

URBAN AREA PLANNING COMMISSION

MEETING MINUTES

June 8, 2016 – 6:00 P.M.

Council Chambers

1. ROLL CALL:

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

2. ITEMS FROM THE PUBLIC: None.

3. CONSENT AGENDA:

- a. MINUTES: No minutes recorded

4. PUBLIC HEARINGS:

- a. Continuation of hearing for: 405-00102-16: Comprehensive Plan Amendment ~Water Distribution Master Plan, Stormwater Master Plan, & Wastewater Collection Master Plan.

- Jason walked the Commission through the highlights of the three plans.
- Commissioner Coulter asked if the master plans have been at for a shelf life. Have the ground water levels been looked at as part of the study and does the plan account for climate change? Jason let the commission know that in the future they would like to do the update the plans in 8-10 years. This would be more frequent than the 12 years that the last plan took to be updated. Updates on a more frequent basis will accommodate for changes in regulations. The city tries to look at every aspect, the demands on the river and future limitations. They looked at the number of citizens in the downtown core that are still relying on well water and made a note to be able to meet the demands of those citizens as the wells that they currently rely on start to fail.
- Commissioner Fitzgerald asked if the revenue streams include a number for the storm water utility fee. Jason let him know that the rate study that we are currently hiring a

consultant for will look at the overall maintenance costs and how aggressive we want to be on deficiency replacement. City Council will set that as we move forward.

- Commissioner Fitzgerald asked if the City will be looking at a similar idea where there was a matrix for impervious surface. Jason said that it is highly probable that that will come under the storm water management plan. Commissioner Fitzgerald said that previously in this plan the matrix was put out and it was driven by impervious surface. It seems disingenuous to require impervious surface and then charge the public for using it. We wanted to test this, how are we going to apply this to a 5000 sq ft complex, who owns the ditch, the fence? Insurance companies do not like detention basins by a house and possibly will not cover the home owner. What was done at Redwood will not work at a subdivision. Where does the bio swell go? Jason let the commission know that they are hoping the design standards as they implement the storm water plan will address it. In ground detention is a possibility for the future and they will look at that in the management plan.
- It was asked if there are any plans on capturing the storm water runoff. LA gathers flood water to percolate back into aquifer to replenish what the city then feeds off. Does ours just go back into the river? Are you planning for the extreme case that none of the water will be absorbed by the ground? Jason let the commission know that currently the water does drain back into the river. It is possible that we will look at other options in the future, however there will likely never be the same plans set in LA here as there isn't enough property available to replicate what they have done in California. They will also be operating under the assumption that there will not be ground absorption and making plans to accommodate that.
- Commissioner McVay asked if you get flooded up against Sand Creek is there someone you can reach out to for help with sandbags and to keep your house from flooding? Jason will look into that.
- Commissioner Coulter asked if the plans will address anything as far as health safety. Mosquito abatement, micro-organisms? Jason let the commission know that the management plan will include provisions for standing water.

The floor was opened for public comment, seeing none the Commission started discussion of the three plans separately.

- Commissioner Arthur asked about item 7.3 discussing cleaning storm water grates, it says that the open detention facilities should be cleaned regularly. Why shouldn't it be dredged for the intake? Jason said that they made the assumption that the inflow will keep it clear, however the verbiage can be changed to reflect keeping it clear on the inlet piping as well.
- Commissioner Arthur would like to see the list of the twenty detention facilities and would like to know if her detention pond ever made it to the list. Jason isn't sure and will look into it.
- Commissioner Arthur asked about item 6-7 project G9 on the Demaray Canal. There have been complaints on flooding on the area. Jason let them know that the engineer on the project suggested raising banks to prevent that in the future.
- The Commission brought up several complaints about drainage ditches flooding at multiple locations. Jason let the commission know that they intend to divert water to Gilbert Creek sooner, to avoid keeping water in drainage ditches.

MOTION/VOTE

Commissioner Coulter moved and Commissioner Kellenbeck seconded the motion to recommend approval of the Stormwater Master Plan to City Council. The vote resulted as follows: "AYES": Chair Fitzgerald and Vice Chair Coulter and Commissioners Wiegand, Arthur, Kellenbeck, McIntire and McVay. "NAYS": None. Abstain: None.

Absent: MacMillan.

The motion passed.

- Commissioner Fitzgerald asked if we are at capacity for the wastewater pipes. Jason let the commission know that the capacity is in the plan. The river crossings are the weak link in the system and were therefore looked at very carefully. We do have capacity in those locations.
- Commissioner Fitzgerald asked about the Redwood area pipe. There was a study somewhere saying we don't need the swinging bridge. Jason let Commissioner Fitzgerald know that there were several routes that could have been explored; this one was just much less expensive than trying to bore a hole under the river.
- Commissioner Arthur asked about item 4.3, there were three incidents on one day on 2nd St. It shows you will be diverting 6th St sewage down this route. If it wasn't able to

handle the volume then what has changed to allow it to divert this way? Jason let the commission know that all of those pipes were upsized and now have far more capacity.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner McIntire seconded the motion to recommend approval of the Wastewater Collection Master Plan to City Council. The vote resulted as follows: “AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners Wiegand, Arthur, Kellenbeck, McIntire and McVay. “NAYS”: None.

Abstain: None. Absent: MacMillan.

The motion passed.

- Commissioner Coulter asked about the viability of the other plans for the new water treatment plan. The commission had to approve the plans retroactively as Council approved it before it went to UAPC. He wanted to know why options one and two couldn't have worked. Jason let him know that option one would have only just gotten the building up to par. You have to look at if it was a good idea risk wise to continue to spend the rate payer's money on an 85 year old building.
- Jason let the Commission know that this plan stands on its own behalf – it only deals with how much, how fast at what pressure, and what service level and is not impacted by the new facility.
- Commissioner Fitzgerald asked if this plan accounts for the costs of the new plant and where the water and new piping will need to be directed. Jason let the commission know that those costs were built into the plan for the new facility not into this plan.
- Commissioner Coulter asked if on alternative plan one that retrofits the current facility, why is it not financially feasible? Jason let him know that it was determined that it was financially feasible, however it will still be an old building that is prone to breakage, the walls are too thin, rebar is failing. Commissioner Coulter feels that alternative one needed further consideration. Jason requested that Commissioner Coulter come with him to the water plant so that he could show him what they were discussing and talk with him about it in further depth. The rest of the commission requested that Commissioner Coulter take photos for the whole commission to be on the same page.
- City staff let the commission know that if City Council changed the plan or any changes are made it will need to go back through the full process and go back to UAPC.

- Commissioner Arthur would like an explanation on the map shown at 2.1. Jason let her know that the plan is to put in a zone 2 reservoir and to continue to serve the upper zone with the pumps.
- The large pink sections are individual parcels that are served by wells.
- RCC is technically in zone 1, but if they ever come online they will need a reservoir to service as they are so far out from the rest of the zone.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner McIntire seconded the motion to recommend approval of the Water Distribution Master Plan to City Council. The vote resulted as follows: “AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners Wiegand, Arthur, Kellenbeck, McIntire and McVay. “NAYS”: None. Abstain: None. Absent: MacMillan.

The motion passed.

MOTION/VOTE

Commissioner McIntire moved and Commissioner Kellenbeck seconded the motion adopt addendum two to element ten to the comprehensive plan. The vote resulted as follows: “AYES”: Chair Fitzgerald and Vice Chair Coulter and Commissioners Wiegand, Arthur, Kellenbeck, McIntire and McVay. “NAYS”: None. Abstain: None. Absent: MacMillan.

The motion passed.

5. OTHER ITEMS/STAFF DISCUSSION:

- Lora let the Commission know that City staff will reach out in the future with council workshops on items that will come to them in the future. Lessons were learned from the meeting that UAPC had to retroactively approve the new plant plans. Lora will reach out the UAPC earlier to prepare them ahead of time.
- Lora will get the plans for a possible urban renewal district to the commission ahead of time.
- Lora will get the draft of a possible economic development plan to the commission as soon as the plans are available to city council.
- There was a discussion of cancelling or moving dates in the third and fourth quarter if it falls on a holiday.

6. ITEMS FROM COMMISSIONERS:

- Commissioner Kellenbeck would like to say thank you Jason for taking care of the Dollar General “pond”.
- Commissioner Arthur will be leaving and will be gone for at least three meetings. Lora asked her to please email Jayme this info.
- Commissioner Fitzgerald also wants to say thank you to Jason.

7. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 8:32 P.M.

Next Meeting: June 22, 2016

Gerard Fitzgerald, Chair
Urban Area Planning Commission

Date

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

CITY OF GRANTS PASS PARKS & COMMUNITY DEVELOPMENT DEPARTMENT

**ELEMENT 10 (PUBLIC FACILITIES) COMPREHENSIVE PLAN AMENDMENT
FINDINGS OF FACT - URBAN AREA PLANNING COMMISSION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	405-00102-16
Project Type:	Comprehensive Plan Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Lora Glover
Application Received:	April 6, 2018
Application Complete:	April 8, 2016
Date of Staff Report:	May 18, 2016
Date of UAPC Hearing:	June 8, 2016, continued from May 25, 2016
Date of Findings:	June 15, 2016

I. PROPOSAL:

Amendment adopting Addendum 2 to Element 10 of the Comprehensive Plan (Public Facilities) to incorporate updates for the Wastewater Collection Master Plan, the Water Distribution System Master Plan and the Stormwater Master Plan.

II. AUTHORITY AND CRITERIA:

The Comprehensive Plan and 1998 Intergovernmental Agreement authorize the Planning Commission to consider the request for the Comprehensive Plan amendment and make a recommendation to the City Council, and authorize the City Council to make the final decision. The Comprehensive Plan may be amended provided the criteria in Section 13.5.4 of the Comprehensive Plan are met.

III. APPEAL PROCEDURE:

Section 10.060 provides for the City Council's final decision to 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 date the notice of City Council's written decision is provided.

IV. PROCEDURE:

- A. The application was received on April 6, 2016 and deemed complete on April 8, 2016. The application was processed in accordance with Section 2.060 of the Development Code, and Sections III and V of the 1998 Intergovernmental Agreement.
- B. Notice of the proposed amendments was mailed to the Oregon Department of Land Conservation and Development (DLCD) on April 10, 2016, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendments was mailed to Josephine County on April 10, 2016, in accordance with the 1998 Intergovernmental Agreement.

- D. Notice of the proposed amendment for the May 25, 2016 Planning Commission hearing was published in the newspaper on May 11, 2016 through May 18, 2016 in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. A public hearing was held by the Planning Commission on May 25, 2016, to consider the proposal and make a recommendation to City Council. The Planning Commission continued the matter under June 8, 2016.
- F. A second public hearing was held by the Planning Commission on June 8, 2016. The Planning Commission made a recommendation of approval to the City Council.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the May 25, 2016/June 8, 2016 UAPC staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the UAPC on May 25, 2016 & June 8, 2016, which are attached as Exhibit "B," summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The PowerPoint presentation given by staff at the May 25, 2016/June 8, 2016 UAPC hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS – BACKGROUND AND DISCUSSION:

In 2008, the City Council adopted Ordinance 5460, which updated Element 10 of the Comprehensive Plan to reflect updates to several of the public facility plan documents. In 2015, the City Council adopted Ordinance 15-5655 which updated Element 10, by adopting the Water Treatment Facility Plan Update prepared by Murray, Smith & Associates in association with MWH Americas, Inc. dated January 2014; and the Water Restoration Plant Facility Plan prepared by Carollo Engineers, Inc. dated May 2014. It replaced the previous Water Restoration Plant (WRP) Facility Plan completed in June 2001.

The proposed amendment will incorporate the Wastewater Collection, Water Distribution System and the Stormwater Master Plans and adopt the Capital Improvement Programs identified in Tables 2-1, 2-2, 2-3 and 2-4 of Addendum 2 to Element 10 of the Comprehensive Plan.

Statewide Planning Goal 11 addresses Public Facilities and Services, and Oregon Administrative Rules (OAR) Division 11 address Public Facilities Planning. OAR 660-011-0005(1) defines "Public Facilities Plan" as follows: "A public facility plan is a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population of greater than 2,500. Certain elements of the public facility plan shall also be adopted as part of the comprehensive plan, as specified in OAR 660-011-0045."

Consistent with OAR 660-011-0005, the proposed amendment, an addendum to Element 10, recognizes these 2014 updates as part of the City's Public Facilities Plan, as support documents to the Comprehensive Plan. The addendum also adopts certain elements of these plans as part of the comprehensive plan, as specified in OAR 660-011-0045. The addendum is attached as *Exhibit 1*. The full plans are referenced as *Exhibit 2*; they are not attached to this staff report, but the full copies are available electronically on the City website.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

For comprehensive plan amendments, the applicable criteria are provided in Section 13.5.4 of the Comprehensive Plan.

CRITERION (a): Consistency with other findings, goals and policies in the Comprehensive Plan.

Planning Commission Response: Satisfied. The proposed amendments are consistent with the Water Service Policies in Section 10.2 of the Comprehensive Plan Policies, the Sanitary Sewer Service Policies in Section 10.3 of the Comprehensive Plan Policies, and the Storm Drainage Services Policies in Section 10.4. These plans address the needs for treatment capacity and requirements for the Water Treatment Plant, Water Distribution and Stormwater Management.

CRITERION (b): A change in circumstances validated by and supported by the data base or proposed changes to the data base, which would necessitate a change in findings, goals and policies.

Planning Commission Response: Satisfied. In addition to structural, functional, regulatory, and other issues, the facility plans address future demand and capacity needs based on the adopted forecasts and future land use needs.

CRITERION (c): Applicable planning goals and guidelines of the State of Oregon.

Planning Commission Response: Satisfied. The proposed amendments are intended to address the applicable provisions of Statewide Planning Goal 11 (Public Facilities and Services) and specifically OAR 660-011-0005 and -0045, incorporating these facility plans as support documents to the comprehensive plan, and adopting the elements specified in OAR 660-011-0045 as part of the comprehensive plan.

CRITERION (d): Citizen review and comment.

Planning Commission Response: Satisfied. The public hearing process for the proposed amendments to Element 10 of the Comprehensive Plan provides for citizen review and comment during at least two public hearings.

CRITERION (e): Review and comment from affected governmental units and other agencies.

Planning Commission Response: Satisfied. The Water Distribution System Master Plan was prepared by Murray, Smith & Associates and included consultation and coordination with affected agencies, including the Oregon Health Authority Drinking Water Program. The Stormwater Master Plan was prepared by Keller

Associates, and included consultation and coordination with affected agencies including Josephine County and the Grants Pass Irrigation District (GPID). The Wastewater Collection System Master Plan was prepared by Carollo, and included consultation and coordination with affected agencies including Department of Environmental Quality (DEQ).

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

Planning Commission Response: Satisfied. The proposed amendments provide the updates that include the comprehensive plan provisions to address adequate public facilities and provide the requisite changes for the planning horizon, the identified land use needs, and the adopted land use plans.

CRITERION (g): Additional information as required by the review body.

Planning Commission Response: Satisfied Contingent on Review Body Direction. Additional information can be provided if requested.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan as originally adopted was in error.

Planning Commission Response: Not Applicable. The proposed amendments are intended to address a change in circumstances, as addressed in Criterion (b).

VIII. RECOMMENDATION:

The Urban Area Planning Commission found the applicable criteria satisfied and recommended the proposed amendments to the Comprehensive Plan.

IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this _____ day of June, 2016.

Gerald Fitzgerald, Chair

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

**HAMPTON INN & SUITES
MAJOR SITE PLAN & MAJOR VARIANCE
STAFF REPORT**

Procedure Type:	Type III: Urban Area Planning Commission Decision	
Project Number:	201-00118-16 & 301-00102-16	
Project Type:	Major Site Plan Review and Major Variance	
Owner:	Morgan Lodging LLC	
Applicant:	Straus & Seibert Architects LLP	
Property Address:	110 NE Morgan Lane	
Map and Tax Lot:	36-05-05-CD, TL 302 (see Exhibits 1 & 2)	
Zoning:	General Commercial (GC) ~ City	
Size:	2.54 acres	
Planner Assigned:	Justin Gindlesperger	
Application Received:	May 11, 2016	
Application Complete:	May 13, 2016	
Date of Staff Report:	June 15, 2016	Due: 06/15/2016
Date of Hearing:	June 22, 2016	
120-Day Deadline:	September 10, 2016	

I. PROPOSAL:

The application is for a Major Site Plan Review for construction of a new four (4) story, 101-room hotel on a 2.54 acre lot, located at 110 NE Morgan Lane in the General Commercial zoning district. The applicant has elected the Standard Review procedure for compliance with the Commercial Design Standards of Article 20 of the *City of Grants Pass Development Code (GPDC)*. The applicant’s narrative, site plan and building elevations are attached (see **Exhibit 3, 4 & 5**).

In conjunction with the application for the Major Site Plan Review, the applicant has applied for a Major Variance to the following standards:

Variance # 1 ~ Building Height (Section 12.254(1)): A variance request to exceed the 35-foot building height allowed in the GC zone by twenty (20-feet) for a total building height of 55-feet.

Variance # 2 ~ Internal Driveways (Section 27.121(11)): A variance request to the internal access requirements for driveways connecting parking lots on abutting properties.

II. AUTHORITY & 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*.

III. APPEAL PROCEDURE:

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

IV. BACKGROUND:

A. Characteristics of the Property:

- 1. Land Use Designation:
 - a. Comprehensive Plan: General Commercial
 - b. Zone District: GC
 - c. Special Purpose District: Grants Pass Irrigation District

- 2. Size: 2.54 acres

- 3. Frontage: NE Morgan Lane; NE 6th & 7th Streets; & Interstate 5

- 4. Access: NE Morgan Lane

- 5. Existing Public Utilities:
 - a. Water: 12-inch in NE 6th Street and NE Morgan Lane;
 - b. Sewer: 8-inch in NE 6th Street and NE Morgan Lane;
 - c. Storm: 12-inch main in Morgan Lane and 36-inch cross drain in NE 6th Street.

- 6. Proposed Public Utilities: None proposed

- 7. Topography: Relatively flat

- 8. Natural Hazards: None identified

- 9. Natural Resources: None identified

- 10. Existing Land Use:
 - a. Subject Parcel: Commercial
 - b. Surrounding: General Commercial

B. General Discussion:

Major Site Plan Review

The application is for a Major Site Plan Review to construct a new 63,600 square foot, four (4) story, 101 room hotel on a 2.54 acre lot, located at 110 NE Morgan Lane in the

General Commercial zoning district. On site improvements include the proposed hotel, parking and landscape areas.

The property is located along NE Morgan Lane between NE 6th Street and NE 7th Street near the interchange for Interstate 5. Access to the property is from a single access approach along NE Morgan Street, with additional frontage along NE 6th Street, NE 7th Street and Interstate 5. A traffic impact analysis (TIA) was not required since the proposed hotel results in a net decrease in traffic compared to the previous use on the site. The City's traffic consultant and the Oregon Department of Transportation have commented there are no conflicts with the application at this time and no traffic mitigation required for the proposed development (see *Exhibits 6 & 7*).

The application is also subject to meeting the commercial design standards of Article 20. The applicant has elected the standard architectural review procedure. As conditioned below, the application will be in compliance with the requirements of Article 20.

Variance

The application includes two variance requests due to the design of the building and unique circumstances facing the property. The first variance is for overall building height (Section 12.254(1)). The applicant is requesting a variance to exceed the 35-ft. maximum building height by twenty (20) feet for a total building height of fifty-five (55) feet. The natural topography combined with the interchange design results in a dramatic grade change. Despite the location of the property and the frontage along three (3) sides, the property does not provide major exposure for the use.

The applicant is also requesting a variance from the requirements for driveways connecting parking lots on abutting properties. Section 27.121(11) requires internal access ways between abutting parking lots along arterial streets to preserve capacity along the street. The applicants were not required to provide a TIA due to a projected net decrease in traffic compared to the previous use on the site. The proposed hotel should not negatively affect the capacity along NE Morgan Lane.

V. CONFORMANCE WITH APPLICABLE CRITERIA:

A. Major Variance:

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

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

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

owner or applicant, such as personal financial circumstances or inconvenience. Either:

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

Staff Response: Satisfied with conditions.

- Variance # 1 ~ Building Height (Section 12.254(1)). The constraints are due to natural topography and the design of the interchange that creates a lot with multiple frontages but low visibility from the public rights-of-way. The General Commercial zoning district requires a ten (10) foot front and exterior yard setback along a public right-of-way. The variance to the height standards is necessary to provide relief from the property constraints and enable on-site parking and circulation.
- Variance #2 ~ Internal Driveways (Section 27.121(11)). The constraints are due to the existing configuration of the subject property and the adjacent properties. The properties currently have individual access along NE Morgan Lane. The proposed development is not projected to reduce capacity along NE Morgan Lane and the variance is to prevent unrelated traffic from the adjacent uses onto the subject property.

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

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

Staff Response: Satisfied with conditions. The situation cannot be reasonably eliminated, and it is in the public's best interest to grant the variance requests.

- Variance # 1 ~ Building Height (Section 12.254(1)). As discussed above, the constraints on the property are due to the multiple frontages and design of the interchange. The variance is requested to provide relief from the property constraints and allow a taller building with a smaller footprint, and provide adequate area on site for parking and circulation.
- Variance # 2 ~ Internal Driveways (Section 27.121(11)). The constraint described in Subsection (1) was not self-created. The existing development pattern along NE Morgan Lane necessitate the variance.

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

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

Staff Response: Satisfied with conditions.

- Variance #1 ~ Building Height (Section 12.054(1)). By granting the variance request, the site may be developed to incorporate grade changes gradually and provide adequate area for on-site circulation and parking by permitting a taller building with a smaller footprint.
 - Variance #2 ~ Internal Driveways (Section 27.121(11)). Strict application of the standard would cause on-site circulation to deteriorate on the subject property. The timing for peak use for the adjacent properties, for existing and proposed development, corresponds with peak use timing for the subject property. The variance will help alleviate traffic conflicts on NE Morgan Lane.
- (b) Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels. There need not be a hardship to the owner to qualify for a variance under this Subsection. Due to the unique physical constraint or circumstance, the variance is necessary to better achieve the public purposes of the Comprehensive Plan and Development Code, with minimum deviation from standards. The variance will allow preservation of scenic, natural, or historic resources or features; allow a lot arrangement that represents a more efficient use of land; avoid odd shaped lots or flag lots; or alleviate other unique physical conditions to better achieve public purposes.

Staff Response: Satisfied with conditions.

- Variance # 1 ~ Building Height (Section 12.254(1)). Granting approval of the variance for the increase in height allows the applicant to overcome the

physical constraints of the property by providing a taller building with a smaller footprint that incorporates appropriate on-site circulation.

- Variance #2 ~ Internal Driveways (Section 27.121(11)). The property has an existing flag access from NE Morgan and the proposed development is set back from the right-of-way. As noted above, the requirement to provide internal access to the adjacent properties would cause the circulation on the subject property to deteriorate. The proposed variance provides a more efficient use of the flag access.
- (c) Allow Flexibility for Expansion of Existing Development. The location of existing development on the property poses a unique constraint to expansion in full compliance with the Code. The variance is needed for new construction and site improvements in order to provide for efficient use of the land or avoid demolition of existing development, where the public purpose can be substantially furthered in alternate ways with minimal deviation from standards.

Staff Response: Not Applicable. The site will be completely redeveloped.

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

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

Staff Response: Not applicable.

- Variance # 1 ~ Building Height. (Section 12.254(1)). None of the three alternatives would provide a viable option to relieve the need for the variance.
- Variance # 2 ~ Internal Driveways (Section 27.121(11)). The applicants are proposing a property line adjustment with the adjacent property to the East to improve on site circulation of that property. None of the three alternatives provide a viable option to relieve the need for the variance on the subject property.

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

Criterion (5) Best Alternative. When a variance is needed for a purpose identified in Subsection (3) above, the proposed variance shall be the best alternative to achieve the purpose compared with variances to other standards

that could accomplish the same purpose. The best alternative will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code, with the least impact to other properties and the public interest. Impacts to public facilities, substantial natural features, and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.

Staff Response: Satisfied with conditions.

- Variance # 1 ~ Building Height (Section 12.254(1)). Approval of the variance is the best alternative to meet the overall purpose of the Comprehensive Plan and the Development Code. As described above, the height variance will allow the site to incorporate grade changes gradually. The smaller footprint of a taller building also incorporates circulation and pedestrian requirements from the parking area to the building.
- Variance # 2 ~ Internal Driveways (Section 27.121(11)). Granting of the variance is the best alternative and will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code. The proposed development is projected to decrease traffic compared to the previous uses.

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

Staff Response: Satisfied with conditions.

- Variance # 1~ Building Height (Section 12.254(1)). The variance to the height limitation provides a reasonable use of the property and allows the site design to incorporate efficient and safe circulation and pedestrian access to the building. The variance is the minimum required for a four (4) story building.
- Variance #2 ~ Internal Driveways (Section 27.121(8)). The variance to connecting the parking lots on abutting properties is the minimum required and allows the safe circulation and access to the property.

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

Staff Response: Satisfied.

- Variance # 1 ~ Building Height (Section 12.254(1)). The variance to the building height will not pose a public hazard. Comments provided by Joe Hyatt, Fire Marshall, indicate that the additional height of the structure

would not prohibit fire safety personnel from responding during an emergency.

- Variance # 2 ~ Internal Driveways (Section 27.121(11)). The variance to the requirement for connecting parking lots on abutting properties will not pose a public hazard. The proposed hotel is projected to decrease traffic compared to the previous use of the property. Comments by the City's traffic consultant and ODOT reflect that there should be no conflicts to the travelling public due to the lack of connection.

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

Staff Response: Satisfied with Conditions.

- Variance # 1 ~ Building Height (Section 12.254(1)). The proposal is consistent with the plans and policies in place and does not adversely affect implementation of the Comprehensive Plan. The variance request is within the Code guidelines and appropriate for the development.
- Variance # 2 ~ Internal Driveways (Section 27.121(11)). Granting of the variance will not adversely affect implementation of the Comprehensive Plan or the Development Code.

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

Staff Response: Satisfied with conditions.

- Variance # 1 ~ Building Height (Section 12.254(1)). Allowing the variance requests will not create adverse impacts. The proposed development will not adversely impact nearby property owners or deprive them of the use of their property.
- Variance #2 ~ Internal Driveways (Section 27.121(11)). Granting of the variance will not adversely impact surrounding properties or the public. As reflected on the site plan, the building will be meet based development standards/setbacks and adequate landscaping and pedestrian access is provided.

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

Staff Response: Not Applicable. The variance requests do not pertain to residential density.

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

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

Staff Response: Satisfied. The City's traffic consultant and ODOT have commented that the lack of connection between the subject property and the adjacent properties will not adversely affect traffic on NE Morgan Lane.

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

Staff Response: Not applicable. The requested variances do not pertain to the standards noted above. The property is located along an arterial street, but only has a single access approach, pursuant to Section 27.121(11)(h)(4). The requested variances are not to the block length standards (Section 27.122(5)) or the street section design standards (Section 27.123(15)).

B. Major Site Plan Review

Section 19.052 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): Complies with applicable development standards: Base standards of zoning district, special development standards, residential development standards, or standards as previously approved under the provisions of an optional development plan or other approved permit.

Staff's Response: Satisfied with Conditions. The subject parcel is approximately 2.54 acres in the General Commercial zoning district. Subject to the approval for the variance requests to building height, zone buffer and internal parking connectivity the proposed development will comply with the current standards of the General Commercial zone.

The proposal is also subject to meeting the commercial design standards of Article 20 of the Development Code. The applicant has submitted elevations for

the proposed buildings. As conditioned below, the applicant shall revise the building elevation drawings to reflect the proper treatment of walls with windows and glass doors for at least 25% of the width of the building elevation, for the north and south elevations. The building elevation shall contain windows at least three (3) feet tall, including the area between three (3) and six (6) feet above the ground.

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

Staff's Response: Satisfied with Conditions.

Traffic Plan: Access to the subject parcel will be provided by a single approach on NE Morgan Lane, with additional frontage along NE 6th Street, NE 7th Street and Interstate 5. A traffic impact analysis (TIA) was not required since the proposed hotel results in a net decrease in traffic compared to the previous use on the site. The City's traffic consultant and the Oregon Department of Transportation have commented there are no conflicts with the application at this time and no traffic mitigation required for the proposed development.

Water Plan: The subject parcel is currently served by existing water mains in NE Morgan Lane and NE 6th Street. The development will be required to meet utility standards for new water connections to serve the project, to include the installation of RP and DC backflow devices for protection of all domestic water services. Any "on-site" public fire lines and fire hydrants must be located within a 20-ft. unobstructed and drivable public water easement. If private fire sprinkler systems are utilized, each fire sprinkler system shall be protected with a DC backflow device with a detector meter. If anti-freeze agents are utilized within the private sprinkler system, an RP backflow device shall be required in place of the DC backflow assembly.

As conditioned below, the applicant is required to provide documentation of a ten (10) foot City Utility Easement (CUE) along all street frontages.

Sewer Plan: The existing site is currently serviced by an 8-inch sewer lines located in NE Morgan Lane and NE 6th Street. As conditioned below, unutilized private sewer laterals shall be properly abandoned using trenchless methods within the public mainline by the City of Grants Pass Wastewater Collection Division.

In addition, a grease trap or grease interceptor is required on all food service facilities per the Oregon Plumbing Code

Storm Drain Plan: As a condition of approval, the applicant is required to submit storm drainage calculations to the Engineering Division as part of the civil engineering submittals.

Bicycle Plan: There are no bicycle facilities along the frontage of the property. No new bicycle facilities are required at this time. The applicant may be required

to participate in a Reimbursement District at a later date when the bicycle facilities are installed along NW Morgan Lane.

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

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

Staff's Response: Satisfied with Conditions.

Off-street parking: The proposal meets the required number of spaces, pursuant to Section 25.042. The site plan reflects a total of 107 parking spaces on site. Hotel uses require 0.75 space for every room, which would require 76 spaces for the proposed use.

The applicant is required to provide one (1) Type-3 bicycle parking space for every 10,000 sq.ft. of building space in accordance with Section 25.064, Schedule 25-2. The floor area of the hotel requires seven (7) bicycle parking spaces. Fifty (50) percent of Type-3 bicycle parking spaces must be covered, exclusive of the first two. Covered bicycle parking spaces may be located within a structure, but signage must be provided directing users to the spaces. As conditioned below, the site plan shall reflect the required number of bicycle parking spaces on site.

Landscaping: The site does not contain adequate existing landscaping. As conditioned below, the applicant is required to provide a landscape and irrigation plan, pursuant to the requirements for commercial development in Section 23.032 and parking lot landscaping requirements in Section 23.035, including the following:

- a. A ten (10) foot landscaped front/exterior yard, including minimum landscape requirements per 1,000 square feet of required front or exterior yard, pursuant to Section 23.032:

NE Morgan Lane:

Note: Landscape requirements are reduced due to the construction of a 25-foot wide commercial access approach.

- i. Two (2) 8-foot, 1.5 caliper trees. Select trees from street tree list and plant within 10-feet of the right-of-way.
- ii. Eight (8) 1-gallon shrubs or accent plants;
- iii. Remaining area treated with attractive living ground cover.

NE 6th Street:

- i. Fourteen (6) 8-foot, 1.5 caliper trees. Select trees from street tree list and plant within 10-feet of the right-of-way.
- ii. Twenty-four (24) 5-gallon shrubs.
- iii. Forty-seven (47) 1-gallon shrubs or accent plants;
- iv. Remaining area treated with attractive living ground cover.

Interstate 5:

- i. Twelve (12) 8-foot, 1.5 caliper trees. Select trees from street tree list and plant within 10-feet of the right-of-way.
 - ii. Twenty (20) 5-gallon shrubs.
 - iii. Thirty-nine (39) 1-gallon shrubs or accent plants.
 - iv. Remaining area treated with attractive living ground cover.
- b. Parking lot landscaping, pursuant to Section 23.035:
- i. Three (3) foot buffer between the parking area and adjacent properties, including an 18-inch hedge for screening;
 - ii. Landscaped end islands at the end of parking rows;
 - iii. Parking lot trees so there are no more than five (5) parking spaces between any parking space and a tree.
- c. Landscape beds or planters at least five (5) feet deep adjacent to a building where the building does not abut a landscaped yard or public sidewalk, pursuant to Section 23.035(4).

Buffering and Screening: The property is zoned General Commercial and will be commercially developed. Development subject to the commercial design standards of Article 20 shall also provide screening for refuse containers and mechanical equipment. As conditioned below, the applicants shall provide details of the trash enclosure screening and details of the mechanical equipment screening, pursuant to Section 23.036(4).

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

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

Special Purpose District Standards: The property is located within the Grants Pass Irrigation District (GPID). GPID stated that the District had no comments at this time.

Commercial Design Standards: The proposed structure is subject to the commercial design standards and requirements of Article 20. As conditioned below, the proposed building elevations will comply with the architectural design requirements.

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

Staff's Response: Satisfied. No land use conflicts have been identified. Any conflicts identified will be mitigated through conditions of approval.

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

Staff's Response: Satisfied with conditions. The site is currently served by City utilities. As conditioned below, new connections will be required to meet current standards.

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

Staff's Response: Satisfied. As noted in 5 above, City utility services are available to the property and the proposed development will not affect utility services for any of the adjacent parcels.

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

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

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

- a) Areas of land use conflicts, such as more restrictive use adjacent or across the street from proposal. Mitigate by orienting business operations away from use, additional setbacks, screening/buffering, landscaping, directing traffic away from use.
- b) Setbacks. Where existing buildings are setback deeper than required by Code, new setbacks to be compatible.

- c) Building Size and Design. Existing surrounding architecture and building size to be considered to insure compatible scale and balance to the area.
- d) Signs. New signs shall not block primary view to existing signs, and shall be sized consistent with Code or existing signs, whichever is less.
- e) Lighting. Exterior lighting shall not impact adjacent development or traveling motorists.

Staff's Response: Satisfied with Conditions.

- a) The development will not cause a new land use conflict. Any conflicts identified will be mitigated through the conditions of approval.
- b) The proposed structure will meet the minimum setback requirements for the General Commercial zoning district.
- c) The application is also subject to meeting the commercial design standards of Article 20. As conditioned below, the application will be in compliance with the requirements of Article 20.
- d) No new signs are being reviewed under this application.
- e) Lighting will not glare on adjacent development or the travelling public.

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

Staff's Response: Satisfied. Access to the subject parcel will be provided by a single approach on NE Morgan Lane, with additional frontage along NE 6th Street, NE 7th Street and Interstate 5. A traffic impact analysis (TIA) was not required since the proposed hotel results in a net decrease in traffic compared to the previous use on the site. The City's traffic consultant and the Oregon Department of Transportation have commented there are no conflicts with the application at this time and no traffic mitigation required for the proposed development.

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

Staff's Response: Not applicable. The request does not include phased development.

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

Staff's Response: Not applicable. There is no open space or common areas proposed as part of this application.

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

Staff's Response: Satisfied with conditions. The property is served by sidewalks along NE Morgan Lane. The site plan depicts pedestrian access to the building from the NE Morgan Lane right-of-way. Pursuant to Section 27.321, and as conditioned below, the applicant will be required to provide pedestrian access to connect to potential walkways on adjoining properties.

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

Staff's Response: Not applicable. Granting of the Variance requests for the development will not create nonconforming conditions. Section 15.110 states that a development lawful by reason of a Variance shall not be considered a nonconforming use or development. Such development shall be subject to all provisions of Article 6, Variance Procedures.

VI. RECOMMENDATION:

1. Staff recommends that the Planning Commission **APPROVE** the request for Major Variance to the building height requirements in Section 12.254(1).
2. Staff recommends that the Planning Commission **APPROVE** the Major Variance to the internal driveway requirements in Section 27.121(8).
3. Staff recommends that the Planning Commission **APPROVE** the Major Site Plan Review with the following conditions:

Conditions of Approval:

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

1. Submit a revised site plan for approval. The plan must display the following information:
 - a. Ten (10) foot CUE along all street frontages, including NE 6th Street, NE 7th Street and NE Morgan Lane.
 - b. Revised architectural drawings for the proposed building that reflect the following:
 - i. Reflect the location of the mechanical equipment and screening in conformance with Figure 23-6.

- ii. Reflect the proper treatment of walls with windows and glass doors for at least 25% of the width of the building elevation, for the north and south elevations, pursuant to Section 20.410.
 - c. Pedestrian access to adjacent properties.
 - d. Detail of trash enclosures.
 - e. Reflect 24-hour unobstructed and drivable access to any proposed public fire lines/hydrants.
 - f. Reflect the location of the seven (7) Type 3 bicycle parking spaces.
2. Landscaping and irrigation plans in accordance with Section 23.032, Commercial Front and Exterior Yards, and Section 23.035, Parking Lot Landscaping. The approved plant materials installed in the area between the curb and sidewalk may be used in meeting the landscaping requirements for the front yard. The revised landscape plan should include the following:
- a. A ten (10) foot landscaped front/exterior yard, including minimum landscape requirements per 1,000 square feet of required front or exterior yard, pursuant to Section 23.032:

NE Morgan Lane:

Note: Landscape requirements are reduced due to the construction of a 25-wide commercial access approach.

- i. Two (2) 8-foot trees, 1.5-inch caliper. Select trees from street tree list and plant within 10-feet of right-of-way.
- ii. Eight (8) ten 1-gallon shrubs or accent plans;
- iii. Remaining area treated with attractive living ground cover.

NE 6th Street:

- i. Fourteen (14) 8-foot trees, 1.5-inch caliper. Select trees from street tree list and plant within 10-feet of right-of-way.
- ii. Twenty-four (24) 5-gallon shrubs.
- iii. Forty-seven (47) 1-gallon shrubs or accent plans;
- iv. Remaining area treated with attractive living ground cover.

Interstate 5:

- i. Twelve (12) 8-foot trees, 1.5-inch caliper. Select trees from street tree list and plant within 10-feet of right-of-way.
 - ii. Twenty (20) 5-gallon shrubs.
 - iii. Thirty-nine (39) 1-gallon shrubs or accent plants;
 - iv. Remaining area treated with attractive living ground cover.
 - b. Parking lot landscaping, pursuant to Section 23.035:
 - i. Three (3) foot buffer between the parking area and adjacent properties, including an 18-inch hedge for screening;
 - ii. Landscaped end islands at the end of parking rows;
 - iii. Parking lot trees so there are no more than five (5) parking spaces between any parking space and a tree.
 - c. Landscape beds or planters at least five (5) feet deep adjacent to a building where the building does not abut a landscaped yard or public sidewalk, pursuant to Section 23.035(4).
 - d. Location of backflow devices as “point of use” protection on all water services containing multiple zone irrigation systems.
 - e. Location of connection to the public water main and location of stub-outs to separate landscape areas.
 - f. Identification of the type of irrigation system to be used, location of irrigation lines, and coverage to be achieved.
 - g. An accompanying letter from the designer of the landscape plan stating that the design of the proposed irrigation system can provide irrigation sufficient for the health and survival of the tree and plan species specified in the landscape plan.
3. Submit draft documentation (including legal description and maps) of the 10-foot CUE along NE Morgan Street and NE 6th Street to the City of Grants Pass, Engineering Division.
 4. Obtain a valid ODOT Miscellaneous Permit for any work within the State Highway right-of-way.
 5. Provide four (4) copies of the following to the City Engineering Division for review and approval with appropriate fees:

- a. An engineered drainage plan, including detention calculations and detention plan with details for drainage swales and detention basins.
- b. A grading plan, if applicable. **Note:** A grading permit is required prior to any grading on site.
- c. An erosion and dust control plan. **Note:** An NPDES permit is required prior to construction for areas greater than 1-acre.
- d. A detailed Utility Plan reflecting the following, as required by Public Works:
 - i. Show the location of water and sewer laterals serving the facility.
 - ii. Show the location of any existing laterals to be properly abandoned.
 - iii. Show the location of a grease trap or grease interceptor if food services are provided on site.
 - iv. RP backflow device shall be required on all water services as “premises” protection.
 - v. DC backflow devices shall be required as “point of use” protection on all water services containing multiple zone irrigation systems.
 - vi. A separate irrigation service is recommended. Future splitting of the domestic water service for irrigation shall not be permitted.
 - vii. The location of public water meters. All public water meters shall be located only within the public right-of-way and outside of the commercial driveway approaches. Any water services located within the commercial driveways shall be properly abandoned.
 - viii. All “premises” backflow prevention devices shall be located within 10 feet behind each public water meter.
 - ix. All “on-site” public fire lines and hydrants located within a 20 foot unobstructed and drivable public water line easement.
 - x. If private fire sprinkler systems are utilized, each fire sprinkler system shall be protected with a DC backflow device with a detector meter. If anti-freeze agents are utilized within the private sprinkler system, an RP backflow

device shall be required in place of the DC backflow assembly.

- e. A signed Developer Installed Agreement for plan check and engineering inspections services.
6. Obtain an encroachment permit prior to any work within the right of way, including landscaping, removal or installation of trees, installation drive approaches or sidewalks, or installation of utilities.
7. Obtain a valid ODOT Miscellaneous Permit for any work within the NE 6th Street or Interstate 5 rights-of-way.

B. The information below is provided for your information only. The following must be accomplished prior to issuance of a Building Permit:

1. Pay all System Development Charges including, but not limited to, water, sewer, parks and transportation and storm drain (see *Exhibit 7*).
2. Submit construction documents to the Building Division for their review and approval to determine compliance with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code requirements. Buildings plans shall be consistent with the approved site plan.

Note: Building must comply with all applicable building and fire codes. The plans must be prepared by an Oregon-licensed design professional.

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

1. Development must occur according to the approved site plan, landscape plan, and construction drawings including the items listed below. The developer must contact the Parks & Community Development Department and arrange for a final inspection prior to occupancy to insure compliance.
2. Comply with all Building, Fire and Life Safety, and the applicable Oregon Structural Specialty Code Act requirements for construction of the new fueling center and the remodel of the retail structure on tax lot 101.
3. Provide recorded copies of the ten (10) foot CUE along NE Morgan Lane, NE 6th Street and NE 7th Street.
4. Comply with all requirements of the Engineering and Utility Divisions.
5. The situs address numbers to be installed so they are clearly visible from street frontages.
6. Install mechanical equipment screening.

7. Install trash enclosure.
8. Install parking spaces, including disabled parking space, as reflected on approved site plan. Parking lots and maneuvering areas must be paved and surrounded with a 6-inch curb (Section 23.035(2) GPDC). Individual parking spots shall be striped and ADA signs installed.
9. Install directional arrows or other pavement markings to direct vehicle circulation on site.
10. Install at least seven (7) Type-3 bicycle parking spaces.
11. Installed lighting shall be directional, non-glare and shall not cause glare onto adjacent properties or passing motorists.
12. Install landscaping according to approved plans.
 - a. A ten (10) foot landscaped front/exterior yard, including minimum landscape requirements per 1,000 square feet of required front or exterior yard, pursuant to Section 23.032:

NE Morgan Lane:

Note: Landscape requirements are reduced due to the construction of a 25-wide commercial access approach.

- i. Two (2) 8-foot trees, 1.5-inch caliper. Select trees from street tree list and plant within 10-feet of right-of-way.
- ii. Eight (8) ten 1-gallon shrubs or accent plans;
- iii. Remaining area treated with attractive living ground cover.

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- i. Fourteen (14) 8-foot trees, 1.5-inch caliper. Select trees from street tree list and plant within 10-feet of right-of-way.
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 - iv. Remaining area treated with attractive living ground cover.
 - c. Parking lot landscaping, pursuant to Section 23.035:
 - i. Three (3) foot buffer between the parking area and adjacent properties, including an 18-inch hedge for screening;
 - ii. Landscaped end islands at the end of parking rows;
 - iii. Parking lot trees so there are no more than five (5) parking spaces between any parking space and a tree.
 - d. Landscape beds or planters at least five (5) feet deep adjacent to a building where the building does not abut a landscaped yard or public sidewalk, pursuant to Section 23.035(4).
- 12. Vegetation shall be maintained throughout the year.
- 13. All existing unutilized private sewer laterals shall be properly abandoned as directed by the utility division. All lateral abandonment shall be field verified by the utility division or the City of Grants Pass Plumbing Inspector.
- 14. All private fire sprinkler systems shall be protected with DC backflow devices. RP backflow devices shall be required on all fire systems containing antifreeze agents.
- 15. An RP backflow device shall be required as “premises” protection on the existing domestic water service.
- 16. A DC backflow device shall be required as “point of use” protection on any water service with a multiple zone irrigation system. A DC backflow device shall be required as “premises” protection on any irrigation only service.
- 17. All “premises” backflow devices shall be located within 10 feet of the public water service.
- 18. Install the grease trap or grease interceptor if food service is provided on site.
- 19. All utilities shall be placed underground.
- 20. Pay all inspection fees incurred by the Engineering and Utility Divisions, as well as all City bills due.

21. A sign permit is required prior to erection of any signs. Location of a sign within the CUE must be in compliance with Section 9.21.130 of the Municipal Code.

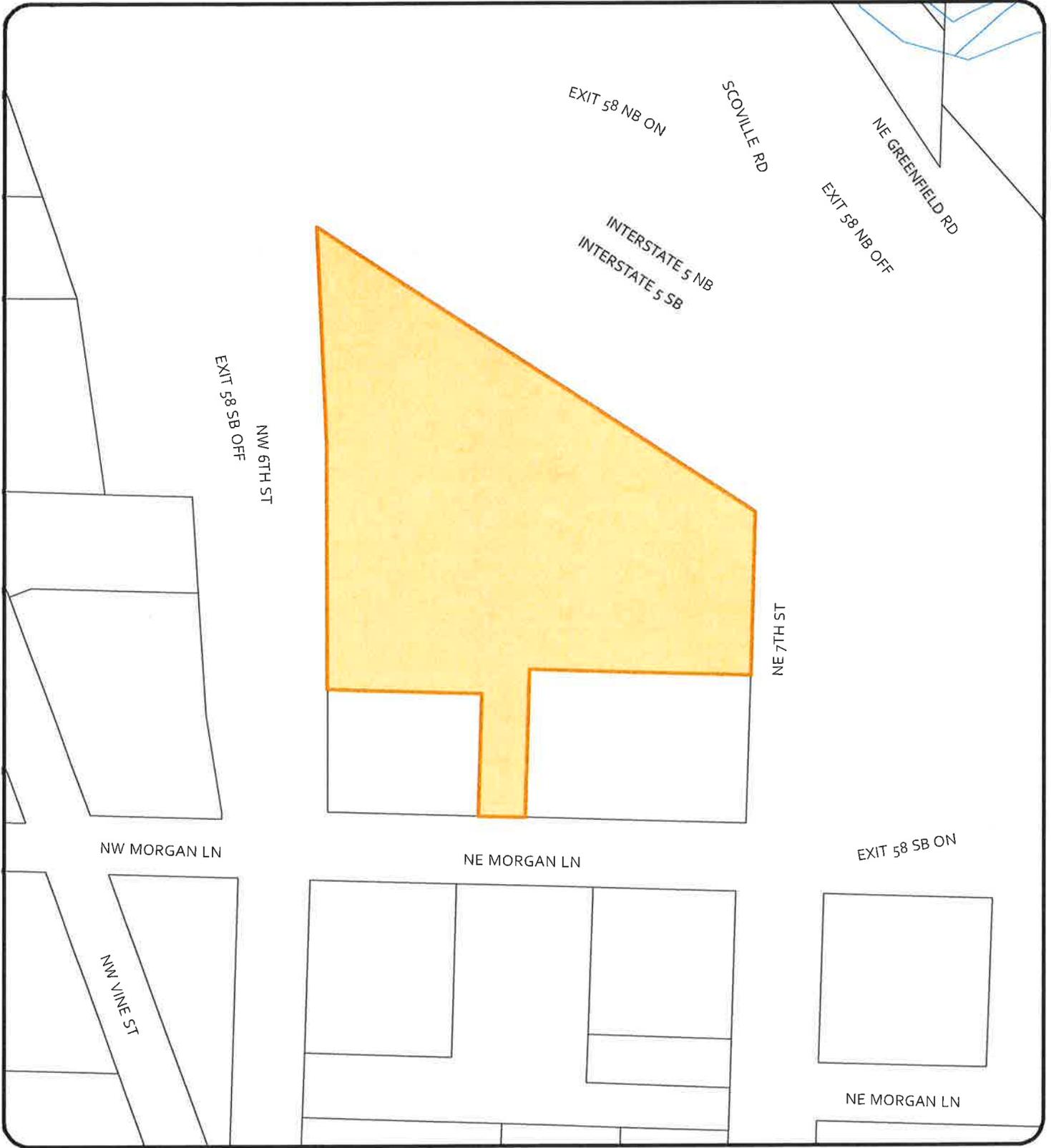
VII. PLANNING COMMISSION ACTION:

- A. Positive Action:** Approve the request
1. as submitted.
 2. with the conditions stated in the staff report.
 3. with the conditions stated in the staff report as modified by the Planning Commission (list):
- B. Negative Action:** Deny the request for the following reasons (list):
- C. Postponement:** Continue item
1. indefinitely
 2. to a time certain.

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

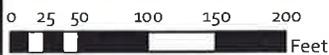
VIII. INDEX TO EXHIBITS:

1. Vicinity Map
2. Aerial Photo
3. Site Plan
4. Building Elevations
5. Application Narrative
6. Replinger & Associates Comments
7. Oregon Department of Transportation Comments
8. SDC Brochure



CITY OF GRANTS PASS

110 NE Morgan Lane
36-05-05-CD, TL 302



Legend

 Subject Parcels

EXHIBIT 1



CITY OF GRANTS PASS

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



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



CITY OF GRANTS PASS

110 NE Morgan Lane
36-05-05-CD, TL 302



Legend

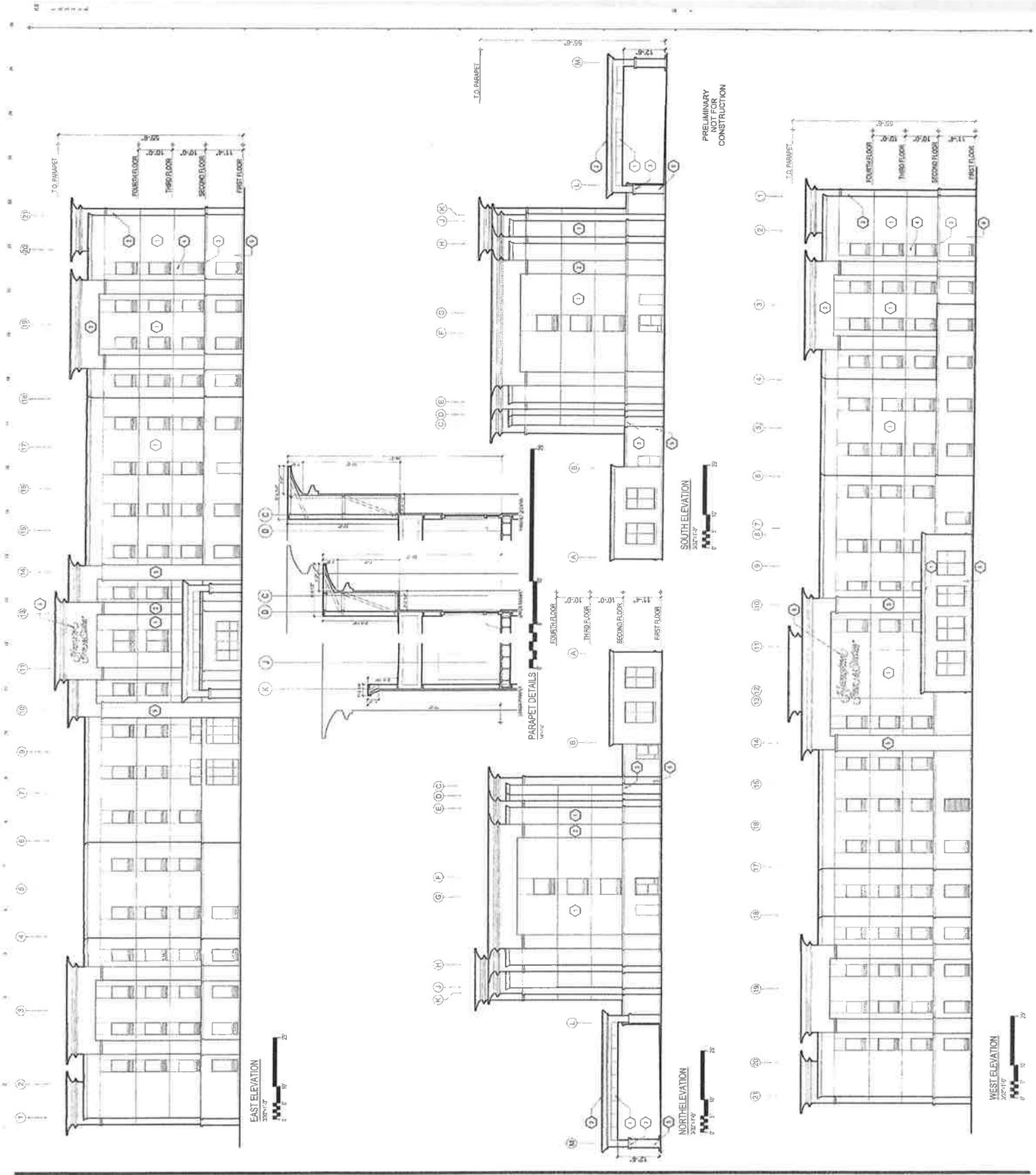
-  Subject Parcels
-  Water Mains
-  Sewer Gravity Mains
-  Storm Water Gravity Main



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III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria, under which applications for site plan review must be considered, are set forth in the City of Grants Pass Development Code (GPDC). The relevant criteria and related procedures are recited verbatim below and in the conclusions of law at Section V where each relevant substantive criteria is followed by the conclusions of law of the city.

GRANTS PASS DEVELOPMENT CODE (GPDC)

2.050 Type III Procedure

2.051 Purpose. The purpose of the Type III procedure is to provide for quasi-judicial review of designated land use actions by the Planning Commission at a public hearing. Such actions may be complex and discretionary in nature, requiring the exercise of judgment in applying the policies of the Comprehensive Plan and the requirements of this Code.

2.052 Processing.

- (1) A Type III application shall be reviewed at a public hearing before the Planning Commission. At the Director's discretion, a Type III review may be referred to the Hearings Officer, in which case the application shall be reviewed using the Type II procedure. The Director shall only refer a Type III decision to the Hearings Officer when unusual circumstances apply, and the amount of discretion is not substantially greater than applications reviewed through a Type II procedure.

19.050 Major Site Plan Review

19.052 Criteria for Approval. The Review Body shall approve, conditionally approve, or deny the request based upon the following criteria:

- (1) Complies with applicable development standards: Base Standards of Zoning District, Special Development Standards, Residential Development Standards, or standards as previously approved under the provisions of an optional development plan or other approved permit.
- (2) Complies with applicable elements of the Comprehensive Plan, including: Traffic Plan, Water Plan, Sewer Plan, Storm Drainage Plan, Bicycle Plan, and Park Plan.
- (3) Complies with all other applicable provisions of this Code, including off-street parking, landscaping, buffering and screening, signage, environmental standards, and Special Purpose District standards.
- (4) Potential land use conflicts have been mitigated through specific conditions of development.
- (5) Adequate basic urban services are available, or can be made available by the applicant as part of a proposed development, or are scheduled by the City Capital Improvement Plan.
- (6) Provision of public facilities and services to the site will not cause service delivery shortages to existing development.
- (7) To the extent possible, identified significant resources, such as intermittent and perennial creeks, stands of pine, fir and oak trees, wildlife habitats, historic sites, and prominent land features have been preserved and designed into the project. Alternatives shall be considered and the proposal shall represent the most effective design to preserve these resources.
- (8) The characteristics of existing adjacent development have been determined and considered in the development of the site plan. At a minimum, special design consideration shall be given to:
 - (a) Areas of land use conflicts, such as more restrictive use adjacent or across street from proposal. Mitigate by orienting business operations away from use, additional setbacks, screening/buffering, landscaping, direct traffic away from use.
 - (b) Setbacks. Where existing buildings are setback deeper than required by Code, new setbacks to be compatible.



- (c) Transitions between existing development and new development. New development should be consistent with the purpose statement of the base zone but also recognize compatibility with existing, adjacent development.
- (d) Signs. New signs shall not block primary view to existing signs, and shall be sized consistent with Code or existing signs, whichever is less.
- (e) Lighting. Exterior lighting shall not impact adjacent development or traveling motorist.
- (9) Traffic conflicts and hazards are minimized on-site and off-site, as provided in Article 27.
- (10) If phased development, each phase contains adequate provisions of services, facilities, access, off-street parking, and landscaping.
- (11) There are adequate provisions for maintenance of open space and other common areas.
- (12) Internal circulation is accommodated for commercial, institutional and office park uses with walkways and bikeways as provided in Article 27.
- (13) If the property contains existing nonconforming use or development to remain, the application and the Review Body's decision shall also be consistent with the provisions of Article 15, including any additional standards, relief from the Code, or conditions imposed.

Article 6. Variances

6.020. Definitions

(1) Minor Variance.

- (a) For Site Development Standards. A reduction below a minimum standard or an increase over a maximum standard, as follows:
 - (i) Building setback in front, side, and rear yards: 12 inches or less.
 - (ii) Building height: 18 inches or less.
 - (iii) Lot area, lots of record only: 50 square feet or less.
- (b) For Property Line Adjustments, Partitions, or Subdivisions. A reduction below a minimum standard or an increase over a maximum standard, as follows:
 - (i) Building setback: 12 inches or less.
 - (ii) Lot width or depth: 2 feet or less.
 - (iii) Lot area: 50 square feet or less.

(2) Major Variance.

A variance from any measurable standard other than defined as a minor variance.

6.030. Eligible Regulations

Variances are permitted for the following items when related to a unique constraint of the property:

- (1) Any measurable standard designed to regulate the physical characteristics of a permitted use;
- (2) Any measurable standard designed to regulate lot size, shape, or dimension;
- (3) Any other standard that this Code expressly specifies may be varied.

6.040. Ineligible Regulations.

Variances are prohibited for the following items:

- (1) To modify any standard when there is no unique constraint of the property;
- (2) To change any standard for a minimum size of a public utility;
- (3) To change any provision of this Code that specifies obligations for public improvements;
- (4) To allow a primary or accessory use that is not allowed by the regulations;



- (5) As an exception to any restrictions on uses or development that contain the word “prohibited.”
- (6) To reduce minimum lot area by more than 50 square feet.
- (7) As an exception to a threshold for a review. For example, expansion of a development by more than 25% could not be processed under criteria for a minor site plan review instead of criteria for major site plan review.
- (8) As an exception to a definition or classification. For example, an accessory structure is defined as one that does not exceed 1,000 square feet. By definition, a structure in excess of 1,000 square feet is not an accessory structure, and the definition can't be varied.
- (9) As an exception to the procedural steps of a procedure or to change assigned procedures. For example, development of a Manufactured Dwelling Park in an R-2 zone requires a Type III procedure with a public hearing. The procedure could not be varied to require a Type I procedure without a public hearing.

6.060. Criteria for Variances

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

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

- (1) **Unique Physical Constraint or Characteristic.** The applicant has clearly described the nature of a unique physical constraint or characteristic of the property to which the variance application is related. The constraint is related to the particular property for which the variance is sought, regardless of the owner, and it does not relate to other property or personal conditions of the owner or applicant, such as personal financial circumstances or inconvenience. Either:
 - (a) The property has unique physical constraints or characteristics peculiar to the land involved, over which the applicant has no control, such as lot size or shape, topography, natural features, or other physical conditions on the site or in the immediate vicinity, which are not typical of other lands in the same zoning district subject to the same regulation; or
 - (b) The property has existing development, conforming or nonconforming, located such that it poses unique constraints to the further development of the property in full compliance with the standards of this Code.
- (2) **Self-Created Constraint.** If the review body finds the unique constraint described in Subsection (1) was self-created, the property shall only qualify for a variance if the review body determines that the self-created constraint can no longer be reasonably eliminated or reversed, or that it is in the public interest to grant a variance rather than require the owner to eliminate the self-created constraint. A situation shall be considered self-created if:
 - (a) A current or previous owner created the unique physical constraint or characteristic by dividing, reconfiguring, or physically altering the property in a manner such that it could only be subsequently developed, or further developed, by obtaining a variance to the regulations in effect at the time of alteration; and
 - (b) At the time the current owner altered or acquired the property, he could have known that, as a result of the deliberate alteration, the property could only be developed, or further developed, by obtaining a variance.
- (3) **Need for Variance.** The applicant has demonstrated that a variance is necessary to overcome at least one of the following situations:
 - (a) **Allow Reasonable Use of an Existing Property.** Due to the unique physical constraint or characteristic of an existing lot or parcel, strict application of the provisions of the Development Code would create a hardship by depriving the owner of the rights commonly enjoyed by other



properties in the same zoning district subject to the same regulation. The variance is necessary for preservation of a property right of the owner, substantially the same as is possessed by owners of other property in the same district subject to the same regulation.

- (b) **Better Achieve Public Purpose for Development, Division, or Adjustment of Lots and Parcels.** There need not be a hardship to the owner to qualify for a variance under this Subsection. Due to the unique physical constraint or circumstance, the variance is necessary to better achieve the public purposes of the Comprehensive Plan and Development Code, with minimum deviation from standards. The variance will allow preservation of scenic, natural, or historic resources or features; allow a lot arrangement that represents a more efficient use of land; avoid odd shaped lots or flag lots; or alleviate other unique physical conditions to better achieve public purposes.
- (c) **Allow Flexibility for Expansion of Existing Development.** The location of existing development on the property poses a unique constraint to expansion in full compliance with the Code. The variance is needed for new construction and site improvements in order to provide for efficient use of the land or avoid demolition of existing development, where the public purpose can be substantially furthered in alternate ways with minimal deviation from standards.
- (4) **No Other Reasonable Alternative.** Reasonable alternatives to comply with the provisions of the Development Code have been exhausted. No reasonable alternatives have been identified that would accomplish the same purpose in accordance with the Code without the need for a variance. If applicable, the applicant shall, at a minimum, demonstrate that the following are not reasonable alternatives instead of the requested variance:
 - (a) Lot line adjustment.
 - (b) Modified setback option, pursuant to Section 22.200.
 - (c) Alternate solar standards, pursuant to Section 22.623.

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

- (5) **Best Alternative.** When a variance is needed for a purpose identified in Subsection (3) above, the proposed variance shall be the best alternative to achieve the purpose compared with variances to other standards that could accomplish the same purpose. The best alternative will be the most consistent with the overall purpose of the Comprehensive Plan and Development Code, with the least impact to other properties and the public interest. Impacts to public facilities, substantial natural features, and natural systems shall be presumed to have broader public impact than localized impacts on nearby properties.
- (6) **Minimum Deviation.** Adherence to the standards of this Code shall be maintained to the greatest extent that is reasonably possible while accomplishing the purpose in Subsection (3). The deviation from standards shall be the minimum necessary to accomplish the purpose, and shall not convey a special right to the property that is not available to properties in the same zoning district subject to the same regulation.
- (7) **No Hazard.** The proposal shall not pose a public safety hazard such as a visual obstruction or traffic hazard, and shall not obstruct pedestrian or vehicular movement or impede emergency access.
- (8) **Plan and Ordinance Consistency.** The proposal shall not adversely affect implementation of the Comprehensive Plan, and shall not be materially detrimental or injurious to the purposes of the Comprehensive Plan or Development Code; other applicable plans, policies, or standards; or other properties in the same district or vicinity.



Findings of Fact and Conclusions of Law

Site Plan Review – Exit 58 Hotel Project

Applicant: Morgan Lodging LLC

- (9) Mitigate Adverse Impacts. Adverse impacts shall be avoided where possible and mitigated to the extent practical. If a variance is not necessary to preserve a property right, or if the unique constraint in Subsection (1) was self-created, adverse impacts may be grounds for denial.
- (10) No Significant Increase in Residential Density. For development of an existing lot, if the variance is for a reduction to lot area, it shall not result in a significant increase in density. For a land division, the variance shall not result in an increase in density over that permitted by the zoning district, except that when a lot is reduced in size due to dedication of right-of-way, minimum lot area may be reduced by fifty square feet or less.
- (11) Recommendation of City Engineer. The review body shall consider a written recommendation of the City Engineer when the variance is any to any of the following standards:
- (a) A street, access, or utility development standard in Article 27 or 28 of the Code.
 - (b) The Flood Hazard or Slope Hazard provisions in Article 13 of this Code.
 - (c) To allow encroachment into existing or planned right-of-way or public utility easement. When a variance is authorized to allow encroachment into a right-of-way, the owner shall sign a right-of-way use agreement that specifies the terms and conditions under which the right-of-way may be utilized.
- (12) Additional Criteria. Variances from the street standards in Article 27 of this Code shall meet the additional criteria of 27.121(11)(h)(4) General Design Standards, 27.122(5) Connectivity Standards, and 27.123(15) Street Section Design Standards.



IV

FINDINGS OF FACT

The City of Grants Pass reaches the following findings of facts which are found to be true with respect to this matter. The Conclusions of Law in Section V are supported by the facts set forth herein below and the evidence enumerated in Section II.

1. **Property Location; Legal Description:** The subject property is identified as Tax Lot 302 on the Assessor's maps of Josephine County within Township 36 South Range 5 West Section 05CD. The property is commonly known by the address 110 NE Morgan Lane. The property is located in the City of Grants Pass and is situated immediately south of I-5 at Exit 58; the property fronts on 6th Street right-of-way to the west and 7th Street right-of-way to the east. Existing access is a flag strip that is approximately 125 feet long and is 50 feet wide that fronts on Morgan Lane. The eastern portion of the property is being reserved for future development¹.
2. **Subject Property Ownership:** The subject property is owned in fee simple by Morgan Lodging LLC. Straus and Seibert Architecture LLP are authorized to represent the Applicant in the subject land use application
3. **Subject Property Acreage:** Subject property has approximately 3.55 acres.
4. **Comprehensive Plan Map:** Subject properties are designated General Commercial on the Grants Pass Comprehensive Plan Map.
5. **Zoning:** Subject property and surrounding properties are zoned GC, General Commercial.
6. **Existing Improvements:** The parcel is currently vacant. A previously existing hotel and restaurant with a bar was demolished within the last six months.
7. **Site Characteristics:** The subject property has the following physical characteristics:
 - a. **Topography:** The property slopes from the northeast to the southwest with approximately 16 feet of fall over that distance.
 - b. **Existing Vegetation and Significant Resources:** No significant resources are known to exist on the property. Existing vegetation is landscaping associated with the legacy hotel use.
 - c. **Floodplain, Wetlands, Drainage:** The subject property is not within any mapped 100-year floodplain area. According to the National Wetland Inventory there are no wetlands which have been identified on this property.
 - d. **Existing Adjacent Development:** Land uses in the surrounding area consist of the following:

¹ The property owners have been in negotiations with the owner of lot 301 that would be accomplished through a property line adjustment; a real estate agreement has not been finalized and so this portion of the property is being reserved for future development as part of the subject application.



- West:** Immediately southwest of the site is Tax Lot 300 and is approximately 0.43 acres. This Tax Lot is occupied by a Texaco Gas Station. Further to the west is 6th Street. This street segment is a one-way with a median down the middle. The two lanes east of the median provide access to Grants Pass from rural lands to the north of the UGB as well as a small area of land within the UGB north of the freeway. It also functions to carry traffic from the northbound off ramp into the City of Grants Pass. The two lanes west of the median function as the I-5 southbound off-ramp. Further to the west is a new gas station. This area is zoned BP (Business Park). To the southwest across the intersection of 6th Street with Morgan Lane is the Grants Pass Chamber of Commerce building and is located in a General Commercial zone.
- North:** North of the subject property is the Exit 58 interchange on I-5. This is the dominant land use to the north and extends a distance of over 200 feet in all directions from the northwest to the north and around to the northeast. Much of this land is zone R-1-12 residential but it is entirely occupied by the interchange and then there is additional GC zoned lands on the north side of the interchange.
- East:** Immediately to the southeast is a vacant parcel, Tax Lot 301, which once had a Shell Gas station. The gas station has been demolished and the property is now owned by In-n-Out burger. Land to the east is 7th Street. 7th Street is a one-way street heading north. It functions as the I-5 northbound on-ramp and also provide through access to lands north of I-5. East of 7th Street is the I-5 southbound on-ramp. This land is all zoned General Commercial.
- South:** Immediately to the south is NE Morgan Lane which is a two lane street with lanes in both directions and left-turn lanes at the signalized intersections with 6th Street and with 7th Street. To the southeast across 7th Street and Morgan Lane is a Muchas Gracias Mexican fast food restaurant. South across Morgan NE Lane is a Chevron Station, a Denny's restaurant and a 76 Gas Station moving from east to west. This land is all zoned General Commercial.
- e. **Police and Fire Protection:** Police and Fire protection are provided by City of Grants Pass. Municipal police and fire protection are augmented by mutual aid agreements with other police and fire agencies.
- f. **Public Facilities:** The subject property is presently served by the following public facilities and services:
- A. Sanitary Sewer Collection Lines:** An existing 8-inch sanitary sewer line exists within the right-of-way of NE 6th Street and the NE Morgan right-of-way.
- B. Sewer Treatment:** Domestic waste produced within Grants Pass is treated at the Grants Pass Water Restoration Plant (WRP) and services the City, the Harbeck-Fruitdale and Redwood areas. The WRP was put in service in 1935 at its current site. The first plant expansion occurred in 1953 and in 1962 the plant was upgraded to provide secondary treatment. In 1974 a major plant renovation and expansion added the still-used activated sludge process facilities. More improvements were made from 1994 through 1996 to reduce impacts on the Rogue



River. Improvements were extensive and an Ultraviolet (UV) disinfection system was added. In 1999 the disinfection capacity was increased from 21.5 mgd to 43 million gallons per day (mgd).

Grants Pass WRP currently treats 4.5 mgd of average dry weather flow to a record peak storm flow of 26.5 mgd. The Grants Pass WRP has a 27 mgd peak hydraulic capacity for influent pumping, screening and primary treatment; a 13-mgd hydraulic capacity for secondary treatment; and a 42-mgd capacity for UV disinfection. Flow exceeding the secondary treatment capacity receives only primary treatments and disinfection. This occurs only a few days a year during wet weather storm conditions. Biosolids from the Wastewater Treatment Plant are transported to the JO-GRO™ Co-composting facility where they are mixed with greenwaste from the surrounding community to create co-compost for sale to the public. Currently wastewater from approximately 10,000 homes and businesses in the city and urban growth boundary is handled via 164 miles of piping, two lift stations and three force main pump stations. By the year 2020, it is anticipated that the Grants Pass WRP will serve 62,700 people. A facilities development plan is in place for improvements that will provide adequate capacity to meet that need, including improvements to treat the projected peak flow of 37.5 mgd.² Public wastewater treatment capacity at present is sufficient to accommodate development of the subject property commensurate with its size and the range of potential land uses permitted under the proposed zoning district. Water Mains & fire Hydrants Map

- C. Water Distribution Lines:** A 12” water main is present within the NE 6th and NE Morgan Lane rights-of-way.
- D. Water Supply and Treatment:** Public water service is supplied by the City of Grants Pass to land within its corporate limits. The municipal water supply consists of surface water from the Rogue River and is drawn at its pumping station adjacent to the water treatment plant. The City’s existing water treatment plant capacity will accommodate a population of 52,710. The current population within the Grants Pass Urban Growth Boundary is estimated to be 36,702. Current capacity is 18 million gallons per day (mgd), with expansion capacity available to 30 mgd to accommodate growth over the next 20 to 25 years. Grants Pass holds water rights for nearly 57 mgd. Public water treatment capacity at present is sufficient to accommodate development of the subject property commensurate with its size and the range of potential land uses permitted in the proposed zoning district.³
- E. Storm Drainage:** The property is served by the City of Grants Pass storm water drainage system. Storm drainage which emanates on the property will be managed on-site for water quality and then will be discharged to the public system. There is an existing 12” main in the NE Morgan right-of-way that is available for connection. The amount of impervious surface from previous hotel and restaurant use will not be increased to any appreciable degree (and may

² From City of Grants Pass Wastewater website and the Grants Pass Wastewater Facilities Plan, April 2000

³ Grants Pass Water Distribution System Master Plan, January 2001



actually decrease as a result of the project). The Civil Plans in Exhibit XX depict the proposed drainage system for the project. An existing drainage line (and associated easement) is proposed to be relocated to the south of the building. Applicant intends to convey any necessary and reasonable public easements to allow relocation of this facility.

- F. Traffic and Access:** The subject parcel fronts upon NE Morgan Lane and there is an existing access at this location. Applicant proposes to continue use of the existing access. The access is mid-block and is approximately 200 feet from the centerline of NE 6th Street and approximately 300 feet from NE 7th Street. The proposed use is a redevelopment and will not generate more traffic than the prior site use, and likely less based upon ITE rates.
- 8. Project Design:** The building is laid out north to south to provide street presence at the entrance to Grants Pass from the NE 6th Street. The design is a modern hotel design appropriate for a national chain hotel tenant. The design features a number of parapets on the rooflines and a number of reveals on the façade. The ground floor is masonry with windows throughout and the upper floors have a mix of stucco with metal panel accents. The design has a Port Cochere on the east elevation for the lobby entrance and an indoor pool on the opposite side of the building on the ground floor. Fire and ADA codes for this type of building dictate significant portions of the design. These codes require interior corridors, central elevators and stairwells at the end of each of the two main interior corridors. The access circulation completely around the building, while not necessarily required by the fire code and ADA requirements is certainly a desirable layout approach from the standpoint of accessibility and fire access.



V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are based on the findings of fact contained in Section IV above and the evidence enumerated in Section II. The below conclusions of law of the City of Grants Pass are preceded by the approval criteria to which they relate:

GRANTS PASS DEVELOPMENT CODE (GPDC)

Site Plan Review

19.050 Major Site Plan Review

19.052 Criteria for Approval. The Review Body shall approve, conditionally approve, or deny the request based upon the following criteria:

SR Criterion 1

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

Discussion; Conclusions of Law: Exhibit 3 consists of a full and complete description of how this project complies with each of the relevant applicable development standards. Based upon Exhibit 3, the Planning Commission concludes the proposed design is consistent with applicable development standards excepting therefrom the variance to the height standards approved herein below.

* * * * *

SR Criterion 2

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

Discussion; Conclusions of Law: The City of Grants Pass concludes that goals and policies within the Comprehensive Plan which are expressed in permissive terms or merely state broad objectives the city hopes to achieve, are *not* approval criteria properly applied to this quasi-judicial land use application, and therefore are not applicable and require no responsive findings. *See, Ellison v. Clackamas County*, 28 Or LUBA 521, 525 (1995); *Wissusik v. Yamhill County*, 20 Or LUBA 246, 254-55 (1990); *McCoy v. Tillamook County*, 14 Or LUBA 108, 118 (1985). Moreover, the Council also concludes that the applicability of Criterion 1 is further narrowed by *Bennett v. City of Dallas*, 17 Or LUBA 450, *aff'd* 96 Or App 645 (1989). In that case, the court held that approval criteria requiring compliance with a comprehensive plan, does not automatically transform all comprehensive plan goals and policies into decisional criteria. The court further held that a determination of whether particular plan goals or policies are approval criteria, must be based on the language used in



the goals/policies and the context in which they appear. The City of Grants Pass concludes that only the goals and policies of the comprehensive plan cited (and addressed) below are properly construed as independent approval criteria under *Bennett v. City of Dallas* pursuant to Criteria 1. The Council concludes that all other plan goals and policies do not operate as approval criteria, and therefore, they are not. Based upon the Findings of Fact in Section IV and the Evidence in Section II, the City of Grants Pass concludes as follows:

PUBLIC FACILITIES AND SERVICES GOAL, GENERAL SERVICE POLICY 10.1.6: SERVICES SHALL BE RESOURCE EFFECTIVE. SERVICES SHALL NOT BE EXTENDED PAST THE CARRYING CAPACITY OF THE RESOURCE BASE OF THAT SERVICE, AND SHALL UTILIZE THE RESOURCE IN THE MOST EFFECTIVE WAY PRACTICABLE.

Conclusions of Law (Continued): The Findings of Fact in Section IV and Evidence in Section II shows that the property is served by existing public sanitary sewer, water and storm drainage facilities. The findings and evidence further shows that the municipal water source and treatment facilities have adequate capacity to supply water to the property in amounts sufficient to accommodate the proposed project without exceeding the carrying capacity of the water resource base. The findings and evidence also shows that municipal sewer treatment capacity is similarly sufficient does not exceed the carrying capacity of that resource base. The City of Grants Pass further concludes from the findings and evidence that public storm drainage facilities presently serve the property, are sufficient and, therefore, will not exceed the carrying capacity of storm drainage resources. Therefore, the City concludes that the approval of these applications will not violate, and are therefore consistent with, Public Facilities and Services Goal, General Service Policy 10.1.6.

PUBLIC FACILITIES AND SERVICES GOAL, WATER SERVICES POLICY 10.2.8: URBAN LEVEL DEVELOPMENT SHALL REQUIRE A PUBLIC WATER SYSTEM, OR SHALL MEET REQUIREMENTS OF INTERIM DEVELOPMENT STANDARDS AS PROVIDED BY THE IMPLEMENTING ORDINANCES. INTERIM DEVELOPMENT STANDARDS SHALL ALLOW DEVELOPMENT TO PROCEED IN A TIMELY AND ECONOMICAL MANNER, PRIOR TO FULL PUBLIC WATER SYSTEM EXTENSION, PROVIDED THE REQUIREMENTS OF PUBLIC SAFETY, HEALTH AND WELFARE ARE MET, AND THE FUTURE EXTENSION OF THE PUBLIC WATER SYSTEM IS SAFEGUARDED.

Conclusions of Law (Continued): Based upon the findings of fact and the evidence, the City concludes that the property is served by adjacent municipal water facilities which will not require the use of interim development standards. As such, the City concludes that this project is fully compliant with Public Facilities and Services Goal, Water Services Policy 10.2.8.

PUBLIC FACILITIES AND SERVICES GOAL, SEWER SERVICES POLICY 10.3.7: URBAN LEVEL DEVELOPMENT SHALL REQUIRE A PUBLIC SANITARY SEWER SYSTEM, OR SHALL MEET REQUIREMENTS OF INTERIM DEVELOPMENT STANDARDS AS PROVIDED BY THE IMPLEMENTING ORDINANCES. INTERIM DEVELOPMENT STANDARDS SHALL ALLOW DEVELOPMENT TO PROCEED IN A TIMELY AND ECONOMICAL MANNER, PRIOR TO FULL PUBLIC WATER SYSTEM EXTENSION, PROVIDED THE REQUIREMENTS OF PUBLIC SAFETY, HEALTH AND WELFARE ARE MET, AND THE FUTURE EXTENSION OF THE PUBLIC WATER SYSTEM IS SAFEGUARDED.

Conclusions of Law (Continued): Based upon the findings of fact and the evidence, the property is served by sanitary sewer facilities located adjacent to the subject property and which will not require the use of interim development standards and which will permit development to proceed in a timely and economical manner. As such, the City concludes that this application is fully compliant with Public Facilities and Services Goal, Sewer Services Policy 10.3.7.



PUBLIC FACILITIES AND SERVICES GOAL, STORM DRAIN SERVICES POLICY 10.4.9 URBAN LEVEL DEVELOPMENT SHALL REQUIRE URBAN LEVELS OF STORM DRAINAGE AS PROVIDED BY THE IMPLEMENTING ORDINANCES. INTERIM DEVELOPMENT STANDARDS SHALL ALLOW DEVELOPMENT TO PROCEED IN A TIMELY AND ECONOMICAL MANNER, PRIOR TO FULL EXTENSION AND DEVELOPMENT OF THE STORM DRAIN SYSTEM, PROVIDED THE REQUIREMENTS OF PUBLIC SAFETY, HEALTH AND WELFARE ARE MET.

Conclusions of Law (Continued): Based upon the findings of fact and the evidence, the property is served by adjacent underground storm drainage facilities which will not require the use of interim development standards and which will permit development to proceed in a timely and economical manner. As such, the City concludes that this application is fully compliant with Public Facilities and Services Goal, Sewer Services Policy 10.4.9.

PUBLIC FACILITIES AND SERVICES GOAL, POLICE PROTECTION SERVICE POLICY 10.6.1 URBAN LEVEL DEVELOPMENT SHALL REQUIRE URBAN LEVELS OF POLICE PROTECTION. AS THE URBANIZING AREA CONVERTS FROM RURAL TO URBAN LEVELS AND INTENSITIES OF LAND USE OVER TIME, POLICE PROTECTION SHOULD BE INCREASED TO MEET THE INCREASED SERVICE NEED.

Conclusions of Law (Continued): The City of Grants Pass concludes that the subject property is within a developed portion of the city, an area presently served by urban level police protection provided by the City of Grants Pass. Action on the instant land use applications will not affect the delivery of urban police protection nor in any substantive way violate Policy 10.6.1. Therefore, the City concludes that the application is consistent with Public Facilities and Services Goal, Sewer Services Policy 10.6.1.

PUBLIC FACILITIES AND SERVICES GOAL, FIRE PROTECTION SERVICE POLICY 10.7.2: URBAN LEVELS OF DEVELOPMENT SHALL REQUIRE URBAN LEVELS OF FIRE PROTECTION AS STIPULATED BY THE IMPLEMENTING ORDINANCES. THE MINIMUM URBAN LEVEL OF FIRE PROTECTION FOR FULLY DEVELOPED RESIDENTIAL, COMMERCIAL AND INDUSTRIAL AREAS SHALL BE THAT QUALIFYING FOR THE INSURANCE UNDERWRITERS RELATIVE CLASSIFICATION RATING OF 5. PROVISION OF FIRE PROTECTION SHOULD BE PHASED OVER TIME AS URBAN LEVEL DEVELOPMENT PROCEED WITHOUT A MINIMUM OF A CLASS 8 RATING, NOR SHALL COMMERCIAL INDUSTRIAL DEVELOPMENT PROCEED WITHOUT A MINIMUM OF A CLASS 9 RATING.

Conclusions of Law (Continued): The City of Grants Pass concludes that the subject property is within an area served by urban level fire protection provided by the City of Grants Pass. Action on the instant land use application will not affect the delivery of urban fire protection nor in any substantive way violate Policy 10.7.2. Therefore, the City concludes that this application is consistent with Public Facilities and Services Goal, Sewer Services Policy 10.7.2.

GRANTS PASS URBAN AREA MASTER TRANSPORTATION PLAN POLICY 1.2.1. MAINTAIN ADEQUATE MOBILITY AT STREET INTERSECTIONS. THE SPECIFIC APPLICATION OF THIS POLICY SHALL BE AS DESCRIBED IN ARTICLE 27 OF THE GRANTS PASS DEVELOPMENT CODE. AT A MINIMUM, LEVELS OF SERVICE SHALL BE MAINTAINED AS FOLLOWS:

- LOS "D" OR BETTER FOR SIGNALIZED INTERSECTIONS AS A WHOLE, AND
- LOS "D" OR BETTER FOR ARTERIAL AND COLLECTOR APPROACHES AT UNSIGNALIZED INTERSECTIONS.

Conclusions of Law (Continued): As set forth in the Findings of Fact in Section IV, the proposed use is a redevelopment project and will not generate more traffic than the prior use of the site. Therefore a traffic study was not required under Article 27 because the development does not have the potential to alter the level of service from existing conditions.



Summary Conclusions of Law: Based upon the foregoing findings of fact and conclusions of law, the City of Grants Pass concludes that the instant land use application is consistent with the requirements of SR Criterion 2 because, based upon the findings of fact and evidence that the City of Grants Pass concludes to be substantial, this application is concluded to be consistent with all relevant applicable findings, goals and policies of the Comprehensive Plan.

* * * * *

SR Criterion 3

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

Discussion; Conclusions of Law: Exhibit 3 describes in detail how this project complies with the applicable substantive provisions of the GPDC. Based upon the Findings of Fact in Section IV and the Evidence in Section II, the City of Grants Pass concludes that this project is consistent and complies with all applicable development standards, other than those for which a variance is specifically approved herein below.

* * * * *

SR Criterion 4

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

Discussion; Conclusions of Law: As demonstrated in Exhibit 3 (except as addressed in the section herein below entitled Commercial Site Plan Review), this project meets all of the City’s base standards applicable to the GC zoning district. The City of Grants Pass foresees few, if any, potential land use conflicts and thus concludes that specific conditions of the development are not necessary to mitigate potential land use conflicts; the Application is still subject and will be conditioned to comply with standard conditions of approval typically applied to commercial development within the City. On this evidence, the City of Grants Pass concludes that SR Criterion 4 is satisfied.

* * * * *

SR Criterion 5

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

Discussion; Conclusions of Law: The Findings of Fact in Section IV show that all basic urban services are available and adequate to serve this property. Moreover, Applicant has addressed goals and policies of the comprehensive plan which deal with mandatory public facilities and services development standards and has shown that all basic urban services are available or can be made so consistent with SR Criterion 5. Therefore, the City of Grants Pass concludes that SR Criterion 5 has been satisfied.

* * * * *



SR Criterion 6

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

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV, the City of Grants Pass concludes that all public facilities and services are in place to serve this property (and the surrounding area) without producing delivery shortages to existing development in the community. Therefore, the City concludes that SR Criterion 6 has been satisfied.

* * * * *

SR Criterion 7

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

Discussion; Conclusions of Law: Based upon the evidence and information contained in the comprehensive plan, the City of Grants Pass concludes that no significant resources or features are present on the subject property. Therefore, the City concludes that no alternatives are required to meet SR Criterion 7.

* * * * *

SR Criterion 8

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

Discussion; Conclusions of Law: Applicant's design drawings (Exhibit 11) and photographs of the subject property and surrounding area, (Exhibit 8) depict the characteristics of existing development on adjacent lands. The characteristics of the surrounding lands is further described in the Findings of Fact in Section IV. The City has evaluated each of the factors set out above as "a" through "e" in SR Criterion 8 and reaches the following conclusions of law as these apply to the subject project:

- a) The Findings of Fact in Section IV describe land uses and development which exists abutting the subject property and other nearby properties in the surrounding area. The subject property is a part of a commercial area that serves Grants Pass residents and the



travelling public on Interstate 5. Surrounding lands are zoned GC and LI which are considered compatible with the proposed hotel use which will serve the travelling public consistent with other uses in the area.

- b) The City of Grants Pass concludes that the proposed building is located in the center of the property and is adequately setback from other buildings on nearby lots.
- c) The City concludes that the building design is complementary to the other buildings in the area and is typical of modern national tenant hotel chains that fit in well with the national tenant service stations and restaurants in the area that serve travelling public.
- d) Signage design has not yet been completed and will be submitted separately for approval.
- e) Exterior lighting will include landscape and parking lot lighting. All proposed lighting will be shielded. The lights have shrouds which the City concludes will reduce light spillage upon adjacent and nearby properties.

Based upon the foregoing Findings of Fact in Section IV and the evidence enumerated in Section II, the City of Grants Pass concludes that this application is consistent with the requirements of SR Criterion 8.

* * * * *

SR Criterion 9

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

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV, the site design is laid out for appropriate on-site circulation and the proposed access is mid-block in at the only appropriate access location available to the property.

* * * * *

SR Criterion 10

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

Discussion; Conclusions of Law: The City finds that the attached Exhibit 11 design drawings demonstrate that adequate provisions have been made for provision of services, facilities, access, off-street parking, and landscaping, is a single project. No phasing is proposed, therefore, the City concludes that this standard is inapplicable and compliance is established by reason of inapplicability. Furthermore, the City interprets this code provision not to necessarily require full development of a given site in one application but to require that individual phases to “stand on their own” as part of a phased development plan; consistent with this interpretation the proposed acreage that has been reserved for future development will require future site plan review and compliance with this standard will be demonstrated at that future time.

* * * * *



SR Criterion 11

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

Discussion; Conclusions of Law: While some open spaces exist on this site (such as parking areas) the same are not properly referred to as common areas⁴ because they are not owned in common, but rather constitute public parts of the private property.

* * * * *

SR Criterion 12

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

Discussion; Conclusions of Law: The City of Grants Pass concludes that the project design includes pathways and walkways as required in GPDC Article 27 and these are shown on Applicant's plans in Exhibit 11. No bikeways are proposed as the project is functionally surrounded by the I-5 interchange which is not a bicycle facility.

* * * * *

SR Criterion 13

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

Discussion; Conclusions of Law: Based upon the Findings of Fact in Section IV and the evidence in Section II, the City of Grants Pass concludes that the project is a redevelopment project but the demolition has already occurred and the subject property is vacant and there are no nonconforming uses or development of any kind. Therefore, the City of Grants Pass concludes that SR Criterion 13 is satisfied by reason of inapplicability.

* * * * *

Variance

Variance Criterion 1

6.020. Definitions

(1) **Minor Variance.**

⁴ The term "common areas" typically refers to condominium developments or planned residential developments where certain elements are to be owned in common as undivided interests by all of the owners of a development. This is not a condominium nor planned residential project; the building and property are to be owned and maintained by a single entity.



- (a) For Site Development Standards. A reduction below a minimum standard or an increase over a maximum standard, as follows:
 - (i) Building setback in front, side, and rear yards: 12 inches or less.
 - (ii) Building height: 18 inches or less.
 - (iii) Lot area, lots of record only: 50 square feet or less.
- (b) For Property Line Adjustments, Partitions, or Subdivisions. A reduction below a minimum standard or an increase over a maximum standard, as follows:
 - (i) Building setback: 12 inches or less.
 - (ii) Lot width or depth: 2 feet or less.
 - (iii) Lot area: 50 square feet or less.

(2) Major Variance.

A variance from any measurable standard other than defined as a minor variance.

Discussion; Conclusions of Law: The City of Grants Pass concludes that the proposed variance is to the height standards and the request is for a variance in excess of 18 inches and is, therefore, a major variance.

Variance Criterion 2

6.030. Eligible Regulations

Variances are permitted for the following items when related to a unique constraint of the property:

- (1) Any measurable standard designed to regulate the physical characteristics of a permitted use;
- (2) Any measurable standard designed to regulate lot size, shape, or dimension;
- (3) Any other standard that this Code expressly specifies may be varied.

Discussion; Conclusions of Law: The City of Grants Pass concludes that the height standard is a measurable standard that regulates the physical characteristics of the hotel use within a GC zone.

Variance Criterion 3

6.040. Ineligible Regulations.

Variances are prohibited for the following items:

- (1) To modify any standard when there is no unique constraint of the property;
- (2) To change any standard for a minimum size of a public utility;
- (3) To change any provision of this Code that specifies obligations for public improvements;



- (4) To allow a primary or accessory use that is not allowed by the regulations;
- (5) As an exception to any restrictions on uses or development that contain the word “prohibited.”
- (6) To reduce minimum lot area by more than 50 square feet.
- (7) As an exception to a threshold for a review. For example, expansion of a development by more than 25% could not be processed under criteria for a minor site plan review instead of criteria for major site plan review.
- (8) As an exception to a definition or classification. For example, an accessory structure is defined as one that does not exceed 1,000 square feet. By definition, a structure in excess of 1,000 square feet is not an accessory structure, and the definition can't be varied.
- (9) As an exception to the procedural steps of a procedure or to change assigned procedures. For example, development of a Manufactured Dwelling Park in an R-2 zone requires a Type III procedure with a public hearing. The procedure could not be varied to require a Type I procedure without a public hearing.

Discussion; Conclusions of Law: The City of Grants Pass concludes the height standard is not a regulation for which variances are ineligible based upon the following:

1. Ineligible regulation number 1 is a truism because such a finding is required by the variance criteria at GPDC 6.060.
2. The requested variance does not request relief from a standard for a public utility improvement.
3. All public improvements required of the project are being implemented.
4. The proposed hotel use is listed in Chapter 12 Schedule 12-2 as a primary permitted use in the GC zone at Section 4(g).
5. There is nothing in the height standards of the code that refers to height standards specifically with the word “prohibited”.
6. The variance does not concern lot area.
7. The variance request does not concern a review threshold and in fact it is the variance request that increases the review threshold to a Type III review.
8. Height is not a definition or classification.
9. The variance request does not concern review procedures and in fact it is the variance request that increases the review threshold to a Type III review.

Variance Criterion 4

6.060. Criteria for Variances

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

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

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



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

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

Discussion; Conclusions of Law: The project is proposed for a property that has several unique and interrelated physical characteristics. First, the property is essentially surrounded on three sides by an Interstate 5 Interchange. There is no other land in the City of Grants Pass that has this condition. Aesthetically, this property functions as the north gateway to the entire City. The natural topography in the area combined with the interchange design results in an existing grade change that is dramatic from the deck of I-5 to the property (approximately 40 feet in elevation). Despite its high visibility along major roadways, the site has only a single access off of NE Morgan Lane and this access configuration would be a limiting factor for many non-hotel uses that might otherwise be allowed in the GC zoning district. All these conditions combine in a manner such that the height restriction would create an undesirable condition both for the property owner and the City because a hotel of sufficient size for economic fundamentals to work would result in a larger footprint three story hotel. Aesthetically, this would make the entrance to Grants Pass a look at some sort of roof structure. The requested variance will allow the aesthetic from the Interstate to be greatly improved with a full story visible above the freeway with additional roofline treatments above this.

* * * * *

Variance Criterion 5

- (2) Self-Created Constraint. If the review body finds the unique constraint described in Subsection (1) was self-created, the property shall only qualify for a variance if the review body determines that the self-created constraint can no longer be reasonably eliminated or reversed, or that it is in the public interest to grant a variance rather than require the owner to eliminate the self-created constraint. A situation shall be considered self-created if:
 - (a) A current or previous owner created the unique physical constraint or characteristic by dividing, reconfiguring, or physically altering the property in a manner such that it could only be subsequently developed, or further developed, by obtaining a variance to the regulations in effect at the time of alteration; and
 - (b) At the time the current owner altered or acquired the property, he could have known that, as a result of the deliberate alteration, the property could only be developed, or further developed, by obtaining a variance.



Discussion; Conclusions of Law: The City of Grants Pass concludes the constraint is caused by the design of the Exit 58 Interchange itself and the natural topography and the constraint is not, therefore, self-created.

Variance Criterion 6

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

Discussion; Conclusions of Law: The City of Grants Pass concludes that the need for the variance is based upon the (3)(b) because the proposed additional height will better achieve a public purpose by improving the aesthetic for north gateway to Grants Pass. The requested variance will allow the aesthetic from the Interstate to be greatly improved with a full story visible above the freeway with additional roofline treatments above the top floor. This will create a much more attractive built environment gateway to the City.

Variance Criterion 7

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



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

Discussion; Conclusions of Law: The City of Grants Pass concludes that the only way to overcome the aesthetic challenges as viewed from I-5 of a shorter building would be for massive filling on the site. However, the City concludes that this would only create new aesthetic challenges for the actual entrance and exit at NE 6th Street and NE 7th Street with large retaining walls that would be unattractive. As such, there is no reasonable alternative to the need for a variance except to allow a taller hotel.

* * * * *

Variance Criterion 8

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

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

Discussion; Conclusions of Law: The City of Grants Pass concludes that the only way to overcome the aesthetic challenges as viewed from I-5 relates to building height and the City concludes that building height is a relatively isolated standard in relation to other standards and there are no reasonable changes to other standards that might be approved that would represent a better variance alternative.

* * * * *

Variance Criterion 9

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

Discussion; Conclusions of Law: The City of Grants Pass concludes that buildings come in stories and that the proposed hotel is a typical four story hotel (from a height perspective). The City concludes that granting the variance to the height requirement to allow a fourth



story necessarily results in a variance to the height standard substantially as proposed and this is the minimum deviation necessary to accommodate a fourth story.

Variance Criterion 10

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

Discussion; Conclusions of Law: Based upon the Findings in Section IV and the Evidence in Exhibit 2, the City of Grants Pass concludes that it does not identify any public safety hazard that would be created or worsened in the granting of the requested variance.

Variance Criterion 11

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

Discussion; Conclusions of Law: Based upon the Findings in Section IV and the Evidence in Exhibit 2, the City of Grants Pass concludes that it does not identify any aspect of its overall land use regulatory system that would be materially harmed by the proposed variance nor does it identify any properties in the same district or vicinity that would be harmed by the proposed variance.

Variance Criterion 12

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

Discussion; Conclusions of Law: Based upon the Findings in Section IV and the Evidence in Exhibit 2, the City of Grants Pass concludes that it does not identify any adverse impacts which require mitigation.



Variance Criterion 13

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

Discussion; Conclusions of Law: The City of Grants Pass concludes that the proposed use does not concern a residential use and is not, therefore, not significant increase in residential density is expected.

Variance Criterion 14

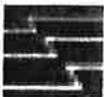
- (11) Recommendation of City Engineer. The review body shall consider a written recommendation of the City Engineer when the variance is any to any of the following standards:
 - (a) A street, access, or utility development standard in Article 27 or 28 of the Code.
 - (b) The Flood Hazard or Slope Hazard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

Discussion; Conclusions of Law: The City of Grants Pass concludes the proposed variance is to the height standards and this criterion is satisfied by virtue of its inapplicability to the facts of this case.

Variance Criterion 15

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

Discussion; Conclusions of Law: The City of Grants Pass concludes the proposed variance is to the height standards and this criterion is satisfied by virtue of its inapplicability to the facts of this case.



VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the City of Grants Pass ultimately concludes that this application has been shown to conform with all of the relevant substantive standards and criteria, with reasonable conditions imposed to assure compliance with the applicable regulations.

Respectfully submitted on behalf of Applicant Morgan Lodging LLC.

Straus and Seibert Architects LLP



David Straus
Partner



Applicant's Exhibit 3
Demonstration of Compliance with Development Standards

Article 20: Commercial Design Standards

20.100 Purpose and Intent

20.110 Purpose. The purpose of this Article is to provide development standards that:

- (1) Preserve and enhance the natural and built environment through standards intended to ensure new development is sensitive to the architectural, historical, geographical, and natural context that is unique to Grants Pass.
- (2) Ensure new development is built to high quality standards that will enhance the community and preserve and contribute to the economic strength and vitality of the city.
- (3) Protect the unique character of Grants Pass to ensure it remains competitive as a unique tourist destination, with commercial development that serves as an amenity to continue to attract tourism as the City grows, rather than detract from the unique character and attractiveness as a tourist destination.
- (4) Protect the capital improvements and investments already made in the community, through standards intended to ensure new development is designed and built in a manner that will preserve or enhance, rather than diminish, the economic value of nearby properties.
- (5) As new investment occurs in transitioning areas, ensure new development, infill development, and redevelopment occur in accordance with these standards to enhance the character of these areas and contribute to economic vitality.
- (6) Provide clear and objective standards to enable review of new development through the standard site plan review process.
- (7) Provide an alternative review process to enable flexibility in accomplishing the guiding principles behind the standards, when a development can equally or better accomplish the intent, even if the development does not strictly comply with the objective standards. In order to ensure this process provides high-quality products, and does not become a way to avoid the standards, this process requires review with a higher level of oversight and greater amount of discretion by the review body to ensure the intent is accomplished.
- (8) Provide a high level of flexibility in architectural design choices, styles, and concepts by focusing on the human scale and detailing of buildings, and human activity and interest rather than individual styles.
- (9) Provide flexibility to establish standards specific to special districts when desired to achieve a unique character or effect.

Standards Compliance: The nothing about the design of the proposed hotel building that is inconsistent in any manner with the purpose and intent of the City of Grants Pass design standards.

20.120 Intent.

General. These standards are intended to accomplish the following:

- (1) Ensure buildings present a "face" to the public realm, including public streets, pedestrian ways, and on-site parking and circulation areas through site design, architectural design, and location and screening of mechanical equipment and service areas such as trash compactors, dumpsters, truck docks, and storage.
- (2) Ensure landscaping is present near buildings, not only adjacent to the street and within parking areas, (together with Article 23, "Landscaping").
- (3) Through changes in massing and detailing of building faces, ensure human-scale and interest is maintained by breaking large expanses of wall into smaller elements.
- (4) Ensure building safety and fire-resistive construction requirements necessary to meet the building code are accomplished in a manner that is aesthetically pleasing and does not detract from the overall design of a building.
- (5) Through regulation of certain building materials, maintain a high-quality standard traditionally found in commercial architecture, and avoid an industrial appearance.
- (6) Ensure the presence of architectural features and treatments to ensure a finished look to buildings, and avoid the appearance of "tilt-up" construction.

- (7) Address the characteristics of larger retail establishments with the potential to have a substantial visual impact on locations within the community that are highly visible to residents and visitors alike. Ensure building designs of large retail establishments contribute to, and don't detract from the unique character of Grants Pass. Avoid generic, low- quality national store designs that promote national branding identity at the expense of the unique local setting and do not relate to a specific site or the unique local context.

Commercial Development: Retail, Office, Institutional, Mixed Use, etc.

The Development Code has long contained design standards for residential development, providing specific standards intended to avoid a "shoebox" appearance, providing architectural features that break up larger wall planes, providing human-scale and interest. Design standards have been adopted for other commercial uses in special districts such as the Riverfront Tourist Commercial Zones and the Historic District, but there has been only general design guidance for commercial development in other areas.

These standards are intended to ensure the same care is provided in the design of buildings at some of the most visually prominent locations within the community that have the ability to shape the character of Grants Pass. The focus of the standards is on human scale and detailing, rather than a requirement for any particular style.

In addition, most buildings will be standing for multiple generations, and most will accommodate changing tenants over time. These standards are intended to provide flexibility to enable a wide range of building designs that can stand the test of time or be modified over time to respond to changing tastes and styles.

The standards are also intended to enable varying tenants and uses over time, with standards that are applicable regardless of individual users.

Standards Compliance: The nothing about the design of the proposed hotel building that is inconsistent in any manner with the intent of the City of Grants Pass design standards.

20.200 Procedures and Applicability

20.210 Procedures.

- (1) The provisions of this Chapter shall be applied through site plan review.
- (2) Review Options.
 - (a) Standard Review. The application shall comply with the mandatory standards of this Chapter, in which case the application shall be reviewed through the procedure type specified in Article 12, Schedule 12-2 of this Code, or the applicant may opt for discretionary review as specified in Subsection (b).
 - (b) Discretionary Review. The applicant may opt for the discretionary review procedures which shall be in accordance with the provisions of this Subsection. Discretionary Review shall be conducted through a Type III review.

The purpose of the Discretionary Review procedure is to provide flexibility in respect to the standards of this Chapter, provided the overall site design and building design accomplish the intent and purpose of the standards of this Chapter, at least as well as or better than the standards of this Chapter, even though the design does not fully comply with the standards of this Chapter.

- (i) In lieu of full compliance with all of the mandatory standards of this Chapter, the applicant shall demonstrate compliance with the Purpose, Intent, and Principles of this Article.
 - (ii) In addition to the submittal requirements for Site Plan Review, the applicant shall provide a written narrative identifying which standards in this Article the proposal does not fully comply with and identifying the design features or overall design concept proposed to accomplish the same purpose as the standards of this Article.
- (c) Special Concept Plan. In special circumstances, it may be desirable to deviate from some of the principles in this Article to achieve a special effect for buildings of civic importance and sites with special, unique characteristics. For example, it may desirable to achieve a monumental effect rather than maintain human scale for a special building of community-wide importance.

A Special Concept may be reviewed using one of the following procedures:

1. A Special District Plan with special design standards, to be adopted as part of the Comprehensive Plan, which provides special standards for the District. This option is desirable for multiple properties, where development may happen over an extended period of time. This procedure requires a Plan Amendment through a Type IV review.
2. A Planned Unit Development which includes a detailed description of the concept, a detailed master plan, and detailed architectural renderings of all buildings to be included in the Planned Unit Development which will not otherwise comply with the standards of this Code. This option is desirable

for properties under one ownership, where development will proceed at one time, or through short-term phasing. This procedure requires a Planned Unit Development through Type III review.

Standards Compliance: The submitted application is for a Type III review because the review includes a variance and the Applicant believes the project can be approved as a standard review. However, the Applicant reserves the right to supplement the record with additional findings and analysis to support approval as a Type III review in the event standards compliance concerns are identified during the review process; the Applicant's position is that such a supplement would be procedurally appropriate in all ways because the application is already subject to the Type III process.

20.220 Applicability.

- (1) These standards shall apply to new construction, to the full building for reconstruction that removes more than 50% of the original structure, and to the new portion of a building for a major site plan reviews for expansion of more than 25% of the original structure. Percentage of expansion shall be determined cumulatively. In addition, for a remodel that adds architectural elements described in this article, such as a cornice or taller roof feature, those elements shall be designed to meet the standards of this Article.
- (4) Commercial Zones. The standards apply to any property with commercial zoning, except where special district regulations such as the historic district or Riverfront Tourist Commercial district may have more strict or conflicting requirements, in which case those standards shall prevail.

Standards Compliance: The project is subject to the standards.

20.300 Site Orientation Standards

20.310 Overall Building Length

Principle:

Overall building length shall be limited in order to provide vehicular and pedestrian connectivity through on-site circulation and connections to the adjoining street network and to provide visual relief through a combination of building mass and open space.

Standards:

- (1) If the review body determines public street and pedestrian way connections cannot be provided as a condition of site plan review to meet the requirements of Section 17.508 "Blocks" or 27.122 "Connectivity Standards", the provisions of this section shall be met at a minimum.
- (2) A pedestrian connection shall be provided at least every 660 feet so there is no building more than 660 feet long without said connection across the property. The review body may authorize continuity of upper level floors when said pedestrian connection is provided on the ground floor level exterior to the building.

When a pedestrian way is provided between buildings to meet the requirements of this Section, it shall be a minimum of 20 feet wide, and shall incorporate landscaping for 10% of the area between buildings and windows facing the pedestrian connection from adjoining building spaces for at least 25% of the length of the pedestrian way.

- (3) A public street connection shall be provided at least every 1320 feet so there is no ground floor section of building section more than 1320 feet long without said connection across the property. If existing land use patterns and access control limitations pose restrictions to meeting this standard, similar connectivity shall be provided to the extent possible, with public street connections. Only if the review body finds public street connections are not feasible, the provisions of this section may be met through private access and circulation facilities with a design similar to the public street standards. Private circulation features necessary to meet these standards and provide connections between rights-of-way shall include public access easements unless the review body determines this would be contrary to the public interest.
- (4) Right-of-way and/or easements shall be provided as necessary through the site plan review process as necessary to satisfy these requirements.

Standards Compliance: The City concludes that the site is subject to specific site circumstances that render these provisions inapplicable because the site is surrounded by right-of-way on three sides that are access controlled for all modes of transportation because the right-of-way is part of the Interstate-5 system.

20.320 Location and Orientation of Outdoor Service Areas

Principle:

Buildings shall present a "face" toward the public right-of-way. This shall be accomplished in part by orienting outdoor service areas away from areas visible to the public. Service areas shall typically be located on the site away from public view to avoid the need for substantial screening walls that present a blank wall oriented toward a street or on-site parking or circulation area.

Standards:

- (1) Except as provided in Subsection 3, buildings shall be designed and oriented so all outdoor service areas face away from the public right-of-way, customer parking and circulation areas, and building faces or undeveloped areas on the subject property and adjoining properties that could be developed such that a building would face the service area.

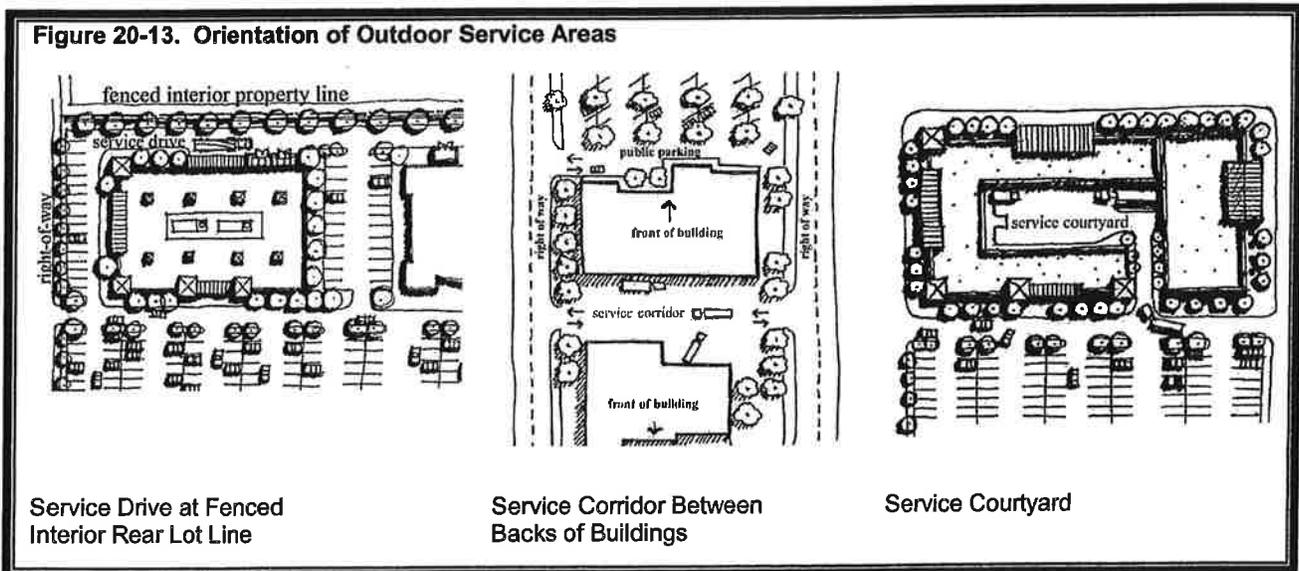
For the purposes of this Section, the term "outdoor service area" shall refer to all building support functions located outside of a building, including but not limited to loading docks and bays, trash containers and compactors, and storage sheds and containers.

A small enclosure for a single dumpster that meets other provisions of this Code is not subject to this section provided it is screened in accordance with Article 23, and located to minimize visibility from public view.

Standards Compliance: Hotels are unique in that they have very limited outdoor service areas with the exception of the dumpster screening.

- (2) Outdoor service areas shall face a fenced interior side or rear lot line (if present) or a separate service corridor, service alley, or service courtyard located between the backs or sides of adjacent buildings, which is not used as a public circulation area, either on the subject property or an adjoining property. The service corridor is typically between adjoining buildings that are no more than 40 feet apart. Screening shall be provided at the ends of the service corridors or courtyards as required to block incidental views from the public right-of-way and customer parking and circulation areas. See Figures 20-11 and 20-13.

For the purposes of this Section, the term "service courtyard" shall refer to an outdoor service area located within a semi-enclosed area that is recessed from the main building façade and has projecting building areas that screen service functions from public view. See Figures 20-11 and 20-13.



Standards Compliance: The nothing about the design of the proposed hotel building that is inconsistent in any manner with the purpose and intent of the City of Grants Pass design standards.

- (3) Exceptions. When the review body determines a service area cannot be oriented as provided in Subsection 2, a service area may face toward a public right-of-way, customer parking or circulation area, building face on the subject property or adjoining property, or undeveloped area on the subject property or adjoining property that could be developed such that a building would face the service area; only when all of the following are satisfied:
 - (a) The applicant has demonstrated through presentation of alternative site and building designs that the alternatives in Subsection 2 are not feasible.

- (b) The location of the service area shall be the most consistent with the objectives of this Chapter, and shall have minimum visibility compared to other alternatives.

The service area shall typically face the street right-of-way only as the last alternative in order to minimize the presence of a blank wall along the public street frontage.

This shall apply equally to lots with frontage on one street and to lots with frontage on more than one street, such as a through lot, corner lot, or lot that comprises a full block surrounded by public right-of-way on all sides.

When authorized, the service area shall be screened with a fence or wall and landscaping in accordance with the standards of Section 23.036(5), "Screening of Outdoor Service Areas", to screen the service areas from public view and minimize the visual impact of the screening fence or wall.

Standards Compliance: The nothing about the design of the proposed hotel building that is inconsistent in any manner with the purpose and intent of the City of Grants Pass design standards.

20.400 Architectural Standards

20.405 Building Entrances

Principles:

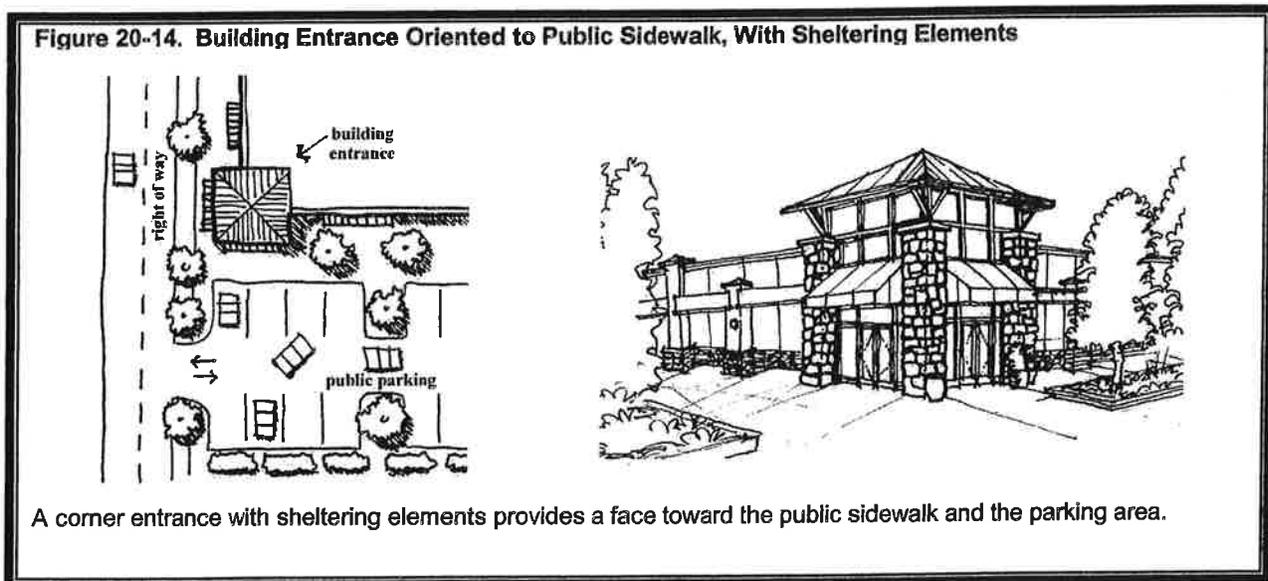
Buildings should present a "face" toward the public right-of-way and customer parking and circulation areas through site design and building design

Buildings should be designed with clearly defined entrances and shall provide sheltering elements at public entrances.

Buildings should orient entrances toward the public right-of-way. However, when entrances are oriented internal to the site, the design of the building facing the public right-of-way should present a "face" through the use of a corner entrance, architectural treatment, presence of windows, or other features. The side of the building facing the street should not have the appearance of a service area or service entrance.

Standards:

- (1) When a building abuts a public sidewalk or exterior front or side landscaped front yard, it is **recommended, but not required**, that at least one public or main entrance should be oriented to the public sidewalk, as well as the primary public parking area, so the entrance abuts the public sidewalk or landscaped front yard with a direct pedestrian path to the public sidewalk. See Figure 20-14.



- (2) Buildings shall have sheltering elements to provide protection from the weather at primary or public entrances. Sheltering elements shall provide a covered area at least five feet deep.

Standards Compliance: The entrance orientation to the "sidewalk" or exterior "front yard" is not a mandatory requirement and does not make sense in this instance because there is no sidewalk or exterior

front yard that can serve as pedestrian or vehicular access because the access location is a narrow access strip that is setback over 175 feet from the street and the other frontages do not have sidewalks and are limited access components of the I-5 system. The main entrance does face one of the major customer parking areas and has a Port Coshere to provide shelter at the primary entrance.

20.410 Windows and Glass Doors in Exterior Walls

Principle:

Buildings shall provide a "face" toward streets, sidewalks, and on-site parking and circulation areas with transparent windows and glass doors that provide "eyes on the street" to promote a feeling of safety and community, to provide interest by creating a connection between interior and exterior space and activity, to provide views of human and retail activity within buildings to provide interest from the outside of the building, and to provide relief from the massing of exterior walls by providing views of interior building spaces and volumes.

Standards:

- (1) Windows and glass doors required by this section shall be sufficiently transparent as to give an indication of interior space and activity.

Mirrored glass and similar treatments do not meet this requirement. *Note: It is recommended that no screening, fence or other device that blocks visibility should be present between the required wall openings and the public route.*

- (3) Building 18 Feet or Taller or Upper Story of Multi-Story Building.

Except as provided in Subsection (6), and in addition to the requirements of Subsection (2), all building elevations 18 feet in height or taller at the top of the exterior wall, which are longer than 25 feet, which are visible from a public right-of-way, pedestrian path, on-site parking or circulation area, or adjoining property, shall contain windows and/or glass doors a minimum of 3 feet tall, including the areas between 3 feet and 6 feet above the upper level finished floor height, or equivalent height when the space is open to below, for at least 10% of the width of the elevation.

When the upper level contains occupied spaces, windows shall be provided into these spaces. If the required 10% isn't provided in occupied upper level spaces, the remaining percentage shall be provided at the upper level into interior space with an overheight ceiling which is open to the ground floor below. Except as provided in Subsection (6), there shall not be wall sections longer than 100 feet without windows. See Figure 20-16.

Figure 20-16. Ground Floor and Upper Floor Windows



For a building 18 feet or taller, at least 10% of the width of the upper level of the building elevation shall contain windows at least 3 feet tall, including the area between 3 feet and 6 feet in height above the upper level finished floor or equivalent height.

This national store revised its stock design to comply with the standards of the community where it is located. It is a tall one-story space that includes ground floor windows and upper level windows open to below, adding natural light to the interior.

- (4) Except as provided in Subsection (6), buildings shall be designed so at least part of any building elevation facing a public right-of-way or on-site parking and circulation area will contain glass doors or windows for at least part of the elevation.
- (6) Exceptions.
- (a) Exceptions for Special Circumstances.
- (i) A section of a wall that cannot have glass openings due to fire resistive rating requirements (such as a zero-lot line setback from an interior side or rear property line) is not required to have openings, but shall include the items in Subsection (iii). Where separate properties share parking and circulation areas, lot lines shall be located so required openings are not precluded.
- (ii) A section of a wall is not required to have openings for the following uses, but shall include the items in Subsection (iii).
- (A) a movie theater auditorium or performing arts auditorium, where use of the interior space cannot have openings;
- (B) other uses which preclude windows, as determined by the Director.
- (iii) Features In Lieu of Windows. When a section of wall is not required to have windows for one of the Special Circumstances described in Subsection (i) or (ii), and there will be an elevation section more than 100 feet without windows, architectural treatments or features to provide similar effect shall be provided.

These may be structural elements, offsets, false windows, decorative grilles or louvers, openings, etc., to create a sense of depth and scale similar to the effect achieved through provision of windows and glass doors. See Figure 20-18.

Standards Compliance: The Director finds that a hotel use does have windows but the nature of people sleeping requires that too much light can be difficult to block out for customer comfort and windows transmit noise more readily than walls and so too much window can cause a problem for the use in ways that are similar to a theater or auditorium. The difference is that some windows are appropriate and they have been shown and the rest of the façade on all elevations have a number of structural elements that create a sense of depth and scale similar to the effect achieved through windows and glass doors.

20.420 Massing and Detailing.

Principles:

Buildings shall be articulated through massing and/or detailing in a manner that breaks larger building spaces and wall surfaces into human-scaled elements appropriate to the form of the building. Large, unbroken building masses and wall surfaces shall be avoided through the use of vertical and horizontal offsets and articulation of the building face.

This is especially important for large sections of wall that do not contain windows or glass doors, since they don't offer transparency into the building which would otherwise provide human interest and relief from the building surface.

Special provisions for retail development larger than 30,000 square feet are intended to ensure the larger areas with otherwise simple, boxy volumes are human-scaled.

Standards:

20.422 Overall Building Length of More Than 50 Feet.

- (1) Building elevations shall comply with the provisions of this Section. Exceptions are provided in Subsection 4.
- (a) A pitched roof building shall have a break in roof plane or wall plane at least every 50 feet in accordance with Section 20.423(1), or shall provide articulation of the building face up to 100 feet in accordance with Section 20.425. These requirements for the entire elevation may be met by using either alternative for different building segments.
- (b) A flat roof building shall have a horizontal or vertical change in the wall plane at the cornice line at least every 50 feet in accordance with Section 20.423(2), or shall provide articulation of the building face up to 100 feet in accordance with Section 20.425. These requirements for the entire elevation may be met by using either alternative for different building segments.
- (c) In addition to the either of the above, no wall shall be more than 100 feet in length without providing a combined horizontal and vertical offset in accordance with Section 20.424.

- (2) Horizontal and vertical offsets required in this section shall relate to the overall design and organization of the structure, its entrances, door and window treatments, and interior functions. Features shall be designed to emphasize building entrances.
- (3) Offsets should be grouped and organized in a manner to provide variation in scale and massing rather than providing a series of identical repeating masses.
- (4) Exceptions.
 - (a) Exceptions for Walls Not Visible from Public View.
 - (i) A wall section facing a service courtyard, service corridor, or service drive is not subject to the standards of this Section.
 - (ii) A wall section less than 12 feet tall facing a fenced interior side or rear lot line and not visible from the public right-of-way, on-site public parking or circulation area, or adjoining property is not subject to the standards of this Section.
 - (iii) A wall section that will fully abut an existing blank wall built to the lot line on an adjoining property is not subject to the standards of this Section.
 - (b) Exceptions for Building to Zero Lot Line Setback at Interior Side or Rear Lot Line.

This Subsection provides an exception to the horizontal offset provisions for a building abutting an interior lot line, when allowed by this Code, to enable a building to more fully use the property. This exception does not apply when the interior lot line faces shared common parking or circulation areas on an adjoining property.

 - (i) Exception for Section 20.423. When a building abuts a zero lot line setback at an interior side or rear lot line, the massing provisions of Section 20.423 can be satisfied by use of vertical rather than horizontal offsets without an exception or the detailing provisions of Section 20.425 without an exception, or the minimum required horizontal offset may be reduced from a depth of 3 feet to 12 inches.
 - (ii) Exception for Section 20.424. The horizontal offset required by Section 20.424 may be reduced from 4 feet to 12 inches for the building elevation abutting the interior property line, but the full height vertical offset shall be provided. As an alternative, the detailing provisions in Section 20.425 may be used to satisfy the massing provisions of Section 20.424, provided engaged columns or pilasters extend the full height of the building in lieu of the offset, they have a more substantial appearance than other engaged columns or pilasters, with a minimum depth of 12 inches, and identical bays do not repeat for more than 100 feet without a change in repetition.
 - (c) Exceptions for Building Abutting Public Sidewalk.

This Subsection provides an exception to the horizontal offset provisions for a building abutting a public sidewalk, when allowed by this Code, to enable a building to more fully use the property.

 - (i) Exception for Section 20.423. When a building abuts a public sidewalk, the massing provisions of Section 20.423 can be satisfied by use of vertical rather than horizontal offsets without an exception or the detailing provisions of Section 20.425 without an exception, or the minimum required horizontal offset may be reduced from a depth of 3 feet to 12 inches.
 - (ii) Exception for Section 20.424. The horizontal offset required by Section 20.424 may be reduced from 4 feet to 12 inches for the building elevation abutting the back of the public sidewalk, but the full height vertical offset shall be provided. As an alternative, the detailing provisions in Section 20.425 may be used to satisfy the massing provisions of Section 20.424, provided engaged columns or pilasters extend the full height of the building in lieu of the offset, they have a more substantial appearance than other engaged columns or pilasters, with a minimum depth of 12 inches, and identical bays do not repeat for more than 100 feet without a change in repetition.

Standards Compliance: The nothing about the design of the proposed hotel building that is inconsistent in any manner with the purpose and intent of the City of Grants Pass design standards.

20.423 Change in Massing at Maximum of 50 Feet.

When massing elements are used to satisfy the requirements of Section 20.422, they shall comply with these standards, or the exceptions of Section 20.422(4).

v

- (1) For a Building with a Flat Roof.

No wall plane shall be more than 50 feet in length without a horizontal or vertical break in the cornice line at least 18 inches in height or 3 feet in depth and at least 12 feet wide. The feature shall be one of the following. See Figures 20-22 and 20-23.

(a) Horizontal Offset in Wall Plane.

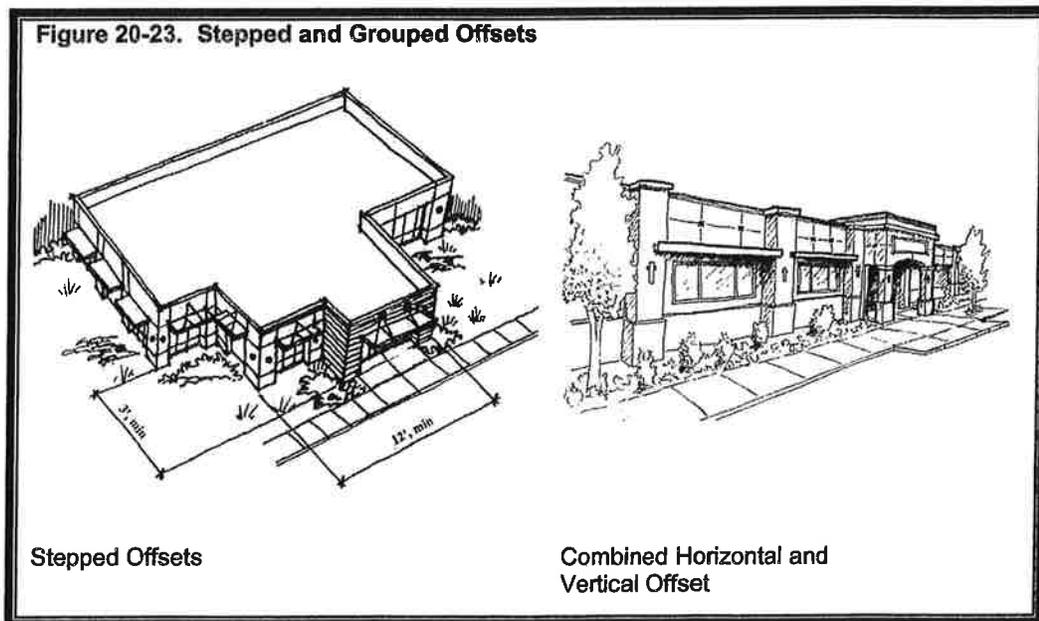
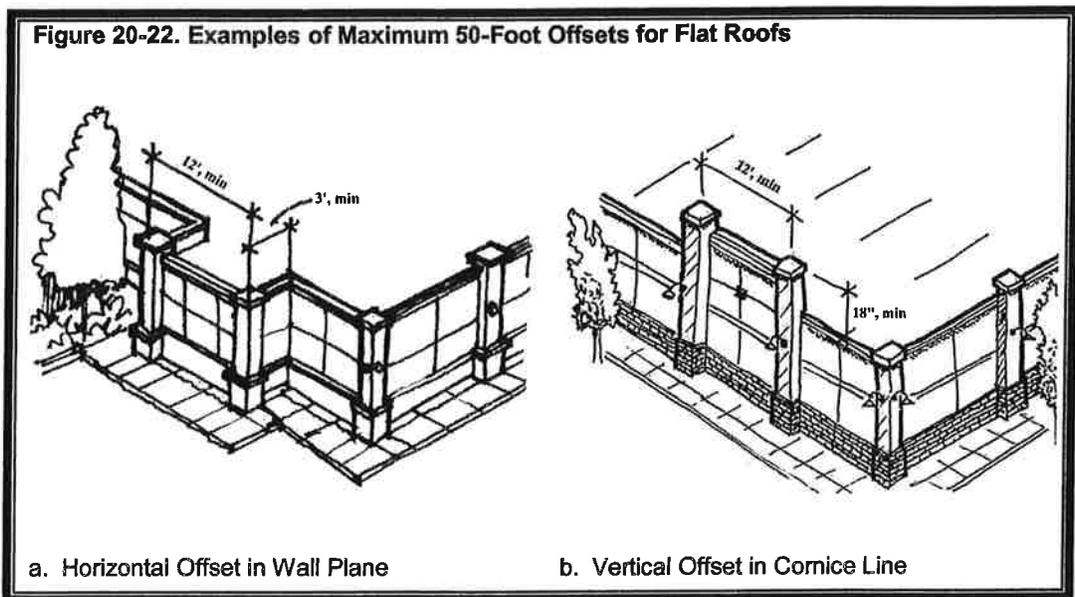
The feature may include a horizontal offset in the wall plane. The offset feature shall be a minimum of 75% of the wall height, but no less than 12 feet tall and at least 3 feet deep. With a stepped wall plane, the individual change in wall plane need not be 12 feet wide, but the offset from the wall plane, or combination of offsets, shall not return to the original wall plane closer than 12 feet from the initial offset. The feature may be an offset in the wall plane enclosing interior area, or it may cover an exterior area, either supported on columns or a wall extension.

(b) Vertical Offset in Cornice Line.

The feature may include a vertical offset in the cornice line at least 18 inches tall. With a stepped cornice line, the individual change in cornice line need not be 12 feet wide, but the offset, or combination of offsets, shall not return to the original cornice line closer than 12 feet from the initial offset. The transition in cornice height shall meet the requirements of Section 20.470 for transition in parapet height.

(c) Grouping, Variation, and Combination of Features.

Grouping, variation, and combination of features are desirable to avoid repetition of offsets of identical size and shape.



Standards Compliance: The proposed building has a combination of a number of horizontal and vertical offsets in compliance with these standards.

20.424 Change in Massing at Maximum of 100 Feet.

In addition to the provisions of Section 20.423 or 20.425, no wall shall be more than 100 feet in length without at least one combined horizontal and vertical offset in the wall plane for the full height of the building, a minimum of 4 feet deep with a 3-foot vertical change in height. If the offset feature returns to the original wall plane, it shall have a minimum width of 25 feet. The offset shall not be created by add-on features such as porticos, porte-cocheres, exterior vestibules, decks, and similar features. Exceptions are provided in Subsection 20.422(4). See Figure 20-24.

Figure 20-24. Examples of Maximum 100-Foot Offsets



Examples of Combined 100' Horizontal and Vertical Offset In Combination with Detailing Option (above) and

Standards Compliance: The east and west elevations both have three large offsets that break up the building in these directions in compliance with these standards. The north and south walls are less than 50 feet and do not require offsets.

20.426 Projecting Ground Floor Level

When a façade provides an enclosed shorter 1- story space that projects forward of the taller main façade, typically enclosed under a shed roof or canopy, it shall be considered part of the main façade. It shall comply with the massing provisions or detailing provisions. If the detailing option is used, the pedestrian level elements required in 20.425(4)(A) shall be provided on the projecting area, while the middle level and top level elements shall be provided on the 2-story wall. The sign frieze may be provided at either location or both locations. See Figure 20-35.

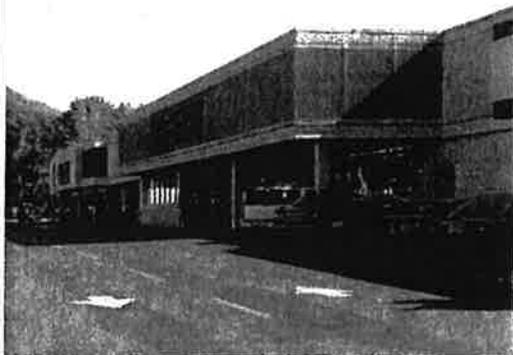
Figure 20-35. Projecting Ground Floor Level



The projecting ground floor canopy must meet the massing or detailing standards of this Section. These photographs show a continuous ground floor canopy that would not meet the standards.

Standards Compliance: The only canopy is the entrance canopy that is not continuous and contains massing elements consistent with the massing requirements.

Figure 20-36. Projecting Upper Floor Level



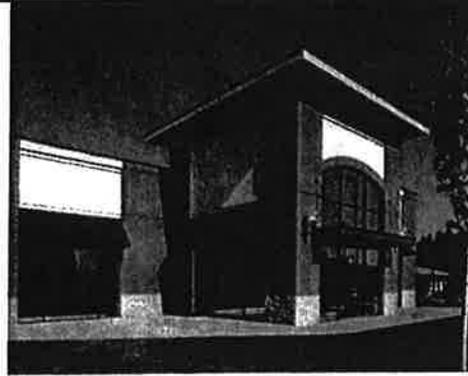
A. Does not comply



B. Does not comply



C. Complies



D. Complies



E. Complies



F. Complies

Photos A & B show a projecting upper level that does not include the required architectural features and does carry the ground floor columns up through the upper level. Photo C shows ground floor columns that continue to the upper level at the same plane and provides a roof canopy and openings so the sign band isn't dominant. Photo D continues the columns through to the upper level and provides a roof canopy and overheight glass entry. Photo E includes several features: Columns continue to the upper level, windows are present in the upper level (although that section isn't projecting), and the corner provides an overheight entry and roof canopy. Image F provides columns that continue to the upper level, windows in the upper level below the sign, and a roof canopy.

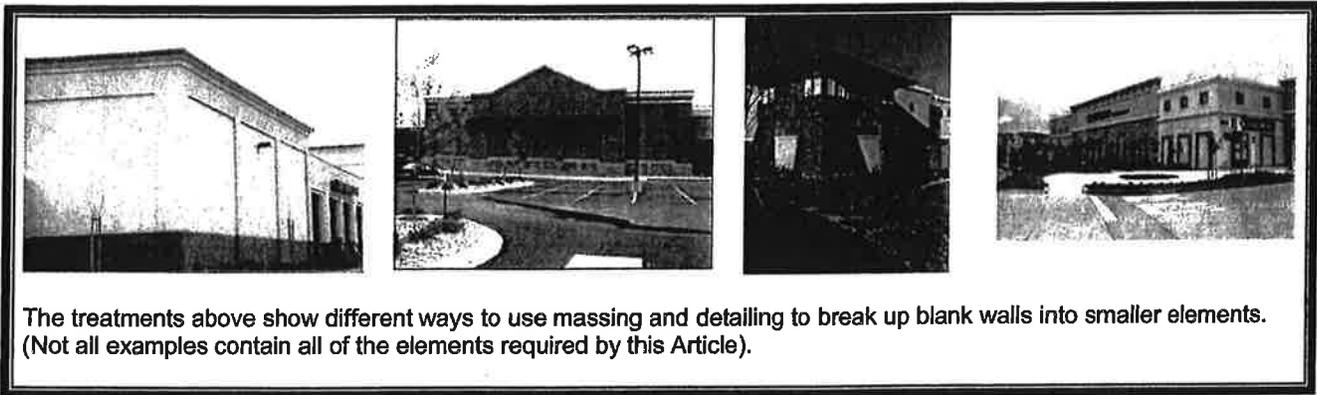
Standards Compliance: There are no projecting upper floors.

20.430. Treatment of Blank Walls without Windows and Glass Doors

Principle:

Where wall sections qualify for an exception to the standards for windows and glass doors, minimize the feeling of a long, continuous blank wall by breaking the surface of the wall into smaller elements with a human scale and relating the blank wall to the rest of the building through common design elements.

Figure 20-37. Treatment of Blank Walls Without Windows and Glass Doors



Standards:

- (1) In addition to all other standards of this Article, a visible section of wall which qualifies for an exception to the required 'Windows and Glass Doors' standards in Section 20.410(6)(a), shall also meet the standards of this Section.
- (2) The exterior finish used on the blank wall section without windows shall be consistent with the adjacent walls of the building, in material, color, texture, and architectural treatment.
- (3) Additionally, multi-story height buildings longer than 50 feet shall have a three-dimensional treatment at the height of the floor line (or similar height). When a change in color, material, or texture is incorporated between the ground level and upper level, the three-dimensional treatment provides a suitable location for the change to occur. The treatment shall be either:
 - (a) A 3-dimensional projecting band that meets the dimensional standards for a cornice in Section 20.460.
 - (b) A change in wall plane where the upper level is projecting or recessed from the ground-floor level by a minimum of 12 inches.
- (4) Walls which face a street or on-site parking and circulation area shall incorporate elements projecting from the wall plane to break up the height of the wall and provide depth and shadow. These features shall be provided for a minimum of 25% of the width of the wall. Examples include canopies, awnings, ground floor height projecting roofs or overhangs, projecting trellises, pergolas, etc.
- (5) Architectural elements should be varied in scale to avoid the appearance of monotonous repetition of identical elements.

Standards Compliance: All elevations have at least some windows and class doors..

20.440 Signs

Principle:

Buildings shall be designed to include a location for signs that relate to the overall design and scale of the building consistent with the amount and type of signage anticipated for the use of the building.

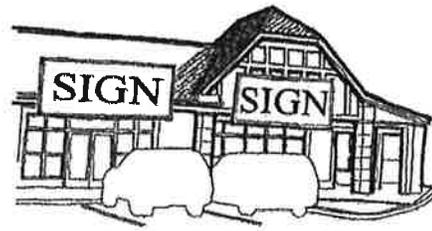
Standards:

- (1) Building design shall include locations for signs that relate to the design and scale of the building, to ensure signs are considered and incorporated as part of the building design. Building facades should ensure locations are provided for signs that relate to architectural features so signs are not an afterthought without a suitable location on the building façade. See Figure 20-38.

Figure 20-38. Building Designs That Do and Don't Include Areas for Signs



Complies. This building design includes an area for signs for tenants. Signs are part of the building design and relate to the design and scale of the building.



Does Not Comply. This building design does not include an area for signs for tenants. Signs are an afterthought and do not relate to the design or scale of the building. The signs obscure design features.

(2) Additional Sign Allowance for Additional Businesses Based on Exterior Storefront and Entrance.

Except for a "downtown mall" as defined in the sign code, in order to qualify for additional square footage for a business per Section 9.21.060(2)(c) of the Municipal Code, any business which is allowed up to 80 square feet for wall signs or projecting signs shall be required to have an exterior storefront or entrance with features described below in order to qualify for the additional sign square footage:

(a) Ground Floor Business.

If the business is located on the ground floor, at least 50% of the width of the storefront between the height of 3 feet and 6 feet shall contain transparent windows and/or doors with transparent glass.

(b) Upper Floor Business.

If the business is located on a floor above the ground floor and has a ground floor entrance only, at least 25% of the width of the storefront between the height of 3 feet and 6 feet above the upper floor level shall contain transparent windows or glass doors.

Standards Compliance: While the project is not specifically requesting sign approvals in this process the elevation renderings show potential wall sign locations that would provide appropriate signage locations consistent with these standards..

20.450 Use of Parapets

Principles:

Flat Roof Buildings:

With a flat roofed building, the parapet does not alter the building's form, it merely increases the height of the wall. When a flat-roofed building uses a parapet only on the (high) end wall, and has a lower parapet or no parapet on the adjacent side walls, it creates the appearance of a "movie-set façade" with a tilt-up veneer. The standards require that the parapet wrap from the high wall to all the other walls surrounding the roof, to avoid the appearance of a "movie-set façade" and screen rooftop mechanical equipment and vents. See Figure 20-40.

Pitched Roof Buildings:

A parapet typically is used on a building with a pitched roof only when required by the building code to meet requirements for fire- resistance rated construction. In these instances, the parapet wall is usually prohibited from having openings, and it also might extend above the roofline a substantial distance. This combination contributes to a "blank wall" effect in which the blank parapet wall dominates the façade where an eave line might otherwise occur.

The building code permits alternate methods of fire-resistance rated construction that can be used instead of a parapet, which maintain the character typical of a pitched-roof building. The standards require the use of these alternate methods instead of parapets on pitched roof buildings, to avoid a blank wall effect at the eave line.

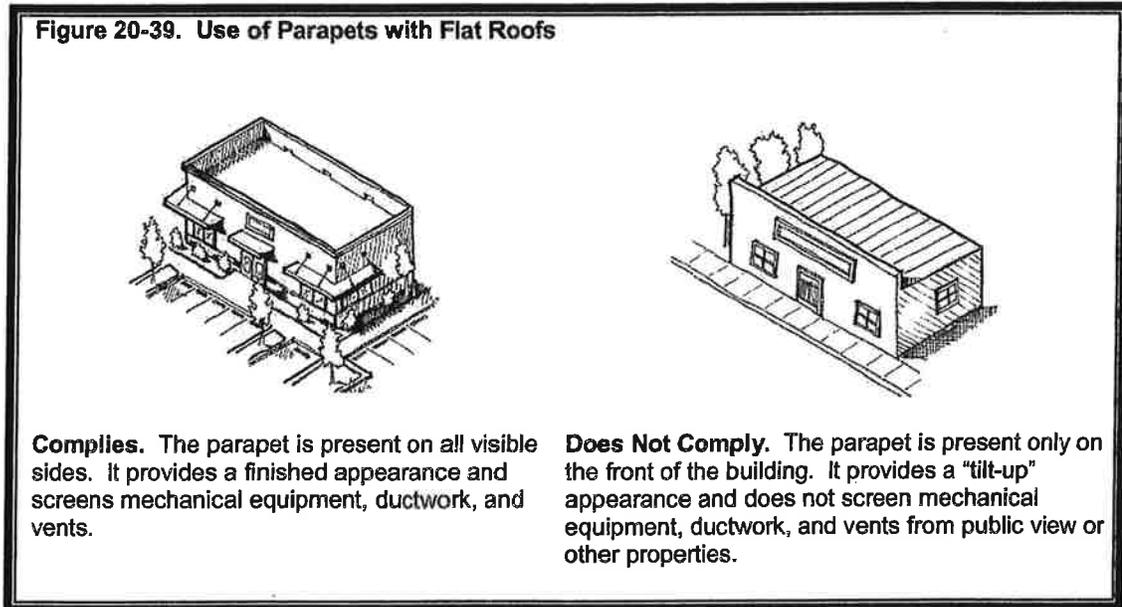
Buildings with very shallow pitched roofs have an industrial appearance that should be avoided. The standards require that these shallow pitched roofs be screened from view with a parapet on all sides, giving the appearance of a flat- roofed building without creating a dominating blank wall effect.

The standards allow the use of parapets on pitched roof buildings in certain situations where the wall can be designed to relate to the building and provide doors and windows that break up the wall.

Standards:

(1) Use of Parapets with Flat Roofs:

A building with a flat roof shall have parapet that extends above the roof plane. The parapet shall wrap around all sides the flat roof, except for the side that faces a service drive, service corridor, service courtyard or alley. In addition, a parapet is not required on a wall less than 12 feet tall facing a fenced side or rear interior lot line that is not within 90 degrees of a public right of way. The parapet shall wrap at least 8 feet around the corner of the building to any side where a parapet is not required and is not provided. See Figure 20-39. The parapet height shall meet the requirements of Article 23 for screening of rooftop mechanical equipment.



Standards Compliance: The roof plan shows that the parapets go all the way around the building and the where vertical projection elements are proposed they “wrap back” into the main roof area that encloses the area more than 75% to give the appearance of a solid element while still providing a channel for water, maintenance access, and mechanical runs.

20.460 Cornice Treatments and Eave Lines

Principles:

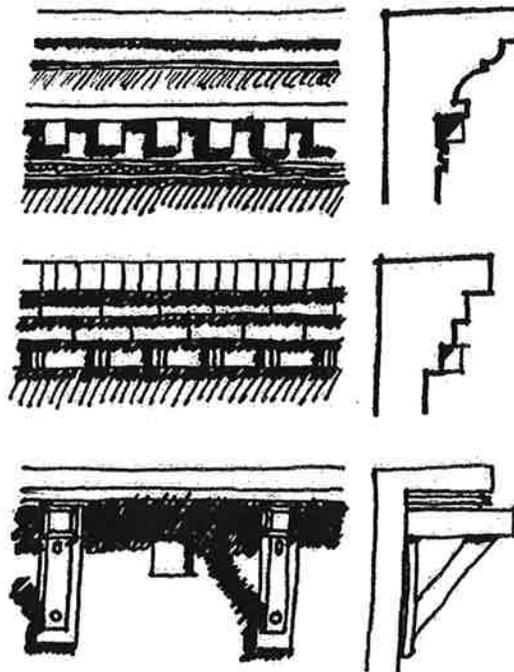
A cornice provides an important visual cue or ‘cap’ to the top of a wall that gives a more finished appearance to the façade. Cornices must be properly proportioned and articulated to provide a high-quality appearance to the building.

Buildings with pitched roofs shall provide an overhang or a cornice treatment to provide depth or a finished appearance between the wall and roof.

Standards:

- (1) A building with a pitched roof shall provide a 12-inch minimum overhang, or shall provide a cornice treatment at the top of the wall that relates to the eave line. See Figure 20-33.
- (2) A building with a flat roof shall have a decorative three-dimensional cornice along the top of each wall. Cornices can be a wide variety of styles. Examples of styles include crown molding, brick corbelling, brackets, or a combination of these elements. A painted cornice with no three-dimensional relief does not meet this requirement. See Figure 20-46.

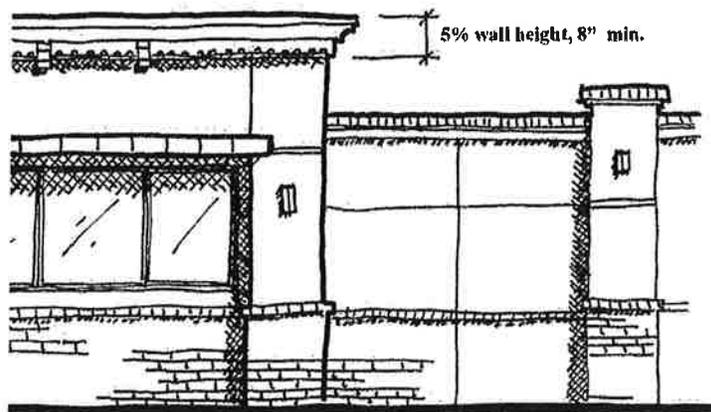
Figure 20-46. Various Cornice Styles



Cornice styles can range from simple to ornate. They can be a wide variety of styles, such as a continuous molding profile, brick corbeling, or brackets.

- (3) The size of the cornice shall be in proportion to the overall height of the façade. The height of the cornice shall be a minimum of 5% of the building height, but no less than 8 inches. The depth of the cornice shall be at least 25% of the cornice height, but a 2-part cornice shall not less than 4 inches deep and a 3-part cornice shall not be less than 6 inches deep. See Figures 20-47 and 20-48.

Figure 20-47. Minimum Cornice Height

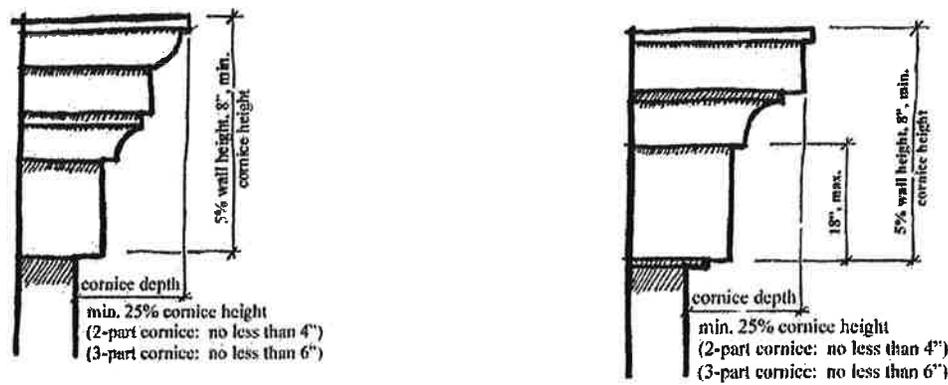


Cornice styles can range from simple to ornate. They can be a wide variety of styles, such as a continuous molding profile, brick corbeling, or brackets.

Standards Compliance: The nothing about the design of the proposed hotel building that is inconsistent in any manner with the purpose and intent of the City of Grants Pass design standards.

- (4) Cornices less than 18 inches high shall be composed of at least 2 elements. Cornices more than 18 inches high shall be composed of at least three elements. The maximum height of any single unarticulated cornice element (e.g. molding, band, reveal, dentil, etc.) shall be 18" high. Cornice elements more than 18" high shall be articulated further (e.g. through the use of reveals, banding, dentils, etc.) to provide an appropriate level of detail and scale. See Figure 20-48.

Figure 20-48. Cornice Height, Depth and Elements



- (5) Exceptions. A cornice is not required at the top of a wall that faces a service corridor, service courtyard, or service alley where a parapet is not required in Section 20.450.

Standards Compliance: The project proposes cornices that encircle the building and are dimensioned to satisfy the cornice size requirements.

20.470 Treatment of False Roofs, Varied Roof Heights, Wall Heights, and Parapets Heights.

Principle:

Buildings shall avoid the appearance of "false-front" or "tilt-up" construction, by ensuring the treatment of rooflines and walls with varying heights have a substantial and finished appearance. The back sides and structural members of false roofs and parapets shall have a finished appearance or shall not be visible from view, and taller features shall be finished on all sides. Pitched-roof elements that are taller than surrounding roof areas shall cover a space or volume, or appear to enclose a space or volume with a finished appearance on all sides, rather than only be a surface plane that extends above adjoining roof surfaces. Preferably, roof features should relate to building spaces, such as foyers and taller entryways, and should not be only for ornamental effect.

Standards:

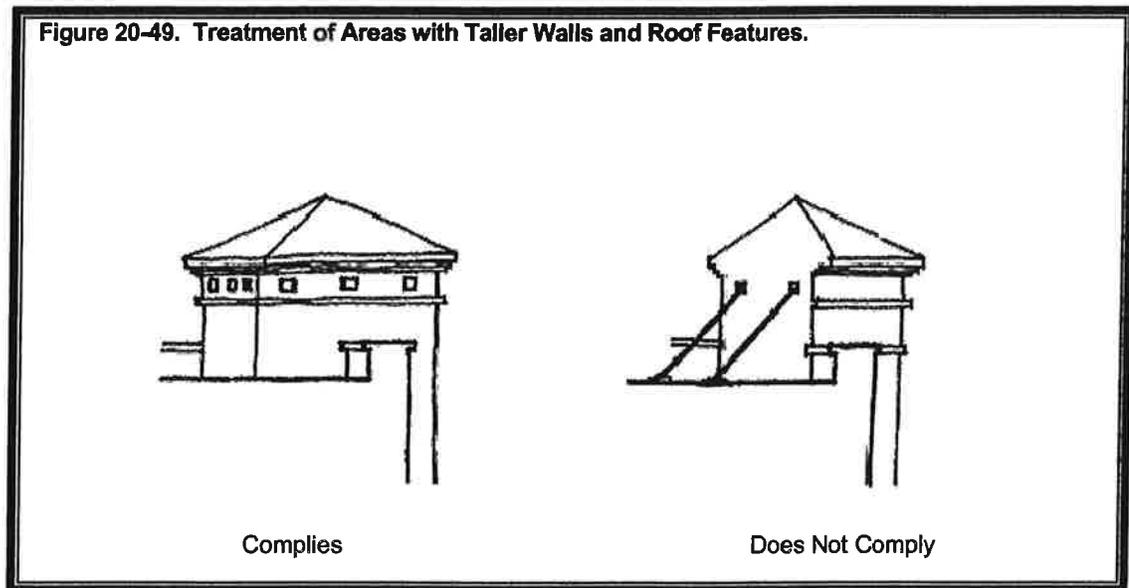
- (1) False Pitched Roofs.

When pitched roofs are used, they should typically enclose a space rather than be a false façade surface treatment attached to the parapet of a flat-roofed building. However, when a false-pitched roof is used, it shall have the appearance of a real pitched roof, wrapping around all visible sides of the building. When false pitched roofs are used, taller pitched roof features shall still meet the requirements of Subsection (2).

- (2) Taller Roof Features. See Figure 20-49.

When the building has rooflines, building spaces, entry towers, and similar elements that are taller than adjoining rooflines and building spaces, they shall comply with the following, or the standards of Subsection (3) for transitions in parapet height.

- (a) For a taller area covered with the pitched roof, the taller area shall be a full volume with a depth of at least 8 feet.
 - (i) For hipped roofs and similar pitched roofs, the taller space shall have an eaveline that continues around all sides of the space.
 - (ii) For gabled roofs and similar pitched roofs, the rear facing gable end shall have similar overhangs as the gable end on the face of the building.
- (b) For a taller area covered with a flat roof, the taller area shall be a full volume, or shall comply with the parapet height transition provisions of Subsection 3. When the taller area is a full volume, the parapet treatment on the face of the building shall continue around all sides of the space.
- (c) For all roof types, the materials and colors used on the face of the taller building section shall continue around all sides of the volume, so all sides of the volume have a finished appearance.
- (d) These features should typically be designed to relate to covered sheltering elements or taller interior lobbies, rather than only decorative elements.



(3) Parapet Height Transitions.

When there is a change in height of a parapet, or a transition between a parapet and a pitched roof, the transition shall comply with the following:

(a) Major Transitions. See Figure 20-50.

When there is a change in parapet height more than 3 feet in height or 12 feet in width, or on walls without doors or windows, or on a building more than 30,000 square feet, the change in parapet height shall occur as follows:

- (i) Together with a change in the projection of the wall surface, or
- (ii) Together with a structural bay. The edges of the parapet where the change in height occurs shall abut into an engaged column that projects at least 4 inches from the building surface, a minimum depth of 18 inches where it extends above a building surface, and a minimum width of 24 inches, or
- (iii) A combination of (i) and (ii).

(b) Minor Transitions. See Figure 20-51.

A change in parapet height less than 3 feet in height and less than 12 feet in width, on walls without windows, and on buildings less than 30,000 square feet may use one of the following:

- (i) Any of the treatments for a Major Transition in Subsection (a).
- (ii) The taller parapet shall have a depth of at least 18 inches and a cornice meeting the requirements of Section 20.460 that wraps all sides of the taller parapet element.
- (iii) The parapet shall have a cornice treatment meeting the requirements of Section 20.460, that wraps the horizontal and vertical sides of the parapet face and the top and side edges of the parapet; or

- (c) Where a change in parapet height occurs less than 8 feet from the corner of a building, it shall meet the requirements for a Major Transitions in Subsection (a).

Figure 20-50. Major Transitions in Parapet Height

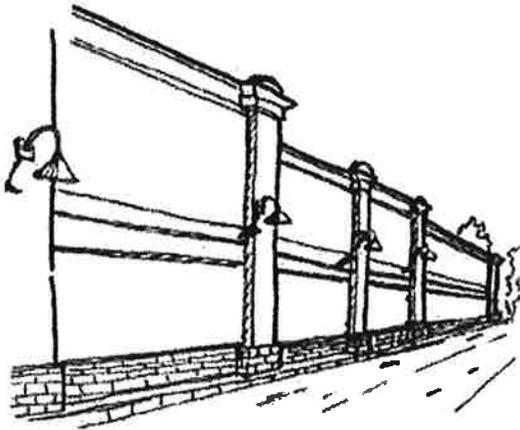


Complies

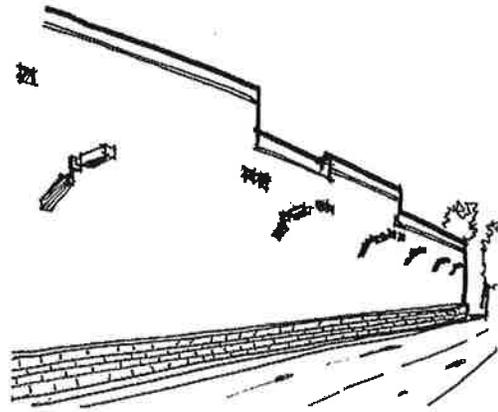


Does Not Comply

- (i) Change in parapet height together with change in projection of wall surface.



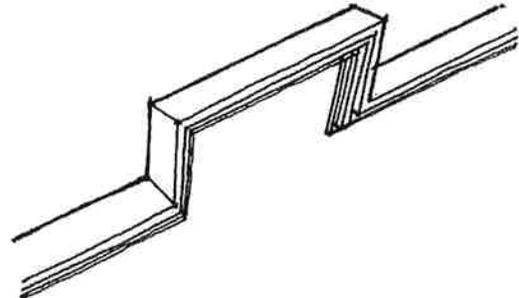
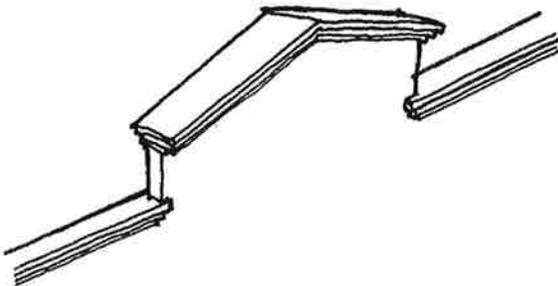
Complies



Does Not Comply

- (ii) Change in parapet height together with structural bay.

Figure 20-51. Minor Transitions in Parapet Height



Standards Compliance: The major changes in parapet height are all accompanied by changes in the wall surface as these are locations of wall projections..

20.490 Materials, Colors, and Textures

Principles:

Commercial buildings subject to this Article should use materials that avoid the appearance of industrial or temporary buildings. Substantial flexibility in the choice of materials is desirable, therefore, only a few material types are restricted.

Retail buildings over 30,000 square feet should utilize a variety of materials, colors, and textures to minimize the appearance of a single large building volume with a single, prominent treatment. Colors and treatments of these larger buildings shall be selected to fit into the natural and historical context, rather than stand out as attention getting devices.

Standards:

(1) Prohibited Materials for Building Faces.

(a) The following materials shall not be used on walls or vertical building surfaces:

- (i) Corrugated metal panels, similar metal products, corrugated fiberglass panels, or any other material that requires corrugation, seams, or similar manipulation of the exterior surface to prevent deflection of the surface.

Architectural metal panels with recessed seams no closer than 36" on center at the edge of the panel may be used when consistent with the other standards. Other metal products may be used as structural members or accents, such as "I-Beam" canopies, brushed metal finishes, etc.

- (ii) Sheet plywood, including textured plywood siding.

- (iii) Unfinished materials, such as plain concrete masonry units (CMU) or raw concrete, unless the material is designed and fabricated to be left unfinished, rather than receiving a field-applied finish or covering.

(b) Exceptions.

- (i) The review body may waive the requirements for any building face which is not visible from a public right-of-way or public parking or circulation area on the subject property or other property.
- (ii) The review body may waive the requirements pertaining to materials for a detached accessory structure used for an accessory use or purpose, if it is not accessible to the public and is not visible from a public right-of-way or public parking or circulation area on the subject property or other property.
- (iii) In the BP zone, the review body may waive the requirements pertaining to materials for an industrial use that does not have a retail component, unless the property faces a state highway or an arterial street that intersects a state highway, in which case the standards shall apply.

Standards Compliance: None of the proposed building face materials are prohibited.

(2) Prohibited Materials for Fences and Walls.

- (a) The materials in Subsection 1 shall not be used for fences or walls, except solid metal doors may be used for a dumpster enclosure.
- (b) Razor wire, barbed wire, and chain link fencing shall not be used between a building face and the public right-of-way. Treatments such as decorative wrought iron should be used instead.

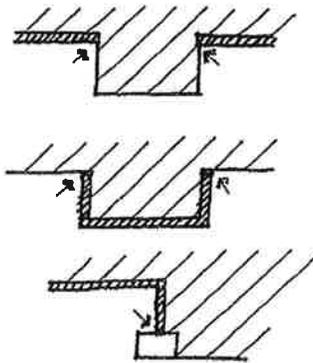
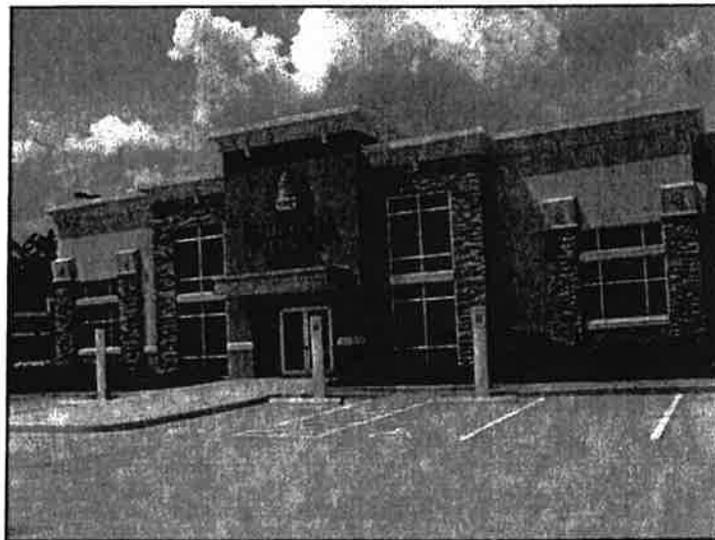
Standards Compliance: None of the proposed building face materials are prohibited.

(3) Transitions Between Materials, Colors, and Textures.

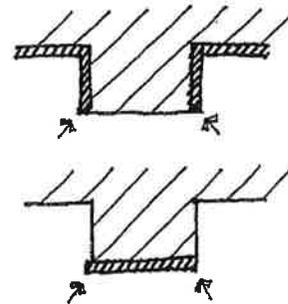
The standards of this section are intended to provide a sense of massing, rather than the appearance of a surface treatment only.

- (a) Where predominant changes material, color, and/or texture are provided, they shall typically transition in combination with a location where there is an offset in the wall surface. See Figure 20-55.
- (b) Where material, color, and/or texture changes are provided, they shall typically wrap a corner and transition at an inside corner edge rather than an outside corner edge. See Figure 20-55.

Figure 20-55. Transitions Between Materials, Colors, and Textures



Complies



Does Not Comply

Material, color, and texture changes are to occur at inside corners and where there is a 3-dimensional change in surface.

Standards Compliance: The proposed material, color and texture changes occur at inside corner and occur at wall face changes.

20.495 Rooftop Illumination

Principle:

Rooftop lighting elements are often incorporated into standardized fast-food building prototypes as an attention-getting device. Rooftop illumination of this nature should be avoided to prevent proliferation as businesses compete for drivers' attention along major roadways. In addition, lighting and glow in urban areas contributes to atmospheric haze that reduces visibility of the night sky. By minimizing this type of unshielded lighting, residents and visitors will have continued visibility of the night sky as Grants Pass grows.

Standards:

- (1) Buildings shall not have rooftop illumination other than indirect spotlighting. See Figure 20-56.

Figure 20-56. Rooftop Illumination



At night, the white bands on the roof are illuminated, serving to treat the entire roof as a sign and attention-getting device. Only indirect spotlighting is permitted for rooftop illumination.

Standards Compliance: The project does not propose rooftop illumination.

1023.038 Retaining Walls

- (1) When the exposed portion of a retaining wall (measured from the top of the wall to the lowest finish grade at the base of the wall) exceeds 4 feet in height, the wall shall incorporate earth tone colors, wall surface treatments, and/or vegetative landscaping.
- (2) A retaining wall(s) separated from another retaining wall(s) by less than 4 feet horizontally (measured from outside face to outside face) shall be considered one wall for the purpose of measuring height.
- (3) No retaining wall shall conflict with the requirements of the clear vision area for streets and driveways. A retaining wall within a vision clearance area shall not create a visual obstruction as defined in Article 30 of this Code.
- (4) Retaining walls within the Slope Hazard District shall meet the applicable standards of Article 13 of this Code.
- (5) Retaining walls shall meet applicable Building Codes.
- (6) Retaining walls within the public right-of-way are permitted only upon issuance of a valid Encroachment Permit by the City Engineer.
- (7) Retaining walls located within a City Utility Easement (CUE) or other public easement are permitted only upon approval of the City Engineer.

Standards Compliance: The project proposes retaining walls that are 4 feet high and separated by 4 or more feet so the requirements of (1) do not strictly apply. However, Applicant proposes vegetative landscaping between the two wall levels in a design similar to (1) above.

525.042 Parking facilities Land Use

Off-Street Parking Requirements

(a) Hotel:

0.75 spaces per room

Standards Compliance: The project proposes 101 rooms which equates to a minimum requirement of 76 parking spaces. The project proposes 107 spaces and so is adequately parked.

Legend

Grants Pass Zoning

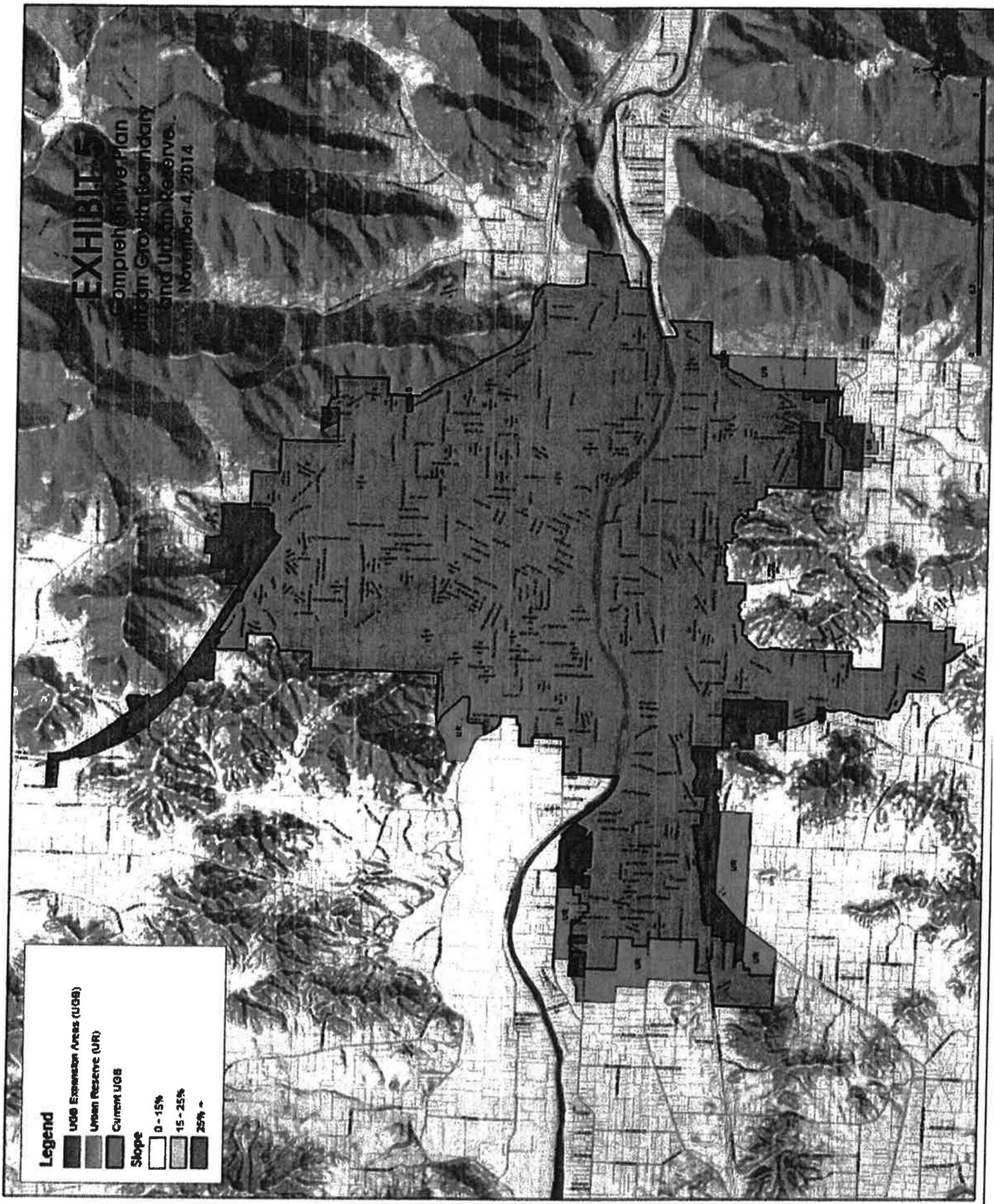
-  Unknown
-  Business Park
-  Central Business District
-  General Commercial
-  Industrial
-  Industrial Park
-  Neighborhood Commercial
-  Residential - High Density
-  Residential - High-Rise Density
-  Residential - Low Density
-  Residential - Moderate Density
-  Riverfront Tourist Commercial



EXHIBIT 4

EXHIBIT 5

Comprehensive Plan
Urban Growth Boundary
and Urban Reserve
November 4, 2014



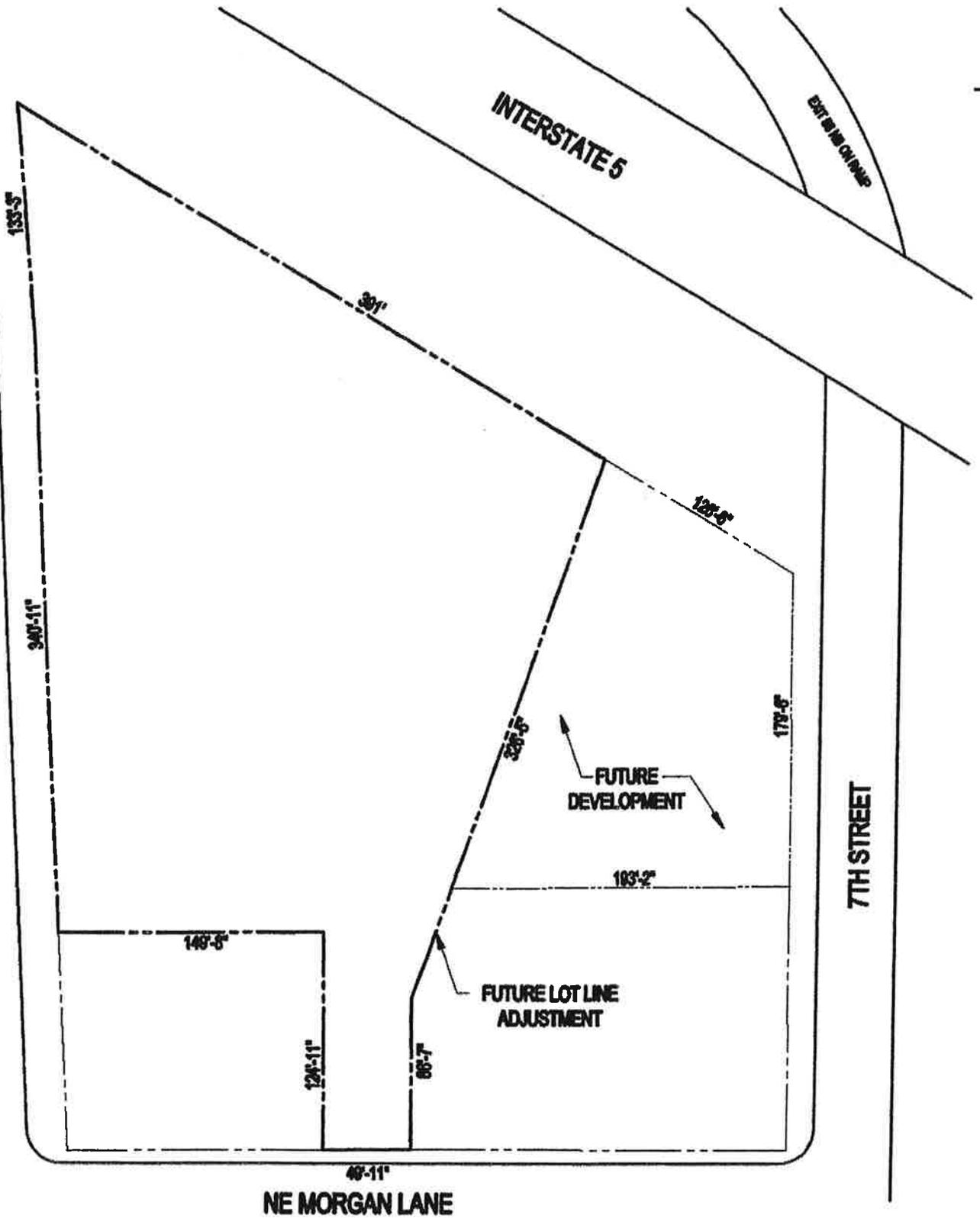
Legend

- UGB Extension Areas (UGB)
- Urban Reserve (UR)
- Current UGB
- Slope
 - 0 - 15%
 - 15 - 25%
 - 25% +

EXHIBIT 7

EXIT 58 SB OFF RAMP

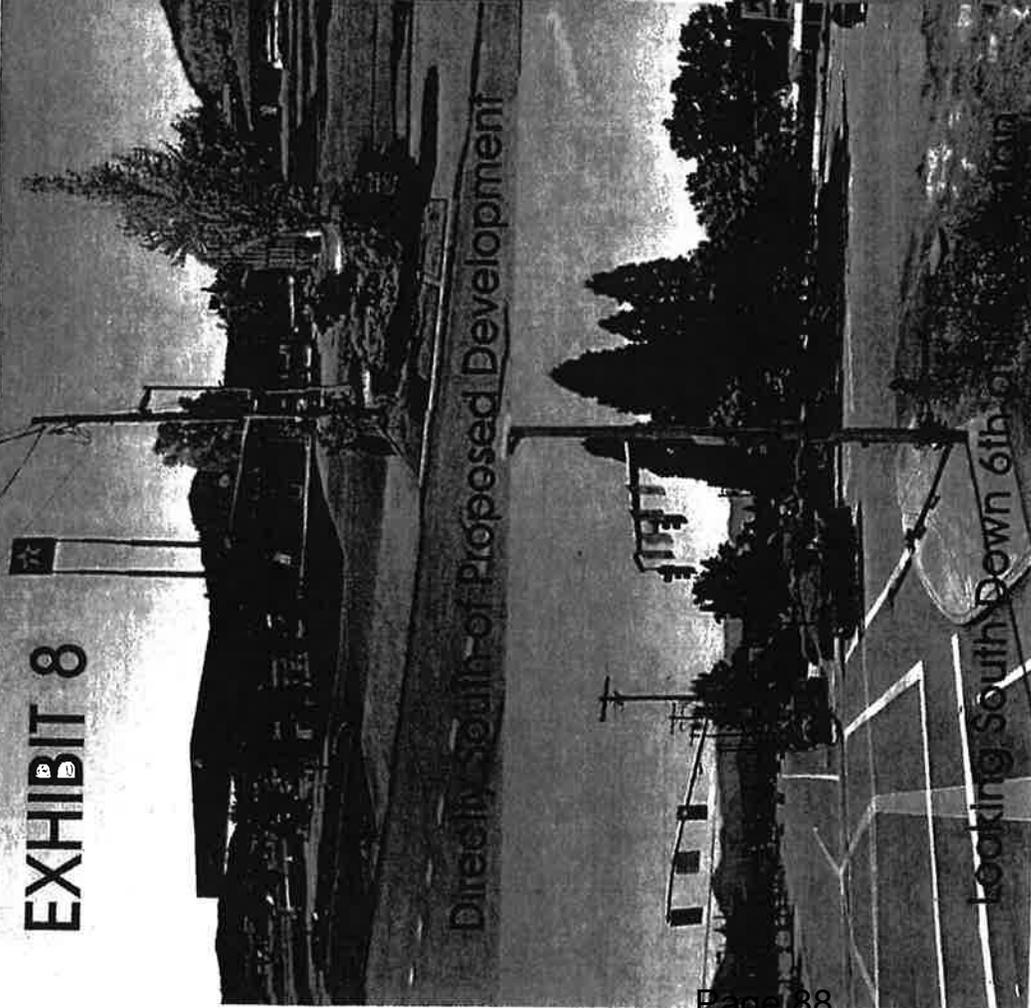
6TH STREET



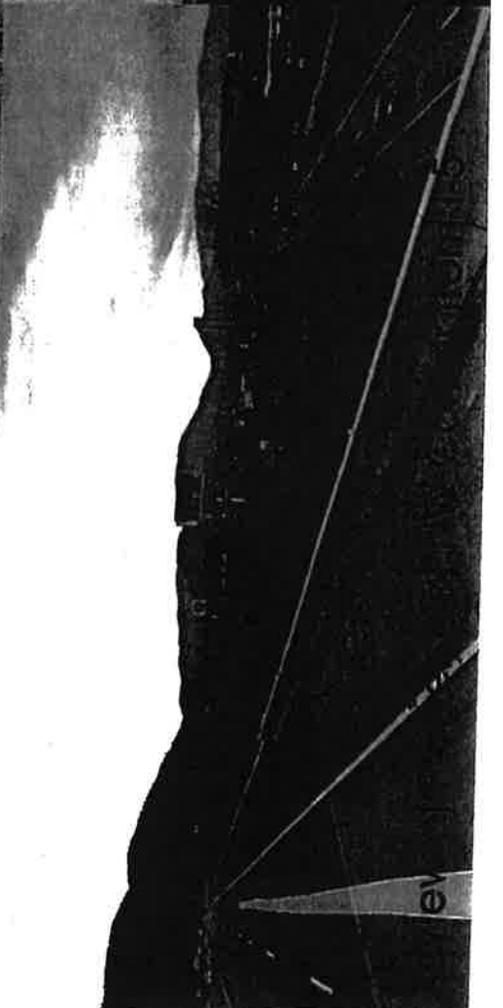
NE MORGAN LANE

EXHIBIT 8

Directly South of Proposed Development



Looking South Down 6th Street



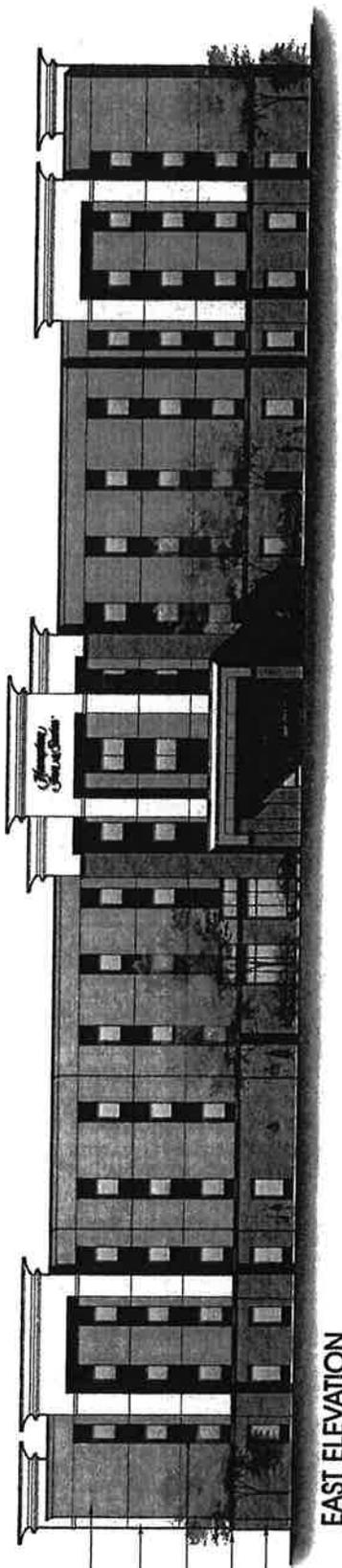
South of NE 1st



View of Property from SW Corner

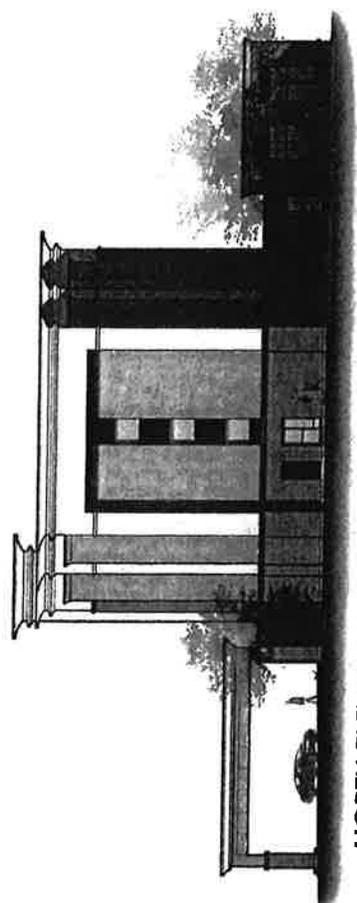


View of Property from SW Corner

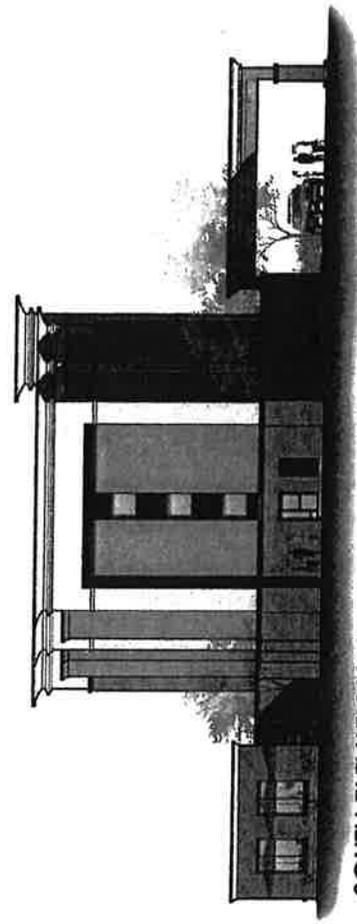


EAST ELEVATION

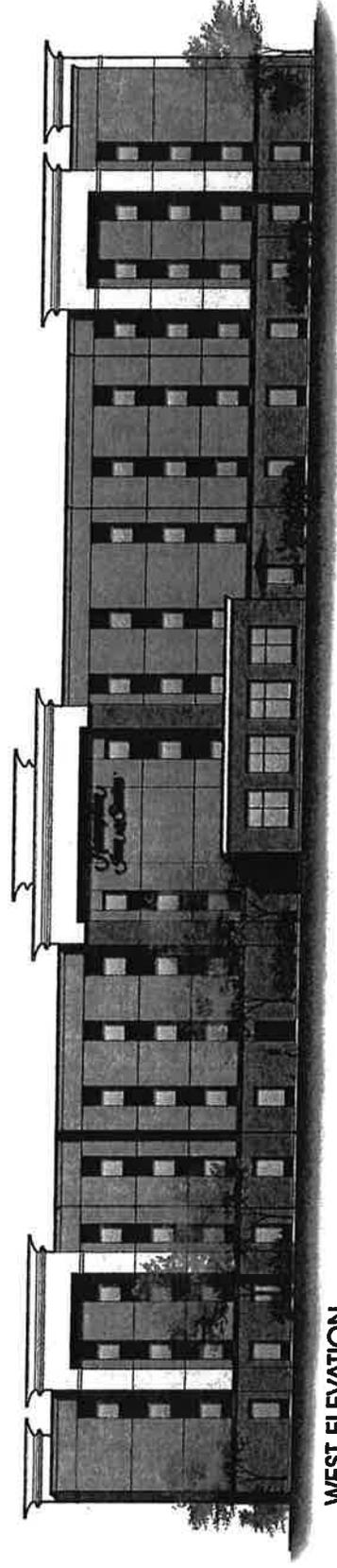
- SYNTHETIC STUCCO COLOR F1
- SYNTHETIC STUCCO COLOR F2
- ACCBTE COLOR F3
- MASONRY SILL COLOR F4
- BRICK OR STONE BASE COLOR B1



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

HAMPTON INN & SUITES EXTERIOR COLOR PALLETTE

dark beige
2165-40

**BENJAMIN MOORE®
COLOR PREVIEW™**

As color samples are affected by age,
light, heat and mechanical coating
processes, this sample may vary slightly
in color or finish from the actual paint.

litho in USA 01/00

dark beige
2165-40

**BENJAMIN MOORE®
COLOR PREVIEW™**

As color samples are affected by age,
light, heat and mechanical coating
processes, this sample may vary slightly
in color or finish from the actual paint.

litho in USA 01/00

**SYNTHETIC STUCCO
COLOR P1**

aspen white
2027-70

**BENJAMIN MOORE®
COLOR PREVIEW™**

As color samples are affected by age,
light, heat and mechanical coating
processes, this sample may vary slightly
in color or finish from the actual paint.

litho in USA 01/00

aspen white
2027-70

**BENJAMIN MOORE®
COLOR PREVIEW™**

As color samples are affected by age,
light, heat and mechanical coating
processes, this sample may vary slightly
in color or finish from the actual paint.

litho in USA 01/00

**SYNTHETIC STUCCO
COLOR P2**

BASE COLOR B1



**MONTEREY
MISSION**



**CARIB
SMOOTH**



**COPPER
SMOOTH**

NC

The City of Grants Pass has asked the Applicant to explain their concerns regarding cross access with adjacent Tax Lot 300 to the southwest and Tax Lot 301 to the southeast. This letter explains the Applicant's concerns.

Before launching into the particular circumstances of access for this project, it is useful to describe what cross access is and what it is intended to do. Cross access is where adjacent commercial properties grant one another access easements so that parking lots are interconnected. The purpose of cross access is to allow customers of several businesses (usually combinations of retail and service uses) to get from one business's parking lot to the other without having to use the public street system. This should create a mutual benefit for the properties by sharing customers. It is important to keep in mind that cross access is not the same as a combined access. A combined access is where one or more parcels take access to the public street system via a shared road approach and thus also share in the burdens and benefits of the shared access.

The distinction between a combined access and a cross access easement and the configuration of the three properties is exactly what creates the fundamental concern for cross access for the hotel project. The hotel project is at the end of an access strip. Tax Lot 300 and Tax Lot 301 each already have their own accesses to the public street system (each parcel has historically had two accesses each to NE Morgan Lane). Tax Lot 300 has a gas station which generates approximately 111 average daily trips in the P.M. peak hour (ITE Manual 7th generation). Tax Lot 301 is currently vacant but has been purchased by Inn-n-Out Burger and therefore the most likely future use is a fast food with drive through which the ITE manual would estimate to generate approximately 169 PM peak hour trips; Applicant observes that the particular Inn-n-Out Burger franchise tends to outperform its peers to a significant extent and the actual trips associated with that particular business could easily be well over 200. The ITE estimates the Hampton Inn hotel project will generate approximately 76 peak hour trips.

Thus, the total trip generation of the three uses is 355 PM peak hour trips but the hotel project represents just over 20%. The configuration of the parcels is such that cross access on the flag strip portion will function as a third primary access for the two adjacent higher trip generating uses rather as a means for gas station or fast food customers to access the hotel project. This has the effect of creating a combined access that is really for the benefit of the public system without recognizing the adverse impacts to the private hotel project that would see very little if any benefit from the cross access. Customers of the Hampton Inn are more likely to walk to Inn-n-Out as they are to drive it regardless of whether a cross access exists or not; as such the cross access to Tax Lot 301 would be of limited or no benefit to the hotel project. Depending on price and convenience, some of the hotel customers might utilize a cross access with Texaco but this access really just makes it more convenient for the occasional hotel guest to use the Texaco. However, the travelling public still needs to get gas somewhere anyway; thus, it is primarily Texaco benefitting from the convenience for hotel customers. A cross access to the Texaco is unlikely to have any effect whatsoever on the hotel's occupancy. Thus again, the cross access

is primarily a benefit to the high trip generating land use while choking off the access to the hotel with unrelated traffic and no way for the hotel to recoup maintenance costs or business impacts that would be caused cross-access on the flagstrip portion.

The negative impacts to the hotel project would not be as significant for a cross access in a location other than the flagstrip. In an alternative location from the flagstrip, the potential benefit might be roughly proportional to the impact to the hotel project. The problem with a cross accesses further back on the site is that they will not work from a physical standpoint. The Texaco site is walled off on the north property line so any cross access easement would not serve any practical purpose. Any connection further north with the Inn-n-Out burger site is challenged by the retaining wall on the east property line necessary to make the grades work for the hotel building, and again for limited benefit because hotel customers are just as likely to walk to Inn-n-Out as they are to drive to it.

For all the above reasons, the Applicant respectfully requests the City not require cross access be provided to either Tax Lot 300 or 301.

Thank you for your attention to this matter,

Lora Glover

From: John Replinger <replinger-associates@comcast.net>
Sent: Tuesday, June 07, 2016 3:54 PM
To: Lora Glover
Subject: RE: Hampton Inn & In-N-Out

Lora:

I am not especially concerned about cross-access for this application. I'd be more concerned about whether it sets a precedent for the city. I would defer to ODOT as to how important they believe it to be.

John

John Replinger, PE
Replinger & Associates LLC
503-719-3383

From: [Lora Glover](#)
Sent: Tuesday, June 7, 2016 2:00 PM
To: [MOREHOUSE Donald](#); [DORRELL Dan W \(Dan.W.DORRELL@odot.state.or.us\)](#); [WANG Wei * Michael \(Wei.WANG@odot.state.or.us\)](#)
Cc: replinger-associates@comcast.net
Subject: Hampton Inn & In-N-Out

Good afternoon,

I received a telephone message today from Jim Lockington. They are receiving pushback from Hampton Inn regarding the cross access and it is stalling their property line adjustment application. How important is that issue to you regarding access and traffic? If it is not pertinent to the access requirements from ODOT's view, I will have Hampton Inn request a variance to the cross access standard.

~ Lora

Lora Glover
Parks & Community Development Director
Tel: (541)450-6071



City of Grants Pass
101 NW A Street
Grants Pass, OR 97526
www.grantspassoregon.gov

EXHIBIT 6

DISCLOSURE: Messages to and from this E-mail address may be subject to Oregon Public Records Law.

Lora Glover

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Tuesday, June 07, 2016 3:41 PM
To: Lora Glover
Subject: RE: Hampton Inn & In-N-Out

Lora,

The cross access easement is more of a City of Grants Pass issue than an ODOT issue. We are predominately concerned with the access on Morgan and the access on 7th.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us

From: Lora Glover [<mailto:lglover@grantspassoregon.gov>]
Sent: Tuesday, June 07, 2016 2:01 PM
To: MOREHOUSE Donald; DORRELL Dan W; WANG Wei * Michael
Cc: replinger-associates@comcast.net
Subject: Hampton Inn & In-N-Out

Good afternoon,

I received a telephone message today from Jim Lockington. They are receiving pushback from Hampton Inn regarding the cross access and it is stalling their property line adjustment application. How important is that issue to you regarding access and traffic? If it is not pertinent to the access requirements from ODOT's view, I will have Hampton Inn request a variance to the cross access standard.

~ Lora

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Parks & Community Development Director
Tel: (541)450-6071



City of Grants Pass
101 NW A Street
Grants Pass, OR 97526
www.grantspassoregon.gov

EXHIBIT 7

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

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

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

Who to contact at Community Development:

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

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

Visit our website at:
www.grantspassoregon.gov

Parks & Community Development Office is located at:

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

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

Storm Drain System

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

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

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

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

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

What are SDCs?

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

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

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

SDC Fee Adoption & Adjustments

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

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

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

For further assistance...

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

SYSTEM DEVELOPMENT CHARGES



Fees Effective
January 1, 2016 through
December 31, 2016

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

Water System

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

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

<u>Water Pressure Zones 1, 2&3:</u>	
<i>(based on water meter size)</i>	
3/4"	\$2,845
1"	\$7,116
1-1/2"	\$14,234
2"	\$22,776

Water Pressure Zones 4, 5 & up:

<i>(based on water meter size)</i>	
3/4"	\$3,311
1"	\$8,279
1-1/2"	\$16,559
2"	\$26,494

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

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

Sewer System

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

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

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

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

Redwood Sewer District

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

*For typical new construction within the RSSSD, the following schedule applies:

<u>Residential in Redwood Sewer District:</u>	
1 toilet	\$3,835
2 toilets	\$4,135
3 toilets	\$4,435
4 toilets	\$4,735
5 toilets	\$5,035

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

Transportation

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

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

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

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

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

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

Parks

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

This SDC will help fund capital improvements and development of the park, trail and open space system.

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

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

<u>Parkland Acquisition</u>	\$461.21 per residence
<u>Park Development</u>	\$370.45 per residence
<u>Total per unit</u>	<u>\$831.66</u>

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

<u>Parkland Acquisition</u>	\$42.23 per new parking space built
<u>Park Development</u>	\$32.97 per new parking space built
<u>Total per parking space</u>	<u>\$75.20</u>

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

See other side for Storm Drain SDC Information

Grading Permit Only:

The following permit charges apply for all projects either filling, grading or removing soil:

<u>Grading Volume</u>	<u>Charge</u>
50 cubic yards (CY) or less	\$ 70.00
51 – 100 (CY)	\$ 103.00
101 – 1,000 (CY)	Base Fee \$115.00
1,001 – 10,000 (CY)	Base Fee \$233.00
10,001 – 100,000 (CY)	Base Fee \$467.00
100,001 (CY) or more	Base Fee \$937.00
Each Additional 10,000 (CY)	\$56.00 / 10,000 (CY)

Plat Check Charges:

Plat Check Charges are required to be paid in full upon application for final plat.

The following table applies for all surveying charges:

<u>Survey Item</u>	<u>Charge</u>
Partitions	\$115.00
Property Line Adjustments	\$110.00
Subdivision, Pre-Monumented	\$233.00 + \$22.00/lot
Subdivision, Post-Monumented	\$350.00 + \$34.00/lot
Condominiums	\$409.00 + \$34.00/unit

ENGINEERING CHARGES FOR PRIVATE DEVELOPMENTS



Fees Effective
September 12, 2011

Revised 1/1/2016



City of Grants Pass
Parks & CD Department
101 Northwest "A" Street
Grants Pass, OR 97526

Phone: (541) 450-6060
Fax: (541) 476-9218

www.grantspassoregon.gov

A Guideline For Anticipating
Potential Engineering Division
Charges For Your Development

ADOPTION

Engineering charges were adopted by the City Council on September 7, 2011. Hourly billing was eliminated and a fixed rate fee schedule for all charges was enacted. For more specific information, please refer to Resolution No. 5850.

ENGINEERING CHARGES FOR SERVICES WILL NOW BE BASED ON THE FOLLOWING:

Developer Installed Projects:

The following fees will be assessed and collected for all Developer Installed Projects: Plan Review Fee, Encroachment Permit Fee, Grading Permit Fee, Inspection Services Fee and GIS Fee.

The Plan Review Fee consists of a \$526.00 base fee + \$57.00 per lot. This fee will be paid in full at the time of plan submittal.

The Encroachment Permit Fee is a flat fee of \$70.00 and will be paid in full and the permit issued prior to the start of construction.

The Grading Permit Fee is determined by the quantity of soil being excavated and/or deposited. This fee will be paid in full and the permit issued prior to the start of construction. Fees are calculated as follows:

<u>Grading Volume</u>	<u>Charge</u>
50 cubic yards (CY) or less	\$ 70.00
51 – 100 (CY)	\$ 103.00
101 – 1,000 (CY)	Base Fee \$115.00
1,001 – 10,000 (CY)	Base Fee \$233.00

10,001 – 100,000 (CY)	Base Fee \$467.00
100,001 (CY) or more	Base Fee \$937.00
Each Additional 10,000 (CY)	\$56.00 / 10,000 (CY)

The Inspection Services Fee will be based on the estimated construction costs (to be provided by the developer's engineer before approved construction drawings are submitted to Engineering). Fees will be collected prior to the pre-construction meeting and start of construction and before issuance of the Development Permit by Planning.

The following table applies for all projects requiring inspection for public facilities:

<u>Estimated Const. Cost</u>	<u>Service Charge</u>
\$100,000 or less	5.00%
\$200,000	4.60%
\$300,000	4.30%
\$400,000	4.10%
\$500,000	3.90%
\$600,000	3.80%
\$700,000	3.70%
\$800,000	3.60%
\$900,000	3.50%
\$1,000,000 or more	3.40%

Public facilities include all City owned and operated public waterlines, storm drain lines, wastewater lines, streets and signals. It also includes appurtenances for all of the above such as fire hydrants, manholes, and signage. Private developments will be required to provide the City with the estimated costs for the public facilities. The City will check the estimated costs to ensure they are consistent with current industry construction standards prior to requiring payment for inspection charges.

Geographical Information System (GIS) Fee

Per City of Grants Pass Resolution No. 5935 adopted April 18, 2012, a 5% GIS Fee will be added to the Inspection Services Fee calculated from the Valuation Form and paid at the time that the Inspection Services Fee is collected.

Encroachment Permit Only:

When an engineering plan review of the proposed improvements is not required, a base fee of \$70.00 plus the following charges apply for the applicable items:

<u>Encroachment Item</u>	<u>Charge</u>
Excavation (100 sq ft or less) (ea)	\$ 22.00
Excavation (101-1000 sq ft) (ea)	\$ 93.00
Excavation (1001-3000 sq ft) (ea)	\$187.00
Excavation > 3001 sq ft (ea)	\$233.00
Driveway Approach (per sq ft)	\$ 0.35
Sidewalk (per sq ft)	\$ 0.24
Pavement (per sq ft)	\$ 0.24
Valley Gutter (per sq ft)	\$ 0.24
Manhole or Catch Basins (ea)	\$233.00
Fire Hydrant (ea)	\$350.00

<u>Encroachment Item</u>	<u>Charge</u>
Pedestrian Benches (ea)	\$ 22.00
Traffic Survey Counts (ea)	\$140.00
Annual Blanket (ea)	\$ 87.00
Tree/Stump Removal (ea)	\$ 22.00
Deposit Material in ROW (ea)	\$ 44.00
Curb/Gutter (per lf)	\$ 0.35
Storm Drain (per lf)	\$ 1.17
Water Laterals (per lf)	\$ 1.17
Sewer Laterals (per lf)	\$ 1.17
Walls less than 3' in height (ea)	\$ 56.00
Walls more than 3' in height (ea)	\$ 56.00
+ \$1.40/sf of wall area	

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

**NUNN'S WILLOW ESTATES II
SUBDIVISION TENTATIVE PLAN
STAFF REPORT**

Procedure Type:	Type III: Urban Area Planning Commission	
Project Number:	104-00101-16	
Project Type:	Subdivision Tentative Plan	
Owner(s):	Nunn Family Rev Trust	
Applicant:	Ron Nunn	
Representative:	Rhine-Cross Group, LLC. Attn: Marc Cross	
Property Address:	1155 Willow Lane	
Map and Tax Lot:	36-06-23-AC, TLs 2000 & 2001 See Exhibits 1 and 2.	
Zoning:	R-3-1 & GC (City)	
Size:	6.85 acres	
Planner Assigned:	Lora Glover	
Application Date:	May 5, 2016	
Application Complete:	May 13, 2016	
Date of Staff Report:	June 15, 2016	Due: 06/15/2016
Hearing Date:	June 22, 2016	
120 Day Deadline:	September 10, 2016	

I. PROPOSAL:

The proposal is to subdivide the approximately 6.85 acre property into a total of 25 lots and to develop a total of 48 residential units, with duplexes on 24 of the lots. Proposed Lot 10 will be occupied by an existing office building. The property is zoned GC and R-3. A portion of tax lot 2000 is developed with a number of duplex dwellings. The tentative plan reflects the project will be developed in two phases. Phase I will consist of Lots 1-10; the partial development of Cloudmont Drive (Local Access Street); and the partial development of Estates Lane (Collector Street). Phase II will consist of Lots 11-25; the extension of Cloudmont Drive; the half-street extension of Estates Lane to the intersection of Cashmere Drive and Kellenbeck Avenue; and the development of Alderdale Drive (Local Access Street) from Estates Lane to the north property line of TL 2001. The tentative plan and narrative are attached as **Exhibit 3a & 3b**. The traffic analysis is attached as **Exhibit 4a**, along with the City's Traffic Engineer's concurrence **Exhibit 4b**.

II. AUTHORITY:

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

III. CRITERIA:

The decision on the Tentative Plan must be based on the criteria contained in Section 17.413 of the Development Code.

IV. APPEAL PROCEDURE:

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

V. BACKGROUND AND DISCUSSION:

A. Characteristics of the Property:

- 1. Land Use Designation:
 - a. Comprehensive Plan: Moderate High Density Residential/General Commercial
 - b. Zone District: R-3-1/GC
 - c. Special Purpose District: None
- 2. Size: 6.85 acres
- 3. Frontage: Willow Lane (Collector), Estates Lane (Collector)
- 4. Access: Lots will have access from interior public streets
- 5. Public Utilities:
 - a. Existing Utilities:
 - i. Water: 8-inch main in Estates Lane; 12-inch main in Willow Lane
 - ii. Sewer: 8-inch main Estates Lane; 12-inch main in Willow Lane
 - iii. Storm Drain: 36-inch in Willow, partial 12, 15 & 30-inch in Estates
 - b. Proposed Utilities:
 - i. Water: 8-inch main in Cloudmont Dr. & Alderdale Dr;
 - ii. Sewer: 8-inch main in Cloudmont Dr. & Alderdale Dr;
8-inch main across Lots 5-8

- iii. Storm: Extension of the storm drain in Estates Lane; partial storm drain in Cloudmont Drive, Alderdale Drive and across the Lots 5-8 between Cloudmont and Estates Lane.
- 6. Topography: Relatively flat
- 7. Natural Hazards: None
- 8. Natural Resources: None
- 9. Existing Land Use:
 - a. Subject Parcel: TL 2000 – 5.5 duplex units & office building
TL 2001 - vacant
 - b. Surrounding: Moderate Density Residential

B. Background:

The proposal is to subdivide the approximately 6.85 acre tract into 25 lots. Each of the new vacant lots would be developed with a duplex, providing for 48 additional residential units. Proposed Lot 10 will be occupied by an existing office building. The property is zoned GC and R-3. A portion of tax lot 2000 is developed with a number of duplex dwellings. The tentative plan reflects the project will be developed in two phases. Phase I will consist of Lots 1-10; the partial development of Cloudmont Drive (Local Access Street); and the partial development of Estates Lane (Collector Street). Phase II will consist of Lots 11-25; the extension of Cloudmont Drive; the half-street extension of Estates Lane to the intersection of Cashmere Drive and Kellenbeck Avenue (as conditioned below); and the development of Alderdale Drive (Local Access Street) from Estates Lane to the north property line of TL 2001.

TL 2000 is currently developed with 5.5 duplex units (0.5 unit is located on TL 1600); an existing office building which is used for the property management services; and, an accessory structure which will be removed. TL 2001 is vacant. As conditioned below, the applicant will be required to submit a revised tentative plan reflecting the developed area of TL 2000 with the existing duplex units as Lot 26, or submit a Property Line Adjustment to combine the developed area of TL 2000 with TL 1600.

A condition of approval will require that access for the lots will be off the internal streets. Lots 6 and 7 are reflected as flag lots with temporary turnarounds during the phasing of the project. The back-to-back flagpoles are intended to be used as shared driveway access for Lots 1-8. The tentative plan reflects the installation of both sewer and storm mains in the back-to-back flags. A revised tentative plan reflecting a 20 ft. drivable and unobstructed utility easement shall be dedicated over the utilities.

VI. 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.

Staff Response: Satisfied with Conditions. The R-3 zone district requires a minimum lot size of 5,000 square feet. The GC zone does not require a minimum lot size; however, it does require a minimum lot width of 25 ft., and a minimum lot depth of 100 ft. The zone boundary line runs approximately along Lots 1-8. As reflected on the tentative plan, the proposed lots meet the minimum requirement. As proposed, Lot 6 and Lot 7 are flag lots with a minimum lot frontage of 20 feet in accordance with Section 27.200.

There is an existing structure on proposed Lot 1 but the tentative plan does not show setback distances for the structure or a proposed driveway. Direct access on collector streets shall be avoided where practical. The minimum distance for new driveways from a Local Access intersection is 20 ft. As conditioned below, the applicant will be required to submit a revised tentative, demonstrating that all required setbacks are met on Lot 10, along with a proposed driveway access in accordance with Section 27.121.11.c.

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

Staff Response: Satisfied. As previously noted, the tentative plan reflects the project will be developed in two phases. Phase I will consist of Lots 1-10; the partial development of Cloudmont Drive (Local Access Street); and the partial development of Estates Lane (Collector Street). Phase II will consist of Lots 11-25; the extension of Cloudmont Drive; the half-street extension of Estates Lane to the intersection of Cashmere Drive and Kellenbeck Avenue (as conditioned below); and the development of Alderdale Drive (Local Access Street) from Estates Lane to the north property line of TL 2001.

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

Staff Response: Satisfied with Conditions. The tentative plan reflects the development of two new internal local access streets (50 ft. right-of-way, 5.5 ft. planter strips and 5 ft. sidewalks). The first street is "Cloudmont Drive" running east and west

off Willow Lane to the second proposed street "Alderdale Drive". Alderdale Drive will run north and south off of the half-street extension of Estates Lane to the north property line of TL 2000. This will provide for future street connection for the properties to the north allowing for eventual connection to Leonard Road. The tentative plan reflects the dedication of 8 ft. of additional right of way for Estates Lane. As conditioned, the applicant will be required to extend Estates Lane east to the intersection of Cashmere Drive and Kellenbeck Avenue. The extension of Estates Lane will include half street improvements (Collector Street Standards) 7.5 ft. planter strip, 6 ft. sidewalk and 5 ft. bike lane. A revised tentative plan reflecting the correct street profiles will be a condition of approval.

The tentative plan reflects back-to-back flagpole lots which will provide shared driveway access for Lots 2-7. The proposal will put twelve units accessing a 20 ft. driveway with no additional parking. The Development Code does not provide specific standards for a shared driveway. After discussing the situation with the applicant's representative, a condition of approval will require a revised tentative plan reflecting 25-30 ft. flagpoles for Lots 6 & 7 to provide two-way access across the shared driveway.

In 2004, the City Council passed Resolution 4851, which requires off-site pedestrian paths to connect all new subdivisions to "destination" streets. Willow Lane is listed as a destination street. As reflected on the tentative plan, sidewalks will be provided on the two new local access streets and the extension of Estates Lane in accordance with Resolution 4851.

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

Staff Response: Satisfied with Conditions.

Water: The proposal includes the extension of 8" public water mains in Cloudmont Drive and Alderdale Drive to provide domestic and fire services to the individual lots. As conditioned below, the applicant shall submit a detailed utility plan to the Engineering Division for review and approval. The plan will need to include: location of fire hydrants; and, water services for each lot within a public right-of-way;

Sewer: The proposal includes the extension of 8" public sewer main to provide sewer service to the individual lots along Cloudmont Drive and Alderdale Drive. A condition of approval will require the extension of the sewer main on Alderdale to the north property line of TL 2000. Separate sewer laterals are required for each lot. The tentative plan also reflects the extension of a sewer main down the two proposed flagpoles from Cloudmont Drive to approximately twenty feet past the north property lines of Lots 4 & 5. The installation of the proposed sewer main across private lots will require the dedication of a twenty (20) ft. drivable and unobstructed easement, to include drivable access to all manholes and cleanouts. As conditioned below, a detailed utility plan shall be submitted to the Engineering Division.

Storm Water: The property is located in the Sand Creek Drainage basin. Development in the basin is subject to the Storm System Development Charges (SDCs) rate (see **Exhibit 5**). The proposal includes the construction of partial storm mains in the shared

driveway access noted above, along with partial mains in Cloudmont Drive and Alderdale Drive. As conditioned below, the applicant shall submit storm drain calculations that must demonstrate that post-development run-off does not exceed pre-development run-off and that storm drainage does not cross property lines without an easement. As noted above, a detailed utility plan shall also be required to be submitted for review and approval.

Other Utilities: As conditioned below and reflected on the tentative plan, a 10 ft. City Utility Easement (CUE) must be dedicated along all existing and proposed street frontages.

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

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

Staff Response: Satisfied with Conditions. The applicant provided a tree canopy chart (see Exhibit 3) showing existing trees to be retained and existing trees to be removed. The site has an existing tree-canopy cover of approximately 2.27%. As required by Section 11.041, residential developments in the R-3 zone shall maintain or re-establish a tree-canopy cover of 15% to 20%, which typically requires 2-3 trees per lot. As conditioned below, prior to a Development Permit being issued for the project, an existing tree canopy coverage and tree protection plan shall be submitted per Section 11.050. As conditioned below, prior to final plat, the applicant shall submit a revegetation plan and pay applicable tree deposits per Section 11.060.

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

Staff Response: Satisfied. The site is relatively flat; therefore cuts and fills are not expected to exceed 1-2 feet. No retaining walls are proposed other than potential landscape walls less than 2 ft. as noted in the applicant's narrative.

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

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

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

Staff Response: Satisfied with Conditions. The proposed subdivision name of "Willow Estates II Subdivision" was not approved by the County Surveyor. He could find no evidence of a subdivision named "Willow Estates I Subdivision". In reviewing the County Clerk's and County Surveyor's records, he did note that there are currently eight

subdivisions that either begin with “Willow” or have “Willow” or “Estates” in their title. Some are in the same vicinity as the proposed subdivision and some have almost identical wording. Based upon the County Surveyor’s comments, the applicant will be required to submit an alternate subdivision name for review and approval (see **Exhibit 6**).

As conditioned below, the proposed street names of “Cloudmont Drive” and “Alderdale Drive” shall be amended to include the “SW” directional identifier (Section 6.40.030.B of the Municipal Code).

Based upon the conditions listed below, along with the submittal of a revised tentative subdivision plan and utility plans as previously discussed, the applicant is demonstrating compliance with all applicable Grants Pass Comprehensive Plan, Development Code requirements, and state and federal laws given the conditions of approval stated below.

VII. RECOMMENDATION:

Staff recommends the Planning Commission **APPROVE** the request for the two phased twenty-five (25) lot tentative plan with the conditions listed below.

CONDITIONS OF APPROVAL:

A. The following must be accomplished within 18 months of the Planning Commission’s Decision and prior to issuance of a Development Permit for Phase I (Lots 1-10). (Note: A Development Permit is required in order to obtain a grading permit.):

1. Submit a revised tentative showing the following:
 - a. An alternative subdivision name for review and approval.
 - b. Revised street names with the directional identifier of “SW” in accordance with Section 6.40.030 of the Municipal Code.
 - c. Setback distances for existing structures on Lot 10 (all setbacks must meet or exceed required minimum setback distances).
 - b. Driveway access for Lot 10 in conformance with Section 27.121.11.c.
 - c. The addition of Lot 26 for the developed portion of TL 2000; or submit a Property Line Adjustment between TLs 1600 & 2000.
 - d. Reflect the half-street extension of Estates Lane to the intersection of Cashmere Drive and Kellenbeck Avenue.
 - e. Reflect a 20 ft. unobstructed and drivable easement over the sewer and storm mains in the flag poles on Lots 6 & 7.

- f. Revised street sections:
 - i. Local Access Standards: 50 ft. row, 5.5 planter strip and 5 ft. sidewalk (Cloudmont Drive and Alderdale Drive).
 - ii. Collector Standards: 60 ft. row, 7.5 planter strip and 6 ft. sidewalk (Estates Lane).
2. Provide a letter from the Responsible Engineer who will be supervising the construction of the subdivision. The Responsible Engineer will be required to submit a letter at final plat application verifying that he/she supervised the grading and construction for the entire parcel and individual lots and that the grading and construction was completed according to approved plans.

If the responsible engineer proposes to delegate any of these responsibilities, the arrangement shall be approved in writing by the City Engineering Division prior to issuance of a Development Permit.
 3. Submit an NPDES permit from the Department of Environmental Quality. Submit a copy of the approved permit to the Parks and Community Development Department.
 4. Submit an existing tree canopy coverage and tree protection plan per Section 11.050:
 - a. An aerial photo or other graphic depicting percentage of tree canopy on the site. The aerial photograph used shall be the most recent aerial photography used and available from the City.
 - b. The location and percentage of dominant and co-dominate tree canopy to remain during construction.
 - c. Indicate how the trees or groups of trees will be marked in the field to distinguish them as protected trees during construction/grading.
 - d. Type of protection to be placed around the trees at the drip line.
 - e. An outline-level narrative of the plan to maintain and/or re-establish tree canopy.
 5. Submit four (4) copies of civil drawings with appropriate review fees to the City Engineering Division for review and approval:
 - a. Provide a grading plan and receive a grading permit prior to any earthwork. Include the creation of building pads in the grading plan if completed as part of the construction of the subdivision. If building pads are created as part of the grading of the subdivision then a map showing the extent of the grading will be required at the time of final plat.
 - b. Provide an erosion control and dust control plan for the subdivision.
 - c. Include any provisions of the NPDES permit on the construction plans.
 - d. Present engineered construction drawings stamped by a registered Engineer, including plans and profiles if necessary, that detail the

following improvements to the City Engineering Division for review and approval.

- e. Submit storm drain calculations that demonstrate that post-development run-off does not cross property lines without an easement.

Street Improvements:

- i. Show full street improvements to SW Cloudmont Drive to City standards.
- ii. Show the half-street improvements along Estates Lane to the phasing line of Phase I in accordance with City Standards. Obtain an encroachment permit for work within the right of way.
- iii. Identify Mailbox locations.
- iv. Reflect proposed street lighting in accordance with Section 27.121.16 of the Development Code.
- v. Developer will paint 20' yellow setbacks at the corners and paint white stop bar at stop sign.
- vi. City will install the required street name sign, "stop" sign, and will bill developer for all costs.
- vii. Any other signs will be up to the developer to install.
- viii. Provide storm drain calculations demonstrating that post development run-off does not exceed pre development run-off and that storm drainage does not cross property lines without an easement.

Utility Plan:

- i. Show the extension of an 8" public water main in SW Cloudmont and SW Alderdale Drive.
- ii. Show the extension of an 8" public sewer main in SW Cloudmont, SW Alderdale Drive and the shared driveway access.
- iii. Show the extension of a 12" public storm water main in SW Cloudmont, SW Alderdale Drive and the shared driveway access.
- iv. RP backflow devices shall be required as "premises" protection on all water services (new and existing) if GPID or private wells are present.
- v. All "premises" backflow prevention devices shall be located within 10 feet behind each water meter.

- vi. DC backflow devices shall be required as “point of use” protection on all water services containing multiple zone irrigation systems.
 - vii. Separate sewer and water services shall be required for separate lots.
 - viii. Unutilized private sewer laterals on Grandview Lane not utilized for the development shall be properly abandoned as directed by the wastewater collection division.
 - ix. Provide utility plans for PPL, Qwest and Avista. Show all pedestals and boxes to be installed (This is to verify utilities can be installed within dedicated City Utility Easements).
6. Sign a Developer Installed Agreement for Public Improvements.
 7. Obtain a demolition permit and remove the accessory structure located in the SW Cloudmont Drive and Lot 8 as reflected on the tentative plan.

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

1. Substantially complete all construction items related to SW Cloudmont and SW Estates Lane for those areas pertinent to Phase I.
 - a. Secure for any remaining construction items in accordance with City Standards.
 - b. Submit a one year maintenance guarantee.
 - c. Submit as-built drawings of all public improvements or secure for them in accordance with City policy.
 - d. Install a commercial thickness approach for the approaches on the shared driveway access.
2. Submit a recorded copy of a Property Line Adjustment between TLs 1600 & 2000.
3. Submit a tree revegetation plan in accordance with Section 11.060:
 - a. Location of trees or groups of trees remaining on site post development as related to new lot lines.
 - b. A tree planting plan identifying general locations of where new trees will be planted and include the height, caliper and species of trees recommended to be planted.
 - c. The percentage of tree canopy proposed to be re-established. The calculation shall be based upon the type of trees to be planted and

number of trees needed per lot, and shall meet the conditions of tentative plan approval.

- d. Demonstration of efforts to promote diversity of tree species.
 - e. The Tree Re-vegetation Plan shall be recorded along with the final plat/plan.
4. Pay the tree deposit fee in the amount of \$300 for each new lot in Phase I (Section 11.060.2).
 5. Separate sewer and water services are required for each lot. Private sewer and water lines shall not cross other lots.
 6. Existing private laterals reutilized by the new development shall be TV inspected prior to reuse. All defects discovered during the TV inspection shall be corrected prior to reuse by the new development.
 7. If individual lots were graded as part of the grading permit for the subdivision, provide a map of those lots with new building pads and include the dimensions of the area graded.
 8. All adjacent streets shall be swept regularly during construction.
 9. Street name sign, "stop" sign, and "no parking" signs (if needed) shall be paid for by the developer and installed by the City. All other signs and markings including "sidewalk ends signs", painting curbs at 20 foot setback at intersections for no parking, ten feet of yellow each side of hydrants, and a white stop bar at the stop signs are to be completed by the developer.
 10. Power, telephone, cable television and natural gas lines shall be installed underground and within the 10 foot City Utility Easements.
 11. Pay all engineering inspection fees due.
 12. Submit a letter from the Responsible Engineer stating that he/she supervised the grading and construction for the entire parcel and individual lots and the grading and construction was completed according to approved plans.
 13. Properly abandon any existing wells and provide evidence of proper abandonment to the Parks and Community Development Department.
 14. All water services on existing public water lines shall be installed by City of Grants Pass Water Distribution Crews. All encroachment fees related to the installation of water services shall be the responsibility of the developer.
 15. Complete installation of the public utility services as reflected on the approved utility plans.

16. Provide a copy of any proposed CC&R's & deed restrictions if they are desired by the developer. There are no CC&Rs or deed restrictions required as a condition of this approval.
17. Provide a land division guarantee issued by a title company.
18. Submit a final plat in accordance with Section 17.422 of the City of Grants Pass Development Code. Incorporate any modifications or conditions required as part of tentative approval. A professional land surveyor must survey the subdivision. A plat check by the City Surveyor and payment of appropriate fees is required. Failure to comply with this condition will nullify the approval of the Tentative Plat. Include the following on the plat:
 - a. Dedication of SW Cloudmont Drive and SW Estates Lane to the public (those portions pertinent to Phase I).
 - b. All easements indicated on approved construction plans.
 - c. A ten-foot wide City Utility Easement dedicated to the City of Grants Pass along all necessary street frontages pertinent to Phase I.
 - d. Dedicate the 8 ft. of additional right-of-way for Estates Lane as reflected on the tentative plan.
 - e. Include any necessary drainage and cross access easements.
 - f. A 20 ft. unobstructed and drivable easement over the sewer and storm mains located within the flag poles for Lots 6 & 7.

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 must be accomplished within 36 months of the Planning Commission's Decision and prior to issuance of a Development Permit for Phase II (Lots 11-25). (Note: A Development Permit is required in order to obtain a grading permit.):

1. Submit a revised tentative showing the following:
 - a. Revised street sections:
 - i. Local Access Standards: 50 ft. row, 5.5 planter strip and 5 ft. sidewalk (Cloudmont Drive and Alderdale Drive).
 - ii. Collector Standards: 60 ft. row, 7.5 planter strip and 6 ft. sidewalk (Estates Lane).

- b. Reflect the half-street extension of Estates Lane to the intersection of Cashmere Drive and Kellenbeck Avenue.
 - c. Reflect a street plug at the north end of SW Alderdale Drive.
2. Provide a letter from the Responsible Engineer who will be supervising the construction of the subdivision. The Responsible Engineer will be required to submit a letter at final plat application verifying that he/she supervised the grading and construction for the entire parcel and individual lots and that the grading and construction was completed according to approved plans.

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

3. Submit an NPDES permit from the Department of Environmental Quality. Submit a copy of the approved permit to the Parks and Community Development Department.
4. Submit four (4) copies of civil drawings with appropriate review fees to the City Engineering Division for review and approval:
- a. Provide a grading plan and receive a grading permit prior to any earthwork. Include the creation of building pads in the grading plan if completed as part of the construction of the subdivision. If building pads are created as part of the grading of the subdivision then a map showing the extent of the grading will be required at the time of final plat.
 - b. Provide an erosion control and dust control plan for the subdivision.
 - c. Include any provisions of the NPDES permit on the construction plans.
 - d. Present engineered construction drawings stamped by a registered Engineer, including plans and profiles if necessary, that detail the following improvements to the City Engineering Division for review and approval.
 - e. Submit storm drain calculations reflecting that post-development run-off does not exceed pre-development run-off and that storm drainage does not cross property lines without an easement.

Street Improvements:

- i. Show full street improvements for SW Cloudmont Drive pertinent to Phase II, and SW Alderdale Drive to City standards.
- ii. Show the half-street improvements along Estates Lane to the intersection of Cashmere Drive and Kellenbeck Avenue in

accordance with City Standards. Obtain an encroachment permit for work within the right of way.

- iii. Identify Mailbox locations.
- iv. Reflect proposed street lighting in accordance with Section 27.121.16 of the Development Code.
- v. Developer will paint 20' yellow setbacks at the corners and paint white stop bar at stop sign.
- vi. City will install the required street name sign, "stop" sign, and will bill developer for all costs.
- vii. Any other signs will be up to the developer to install.
- viii. Provide storm drain calculations demonstrating that post development run-off does not exceed pre development run-off and that storm drainage does not cross property lines without an easement.

Utility Plan:

- ix. Show the extension of an 8" public water main in SW Cloudmont and SW Alderdale Drive.
- x. Show the extension of an 8" public sewer main in SW Cloudmont, SW Alderdale Drive and the shared driveway access.
- xi. Show the extension of a 12" public storm water main in SW Cloudmont, SW Alderdale Drive and the shared driveway access.
- xii. RP backflow devices shall be required as "premises" protection on all water services (new and existing) if GPID or private wells are present.
- xiii. All "premises" backflow prevention devices shall be located within 10 feet behind each water meter.
- xiv. DC backflow devices shall be required as "point of use" protection on all water services containing multiple zone irrigation systems.
- xv. Separate sewer and water services shall be required for separate lots.
- xvi. Unutilized private sewer laterals on Grandview Lane not utilized for the development shall be properly abandoned as directed by the wastewater collection division.

xvii. Provide utility plans for PPL, Qwest and Avista. Show all pedestals and boxes to be installed (This is to verify utilities can be installed within dedicated City Utility Easements).

5. Sign a Developer Installed Agreement for Public Improvements.

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

1. Substantially complete all construction items related to SW Cloudmont Drive, SW Alderdale Drive and SW Estates Lane (to the intersection of Cashmere Drive and Kellenbeck Avenue).
2. Secure for any remaining construction items in accordance with City Standards.
 - a. Submit a one year maintenance guarantee.
 - b. Submit as-built drawings of all public improvements or secure for them in accordance with City policy.
 - c. Install a commercial thickness approach for the turn-around on SW Alderdale Drive.
3. Submit a tree revegetation plan in accordance with Section 11.060:
 - a. Location of trees or groups of trees remaining on site post development as related to new lot lines.
 - b. A tree planting plan identifying general locations of where new trees will be planted and include the height, caliper and species of trees recommended to be planted.
 - c. The percentage of tree canopy proposed to be re-established. The calculation shall be based upon the type of trees to be planted and number of trees needed per lot, and shall meet the conditions of tentative plan approval.
 - d. Demonstration of efforts to promote diversity of tree species.
 - e. The Tree Re-vegetation Plan shall be recorded along with the final plat/plan.
4. Pay the tree deposit fee in the amount of \$300 for each new lot in Phase II (Section 11.060.2).
5. Separate sewer and water services are required for each lot. Private sewer and water lines shall not cross other lots.

6. Existing private laterals reutilized by the new development shall be TV inspected prior to reuse. All defects discovered during the TV inspection shall be corrected prior to reuse by the new development.
7. If individual lots were graded as part of the grading permit for the subdivision, provide a map of those lots with new building pads and include the dimensions of the area graded.
8. All adjacent streets shall be swept regularly during construction.
9. Street name sign, "stop" sign, and "no parking" signs (if needed) shall be paid for by the developer and installed by the City. All other signs and markings including "sidewalk ends signs", painting curbs at 20 foot setback at intersections for no parking, ten feet of yellow each side of hydrants, and a white stop bar at the stop signs are to be completed by the developer.
10. Power, telephone, cable television and natural gas lines shall be installed underground and within the 10 foot City Utility Easements.
11. Pay all engineering inspection fees due.
12. Submit a letter from the Responsible Engineer stating that he/she supervised the grading and construction for the entire parcel and individual lots and the grading and construction was completed according to approved plans.
13. Properly abandon any existing wells and provide evidence of proper abandonment to the Parks and Community Development Department.
14. All water services on existing public water lines shall be installed by City of Grants Pass Water Distribution Crews. All encroachment fees related to the installation of water services shall be the responsibility of the developer.
15. Complete installation of the public utility services as reflected on the approved utility plans.
16. Provide a copy of any proposed CC&R's & deed restrictions if they are desired by the developer. There are no CC&Rs or deed restrictions required as a condition of this approval.
17. Provide a land division guarantee issued by a title company.
18. Submit a final plat in accordance with Section 17.422 of the City of Grants Pass Development Code. Incorporate any modifications or conditions required as part of tentative approval. A professional land surveyor must survey the subdivision. A plat check by the City Surveyor and payment of appropriate fees is required. Failure to comply with this condition will nullify the approval of the Tentative Plat. Include the following on the plat:
 - a. Dedication of SW Cloudmont Drive, SW Alderdale Drive and SW Estates Lane to the public (those portions pertinent to Phase II).

- b. All easements indicated on approved construction plans.
- c. A ten-foot wide City Utility Easement dedicated to the City of Grants Pass along all necessary street frontages pertinent to Phase II.
- d. Include any necessary drainage and cross access easements.
- e. Dedicate a street plug on the north end of Alderdale Drive.

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.

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

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

1. Payment of all System Development Charges due; including, but not limited to, water, storm, sewer, parks and transportation (see *Exhibit 5*).
2. Development of lots shall be in accordance with solar standards.
3. Each lot shall have separate utility services.
4. All utilities shall be placed underground.
5. Comply with the Uniform Fire and Building Codes.
6. Instill landscaping in accordance with the approved landscape plan (Sections 11.041 ~ Tree Canopy and 23.031 ~ Residential Front Yard).
7. Submit lot drainage plans for approval on all building plans.
8. Significant size trees shall be retained and protected out to the drip line, in accordance with the tree protection plan and pursuant to Section 11.050
9. Tree refund in the amount of \$300 per lot is available within one (1) year of final inspection and submittal of a valid receipt meeting or exceeding that amount of trees only.
10. Developed or undeveloped building lots will need to be maintained for weed and grass control throughout the year.
11. Provide addresses visible from the public right-of-way.

12. Gravel driveway approaches and other erosion and track out control measures shall be in place during construction of individual lots.
13. Prior to occupancy, driveways and parking and maneuvering areas shall be paved in accordance with the requirements of the Development Code.

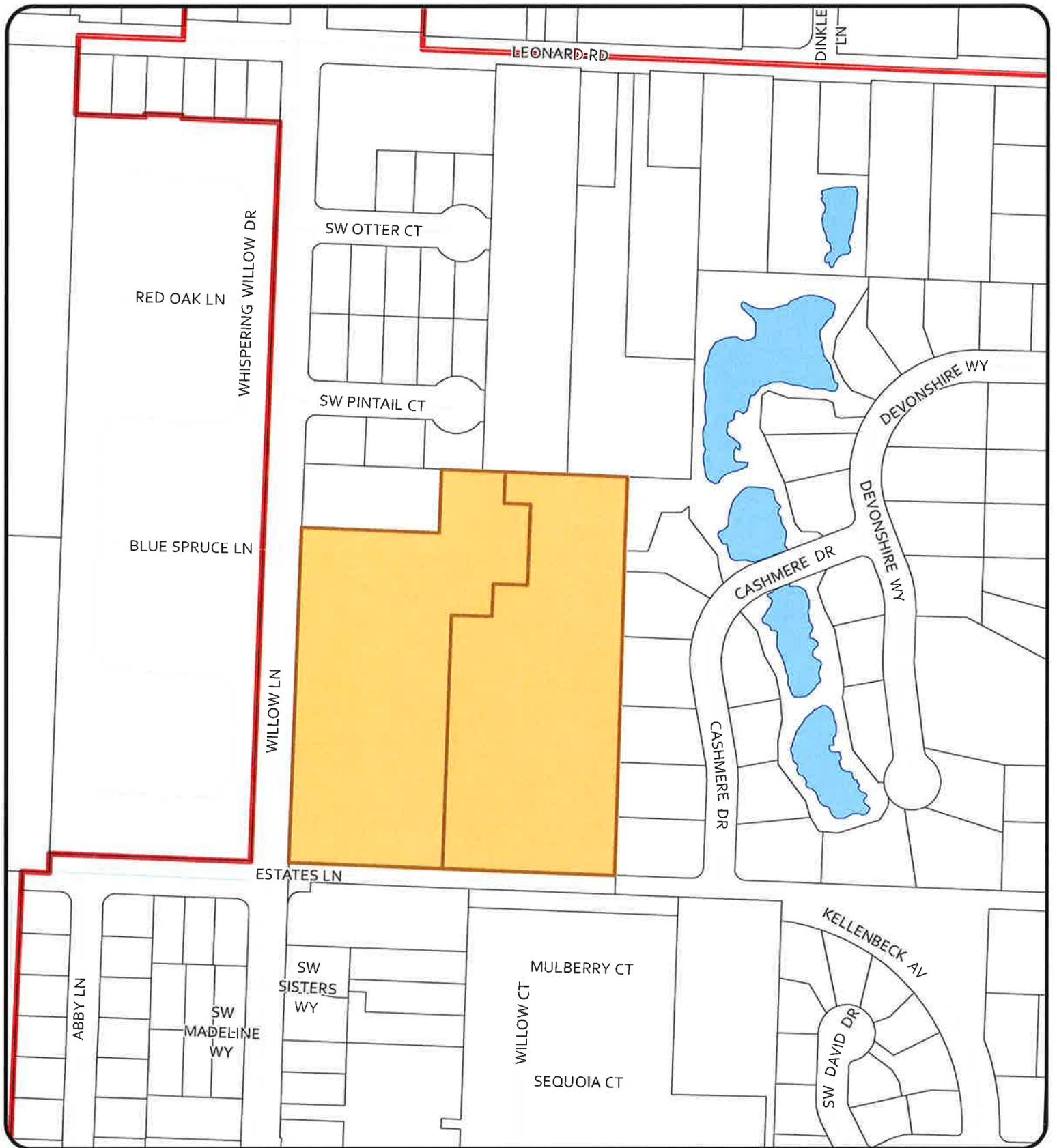
VIII. PLANNING COMMISSION ACTION:

- A. Positive Action: Approve the request as submitted with the conditions stated in the staff report.as modified by the Planning Commission (list):
- B. Negative Action: Deny the request for the following reasons (list):
- C. Postponement: Continue item indefinitely to a time certain.

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

IX. INDEX TO EXHIBITS:

1. Location Map
2. Aerial Photo
3. Tentative Plan & Narrative
4. Traffic Analysis w/Replinger's Concurrence
5. SDC Brochure
6. Comments from County Surveyor
7. Engineering Brochure



CITY OF GRANTS PASS

1155 Willow Ln

36-06-23-AC, Tls 2000 & 2001

Legend

 Subject Parcels



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

EXHIBIT

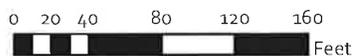




CITY OF GRANTS PASS

1155 Willow Ln

36-06-23-AC, Tls 2000 & 2001



Legend

-  Subject Parcels
-  Water Mains
-  Sewer Gravity Mains
-  Storm Water Gravity Main

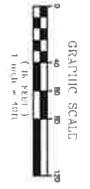


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EXHIBIT

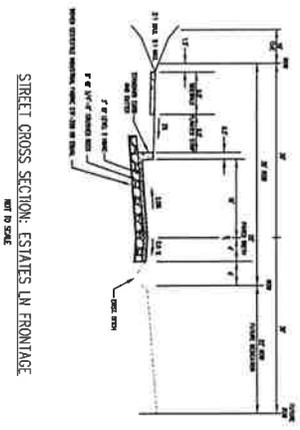
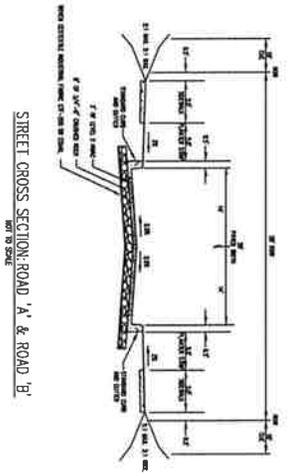
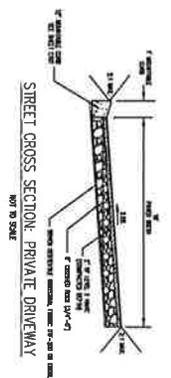
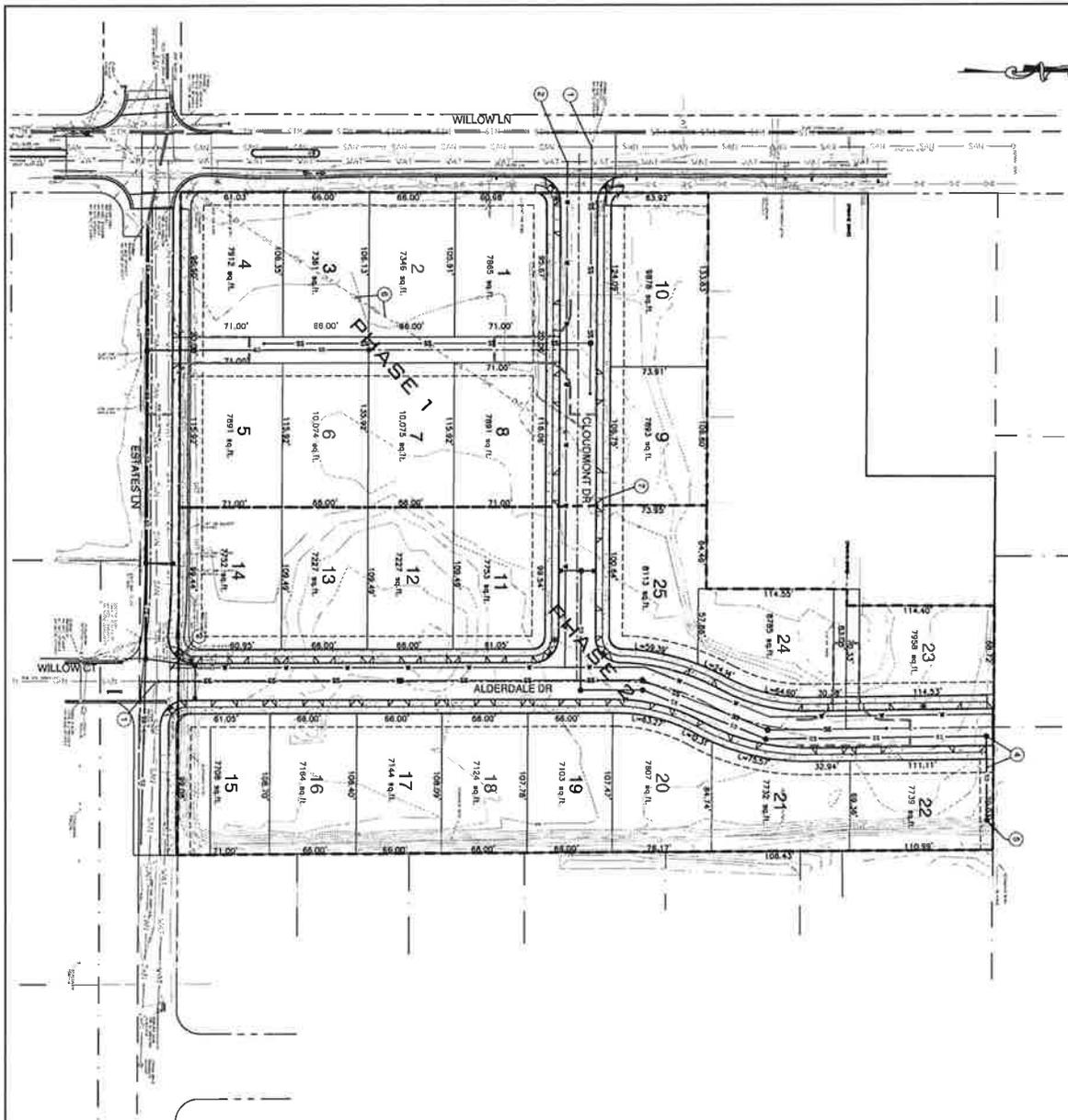
2



WILLOW ESTATES II

TENTATIVE UTILITY & DRAINAGE PLAN

MAY 2016



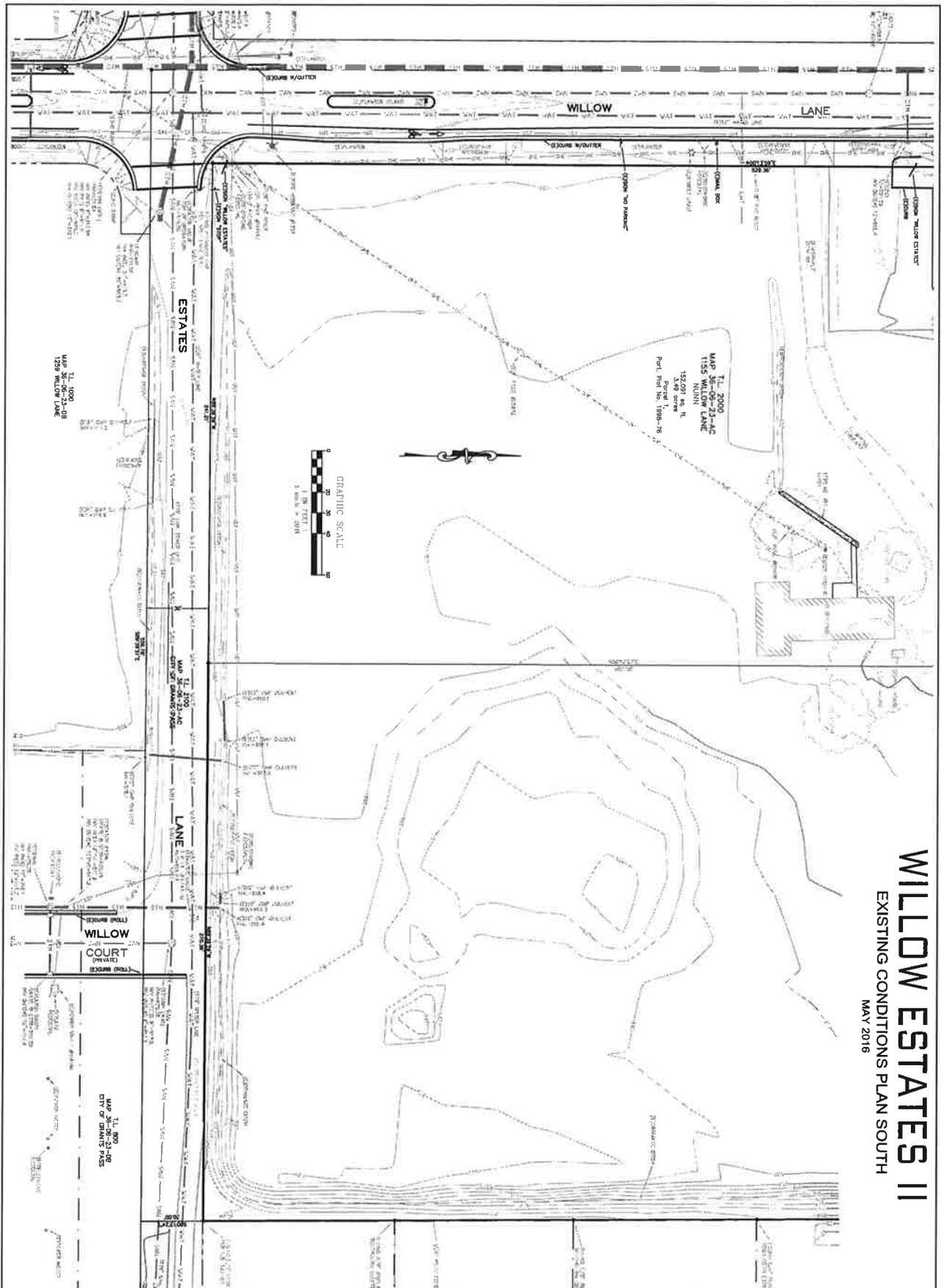
- UTILITY NOTES:**
1. POINT OF CONNECTION TO PUBLIC SEWER MAIN
 2. POINT OF CONNECTION TO PUBLIC WATER MAIN
 3. POINT OF CONNECTION TO PUBLIC GAS MAIN
 4. POINT OF CONNECTION TO PUBLIC TELEPHONE AND CABLE MAIN
 5. POINT OF CONNECTION TO PUBLIC FIBER OPTIC MAIN
 6. POINT OF CONNECTION TO PUBLIC TRASH MAIN
 7. POINT OF CONNECTION TO PUBLIC STORM SEWER MAIN
 8. POINT OF CONNECTION TO PUBLIC WATER MAIN
 9. POINT OF CONNECTION TO PUBLIC GAS MAIN
 10. POINT OF CONNECTION TO PUBLIC TELEPHONE AND CABLE MAIN
 11. POINT OF CONNECTION TO PUBLIC FIBER OPTIC MAIN
 12. POINT OF CONNECTION TO PUBLIC TRASH MAIN
 13. POINT OF CONNECTION TO PUBLIC STORM SEWER MAIN
 14. POINT OF CONNECTION TO PUBLIC WATER MAIN
 15. POINT OF CONNECTION TO PUBLIC GAS MAIN
 16. POINT OF CONNECTION TO PUBLIC TELEPHONE AND CABLE MAIN
 17. POINT OF CONNECTION TO PUBLIC FIBER OPTIC MAIN
 18. POINT OF CONNECTION TO PUBLIC TRASH MAIN
 19. POINT OF CONNECTION TO PUBLIC STORM SEWER MAIN
 20. POINT OF CONNECTION TO PUBLIC WATER MAIN
 21. POINT OF CONNECTION TO PUBLIC GAS MAIN
 22. POINT OF CONNECTION TO PUBLIC TELEPHONE AND CABLE MAIN
 23. POINT OF CONNECTION TO PUBLIC FIBER OPTIC MAIN
 24. POINT OF CONNECTION TO PUBLIC TRASH MAIN
 25. POINT OF CONNECTION TO PUBLIC STORM SEWER MAIN

<p>PROJECT NAME: TENTATIVE UTILITY PLAN</p> <p>DATE: 05/16/16</p> <p>SCALE: AS SHOWN</p> <p>DATE: 05/16/16</p> <p>PROJECT NO: 1485</p> <p>PROJECT NAME: WILLOW ESTATES II SUBDIVISION PLAN</p> <p>PROJECT NO: 1485</p> <p>DATE: 05/16/16</p> <p>PROJECT NAME: WILLOW ESTATES II SUBDIVISION PLAN</p> <p>PROJECT NO: 1485</p> <p>DATE: 05/16/16</p>	<p>GRANTS PASS OREGON</p>		<p>R-C GROUP RHINE-CROSS GROUP, LLC</p> <p>ENGINEERING - SURVEYING - PLANNING</p> <p>112 N 5th ST - SUITE 200 - P.O. BOX 509</p> <p>KLAMATH FALLS, OREGON 97601</p> <p>Phone: (541) 851-9405 Fax: (541) 273-9200 rhincross@rc-gpp.com</p>	<p>EXHIBIT 3a</p>
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WILLOW ESTATES II

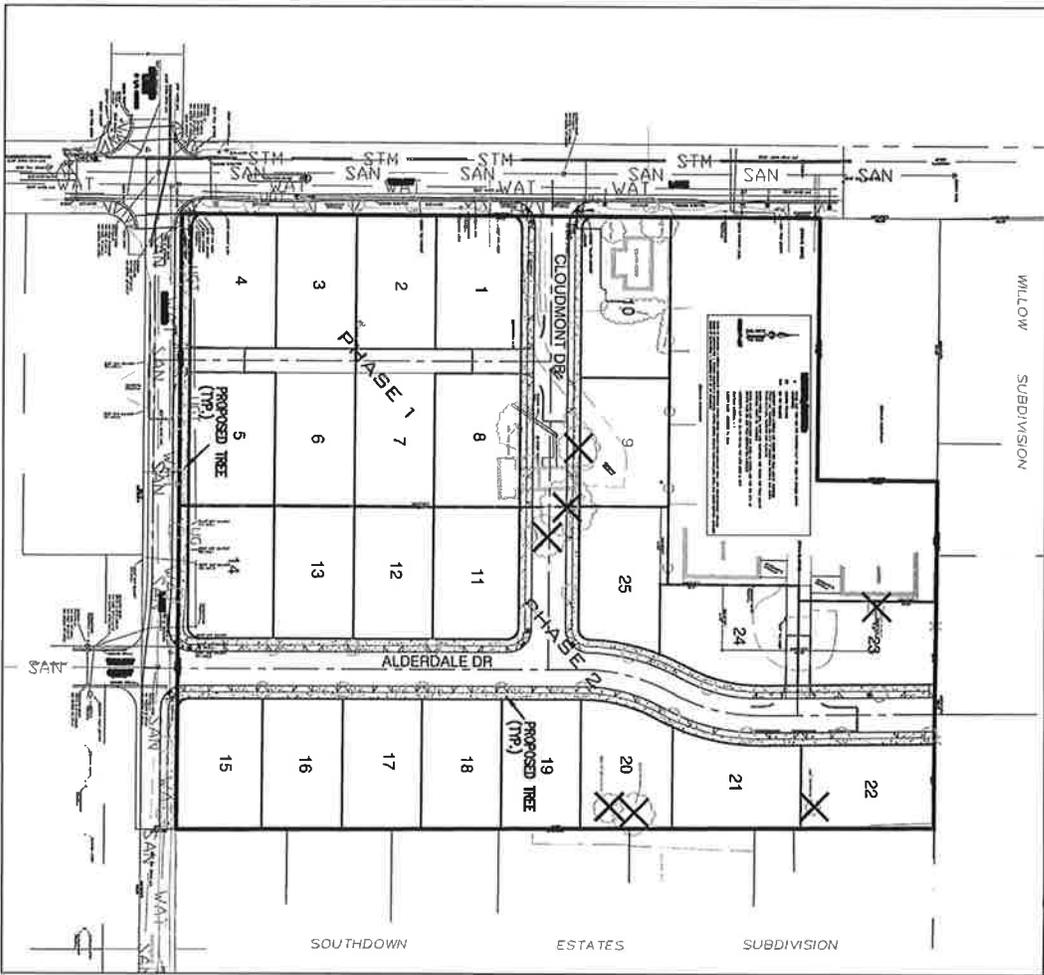
EXISTING CONDITIONS PLAN SOUTH

MAY 2016



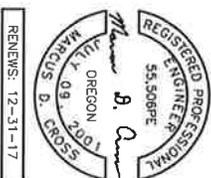
<p>DATE: 05/16/16</p> <p>SHEET: 14</p> <p>SHEET 4 OF 4</p>	<p>WILLOW ESTATES II</p> <p>SUBDIVISION PLAN</p> <p>GRANTS PASS OREGON</p>		<p>R-C RHEINE-CROSS GROUP</p> <p>ENGINEERING • SURVEYING • PLANNING 112 N 5th ST - SUITE 200 - P.O. BOX 590 KLAMATH FALLS, OREGON 97601</p> <p>Phone: (541) 851-9405 Fax: (541) 273-9200 edmin@rc-gp.com</p>	<p>RON NUNN 1151 WILLOW LANE GRANTS PASS, OR 97527 (541) 860-0150</p>
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WILLOW ESTATES II TREE PLAN



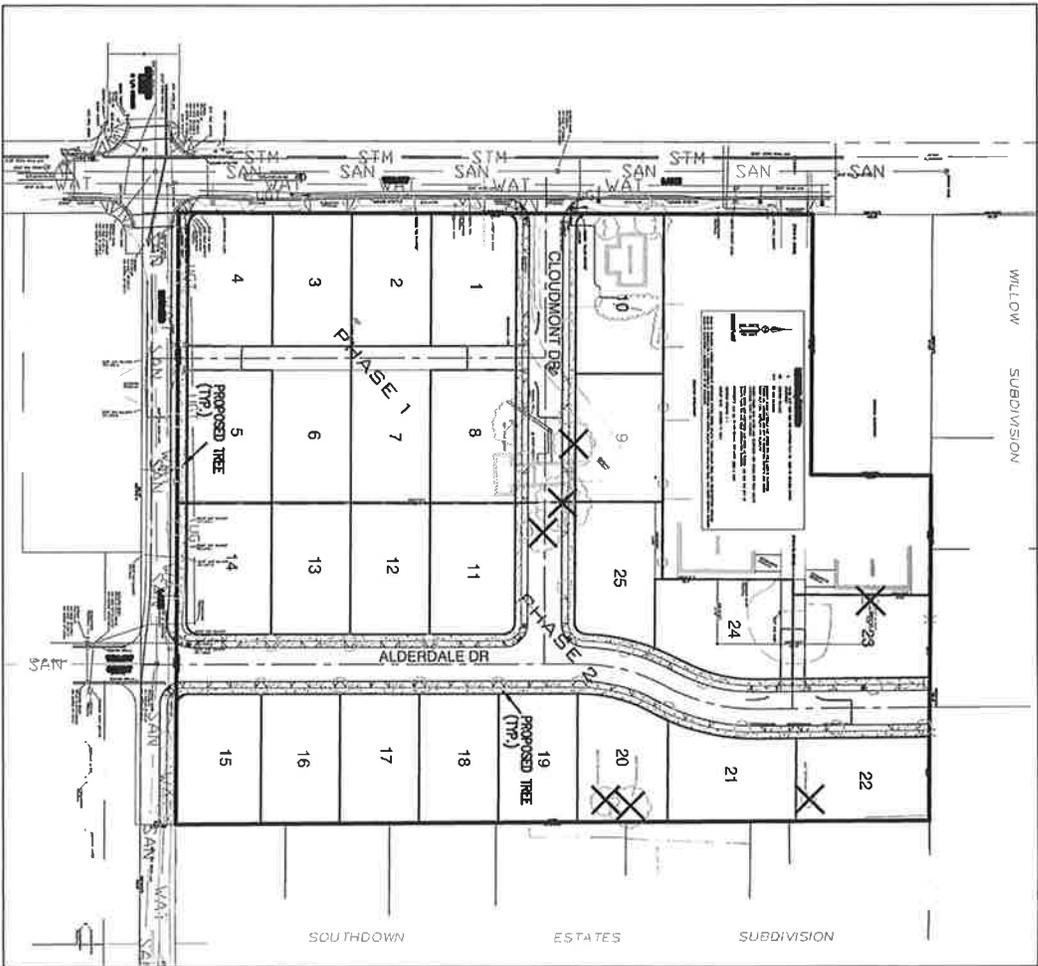
- TREE NOTES**
- 1. NUMBER OF TREES REMOVED FOR INFRASTRUCTURE: 7
 - 2. TOTAL NUMBER OF RESTORATION TREES TO BE PLANTED: 35

- LEGEND**
- EXISTING CONIFEROUS TREE (TO BE PRESERVED)
 - EXISTING DECIDUOUS TREE (TO BE PRESERVED)
 - EXISTING TREE TO BE REMOVED
 - EXISTING TREE TO BE REMOVED



R-C
RHINE-CROSS GROUP
ENGINEERING - SURVEYING - PLANNING
112 N 5th ST - SUITE 200 - P.O. BOX 909
KLAMATH FALLS, OREGON 97601
Phone: (541) 851-9405
Fax: (541) 273-9200
admin@rc-grp.com

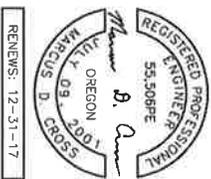
WILLOW ESTATES II TREE PLAN



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- EXISTING CONIFEROUS TREE (TO BE PRESERVED)
- EXISTING DECIDUOUS TREE (TO BE PRESERVED)
- EXISTING TREE TO BE REMOVED



R-C
RHINE-CROSS GROUP

RHINE-CROSS GROUP LLC
ENGINEERING - SURVEYING - PLANNING
112 N 5th ST - SUITE 200 - P.O. BOX 909
KLAMATH FALLS, OREGON 97601
Phone: (541) 851-9405 Fax: (541) 273-9200
admin@rc-gtp.com



Community Development
101 NW A Street
Grants Pass, OR 97526
(541) 450-6060
Fax (541) 476-9218

PLANNING APPLICATION FORM

Property Address: 1155 Willow LN

Assessor's Map & Tax Lot:
36-06-23-AC Tax Lot(s) 2000 ²⁰⁰¹ ~~2100~~

Tax Lot(s) _____

Zoning: R-3 & GC

City: UGB:

- Project Type:** (Please check all applicable)
- Site Plan
 - Standard Architectural Review
 - Discretionary Arch. Review
 - Special Concept Plan
 - Partition
 - Property Line Adjustment
 - Property Line Vacation
 - Planned Unit Development
 - Subdivision
 - Final Subdivision or PUD Plat
 - Variance
 - Comp Plan/Zone Map Amendment
 - Text Amendment
 - Pre-Application
 - Appeal / Sign Code Appeal
 - Sidewalk Café
 - Other: _____

Size of Project (# of units, lots, sq. ft., etc):
48 Duplex Units (24 lots + 1 office lot)

- Attachments:**
- (8) Folded Maps/Site Plan to scale
 - (1) 8 1/2x 11" reduced copy of site plan
 - Written Narrative/Response to Criteria
 - Power of Attorney
 - Service Agreement
 - Architectural Features
 - Other: Traffic Letter

Description of Request
(include name of project and proposed uses):
Subdivision proposal for 25
lots including 24 residential lots
and 1 office lot on 5.71 acres.

Property Owner: Ron Nunn

Address: 1151 Willow Ln
Grants Pass, OR 97527

Phone: 541-476-1525

Email: nunnproperties@charter.net

Applicant: _____

Address: Same as Owner

Phone: _____

Email: _____

Authorized Representative (if different from applicant):

Address: _____

Phone: _____

Email: _____

Surveyor or Engineer (if applicable):

Rhine-Cross Group, Marc Cross PE

Address: 112 N 5th ST STE 200

Phone: KLAMATH Falls, OR 97601 (541) 851-9405

Email: marc@rc-grp.com

CERTIFICATION: I hereby certify that the information on this application is correct and that I own the property or the owner has executed a Power of Attorney authorizing me to pursue this application (attached).

Donald [Signature] 5/5/2011
(Signature of owner or Attorney-in-Fact) Date

(Signature of owner or Attorney-in-Fact) Date

(For Office Use)	
Date Application Received:	<u>5.5.11</u>
Date Application Complete:	<u>5.13.11</u>
Pre-App required? <input checked="" type="checkbox"/> N	Pre-App # <u>DD1-DD118-116</u>
Fees Paid: <u>\$2122.00</u>	Initials: <u>RN</u>
File Number(s): <u>104-DD101-116</u>	

**BURDEN OF PROOF
STATEMENT FOR APPLICATION FOR
WILLOW ESTATES II SUBDIVISION APPROVAL
WITH STREET VARIANCE REQUEST
GRANTS PASS, OREGON**

Applicant: Ron Nunn
1151 Willow Lane
Grants Pass, OR 97517
Phone: (541) 476-1525

Owner: Same as applicant

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

Location: The property is located along the east side of Willow Lane, directly north of Estate Ave on the west side of Grants Pass, Oregon.

Address: 1155 Willow Lane, Grants Pass, OR 97517

Reference Parcel No.: Tax Lot 2000 & 2100, Map # 36-06-23AC

Comp. Plan Designation: General Commercial and Moderate High Density Residential

Zoning Designation: GC – General Commercial (±2 acres)
R-3 – Moderate High Density Residential (±3.71 acre)

Property Size: ±5.71 Acres

Proposal: Subdivision application for the entire development including 24 multiple family residential lots ranging in size from 6400 sq.ft. to 10,900 sq.ft. and one lot reserved for the existing office building.

Date: May 2016

PROJECT OVERVIEW & DESCRIPTION

The applicant intends to develop the site in accordance with Articles 12 and 17 of the Grants Pass Municipal Code (GPMC). The development will be named Willow Estates II, and a master plan showing the proposed street layout and the underlying zoning of the proposed development will be provided with the application.

The 5.7 acre property is located within the City limits on the west side of Grants Pass, Oregon. The site is bounded to the West by Willow Lane beyond which are sited residential properties, zoned Moderate High Density Residential (R3). To the North is a developed duplex residential property known as “Willow Estates”, and semi developed Moderate Density (R-2) residential properties. To the East is developed single family residential properties known as “Southdown Estates Subdivision” on R-2 zoned property. The properties located on the South side of the subject property are slightly larger commercial zoned properties (GC) and to the southeast is more developed Moderate High Density Residential properties. The site is surrounded by moderate high density development and is therefore irrevocably committed to similar use.

The site enjoys direct access to Willow Lane along the west frontage of the site and Estates Lane along the south frontage of the site. The property is currently undeveloped and is vegetated with grass and weeds. An existing office building sits on the northwest corner of the property and is currently being used as a property management office. The office will remain as part of the development. Fire protection services are provided by the Grants Pass Fire District. The site is located within the Grants Pass City limits for water service, sanitary sewerage service, and storm water management. Other utilities readily available are power, gas, telephone, and cable TV all existing within the right of way of Willow Lane and Estates Lane.

The site consists of Abegg gravelly loam (#1B – 1.8 acres), Clawson sandy loam (#17B – 3.3 acres), Jerome sandy loam (#46 – 0.5 acres), and Barron coarse sandy loam (#5B – 0.1 acres), with hydrologic soil classifications ranging from A to D. The site is currently occupied by an existing residential house, with a mix of weeds and grasses covering the areas. The site is “located” on Panel No. 41033C – 0492E & 0511E of the Flood Insurance Rate Map (FIRM) for Lane County. The property is outside of all Zone A mapped flood areas.

The subject property is currently designated as a mix of General Commercial and Moderate High Density Residential by the Grants Pass Comprehensive Plan. The applicant is proposing a subdivision master plan with approximately 24 lots ranging in size from 6400 sq.ft. to 10,900 sq.ft. and one additional lot reserved for the existing office building. The applicant will propose constructing duplex residential structures on each lot. The proposed dwelling units will be 48 residential units and 1 office unit currently used as a property management office. Access to the subject property will be via Willow Lane and Estates Lane as shown on the tentative plat.

This application for a Land Subdivision, Conditional Use, and Variance request is subject to both City and State criteria and standards and is processed by the City administratively and is reviewed by the Planning Commission and City Council, pursuant to Grants Pass Municipal Code. Accordingly, the applicant shall address all of the applicable criteria and standards of the Grants Pass Municipal code that pertain to these requests. As required by the City’s land

subdivision review process and by the State, the applicant shall also address the applicable criteria and standards of the Oregon Administrative Rules (OAR) and the Oregon Revised Statutes (ORS), particularly the elements of these State rules and statutes that apply to subdividing land.

GRANTS PASS MUNICIPAL CODE

1. Article 17 – Lots and Creation of Lots

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

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

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

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

Response: The proposed project is bounded by Willow Lane on the west, Estates Lane on the south, the developed Southdown Estates subdivision on the east, a developed duplex subdivision on the northwest side, and smaller underutilized residential development to the northeast. A public street and utilities are being stubbed to the property to the northeast as required by the City.

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

Response: Proposed streets will be dedicated as public and constructed according to the City of Grants Pass code. There are no TSP identified streets that are planned through the interior of the property. As part of the project, Estates Lane will be improved from Willow Lane to the eastern terminus of the property along the frontage. Willow Lane is fully constructed with curb & sidewalk along the subject property's boundary.

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

Response: The proposed utility plan will provide utility service to the proposed development as well as provide a public utilities connection to the property to the northeast of the development.

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

Response: There are not existing natural or historic features on the property. The property is currently mostly vacant, with weeds and grass vegetation and one mobile home unit that is proposed to be removed. The roof tops of the proposed structures will be available for solar energy generation should the owners choose to pursue such use.

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

Response: The property is mostly vacant, with just a few trees around the existing home site and office site. Approximately 3 trees (cottonwoods) exist on the east side of the site near the drainage ditch. These trees must be removed in order to pipe the ditch. The existing trees around the office are proposed to remain. See percentages below for information to complete the tree chart.

<i>Existing % of Canopy Cover Prior to Development</i>	<i>% of Exist. Canopy Cover To Remain Post Development</i>	<i>Target % Based on Zoning District</i>	<i>Total % of Canopy Cover Proposed Post Development</i>	<i># of Trees To Be Planted Per Lot</i>
2.27%	0.4%	15% (R3)	15%	1-2

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

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

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

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

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

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

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

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

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

Response: No lots within the proposed development have depths that exceed four times the lot width. The proposed development is not within a floodway or flood plain.

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

Response: The subject property is relatively flat and the applicant does not foresee difficulty in constructing the proposed duplexes or triplexes.

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

Response: Lots that Abut Willow Lane or Estates Lane (collectors) will have access to the proposed interior private roads. No through lots will be proposed.

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

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

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

Response: Arcs are included in the design of the proposed lots at all street intersections.

17.516 Commercial Properties. *Any modification to a commercial property through a property line vacation, property line adjustment, partition, or subdivision shall address the following:*

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

Response: A portion of the subject property is zoned commercial. The property will be developed entirely as a residential duplex subdivision with the proposed property lines created adequately to allow such use.

(b) The applicant has demonstrated the property configuration meets public street block length and perimeter standards of Articles 17 and 27, and has provided right-of-way and public street and pedestrian way improvements as necessary to meet these standards.

Response: The proposed public streets will meet these standards for configuration and block length, providing vehicular and pedestrian improvements as intended in the Code.

(c) The applicant has provided, or revised as necessary, vehicular, pedestrian, and bicycle easements on and between properties to meet the connectivity requirements of Article 27.

Response: The proposed streets and sidewalks will provide vehicular, pedestrian, and bicycle access to and from the surrounding transportation network.

(d) When required by the Director, the applicant has provided a conceptual site plan to demonstrate the property configuration will enable development in compliance with the provisions of this Code.

Response: A tentative subdivision plan is being submitted with this burden of proof.

(e) Conditions relating to the issues in this section may be imposed as part of the decision as may be necessary to enable future coordinated development of the properties in accordance with the provisions of this Code.

Response: The applicant will comply with all reasonable conditions of approval for this subdivision plan.

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

Response: Two flag lots (lot 6 and 7) are proposed because of the proximity to the existing intersection between two collector streets (Willow Ln and Estates Ln). These existing streets cannot provide individual access to each lot, therefore the flag lots are proposed with an access easement dedicated over the flag pole for access by lots 2-5 as well. The flag pole will serve as a joint use private through driveway access, however, each lot will still contain the minimum amount of public street frontage as required by code.

2. Article 12 – Zoning Districts

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

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

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

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

(3) The maximum density for any given zone is not subject to increase using the variance process³³ or the subdivision process. The maximum density for any given zone may be increased only by using the PUD process, small lot allowance, or density incentives as provided in this Code.

(4) The maximum net density for all residential zones shall be as given in the following schedule. ³³Net density in Schedule 12-4 generally corresponds to the following calculation: Divide the area in an acre (43,460 square feet) by the minimum area per dwelling unit (du) from Column 3 in Schedule 12-5. For example, in the R-2 zone: 43,560 sq ft / 3,500 sq ft minimum land area per dwelling / = 12.44 du/acre.

However, the maximum density measurement of dwellings/acre in Schedule 12-4 provides guidance for other provisions of this code intended to provide greater flexibility for unique site conditions and other issues, such as small lot allowances, cluster lots, and Planned Unit Developments (PUDs).

Response: Total Site area (5.71 acres) – Street ROW (1.20 acres) = 4.51 acres

Maximum Density = 4.51 acres X 17.44 du/ac = 79 units

The subdivision proposes a density of 48, therefore this criterion is met.

12.145 Determining Minimum Residential Density (12.44du/acre)

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

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

12.150 Residential Base Development Standards

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

12.152 Lot Requirements

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

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

OREGON ADMINISTRATIVE RULES (OAR)

3. Chapter 660: Land Conservation & Development Department

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

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

(B) Division 12: Transportation Planning

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

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

Response: The proposed land subdivision will not significantly affect an existing or planned transportation facility. Willow Lane is fully developed and Estates Lane will be constructed with a half street improvement along the frontage.

(C) Division 15: Statewide Planning Goals & Guidelines

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

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

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

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

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

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

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

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

To preserve and maintain agricultural lands.

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

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

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

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

(a) Guidelines

B. Implementation

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

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

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

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

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

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

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

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

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

To protect people and property from natural hazards.

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

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

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

Response: The proposed subdivision is not seeking to develop the site as one that would meet the recreational needs of Grants Pass. Rather, this property is zoned residential and will be committed to such use.

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

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

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

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

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

(b) *Guidelines*

A. *Planning*

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

(1) *a comparison of the distribution of the existing population by income with the distribution of available housing units by cost;*

- (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels;
- (3) a determination of expected housing demand at varying rent ranges and cost levels;
- (4) allowance for a variety of densities and types of residences in each community; and

Response: Approval of this subdivision request will allow the development of approximately 48 residential units in the form of 24 duplexes, and one lot preserved for the existing property management office.

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

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

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

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

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

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

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

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

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

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

Technological strides continue to be made in the solar energy and the ground source heating and cooling field that will continue to make these alternatives more attractive each year. There are tax rebates and incentives available for such systems that will also help to persuade homeowners to the advantages of such technologies.

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

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

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

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

- (a) *Was lawfully created;*
- (b) *Lies outside any acknowledged urban growth boundary or unincorporated community boundary;*
- (c) *Is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and*
- (d) *Is planned and zoned primarily for residential use.*

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

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

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

(xvii) 660-018-0005 — Purpose

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

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

OREGON REVISED STATUTES (ORS)

ORS Chapter 92 – Subdivisions and Partitions

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

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

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

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

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

92.050 Requirements of survey and plat of subdivision and partition.

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

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

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

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

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

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

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

92.075 Declaration required to subdivide or partition property; contents.

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

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

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

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

92.080 Preparation of plat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The county assessor; and

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

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

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

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

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

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

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

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

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

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

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

(5) For performing the service described:

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

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

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

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

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

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

ORS Chapter 197 – Comprehensive Land Use Planning Coordination

4. Comprehensive Planning Responsibilities

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

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

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

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

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

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

5. Goals Compliance

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

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

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

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

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

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

6. Enforcement Of Planning Requirements

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

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

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

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

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

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

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

112 Monterey Drive - Medford, Or. 97504 – Phone (541) 941-4148 – Email: Kwkp1@Q.com

January 11, 2016

Lora Glover, Director
City of Grants Pass
Public Works/Engineering Division
101 NW A Street
Grants Pass, Oregon 97526

RE: Willow Estates Subdivision Analysis

Dear Lora,

Southern Oregon Transportation Engineering, LLC evaluated trip generations for the proposed Willow Estates Subdivision, located on the northeast corner of Willow Lane and Estates Lane on Township 36 Range 6 Section 23AC, tax lots 2000 and 2100. The subject property includes 5.71 acres of general commercial and moderate high density residential. The proposed development is located on the northeast corner of Willow Lane and Estates Lane and is currently occupied by a single residence and office building.

Background

The proposed Willow Estates Subdivision is a 48 unit development comprised of duplexes and triplexes. The subject property has an existing residence on it that will be removed as a result of development and an office building that will remain. Access is proposed on Estates Lane and Willow Lane, both of which are classified as collector streets on the City's Functional Classification Plan with design capacities of 7,000-11,000 average daily trips (ADT).

The Grants Pass Land Development Code Section 27.121 (3)(a) requires a traffic impact analysis for any proposed development that is projected to generate 25 or more peak hour trips on an arterial or collector segment/intersection, or 500 (ADT).

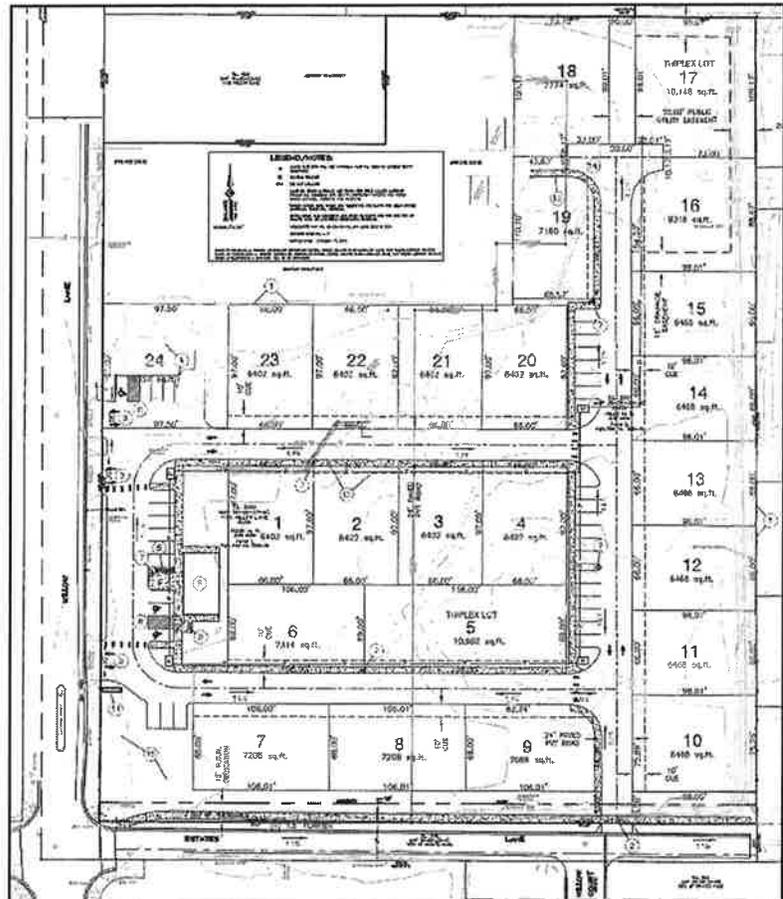


EXHIBIT 4A

Analysis

Trip generation calculations for proposed development trips were prepared utilizing the Institute of Transportation Engineers (ITE) Trip Generation, 9th edition. Rates were used for land use code 230 – Townhouse/Condominium. All trips to the transportation system were considered new trips. Table 1 provides a summary of trips generations. ITE sheets are provided in the attachments.

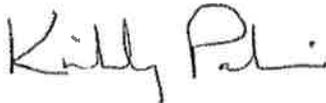
Land Use	Unit	Size	Weekday Rate	PM Peak Rate	Weekday Trips	PM Peak Hour				
						Total	Total	% In	In	% Out
230 –Residential Condominium/Townhouse	DU	48	5.81	0.52	279	25	0.67	17	0.33	8
Total					279	25		17		8

DU – dwelling unit

Full development is projected to generate 279 ADT with 25 trips occurring during the p.m. peak hour. The site has north-south connectivity through Willow Lane, which carries traffic to the north toward Leonard Road and to the south toward Redwood Avenue. It is a reasonable conclusion that development trips to/from the subject parcel will disperse in more than one direction and fall below 25 peak hour trips before reaching any intersection, which is the threshold for determining when an intersection requires analysis. Based on this, no further analysis is shown to be required. Refer to the Grants Pass Development Code Section 27.121 (3)(a) in the attachments for further information.

If you have any questions or concerns please feel free to contact me.

Sincerely,



Kimberly Parducci PE, PTOE

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Attachments: ITE Sheets
Grants Pass Land Development Code

Cc: Client



Land Use: 230

Residential Condominium/Townhouse

Description

Residential condominiums/townhouses are defined as ownership units that have at least one other owned unit within the same building structure. **Both condominiums and townhouses are included in this land use.** The studies in this land use did not identify whether the condominiums/townhouses were low-rise or high-rise. Low-rise residential condominium/townhouse (Land Use 231), high-rise residential condominium/townhouse (Land Use 232) and luxury condominium/townhouse (Land Use 233) are related uses.

Additional Data

The number of vehicles and the number of residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it is usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends.

The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed between the mid-1970s and the 2000s throughout the United States and Canada.

Source Numbers

4, 92, 94, 95, 97, 100, 105, 106, 114, 168, 186, 204, 237, 253, 293, 319, 320, 321, 390, 412, 418, 561, 562, 583, 638

Residential Condominium/Townhouse (230)

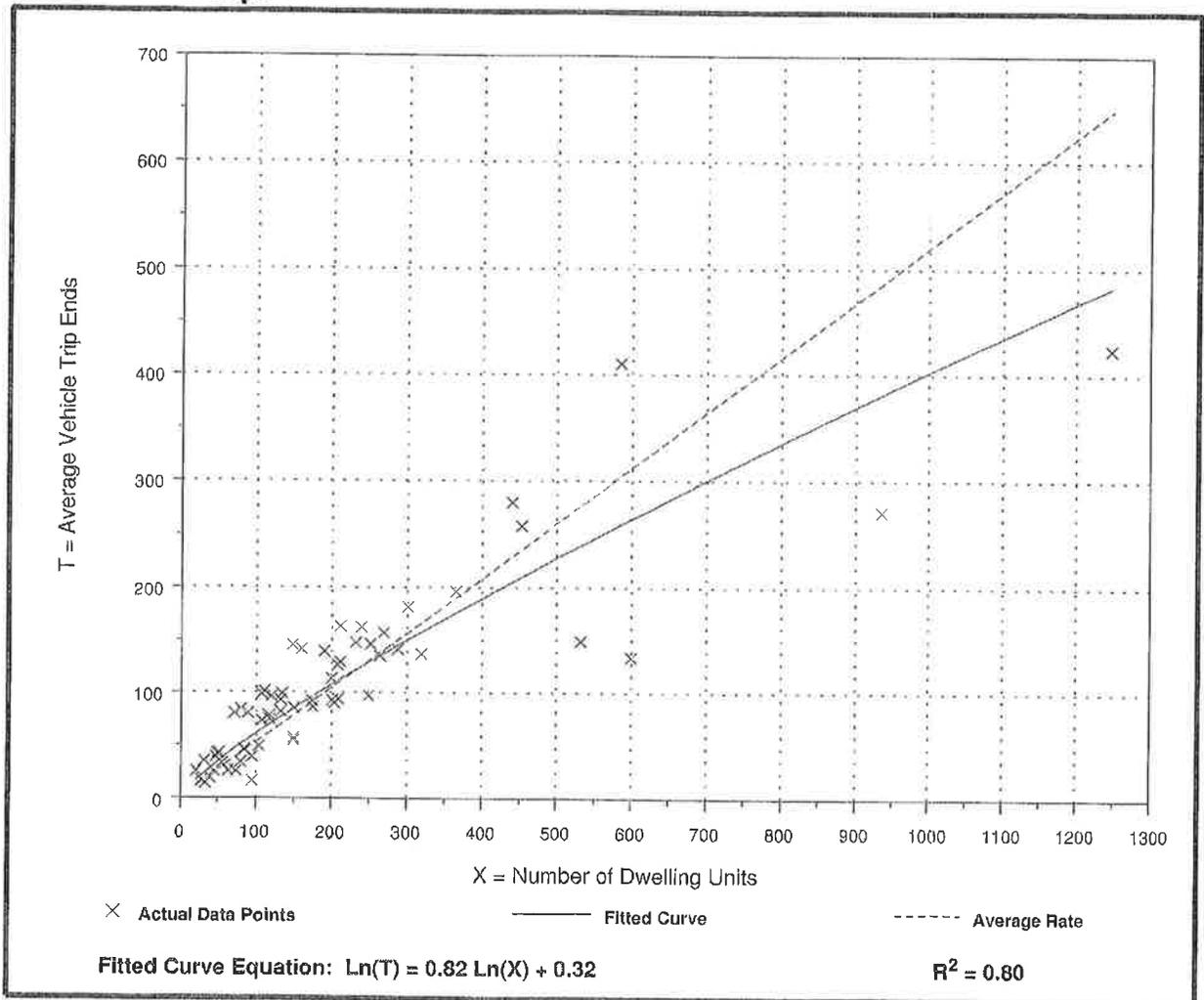
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 62
 Avg. Number of Dwelling Units: 205
 Directional Distribution: 67% entering, 33% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.52	0.18 - 1.24	0.75

Data Plot and Equation



- (3) Connecting Streets. The streets abutting the development shall satisfy the standards contained in Subsection 1 and shall connect to a paved street which satisfies the following standards:
- (a) If already paved, the connecting street has been accepted by the City or County for public maintenance, or the pavement and base rock meet City or County minimum thickness standards (or other reasonable minimum standards specified by the City Engineer) from the development to an intersecting arterial or collector street.
 - (b) If already paved, the connecting street has a minimum of two travel lanes (for a two-way street) at least 10-feet wide from the development to an intersecting arterial or collector street.
 - (c) If not already paved, the connecting street segment between the development and an intersecting arterial or collector street shall be constructed in accordance with standards in Article 27.
 - (d) For subdivisions, pedestrian facilities shall be provided from the development to an approved destination street in accordance with Resolution #4851.

(4) Interior Streets Serving Subdivisions

Where new streets are proposed to serve the interior needs of a subdivision, the applicant is obligated to provide the required right-of-way and construct the streets to the full standards contained in this Code. Such improvements shall be made by the applicant prior to the submission of the Final Plat or Map, or by an agreement to secure the future construction of the streets in accordance with City requirements.

27.120 Street Standards

⁹27.121 General Design Standards

- (1) All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit.
- ¹¹(2) The minimum performance standard for intersections shall be as follows:
 - (a) For all signalized intersections:
 - (i) Level of Service “D” or better for the intersection as a whole, and
 - (ii) No approach operating below LOS “E”, and
 - (iii) A volume-to-capacity (v/c) ratio not higher than 1.0 for the sum of critical movements.

- (iv) When a state highway is affected, the City's minimum performance standard shall apply, in addition to the applicable standards of the most recent State Highway Plan as determined by the Oregon Department of Transportation.
- (b) For un-signalized intersections of public streets:
- (i) No arterial or collector approach operating below LOS "D" and
 - (ii) No other street approach operating below LOS "E", and
 - (iii) No movement serving more than 20 peak hour vehicles operating below LOS "E".
 - (iv) For the purpose of applying this section, when a state highway is affected it shall be considered an arterial, and the City's minimum performance standard shall apply, in addition to the applicable standards of the most recent State Highway Plan as determined by the Oregon Department of Transportation.

An approach is described as the flow of traffic entering into the intersection from any given direction. For example, a four-way all-stop-controlled intersection laid out in a north, south, east and west configuration will have four (4) distinct approaches, one from each direction.

A movement is described as directional movement allowed at a given intersection, commonly involving left turns, right turns, and through movements.

Level of service is determined by using the latest edition of the *Highway Capacity Manual (HCM)*.

For the purpose of analysis, the minimum performance standard shall apply to the peak hour of the average day during the first year after opening when approval of a site plan is involved, to the peak hour of the average day during the first year after recording of the final plat when a land division is involved, and to the average day during the first year after opening and 20 years hence when a comprehensive plan amendment and compliance with provisions of the Transportation Planning Rule are involved. The minimum performance standard shall apply to whatever peak hour is determined to produce the greatest traffic impact, even if it is different than the traditional peak hour.

- (3) A traffic analysis report shall be prepared by a Traffic Engineer licensed in the State of Oregon. The City Engineer will maintain written administrative guidelines on the basic requirements for such studies. Unless waived pursuant to subsection b) below, this transportation impact analysis is required prior to

City acceptance of applications for Development Permits when the trip generation falls within the ranges given below in subsection a):

(a) Trip Generation Ranges

- (1) The development is projected to generate twenty-five (25) or more peak hour trips on an arterial or collector segment or intersection, or;
- (2) The development is projected to generate 500 vehicle trips per day or more on any day of the week.

A transportation impact analysis may also be required under certain conditions:

- (1) when the development will impact known safety, congestion or capacity problems;
- (2) When the project is on a highway segment with special access controls;

(b) Waiver or limits to scope

The City Engineer may waive or reduce the scope of the transportation impact analysis if the impacts from the development area are reasonably known and do not provide reasonable justification for the estimated cost of the analysis and report preparation. In waiving or limiting the scope of a transportation impact analysis that would otherwise be required by subsection (1) above, the City Engineer shall make a written determination that potentially affected intersections will not fall below the performance standards of Section 27.121(2) or the intersections have been adequately analyzed already in research and reports available to the City. The City Engineer shall coordinate with ODOT or Josephine County as appropriate prior to waiving or reducing the scope of a transportation impact analysis for any development impacting a state or county maintained roadway.

- (4) Alignment. As far as practical, streets shall be dedicated and constructed in alignment with existing streets by continuing the centerline thereof. Where "staggered" or "T" intersections are unavoidable, the minimum distance between intersection centerlines shall be 260 feet.

(5) Intersections.

- (a) Streets shall be designed to intersect at a 90 degree right angle. Due to topographical constraints, the intersection may be varied, but shall not be less than 60 degrees.

Joe Slaughter

From: John Replinger <replinger-associates@comcast.net>
Sent: Tuesday, May 10, 2016 1:49 PM
To: Joe Slaughter
Subject: RE: Traffic analysis for Willow Estates

Joe:

I agree that no further analysis is necessary. The site plan reinforces the street system and provides several routes for traffic to disperse.

Let me know if you have questions.

John

John Replinger, PE
Replinger & Associates LLC

From: Joe Slaughter
Sent: Tuesday, May 10, 2016 12:50 PM
To: 'replinger-associates@comcast.net'
Subject: Traffic analysis for Willow Estates

John,

I have attached a trip generation letter for a proposed development on the corner of Willow Lane and Estates Lane. Do you agree with their conclusion that traffic analysis is not required?

I have also attached a revised version of their proposed site plan. Their new plan is to build 24 duplexes on individual lots.

Thank you,

Joe Slaughter, AICP
Senior Planner
Parks and Community Development
541.450.6061



City of Grants Pass
101 NW A Street
Grants Pass, OR 97526
<http://www.grantspassoregon.gov>

Storm Drain System

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

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

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

Who to contact at Community Development:

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

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

Visit our website at:
www.grantspassoregon.gov

Parks & Community Development Office
is located at:

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

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

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

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

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

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

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

What are SDCs?

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

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

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

SDC Fee Adoption & Adjustments

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

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

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

For further assistance...

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

SYSTEM DEVELOPMENT CHARGES EXHIBIT



Fees Effective

January 1, 2016 through
December 31, 2016

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

Water System

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

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

<u>Water Pressure Zones 1, 2&3</u>	
<i>(based on water meter size)</i>	
3/4"	\$2,845
1"	\$7,116
1-1/2"	\$14,234
2"	\$22,776
<u>Water Pressure Zones 4, 5 & up:</u>	
<i>(based on water meter size)</i>	
3/4"	\$3,311
1"	\$8,279
1-1/2"	\$16,559
2"	\$26,494

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

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

Sewer System

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

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

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

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

Redwood Sewer District

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

*For typical new construction within the RSSSD, the following schedule applies:

<u>Residential In Redwood Sewer District:</u>			
1 toilet	\$3,835	4 toilets	\$4,735
2 toilets	\$4,135	5 toilets	\$5,035
3 toilets	\$4,435		

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

Transportation

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

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

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

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

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

Below is an example using the \$1111.13/trip rate.
 Single Family Residence
 Category: Single-family (9.57 trips/unit)
 1 unit x 9.57 trips/unit x \$1111.13/trip = \$1063.51

Parks

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

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

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

Parkland Acquisition	\$461.21 per residence
Park Development	\$370.45 per residence
<u>Total per unit</u>	<u>\$831.66</u>

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

Parkland Acquisition	\$42.23 per new parking space built
Park Development	\$32.97 per new parking space built
<u>Total per parking space</u>	<u>\$75.20</u>

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

See other side for Storm Drain SDC Information



Josephine County, Oregon

County Surveyor

Peter D. Allen, P.L.S.
Josephine County Courthouse
500 NW 6th Street / Grants Pass, OR 97526
(541) 474-5311 / FAX (541) 474-5312
surveyor@co.josephine.or.us

April 7, 2016

Ms. Kayla Wallace
City of Grants Pass
101 NW A St.
Grants Pass, OR 97526

RE: Subdivision name approval

Dear Ms. Wallace,

Per your email to me on April 5, 2016, I have reviewed and approve the following subdivision names for use in new subdivision applications:

- 1) Landon Estates
- 2) Leson Subdivision
- 3) Tuscan Court Subdivision

However, the proposed subdivision name "Willow Estates II Subdivision" is *not approved* due to the following:

- 1) In reviewing County Surveyor and County Clerk's records, I can find no evidence of a subdivision named "Willow Estates I Subdivision."
- 2) In reviewing the same records, there are currently eight subdivisions that either begin with "Willow" or have "Willow" or "Estates" in their title. Some are in the same vicinity as the proposed subdivision and some have almost identical wording. The existing subdivision names are as follow:
 - a. West Willow Subdivision
 - b. Willow Subdivision
 - c. Red Willow Subdivision
 - d. Willow Meadows Subdivision
 - e. Wee Willow Subdivision
 - f. Rogue Willow Estates Subdivision
 - g. Willow Glenn Subdivision
 - h. Willow Creek Subdivision

Should the applicant have another subdivision name to submit, I would be happy to review that as well. Thank you for your help in this matter. Please feel free to contact me should you have any questions.

Sincerely,

Peter D. Allen
Josephine County Surveyor

cc: (via email) Surveyor's Office, Lora Glover, Joe Slaughter, Justin Gindlesperger, Otto Ribansky

ENGINEERING PLAN REVIEW SUBMITTAL REQUIREMENTS & APPLICATION FOR DEVELOPER INSTALLED IMPROVEMENTS

SUBMITTAL REQUIREMENTS:

Before submitting civil construction drawings for review by the Engineering Division, you must complete the Land Use Decision Process, if applicable. (However, if the proposed public improvement is not based on a Land Use Decision please contact the Engineering Division directly for staff input prior to beginning design and then proceed to "Plan Review Submittals".)

Listed below are the steps you must complete through the Planning Department prior to submitting civil construction plans to the Engineering Division for review. (These are general in nature. Please refer to Article 3 in the Grants Pass Development code for complete details at: <http://www.grantspassoregon.gov/363/Development-Code>)

- Pre-Application Conference
- Submittal of Formal Application Materials
- Determination of Procedure Type
- Application Completeness and Processing Timeline
- Referral and Review of Complete Application
- Decision or Recommendation
- Appeal Process

Once you receive the final decision from the Planning Department (either in the form of a Director's Decision for Type 1 Procedure or in the form of Findings of Fact for Types 2-5 Procedures) and the conditions require your development to install public improvements, you can submit your construction plans to the Engineering Division for review.

Plan Review Submittals:

Listed below are the items required for a complete plan review submittal:

1st Plan Review Submittal:

- Completed and signed application (attached)
- Complete number of sets of 24 x 36 civil construction plans (see below)
- Storm Drainage Calculations by Oregon Professional Engineer
- Copy of Approved Site Plan or Tentative Plat (whichever is applicable)
- Copy of the Staff Report or Findings of Fact issued by the Planning Department (whichever is applicable)
- Plan Review Fee
- Geo Tech Report (if applicable)
- Traffic Impact Mitigation (if applicable)
- ODOT Permit (if applicable)
- Josephine County Public Works Permit (if applicable)
- NPDES Permit (if applicable)
- DSL Permit (if applicable)
- DEQ Permit (if applicable)

EXHIBIT 7

- 2nd Plan Review submittal and/or each Subsequent Review until approved:
- One copy of revised 24 x 36 civil plans including any additional sheets signed and stamped by the Registered Engineer
 - City review redlines
 - One copy of any revised report signed and stamped by a registered engineer
 - Any report or permit that was not available during the 1st plan review
 - Signed & notarized Developer Installed Agreement. (Engineering Division to provide agreement with return of 1st review. Developer to provide with 2nd Plan Review Submittal.)
 - Estimated Public Infrastructure Costs (must be submitted & approved prior to City approval of construction plans)
 - Any outstanding fees (see below – **must be paid prior to the start of construction**)

Plan Review Timeframes:

Plan review submittals will be logged in and out by the Parks & Community Development Department Support Staff Technician and reviewed for completeness by the Engineering Technician in accordance with the above checklists. If the submittal is incomplete, it will be immediately rejected and returned without review. If the submittal is complete, it will be routed for City staff and outside agencies review. Staff review times are listed below:

- 1st Plan Review: 2 weeks from date of complete submittal
- 2nd & Subsequent
Plan Reviews: 1 week from the date of complete submittal

Number of Sets:

Submitted plans shall be 24 x 36 civil plans; signed and stamped by a Registered Professional Engineer with the State of Oregon designed in accordance with the staff report or findings of fact (if applicable), current City of Grants Pass Standard Drawings and Specifications (<http://www.grantspassoregon.gov/283/Standard-Drawings>), and Oregon Standard Specifications for Construction, current edition.

The number of sets of plans required for submittal to the City of Grants Engineering Division is as follows:

- | | |
|--------------------------------------|--|
| 1 st Plan Review: | Minimum 4 sets |
| If installing a Fireline | Add additional set |
| State Highway is Involved | Add additional set |
| Josephine County is Involved | Add additional set |
| GPID is Involved | Add additional set |
| 2 nd & Subsequent Reviews | 1 revised set plus City redline drawings |

Fees:

The following fees will be assessed and collected for all Developer Installed Projects: Plan Review Fee, Encroachment Permit Fee, Grading Permit Fee, GIS Fee & Inspection Services Fee.

Plan review fee: \$526 base fee + \$57 per lot.

Encroachment Permit Fee: Flat fee of \$70

Grading Permit Fee: This fee is determined by the quantity of soil being excavated and/or deposited and is calculated as follows:

<u>Grading Volume</u>	<u>Charge</u>
50 cubic yards (cy) or less	\$ 70.00
51 – 100 (cy)	\$103.00
101 – 1,000 (cy)	Base Fee \$115.00
1,001 – 10,000 (cy)	Base Fee \$233.00
10,001 – 100,000 (cy)	Base Fee \$467.00
100,001 (cy) or more	Base Fee \$936.00
Each Additional 10,000 (cy)	\$56.00 / 10,000 (cy)

Inspection Services Fee: This fee is based on the estimated public infrastructure improvements, installed complete (to be provided by the developer's engineer before approved construction drawings are submitted to Engineering). Fees will be collected prior to the pre-construction meeting and start of construction and before issuance of the Development Permit by Planning. The fee is calculated as follows:

<u>Est. Const. Cost</u>	<u>Service Charge</u>
\$100,000 or less	5.00%
\$200,000	4.60%
\$300,000	4.30%
\$400,000	4.10%
\$500,000	3.90%
\$600,000	3.80%
\$700,000	3.70%
\$800,000	3.60%
\$900,000	3.50%
\$1,000,000	3.40%

Geographical Information System (GIS) Fee: Per City of Grants Pass Resolution No. 5935, adopted April 18, 2012, a GIS fee has been added. This fee is calculated as follows:

Estimated Public Infrastructure Cost x Service Charge = Inspection Services Fee
Inspection Services Fee x 5% = GIS Fee

Construction Drawing Approval:

Upon completion of the plan review process, Developer's engineer must submit final plans to the City for a two step signature process.

Step 1: The City will sign-off for approval of City jurisdiction public infrastructure improvements. The Developer's engineer will then take the final plans to be signed-off by other agencies (i.e. GPID, Power, Gas, Phone, Cable, ODOT, JoCPW, etc.).

Step 2: After the Developer's Engineer receives sign-offs from the other agencies, the final plans must then be resubmitted to the City to be signed-off for Approval of Construction. Developer's Engineer shall provide two sets of approved plans prior to start of construction. **(Please note: The sign-off for approval of construction does not constitute approval to start construction).**

Construction Drawing As-builts:

"As-built" Mylars with a signed and dated "Project Certification" on the front page must be submitted to the Engineering Department prior to Final Plat approval, issuance of a Certificate of Occupancy or final inspection, which ever is applicable. The Project Certification shall state the following:

"I hereby certify that this project was constructed to the lines, grade and section as shown on these plans and that all materials and workmanship are in conformance with the plans and applicable specifications."

Pre-Construction Meeting:

The pre-construction meeting will not be held until the following items are complete:

- Issuance of Development Permit
- Issuance of Other Outside Agency Permits (i.e. ODOT, JoCPW, NPDES, DSL/Corp etc.)
- Payment & Issuance of Encroachment Permit
- Payment & Issuance of Grading Permit
- Payment of Inspection Services Fee
- Payment of the GIS Fee

Once the above items are complete a pre-construction meeting will be scheduled prior to the start of construction by the PCDDSST with the following parties:

- Developer
- Developer's Engineer
- Surveyor
- Power, Phone, Gas, Cable, GPID
- Contractor
- City Inspector
- Public Works
- Planner

Once the above items are complete and the pre-construction meeting is held construction may begin.

CONSTRUCTION PLANS DESIGN CHECK LIST

The requirements referred to on this checklist can be found in the City of Grants Pass Standard Drawings and Specifications.

General Requirements for submitted Construction Plans

- Oregon professional engineer stamp and signature
- Storm drainage calculations by Oregon professional engineer.
- Owner or fiduciary will be responsible for obtaining approvals (signatures in the signature block) from other agencies (i.e., power, telephone, gas, cable, etc.), prior to the City authorizing construction to proceed.

Items to be shown or specified on the plans:

- Title Block:
 - Locate in lower right-hand corner of each sheet
 - Project title (Subdivision, Partition, etc.)
 - Project Engineer/Surveyor (Name, address, telephone)
 - Project Engineer's Stamp
 - Project Owner/Developer (Name, address, telephone)
 - Project location (Township, Range, Section, Quarter)
 - Project description (Street, sanitary sewer, water main, storm drain, etc.)
 - Street Name
 - Drawn by_____, Designed by_____, Checked by_____.
 - Date.
 - Scale (Horizontal and vertical).
 - Revisions block.
 - Sheet ____ of _____
- North arrow.
- Basis of bearing: with ties to two Geodetic Control Points.
- Basis of elevation: on a true datum.
- TBM's: minimum of two temporary bench marks, with elevations, locations and descriptions.
- Right-of-way survey monuments that shall be set as part of the project.
- Right-of-way survey monuments found.
- Right-of-way width on Plan View.
- Street wide on Plan View.
- Vicinity map, on front page.
- Property Owner's names and Assessor's map and tax lot numbers.
- Curve Data: (If applicable)
 - Construction centerline.
 - Right-of-way centerline (If different than construction centerline).
 - Street intersection radii.
 - Right-of-way intersection radii.
 - Cul-de-sac radius and returns: Finish surface and right-of-way.
- Typical Road Section: (If applicable)
 - State road classification.
 - Subgrade specifications.
 - Base course specifications.
 - Leveling course specifications.
 - Surfacing specifications.

- Curb and gutter and sidewalk specifications.
- Utility locations (i.e., power, gas, telephone, etc.)
- Centerline profile, showing both existing ground and finished grade. Ditch line grades in areas not requiring curb and gutter, including profile and section of intercepting ditches. Submit cross sections at 50-foot intervals, at critical sections and as required by Engineering Department of the City of Grants Pass.
- Erosion control measures and slope design consistent with a report submitted by a qualified professional engineer or geotechnical engineer if any cut or fill exceeds 4 feet in height; grading on slopes of 15% or greater; or grading granitic soils.
- Culverts and Storm Sewers and Sanitary Sewer:
 - Size.
 - Material type and gauge or class of pipe.
 - Coating, if applicable.
 - Invert elevations.
 - Slope grades
- Water Lines:
 - Size.
 - Material type and gauge or class of pipe
 - Coating, if applicable.
 - Slope grades.
 - All fittings and appurtenances.
- Special drainage ditches, drainage structures, bridges.
- Traffic regulatory and warning sign plan; also showing pass/ no pass zones.
- Notes, including General Project Requirements.
- Show street plugs, if applicable.
- Road approach and driveway locations and details.
- Standard drawings and details.
- Agency approval block, front page.
- Show all easements on plans.
- Show striping plan, if applicable.
- Show traffic mitigation improvements



ENGINEERING PLAN REVIEW APPLICATION

PRIMARY CONTACT INFORMATION:		PROJECT INFORMATION:	
Name:		Development Name:	
Address:		Subdivision Name:	
City/State/Zip:		Map/Tax Lot #:	
Phone:	Alternate:	Project Address:	
Email:		Estimated Construction Costs: (Attach Backup Detail)	
Additional Parties:			
Owner/Address/Phone:		Email address:	
Developer/Address/Phone:		Email address:	
Design Engineer/Address/Phone:		Email address:	
Description of Project:			
Additional Jurisdictions: (Mark "X" to all that apply)			
JoCPW: <input type="checkbox"/>	ODOT: <input type="checkbox"/>	DSL/Corp: <input type="checkbox"/>	DEQ: <input type="checkbox"/>
GPID: <input type="checkbox"/>	Other: <input type="checkbox"/>		
Contractor/Contact Information			
All work within public rights-of-ways must be performed by licensed prequalified contractors per Chapter 9.37 of the Grants Pass Municipal Code, at http://www.grantspassoregon.gov/316/Municipal-Code#title9 , then select Title 9.			
Please list the licensed contractors you will be using on this project:			
Contractor/Company Name	License Number	Class	Business License
Owner/Applicant:			
I verify that the information presented on this application is true to the best of my knowledge:			
Printed Name:		Signature:	
For Engineering Use Only:			
Submittals Attached		Reviews Completed	
Description:	Comment:	Description:	Completed By & Date
Plan Review Application		1 st Review	
Complete # of sets of plans		2 nd Review	
SD Calcs		3 rd Review	
Approved Site Plan		4 th Review	
Approved Tent. Plat		Sign Off Signatures	
Staff Report		Const. Dwgs. Appvd	
Findings of Fact		Permits/Documents/Fees	
Plan Review Fee		DIA Signed/Recorded	Date:
Estimated Construction Costs		Develop Permit Issued	Date:
Geo Tech Report			Number:
Traffic Impact Analysis		Enc Permit Issued/Pd	Permit No. Date:
ODOT Permit		Grading Pmt Issued/Pd	Permit No. Date:
Josephine County Permit		Inspection Fee	Date Paid:
NPDES Permit		GIS Fee	Date Paid:
DSL Permit			
DSL Permit			
		Precon Mtg Held	Date Held:

Grading Permit Only:

The following permit charges apply for all projects either filling, grading or removing soil:

<u>Grading Volume</u>	<u>Charge</u>
50 cubic yards (CY) or less	\$ 70.00
51 – 100 (CY)	\$ 103.00
101 – 1,000 (CY)	Base Fee \$115.00
1,001 – 10,000 (CY)	Base Fee \$233.00
10,001 – 100,000 (CY)	Base Fee \$467.00
100,001 (CY) or more	Base Fee \$937.00
Each Additional 10,000 (CY)	\$56.00 / 10,000 (CY)

Plat Check Charges:

Plat Check Charges are required to be paid in full upon application for final plat.

The following table applies for all surveying charges:

<u>Survey Item</u>	<u>Charge</u>
Partitions	\$115.00
Property Line Adjustments	\$110.00
Subdivision, Pre-Monumented	\$233.00 + \$22.00/lot
Subdivision, Post-Monumented	\$350.00 + \$34.00/lot
Condominiums	\$409.00 + \$34.00/unit



City of Grants Pass
 Parks & CD Department
 101 Northwest "A" Street
 Grants Pass, OR 97526
 Phone: (541) 450-6060
 Fax: (541) 476-9218
www.grantspassoregon.gov

**ENGINEERING
 CHARGES
 FOR
 PRIVATE
 DEVELOPMENTS**



Fees Effective
 September 12, 2011
 Revised 1/1/2016

A Guideline For Anticipating
 Potential Engineering Division
 Charges For Your Development

ADOPTION

Engineering charges were adopted by the City Council on September 7, 2011. Hourly billing was eliminated and a fixed rate fee schedule for all charges was enacted. For more specific information, please refer to Resolution No. 5850.

ENGINEERING CHARGES FOR SERVICES WILL NOW BE BASED ON THE FOLLOWING:

Developer Installed Projects:

The following fees will be assessed and collected for all Developer Installed Projects: Plan Review Fee, Encroachment Permit Fee, Grading Permit Fee, Inspection Services Fee and GIS Fee.

The Plan Review Fee consists of a \$526.00 base fee + \$57.00 per lot. This fee will be paid in full at the time of plan submittal.

The Encroachment Permit Fee is a flat fee of \$70.00 and will be paid in full and the permit issued prior to the start of construction.

The Grading Permit Fee is determined by the quantity of soil being excavated and/or deposited. This fee will be paid in full and the permit issued prior to the start of construction. Fees are calculated as follows:

<u>Grading Volume</u>	<u>Charge</u>
50 cubic yards (CY) or less	\$ 70.00
51 – 100 (CY)	\$ 103.00
101 – 1,000 (CY)	Base Fee \$115.00
1,001 – 10,000 (CY)	Base Fee \$233.00

10,001 – 100,000 (CY)	Base Fee \$467.00
100,001 (CY) or more	Base Fee \$937.00
Each Additional 10,000 (CY)	\$56.00 / 10,000 (CY)

The Inspection Services Fee will be based on the estimated construction costs (to be provided by the developer's engineer before approved construction drawings are submitted to Engineering). Fees will be collected prior to the pre-construction meeting and start of construction and before issuance of the Development Permit by Planning.

The following table applies for all projects requiring inspection for public facilities:

<u>Estimated Const. Cost</u>	<u>Service Charge</u>
\$100,000 or less	5.00%
\$200,000	4.60%
\$300,000	4.30%
\$400,000	4.10%
\$500,000	3.90%
\$600,000	3.80%
\$700,000	3.70%
\$800,000	3.60%
\$900,000	3.50%
\$1,000,000 or more	3.40%

Public facilities include all City owned and operated public waterlines, storm drain lines, wastewater lines, streets and signals. It also includes appurtenances for all of the above such as fire hydrants, manholes, and signage. Private developments will be required to provide the City with the estimated costs for the public facilities. The City will check the estimated costs to ensure they are consistent with current industry construction standards prior to requiring payment for inspection charges.

Geographical Information System (GIS) Fee

Per City of Grants Pass Resolution No. 5935 adopted April 18, 2012, a 5% GIS Fee will be added to the Inspection Services Fee calculated from the Valuation Form and paid at the time that the Inspection Services Fee is collected.

Encroachment Permit Only:

When an engineering plan review of the proposed improvements is not required, a base fee of \$70.00 plus the following charges apply for the applicable items:

<u>Encroachment Item</u>	<u>Charge</u>
Excavation (100 sq ft or less) (ea)	\$ 22.00
Excavation (101-1000 sq ft) (ea)	\$ 93.00
Excavation (1001-3000 sq ft) (ea)	\$187.00
Excavation > 3001 sq ft (ea)	\$233.00
Driveway Approach (per sq ft)	\$ 0.35
Sidewalk (per sq ft)	\$ 0.24
Pavement (per sq ft)	\$ 0.24
Valley Gutter (per sq ft)	\$ 0.24
Manhole or Catch Basins (ea)	\$233.00
Fire Hydrant (ea)	\$350.00

<u>Encroachment Item</u>	<u>Charge</u>
Pedestrian Benches (ea)	\$ 22.00
Traffic Survey Counts (ea)	\$140.00
Annual Blanket (ea)	\$ 87.00
Tree/Stump Removal (ea)	\$ 22.00
Deposit Material in ROW (ea)	\$ 44.00
Curb/Gutter (per lf)	\$ 0.35
Storm Drain (per lf)	\$ 1.17
Water Laterals (per lf)	\$ 1.17
Sewer Laterals (per lf)	\$ 1.17
Walls less than 3' in height (ea)	\$ 56.00
Walls more than 3' in height (ea)	\$ 56.00
+ \$1.40/sf of wall area	