property lines without an easement.

CRITERION (5): The tentative plan allows for the preservation or establishment of natural features or the preservation of historic features of the property, and allows access to solar energy to the extent possible under existing circumstances, including:

- (a) Providing the necessary information to complete the tree chart identified in Section 11.041.

Staff Response: Satisfied with Conditions. The applicant provided a tree canopy chart on Sheet T1 (see Exhibit 3) showing existing trees to be retained and existing trees to be removed. The site has an existing tree-canopy cover of approximately 5%. Seven of the existing eleven significant trees will be removed through the development of this property. As required by Section 11.041, residential developments in the R-3 zone shall maintain or re-establish a tree-canopy cover of 15% to 20%, which typically requires 2-3 trees per lot. As conditioned below, prior to a Development Permit being issued for the project, an existing tree canopy coverage and tree protection plan shall be submitted per Section 11.050. As conditioned below, prior to final plat, the applicant shall submit a revegetation plan and pay applicable tree deposits per Section 11.060.

- (b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes greater than 100%.

Staff Response: Satisfied. The site is relatively flat, therefore cuts and fills are not expected to exceed 2-3 feet. No retaining walls are proposed other than potential landscape walls less than 2' in height. Cut fill slopes will not exceed 5:1 or 20%.

- (c) No fills shall result in a retaining wall within the required setback from a property not included in the development plan greater than 6 feet in height from the finish grade or create any slopes which are greater than 100%.

Staff Response: Satisfied. The site is relatively flat, therefore cuts and fills are not expected to exceed 2-3 feet. No retaining walls are proposed other than potential landscape walls less than 2' in height. Cut fill slopes will not exceed 5:1 or 20%.

CRITERION (6): The plan complies with applicable portions of the Comprehensive Plan, this Code, and state and federal laws.

Staff Response: Satisfied with Conditions. The property is located within the Urban Growth Boundary (UGB) but outside of the City limit. A Service and Annexation Agreement (S&A) will be required for this development. With the submittal of the tentative subdivision plan and the burden of proof, the applicant is demonstrating compliance with all applicable Grants Pass Comprehensive Plan, Development Code requirements, and state and federal laws given the conditions of approval stated below.

VII. RECOMMENDATION:

Staff recommends the Planning Commission APPROVE the Major Variance to Section 27.123(1)(f).

Staff recommends the Planning Commission APPROVE the request for the fourteen (14) lot development with the conditions listed below.

CONDITIONS OF APPROVAL:

A. The following must be accomplished within 18 months of the Planning Commission's Decision and prior to issuance of a Development Permit. (Note: A Development Permit is required in order to obtain a grading permit.):

1. Submit a revised tentative showing the following:
 - a. Setback distances for existing structures on Lot 1 (all setbacks must meet or exceed required minimum setback distances).
 - b. New street labeled as "SE Briggs Way".
2. Sign and Record a Service and Annexation Agreement.
3. Provide a letter from the Responsible Engineer who will be supervising the construction of the subdivision. The Responsible Engineer will be required to submit a letter at final plat application verifying that he/she supervised the grading and construction for the entire parcel and individual lots and that the grading and construction was completed according to approved plans.

If the responsible engineer proposes to delegate any of these responsibilities, the arrangement shall be approved in writing by the City Engineering Division prior to issuance of a Development Permit.

4. Obtain an NPDES permit from the Department of Environmental Quality. Submit a copy of the approved permit to the Parks and Community Development Department.
5. Submit an existing tree canopy coverage and tree protection plan per Section 11.050.
6. Submit four (4) copies of civil drawings with appropriate review fees to the City Engineering Division for review and approval:
 - a. Provide a grading plan and receive a grading permit prior to any earthwork. Include the creation of building pads in the grading plan if completed as part of the construction of the subdivision. If building pads are created as part of the grading of the subdivision then a map showing the extent of the grading will be required at the time of final plat.
 - b. Provide an erosion control and dust control plan for the subdivision.
 - c. Include any provisions of the NPDES permit on the construction plans.
 - d. Present engineered construction drawings stamped by a registered Engineer, including plans and profiles if necessary, that detail the following improvements to the City Engineering Division for review and approval.

Street Improvements:

- i. Show full street improvements to SE Briggs Way to City standards.
- ii. Show the improvements along Grandview Lane to City Standards. Grandview Lane is still under Josephine County jurisdiction for maintenance. Obtain permit from Josephine County for any work in the right-of-way of Grandview Lane.
- iii. Show the construction of a minimum 5.5 foot asphalt pedestrian path along the south side of Grandview Lane. Install a 4" white fog line rather than the 8" bike lane line shown on the tentative plan.
- iv. Identify Mailbox locations.
- v. The location of the planned street light at the beginning of the cul-de-sac is appropriate. Relocate the planned street light at the corner of Grandview Lane and SE Briggs Way so it does not interfere with stop sign visibility.
- vi. Developer will paint 20' yellow setbacks at the corners and paint white stop bar at stop sign.
- vii. City will install the required street name sign, "stop" sign, and the "no parking" signs on Grandview Lane (if required) and will bill developer for all costs.
- viii. Any other signs will be up to the developer to install.
- ix. Install "sidewalk ends" signs at both ends of the sidewalk.
- x. Provide storm drain calculations demonstrating that post development run-off does not exceed pre development run-off and that storm drainage does not cross property lines without an easement.

Utility Plan:

- i. Show the extension of an 8" public water main in SE Briggs Way.
- ii. Show the extension of an 8" public sewer main in SE Briggs Way.
- iii. Show the extension of a 12" public storm water main in SE Briggs Way and the extension of a 12" public storm water main in Grandview Lane.
- iv. Many of the proposed lots within the subdivision exist at elevations exceeding 1,020 feet. Water service pressures for homes located at the elevation of 1,020 feet will only be about 36 psi. The addition of RP backflow devices due to GPID will further reduce these pressures by 8 to 12 psi. Point of use backflow devices on irrigation system also

will reduce service pressures an additional 8 to 12 psi. The construction of multiple story housing in this area may require the installation of individual private water booster pumps to supply upper story plumbing fixtures at acceptable levels.

- v. RP backflow devices shall be required as “premises” protection on all water services (new and existing) if GPID or private wells are present.
- vi. All “premises” backflow prevention devices shall be located within 10 feet behind each water meter.
- vii. DC backflow devices shall be required as “point of use” protection on all water services containing multiple zone irrigation systems.
- viii. Separate sewer and water services shall be required for separate lots.
- ix. Unutilized private sewer laterals on Grandview Lane not utilized for the development shall be properly abandoned as directed by the wastewater collection division.
- x. The plans may show the reuse of the existing sewer lateral serving the existing residence on proposed Lot 1 for the service of proposed Lot 2 is acceptable provided the existing private sewer lateral is TV inspected prior to the reuse of the lateral by the new development. All defects discovered during the TV inspection shall be corrected prior to each laterals reuse. If an existing sewer lateral cannot be reutilized by new development, it shall be properly abandoned as directed by the wastewater collection division.
- xi. Show a manhole installation and drain line connection to the existing public system at Harbeck Road. An encroachment permit is required prior to any work in the existing right-of-way.
- xii. Install a “D” inlet at the uphill end (beginning) of the drain line on Grandview Lane.
- xiii. Show all parts of the proposed “curtain drain” near the irrigation canal as private. Show the line size of the private curtain drain as it enters the right-of-way. It is recommend that the applicant install clean outs on the “private” curtain drain at various points to increase the useable life of the system.
- xiv. Show additional drain line on Lot 14 as private.
- xv. Provide utility plans for PPL, Qwest and Avista. Show all pedestals and boxes to be installed (This is to verify utilities can be installed within dedicated City Utility Easements).

7. Sign a Developer Installed Agreement for Public Improvements.

B. The following must occur within 18 months of issuance of the Development Permit and prior to Final Plat approval:

1. Substantially complete all construction items related to SE Briggs Way and Grandview Lane.
 - a. Secure for any remaining construction items in accordance with City Standards.
 - b. Submit a one year maintenance guarantee.
 - c. Submit as-built drawings of all public improvements or secure for them in accordance with City policy.
2. Install the offsite pedestrian path, according to the approved plans.
3. Submit a tree revegetation plan in accordance with Section 11.060.
4. Pay the tree deposit fee in the amount of \$300 for each new lot (Section 11.060.2).
5. Separate sewer and water services are required for each lot. Private sewer and water lines shall not cross other lots.
6. Existing private laterals reutilized by the new development shall be TV inspected prior to reuse. All defects discovered during the TV inspection shall be corrected prior to reuse by the new development.
7. If individual lots were graded as part of the grading permit for the subdivision, provide a map of those lots with new building pads and include the dimensions of the area graded.
8. All adjacent streets shall be swept regularly during construction.
9. Street name sign, "stop" sign, and "no parking" signs (if needed) shall be paid for by the developer and installed by the City. All other signs and markings including "sidewalk ends signs", painting curbs at 20 foot setback at intersections for no parking, ten feet of yellow each side of hydrants, and a white stop bar at the stop signs are to be completed by the developer.
10. Power, telephone, cable television and natural gas lines shall be installed underground and within the 10 foot City Utility Easements.
11. Pay all engineering inspection fees due.
12. Submit a letter from the Responsible Engineer stating that 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.

13. Properly abandon any existing wells and provide evidence of proper abandonment to the Parks and Community Development Department.
14. All water services on existing public water lines shall be installed by City of Grants Pass Water Distribution Crews. All encroachment fees related to the installation of water services shall be the responsibility of the developer.
15. Complete installation of the public utility services as reflected on the approved utility plans.
16. Provide a copy of any proposed CC&R's & deed restrictions if they are desired by the developer. There are no CC&Rs or deed restrictions required as a condition of this approval.
17. Provide a land division guarantee issued by a title company.
18. Submit a final plat in accordance with Section 17.422 of the City of Grants Pass Development Code. Incorporate any modifications or conditions required as part of tentative approval. A professional land surveyor must survey the subdivision. A plat check by the City Surveyor and payment of appropriate fees is required. Failure to comply with this condition will nullify the approval of the Tentative Plat. Include the following on the plat:
 - a. Dedication of SE Briggs Way to the public.
 - b. All easements indicated on approved construction plans.
 - c. A ten-foot wide City Utility Easement dedicated to the City of Grants Pass along all necessary street frontages.
 - d. Include any necessary drainage and cross access easements.

After all signatures are obtained, the plat must be recorded with the Josephine County Recorder within 30 days. The subdivider shall file one print of the recorded plat with the Parks and Community Development Department. Failure to do so will nullify plat approval.

C. The following shall be accomplished at the time of development of individual lots in the subdivision:

Note: The following conditions are not all-inclusive and are provided for the information of the applicant.

1. Payment of all System Development Charges due; including, but not limited to, water, storm, sewer, parks and transportation (see **Exhibit 7**).
2. Development of lots shall be in accordance with solar standards.
3. Each lot shall have separate utility services.

4. All utilities shall be placed underground.
5. Comply with the Uniform Fire and Building Codes.
6. Install landscaping in accordance with the approved landscape plan (Sections 11.041 ~ Tree Canopy and 23.031 ~ Residential Front Yard).
7. Submit lot drainage plans for approval on all building plans.
8. Significant size trees shall be retained and protected out to the drip line, in accordance with the tree protection plan and pursuant to Section 11.050.
9. Tree refund in the amount of \$300 per lot is available within one (1) year of final inspection and submittal of a valid receipt meeting or exceeding that amount of trees only.
10. Developed or undeveloped building lots will need to be maintained for weed and grass control throughout the year.
11. Provide addresses visible from the public right-of-way.
12. Gravel driveway approaches and other erosion and track out control measures shall be in place during construction of individual lots.
13. Prior to occupancy, driveways and parking and maneuvering areas shall be paved in accordance with the requirements of the Development Code.

VIII. PLANNING COMMISSION ACTION:

A. Positive Action: Approve the request

1. as submitted.
2. with the conditions stated in the staff report.
3. with the conditions stated in the staff report as modified by the Planning Commission (list):

B. Negative Action: Deny the request for the following reasons (list):

C. Postponement: Continue item

1. indefinitely
2. to a time certain.

NOTE: State law requires that a decision be made on the application within 120 days of when the application was deemed complete.

IX. INDEX TO EXHIBITS:

1. Location Map
2. Aerial Photo
3. Tentative Plan (T1, T2, & T3)
4. Burden of Proof Document
5. Resolution No. 4851
6. Comments from City Engineer
7. SDC Brochure

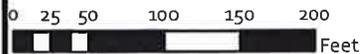


CITY OF GRANTS PASS
 395 Grandview Avenue
 36-05-30-AA, TLs 1100 & 1101

Legend

 Subject Parcels

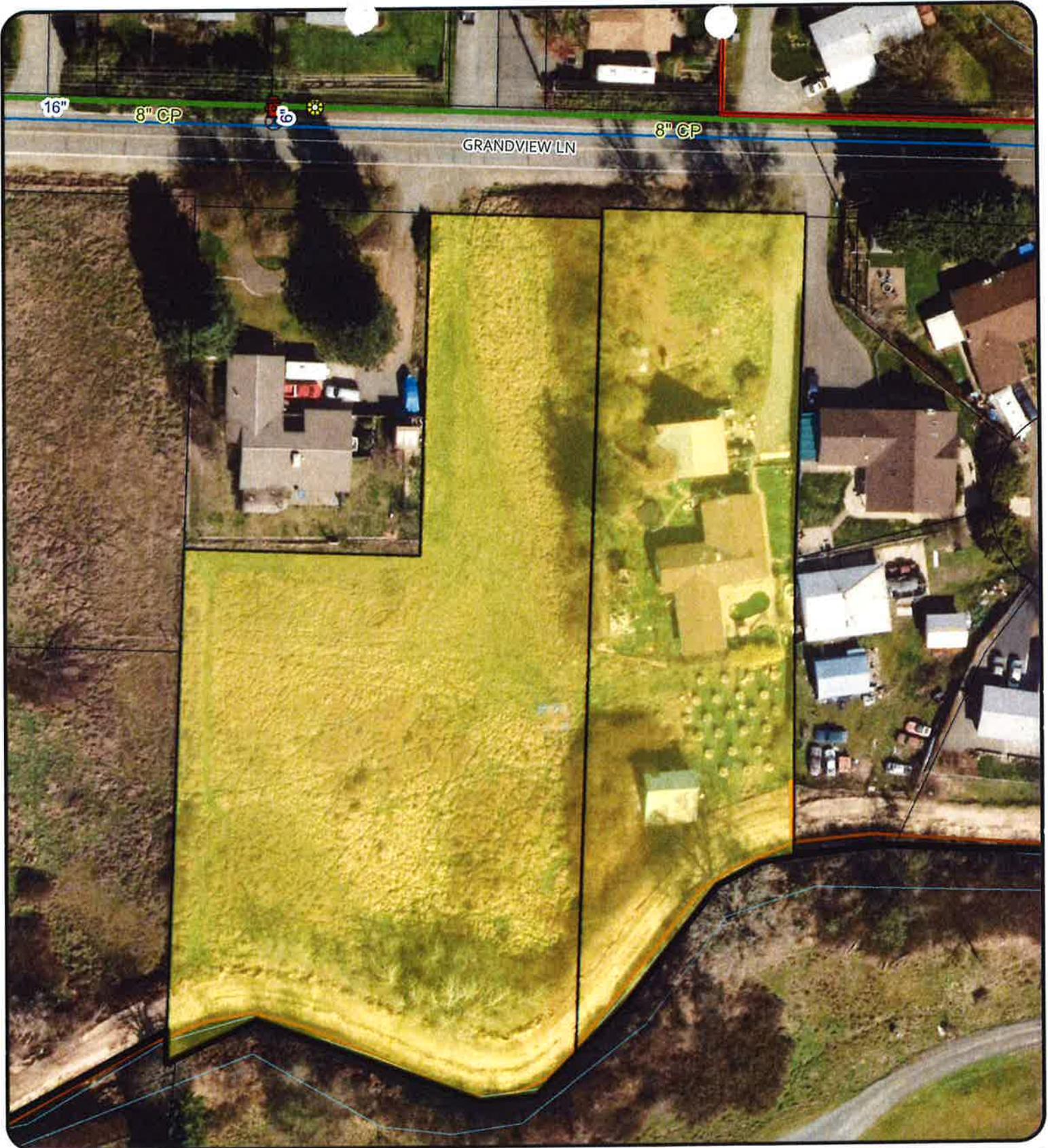
EXHIBIT 1



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



Vicinity Map



CITY OF GRANTS PASS
 395 Grandview Avenue
 36-05-30-AA, TLs 1100 & 1101

Legend

-  Subjective Uses
-  Water Mains
-  Sewer Gravity Mains
-  Storm Water Gravity Main

EXHIBIT 2



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



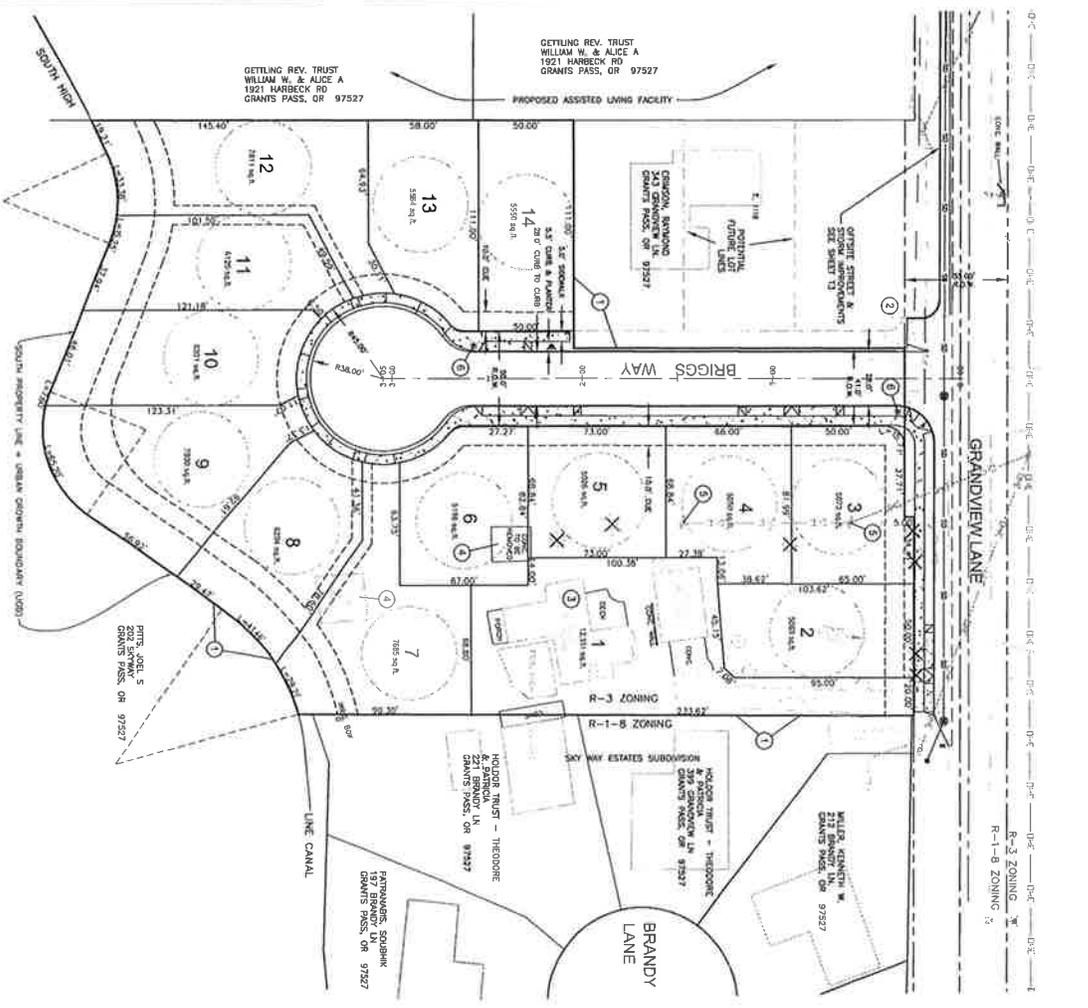
Vicinity Map

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

LANDON ESTATES

TENTATIVE SUBDIVISION PLAN

FEBRUARY 2016



GPOC TABLE 11.000 INFORMATION:

THREE NOTES

1. NUMBER OF LOTS IN SITE
2. NUMBER OF LOTS TO BE DEVELOPED
3. NUMBER OF LOTS TO BE RESERVED
4. TOTAL NUMBER OF RESERVATION LOTS IN THIS PROJECT

LEGEND

- RESERVED LOTS (TO BE RESERVED)
- OWNER'S EXISTING
- RESERVED LOTS (TO BE RESERVED)
- OWNER'S EXISTING
- RESERVED LOTS (TO BE RESERVED)
- OWNER'S EXISTING

PROPOSED ASSISTED LIVING FACILITY
 GETTLING REV. TRUST
 WILLIAM W. & ALICE A.
 1921 HARBECK RD.
 GRANTS PASS, OR 97527

PROPOSED ASSISTED LIVING FACILITY
 GETTLING REV. TRUST
 WILLIAM W. & ALICE A.
 1921 HARBECK RD.
 GRANTS PASS, OR 97527

PROPOSED ASSISTED LIVING FACILITY
 GETTLING REV. TRUST
 WILLIAM W. & ALICE A.
 1921 HARBECK RD.
 GRANTS PASS, OR 97527

PROPOSED ASSISTED LIVING FACILITY
 GETTLING REV. TRUST
 WILLIAM W. & ALICE A.
 1921 HARBECK RD.
 GRANTS PASS, OR 97527

PROPOSED ASSISTED LIVING FACILITY
 GETTLING REV. TRUST
 WILLIAM W. & ALICE A.
 1921 HARBECK RD.
 GRANTS PASS, OR 97527

PROPOSED ASSISTED LIVING FACILITY
 GETTLING REV. TRUST
 WILLIAM W. & ALICE A.
 1921 HARBECK RD.
 GRANTS PASS, OR 97527



VICINITY MAP
N.T.S.

SITE DATA & CALCULATIONS

TOTAL DEVELOPABLE AREA	107,427 sq. ft.	2,447 sq. ft.
TOTAL EXISTING AREA	104,877 sq. ft.	2,447 sq. ft.
TOTAL DEVELOPABLE AREA	2,552,950 sq. ft.	2,552,950 sq. ft.

OFF-STREET PARKING DATA

RECOMMENDED	14
TOTAL PROVIDED	75

SITEPLAN NOTES

1. PROPERTY LINE EXISTING
2. PROPOSED ACCESS POINT
3. PROPOSED AND ASSOCIATED CONTRIBUTING TO REMAIN
4. STRUCTURE TO BE REMOVED
5. UTILITY LOCATIONS TO BE REMOVED OR RELOCATED
6. SITE LIGHTING SHALL BE DESIGNED BY OTHERS

SHEET INDEX:

- T-1 TENTATIVE SUBDIVISION PLAN
- T-2 TENTATIVE UTILITY & EROSION PLAN
- T-3 EX. CONDITIONS PLAN / OFFSITE IMPROVEMENTS

LANDON ESTATES
TENTATIVE
SUBDIVISION PLAN

GRANTS PASS OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

R-C RHINE-CROSS GROUP, INC.

ENGINEERING - SURVEYING - PLANNING
112 N. 5th ST. SUITE 200 - P.O. BOX 909
KLAMATH FALLS, OREGON 97601

Phone: (541) 831-9105 Fax: (541) 272-9700 admin@rc-grp.com

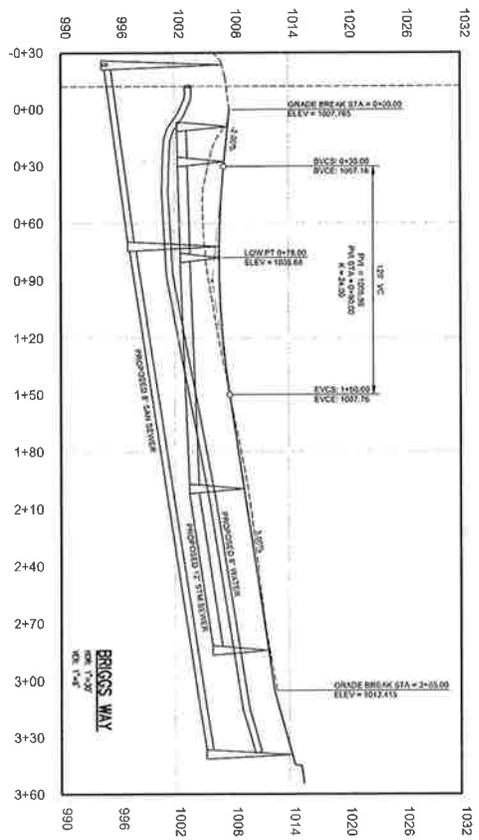
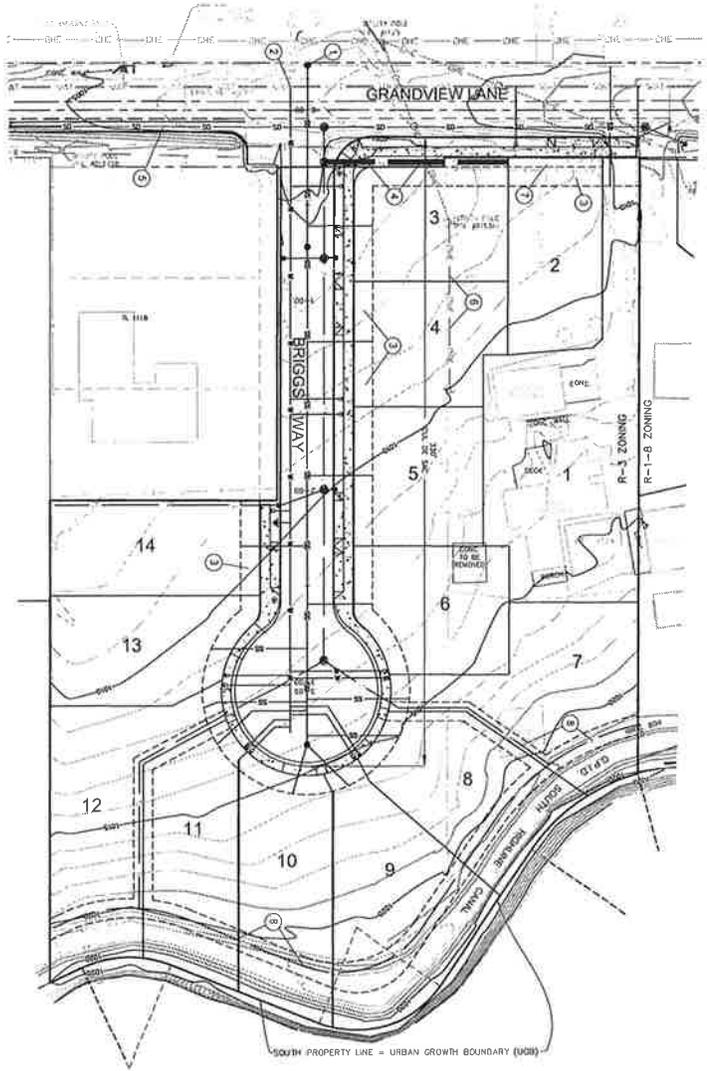
JANTZER & SONS LOGGING, INC.

P.O. BOX 1586
GRANTS PASS, OR 97518
(541) 472-1100

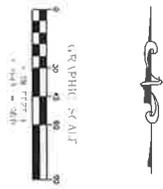
DATE: 02-15-2016

T1





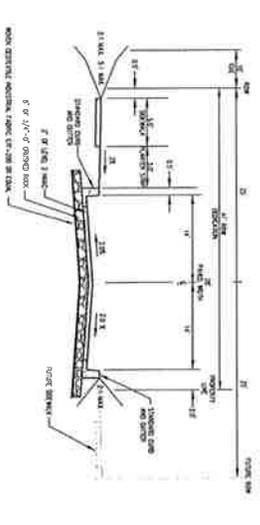
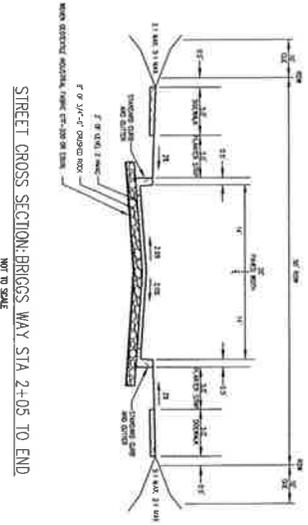
- UTILITY NOTES:**
1. POINT OF CONNECTION TO PUBLIC UTILITY SERVICE
 2. POINT OF CONNECTION TO PUBLIC UTILITY SERVICE
 3. ROUTE, TYPICAL POWER, TELEPHONE AND CABLE TYPICAL CITY
 4. UTILITY LOCATIONS OF RECORD AS SHOWN. ALL PUBLIC UTILITIES TO BE RELOCATED TO THE PROPOSED ALIGNMENT. SHALL BE RELOCATED TO THE PROPOSED ALIGNMENT.
 5. EXISTING UTILITY TO REMAIN TO BE RELOCATED TO THE PROPOSED ALIGNMENT.
 6. EXISTING UTILITY TO REMAIN TO BE RELOCATED TO THE PROPOSED ALIGNMENT.
 7. EXISTING UTILITY TO REMAIN TO BE RELOCATED TO THE PROPOSED ALIGNMENT.
 8. EXISTING UTILITY TO REMAIN TO BE RELOCATED TO THE PROPOSED ALIGNMENT.
 9. EXISTING UTILITY TO REMAIN TO BE RELOCATED TO THE PROPOSED ALIGNMENT.



LANDON ESTATES

TENTATIVE UTILITY & DRAINAGE PLAN

FEBRUARY 2016



<p>GRANTS PASS</p> <p>OREGON</p>	<p>LANDON ESTATES</p> <p>TENTATIVE</p> <p>SUBDIVISION PLAN</p>	<p>R-C RHINE-CROSS GROUP, PC</p> <p>ENGINEERING - SURVEYING - PLANNING</p> <p>112 N. 5th St. - SUITE 200 - P.O. BOX 508</p> <p>KLAMATH FALLS, OREGON 97601</p> <p>Phone: (541) 851-9403 Fax: (541) 273-9200 admin@rc-grp.com</p>	<p>JANTZER & SONS LOGGING, INC</p> <p>P.O. BOX 1586</p> <p>GRANTS PASS, OR 97518</p> <p>(541) 472-1100</p>
----------------------------------	--	---	--

**BURDEN OF PROOF
STATEMENT FOR APPLICATION FOR
LANDON ESTATES SUBDIVISION APPROVAL
GRANTS PASS, OREGON**

Applicant: Jantzer & Sons Logging Inc
P.O. Box 1586
Grants Pass, OR 97518
Phone: (541) 472-1100

Owner: Same as applicant

Representatives: Rhine-Cross Group, LLC
112 N 5th Street, Suite 200
PO BOX 909
Klamath Falls, OR 97601
Phone: (541) 851-9405

Location: The property is located along the south side of Grandview Lane, east of Harbeck Rd in Grants Pass, Oregon.

Address: 395 Grandview Lane, Grants Pass, OR 97517

Reference Parcel No.: Tax Lot 1100 & 1101, Map # 36-05W-30AA

Comp. Plan Designation: Moderate High Density Residential

Zoning Designation: R-3 – Moderate High Density Residential

Property Size: ±2.47 Acres

Proposal: Subdivision application for 14 single family residential lots ranging in size from 5001 sq.ft. to 12,551 sq.ft.

Date: March, 2016

PROJECT OVERVIEW & DESCRIPTION

The applicant intends to develop the site in accordance with Article 12 and 17 of the Grants Pass Municipal Code (GPMC), with a variance request for cul-de-sac length under Article 6. The development will be named Landon Estates, and a master plan showing the proposed street layout and the underlying zoning of the proposed development will be provided with the application.

The 2.47 acre property is located within the Urban Growth Boundary on the south side of Grants Pass, Oregon. The site is bounded to the West by vacant property also zoned R-3. We understand that an assisted living facility has been proposed on this site and therefore we would not need or want to provide interconnecting roads to this property. To the North is a developed residential property known as Chicago Co Division, which is a series of partition plats with the property developed into smaller lots as topography has allowed. To the East is developed single family residential properties known as “Sky Way Estates Subdivision” on R-1-8 zoned property. The south property line of this development is the urban growth boundary and also the south high line canal (GPID) and therefore no connection roads are proposed to the south. The site is surrounded by moderate density development and is therefore irrevocably committed to similar use.

The site enjoys direct access to Grandview Lane along the north frontage of the site. The property is currently undeveloped and is vegetated with grass and weeds. There is one existing house on tax lot 1101 which is proposed to remain within lot #1 of the development. Fire protection services are provided by the Grants Pass Fire District. The site is located within the Grants Pass service area for water service, sanitary sewerage service, and storm water management. Other utilities readily available are power, telephone, and cable TV all existing within the right of way of Grandview Lane.

The site consists of Clawson sandy loam (#17B), with hydrologic soil classification B. The site is currently occupied by an existing residential house, with a mix of weeds and grasses covering the areas. The site is “located” on Panel No. 41033C – 0512E of the Flood Insurance Rate Map (FIRM) for Josephine County. The property is outside of all Zone A mapped flood areas.

The subject property is currently designated as Moderate High Density Residential by the Grants Pass Comprehensive Plan. The applicant is proposing a subdivision master plan with approximately 14 lots ranging in size from 5026 sq.ft. to 12,551 sq.ft. An emergency turn around in the form of a cul-de-sac is proposed on the new street.

Article 27.132 (1)(f) requires cul-de-sacs to be a maximum of 400 feet in the Slope Hazard District, or 250 feet in all other areas. The proposed cul-de-sac is 330 feet long and the property is not within the Slope Hazard District, therefore a Variance is required by the applicant for the proposed layout. The cul-de-sac length is dictated by the existing property shape and presence of surrounding property development and the GPID main line ditch, therefore the Variance request is not the result of a self-created condition and is unique to this property.

This application for a Land Subdivision is subject to both City and State criteria and standards and is processed by the City administratively and is reviewed by the Planning Commission and City Council, pursuant to Grants Pass Municipal Code. Accordingly, the applicant shall address all of the applicable criteria and standards of the Grants Pass Municipal code that pertain to these requests. As required by the City's land subdivision review process and by the State, the applicant shall also address the applicable criteria and standards of the Oregon Administrative Rules (OAR) and the Oregon Revised Statutes (ORS), particularly the elements of these State rules and statutes that apply to subdividing land.

GRANTS PASS MUNICIPAL CODE

1. Article 17 – Lots and Creation of Lots

17.413 Criteria for Tentative Subdivision Plan Approval. The review body shall approve, approve with conditions or deny the request, based upon the following criteria:

(1) The plan conforms to the lot dimension standards of Article 12, the base lot standards of Section 17.510, and the requirements of any applicable overlay district.

Response: All lots meet or exceed the minimum lot size of 5000 sq.ft. and minimum 50 ft width for R-3 zoning.

(2) When required, the proposed future development plan allows the properties to be further developed, partitioned, or subdivided as efficiently as possible under existing circumstances, in accordance with requirements for typical permitted uses in the applicable zone and comprehensive plan district, and in conjunction with other development in the neighborhood.

Response: The proposed project is bounded to the West by vacant property also zoned R-3. We understand that an assisted living facility has been proposed on this site and therefore we would not need or want to provide interconnecting roads to this property. To the North is a developed residential property known as Chicago Co Division, which is a series of partition plats with the property developed into smaller lots as topography has allowed. To the East is developed single family residential properties known as “Sky Way Estates Subdivision” on R-1-8 zoned property. The south property line of this development is the urban growth boundary and also the south high line canal (GPID) and therefore no connection roads are proposed to the south.

(3) When one is required or proposed, the street layout conforms to the applicable requirements of the adopted street plans, meets the requirements of Article 27 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.

Response: As stated above the only property that could have future development is the property directly west of the project. At the time of this application, we understand there is a development proposal for an assisted living facility on this property, therefore no interconnecting streets are proposed. There are no TSP identified streets that are planned through the property. As part of the project, Grandview Lane will be improved along the frontage of the development. We are showing a possible future development plan for tax lot 1118 which is located on the northwest corner of the development but is not currently part of the development. There is an existing house on this property and no immediate development plans are proposed.

(4) The proposed utility plan conforms to the applicable requirements of adopted utility plans, the requirements of Article 28 and other applicable laws, and best balances needs for economy, safety, efficiency, and environmental compatibility.

Response: The proposed utility plan will provide utility service to all of the lots within the proposed development. Public sewer and water already exist within Grandview Lane. Public stormwater will be installed as a bypass for the existing roadside ditch on Grandview Lane.

(5) The tentative plan allows for the preservation or establishment of natural features or the preservation of historic features of the property, and allows access to solar energy to the extent possible under existing circumstances including:

Response: The proposed development does not contain established natural features or historic features. All roof tops will be available for solar energy installation, however the applicant is not proposing such use at this time.

(a) Providing the necessary information to complete the tree chart identified in Section 11.041.

Response: The property is mostly vacant, with just a few trees around the existing home site. Approximately 7 of the existing 11 trees will need to be removed to facilitate development of the proposed streets and lots. See percentages below for information to complete the tree chart.

<i>Existing % of Canopy Cover Prior to Development</i>	<i>% of Exist. Canopy Cover To Remain Post Development</i>	<i>Target % Based on Zoning District</i>	<i>Total % of Canopy Cover Proposed Post Development</i>	<i># of Trees To Be Planted Per Lot</i>
5%	36.4%	15% (R3)	15%	1-2

(b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes greater than 100%.

Response: The site is relatively flat, therefore cuts and fills are not expected to exceed 2-3 feet. No retaining walls are proposed other than potential landscape walls less than 2' in height. Cut fill slopes will not exceed 5:1 or 20%.

(c) No fills shall result in a retaining wall within the required setback from a property not included in the development plan greater than 6 feet in height from the finish grade or create any slopes which are greater than 100%.

Response: The site is relatively flat, therefore cuts and fills are not expected to exceed 2-3 feet. No retaining walls are proposed other than potential landscape walls less than 2' in height. Cut fill slopes will not exceed 5:1 or 20%.

(6) The plan complies with applicable portions of the Comprehensive Plan, this Code, and state and federal Laws.

Response: With the submittal of the tentative subdivision plan and this burden of proof, the applicant is demonstrating compliance with all applicable Grants Pass Comprehensive Plan, Development Code requirements, and state and federal laws.

17.510 Base Lot Standards: All new lots shall conform to the provision of Article 12, other applicable sections of this Code, and the following standards:

Response: All lots in the proposed development are equal to or greater than 5000 sq.ft., equal to or wider than 50 feet, and the setbacks will meet the requirements for 20 ft front yard, 10 ft exterior side yard, and 5 ft side and rear yard per the requirements in the R-3 zone.

17.511 Lot Width to Depth Ratio. Lot depth shall not exceed four times lot width. This standard may be exceeded where a portion of a lot is located within the floodway and the portion outside of the floodway cannot be further divided.

Response: No lots within the proposed development have depths that exceed four times the lot width. Lot #1 comes close to this standard, however the shape of lot #1 is dictated by the desire to keep the existing house. The proposed development is not within a floodway or flood plain.

17.512 Buildable Lots. The lot arrangement shall be such that there will be no foreseeable difficulties, by reason of topography or other conditions, in securing development permits or building permits for typical permitted uses allowed in that zone in compliance with this Code, with the exception of properties designated for open space use.

Response: The subject property is relatively flat and the applicant does not foresee difficulty in constructing the proposed single family residences.

17.513 Through Lots. Lots that have frontage on more than one street, except corner lots, shall be avoided except where necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation.

Response: The proposed lot layout does not create any through lots. Access to each lot will be limited to the proposed interior road except for lot #1 and #2 which will take access directly from Grandview Lane.

17.514 Side Property Lines. As far as practical the side property lines of a lot shall run at right angles to the street upon which it faces, except that on a curved street the side property line shall be radial to the curve.

Response: All proposed property side lines are perpendicular to the private streets.

17.515 Curved Property Line at Street Intersections. At all street intersections, an arc along the property line shall be established to allow construction of standard curb and sidewalk wholly within the right-of-way.

Response: A curved property line is proposed at the intersection of Grandview Ln and Briggs Way on proposed lot 3 for the curb return construction. All lots taking access from the proposed cul-de-sac will also have curved property lines.

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:

(a) The applicant has demonstrated the property configuration does not preclude development in accordance with Article 20, including the building orientation standards.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

Response: The subject property is not commercial, therefore this section is not applicable to this development.

17.520 Flag lots. No flag lot shall be approved by the review body unless the following requirements are met:

(a) A street cannot reasonable or practically be created to serve the properties.

Response: Lot #1 is proposed to encompass the existing house and driveway. The existing layout of the house and driveway will require the development of a flag lot. Four other flag lots are proposed on the cul-de-sac bulb to ensure each lot has the minimum street frontage allowed by code. The applicant has requested a variance to the minimum cul-de-sac length to prevent even more flag lots than currently proposed.

(b) The flag pole shall be at least the minimum width allowed in the appropriate zone. The maximum length for a flag pole shall be twice the width of the lot, or twice the length of the lot, whichever is less.

Response: Each flag lots meets the minimum width allowed in R3 zone and the lengths are less than twice the width of each lot.

(c) The flag pole shall be designed such that a driveway meeting the standards of Section 27.121(8) could be constructed within the flag pole, unless an alternative access is provided by easement. The access shall not encroach upon or cross a live stream, ravine, irrigation ditch, or similar topographic feature without provision of an adequate structure, fill, or culvert to provide

access for emergency vehicles. Any such required structure shall be constructed prior to final plat or plan approval. The review body may require the structure to be certified by a registered engineer as meeting this standard.

Response: Each flag lot stem is a minimum of 20' wide and will allow a driveway to be constructed by the home builder. None of the proposed flag lots cross a stream, ditch, or ravine.

(d) Flag lots shall not be created off minimum access streets.

Response: The flag lots are proposed from public full width streets.

(e) Not more than two abutting flag poles are permitted.

Response: No more than two abutting flag lots are proposed within the Landon Estates Development.

2. Article 12 – Zoning Districts

12.140 Determining Maximum Residential Density. (17.4 du/acre)

(1) The maximum number of dwelling units (du) allowable under either Base Development Standards or Alternative Development Options shall be determined according to the following formula:

Total Site (Acres) - dedicated public right of way (acres) = Useable Site (Acres) x maximum density allowed by zone (du/acre) = Maximum Dwelling Units allowed on site (round to whole number by dropping all fractions).

(2) Using the Base Development Standards, the minimum lot size, the particulars of site layout and topography, and the access requirements may result in yielding less than the allowable maximum dwelling units for any given proposal. In this case, the most restrictive requirement shall govern.

(3) The maximum density for any given zone is not subject to increase using the variance process or the subdivision process. The maximum density for any given zone may be increased only by using the PUD process, small lot allowance, or density incentives as provided in this Code.

(4) The maximum net density for all residential zones shall be as given in the following schedule. Net density in Schedule 12-4 generally corresponds to the following calculation: Divide the area in an acre (43,460 square feet) by the minimum area per dwelling unit (du) from Column 3 in Schedule 12-5. For example, in the R-2 zone: 43,560 sq ft / 3,500 sq ft minimum land area per dwelling / = 12.44 du/acre.

However, the maximum density measurement of dwellings/acre in Schedule 12-4 provides guidance for other provisions of this code intended to provide greater flexibility for unique site

conditions and other issues, such as small lot allowances, cluster lots, and Planned Unit Developments (PUDs).

Response: The density is calculated by taking the total developable area (2.47 acres) and subtracting the area for street right of ways (0.41 acres) which equals 2.06 acres. Then taking the total developable area x 17.4 du/acre (R3 zone maximum density) = 35 maximum dwelling units. The applicant is proposing 14 single family residential lots and therefore the maximum density will be 14, meeting this code requirement.

12.145 Determining Minimum Residential Density (12.44du/acre)

In order to ensure an adequate supply of sites zoned for different housing types at appropriate locations, some residential zones have minimum density requirements. Zones with minimum density requirements are designated on the zoning map with an "M" suffix following the name of the zoning district. This allows 'legacy' zones to continue to be subject to the original standards, while most newly zoned properties will meet the newer requirements.

Response: The subject property is zoned R-3 and not R-3M, therefore the minimum density does not apply.

12.150 Residential Base Development Standards

12.151 Purpose. *The purpose of this Section is to provide the Base Development Standards for all residential uses, including lot size, lot dimension, setbacks, structure height and lot access.*

12.152 Lot Requirements

(1) Minimum lot requirements shall be as given in Schedule 12-5, except as specified in Section 12.152(2)(d) for zero-lot line development for attached housing or as otherwise specified in Subsection (2).

Response: All lots in the proposed development are equal to or greater than 5000 sq.ft., equal to or wider than 50 feet, and the setbacks will meet the requirements for 20 ft front yard, 10 ft exterior side yard, and 5 ft side and rear yard per the requirements in the R-3 zone.

3. Article 6 – Variances

6.060 – Criteria for Variances

(A) Qualifying Condition. The applicant shall demonstrate that the following elements are present to qualify for a variance.

(1) Unique Physical Constraint or Characteristic. The applicant has clearly described the nature of a unique physical constraint or characteristic of the property to which the variance application is related. The constraint is related to the particular property for

which the variance is sought, regardless of the owner, and it does not relate to other property or personal conditions of the owner or applicant, such as personal financial circumstances or inconvenience. Either:

(a) The property has unique physical constraints or characteristics peculiar to the land involved, over which the applicant has no control, such as lot size or shape, topography, natural features, or other physical conditions on the site or in the immediate vicinity, which are not typical of other lands in the same zoning district subject to the same regulation; or

(b) The property has existing development, conforming or nonconforming, located such that it poses unique constraints to the further development of the property in full compliance with the standards of this Code.

Response: The applicant is requesting a variance for the maximum cul-de-sac length of 250' to extend it a distance of 80' for a total cul-de-sac length of 330'. The reason for the longer cul-de-sac length is based on the existing shape of the property and the fact that connecting roads to adjacent properties are not possible because the property to the east is already developed lots with a cul-de-sac, the property to the south is bounded by the GPID south high line canal, and the property to the west is currently being planned for an assisted living facility where a public road is not warranted. The proposal for 14 lots is much less than the 35 units allowed by code. Shortening the cul-de-sac would lessen further the proposed density which is counter to the policy that the City has been promoting trying to maximize density within this type of infill development.

(2) Self-Created Constraint. If the review body finds the unique constraint described in Subsection (1) was self-created, the property shall only qualify for a variance if the review body determines that the self-created constraint can no longer be reasonably eliminated or reversed, or that it is in the public interest to grant a variance rather than require the owner to eliminate the self-created constraint. A situation shall be considered self-created if:

(a) A current or previous owner created the unique physical constraint or characteristic by dividing, reconfiguring, or physically altering the property in a manner such that it could only be subsequently developed, or further developed, by obtaining a variance to the regulations in effect at the time of alteration; and

(b) At the time the current owner altered or acquired the property, he could have known that, as a result of the deliberate alteration, the property could only be developed, or further developed, by obtaining a variance.

Response: The requested variance is not a self-created constraint for the reasons listed in the section above.

(3) Need for Variance. The applicant has demonstrated that a variance is necessary to overcome at least one of the following situations:

(a) Allow Reasonable Use of an Existing Property. Due to the unique physical constraint or characteristic of an existing lot or parcel, strict application of the provisions of the Development Code would create a hardship by depriving the owner of the rights commonly enjoyed by other properties in the same zoning district subject to the same regulation. The variance is necessary for preservation of a property right of the owner, substantially the same as is possessed by owners of other property in the same district subject to the same regulation.

(b) Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels. There need not be a hardship to the owner to qualify for a variance under this Subsection. Due to the unique physical constraint or circumstance, the variance is necessary to better achieve the public purposes of the Comprehensive Plan and Development Code, with minimum deviation from standards. The variance will allow preservation of scenic, natural, or historic resources or features; allow a lot arrangement that represents a more efficient use of land; avoid odd shaped lots or flag lots; or alleviate other unique physical conditions to better achieve public purposes.

(c) Allow Flexibility for Expansion of Existing Development. The location of existing development on the property poses a unique constraint to expansion in full compliance with the Code. The variance is needed for new construction and site improvements in order to provide for efficient use of the land or avoid demolition of existing development, where the public purpose can be substantially furthered in alternate ways with minimal deviation from standards.

Response: The applicant is requesting the variance under subsection (a) and (b) above in that the variance will allow the applicant to create a lot arrangement that is a much more efficient use of the subject property while working in harmony with the surrounding developments that exist and are proposed. The lengthening of the proposed cul-de-sac by 80 feet will allow the in-fill property to be developed to the greatest density possible given that the applicant wishes to keep the lots as single family residences to match the surrounding developments. The allowable density for the existing acreage is 35 units, the applicant is proposing 14 single family residential lots. If the cul-de-sac was shortened by 80 feet, the applicant would likely lose at least one lot and the result would be many more flag lots than already proposed.

(4) No Other Reasonable Alternative. Reasonable alternatives to comply with the provisions of the Development Code have been exhausted. No reasonable alternatives have been identified that would accomplish the same purpose in accordance with the Code without the need for a variance. If applicable, the applicant shall, at a minimum, demonstrate that the following are not reasonable alternatives instead of the requested variance:

(a) Lot line adjustment.

(b) Modified setback option, pursuant to Section 22.200.

(c) Alternate solar standards, pursuant to Section 22.623.

Response: The above mentioned alternatives will not provide the same benefit to the future property owners that the requested variance for private streets will provide. A lot line adjustment is not possible as all of the surrounding properties are developed or are currently being developed in the case of the proposed assisted living facility to the west of the subject development. The modified set-back could not help because shortening the cul-de-sac would increase the setbacks due to the increase in the number of flag lots that would be required. Alternate solar standards are not applicable to this development.

(B) Result of Relief. If the review body finds the proposal for a variance based on the criteria in Subsection (A) above, the review body shall only approve the proposal if it finds the specific proposal is consistent with the following criteria.

(5) Best Alternative. When a variance is needed for a purpose identified in Subsection (3) above, the proposed variance shall be the best alternative to achieve the purpose compared with variances to other standards that could accomplish the same purpose. The best alternative will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code, with the least impact to other properties and the public interest. Impacts to public facilities, substantial natural features, and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.

Response: The requested variance is the best alternative for development of the subject property. The property is surrounded by development, the GPID south high line canal, and a proposed assisted living facility that prevents any other alternative from being employed.

(6) Minimum Deviation. Adherence to the standards of this Code shall be maintained to the greatest extent that is reasonably possible while accomplishing the purpose in Subsection (3). The deviation from standards shall be the minimum necessary to accomplish the purpose, and shall not convey a special right to the property that is not available to properties in the same zoning district subject to the same regulation.

Response: The cul-de-sac length is requested to be extended 80 feet from the minimum of 250 feet to total length of 330 feet. The length cannot be reduced any further without proposing additional flag lots from the end of the bulb.

(7) No Hazard. The proposal shall not pose a public safety hazard such as a visual obstruction or traffic hazard, and shall not obstruct pedestrian or vehicular movement or impede emergency access.

Response: The proposed variance will not create hazards to public safety. Lengthening the cul-de-sac to a total of 330' is still under the maximum allowable cul-de-sac length of 400 feet that is allowed in the Slope Hazard Districts.

(8) Plan and Ordinance Consistency. The proposal shall not adversely affect implementation of the Comprehensive Plan, and shall not be materially detrimental or injurious to the purposes of the Comprehensive Plan or Development Code; other

applicable plans, policies, or standards; or other properties in the same district or vicinity.

Response: This subject development is located in an infill area where the proposed variance will not affect any implementation of the Comprehensive Plan or any proposed transportation systems.

(9) Mitigate Adverse Impacts. Adverse impacts shall be avoided where possible and mitigated to the extent practical. If a variance is not necessary to preserve a property right, or if the unique constraint in Subsection (1) was self-created, adverse impacts may be grounds for denial.

Response: No adverse impacts are anticipated as all surrounding properties are developed or are in the process of being developed.

(10) No Significant Increase in Residential Density. For development of an existing lot, if the variance is for a reduction to lot area, it shall not result in a significant increase in density. For a land division, the variance shall not result in an increase in density over that permitted by the zoning district, except that when a lot is reduced in size due to dedication of right-of-way, minimum lot area may be reduced by fifty square feet or less.

Response: The density is calculated by taking the total developable area (2.47 acres) and subtracting the area for street right of ways (0.41 acres) which equals 2.06 acres. Then taking the total developable area x 17.4 du/acre (R3 zone maximum density) = 35 maximum dwelling units. The applicant is proposing 14 single family residential lots and therefore the maximum density will be 14, meeting this code requirement.

(11) Recommendation of City Engineer. The review body shall consider a written recommendation of the City Engineer when the variance is any to any of the following standards:

(a) A street, access, or utility development standard in Article 27 or 28 of the Code.

(b) The Flood Hazard or Slope Hazard provisions in Article 13 of this Code.

(c) To allow encroachment into existing or planned right-of-way or public utility easement. When a variance is authorized to allow encroachment into a right-of-way, the owner shall sign a right-of-way use agreement that specifies the terms and conditions under which the right-of-way may be utilized.

Response: The City Engineer will have an opportunity to review the proposed variance and provide recommendations.

(12) Additional Criteria. Variances from the street standards in Article 27 of this Code shall meet the additional criteria of 27.121(11)(h)(4) General Design Standards, 27.122(5) Connectivity Standards, and 27.123(15) Street Section Design Standards.

Response: Other than the cul-de-sac length, the proposed street will meet the criteria listed in Article 27 of the code.

OREGON ADMINISTRATIVE RULES (OAR)

4. Chapter 660: Land Conservation & Development Department

(A) Division 3: Procedure For Review & Approval Of Compliance Acknowledgment Request

Response: The Land Conservation & Development Commission granted acknowledgement of the City of Grants Pass Comprehensive Plan, pursuant to the process outlined under this OAR Section. Therefore, the applicant's request for a Land Subdivision is being made within a jurisdiction that possesses an acknowledged Comprehensive Plan.

(B) Division 12: Transportation Planning

(i) 660-012-0060 — Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

Response: The proposed land subdivision will not significantly affect an existing or planned transportation facility. A new cul-de-sac will be constructed for lot access and Grandview Lane will be constructed with a half street improvement along the frontage.

(C) Division 15: Statewide Planning Goals & Guidelines

(ii) 660-15-0000(1), Goal 1 — Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: The applicant is working through the City of Grants Pass process to apply for the proposed subdivision as regulated by the City's development code. As such, notice of the application will be sent to neighboring property owners, printed in a newspaper of general circulation in Grants Pass for two consecutive days not less than 20 days prior to the hearing and posted on site. Review of the proposed subdivision shall undergo a Planning Commission hearing at the discretion of the planning staff. The mailed notices, posted notice, printed notice, and hearing will provide sufficient opportunities for citizens of Grants Pass to comment on the proposal.

(iii) 660-15-0000(2), Goal 2 — Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

City, County, State and Federal Agencies and special district plans and actions related to land use shall be consistent with the Comprehensive Plans of cities and counties and regional plans adopted under ORS Chapter 268.

Response: Through the submittal of this application, along with all of the accompanying information, the applicant is demonstrating and justifying that the proposed land subdivision is in conformance with all applicable standards of the Comprehensive Plan and the Development Code.

(iv) 660-15-0000(3), Goal 3 — Agricultural Lands

To preserve and maintain agricultural lands.

Response: This property is not zoned Agricultural, therefore this section is not applicable.

(v) 660-15-0000(4), Oregon Land Use Planning Goal 4 — Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

(a) Guidelines

B. Implementation

1. *Before forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated.*

Response: This property is not zoned forestry, therefore this section is not applicable.

(vi) 660-15-0000(5), Goal 5 — Open Space, Scenic, and Historic Areas and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The site proposed for the land subdivision does not exhibit any historic resources or wetland potential. Therefore, the encouragement of the protection and management of significant resources in mutual cooperation with appropriate Federal or State agencies will be accomplished with this development.

(vii) 660-15-0000(6), Goal 6 — Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Response: If the City approves this application, the site would subsequently be developed into residential lots for single family dwellings. The development of this site would only include enough site disturbance to build a single-family dwelling on each lot. Once home construction is complete, trees and other vegetation would be landscaped by homeowners and allowed to grow indefinitely, thereby continuously improving air quality.

(viii) 660-15-0000(7), Goal 7 — Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

Response: The site is not located within a fire hazard area, existing vegetation is grass and weeds and the property is currently being used as a property management office and also one residential home. The site is located within the Grants Pass Fire District.

(ix) 660-15-0000(8), Goal 8 — Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: The proposed subdivision is not seeking to develop the site as one that would meet the recreational needs of Grants Pass. The subject site enjoys close access to the Cathedral Park network of recreational trails and also the Rogue River and associated parks.

(x) 660-15-0000(9), Goal 9 — Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: The approval of the land subdivision application for residential uses would expand and increase the productivity from several existing industries and firms. First, it would utilize several components of the development, construction and building industries and trades through site development work, home construction and ongoing home improvement. Second, it would create additional residents / consumers within the area that would utilize the many firms and industries that provide residents with the many goods and services that are typically demanded by residents of the area.

(xi) 60-15-0000(10), Goal 10 — Housing

To provide for the housing needs of citizens of the state.

(b) Guidelines

A. Planning

1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include:

- (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost;
- (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels;
- (3) a determination of expected housing demand at varying rent ranges and cost levels;
- (4) allowance for a variety of densities and types of residences in each community; and

Response: Approval of this subdivision request will allow the development of approximately 14 single family home sites meeting the increasing demand in Josephine County for residential homes.

(xii) 660-15-0000(11), Goal 11 — Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: The individual lots will be served by city sewer and water facilities. The properties will receive additional public services from Grants Pass Fire District; Grants Pass Police Department; Josephine County social services programs; applicable school district(s); applicable waste collection services; and applicable ambulance / medical facilities and services. No new public facilities or services are proposed as part of this application as these services are already in place.

(xiii) 660-15-0000(12), Goal 12 — Transportation

To provide and encourage a safe, convenient and economic transportation system. A transportation plan shall:

- (9) Conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Response: Approval of this request would lead to development of single family residential homes as allowed by the existing underlying city zoning.

(xiv) 660-15-0000(13), Goal 13 — Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Response: If the site is developed into a subdivision, new homes on the property shall be constructed pursuant to the energy efficient standards that are required by the current edition of the International Building Code (IBC). Electric utilities shall be installed underground, thereby minimizing the need for repair and replacement of electric energy infrastructure.

Technological strides continue to be made in the solar energy and the ground source heating and cooling field that will continue to make these alternatives more attractive each

year. There are tax rebates and incentives available for such systems that will also help to persuade homeowners to the advantages of such technologies.

(xv) 660-15-0000(14), Goal 14 — Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

(c) *Single-Family Dwellings in Exception Areas*

Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:

(a) *Was lawfully created;*

(b) *Lies outside any acknowledged urban growth boundary or unincorporated community boundary;*

(c) *Is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and*

(d) *Is planned and zoned primarily for residential use.*

Response: If the proposed land subdivision is approved, the site would be developed into single family dwellings as allowed by the underlying City zoning. The subdivision will be legally created through the platting process, and utilities will be installed and extended to each new lot.

(xvi) *Statewide Planning Goals 15 – 19 do not apply to the City of Grants Pass.*

(D) *Division 18: Plan & Land Use Regulation Amendment Review Rule*

(xvii) 660-018-0005 — Purpose

This division is intended to implement provisions of ORS 197.610 through 197.625. The overall purpose is to carry out the state policies outlined in ORS 197.010 and Or Laws 2003, Chapter 800, Section 17(2).

Response: OAR 660-018 provides the requirements for notices, timelines, appeal procedures and other items relating to Land Use applications. It is understood that the process, submittal requirements, procedure, appeal options, timelines, etc., of the proposed application, is subject to all of the applicable definitions, criteria, standards, etc., that are outlined in this Division. Further, the applicant will work with City Staff to assure that all procedures are properly followed.

OREGON REVISED STATUTES (ORS)

ORS Chapter 92 – Subdivisions and Partitions

92.014 Approval of city or county required for specified divisions of land. (1) A person may not create a street or road for the purpose of subdividing or partitioning an area or tract of land without the approval of the city or county having jurisdiction over the area or tract of land to be subdivided or partitioned.

(2) Notwithstanding ORS 92.175, an instrument dedicating land to public use may not be accepted for recording in this state unless the instrument bears the approval of the city or county authorized by law to accept the dedication

Response: This application for a land subdivision meets the requirements of ORS 92.014 if the applicant receives approval from the City of Grants Pass.

92.040 Application for approval of subdivision or partition; tentative plan; applicability of local government laws. (1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county

Response: The applicant has included a tentative plan map with the land subdivision application for review to the City of Grants Pass. The final plat map for this subdivision will not be recorded until tentative plan approval is obtained from the City.

92.050 Requirements of survey and plat of subdivision and partition.

(1) A person shall not submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.

(2) The survey for the plat of the subdivision or partition shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the subdivision or partition plat, whichever is greater.

(3) The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.

(4) The plat of the subdivision or partition shall be of sufficient scale and lettering size, approved by the county surveyor, so that:

(a) The survey and mathematical information and all other details are clearly and legibly shown on the plat.

- (b) *Each lot or parcel is numbered consecutively.*
- (c) *The lengths and courses of the boundaries of each lot or parcel are shown on the plat.*
- (d) *Each street is named and shown on the plat.*
- (5) *The locations and descriptions of all monuments found or set must be carefully recorded upon all plats and the proper courses and distances of all boundary lines, conforming to the surveyor's certificate, must be shown.*
- (6) *The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded by the county clerk. Private easements become effective upon the recording of the plat.*
- (7) *The area of each lot or parcel must be shown on the subdivision or partition plat.*
- (8) *In addition to showing bearings in degrees, minutes and seconds and distances in feet and hundredths of a foot, the following curve information must be shown on the subdivision or partition plat either on the face of the map or in a separate table:*
 - (a) *Arc length;*
 - (b) *Chord length;*
 - (c) *Chord bearing;*
 - (d) *Radius; and*
 - (e) *Central angle.*
- (9) *A city or county may not require that a final subdivision, condominium or partition plat show graphically or by notation on the final plat any information or requirement that is or may be subject to administrative change or variance by a city or county or any other information unless authorized by the county surveyor. [Amended by 1955 c.756 §10; 1983 c.309 §3; 1989 c.772 §8; 1991 c.763 §10; 1993 c.702 §3; 1995 c.382 §4; 1997 c.489 §2; 1999 c.1018 §1; 2005 c.399 §5]*

Response: The applicant has retained the services of Rhine-Cross Group, LLC to prepare the Tentative Subdivision Plan and application for the land subdivision. The final plat map will be prepared by an Oregon Registered Land Surveyor in accordance with ORS 92.050 should the applicant receive tentative plan approval from the City. The subdivision will be monumented in accordance with ORS 92.060.

92.075 Declaration required to subdivide or partition property; contents.

- (1) *In order to subdivide or partition any property, the declarant shall include on the face of the subdivision or partition plat, if a partition plat is required, a declaration, taken before a notary public or other person authorized by law to administer oaths, stating that the declarant has caused the subdivision or partition plat to be prepared and the property subdivided or partitioned in accordance with the provisions of this chapter. Any dedication of land to public purposes or any public or private easements created, or any other restriction made, shall be stated in the declaration.*
- (2) *If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being subdivided or partitioned.*

(3) *If the subdivision or partition plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the declaration for the purpose of consenting to the property being submitted to the provisions of this chapter.*

(4) *Notwithstanding the provisions of subsections (1) to (3) of this section, the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration of property being subdivided or partitioned and to any dedication or donation of property to public purposes. The affidavit must indicate the recorded document by which the interest in the property was acquired and all information required by ORS 93.410 to 93.530 and must be recorded in deed records at the same time as the subdivision or partition plat. The county clerk shall note the recording information of the affidavit on the original and any exact copies of the subdivision or partition plat. [1991 c.763 §3; 1995 c.382 §8; 2005 c.399 §9]*

Response: The final plat map will be prepared by an Oregon Registered Land Surveyor and will contain a declaration, taken before a notary public, stating the requirements of ORS 92.075

92.080 Preparation of plat.

Notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning land in a county in this state, dedications of streets or roads or public parks and squares and other writings made a part of the subdivision or partition plats offered for record in a county in this state must be made on material that is 18 inches by 24 inches in size with an additional three-inch binding edge on the left side when required by the county clerk or the county surveyor, that is suitable for binding and copying purposes, and that has the characteristics of strength and permanency required by the county clerk and county surveyor. All signatures on the original subdivision or partition plat must be in archival quality black ink. The subdivision or partition plat must be of a scale required by the county surveyor. The lettering of the approvals, the declaration, the surveyor's certificate and all other information must be of a size or type to be clearly legible, but the information may not come nearer an edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page must be included for subdivision or partition plats placed upon three or more sheets. [Amended by 1955 c.756 §12; 1973 c.696 §15; 1985 c.582 §1; 1989 c.772 §12; 1991 c.763 §14; 1993 c.321 §6; 1993 c.702 §5; 1997 c.489 §5; 1999 c.710 §3; 2005 c.399 §10]

Response: The final plat map will be prepared by an Oregon Registered Land Surveyor and will be on approved material 18"X24" in size with all the requirements of ORS 92.080.

92.095 Payment of taxes, interest or penalties before subdivision or partition plat recorded.

(1) *A subdivision or partition plat may not be recorded unless all ad valorem taxes have been paid, including additional taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees or other charges required by law to be placed upon the tax roll that have become a lien upon the land or that will become a lien during the tax year.*

(2) *After July 1, and before the certification under ORS 311.105 of any year, the subdivider or partitioner shall:*

(a) *If the exact amount of taxes, penalties, special assessments, fees and charges can be computed by the assessor, pay the amount to the tax collector. The assessor is authorized to levy and the tax collector is authorized to collect the amount.*

(b) If the assessor is unable to compute the amount at the time, either:

(A) Pay the amount estimated by the assessor to be needed to pay the taxes, penalties, special assessments, fees and other charges to become due; or

(B) Deposit with the tax collector a bond or irrevocable letter of credit with a good and sufficient undertaking in an amount the assessor considers adequate to ensure payment of the taxes to become due. The bond or irrevocable letter of credit amount may not exceed twice the amount of the previous year's taxes, special assessments, fees and other charges upon the land.

(3) Taxes paid or for which security is given under subsection (2)(a) or (b) of this section are entitled to the discount provided by ORS 311.505.

(4) ORS 311.370 applies to all taxes levied and collected under subsection (2) of this section, except that any deficiency constitutes a personal debt against the person subdividing or partitioning the land and not a lien against the land and must be collected as provided by law for the collection of personal property taxes.

(5) If a subdivision or partition plat is recorded, any additional taxes, interest or penalties imposed upon land disqualified for any special assessment become a lien upon the land on the day before the plat was recorded

Response: If the applicant receives approval from the City of Grants Pass for the land subdivision, all ad valorem taxes shall be paid prior to recording the final plat.

92.100 Approval of plat by city or county surveyor; procedures; approval by county assessor and county governing body; fees.

(1)(a) Except as provided in subsection (4) of this section, before a subdivision or partition plat that covers land within the corporate limits of a city may be recorded, the county surveyor must approve the plat.

(b) Notwithstanding ORS 92.170, the governing body of the city may, by resolution or order, designate the city surveyor to serve in lieu of the county surveyor or, with concurrence of the county surveyor, a contract surveyor to act as city surveyor.

(c) Except as provided in subsection (4) of this section, if the land is outside the corporate limits of any city, the subdivision or partition plat must be approved by the county surveyor before it is recorded.

(d) All subdivision plats must also be approved by the county assessor and the governing body of the county in which the property is located before recording.

(e) Notwithstanding paragraph (d) of this subsection, a county may provide by ordinance for the approval of subdivision plats by:

(A) The county assessor; and

(B)(i) The chairperson of the governing body of the county;

(ii) The vice chairperson of the governing body of the county; or

(iii) A person designated in lieu of the chairperson or vice chairperson.

(f)(A) A partition plat is subject only to the approval of the city or county surveyor unless:

(i) The partition plat includes a dedication of land for public road purposes; or

(ii) Provided otherwise by ordinance of the governing body.

(B) The city or county surveyor shall review the partition plat only for compliance with the survey-related provisions of ORS 92.010 to 92.192 and 209.250.

(2) Before approving the subdivision plat as required by this section, the county surveyor shall check the subdivision site and the subdivision plat and shall take measurements and make

computations and other determinations necessary to determine that the subdivision plat complies with the survey-related provisions of ORS 92.010 to 92.192 and 209.250 and with survey-related requirements established pursuant to an ordinance or resolution passed by the governing body of the controlling city or county.

(3) Before approving the partition plat as required by this section, the county surveyor shall check the partition plat and make computations and other determinations that the partition plat complies with the survey-related provisions of ORS 92.010 to 92.192 and 209.250 and with the survey-related requirements established pursuant to an ordinance or resolution by the governing body of the controlling city or county.

(4) Before a subdivision or partition plat prepared by the county surveyor in a private capacity may be recorded, the plat must be approved in accordance with subsection (2) or (3) of this section, whichever is applicable, by the surveyor of a county other than the county in which the land is located and who has been designated by the county surveyor.

(5) For performing the service described:

(a) In subsection (2) of this section, the county surveyor shall collect from the subdivider or declarant a fee of \$100 plus \$5 for each lot contained in the subdivision. The governing body of a city or county may establish a higher fee by resolution or order.

(b) In subsection (3) of this section, the county surveyor shall collect from the partitioner or declarant a fee to be established by the governing body.

(c) In subsection (4) of this section, the designated county surveyor shall collect the applicable subdivision or partition plat check fee, and any travel expenses incurred, as established by the designated county surveyor's board of commissioners. The subdivision or partition plat check fee and other expenses must be paid by the subdivider, partitioner or declarant prior to approval of the subdivision or partition plat by the designated county surveyor.

(6) Nothing in this section prohibits a city, county or special district from requiring engineering review and approval of a subdivision plat to ensure compliance with state and local subdivision requirements that relate to matters other than survey adequacy.

(7) Granting approval or withholding approval of a final subdivision or partition plat under this section by the county surveyor, the county assessor or the governing body of a city or county, or a designee of the governing body, is not a land use decision or a limited land use decision, as defined in ORS 197.015.

Response: The final plat map will be prepared by an Oregon Registered Land Surveyor and will be submitted to the City and the Josephine County Surveyor for review and approval. All fees required by the County Surveyor will be paid by applicant. The plat map will be recorded by Josephine County after all required jurisdictional signatures and approvals have been obtained in accordance with ORS 92.100.

ORS Chapter 197 – Comprehensive Land Use Planning Coordination

5. Comprehensive Planning Responsibilities

(J) 197.175 — Cities' and counties' planning responsibilities; rules on incorporations; compliance with goals.

(1) Cities and counties shall exercise their planning and zoning responsibilities, including, but not limited to, a city or special district boundary change which shall mean the annexation of unincorporated territory by a city, the incorporation of a new city and the formation or change of organization of or annexation to any special district authorized by ORS 198.705 to 198.955, 199.410 to 199.534 or 451.010 to 451.620, in accordance with ORS chapters 195, 196 and 197 and the goals approved under ORS chapters 195, 196 and 197. The Land Conservation and Development Commission shall adopt rules clarifying how the goals apply to the incorporation of a new city. Notwithstanding the provisions of section 15, chapter 827, Oregon Laws 1983, the rules shall take effect upon adoption by the commission. The applicability of rules promulgated under this section to the incorporation of cities prior to August 9, 1983, shall be determined under the laws of this state.

Response: It is understood that in the review of this proposed land subdivision, the City of Grants Pass is required to abide by the applicable planning responsibilities and compliance with the Goals in the manner that is outlined above.

(2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall:

- (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;*
- (b) Enact land use regulations to implement their comprehensive plans;*
- (c) If its comprehensive plan and land use regulations have not been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the goals;*
- (d) If its comprehensive plan and land use regulations have been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the acknowledged plan and land use regulations; and*
- (e) Make land use decisions and limited land use decisions subject to an unacknowledged amendment to a comprehensive plan or land use regulation in compliance with those land use goals applicable to the amendment.*

Response: The City of Grants Pass possesses an acknowledged Comprehensive Plan that is in compliance with the Statewide Goals. It has also adopted land use regulations through the Grants Pass Development Code. The City makes land use decisions and limited land use decisions in compliance with its Plan and the Development Code. In turn, the City's land use decision on the proposed land subdivision must be in compliance with its Plan and the Development Code.

6. Goals Compliance

(E) 197.250 — *Compliance with goals required.*

Except as otherwise provided in ORS 197.245, all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.

Response: The City of Grants Pass Comprehensive Plan and Development Code — along with all plans, programs, rules or regulations affecting land use that are adopted by a State agency or special district — are in compliance with the Statewide Goals. In turn, the City's decision on the proposed land subdivision must be in compliance with the Statewide Goals.

(F) 197.251 — *Compliance acknowledgment; commission review; rules; limited acknowledgment; compliance schedule.*

(1) Upon the request of a local government, the Land Conservation and Development Commission shall by order grant, deny or continue acknowledgment of compliance of comprehensive plan and land use regulations with the goals. A commission order granting, denying or continuing acknowledgment shall be entered within 90 days of the date of the request by the local government unless the commission finds that due to extenuating circumstances a period of time greater than 90 days is required.

Response: The Land Conservation & Development Commission granted acknowledgement of the City of Grants Pass Comprehensive Plan, pursuant to the process outlined under this Section. Therefore, the applicant's request for a land subdivision is being made within a jurisdiction that possesses an acknowledged Comprehensive Plan. In turn, the City's decision on the proposed land subdivision must be in compliance with the City's acknowledged Comprehensive Plan.

7. Enforcement Of Planning Requirements

(G) 197.340 — *Weight given to goals in planning practice; regional diversity and needs.*

(1) The Land Conservation and Development Commission, the Department of Land Conservation and Development, other state agencies and local governments shall give the goals equal weight in any matter in which the goals are required to be applied.

Response: The applicant has addressed and provided findings that pertain to all 19 goals, each of which has been weighed equally. Goals 1 through 2 and 5 through 14 apply directly to this proposal. Goal 3 and 4 do not apply to this proposal because the subject property is not designated as Agricultural or Forestry. Goal 15 does not apply because the subject property does not impact the Willamette River Greenway. Goals 16 through 19 do not apply because the subject property is not located within a coastal community and does not exhibit any of the natural coastal features or environments that

are addressed by these Goals. In turn, the City's review and decision on the proposed land subdivision must apply each Goal equally.

(2) The commission and the department shall consider and recognize regional diversity and differences in regional needs when making or reviewing a land use decision or otherwise applying the goals.

Response: It is understood that DLCD, and if necessary LCDC, shall consider and recognize regional diversity and differences in regional needs, such as those peculiar to the City of Grants Pass and the area of the subject property, when reviewing the City's land use decision on the proposed land subdivision and applying the Goals in its review.

RESOLUTION NO. 4851

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS ADOPTING POLICY REGARDING SECTION 17.413(3) OF THE DEVELOPMENT CODE.

WHEREAS:

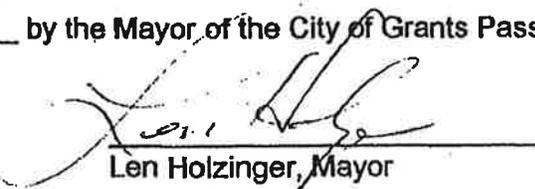
1. Section 17.413 of the City of Grants Pass Development Code contains seven criteria that must be satisfied in order to grant approval of the tentative plan of a subdivision.
2. Section 17.413(3), one of the seven criteria referenced above, requires, in part, that the street layout "...best balances needs for economy, safety, efficiency and environmental compatibility..."
3. The Planning Commission and City Council have expressed concern that construction or deferral of frontage improvements alone is not sufficient to address the pedestrian safety aspect of this criterion.
4. This portion of the criterion requires a subjective determination by the Review Body responsible for rendering a decision on a subdivision application. It is the desire of the City Council to add objectivity and consistency, providing guidance to staff, applicants, decision-makers, and citizens by specifying the minimum requirements necessary to satisfy this portion of the criterion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the policy provided in Exhibits 'A' and 'B' specifies the minimum requirements necessary to satisfy the pedestrian safety portion of Criterion 17.413(3) of the Development Code.

This action becomes effective upon adoption.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 7th day of July, 2004.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 15 day of July, 2004.



Len Holzinger, Mayor

ATTEST:

Karin M Lange
Administrative Services Director
for Joanne Stumpf

Date submitted to Mayor: 7-9-04

EXHIBIT

5

EXHIBIT "A"
TO RESOLUTION NO. 4851

The following provisions shall apply to new subdivisions.

PUBLIC IMPROVEMENTS

On-site concrete sidewalk

An on-site concrete sidewalk, built to City standards, shall be installed along the street frontage of the property, whether or not curb and gutter are present. Signing a Deferred Development Agreement and posting a Cash Deposit will not satisfy the requirement for installation.

Asphalt off-site walkway (Reference attached map, Exhibit "B")

An asphalt off-site walkway shall connect the on-site sidewalk to one of the following "destination streets" or sections thereof:

"A" St.
Allen Creek Rd. (from Schutzwahl Ln. to Highway 199)
Beacon Dr.
Bridge St.
Dimmick St. (between Bellevue Pl. and "A" St.)
Dowell Rd. (from Redwood Highway to Redwood Ave.)
Fruitdale Dr.
"G" St.
George Tweed Blvd.
Grandview Ave.
Grants Pass Parkway (between Agness and Parkdale Dr.)
Highland Ave.
Highway 199 (south side between Hwy. 238 and RCC)
Highway 238 (section north of New Hope Rd.)
Kellenbeck Ave.
Leonard Rd. (north-south section west of Moon Glo Dr.)
"M" St.
"N" St. and Agness Ave. (between Camelot Dr. and the Parkway)
Parkdale Dr. (between the Parkway and Fruitdale Dr.)
Redwood Ave. (east of Sun Glo Dr.)
Sixth St.
Seventh St.
Union Ave.
West Harbeck Rd.

Willow Ln. (between Redwood Ave. and Leonard Rd.)

If curb and gutter are present and there is adequate right-of-way, then a concrete sidewalk meeting City standards will be required.

Standards for asphalt walkways

The walkway shall meet the following standards:

- 5.5 feet in width measured from center of fog line
- 4.0 feet in width when separated from street by a borrow ditch
- 2 inches of asphalt on 4 inches of aggregate base
- one side of street only
- other applicable engineering construction standards (e.g. those pertaining to access ramps, etc.)

OTHER CONSIDERATIONS

Advanced Financing Districts

An Advanced Financing District (AFD) for off-site improvements may be created upon approval by the City Council.

Alternatives to Asphalt Walkways

A direct route from the subdivision to a "destination street" via an asphalt walkway is not mandated in order to satisfy Criterion 3, provided standards for pedestrian safety can be met in some other way. Other alternatives must already exist, such as: a minimum 5.5 foot wide path, unobstructed and open to the public, along a Grants Pass Irrigation Canal; bike and walk paths; and connection to destination streets via existing sidewalks.

If the Review Body does not review and approve this alternative, then the City Manager or his designee must approve such alternative.

Exemptions

In cases in which there is inadequate width or area to meet the standards, installing a walkway across an existing

culvert of a Grants Pass Irrigation Canal or an existing bridge shall be exempt from this requirement

One Year Maintenance Bond

A one-year maintenance bond shall be required for the off-site asphalt walkway in accordance with City policies.

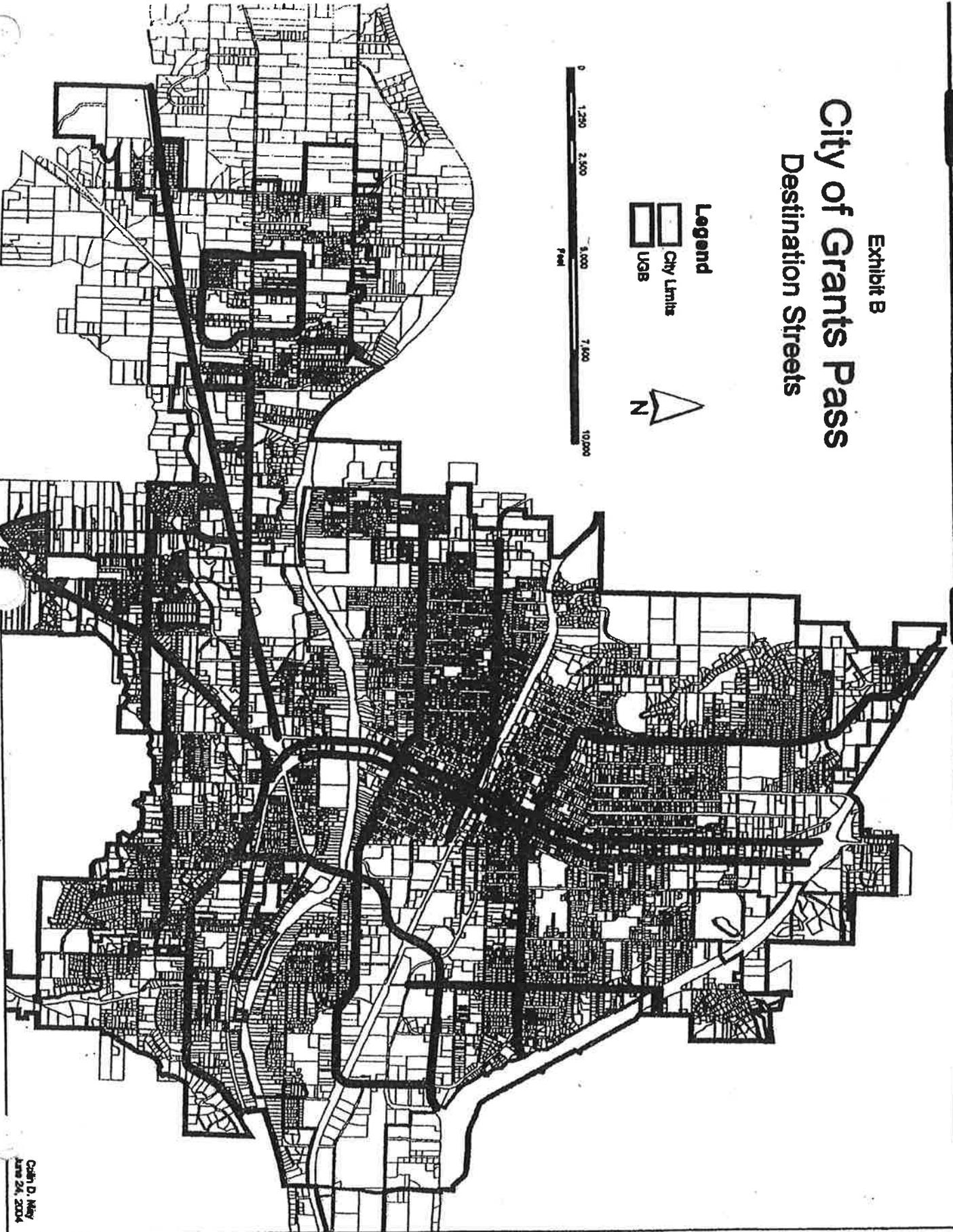
Timing of Installation

Two alternatives exist:

1. The asphalt walkways must be installed prior to final plat approval, or
2. Upon approval by the Review Body, security may be accepted and installation may be delayed for a maximum of 7 months from the date of final plat approval. Occupancy of homes in the subdivision shall not occur until the walkway has been installed. Provisions for posting of security, contained in Section 29.030 of the Development Code, shall be followed.

DISCLAIMER: Where specific provisions of the Development Code conflict with provisions of this resolution, provisions contained in the Development Code shall prevail.

Exhibit B City of Grants Pass Destination Streets



Legend
City Limits
USB



Cathy D. May
June 24, 2004

Variance Request - Technical Memorandum

To: Joe Slaughter, AICP

Date: May 4, 2016

From: Michael Thornton, P.E.

File: 16-032

Subject: Variance Request – Length of Cul-de-Sac – Landon Estates

This memorandum presents my comments, concerns and questions, generated during my review of the subject document. The objective of my review was to assist the City in determining general compliance with the relevant Criteria for Approval as specified in the Grants Pass Development Code.

After reviewing the application narrative and Tentative Plan, I recommend that the variance request be granted as proposed by the Applicant, provided that the fire/life/safety agencies have no objections.



SYSTEM DEVELOPMENT CHARGES EXHIBIT



Fees Effective
January 1, 2016 through
December 31, 2016

This brochure is only a guideline for anticipating potential system charges for new development and is subject to change.

What are SDCs?

The City of Grants Pass is committed to providing quality services to our community. As our community grows, old systems need to be updated and new systems must be built. System Development Charges are one way to fund those improvements.

System Development Charges (SDCs) are fees imposed upon new and expanding development within the City of Grants Pass and the urbanizing area that connects to or otherwise will use City services of the water system, sanitary sewer system, parks, streets and storm drainage.

The objective of SDCs is to charge new users an equitable share of the cost of services and to pay for improvements necessary as a result of increased development and demand on the City's infrastructure.

SDC Fee Adoption & Adjustments

On July 17, 1991 the City of Grants Pass adopted an ordinance allowing the creation of system development charges. SDCs are now in place to fund the Water, Sewer, Parks, Storm Drain and Transportation Systems.

On January 2, 2002, the Council adopted a resolution establishing Cost of Living (COLA) Adjustments for SDCs.

The figures in this brochure reflect the fees for January 1, 2016 through December 31, 2016 only.

For further assistance...
If you would like more information on System Development Charges call (541) 450-6060

Storm Drain System

Storm Water and Open Space SDC's were adopted by the City Council on February 4, 2004. At that time, two separate charges were created, one applying to all lands within the urban growth boundary, and one specifically limited to properties which fall within the Sand Creek Drainage Basin.

The Storm Water and Open Space SDC's are an incurred charge for the planning, acquisition and capital development of facilities to accommodate and control storm water runoff, directly associated open space, and water quality control facilities to clean surface water runoff prior to return to natural surface water conveyances.

Storm Drain SDC's are due and payable upon issuance of building permit for any new construction or expansion which creates additional residential units and any construction which expands or remodels a business building which includes an increase in impervious surface of 25% or more.

The Storm Drain and Open Space Plan SDC
For residential and commercial development is **\$488.11 per development permit.**

The Sand Creek Drainage Basin Storm Drain SDC
For residential and commercial development is **.33 per square foot of the lot or improvement.**

This brochure is intended to be used as a **guide-line only** for estimating System Development Charges as a part of total project costs. Actual costs for your project may differ due to site specific requirements.

It does not include information on other fees which may be due including planning review fees, engineering fees, building permit fees, water and sewer connection fees, reimbursement district fees and business licenses.

Please contact the Parks & Community Development office at 541-450-6060 for information on SDC's specific to your project and information on other potential costs.

Who to contact at Community Development:

Our Planning Division can assist you with questions on our Parks and Transportation SDC's.

Our Building Permit Technician can assist with Water, Sewer and Storm Drain SDC questions and estimates.

Visit our website at:
www.grantspassoregon.gov

Parks & Community Development Office is located at:

101 NW A Street
Upstairs Room 201
Grants Pass, Oregon 97526
541-450-6060

Open 8 am – 5 pm Monday – Friday
Building Counter Hours 8 – 10 M – F
Planning Counter Hours 8 – 5 M – F

Water System

The Water SDC was first adopted by the City Council on August 21, 1991 and last amended on July 25, 2005. It is charged and payable for development at the time of permit to connect to the water system.

The method of calculating the Water SDC depends on what Water Pressure Zone service area the development is connecting to, as follows:

<u>Water Pressure Zones 1, 2&3:</u>	
<i>(based on water meter size)</i>	
3/4"	\$2,845
1"	\$7,116
1-1/2"	\$14,234
2"	\$32,776
<u>Water Pressure Zones 4, 5 & up:</u>	
<i>(based on water meter size)</i>	
3/4"	\$3,311
1"	\$8,279
1-1/2"	\$16,559
2"	\$26,494

Water meter size required for your project can vary and is site specific please contact our office for actual cost for your connection.

Per Municipal Code 3.11.400 All Residential Development The water system development charge shall be the greater of the charge based on water meter size or the charge based on residential living units.

Sewer System

The Sewer SDC was first adopted by the City Council on October 19, 1994 and last amended on July 25, 2005. The Sewer SDC is charged and payable for development at the time of permit to connect to the sewer system.

Sewer SDCs for residential use are based on Equivalent Residential Units (ERUs) as follows:

Single-family or Manufactured Home	\$3,009
Duplex	\$4,814
Tri-plex	\$7,222

Sewer SDCs for commercial, public and quasi-public development are determined by the number of fixture units and strength of discharge. A worksheet is available to estimate the sewer SDC for individual projects.

Redwood Sewer District

Properties located within the Redwood Sanitary Sewer Service District (RSSSD) are Subject to a different sewer SDC schedule *and may be subject to additional assessment charges or eligible for credits. *Please contact the Community Development office for an estimate of RSSSD charges.*

*For typical new construction within the RSSSD, the following schedule applies:	
<u>Residential in Redwood Sewer District:</u>	
1 toilet	\$3,835
2 toilets	\$4,135
3 toilets	\$4,435
4 toilets	\$4,735
5 toilets	\$5,035

Redwood Sewer SDCs for commercial, public and quasi-public development are determined by the number of fixtures units, strength of discharge and water meter size. A worksheet is available to estimate the sewer SDC for individual projects.

Transportation

The Transportation SDC was adopted by the City Council on September 15, 1999. The Transportation SDC helps to pay for the expansion and capital development of the transportation system to accommodate and control motorized vehicular traffic, pedestrian traffic, and bicycle traffic.

In September 2011, the City Council adopted Ordinance 5546 which identifies the method of calculating the SDC's to be based on the Institute of Transportation Engineers Trip Generation Report. Trips are calculated based on the Land Use and Title that best fits the Development as interpreted by the City. If the ITE Trip Generation Report includes multiple measure that can be used to determine average daily trip generation including area, the measure of square footage (area) will be used. The Director may consider an alternative trip calculation when a report is supplied by a licensed traffic engineer and said alternative is reviewed and approved by the City Engineer.

The Transportation SDC is due and payable at the time of building permit issuance for construction.

The City Council adopted Resolution 15-6338 to establish the current Transportation SDC trip rate. This rate is a 30% reduction from the previous rate.

In certain cases, a credit may be applied towards the Transportation SDC for previous uses on the site. Please contact Planning for an estimate of the Transportation SDC's for your project.

Below is an example using the \$111.13/trip rate.
Single Family Residence
 Category: Single-family (9.57 trips/unit)
 1 unit x 9.57 trips/unit x \$111.13/trip = \$1063.51

Parks

The City of Grants Pass has adopted two SDCs for Parks: The Parkland Acquisition SDC was adopted by the City Council on June 30, 1997. The SDC pays for the purchase of parkland, trails, and open space for the parks and recreation master plan. On December 18, 2006 the City Council adopted a Park Development SDC effective June 1, 2007. This SDC will help fund capital improvements and development of the park, trail and open space system.

Parks SDCs are due and payable upon issuance of a building permit for any new construction or expansion which creates additional residential units; any construction which creates a new business building or enlarges a business building; or issuance of the first manufactured home placement permit granted upon an individual building lot.

The Parks SDCs for residential development is based on the number of units:

Parkland Acquisition	\$461.21 per residence
Park Development	\$370.45 per residence
Total per unit	\$831.66

The Parks SDCs for non-residential development is based upon the number of required parking spaces built to serve the development.

Parkland Acquisition	\$42.23 per new parking space built
Park Development	\$32.97 per new parking space built
Total per parking space	\$75.20

The City Council adopted Resolution 15-6338 to establish the current Transportation SDC trip rate. This rate is a 30% reduction from the previous rate.

See other side for Storm Drain SDC Information