



CITY OF GRANTS PASS
COUNCIL AGENDA
June 22, 2020
11:45 a.m. City Council Workshop and
Special Meeting
Council Chambers - 101 N.W. 'A' Street

MAYOR: Roy Lindsay

CITY COUNCIL MEMBERS:

Ward 1	Ward 2	Ward 3	Ward 4
Tyler Flaming Clint Scherf	Valerie Lovelace Rick Riker	Dennis Roler Dwight Faszer, II	Barry Eames Joel King

1. CONSENT AGENDA
 - a. Motion approving the Aurelia Zoning Map Amendment and Subdivision Findings of Fact. **Pgs. 1-14**
 - b. Motion approving the Blackberry Lane Tentative Subdivision Plan Appeal of the Planning Commission Decision Findings of Fact. **Pgs. 15-23**
2. ADJOURN SPECIAL COUNCIL MEETING AND CONVENE COUNCIL WORKSHOP
3. COUNCIL WORKSHOP
 - a. Public Safety levy discussion
 - b. Agenda review
4. ADJOURN WORKSHOP AND CONVENE THE SPECIAL COUNCIL MEETING IN EXECUTIVE SESSION

Executive Session is held to discuss the following subjects:
(e) Real property transactions-negotiations

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate person with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations at least 48 business hours prior to the meeting. To request these arrangements, please contact Karen Frerk, City Recorder at (541) 450.6000.

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

**BLACKBERRY GLEN SUBDIVISION
BLACKBERRY LANE
TENTATIVE SUBDIVISION PLAN
APPEAL OF THE PLANNING COMMISSION DECISION
FINDINGS OF FACT**

Procedure Type:	Type IV: City Council
Project Number:	302-00110-20
Project Type:	Appeal of the Planning Commission's Decision
Appellant:	Gayle Atkins
Appeal Filed:	April 23, 2020
Date of Council Staff Report:	May 26, 2020
Date of City Council Hearing:	June 3, 2020
INFORMATION REGARDING APPLICATION BEING APPEALED	
Project Number:	104-00133-20
Owner:	Gayle Atkins
Applicant:	Gayle Atkins
Representative:	Justin Gerlitz
Property Address:	Blackberry Lane
Map and Tax Lot:	36-06-23-BD, TL 816
Zoning:	Residential (R-2) (Urban Growth Boundary)
Parcel Size:	2.83 acres
Planner Assigned:	Taylor Graybehl
Application Received:	February 13, 2020
Application Complete:	February 19, 2020
Date of UAPC Staff Report:	March 18, 2020
Date of UAPC Public Hearing:	March 25, 2020
Date of UAPC Findings of Fact:	April 8, 2020
Date of Council Staff Report:	May 26, 2020
Date of Council Public Hearing:	June 3, 2020
Date of Council Findings of Fact:	June 22, 2020
120-Day Deadline:	June 18, 2020

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

I. PROPOSAL:

The appellants are appealing the Planning Commissions' approval of a 17-lot residential Subdivision in the R-2 zoning district. The subject property is approximately 2.83 acres in size and is zoned Residential (R-2). The Notice of Intent and Appeal Statement is attached as *Attachment 3* to the staff report. The Record of Decision of the Planning Commission's Findings of Fact are attached as Attachment 4 to the staff report.

II. AUTHORITY AND CRITERIA:

Section 2.050, Schedule 2-1, Section 6.050, Section 12.027, Schedule 12-2, and Section 20.210 of the GPDC, 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 GPDC.

Section 10.050 allows a final action of the Urban Area Planning Commission to be appealed to the City Council. Unless the Council moves to hold a hearing on the record, as described in Section 10.052 of the Development Code, the Council shall hear the appeal de novo. Section 10.052 provides in part, that prior to or at the commencement of a hearing on an appeal, the Council may confine the appeal to the record of the decision of the previous review body. The Council may affirm, amend, or reverse the Planning Commission's decision.

III. APPEAL PROCEDURE:

A final action of the City Council on a Type IV decision may be appealed to the Oregon Land Use Board of Appeals within 21 days of the written decision as provided in ORS 197.830.

IV. SUMMARY OF EVIDENCE:

- A. The basic facts, criteria and hearing record regarding this application are contained in the City Council staff report, which is attached and incorporated herein as Exhibit "A".
- B. The minutes of the public hearing held by the City Council on June 3, 2020, attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint Presentation presented by staff is attached as Exhibit "C."
- D. The PowerPoint Presentation presented by applicant is attached as Exhibit "D"

V. PROCEDURE:

- A. An application for a Subdivision Tentative Plan was submitted on February 13, 2020. The application was processed in accordance with Section 2.050 of the Development Code.
- B. Public notice of the March 25, 2020 hearing was mailed on March 4, 2020, in accordance with Section 2.053 of the Development Code.
- C. A public hearing was held on March 25, 2020 and the Planning Commission voted unanimously to approve the Subdivision Tentative Plan with amended

conditions attached in the Findings of Fact.

- D. The appellant filed an appeal of the approval on April 23, 2020. The appeal application was deemed valid on April 28, 2020.
- E. Public notice of the June 3, 2020, City Council hearing was mailed on May 19, 2020, in accordance with Sections 2.020, 10.051(4).
- F. A public hearing was held by the City Council on June 3, 2020, to consider the appeal.
- G. The City Council revised the Urban Area Planning Commission decision with conditions and approved the appeal application.

VI. BACKGROUND:

A. Characteristics of the Property:

- 1. Land Use Designation:
 - a. Comprehensive Plan: Moderate High Density Residential
 - b. Zone District: R-2 (Urban Growth Boundary)
- 2. Size: 2.83 acres
- 3. Frontage: Raydean Drive (Local street), SW Sturgeon Court (Local street), Strawberry Lane (Private street)
- 4. Access: Lots 1, 2, 3, 7, 9, 10, 12, 13, 14 (Blackberry Lane) Lots 11, 16, 17 (Raydean Drive), Lots 4, 5, 6, 8 (Strawberry Lane)
- 5. Existing Public Utilities:
 - i. Water: 8" main in Raydean Drive
8" main in SW Sturgeon CT
 - ii. Sewer: 8" main through middle of the property
8" main in SW Sturgeon Ct
8" main in Raydean Drive
 - iii. Storm: G.P.I.D Storm main along the eastern property line
- 6. Topography: Slightly sloped from north to south
- 7. Natural Hazards: None noted.
- 8. Natural Resources: Wetland
- 9. Existing Land Use:

- a. Subject Parcel: Undeveloped
- b. Surrounding: North: Residential
East: Residential
South: Wetland (open space)
West: Residential

B. Application History & Timeline:

The property is located at Blackberry Lane. The property is currently zoned Residential (R-2). In November of 2019 a pre-application request was processed (File No. 001-00300-20) for a Subdivision at this location. An application for a Tentative Subdivision Plan (File No. 104-00133-20) was received on February 13, 2020 and deemed complete on February 19, 2020. The application was processed in accordance with Section 2.050 of the Development Code.

The applicant submitted a revised Tentative Subdivision Plan. The revised tentative subdivision plan indicates the abandonment of a detention pond in TL 1900 and re-routing of future treatment and detention of the runoff generated from the development to the north.

The revised tentative plan shows a 5-foot wide irrigation easement along the east property line and not the 7-foot easement required by the Grants Pass Irrigation District (GPID) in their letter dated March 20, 2020 attached as Attachment 5 to the staff report. The applicant requested the Planning Commission approve the 5-foot width since the Pre-Application Conference letter from GPID stated 5 feet, the irrigation line is buried on an adjacent property, and the 7-foot width would require a modification to the building envelopes. Planning staff consulted with the City Attorney on GPID's request, and the City Attorney stated that exacting a 7-foot easement as a condition of development is inconsistent with federal takings law (See *Dolan v. City of Tigard*; *Schultz v. City of Grants Pass*).

A public hearing was held on March 25, 2020 and the Planning Commission voted unanimously to approve the Tentative Subdivision Plan with amended conditions to the Staff Report. Public notice of the March 25, 2020 hearing was mailed on March 4, 2020, in accordance with Section 2.053 of the Development Code. The Findings of Fact were signed April 8, 2020. The appellant filed an appeal of the Planning Commission's approval on April 23, 2020 challenging the condition of approval to comply with the Grants Pass Irrigation District memo to provide a 7-foot wide irrigation easement. The appeal application was deemed valid on April 28, 2020. Public notice of the June 3, 2020, City Council hearing was mailed on May 19, 2020, in accordance with Sections 2.020, 10.051(4). A public hearing was held by the City Council on June 3, 2020, to consider the appeal. The City Council revised the Urban Area Planning Commission decision with conditions and approved the appeal.

ORS 197.311 requires that final action on this application be completed within 120 days from when the application is deemed complete. The 120-day limit for this application is June 18, 2020.

VII. PROJECT DISCUSSION:

The applicant proposes the division of Tax Lot 816 into 17 separate lots (Tentative Subdivision) ranging in size from 5,003 sq.ft. to 8,251 sq.ft. The proposed subdivision will be served by the extension of Blackberry Lane, half street improvement of Raydean Drive and a new private street (Strawberry Lane). The original submittal showed the subdivision being developed as a single phase. However, the applicant is now proposing a two-phase subdivision with Phase I comprised of Lots 10, 11, 15, 16, 17 and Phase II comprised of Lots 1 through 9 and 12 through 14. Stormwater runoff from Phase I and Phase II of the site is proposed to be collected and detained within the already-constructed Blackberry Lane Subdivision to the north. The revised storm drain system will cross Lots 4, 7, 9, 10, & 11 with a private 5-foot storm drain easement along the route of the storm system that is located outside of the public right-of-way.

VIII. ISSUES RAISED ON APPEAL

It is the contention of the appellant that Subdivision Tentative Plan criterion 17.413 (6) has not been satisfied because the Commission's decision fails to demonstrate rough proportionality by mandating a 7-foot wide irrigation easement and the easement width should be reduced. The appellant's full narrative is attached as Attachment 3 to the staff report.

IX. CONFORMANCE WITH APPLICABLE CRITERIA:

A. 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.

City Council Response: Satisfied with conditions. All lots meet the minimum width and lot size requirements of the R-2 zone. No lots exceed the maximum lot width to depth ratios (Section 17.511), lots are arranged such that there will be no difficulties in obtaining building permits for typical permitted uses (Section 17.512), there are no proposed through lots except corner lots (Section 17.513), and side property lines run at right angles to the street it faces (Section 17.514).

Section 17.515 requires all street intersections to provide an arc along the property line to allow construction of standard curb and sidewalk wholly within the right-of-way. Section 27.121(5)(c) requires a curb radius of not less than 20 feet at local street intersections. The applicant has proposed curb radius lines on Lots 10 and 15 that comply with the code.

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.

City Council Response: Not Applicable. A future development plan is required whenever a property is proposed to be subdivided and there is the potential for additional division of the property in the future (Section 17.541). For a lot to be dividable in the R-2 it would need to be at least 10,000 sf in size. The largest proposed lot is 8,251 sf, so no future development plan is required.

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.

City Council Response: Satisfied with Conditions. Section 27.051 requires new development to conform with and provide for the extension and construction of streets in conformance with Article 27. The proposed Tentative Subdivision plan has frontage along Blackberry Lane (City Local Street) and Raydean Drive (City Local Street). Currently, neither street meets standards found in Article 27. As a condition of approval, all conditions in the Public Works Staff report regarding public street improvements shall be met.

The proposed Tentative Subdivision plan proposes to create a private street, Strawberry Lane. The private street is proposed with 20 feet in paved access width and approximately 130 feet in length. Per Section 12.121(11), private streets of 20 feet in width are limited to serving four dwelling units or less. The Tentative Plan complies with these standards since Lot 7 is proposed to take access from Blackberry Lane and not Strawberry Lane.

The revised tentative subdivision plan indicates the abandonment of a detention pond in TL 1900 and re-routing of future treatment and detention of the runoff generated from the development to the north. The revised storm drain system will cross Lots 4, 7, 9, 10, & 11 with a private 5-foot storm drain easement along the route of the storm system that is located outside of the public right-of-way.

Section 27.121(4) provides a minimum distance between street intersection lines at 260 feet. Strawberry Lane is proposed to take access off Blackberry Lane, which would place the centerline of the intersection of Strawberry Lane and Blackberry Lane at approximately 230 feet away from the centerline of the intersection of Blackberry Lane and Raydean Drive. On June 23, 2017, a Director's interpretation was provided on intersection spacing which found that a private street serving four (4) dwelling units or less, shall be subject to meeting the driveway separation standards listed in Section 27.121(11) and not the street intersection spacing standards.

As a condition of approval, all driveways shall meet Section 27.121(11). As proposed, Lot 7 must take access directly from Blackberry Lane and not Strawberry Lane.

As a condition of approval, street names and traffic control signs shall be installed by the City Engineer Section 27.121(14) and Section 27.121(15).

As a condition of approval, a minimum of 10 ft. C.U.E shall be provided in conformance with the requirements of the public utility companies.

As a condition of approval, the applicant shall submit evidence of an easement and legal assurances for the continued maintenance of the street as required in Section 27.123(12)(d).

With the above conditions the proposed street meets private streets standards permitting for up to four (4) dwelling units to access Strawberry Lane.

As a condition of approval, the development of Strawberry Lane shall be made by the applicant prior to the submission of the Final Plat or by an agreement to secure the future construction of the streets in accordance with City requirements per Section 27.110(4).

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.

City Council Response: Satisfied with Conditions. All land use and development within the Grants Pass Urban Growth Boundary, as described in Section 28.013 shall extend basic urban services along the full length of all portions of the subject property fronting a public right-of-way, consistent with the requirements of Article 28.

As a condition of approval, the applicant shall comply with all conditions found in the Public Works Staff Report.

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.

City Council Response: Satisfied with Conditions.

The applicant submitted a "Pre-application tree plan" document attached as. The submittal includes a submittal requirement required per Section 11.040 at the time of submittal of a Tentative Plan. In addition, the plan meets the criteria of an Existing Tree Canopy Cover and Tree Protection Plan in conformance with Section 11.050.

The applicant included a Tree Re-vegetation Plan which did not meet all conditions in Section 11.060. As a condition of approval, prior to recording of the Final Plat, the applicant must submit a "Tree Re-vegetation Plan", prepared by a Tree Professional, in accordance with Section 11.060 which displays percent coverage per lot in conformance with the required 15 percent to 20 percent coverage requirement.

As a condition of approval, the applicant shall pay a tree deposit of \$300 per lot in compliance with Section 11.060(2). The money will be available for future installation trees in accordance with the Tree Re-vegetation Plan and other standards found in Section 11.060(2).

As a condition of approval, all future building permits shall reflect the Tree-Revegetation Plan.

As noted in the application, the project site contains some areas of delineated wetlands. These wetlands were delineated and approved by the Department of State Lands through the Oregon Wetland Determination Report WD# 2014-0548.

Per the applicant's submittal, the applicant is working with the Oregon Department of State Lands, Army Corps of Engineers (ACOE), and the Oregon Department of Environmental Quality (ODEQ) to mitigate wetland loss. As a condition of approval, the applicant shall provide a copy of approved wetland mitigation permits prior to the granting of a development permit. This applies to both Phase I and Phase II development.

(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%.

(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%.

City Council Response: Satisfied with conditions. The site is mildly sloping. The applicant indicates small retaining walls may be required at the west side of Lot 1 and the northeast corner of Lot 11; as a condition of approval, the above standards 5(b) and 5(c) must be adhered to during future development.

Solar lot design standards apply to all proposed subdivisions in residential zones per Section 22.631. Solar lot standards found in Section 22.632 requires that 80% of the proposed lots have a north-south dimension of at least 80. As 94% of the proposed lots exceed 80 feet in their north-south dimension the proposed tentative plan meets solar lot design standards.

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

City Council Response: Satisfied with Conditions. 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.

The project parcel is bound by Service and Annexation Agreement #2017-007620.

Per the applicant's submittal, the applicant is working with the Oregon Department of State Lands, Army Corps of Engineers (ACOE), and the Oregon Department of Environmental Quality (ODEQ) to mitigate wetland loss. As a condition of approval, the

applicant shall provide a copy of approved wetland mitigation permits prior to the granting of a development permit.

The project site is located within the Grants Pass Irrigation District. As a condition of approval, the applicant shall dedicate a **5-foot wide, non-exclusive irrigation easement along the eastern property line for GPID centered on the existing pipe (2.5' from the centerline of pipe) where the encroachment occurs along the east property line. No dedication will occur on the adjacent private property to the east.**

X. DECISION AND SUMMARY:

The City Council APPROVED the appeal, amending the Planning Commission Decision to approve the Tentative Subdivision Plan with conditions as reflected below. The vote was 6-1 with Councilors Lovelace, Ricker, Eames, Flaming, King, and Roler voting to approve. Councilor Scherf voted to deny. Councilor Faszler was absent.

Conditions of Approval:

- A. Phase I - The following must be accomplished within 24 months of the Planning Commission's Decision and prior to issuance of a Development Permit. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each.**

(Note: A Development Permit is required in order to obtain a grading permit):

1. Submit a revised Tentative Plan, in accordance with Section 17.311, showing the following:
 - a. A minimum 10 ft. C.U.E provided along all street frontages including and both sides of Strawberry Lane.
2. Provide all requirement submittals and meet standards found in the Public Works Staff report.
3. Provide approval from the County Surveyors Office for subdivision name.
4. Submit evidence of an easement and legal assurances for the continued maintenance of the street as required in Section 27.123(12)(d).
5. Provide a copy of all approved wetland mitigation permits from DSL, ACOE, ODEQ, and/or any other agency with jurisdiction prior to the granting of a development permit.
6. Applicant shall ~~dedicate an easement along the eastern property line for GPID.~~ **Dedicate a 5' non-exclusive irrigation easement centered on the existing pipe (2.5' from the center line of pipe) where the encroachment**

occurs along the east property line. No dedication will occur on the adjacent private property to the east.

B. Phase I - The following must occur prior to Final Plat approval:

1. Provide all requirement submittals and meet standards found in the Public Works Staff report.
2. Pay a tree deposit of \$300 per lot in compliance with Section 11.060(2). The money will be available for future installation trees in accordance with the Tree Re-vegetation Plan and other standards found in Section 11.060(2).
3. Submit a Tree Re-vegetation Plan, prepared by a Tree Professional, in accordance with Section 11.060.
4. Provide a land division guarantee issued by a title company.
5. Street names and traffic control signs shall be installed by the City Engineer Section 27.121(14) and Section 27.121(15).
6. The applicant shall submit evidence of an easement and legal assurances for the continued maintenance of Strawberry Lane as required in Section 27.123(12)(d).
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. Pay all engineering inspection fees due.
10. 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.
11. 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. Phase I - 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. Future Development of lots shall comply with adopted City standards at time a future submittal is deemed complete. Standards at time of a future submittals deeming of condition shall override any of the below conditions.
2. Comply with the Uniform Fire and Building Codes.
3. Development of lots shall be in accordance with solar standards.
4. All future development shall reflect the Tree-Revegetation Plan.
5. Payment of all System Development Charges due; including, but not limited to, water, storm, sewer, parks and transportation.
6. Future Development of lots shall comply with Article 24: Environmental Standards of the Development Code.
7. During Construction on new development sites that are without paved surfaces the developer shall take appropriate measures to suppress the dust, primarily by wetting the travel surfaces, in and around, the construction site in accordance with Section 24.253.
8. Each lot shall conform to Article 25; Parking and Loading Standards
9. Prior to occupancy, driveways and parking and maneuvering areas shall be paved in accordance with the requirements of the Development Code.
10. Driveways shall be in compliance with Section 27.121(11).
11. Each lot shall have separate utility services.
12. All utilities shall be placed underground.
13. Install landscaping in accordance with the approved landscape plan (Section 23.031 ~ Residential Front Yard).
14. Submit lot drainage plans for approval on all building plans.
15. Developed or undeveloped building lots will need to be maintained for weed and grass control throughout the year.
16. Provide addresses visible from the public right-of-way.
17. Gravel driveway approaches and other erosion and track out control measures shall be in place during construction of individual lots.

D. Phase II - The following must be accomplished within 48 months of the issuance of Development Permit. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each.

1. Submit a revised Tentative Plan, in accordance with Section 17.311, showing the following:
 - a. A minimum 10 ft. C.U.E provided along all street frontages including and both sides of Strawberry Lane.
2. Provide all requirement submittals and meet standards found in the Public Works Staff report.
3. Submit evidence of an easement and legal assurances for the continued maintenance of the street as required in Section 27.123(12)(d).
4. Provide a copy of all approved wetland mitigation permits from DSL, ACOE, ODEQ, and/or any other agency with jurisdiction prior to the granting of a development permit.
5. Dedicate a private 5' storm drain easement along the route of the storm system that is located outside of the public right-of-way.
7. ~~Applicant shall dedicate an easement along the eastern property line for GPID.~~ ***Dedicate a 5' non-exclusive irrigation easement centered on the existing pipe (2.5' from the center line of pipe) where the encroachment occurs along the east property line. No dedication will occur on the adjacent private property to the east.***

E. Phase II - The following must occur prior to Final Plat approval:

1. Provide all requirement submittals and meet standards found in the Public Works Staff report.
2. Provide a Declaration of Covenants and a Storm Water Operations and Maintenance Agreement to the City for review and approval covering the area proposed for the storm water detention. The documents shall indicate the private party responsible for maintenance, and the scope and frequency of the maintenance required for the drainage facility.
3. Pay a tree deposit of \$300 per lot in compliance with Section 11.060(2). The money will be available for future installation trees in accordance with the Tree Re-vegetation Plan and other standards found in Section 11.060(2).
4. Submit a Tree Re-vegetation Plan, prepared by a Tree Professional, in accordance with Section 11.060.
5. Provide a land division guarantee issued by a title company.
6. Development of Strawberry Lane shall be made by the applicant prior to the submission of the Final Plan or by an agreement to secure the future construction of the streets in accordance with City requirements per Section 27.110(4).

7. Street names and traffic control signs shall be installed by the City Engineer Section 27.121(14) and Section 27.121(15).
8. The applicant shall submit evidence of an easement and legal assurances for the continued maintenance of Strawberry Lane as required in Section 27.123(12)(d).
9. 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.
10. All adjacent streets shall be swept regularly during construction.
11. Pay all engineering inspection fees due.
12. 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.
13. 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.

F. Phase II - 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. Future Development of lots shall comply with adopted City standards at time a future submittal is deemed complete. Standards at time of a future submittals deeming of condition shall override any of the below conditions.
2. Comply with the Uniform Fire and Building Codes.
3. Development of lots shall be in accordance with solar standards.
4. All future development shall reflect the Tree-Revegetation Plan.
5. Payment of all System Development Charges due; including, but not limited to, water, storm, sewer, parks and transportation.
6. Future Development of lots shall comply with Article 24: Environmental Standards of the Development Code.
7. During Construction on new development sites that are without paved surfaces the developer shall take appropriate measures to suppress the dust,

primarily by wetting the travel surfaces, in and around, the construction site in accordance with Section 24.253.

8. Each lot shall conform to Article 25; Parking and Loading Standards
9. Prior to occupancy, driveways and parking and maneuvering areas shall be paved in accordance with the requirements of the Development Code.
10. Driveways shall be in compliance with Section 27.121(11).
11. Each lot shall have separate utility services.
12. All utilities shall be placed underground.
13. Install landscaping in accordance with the approved landscape plan (Section 23.031 ~ Residential Front Yard).
14. Submit lot drainage plans for approval on all building plans.
15. Developed or undeveloped building lots will need to be maintained for weed and grass control throughout the year.
16. Provide addresses visible from the public right-of-way.
17. Gravel driveway approaches and other erosion and track out control measures shall be in place during construction of individual lots.

XI. FINDINGS APPROVED BY THE CITY COUNCIL this 22nd day of June, 2020.

Roy Lindsay, Mayor

**CITY OF GRANTS PASS
COMMUNITY DEVELOPMENT DEPARTMENT**

**AURELIA ZONING MAP AMENDMENT AND SUBDIVISION
FINDINGS OF FACT – CITY COUNCIL**

Procedure Type:	Type IV-B – City Council Decision w/Planning Commission Recommendation
Project Numbers:	401-00100-19 & 104-00130-19
Project Type:	Zoning Map Amendment (Rezone) & Tentative Subdivision Plan
Owner(s):	Stephen Bivens, Miriam Burman, Melodi Hamilton, Dan Mulgrew, Celeste A. Wilson
Representative:	Celeste A. Wilson
Property Address:	1191 West Harbeck Rd.
Map and Tax Lot:	36-06-25-AD, TL 1200
Current Zoning:	RR-5 (Josephine County) (Grants Pass UGB)
Proposed Zoning:	R-4-2, High Density Residential (Grants Pass UGB)
Size:	4.44 acres
Planner Assigned:	Bradley Clark
Application Date:	December 16, 2019
Application Complete:	February 24, 2020
Date of Staff Report:	April 16, 2020
Planning Commission Hearing Date:	April 22, 2020
Continued Commission Hearing Date:	May 13, 2020 (continued due to COVID-19; provide for public review of the virtual hearing recording)
City Council Hearing Date:	June 17, 2020
City Council Findings:	June 22, 2020
120-Day Deadline	June 23, 2020

Note: ~~Strikeout Text~~ indicates text that was deleted. *Italic Text* indicates text that was added.

I. PROPOSAL:

The proposed development is located within the City of Grants Pass Urban Growth Boundary (UGB) and outside the existing city limits. It involves two separate but linked applications. The first is a proposal to amend the City of Grants Pass Zoning Map by changing the existing Josephine County, rural zone of RR-5 to a City of Grants Pass, urban zone of R-4-2 (High Density Residential). As allowed under the Intergovernmental Agreement between Josephine County and the City of Grants Pass, no annexation is being proposed at this time. The development and public improvements would be constructed to City standards with an accompanying Service and Annexation Agreement that provides irrevocable consent to annexation at a later date.

The second application is a Tentative Subdivision Plan to divide the 4.4-acre parcel into 15 building lots and 3 common lots. The decision on this action, while typically a Type III procedure with Planning Commission approval, is contingent on the outcome of the Zoning Map Amendment application, which is a City Council decision. Therefore, both applications have been reviewed by the Planning Commission who in turn made a formal recommendation to the City Council on each item.

The applicant proposes the division of Tax Lot 1200 into 18 lots as follows:

Lot Number(s)	Proposed Use
1-5	4-plex w/off-street parking & private open space
6	2-plex w/off-street parking & private open space
7-15	4-plex w/off-street parking & private open space
16 ¹	Common open space lot
17 ¹	Private street (east side of Hungry Hill Dr.)
18 ¹	Private street (west side of Hungry Hill Dr.)

¹Note: Under Oregon Revised Statutes, private streets and common areas must be identified as a “tract” and not a “lot”. This is a change that would come into effect at the time of a final plat.

The application proposes a total of 58 dwelling units: 14 fourplex lots (56 units) and one duplex lot (2), for a density of 13.2 dwelling units per acre. The proposed building lots range in size from 5,044 sq. ft. (Lot 6) to 9,243 sq. ft. (Lot 5). The large common area on the eastern end of the development adjacent to Allen Creek (Lot 16) is 26,929 sq. ft. (0.62 acres) and the two private street lots are 3,153 sq. ft. (Lot 17) and 12,349 sq. ft. (Lot 18). The subdivision also includes the dedication of 28,519 sq. ft. of public right-of-way to provide access to and through the site.

The proposed subdivision will be served by the extension of Hungry Hill Drive to the south in alignment with the existing street north of West Harbeck Rd, a full half-street improvement of SW Allen Creek Road, and a new private street with sidewalks on one side. No direct lot access to either Allen Creek or Harbeck is proposed. Public water and sewer utilities are proposed to be extended from their current locations in both SW Allen Creek and West Harbeck Road. A new onsite stormwater detention and treatment pond is proposed in Lot 16. There is also a 10-foot wide irrigation easement along the southern boundary for the Grants Pass Irrigation District.

II. AUTHORITY & PROCESS:

Section 2.020: Schedule 2-1; Sections 2.062, 2.063, and 2.064 of the City of Grants Pass Development Code authorize the Planning Commission to review the applications at a duly noticed public hearing and make a recommendation to the City Council. Section 2.066 grants City Council the authority to approve, conditionally approve or deny a Type IV application after receiving the findings and evidence from the Planning Commission.

Since this development involves a Type III application procedure (Tentative Subdivision Plan of more than 10 lots) and a Type IV application procedure (Zoning Map Amendment), both applications will be processed using the Type IV process. The Tentative Subdivision Plan cannot be acted on by the City Council prior to or without the accompanying Zoning Map Amendment application being approved.

III. CRITERIA:

The decision for the Zoning Map Amendment application must be based on the criteria contained in Section 4.033 of the Grants Pass Development Code (GPDC). The decision for the tentative subdivision plan must be based on the criteria contained in Section 17.413 of the GPDC.

In accordance with the condition of approval from the Planning Commission staff incorporated material further addressing the criteria for a Zoning Map Amendment which particularly addressed Goal 10 requirements that require the City to review the impacts of the map amendments on the housing supply within the City.

One of the City's adopted goals is to encourage the provision of housing units at price ranges and rental levels commensurate with the financial capabilities of area household and to allow for flexibility of housing type, density, location and design. A variety of policies have been adopted by the City to meet this goal.

Policy 9.8 recognizes the need for rental units and additional multifamily homes in the area and will designate appropriate locations for multi-family development. The proposed project will provide for the opportunity for multi-family dwellings which meets Comprehensive Goal siting standards in Element 11 and 12.

Furthermore, the City of Grants Pass is experiencing a lack of housing units at price ranges and levels commensurate for the area's household incomes. Approximately 62.6% of rental households spend over 30% of their gross income on housing and 32% spend more than 50% of their gross income on housing.

Although Grants Pass expanded the UGB in 2014, those properties have yet to be re-zoned because the required Transportation System Plan has not been completed or adopted. Therefore, the UGB properties cannot be developed to the intended densities. In order to increase housing inventory, developers are looking for opportunities to amend the Comprehensive Plan to encourage in-fill housing opportunities.

The applicant's proposal to change the zoning designation will allow for more housing in the Grants Pass area which is consistent with the City's policies regarding land use.

In 2014, the City updated its Housing Element with new population projections planning for housing to 2033. The City calculated the need to develop 5,643 dwelling units, of which 1,411 are multi-family (Duplex or more) by 2033, to provide housing at price ranges and rental levels commensurate with the financial capabilities of area households. To achieve these needed units approximately 282 dwelling units should be developed per year, of which 70 units should be multi-family, if development is distributed equally across years.

To meet the above standards the City should have developed 1,128 dwelling units of which 280 are multi-family since 2014 but it only produced 659 dwelling units of which 117 are multi-family. The City is behind by 453 dwelling units and 163 multi-family units.

The application would potentially allow 58 dwelling units as opposed to the current potential of 1 dwelling unit. The housing needs and policies of the City of Grants Pass

support this application for Zoning Map Amendment in light of the potential impacts to the housing needs and opportunities within the City.

IV. APPEAL PROCEDURE:

Final action on the proposal will be considered by the City Council. As such, the Planning Commission recommendation is not subject to appeal. Section 10.060 of the Development Code provides for an appeal of the City Council decision to the Oregon Land Use Board of Appeals (LUBA) within twenty-one (21) days of the final written decision, as provided in ORS 197.830.

V. PROCEDURE:

- A.** An application for a tentative subdivision plan and zoning map amendment was submitted on December 16, 2019 and deemed complete on the February 24, 2020. The request was processed in accordance with Section 2.040 of the Development Code.
- B.** Public Notice of the April 22, 2020 meeting was mailed on April 1, 2020 and ran in the newspaper on April 10th in accordance with Section 2.043 of Development Code.
- C.** At the April 22, 2020 Planning Commission meeting, the public hearing was continued to May 13, 2020.
- D.** At the May 13, 2020 Planning Commission meeting, the Planning Commission made a recommendation in support of the request.
- E.** The Planning Commission signed the Findings of Fact on May 27, 2020.
- F.** Public Notice of the June 17, 2020 City Council public hearing was mailed on May 22, 2020 and published in the newspaper on June 1, 2020 in accordance with Sections 2.053 and 2.063 of the Development Code.
- G.** On June 17, 2020, the City Council held a public hearing to consider the request. A roll call vote was taken during the public hearing and the City Council voted to approve the request.

VI. SUMMARY OF EVIDENCE:

- A.** The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit “A” and incorporated herein.
 - 1. Planning Commission Findings of Fact
 - A.** UAPC Staff Report
 - 1. Location Map
 - 2. Aerial Photo
 - 3. Applicant Submittal
 - 4. Tentative Subdivision Plan (Preliminary Grading Plan)
 - 5. DSL Wetlands Notice Response (WN#2019-0626)
 - 6. Transportation Impact Analysis (Access Engineering)
 - 7. City Transportation Engineer Response to TIA
 - 8. TPR Response by Access Engineering
 - 9. City of Grants Pass Public Works Staff report
 - 10. Grants Pass Fire Marshal Memo
 - 11. System Development Charges Brochure
 - 12. Grants Pass Engineering Checklist
 - B.** Minutes from the April 22, 2020 meeting and May 13, 2020 UAPC Hearing
 - C.** PowerPoint Presentation
- B.** The minutes of the public hearing held by the City Council on June 17, 2020, attached as Exhibit “B”, summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C.** A copy of the PowerPoint Presentation given by staff at the June 20, 2020, public hearing is attached as Exhibit “C” and incorporated herein.

CONFORMANCE WITH APPLICABLE CRITERIA:

Detailed background and discussion is provided in the Planning Commission Findings of Fact and Minutes from the May 13, 2020 public hearing.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

The City Council finds the applicable criteria are satisfied and **APPROVES** of the proposed zoning map amendment from RR5 County zoning to High Density Residential R-4-2 zoning.

The City Council finds the applicable criteria are satisfied and **APPROVES** of the proposed Tentative Subdivision Plan Review with the following conditions:

CONDITION OF APPROVAL:

The City Council finds the applicable criteria are satisfied and **RECOMMENDS APPROVAL** of the proposed Tentative Subdivision Plan Review with the following conditions:

CONDITIONS OF APPROVAL:

- A. The following must be accomplished within 24 months of the Planning Commission's Decision and prior to issuance of a Development Permit. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each.**

(Note: A Development Permit is required in order to obtain a grading permit):

1. Submit a revised Tentative Plan, prepared by a Professional Land Surveyor in accordance with Section 17.311, including the following:
 - a. A minimum 10 ft. C.U.E provided along all street frontages. If an exception is requested, submit letters from all franchise utilities and Public Works stating the C.U.E. is not necessary.
 - b. Detailed drawing of the emergency vehicle access design, including bollards, at the west terminus of the private street. Coordinate the private street emergency access design with Public Works and Public Safety and construct the bollards per Public Safety standards.
 - c. Re-number the private streets and common area(s) as tracts, not lots.
 - d. Provide a minimum 10-foot wide public pedestrian easement located adjacent to the west side (top of bank) of Allen Creek.
2. Provide all requirement submittals and meet standards found in the Public Works memo.
3. Provide approval from the County Surveyor's Office for subdivision name.
4. Submit a detailed landscaping and irrigation plan in compliance with Section 23.041 and 23.042, including the street trees to be planted in the existing planter strip along W. Harbeck Road.
5. Enter into a Service and Annexation Agreement (SAA) with the City of Grants Pass.
6. Provide a copy of all approved wetland mitigation permits or a letter stating no wetlands mitigation is required from DSL, ACOE, ODEQ, and/or any other agency with jurisdiction prior to the granting of a development permit.

B. The following must occur prior to Final Plat approval:

1. Submit recorded CC&Rs for the subdivision that, at a minimum, address exterior building colors, siding and roofing materials, off-street parking, minimum landscape standards, maintenance of the open space lots, private street, and related design standards.
2. Submit a maintenance plan for the open space area. This may be part of the CC&Rs.
3. Provide all requirement submittals and meet standards found in the Public Works Staff report.
4. Pay a tree deposit of \$300 per lot in compliance with Section 11.060(2). The money will be available for future installation trees in accordance with the Tree Re-vegetation Plan and other standards found in Section 11.060(2).
5. Submit a Tree Re-vegetation Plan, prepared by a Tree Professional, in accordance with Section 11.060.
6. Provide a land division guarantee issued by a title company.
7. Street names and traffic control signs shall be installed by the City Engineer Section 27.121(14) and Section 27.121(15).
8. 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.
9. All adjacent streets shall be swept regularly during construction.
10. Pay all engineering inspection fees due.
11. 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.
12. 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. All future structures on Lots 1 – 15, except Lot 6, must submit and receive approval for a Major Site Plan application prior to building permit application. The duplex on Lot 6 will need to submit a Minor Site Plan application.
2. Submit Major Site Plan applications on Lots 6 and 7 that adjust the building setback to comply with the minimum 10-foot exterior yard dimension.
3. All design standards in Article 22 will need to be complied with at the time of Site Plan application for Lots 1-5 and Lots 7-15.
4. Future Development of lots shall comply with adopted City standards at time a future submittal is deemed complete. Standards at time of a future submittals deeming of condition shall override any of the below conditions.
5. Comply with the Uniform Fire and Building Codes.
6. Development of lots shall be in accordance with solar standards.
7. All future development shall reflect the Tree-Revegetation Plan.
8. Payment of all System Development Charges due; including, but not limited to, water, storm, sewer, parks and transportation.
9. Future Development of lots shall comply with Article 24: Environmental Standards of the Development Code.
10. During Construction on new development sites that are without paved surfaces the developer shall take appropriate measures to suppress the dust, primarily by wetting the travel surfaces, in and around, the construction site in accordance with Section 24.253.
11. Each lot shall conform to Article 25; Parking and Loading Standards
12. Prior to occupancy, driveways and parking and maneuvering areas shall be paved in accordance with the requirements of the Development Code.
13. Driveways shall be in compliance with Section 27.121(11).
14. Each lot shall have separate utility services.
15. All utilities shall be placed underground.
16. Install landscaping in accordance with the approved landscape plan (Section 23.031 ~ Residential Front Yard).
17. Submit lot drainage plans for approval on all building plans.

18. Developed or undeveloped building lots will need to be maintained for weed and grass control throughout the year.
19. Provide addresses visible from the public right-of-way.
20. Gravel driveway approaches and other erosion and track out control measures shall be in place during construction of individual lots.

VIII. DECISION AND SUMMARY:

The City Council **APPROVED** the proposed zoning map amendment from RR5 County zoning to High Density Residential R-4-2 zoning.

The City Council **APPROVED** the proposed Tentative Subdivision Plan Review with conditions.

The vote was 6-0 with Councilors Scherf, Riker, Lovelace, Roler, Eames, and King in favor and none opposed. Councilors Flaming and Faszler were absent.

IX. APPROVED BY THE CITY COUNCIL this 22nd day of June, 2020.

Roy Lindsay, Mayor