

URBAN AREA PLANNING COMMISSION
Meeting Minutes – April 12, 2023, at 6:00 p.m.
Council Chambers

COMMISSIONERS:

Eric Heesacker
Mark Collier (Chair)
Loree Arthur
Lois MacMillan
Susan Tokarz-Krauss
L. Ward Nelson (Vice Chair) - Absent
Clint Scherf - Absent
Scott Lindberg

City/Staff/Council Liaisons:

Bradley Clark (Director)
Mark Trinidad – (Principal Planner)
Jason Maki (Associate Planner)
Donna Rupp (Associate Planner)
Gabby Sinagra (Assistant Planner)
Amber Neeck (Housing & Neighborhood Specialist)

Guests:

Chair, I do not see anyone on Teams right now, but it's six o'clock and it is recording.

1. Roll

All right, so it's six o'clock and we'll open the meeting of the April 12th Planning Commission with a roll call, and I'll just go down the line. Commissioner Arthur.

Here.

Commissioner MacMillan?

Here.

Commissioner Heesacker.

Here.

Collier is here. Commissioner Tokarz-Krauss.

Here.

2. Introductions

And our newest member is Commissioner Scott Lindberg. Did I say that right?

You did. Here.

Welcome Scott.

Thank you.

Commissioner Nelson is out for the whole month and Commissioner Scherf is not here today. Any other introductions?

3. Public Comment

Public comment?

Really wish I had that cheat sheet.

This is the opportunity for the public to address the commission on items not related to a public hearing or action item. Intent is to provide information that is pertinent to the city's jurisdiction. Each speaker would be given three minutes to address the commission as one body not to individuals. Commission may consider items brought up during this time or later in the agenda during matters before commission members.

4. Approval of Minutes

a. March 22, 2023

Staff approval of the minutes for March 22nd, 2023.

I'll make a motion that we approve the minutes.

And you are.

22nd, MacMillan makes a motion to approve the maintenance of March 22nd, 2023.

Heesacker second. Okay, we have a motion and the second for discussion. I would like to start out with, I would like to strike the comments on page one of the comments all the way up until on page two, item number one where we call the roll. I think those minutes were captured extemporaneously.

Macmillan will add that to her motion.

Thank you. Heesacker will still second that. Any other discussion on the minutes? We'll take roll then. Commissioner Arthur?

Yes.

Commissioner MacMillan?

Yes.

Commissioner Heesacker?

Yes.

Collier is a yes. Commissioner Tokarz-Krauss.

Abstain.

Abstains and also?

Abstain. Correct. Lindberg abstains.

Four is good? Four is good.

MOTION/VOTE

Commissioner MacMillan moved, and Commissioner Heesacker seconded the motion to approve the minutes of March 22, 2023, striking the comments on page one up until page two, item one when the roll call was taken. The vote resulted as follows:

“AYES”: Chair Collier, Commissioners Arthur, Heesacker, and MacMillan.

“NAYS”: None. Abstain: Commissioners Tokarz-Krauss and Lindberg.

Absent: Vice Chair Nelson and Commissioner Scherf.

The motion passed.

5. Findings of Fact

a. 405-00133-23 ~ Article 11.060 and 11.070 ~ Text Amendment Tree Deposit Repeal ~ PC Staff Report ~ Mark Trinidad.

Next, we have item number five, findings of fact on item 405-00133-23, text amendment for the tree deposit repeal. Do I have a motion?

MacMillan, you have a motion to accept 405-00133-23 Article 11060 and 11070.

Have a second.

Heesacker will second.

Any discussion? None. Take a vote. Commissioner Arthur.

Yes.

Commissioner MacMillan?

Yes.

Commissioner Heesacker?

Yes.

Collier's yes. And abstain?

Abstain.

For Tokarz-Krauss and abstain for Lindberg?

Lindberg abstain.

MOTION/VOTE

Commissioner MacMillan moved, and Commissioner Heesacker seconded the motion to accept 405-00133-23 Article 11060 and 11070 text amendment for the tree deposit repeal. The vote resulted as follows: “AYES”: Chair Collier, Commissioners Arthur, Heesacker,

and MacMillan. “NAYS”: None. Abstain: Commissioners Tokarz-Krauss and Lindberg.

Absent: Vice Chair Nelson and Commissioner Scherf.

The motion passed.

6. Public Hearing

a. 405-00134-23 ~ Development Code Text Amendment: Amendment to Article 22 Solar Standards Planning Commission Staff Report – Type IV

Now we have a public hearing. So, at this time, we open up the public hearing to consider the development code text amendment Article 22. Begin with a hearing with staff report followed by public comment and the matter will be discussed and acted on by council. Objection to the commission, objections to the jurisdiction, anyone present wishes to challenge the authority, the commission to consider the matter? None. Any abstentions for conflicts of interest? Seeing none. In this hearing, the decision of the commission will be based upon specific criteria. All testimony and evidence must be directed towards this criteria. Criteria will pry in this case as noted in the staff report. In a waiver, it's important to remember if you fail to raise an issue with enough detail to afford the council and the parties an opportunity to respond to the issue, you will not be able to appeal to land use Board of Appeals. Will now begin the hearing with the staff's report.

Good evening commissioners. I am Gabby Sinagra. I'm the assistant planner with the Community Development Department and tonight I'm here to talk to you about the solar access text amendment to the current solar standard codes in Section 22.600. For the record, the project is number 405-00134-23. So, there's quite a lot to talk about and it is rather technical in nature, but I'll try to be concise and move through this as quickly as we can and then open the floor up for any questions. All right, so just to bring the commission up to speed on the background of this project, in January of 2021, staff proposed to strike the solar standards in Article 22 after recommendation from Siegel Planning Services, the city's consultant. So, in April 2021, the first city council hearing for this application was held and council expressed some reservations about striking the standards in their entirety.

And so, they referred the matter to the Housing Advisory Committee. Now in August 2021 following a presentation from staff, the HAC recommended to council that the city instead amend the solar standards rather than repeal them. So, in March 2022, we did distribute an RFP. However, after the initial advertisement expired, we still did not receive any responses. But after continued outreach in September 2022, we were able to enter into a professional services agreement with Kendig Keast Collaborative, a land use consulting firm in Sugarland, Texas with a specialization in solar ordinances. And as the commissioner remembers on May 8th, 2023, senior associate, and primary code drafter Steve Semore of KKC presented the draft amendment to the commission as part of a workshop session during the scheduled March 8th, 2023, public hearing.

Unfortunately, due to technical difficulties, the members of the commission were directed to forward any feedback or questions to staff. We didn't receive anything, but perhaps tonight that will change.

So, before we get into the meat of what the amendment is proposing, let's first just go over what the general purpose and the goals of the amendment seek to achieve. The first is to address the ongoing conflict and the constraints to housing development that the current standards as written impose. The second is we wanted to simplify the methodology to the solar standards and create greater ease in the application administration. We did hold some interviews with stakeholders and perhaps the greatest critique that we heard from the current standards was that they're overly technical to the point of being unusable. So, following that logic, we want to amend the setback formula to be less prohibitive to the city's goal, to provide a greater availability and a diversity of housing type within the confines of infill development. And this is especially pertinent when we think about the recent changes that came down with House Bill 2001. Finally, we want to create clear and objective standards that achieve not just the protection of

solar energy investment and potential in Grants Pass, but also encourage densification to provide the missing housing that we are currently experiencing.

So, let's look at the purpose and intent of Article 22 because the amendment needs to match that. So, the purpose of Article 22 is to provide development standards for single and multi-dwellings, manufactured homes, and recreational vehicle parks. The standards are intended to ensure an acceptable living environment for future residents of a development proposal and to minimize the impact to adjacent residents and future property owners. So, it should be noted that the provisions of Article 22 are supplementary to the development standards contained in Article 12 and so the following subsections of the purpose statement of Section 12.011 correlate to solar standards and that is 12.011 subsection 2, to protect the right to use and enjoy real property. When we're thinking of solar access, this is your right to enjoy the rays of the sun. Following that, we have 12.011 subsection 4 to serve as a basis for resolving land use conflict, solar access ordinances, and densification historically conflict with one another. And so, the amendment must serve as a basis for resolving this historical conflict.

So, let's get into the meat of what it is we are amending. So firstly, the amendment applies to Section 22.60 all the way through 22.680 and we're repealing and replacing the current solar standards in their entirety. So essentially, we're striking everything, and we rewrote everything from scratch. So, the changes include a few things. The first is the creation of two solar access zones. We are amending the base solar setback calculation. We're striking Schedule 22-2 minimum solar setbacks and Schedule 22-3 maximum shade point heights. We're replacing it with table 227 solar setback from northern lot line for solar access zone one. We are adding new graphics. These graphics are absolutely essential in understanding how to perform the solar setback computations. And finally, we're striking the solar lot design standards and we are replacing the language with recommended solar orientation standards where the site and location permit, and I'm going to explain all of this in the coming slides, but first let's talk about applicability.

So, what does this apply to? It applies to building permits, so development that requires a building permit on a lot to the south of a lot in a residential zoning district as identified in Article 12. The amendment also applies to nonconforming development. So, we define this as all developments for which a site plan approval has not been obtained. I'd like to offer a little bit of clarity on exactly what it is we're talking about with nonconforming development. This is that development which has existed prior to the inception of the development code in 1973. So, if the owner of a property that was built in say 1940, proposes to expand the residents by adding a second story, then that second story addition is what is required to meet the standards of today's code and would also be subject to the solar standards. And finally, development approval. So, no development permit may be approved for any structure that would violate the solar access provisions of the section unless the structure is exempt, or an exception is granted.

Okay, so here we have our current standards. This is under Section 22.622. Right now, you're looking at the base solar setback calculation. So, when we're looking at existing conditions, the structure of the current code requires you to flip back and forth between Article 22 and Article 30 definitions in order to first understand what the northern lot line is and that's that highlighted area above and how to calculate the north-south lot dimension that's highlighted here below.

Now you must understand these two concepts to be able to calculate your lots, north-south lot dimension before the formula or the accompanying tables can be utilized. So how are we addressing this? Well, first and foremost, the proposed amendment is replacing the existing base solar setback calculation and that's what's highlighted here.

So, this formula has changed the numerical values that exist right now and we're going to talk a little bit about what that means in the coming slides. But what you need to know is that we're adding additional graphics to assist in the computation. So, you'll notice this table is structured relatively the same as the existing one. We have the formula, and we have the variables defined. What we have added are these two accompanying graphics that are directly below the table, and these are to clearly demonstrate how to calculate your north-south lot dimension and how to measure the shade point height which allows for a seamless experience when calculating the solar setback.

Oh, you know what? Sorry, I had some notes built in here because I wanted to explain something. So, I'm going to do this off the cuff here. There's a couple of things you need to understand. When we are doing the solar setback computation, there's a few steps. The first is you need to be able to determine your shade point height and that's what this graphic figure 22:8 is depicting. To do that you need a couple pieces of information. The first is the orientation of the ridge line, whether or not it falls in the east-west or north-south. The second is the pitch of the roof. Is it greater than five and 12 or is it less than five and 12? So, this graphic walks you through those variables and it instructs you were in the building you're going to take the measurement for your shade point height. Now this graphic below figure 22:9, that's your north-south lot dimension. When we calculate this, basically all we're doing is we're calculating the average of the northernmost points of the lot to the southernmost points, and that's what this graphic is showing you to do. It identifies the northern lot line and how you take the average of those distances and those are going to be the numbers that you plug into the actual formula. Now something that's interesting is that you don't actually need to use the formula and that's what this table is here. So, this here is the current standard that we have in Schedule 22-2. If you are confused, I understand. This looks almost unreadable or like the mad ravings of some sort of scientist, but it's actually quite simple to use once you understand the basic format. So, I want to direct your attention to the first column here.

This is shade point height. This is what we were just talking about with the height of the ridge line. And so, when you use the graphic, it's going to tell you how to arrive to that number. So, I've highlighted a couple numbers here. Let's use 18 as an example. Once you have calculated your north-south lot dimension, and here we have some numbers you can plug in. This 80+ is simply if your numerical value of the north-south lot dimension exceeds 80, you just use 80. So, once you have determined that your shade point height is 18 feet, your north-south lot mention is 80, what this column here and all these numbers are telling you is this is the minimum solar setback and feet that would be subject to the northern lot line. And so, in this instance that would be 18.3 feet.

So now that you kind of understand how the table works, let's talk about the existing conditions and why they're problematic. The solar standards begin to apply with our current code. Once the shade point height of a building, again, that's the eave or the ridge line has reached 10 feet, this is going to create a conflict because policy changes under House Bill 2001, they now allow for middle housing in all residential zones. Now this is typically multi-story development. Typically, a two-story home is going to be anywhere from 18 to 20 feet. Now you can see highlighted here in our current standards, a building that has 18 or 20 feet in height is going to be subject from anywhere of an 18 to 22 foot setback from the northern lot line and under the constraints of infill development, when we're working with irregularly shaped parcels, smaller, more narrow lots, this may not be achievable to the point of either halting development, creating a variance request, or at the very least slowing things down and creating an incurred cost. So, with that said, how did we address this in the amendment? Well, we did a few things. Firstly, we're striking the base solar setback calculations and we're striking that table I

just showed you. We've now established solar access zones and that's what's depicted here on this slide. We're also establishing new solar setback standards that are going to be on the next slide, but for now, I'd like to introduce you to our proposed zones. So, in solar access zone one, we've included all of the R1 zones, R2 zones and R3 zones. The protection that is provided in this district is through the new solar setbacks, so these are the zones that will be subject to those setback requirements. In solar access zone two, we have the R4 zones, R5 zones and the RTC zones. Now these zones are not subject to a solar setback, instead we do what is called protection through partition. And you can do this through a solar access permit, and we'll talk a little bit more about that in just a moment. But as a reiteration, there are no solar setbacks for R4, R5, and RTC zones. Traditionally, these zones are going to be able to accommodate a greater density. Okay. So, this is the new table that we have. I think it looks a lot cleaner, number one and number two, now that you know how this table works, I'm going to direct your attention to a pretty significant change and that is that the solar setback standards do not begin to apply until the shade point height has reached 22 feet, a rather significant departure than the 10 feet that is current in our code. The idea is again, to be more compatible with missing middle housing and to not create unnecessary constraints when we're working under infill pressures.

Some other current standards that are in our solar section are the solar lot design standards. This is found under Section 22.6 30. Currently, this applies to all proposed subdivisions in residential zones. So right now, we require at least 80% of lots in a residential subdivision to either have a north-south lot dimension of at least 80 feet or have a solar building line located on the lot to the north of the south property line of the subject lot. It's a lot to chew on. What that's basically saying is you either do the north-south lot dimension of 80 feet or you come to an agreement with a negative easement placed on the neighboring property, which restricts development within that easement. Not ideal. Now exemptions are granted if complying would reduce the total number of lots able to be platted. But something that came up in discussion with our stakeholder interviews is that oftentimes this is the case and so these standards are very rarely ever met, and it just precludes an exemption. So, it's not exactly seamless or efficient or very quick as far as development goes.

So now what we've done is we've changed the requirement of solar lot standards to simply recommending solar orientation. So, it's striking the language and instead we recommend where the site and location permit. This is a good point to think of because again, we don't always have the luxury of being able to orient our lots in a north-south fashion or orient new streets in an east-west fashion. Sometimes we're working with pre-established development patterns, and we don't have control. So, by recommending, we're giving some flexibility here. And so, the language that we have simply provides guidelines on best practices for solar lots street and building orientation. So again, that's orienting your lots north-south, orienting your streets, east-west, orient the buildings so that the long sides of the structure face north and south, et cetera. We have a whole list of options for people to consider if they have the ability to do so.

So currently we do have solar access permits. They are in Section 22.640. The code right now, they apply only to vegetation and what they do is they establish on a case-by-case basis the limits on the growth of vegetation on certain lots in the vicinity of a solar energy system. Right now, they require a type two hearings officer decision. So, we want to keep solar access permits, but we're changing a couple of things. We propose to not just utilize it for vegetation.

So, when we're asking who was eligible, well any property in solar access zone two, which we just talked about, but also anyone who was installed a solar energy system or who intends to install a system within a year from the date of application. We've also

changed the application process. A lot of the language is very similar to what we have now, but instead we have proposed that it be a type one application for director approval instead of a type two hearings officer decision. So, we could do this in-house under administrative review. Now if objections are received by neighboring property owners to a solar access permit application and they are not able to be worked out at an administrative level, the process would then elevate to a type two hearings officer decision. But we found it reasonable to start with an in-house administrative.

We also proposed some exemptions, and this is building flexibility into the code for codes that are traditionally not compatible, but development. A big goal here was to build flexibility so that when conflicts arise, because inevitably they will, that we have some exemptions that are built in to offer flexibility. So, some of the exemptions are architectural rooftop projections, and these are a maximum of four feet in width. So, we're talking chimneys, vent pipes, flag poles, utility, or light poles. Slopes are exempt, so any lot with an average north facing slope that's greater than 15%. Non-residential zoning districts, but that is only if commercial or industrial zone properties do not abut a residential district to the north. If they do, they will be subject to solar setbacks. Existing offsite shade is exempt as well as unsuitable lands, so roadways, wetlands, unsuitable soils, and any temporary solar obstructions incurred from construction activities not to exceed 10 days in any three-month period and not to exceed a total of 90 days in one year.

We've also proposed some solar modifications, and again, this is going to be granted by the director. We're trying to keep this as administrative and in-house as possible. So, these modifications are, again, they're building flexibility into the code and preventing variance requests. So, they're restricted to setbacks of the principle structure, not to be reduced by more than 10% of the minimum setback of the zone. What this is basically saying is that if your solar setback is so great that you are not able to meet both the solar setback and the minimum setbacks of the zone, we are able to grant a 10% reduction of the other setbacks to allow you to meet the solar. We also would allow for a reduction in required parking as well as landscaping where there are physical constraints.

Now this is something that I am proposing. It's not built into the code as it's written in your packets, but it's something I stumbled on rather recently and thought it was at least worth discussing, and that is to keep the existing language for 22.623 subsection one.

This is called the performance standard option. So, what the language says is that, "A structure may be built such that it will shade no more than 50% of a south-facing ground-floor wall of any existing residential structure to the north on January 21st at noon."

Again, I realize that's wordy. Let's break this down.

Now, in order to display conformance with the standard, it would require the applicant to submit a site plan with calculations and drawings demonstrating the standard is met. But what we're ultimately getting at here is permissible levels of shading. The solar setback, by nature, is going to protect shading of a south-facing yard. What this would allow is for up to 50% shading of that south-facing wall. So, it allows you to get a little closer, where originally the solar setback would not allow. Why this is a good idea? Once again, it's building in an additional layer of flexibility. If you're unable to meet the solar setbacks, the exemptions aren't helping you out, and you don't meet the criteria for a modification, this builds an added layer that could provide relief if a constraint is present. And it provides you a path forward if you're unable to meet the standards as written.

Okay, almost done. So, we're also amending a few things in Article 30 definitions. These are relatively minor changes. We're just changing some definitions and adding new ones. We've changed the north/south lot dimension and also added a new graphic.

We're changing the shade-point definition to highest shadow cast at the northern lot line at noon on December 21st instead of January 21st. We've changed the shade-point

height definition to be three feet less than the height of the north-south ridge line rather than one foot. We've added a definition of solar access. We are striking the definition of solar building line and solar front line. We've changed the definition of solar setback and solar energy systems simply to make the language more concise. I'm sure by now you're catching on to a lot of this is very wordy and difficult to interpret, so we're trying to change that around. And we've also changed the definition of solar heating hours between 10:00 AM to 2:00 PM Pacific Standard Time when the sun is at its highest on December 21st.

Listed before you on this slide are the criteria for approval that a text amendment must satisfy. The first is that the amendment must be consistent with the purpose of the articles. It must be consistent with other provisions of the development code, consistent with the goals and policies of the comprehensive plan, as well as consistent with the functions, capacities, and performance standards of transportation facilities identified in the TSP. I believe as presented, the Solar Access Amendment meets this criteria for approval.

So, for the commission's call to action, you could recommend approval by the City Council as submitted, with revisions recommended by staff, or with revisions recommended by the UAPC. You could recommend City Council deny the request and list the reasons why, or we could postpone it and continue it to a time certain. As a note, this application is a legislative amendment and is not subject to the 120-day time limit. So, with that, I know that I did a lot of talking at you. Sure. Yeah, a lot of talking, so if there are any questions, I'm happy to take them, offer clarity where I can.

And then also, I did hand you a pamphlet. That is something that I took from Ashland's example. They have a little solar-access worksheet or handout. It basically just compresses everything into a workable little information document so that it's a lot easier to understand than reading through all of the pages of the code. And again, this is including the new language, so this is contingent upon approval of the amendment, but it's a nice little tool that I think would be handy for folks.

Wonderful. You ready?

Oh yeah. Lay it on me.

What a juggling act.

Yeah.

But before I go further, if everyone's warm enough, can I ask that we turn the heat down or...

I thought I was just nervous. Okay.

No, don't be nervous. What a juggling act. What an incredible job. I can't imagine the mental gymnastics that you've had to go through. So, I obviously don't have any questions.

Gabby, I don't understand the math on temporary-

Wait, wait, wait.

What?

So, what I'm going to do-

Arthur.

Commissioner Arthur, go ahead.

I don't understand the math on the temporary construction of 10 days a quarter and 90 days a year because the maximum you could get would be 40, right? Three or four quarters?

Oh wait, did I pass that? Let's see. 10 days in any three-month period, not to exceed 90. Oh, oops. Okay. You are correct. Yeah, the math's not panning out, right? Yeah. Okay. Thank you. A period not to exceed a total of 90 days in one year. So, three, six, nine. Yeah, you are correct. Yeah, it is 40. Okay. We'll need to change that then to be consistent, so the math isn't wonky. That should read 40 days in one year. That's a good catch. Anyone else have any questions?

Yes.

Yeah, Lindberg. So, I don't have my packet, so I'm not sure of the language... That's actually from last... That's from March.

Oh.

That's all right. Is the portion of the applicability, which is the current 22.621 3A. So, it reads, "A non-developable area such as a roadway, an area within a required setback, or a public use," included in the new language? Because my recollection from applying the solar setback standard is that the area within a required setback didn't count. So, we weren't shading from the north property line. We were shading from where the building footprint on the adjacent property to the north would be.

Okay. We do not have that built in. Here we go. Nope, we do not have that built in. Are you recommending that we revise?

I would because it takes a lot of the issue out of it. If it's already within an area that can't be developed because it's within a required setback, then it eliminates a lot of the math and calculations that you're already talking about.

Okay. Noted.

Okay. So, my question... This is Collier. My question is this. For the two changes, when it comes time to recommend, you're going to capture those here in the minutes, or do we need to modify any recommended motion?

Chair, for the record, it'd be good to identify the two changes, and that way we can carry it forward.

Okay.

So then, Mark, just so I'm clear, because it looks like we're having a couple of revisions from the UAPC, and then provided you are amenable to the revision that I recommended, it would be kind of a hybrid. They're recommending both revisions by the commission and by staff.

Correct. Right.

Okay, cool.

Any more questions? Mr. Lindberg?

Yes. Lindberg again. I do have another question, and this has to do with... The purpose of making this amendment is to make the standards as clear and as objective as possible. However, with the solar lot standards that are being proposed, they're going from clear and objective to recommended, which seems to be completely opposite of clear and objective. So, I'm just curious how those two things work together.

Right. I would say that we have instances of recommended but not required throughout our development code, so it's not a novel concept. It was a way... And I think that the clear and objectivity of the standards aren't impacted by the very virtue that it is not a requirement. It is simply a best practice. So, you needn't actually incorporate it when we're thinking of how to maintain adherence to the standard. It's simply once again a best practice. So, in my mind, I don't think that the clear and objectivity is impacted.

Any other questions? Commissioner Arthur?

Well, if you have a question, go ahead. Oh. I'm just astounded that you've made it somewhat understandable.

Thank you.

Because it was a maze before, and I still don't think I could explain it to somebody without the thing in front of me, but at least it seems to make more sense. And I'm assuming that the thing Scott was referring to really helps in the situations in the parts of the city where the alleys run east west and the... Is that right? No, the other way. Where the lots aren't wide. The old town has a lot of 50-foot lots.

Yes, those narrow ones.

And if your minimum is 75 feet and you don't have 75 feet, it doesn't work at all.

Right.

So, I'm happy to see something that at least looks somewhat explainable and is adaptable to the infill type situations that we have to deal with. That's my comment.

Thank you. I was similarly surprised. Once you actually dig deep into this stuff, it actually is quite easy to understand. It's just presented terribly. So, thank you. I've worked very hard.

MacMillan. I just want to commend... I really understand what you're doing here, and this is an excellent job, and I love the excellent suggestion. I want to get down to... My question involves the staff-level flexibility that you have. You've got an applicant before you. I just want this to be clear to the City Council too. You have an applicant before you. You've applied the flexibility that you've put into the code, and they don't like it. What is their next step?

Well, and this does happen when we're looking at any standard on development. If the flexibility that is available, those options have been maximized and we still can't find a path forward, unfortunately, at that point, it's a variance request. We can only offer so much relief.

MacMillan. Thank you. I think the council needs to understand that.

Right.

Thank you.

Of course.

Lindberg. I have one more suggestion for the commission to think about. So, the genesis of the Solar Development Standards is from ORS 290 something or something, that was originally established back in the 1970s and the early 1980s. So, you see that scattered through the existing language and even some of the proposed language, which talks about the south wall of the structures, which is the old-fashioned technology where you had hydronic solar panels. But modern, we're not... I don't know that there's a lot of hydronic solar panels in current development. It's rooftop solar. So perhaps that's something that could be taken into consideration more for added flexibility when you're talking about what type of solar access people are actually looking to secure.

Absolutely. Actually, I'm glad you mentioned that. This process... And Commissioner Tokarz-Krauss can attest because she has been present throughout this entire process as we've been chewing on this and figuring out the best pathway forward. Originally, we wanted to explore modifying all of this solely to protect rooftops. And so, we had stumbled on this concept of the solar fence that Boulder, Colorado, is using. After more research, though, I couldn't seem to find a whole lot of information on the methodology behind the fence. And when talking to a planner in Boulder, it seemed incredibly cumbersome, very expensive, because it required a surveyor for each and every lot. And it seemed that just obtaining rooftop protection was next to impossible. Unfortunately, like you said, these solar access codes have existed since the '70s and the '80s, and that's pretty much what we have to work with. This solar fence is just not fleshed out enough that I feel comfortable implementing it in Grants Pass. And I wasn't able to figure out how to modify the math behind the solar setback to shift, as you're saying, to more rooftop. But if anybody has suggestions or any kind of information, I am absolutely all ears because certainly we want to protect people's investments in solar energy and to encourage it. Grants Pass actually has quite a lot of solar potential.

Other questions? Final questions for staff? Okay. So, at this point, we'll close the public hearing, and I've lost my place on the... It's not there. Here it is. Do we have a motion?

MacMillan. Or do you want to take... You go ahead.

Oh, I was just going to say, Lindberg, I make a motion to... Oh, I don't remember what the wording is, so I'll let Mrs. MacMillan do that.

Okay. Ms. MacMillan. Recommend the 40500134-23 development code text amendment, amendment to Article 22 to the Solar General Planning Commission staff report, and with the addendum of the recommendations from the Urban Area Planning Commission and the new recommendations by staff. And maybe just a little bit more, how brilliant of a presentation. I don't know if you put that in the motion, but I think you would all agree.

Lindberg seconds.

A discussion? Do we need to flesh out those two comments, the one from staff where Commissioner Arthur found out the algebra?

The other one was the current language in 22.621, sub three, sub A. B.

And to do what with it? I just want it to be in the minutes.

Oh. To make sure that that language is included in the exemptions from applicability for the standards. So that's basically... There was a list of items that were listed as non... that didn't count as going against your solar setbacks, and this expands that.

And you're comfortable capturing that?

Yes.

Okay. I think we have a complete motion. It's not pretty, but it's complete. You ready... Hold on a second.

Can I just bring up... Tokarz-Krauss here. I just wanted to bring up on the temporary solar obstructions, I was going back to my information, so I don't have it really here for what you're talking about today. When we were initially talking about the temporary solar obstructions, the language was, "They do not exceed 10 days in any three-month period, and 30 days in any year shall be exempt," et cetera, et cetera. So, I don't know if it was intentionally meant to be the four quarters times the 10 days, or if there was meant to be that cap at 30. So, I just want to make sure that it's where you want it to be there.

So, we're ready for a vote?

Would you like me to clarify?

No, as long as she understands it, I'm okay.

Correct.

All right. We ready for a vote, or is there any more discussion? Okay. We'll take a vote on the motion to approve with amendments by staff and commission. Commissioner Arthur?

Yes.

Commissioner MacMillan?

Yes.

Commissioner Heesacker?

Yes.

Collier's a yes. Commissioner Tokarz-Krauss?

Yes.

Commissioner Lindberg?

Yes.

Okay, it passes unanimously.

Good job.

MOTION/VOTE

**Commissioner MacMillan moved, and Commissioner Lindberg seconded the motion to approve 405-00134-23 ~ Development Code Text Amendment: Amendment to Article 22, Solar Standards Planning Commission Staff Report – Type IV, with amendments by staff and commission. The vote resulted as follows: “AYES”: Chair Collier, Commissioners Arthur, Heesacker, Tokarz-Krauss, Lindberg, and MacMillan. “NAYS”: None. Abstain: None. Absent: Vice Chair Nelson and Commissioner Scherf.
The motion passed.**

7. Matters from Commission Members and Staff:

a. Climate-Friendly & Equitable Communities – Parking Reform

Okay, we're ready to move on to the next item. This matter's from commission members and staff. It's Climate-Friendly and Equitable Communities Parking Reform. Mr. Trinidad.

Thank you, Chair, members of the UAPC. The item before you is an informational item regarding the Climate-Friendly Equitable Communities rules that have been initiated by the state and enforced by the LCD and DLCD. The Climate-Friendly Equitable Communities rules, also known as CFEC, and I'll refer to them as CFEC in the future. Basically, I'll provide a brief overview of what these rules are. We'll talk about two main components, of which one is parking reform. The other is regarding climate-friendly areas. And then we'll talk about what's before us in terms of a recommendation from the UAPC to City Council.

So why these rules? Essentially, you're all aware that greenhouse gases have increased. Oh, thank you. Let me try that again. Let's see. Nope. Why is it... Let me try. Is that better? Is that better? Sorry, Commissioner, I'm kind of... Yeah, I'm struggling with trying to get this on full screen. I'm not sure why. Let me try something different. Yeah, it keeps deferring to this. How about this? Is this still hard to see?

[inaudible 00:43:04].

This guy here?

[inaudible 00:43:07].

There.

Ah, thank you. Thank you, Gabby. All right, let's start again. So why these rules? Essentially, the state... Between 1990 and 2020, transportation emissions had an increase. Having seen the data from between 1990 and 2020, there was a pivot in terms of the state. And mainly what they saw was that transportation was causing a lot of the greenhouse gases. And in particularly the state of Oregon, up to 40% was caused by transportation. So basically, the rules or the greenhouse-gas strategies to reduce greenhouse gases began to... The state saw a downward trend, and they saw a need to pivot particularly around transportation and focusing on transportation, reducing greenhouse gases through transportation.

These rules are effective in the eight metropolitan areas, of which Grants Pass is included in the Rogue Valley. Obviously, the eight include Portland, Salem, Albany, Central Lane, Bend, the Middle Rogue, and Corvallis. The implementation of these rules came about with Governor Brown's executive order 20-04. It implemented the CFEC rulemaking with the first goal of reducing greenhouse gas emission, and the second goal, promoting equity in transportation and land-use planning. CFEC works to foster vibrant downtowns, increase housing and employment options, improve transportation choices, and promote equitable outcomes.

As far as deliverables or implementation. This year, in 2023, according to CFEC rules, the city is required to adopt parking reform A and B. And we'll talk about more of what parking reform A and B are and the choices that the UAPC... the choices that the City Council wishes to... well, the choices that you have as UAPC to recommend to the City Council. Excuse me. This year, also, we are required to study climate-friendly areas. And I'll talk about what a climate-friendly area is. In 2024, next year, we are to define and adopt a climate-friendly area within our zoning code. And by 2027, we are to adopt all the changes in our comprehensive plan development code and transportation system plan. So, this is basically the outline of the timeline of what the CFEC rules or rulemaking requires.

Climate-friendly areas. So, on May 1st actually will be a public meeting. And our consultants with DLCD... DLCD provided a third-party consulting, and RVCOG is our consultant. They will present findings based off the criteria for climate-friendly areas from the [inaudible 00:46:04] rules. On May 1st, more information to follow with this, but you'll see on all the city's social media advertising for this meeting, it'll be 6:00 here at City Hall. We'll present the climate-friendly area zoning and receive comments from those areas. We'll have maps, we'll have opportunities for folks to comment, and light refreshments, but basically the climate-friendly area under the rules is an existing or a planned urban development. It's at least 25 acres, and the big threshold here, it has to accommodate 30% of our projected housing need.

So, for Grants Pass, that projected housing need based off our housing needs analysis is approximately 6,032 dwelling units. This climate-friendly area has to be served by high-quality pedestrian, bicycle, public transportation, and it should allow for a mix of residential, office, retail, and public uses.

More to come on the climate-friendly areas. Today's focus is really on parking reform. Parking reform, essentially what the DLCD is telling us and through these guidance memos and also discussions with them, is that they want the market to determine parking. They prefer that the city either repeal or reduce the parking standards because they believe the market will provide the parking. They believe that the market will provide

parking, in terms of affordable housing, in terms of commercial. But if we are to retain public parking, then there's several options, which I've laid out in front of you, in terms of options A, B, and C. Then there'll be restrictions on what we can mandate for parking. I'll go further into what's effective now, and you might be surprised, in terms of with the CFAC rules and what the areas where we can hold parking requirements.

So effective today, beginning on January 1st, the [inaudible 00:48:12] rules limited parking to one space for each dwelling unit. It also repealed any parking mandates for shelters, for small units, about 700 square feet, affordable housing, childcare, and facilities for disabled people. The big parking reform, a measure was it requested that the city defined a transit corridor and basically that transit corridor is a half mile from a public, existing public bus stop, and it's a frequent bus stop in terms of at least an hour frequency.

So, if you are to go to one of these bus stops, you will have at least an hour to, for the next bus to pick you up. There are two routes in the county that were identified as frequent use. They are 10 in red and route 35 in orange. Those existing bus stops along those two lines, a half mile buffer between both lines created this green area, which is our transit corridor.

Within this transit corridor currently today, a new development commercial, residential, if they proposed anything new, the city, the Park City parking requirements would not be permissible or would not be mandated. Rather, they would determine the number of parking spaces that they need or require.

So, within this green area, and then I'm sorry for, it doesn't really show up well, any property here that proposes anything new, there are no parking requirements. I'll stop there for any questions. So, this is effective today pursuant to C effect rule parking reform A. The next portion of overview is parking reform B, and those are the options that UAPC will weigh in on.

Another highlight that parking reform A rules is you'll, you'll note that I think in 2035, the state of Oregon, Washington, California will ban any sale of ICE or internal combustion engines. All cars and trucks will have to hybrid or EV, electronic charging. So, to this end, in terms of parking A reform, it requires that basically any business, new business that has parking, that 20% of the spaces provide the conduit for EV charging stations, and for any new multi-family, 40% of the total parking spaces that the development has to provide the conduit.

The conduit is simply they piping that allow, and the piping will have to accommodate level two service or about 240-volt capacity. And I've been told in terms of EV cars, that an hour will, an hour charge will be approximately anywhere from 30 to 60 miles. So, it's a little higher capacity than say, plugging in your home, but much shorter in terms of the, I think level three now, which are the Tesla superchargers that within an hour you can get up to 80% of full charge.

Also, effective today under parking reform A is any large parking lot, new proposed parking lot at a half-acre or quarter acre, which is about 35 parking spots. They either have to provide solar or pay an in-lieu fee or provide a tree canopy shading up to 50%. So, this is under the CFAC rules. Any new proposed parking lot that's a quarter acre would have to choose one of the three, and that's either commercial and or residential. So, the choices of options under parking reform B, and essentially, we have until the end of the year originally DLCD required us to make a choice between these options. By June 30th, we filed for an extension, which was approved by the DLCD, but we do have to, that extension only extends to the end of the year. So, we do have to adopt amongst option A, B, or C, one of these options.

And what the council's looking for is a recommendation from UAPC. I did this similar presentation to the housing advisory committee, and I'm also going to this economic

development committee, but basically the council wants the recommendation from each of these committees in terms of which option to choose from. I provided a hard copy of the options. I know it's a little wordy in terms of, but this is basically from the rules in terms and defines what part parking option A is, what part parking option B is and what parking option C is.

I'll also give you an idea of what other cities in the in the state are doing to kind of provide some context in particular, Medford, our neighbor, but I'll just jump right into it. Parking option A is a repeal of all parking mandates. So, if you recall the transit corridor map, basically this would be extend that repeal across the city limits.

This simplifies the pros and cons. It simplifies the development code. It avoids over parking and allows the market to determine parking. The cons, basically, the burden of- there potentially could be additional off-street parking burden if developments aren't providing the parking onsite.

It also reduces the system development charge for commercial parking spaces.

Currently, for new commercial parking spaces, we collect about \$91. So presumably there would be a hit on that if commercial developments aren't providing the required parking. Two, in terms of anecdotally, between- since this new rule came effect in January, I don't think we've seen an actual development not propose any parking. I think they've limited parking, but both commercial and residential, they've all included some form of parking on site.

Parking form B and C basically, again, B and C would only required parking or have required parking where the green areas are not. So that's why I'm showing this map again, and I'll just jump into what option B is. They basically, it's fair policies.

It's basically of these five options on your sheet here, the city who chooses three of the five, and basically moves forward. the options are in front of you in terms of what those three to five are. Essentially, they include unbundling of commercial, residential park parking. There is an opportunity for employers of 50 or more employees that there would be a benefit or a stipend for public transportation.

There's also an opportunity for a tax revenue from commercial parking lots or a reduction of parking mandates for new multifamily. So, of those five, we would have to choose three of the five.

The pros and cons of this policy, it's certainly easier to understand. The cons potentially there could be a descent of market rate for multifamily housing. This is true in terms of large multifamily, particularly luxury apartments where they actually build both the unit and charge for parking.

So potentially if a developer can't build a maximum and they can't collect parking or build as many parking spaces, they may be incentivized. Granted, this is kind of- since these policies are new, it's hard to come up with these pros and cons, but this is something that I came up with. If there are other cons that you see, I'm certainly all yours for that as well.

And finally, the last option is simply to reduce red tape, and this is also easy to read. Of all these 13 exemptions, they're pretty easy to follow. Basically, if they meet one of these requirements, then they do not have to provide parking.

I think in this sense, the pros, it's a broad list of uses, and it certainly could incentivize particularly sustainable development building practices. The cons of this, it does require us to create a parking district, and so a parking district, basically if it was in a residential zone, maybe a particular area of town where there'd be residents there, if they were to park on street, they would have to come in for a permit. We would have to come up with both the staff and funding to review and update our local codes and determine where this new parking district would be.

So, what are other committees doing in terms of option A, B, and C? Well, in terms of option A, already the cities of Beaverton, Bend, Corvallis, Tigard, have repealed their parking, all their parking requirements across the board, across their city limits. It's likely that the cities of Albany, Newberg, Salem, West Linn, and Springfield will also choose option A.

This option A seems to be gaining some steam amongst the cities in the states. So, it seems to be this is kind of the preferred option for now. The other option is option C, and likely Medford is looking at option C. And most of the cities, or at least the dialogue I'm getting from the DLC is it's either A or C, and Medford looking strongly at the option C requirement, which is those 13- list of 13 exemptions, but they also have come across their transit corridor map is similar to ours where it takes up most of the city.

So, talking to my counterpart at the City of Medford, they mentioned that option A is still on the table, and right now they formed a subcommittee to review these options, and they hope to formalize a recommendation to council, likely within our timeline, by the summer.

That concludes. That's a lot to take in, but that concludes the information I have for you. Again, the options before you are A, B or C. I'll certainly happy to answer any questions or provide more insight.

Thank you. So, this is Collier, and we will certainly go around for questions, but let me see if I understand this right. We have until the end of the year to get it to council, or they want a decision at council by the end of the year, the calendar year?

Good question, Chair. I have to draft up the amended code before the end of the year. Ideally, they'd like an option this summer or prior to or as soon as possible.

Okay. Second part of that is you said you've asked Economic Advisory Council.

Oh, I'm sorry. I have not.

Haven't, you're going to?

Yes.

And you're asking Housing to do the same thing?

Yeah, Housing owes me a recommendation next Friday.

Next Friday.

The discussion for them was they were also leaning towards A. C was the only other option. B just wasn't entertained.

So, before I open it up, here's what I'd like to do. I would love to hear, have the input so we can reflect on that. So, we can make a better-informed decision. I would love to hear what Housing says, leverage their response, Economic Advisory or that committee as well. I'd love to hear that.

In addition to two councilors who aren't commissioners who aren't with us today. So, certainly open it up to questions. I will in a second, but I'm going to probably ask that we continue this so that we can get the input from the other two and the other two

commissioners. So, with that, I'll open it up to questions or comments from the commission.

This is Heesacker. We will have to have a public hearing to push this forward to council, is that correct?

Correct. Yeah. We will draft up all the proposed amendments that meet the CFAC rules.

Heesacker continuing. So, we will continue this at least to our next meeting. I heard you say as fast as possible to council. So, I'm guessing this will be on our next agenda in a couple weeks?

Yes, if the- yeah, if it is the request from the chair, certainly we can bring it back.

So, we'll be flexible on that. This is Collier, but I'll continue with this. I would defer into the first one in May because then I know that I'll have Scherf and Nelson back, and we'll be certainly to have the other two committees. So, I would just- I'm okay with bumping it even one meeting further if that's okay. I'm hearing that.

Fine with me. Heesacker, fine with me.

Next.

Can I ask a question related to this?

Yes.

All right. So, Lindbergh, so the, it'll have to be another public hearing for the recommendations, but then will we also have to see it again as a development code amendment similar to what we did tonight? A type [inaudible 01:01:35] procedure?

Yeah, I'm, I'm sorry, let me, I just understood the question. So, I intend to, once I have the feedback from these three commissions, I intend to bring it back to the council as a council workshop by them. I'm sorry. With that said, then that will begin the development or that'll begin the planning application for a tax code amendment, and that will come before you in terms of a public hearing. Does that make sense? I don't have a timeline for that because I'm working on first recommendation of which option.

Commissioner Arthur.

Arthur. Could you clarify when you showed the map and the green section, what it is that determines that? And then you mentioned that Medford's map included most of the territory, so why they were considering the C version. So, what is it that makes the boundaries of this?

So, this, and it's hard to see, but the green area, the green area defines our transit corridor. Our transit corridor is defined basically a half mile from every bus stop along these two bus routes, which includes JCT Route 10 and 35. So we basically had our GIS team look at the existing bus stops and map out half mile from each of these bus stops along basically Sixth and Seventh, and then going east and west I believe going towards WinCo and Walmart is basically bus route 35.

So, that buffer is created by all the existing bus stop stops along those both routes. So, in terms of Medford, they had a similar, the, what my counterpart was explaining to me when they did their transit corridor maps, like the map behind me, they had a similar effect where their transit map or corridors took up most of the city limits, and the remaining parts were minimal. And so, they believe that possibly option A would be on the table, but right as of now they were looking option C as what they were analyzing.

Okay. Commission MacMillan

Macmillan, I'm going to be, I want to clarify the extension. Number one, I really am not going to be influenced as a commissioner on what the other commissions decide. I'm looking at it, I'm seeing right now that I would vote for A. I really like if we extend it, if the other, we have two more members not here, correct? I do want to hear what they have to say, but I think of the not extension, what word am I looking for?

You used the word extension or kicking it down the road for two weeks. So, the other ones are here. That's great. But I think that our commission would make one decision. I don't really care what the other two do. Right now, I'm leaning completely towards A, unless other convinced to see.

So right now, we're at questions for staff to see if we can further define.

Well the question you said to extension, so I didn't know if we were discussing that yet or not, but in your timeline that you presented, I have the impression that you wanted to have a recommendation tonight, or does that fit in your timeline for two weeks, or am I missing that?

No, yeah, I should have defined that better. Basically, this is an introduction to these options looking for feedback.

No problem.

Based off- I think the chair's recommendation makes sense with particularly with [inaudible 01:05:34].

Okay. I'm just clarifying. Thank you.

Commissioner Arthur.

Arthur. We had extensive discussions of this back in the urban growth boundary expansion processes, and then now that they've changed a lot of the housing, the middle housing, particularly, one request we made of our planner at that time, and it was apparently hard to do statistically, but it was a useful piece of information and that is how many registered vehicles do we have in the city compared to what, 11,000 households or something?

If you drive around on a Sunday in any neighborhood, you see four or five cars parked in front of every house or building, and that's probably because the garages don't have cars, and then they have something else.

But we had so many discussions based upon the perception of the big cities like Portland and how you get transportation compared to this area. And one of the problems, I guess, in getting a statistic on that was they defined, I don't know how DMV defines its vehicles, but they didn't include things like your plumber's van that they park

at their house because it was a different category of vehicle than one you would have at a house normally.

But it was useful to us to get some sense of what the ratio to cars to dwelling units was, and I don't know whether that would be useful now, but it sure would be nice to know because throwing everything out, which basically leaves you with on-street parking, I guess, how many cars can you fit in front of a 75 foot wide lot?

So, this is Collier. So let me see if I can bring that forward to today. Given what you know about the demographics of the city, just from driving around, and what you know of the rules so far and the options that you're presented without asking staff to do this ratio, and I'm not asking you to pick one, but can you come up with a recommendation? That's the question.

Okay. I want to clarify what you're asking. So, if we don't have that data, you're saying, Loree, I'm Macmillan by the way, Loree, could you still just choose between A, B, or C? That's what your question is, correct?

This is Collier. That's my goal as a facilitator is- that's my goal, is to say, because so many times we have anecdotal situations that don't lead us to a decision. That's my request in gathering information both from the other committees and from the two that aren't here because I know Commissioner Scherf will have an opinion. So, what I'm trying to do is gather, because you have a wealth of information and that's what I want to extract, Commissioner Arthur, is given what you know, what you've seen, would you be able to pick one if you had to?

I don't know. Option A is pretty scary. No restrictions at all. No requirements at all. And I don't know what we would be buying into without some sense of how many cars we have to park per household.

Okay. This is Collier. That's a valid point. Commissioner Tokarz-Krauss.

Yes. I just want to bring up the point that we have to eliminate basically most of the cars on the road anyway by 2035. We're being asked to look at a crystal ball and imagine that we're... Since we're mandated to do this like a little mini-Portland and having just been there, you got to love that all over again. So, we are really, truly being asked to throw everything out. We're literally being mandated that we almost are going to be left with option A, in my opinion, because we have to guess at how many people are going to convert to electric or hybrid vehicles during this timeframe. We don't know how many, even if we got that count, which it's an excellent idea, if those numbers were to remain constant, which they're not due to just the growth in the community, the mental housing being implemented. Sorry I started laughing when you were mentioning the luxury apartments and the charge for parking, because how many do we have of those going on, folks? Not in our community.

So anyway, this is all that fuzzy stuff that is going to be implemented. It's in the process of being implemented, but we don't have and won't have any hard and fast figures, which is why I believe most of the communities are going with option A, because one, it's easier and two, you just don't have the data to do some of this other stuff. And if you do, it would be option C because then you have to really get into it, but you're limited. And those limitations without numbers, it's just fiction. So that's just a thought when I'm looking at what we're really being told to do and then the information that we pass on to city council, of course with the other advisory groups, it's really going to be in their

hands, but we really are all left with the same true lack of information and a dictate that we must follow with some limited options. So anyway, I'm just putting that out there. Yeah, thank you for that comment. Thank you.

Mr. Lindbergh, here. So, Mark, can you explain the concept of unbundled? So, I'm looking at option B, part two, for example. It says a requirement that parking spaces serving least commercial developments be unbundled parking. What does that mean?

Yeah. That was a concept I'm not as familiar with it, but it's better to explain... If you live in a residential or you work for a business where you are forced to pay for a parking space, the unbundling, basically you would unbundle that. So, if an employee or resident chose not to park, you couldn't necessarily force them to pay for it.

Okay. So-

So, it's more applicable to the luxury or the higher... I think we see this more in maybe a bigger city where you're not only paying for rent, but you're also paying for rent for a parking spot. This requirement would require you to unbundle it.

I see. Yeah. Okay. So, this is still Lindbergh. So, with that information, to me, I'm going to be the odd man out here and say that option B looks relatively attractive. I'm not sure why nobody else is selecting that, but you have to pick three of the five and that should be relatively easy for us to do. Say that we adopt an ordinance or a development standard that eliminates that requirement and reduces the number of parking spaces. Seems relatively doable. I think we ought to stay away from taxing on revenue because we don't have commercial parking lots here, but maybe that's something we could add to our code for the future if there is a commercial parking lot proposed, right? Does anybody know why option B is not attractive to any other communities in the state?

Good question. No, I think our original kind of brush at the option B seem to be a little bit more approachable, but for whatever reason, A and C in terms of... I'm on this DLC committee with a lot of the jurisdictions in the state and every time it's either A or C has been brought up and folks are kind of shying away from B and never quite understood why they're shying away from it.

Commissioner Heesacker. Yeah, this is Heesacker, Commissioner Lindbergh. I have a guess as to why people aren't choosing option B. The list of cities that Mr. Trinidad put up, those that are going for option A were the bigger cities in our state that have fantastic transit programs compared to what we have here. I don't know that that's the answer, but I suspect that would have something to do with it. That's all I want to say.

Thank you. And actually, Lindbergh again, and I do have a recommendation that, or a question that for B or C, do any of these, is there any real ask that we reduce the minimum, rather than eliminate but reduce the minimum required parking spaces by use right there? That was one of the efficiency measures that Commissioner Arthur mentioned during the UGB expansion is that we reduced the required number of parking spaces, and we adopted an ordinance to that effect that was repealed at a later date by the city council. Is there in any of these options a request that communities reduce the minimum number of parking spaces as part of their development standards?

No, not to my knowledge. I think the only reduction that we've... What I've seen is in terms of just residential uses, moving away from the 1.5 for a two-bedroom, three-bedroom, and guest parking, but simply making it one parking space per dwelling unit. This is probably the only thing I've seen, but I'll certainly keep an eye out for that.

Tokarz-Krauss, here. I just wanted to say when you look at option B, which was something I looked at first, but three of the five don't really apply to us. So, you have two and then you're just picking one for the sake of having that third one. And I think that's why, especially because we're smaller. You had given a list of names. What would be a comparable city to Grants Pass? We're fairly small, but we meet their threshold to be subjected to this. So, I'm trying to think off the top of my head of another one, but I think that's why when you're not as complex or we're just not a major metropolitan area that would have some of these things, I'm looking at maybe unbundled parking for residential, the tax on parking lots, most don't apply. So, you'd be kind of just picking a third or you're forced into only two with maybe... I don't know, it just doesn't apply I think is why we're not going there.

This is Lindbergh again. Which is fine because when you look at a development code, not all sections are going to apply in all circumstances. So, we could have them on the books, meet the requirements, but they're not really applicable because we don't have, for example, lease parking lots. In any recommendations, we're not really making recommendations tonight, correct-

Correct.

... chair, we're just discussing. Okay.

Chair, these are great comments. If I come back to you in May, I'll probably have more information as well to share and I can drill down to maybe a more comparable city like this that hasn't made a choice and that might be more helpful. Of the other jurisdictions.

He wants to see the map, the I-5 corridor with those placed on. This is Collier. There.

Lindbergh here. McMinnville is not on there. They'd be a relatively comparative community, but maybe they're part of the Salem-Keizer area.

I can certainly double check, yeah. I know DLCD gets a bad rap sometimes, but they've been really quick to my questions. I'll request the data from them and see what they can come up with.

Do we have any further requests of staff? So, given that he's going to be a few weeks before he comes back to us, is there anything else you'd like for him to drill down and get back to us in the interim? Go ahead.

Macmillan. I really like the question that was just asked and referenced. I'd kind of like to know in order of those eight regions, who has the less population? And maybe the discussion also goes towards was Grants Pass... I'm looking at that map and Grants Pass looks like the least populated. Did they put us in the eight? I'm kind of curious. Maybe somebody else can answer this or it can be discussed later, but are we putting Grants Pass in the eight because that potentially from the state's point of view looks like

a place where it's really going to grow? So, when we get to 35, we're much bigger than we are now. That's the only thing I could come to.

I'm just going to say on the record, I lived in New York for the year, lived in Brooklyn. I went car-less, I probably could go car-less now. And the ultimate intent is to get cars off the road. So, I don't need... I have a beautiful car, but I don't need to be on the road. So, I'm kind of thinking that I've had a complete shift in parking. I probably was with... I know Miss Arthur and I were on the same page years ago. I probably have shifted radically. But the intent is to get it off the road. Grants Pass, why are we in that eight? That's the question I'd like to know. Maybe you can help me answer that. Thank you.

This is Collier. I think the extension then, I'd probably be speaking for Scherf, would be if we could opt out.

Lindbergh. And my belief is because these are metropolitan statistical areas and Grants Pass is a principal city of a MSA. So that's probably why. And we've got a metropolitan planning organization, the middle rogue MPO. So that's probably why we're one of the eight.

This is Collier and I, again, maybe I've been around him too long, but then Commissioner Scherf would come back and said, "Well maybe we shouldn't be." And, I mean, we deal with variances all the time. Say, "Hey, we'd like to opt out. Keep it." I'm hearing about climate friendly from other jurisdictions' Talent and they're going, "Yeah, DLCDC says they're here to help us. Yeah, they're here to help us do what they want us to do without our input, just telling us what they want us to do." And I know there's going to be pushback and I want to give time for the other committees and then the other folks to get here. And then I would kind of like to find out, can you opt out? Can you say no? Or ask, can we be opted out because we don't look like those major metropolitan areas? So that's my question. Go ahead.

And this is Lindbergh and I see what you're saying [inaudible 01:23:27], but I think we're kind of being pushed into the situation the same way that we have been with the single-use plastic bag bans at the grocery stores, right? Used to go to Walmart and they would put one item in a bag, right? Finally, we were told, "Hey, we've, we've been frivolous, we've wasted a resource, we've created a problem." The same goes with parking. We've had such a high minimum parking level that we've kind of been... I think that's what they're trying to, that if all these communities had voluntarily reduced their parking requirements earlier, then this wouldn't have been required. But this is the, there've been numerous carrots over the years, and this is finally the stick that, well, nobody acted fast enough and so we're going to act for you.

And I understand what you're saying is that it's feel like it's being foisted upon us, but I think it's being foisted upon us because we've been inactive in trying to solve a problem. Right? With all that said, you look at our central business district which has no minimum parking requirements, and it gets along just fine. None of this would prohibit people from voluntarily providing parking. It would just remove some of the requirements of our code from minimum parking standards for development. All that said, I don't think it's that big of a deal. I think people would still choose to provide more parking than is really needed around here. That's just my way that I would look at it.

Okay. Anyone else? Final comments, final thoughts?

I have a couple of comments. I'm just glad we don't live in the Midwest after 30-some years in Michigan and Minnesota where you park on the side of the street that's not plowed that night. I mean, you really are very aware of how many parking spaces there are and where they're located and available. The other thing is, in Illinois we lived in a community that had a common practice in the area. Then this was obviously many years ago, and they had twice a year, a spring and fall 'empty your garage' day and everybody would put out on the right of way, what's the right word, the CUE, anything they didn't want. They empty their garage and everybody else would drive around and pick up what they wanted. And then whatever was left on Monday morning of that weekend, they had all of the flatbed trucks and garbage trucks, and everybody lined up to go around and pick up what was left on Monday and people could actually park in their garages and it was a very useful process. Still available.

This is Heesacker. And nobody parks in their garage. What are you talking about?

Okay. So, bringing it back to today, I would recommend that our next hearing on the subject be May 10th.

Perfect. Yeah, I'll have more information addressing your comments and I'll get straight to the point at that meeting.

Okay.

Chair, interesting enough, some of these revisions, A, B, or C, I believe are up for revisions to DLC. So, any changes I'll bring also on May 10th.

Perfect. With that, are you good? Okay. Oh, what?

One more item. So, Commissioner Lindberg has joined us. We do still have one open position on the UAPC. It's a city appointed position. Applications are due next Friday, the 21st. If you know of anyone interested, they can simply apply on the website. But applications are due on Friday the 21st for, I believe this was Jen Aviles's spot. So that still remains vacant. I think Jen Aviles was the previous.

[inaudible 01:28:05].

Yeah, I think yeah, that needs to be revised. Apologize. Yeah, I think that the county side, that is filled. There is one vacant position for the city, and you have until Friday the 21st.

This is Heesacker. I'm not sure we have a vacant position based on the agenda for this meeting.

We do. Mine expires.

Oh, it's your position.

[inaudible 01:28:38] or something, yeah.

Thank you. Sorry.

This is Collier for Ms. Arthur. I trust you've reapplied.

[inaudible 01:28:49].

Okay, fair enough. Fair enough. We'll leave it at that. Okay, with that, move to adjourn, we're just going to adjourn. Wait, does anybody else have anything for the good of the order or matters before the commission? Anyone else?

Yes.

Yes.

I'm sorry to hold you up again.

As long as you can bring it forward to today.

If anybody watched the city council workshop last week, the person from the fairgrounds came in and suggested we just throw out all that work we've done for 12 years on Fourth Bridge preparation. And I think we ought to have some kind of response to that proposal. Hurry to do it.

So, this is Lindberg and Commissioner, you're correct. Any changes, though, would necessitate a change to our transportation system plan. So, the city can't just willy-nilly say that we are not going to preserve that Fourth Bridge corridor. It would have to go through a full public process. And this is Lindberg, by the way, for the computer minutes.

Okay, that's it. We adjourned. See you in two weeks. I won't be here.

Mark Collier, Chair
Urban Area Planning Commissioner

Date

**CITY OF GRANTS PASS
COMMUNITY DEVELOPMENT DEPARTMENT**

**DEVELOPMENT CODE TEXT AMENDMENT:
AMENDMENT TO ARTICLE 22
SOLAR STANDARDS
FINDINGS OF FACT**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	405-00134-23
Project Type:	Development Code Text Amendment
Applicant:	Community Development, Director
Staff Assigned:	Gabby Sinagra (CD)
Application Received:	02/09/23
Application Complete:	02/15/23
Date of Planning Commission Staff Report:	04/05/23
Date of Planning Commission Hearing:	4/12/23
Date of Findings of Fact:	4/26/23

[Note: ***Bold Italic Text*** indicates text added by the Commission that was not contained in the staff report. ~~Strikeout text~~ indicates deletions made by the Commission.]

I. PROPOSAL:

The proposal is an ordinance amending Article 22 (Residential Development Standards) and Article 30 (Definitions) of the Grants Pass Development Code. If approved, the amendments would modernize the existing Solar Standards to be more compatible with infill development and missing middle housing, preserve existing and future investments in roof mounted solar systems, as well as provide greater flexibility in the administration of the solar setback standards.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission, or City Council may initiate a text amendment application. These amendments have been initiated by the Director of Community Development.

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

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

III. APPEAL PROCEDURE:

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

IV. PROCEDURE:

- A. An application for a Development Code Text Amendment was submitted on February 9, 2023 and deemed complete on February 15, 2023. The application was processed in accordance with Section 4.102 of the Development Code.
- B. Public notice of the April 12, 2023 hearing was mailed on March 22, 2023 and published in The Daily Courier newspaper on March 31, 2023, in accordance with Section 2.060 of the Development Code.
- C. A public hearing was held on April 12, 2023 and the Urban Area Planning Commission voted unanimously to recommend approval of the Development Code Text Amendment as outlined in the Staff Report with revisions from both staff and the UAPC. The vote was 6-0, with Commissioners Nelson and Scherf absent.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the Staff Report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on April 12, 2023, 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".

VI. FINDINGS OF FACT:

The Urban Area Planning Commission found that based upon the testimony given at the public hearing and the staff report, the proposal meets the criteria in Section 4.103 of the Development Code based on the reasons stated in the findings included below.

VII. BACKGROUND AND DISCUSSION:

Timeline:

- In January 2021, as part of Project No. 405-00123-21, Staff proposed to amend multiple sections of Article 22: Residential Development of the Grants Pass Development Code. Part of this proposal and the recommendation from Siegel Planning Services (City's consultant) included striking the solar standards found under Section 22.600.
- The first public hearing before City Council for this application was held on April 21, 2021. Council expressed reservations about a full repeal of the solar standards without any replacement text and referred the matter to the Housing Advisory Committee for their review and input.
- In August 2021, Staff presented a comparative analysis of four other municipalities' solar access approaches and pathways forward for a potential text amendment to the Housing Advisory Committee. Following Staff's presentation, the Housing Advisory Committee recommended to Council that the City amend the current solar standards instead of striking them in their entirety.
- In March of 2022, Staff distributed an RFP for code writing services to the City. No responses were received.
- After continued outreach to individual firms, in September of 2022, the City entered into a Professional Services Agreement for code writing services with Kendig Keast Collaborative (KKC), a Land Use Consulting firm based in Sugarland, Texas with a specialization in solar ordinances.
- Senior Associate and primary code drafter, Steve Sizemore, of KKC presented the draft amendment to the Urban Area Planning Commission as part of a workshop session during the scheduled March 8, 2023 public hearing. Due to technical difficulties, the members of the Urban Area Planning Commission were directed to forward any feedback or questions to Staff.
- ***Include Section 22.623(1) Performance Standard Option of the existing solar standards code in Section 22.650 Modifications of the proposed amendment.***
- ***Include Section 22.621(3)(a) of the existing solar standards code in Section 22.610 Exemptions of the proposed amendment.***
- ***Change language of Exemptions in Section 22.610(1)(f) of proposed amendment to read, "...not exceed 10 days in any three-month period and 40 days in any year."***

The current solar standards, as written, are onerous to development, prohibitive to residential densification, and ambiguous making the application of the standards difficult for both applicants and staff to interpret. The focus of the changes to the Solar Standards in Article 22 are to simplify the methodology of the solar setback computations, create clear and objective standards to allow for a greater ease in their application and to amend the setback formula to be less prohibitive to the City's goal to provide a greater availability and diversity of housing type within the confines of infill development.

Major proposed changes to Article 22 and Article 30 are as follows:

Article 22: Residential Development:

- Creation of two (2) Solar Access Zones. All R-1, R-2, and R-3 zones in City Limits are proposed to be in Solar Access Zone I in which solar access in these zones is protected through the newly proposed solar setback formula. All R-4, R-5, and RTC zoning districts are proposed to be in Solar Access Zone II in which solar access protection can be granted through a Solar Access Permit. Property owners in these zones may apply for a Solar Access Permit if they have installed or plan to install a solar energy system.
- Change the current base solar setback calculation. The proposed formula is taken from Eugene's Solar Access code in which the standards do not apply until the shade point height (eve or ridgeline of building) reaches twenty-two (22) feet.
- Strike Schedule 22-2: Minimum Solar Setbacks, and Schedule 22-3: Maximum Shade Point Heights and replace with Table 22-7: Solar Setback from Northern Lot Line for Solar Access Zone I.
- Addition of new graphics to depict North Facing Slope (Figure 22-5), Measuring Shade Point Height (Figure 22-8) and North-South Lot Dimension (Figure 22-9).
- Strike Alternate Solar Standards under Section 22.623 and add Solar Modifications under Section 22.650 that allow the Director to grant administrative relief in regard to setbacks of the principal structure, reduction in required parking, and landscaping where there are physical constraints.
- Strike Solar Lot Design Standard (Section 22.632) and Solar Oriented Lot Bonuses (Section 22.633) and replace with *recommended* Solar Orientation Standards where the site and location permit (Section 22.640).

Article 30: Definitions

- Change "North-South Lot Dimension" definition and insert a new graphic which assists the applicant on how to average the size of their lot when conducting the solar setback calculation.
- Change "Shade Point" definition to reflect the highest shadow cast at the northern lot line at noon on December 21 instead of January 21.
- Change "Shade Point Height" definition to be three-feet less than the height of a north/south ridgeline rather than one-foot less.
- Add a definition for "Solar Access" which outlines the provisions of sunlight to be protected through the creation of Solar Access Zones.
- Strike the definition of "Solar Building Line."
- Strike the definition of "Solar Front Line."
- Change the definition of "Solar Heating Hours" to be between 10:00 a.m. to 2:00 p.m. Pacific Time when the sun is at its highest point above the horizon on December 21.
- Change the definition of "Solar Setback" to make language more concise.
- Change the definition of "Solar Energy System, Passive" to make language more concise.

VIII. APPLICABLE CRITERIA:

The text of the Development Code may be amended provided all of the criteria of Section 4.103 of the Development Code are satisfied.

SECTION 4.103:

CRITERION 1: The proposed amendment is consistent with the purpose of the subject sections and articles.

Planning Commission Response: Satisfied. The proposed amendment is consistent with both the purpose and intent of the article affected by this proposal. The purpose of Article 22 is to provide development standards for single and multi-dwellings, manufactured homes and recreational vehicle parks. These standards are intended to ensure an acceptable living environment for future residents of a development proposal and to minimize the impact to adjacent residents and future property owners.

The proposed amendment in this application adheres to this purpose statement by regulating structures and vegetation on property to the extent necessary to ensure continued access to solar energy for both active and passive solar energy systems thereby protecting property owners' access to the sun's rays and investments in roof mounted solar panels.

CRITERION 2: The proposed amendments are consistent with other provisions of this code.

Planning Commission Response: Satisfied. The proposed amendments are consistent with other provisions and Articles in the Development Code as they relate to residential development. The provisions of Article 22 are supplementary to the Base Development Standards contained in Article 12 of this code. The following subsections of the purpose statement of Section 12.011 is in line with the proposed amendment:

- 12.011(2): To protect the right to use and enjoy real property.
- 12.011(4): To serve as a basis for resolving land use conflict.

The proposed amendment will assist in mitigating conflict as well as balancing the need to provide solar access with the need to provide flexibility in density, location, and type of housing consistent with the base development standards outlined in Article 12; and the State mandated regulations outlined in Senate Bill 100.

The proposed amendment reduces the severity of the solar setback, strikes the solar lot design requirements for land divisions, and provides developers with opportunities for administrative relief when the standards present a conflict to development.

CRITERION 3: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and most effectively carry out those goals and policies of all alternatives considered.

Planning Commission Response: Satisfied. The proposed amendment is found to be consistent with Element 12, Energy Conservation, of the Comprehensive Plan. Specifically, the purpose of the Energy Conservation Element is to examine methods for conserving energy and promoting energy diversification. Section 12.50 Methods for Conserving Energy directly addresses solar access and asserts that unless local communities begin to plan now for future development of solar energy, controlled development could make it impossible for solar utilization to take place in both active and passive systems. Under Section 12.20 Energy Resources, it is identified that opportunities in Grants Pass for the use of both passive and active solar systems are high, and that based on a study from the Oregon Department of Energy, Oregon homeowners can meet a year-round average of fifty percent of home heating needs with solar energy.

The proposed amendment will accomplish the protection of solar utilization for both passive and active systems that will in turn preserve Grants Pass' solar potential.

The proposed amendment is found to be consistent with Element 9, Housing, of the Comprehensive Plan. Specifically, the policy goal for housing encourages the provision of adequate numbers of housing units within the Urban Growth Boundary at price ranges and rent levels commensurate with the financial capabilities of area households, and to allow for flexibility of housing type, density, location and design.

Similarly, the proposed amendment is found to be consistent with the recent policy changes implemented under House Bill 2001 which allows middle housing types in all residential zones throughout the city limits. According to the Department of Land Conservation and Development (DLCD), a primary intent of HB 2001 is to remove unreasonable cost and delay to the development of middle housing. HB 2001 defines middle housing as duplexes, triplexes, quadplexes, cottage clusters, and townhomes; development which is traditionally multi-story in height.

The proposed amendment assures both the policy goals of Element 9, Housing, of the Comprehensive Plan and HB 2001 are preserved by rewriting the existing Solar Standards to be less prohibitive to densification; specifically in its allowance for taller building height (22 feet) before adherence to a solar setback is required and by removing language requiring solar lot design standards for residential subdivisions.

CRITERION 4: The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

Planning Commission Response: Not applicable. The proposed amendment does not affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP).

IX. RECOMMENDATION:

The Planning Commission **RECOMMENDS APPROVAL** to the City Council of the proposed amendment to amend Articles 22 and 30 of the Development Code as presented in ***Exhibit A***. The vote was 6-0 with Commissioners Arthur, Heesacker, Collier, Tokarz-Krauss, Lindberg, and Macmillan voting in favor. Commissioners Scherf and Nelson were absent.

X. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 26th day of April 2023:

Mark Collier, Chair

