

URBAN AREA PLANNING COMMISSION

MEETING MINUTES

July 27, 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, and Dan McVay were present. Commissioners Lois MacMillan, Blair McIntire, and Robert Wiegand were absent. Also present and representing the City was Parks & Community Development (hereafter: PCD) Lora Glover and Justin Gindlesperger and City Council Liaison Rick Riker.

2. ITEMS FROM THE PUBLIC: None.

3. CONSENT AGENDA:

- a. **MINUTES: July 13, 2016** **Pg. 1-10**
- b. **FINDINGS OF FACT: 402-00100-16 – Stutzman – Dowell Road
Comprehensive Plan Map Amendment** **Pg. 11-22**

MOTION/VOTE

Commissioner Coulter moved and Commissioner Arthur seconded the motion to approve the minutes from June 8, 2016 as amended. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioner McVay. “NAYS”: None. Abstain: Arthur and Kellenbeck. Absent: Commissioners MacMillan, McIntire, and Wiegand.

The motion passed.

4. PUBLIC HEARINGS:

- a. **104-00102-16 – Blackberry Lane Subdivision Tentative Plan – Staff Report** **Pg. 23-74**
 - Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 104-00102-16 – Blackberry Lane Subdivision Tentative Plan. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by

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

- Justin gave the staff report.
- Commissioner Fitzgerald noted that the application is for 38 lots rather than 37 lots and asked if that would make a difference. Justin let him know that it would not. Commissioner Fitzgerald would like that corrected in the application.
- Commissioner Kellenbeck asked if there was on street parking on Leonard Rd and if there will be on street parking on Raydean. Justin said he wasn't sure on Leonard but there will be on Raydean and Blackberry.
- Commissioner Kellenbeck asked if there was any future plan for Raydean to be continued. Justin said that it would dead end at the adjacent property. Lora clarified that due to existing property it is not on the master plan to continue but that could change in the future if the surrounding properties were to be redeveloped. Commissioner Kellenbeck asked if there was a reason that the street didn't end in a cul-de-sac after receiving this information. He is also concerned about parking in the area.
- Commissioner Fitzgerald would like to know about the ownership of the detention ponds and how they will be maintained.

- Justin Gerlitz – Gerlitz Engineering Consultants – Mr. Gerlitz let the commission know that they have worked diligently with the City to get this plan moving forward. The plan is for a 38 lot development with the extra piece for future development. The homes will be three bedroom, two bath with 2 car garages.
- They worked with the fire marshal on parking and to keep the area fire safe they are creating three parking spots for each lot that fronts on the private street and a dedicated fire lane.
- There will be additional parking on Raydean and Blackberry but not on Leonard as it has a different classification. It will however be striped and signed to County specifications.
- Mr. Gerlitz clarified that the street being stubbed out was at the City’s request to be at a better advantage in case of possible development and continuation of the road in the future.
- Commissioner Fitzgerald asked if the storm drain system would be maintained through an HOA. Mr. Gerlitz let the commission know that in past development projects Steve Scrivner has requested that they develop the drains and the landscaping and the City will take over maintenance from there. Lora clarified that Public Works would need to review the plans before they took over maintenance for the drains but more than likely this will be the case. In the case of the plan not being accepted by Public Works the developed can either form an HOA for maintenance or file for a modification.
- Commissioner Kellenbeck let Mr. Gerlitz know that he likes the plan. He asked if there would be a better way to make a turnaround in the future development on Ray Dean. Mr. Gerlitz bulb it out to serve lots off of it. Connection to willow lane would be nice. Sturgeon is lower classification street. Lora – allow dead end streets in cases where they might have furture development, with a culdesac you get into limited length. Believes the example was under County code.
- Angela Despie – 2681 Mist Circle – Ms. Despie brought up concerns about foot traffic in the area being increased. She would like to know if sidewalks to Redwood Elementary will be continued to accommodate additional foot traffic for potential children living at the new subdivision. She is also concerned about the street parking on both sides of the street causing the roadway to be too narrow for through traffic in the area. She would like to know if traffic increases are being taken into consideration. Ms. Despie would also like clarification on if the

area will be annexed into the City as she has concerns about the increased population in the area increasing crime. She would also like clarification on where the drainage will be going.

- Commissioner Fitzgerald clarified that the drainage is for storm drainage.
- Ms. Despie let the commission know that they are already having issues with storm waters and flooding in the area. She is concerned that the problem will only be aggravated by adding in additional properties.
- Tony Riojas - 225 Penny Lane – Mr. Riojas has a rental on Rainwood Lane. The previous neighbors had livestock and left tool on his rental property and built a fence that is about 3ft into their property. He would like to know if the developer is planning to fence the three lots on the NW Corner. He would also like to know if they will be removing the pile of dirt.
- Ronald Nunn – 3853 Leonard Rd – Mr. Nunn owns an adjoining property and is very much in favor of the project.
- Mr. Gerlitz let it be known that they understand the traffic concerns and that they did do a traffic study. There will be connections to existing subdivisions that should help with safety for pedestrian foot traffic. In the long range the city does plan to improve Leonard Rd but it hasn't come up yet.
- Drainage wise the City requires that the water detain to the existing conditions. No additional water will come off the property compared to the current drainage.
- There will be all new vinyl fencing up on each property. As for the dirt pile Mr. Riojas referenced it should be able to be accommodated.
- The area prone to flooding that was referenced by Ms. Despie will not be within the area the developers will be working in. They will not be addressing it but they will also not be making it worse. Mr. Gerlitz recommended that Josephine County Public Works be contacted about that matter.
- Justin clarified that there is a storm drain in the area that Mr. Riojas referenced that will limit what the developer is able to do in that location.
- Anthony Riojas – 225 Penny Lane – Anthony Riojas is Tony Riojas' son. He clarified that the main concern is that the previous owners were infringing on his father's property. They would like to know who is responsible for cleaning up the equipment and trash that was left on his property near the property line.

- Mr. Gerlitz wanted to reassure Mr. Riojas and Mr. Riojas that they will have a survey done and they should be able to come to some sort of agreement to resolve their concerns.
- Commissioner Kellenbeck is satisfied with the additional information and will recommend approval. He feels staff answered his questions adequately to ease his concerns.
- Commissioner Coulter would like to know if commissioner McVay is satisfied with the fire access on Raydean.
- Commissioner McVay is satisfied with the fire access but does have concerns about the sidewalks and safety for the children in the area.
- Commissioner Arthur asked for clarification on the half street and if there could be additional parking at the end of it as she had seen with other projects. Commissioner Fitzgerald clarified that the other cases were a different type of street where that would be permissible.

MOTION/VOTE

Commissioner Coulter moved and Commissioner Kellenbeck seconded the motion to approve application 104-00102-16 – Blackberry Lane Subdivision Tentative Plan be approved with the amendment to remove condition 2c and the statement to remove a turnaround. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioners McVay, Arthur, and Kellenbeck. “NAYS”: None. Abstain: None. Absent: Commissioners MacMillan, McIntire, and Wiegand.

The motion passed.

b. 405-00103-16 – Development Code Text Amendments Article 2, 10, and 19 Planning Commission Staff Report – Type IV Pg. 75-134

- Chair Fitzgerald stated, at this time I will open the public hearing to consider 405-00103-16 – Development Code Text Amendments Article 2, 10, and 19 Planning Commission Staff Report – Type IV. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? In this hearing the decision of the Commission will be based upon specific criteria. All testimony and evidence must be directed toward those criteria. The criteria which apply in this case are noted in the staff report. The hearing will now proceed with a report from staff.
- Lora gave the staff report.

- Commissioner Coulter made reference to 2.038 – pg. 94 – third paragraph with the stricken out sentence about removing part of the decision process. The text amendment will allow type 1D to be made with a Director’s decision. The portion of the text that is being removed would allow additional options for the decision process. He would like to see that portion of the text stay to allow for more choices in the City’s toolbox. He made reference that the City would not need to use it but he would like to it remain as an option.
- Commissioner Kellenbeck disagreed and felt that this streamlined the process.
- Commissioner Fitzgerald mentioned a concern about not having an avenue for verbal public input if this level of review is removed.
- Commissioner Coulter requested that the rest of the commissioners give an up or down vote on whether or not to request an amendment to commissioner Kellenbeck’s motion. The rest of the Commissioners agreed to not amend the motion.
- Commissioner Fitzgerald noted his concern about the amendment appearing to removal all public testimony.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner McVay seconded the motion to recommend approval of application 405-00103-16 – Development Code Text Amendments Article 2, 10, and 19 Planning Commission Staff Report – Type IV. The vote resulted as follows: “AYES”: Chair Fitzgerald, and Commissioners McVay, Arthur, and Kellenbeck. “NAYS”: Vice Chair Coulter. Abstain: None. Absent: Commissioners MacMillan, McIntire, and Wiegand.

The motion passed.

- Lora will bring this to the City Attorney to confirm that he feels the process will adequately cover the citizen's rights for public comment. She will report back to the commission.

5. OTHER ITEMS/STAFF DISCUSSION:

- Lora is trying to keep UAPC updated on what City Council is doing and hopes that this is working for the Commissioners.
- Council will review Stutzman on August 3, 2016.

- For the August 10, 2016 meeting there will be findings that night, but as of today there isn't anything in addition. Staff can give a quarterly report.
- The August 24, 2016 meeting will review the Pinnacles Estate Subdivision and the Lincoln/Lower River Rd Subdivision.
- On September 7, 2016 Council will review this amendment.
- On the September 14, 2016 meeting there will be findings and any possible applications that come forward in the meantime.
- The commission will be reviewing Valley Lights for the fourth time.
- Council will be having a second reading of the Urban Renewal plan on the August 3, 2016 meeting.
- Stephen M R Covey will be here on September 16, 2016 from 6:00pm to 9:00pm. Tickets are available if the commissioners would like to attend.
- Hampton Inn would like to modify their landscaping up along the freeway. What they didn't point out is that they have a retaining wall. The commission is fine with Lora working on that with them and getting a copy to the commission at a later meeting.
- Lora let the Commission know that they brought the Allen Creek plans to Council; they will be holding another open house.

6. ITEMS FROM COMMISSIONERS:

- None.

7. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 8:37 P.M.

Next Meeting: August 10, 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 COMMUNITY DEVELOPMENT DEPARTMENT

**DEVELOPMENT CODE TEXT AMENDMENTS
ARTICLES 2, 10 AND 19
PLANNING COMMISSION FINDINGS OF FACT-TYPE IV**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	405-00103-16
Project Type:	Development Code Text Amendments
Applicant:	Director of Parks and Community Development
Planner Assigned:	Lora Glover
Application Received:	4/29/16
Application Complete:	4/29/16
Date of Planning Commission Staff Report:	July 20, 2016 Due: 7/20/16
Date of Planning Commission Hearing:	July 27, 2016
Date of Planning Commission Findings of Fact:	August 10, 2016

I. PROPOSAL:

The proposal is to amend Articles 2, 10 and 19 of the Development Code as follows:

- 1) Amending indices and outlines in Article 2 and 10 to conform to other indices and outlines within the Code.
- 2) Article 2, Schedule 2-1 #25 adding language for Site Plan Reviews in Regionally Significant Industrial Areas (RSIA);
- 3) Article 2, Section 2.038, revising language for a Director's decision with a Type I-D application;
- 4) Article 2, Sections 2.043(2)(e), 2.044(2) adding quasi-judicial language for a Hearings Officer Decision, and 2.045(2);
- 5) Article 2, Sections 2.053(3)(c) adding Type I-D RSIA application language and 2.053(4)(e);
- 6) Article 2, Sections 2.055(3) and 2.055(4) language regarding the effective date of the Planning Commission Type III decision;
- 7) Article 2, Section 2.064(2)(b) language regarding notice of Planning Commission recommendation in Type IV proceedings;
- 8) Article 2, Section 2.065(1) language regarding action hearing before City Council;
- 9) Article 10, Sections 10.033(1), 10.036, 10.037, 10.038(1) and (d), 10.038(3), 10.038(4)(b), 10.038(5), 10.038(7), 10.038(8)(a-d), 10.051(1) (a) and (c) procedure language regarding filing an appeal of final action by Planning Commission on Type III decision, and 10.051(5) ;
- 10) Minor changes to timeframes within Article 10 allowing the Director sufficient review time of appeal applications;
- 11) Article 19, Section 19.030 Note language.

II. AUTHORITY AND CRITERIA:

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

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

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

III. APPEAL PROCEDURE:

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

IV. PROCEDURE:

- A. The application was submitted and deemed complete on April 29, 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 May 8, 2016, in accordance with ORS 197.610 and OAR Chapter 660-Division 18.
- C. Notice of the proposed amendments were mailed to Josephine County on May 8, 2016, in accordance with the 1998 Intergovernmental Agreement.
- D. Notice of the proposed amendment for the July 27, 2016 Planning Commission hearing was published in the newspaper on July 20, 2016, in accordance with Section 2.053(2) of the Development Code.
- E. A public hearing was held by the Planning Commission on July 27, 2016, to consider the proposal and make a recommendation to City Council. The Planning Commission made a recommendation to the City Council.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the July 27, 2016 staff report and its exhibits, which are attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearings held by the Planning Commission on July 27, 2016 summarize the oral testimony presented and are attached as Exhibit "B" and are hereby adopted and incorporated herein.

- C. The PowerPoint presentation given by staff at the July 27, 2016 Planning Commission hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS AND DISCUSSION:

Periodic reviews and housekeeping of the Development Code is necessary to assure the Plan and Code is up to date and conforms to current Oregon laws. The following proposed amendments to the Development Code are:

1. Correcting the Indices and outlines to Article 2 and 10 to conform to other indices and outlines within the Code.
2. Amending Article 2, Schedule 2-1 #25 by adding language for Site Plan Reviews in Regionally Significant Industrial Areas (RSIA).
3. Amending Article 2, Section 2.038 by revising the language for a Director's decision with a Type I-D application to be more consistent with statute.
4. Amending Article 2, Sections 2.043(2)(e), 2.044(2) adding quasi-judicial language for a Hearings Officer decision as some hearings are quasi-judicial in nature and statute requires the public have an opportunity to request a continuance of a hearing and 2.045(2).
5. Amending Article 2, Sections 2.053(3)(c) by adding RSIA language and 2.053(4)(e).
6. Amending Article 2, Sections 2.055(3) and 2.055(4) by revising the effective date of the Planning Commission Type III decision to be 12 calendar days from the date the written decision is mailed and not 7 days as currently.
7. Amending Article 2, Section 2.064(2)(b) by revising the recommendation of the Planning Commission in Type IV proceedings to not send notices of the final recommendation within 10 days of the hearing, but incorporate that recommendation language within the City Council hearing notice which is mailed within 14 days of the Planning Commission hearing, thereby eliminating duplicate noticing and avoiding conflict with two notices crossing in the mail.
8. Amending Article 2, Section 2.065(1) by changing calendar days to 14 days to coincide with changes in number 7 above and changing oral to final recommendation to coincide with other proposed changes.
9. Amending Article 10, Sections 10.033(1), 10.036, 10.037, 10.038(1)and (d), 10.038(3), 10.038(4)(b), 10.038(5), 10.038(7), 10.038(8)(a-d), 10.051(1)(a) and (c) revising procedures for filing an appeal of final action by the Planning Commission on Type III decisions by having the appeal filed within 12 days from the date the written decision is mailed, thus allowing sufficient noticing time and to be consistent with statue language and 10.051(5).

10. Minor changes to timeframes within Article 10 to allow the Director sufficient review time of appeal applications and other minor changes to Articles 2 and 10 language to be consistent with other Articles within the Code.
11. Revising Article 19, Section 19.030 Note language to reflect the correct Section number.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

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

SECTION 4.103:

CRITERION 1: The proposed amendments are consistent with the purpose of the subject sections and articles.

Planning Commission Response: Satisfied. The proposed amendments are consistent with both the purpose and intent of the articles. The purposes of the Code remain intact.

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

Planning Commission Response: Satisfied. The proposed amendments are in harmony with other provisions in the code.

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

Planning Commission Response: Satisfied. The proposed changes are consistent with Element 13, Land Use, of the Comprehensive Plan. The proposed changes assure the Development Code and Comprehensive Plan is in agreement and consistent.

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

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

VIII. RECOMMENDATION:

The Planning Commission found that the applicable criteria are satisfied and recommended that the proposed amendment Articles 2, 10 & 19 of the Development Code as set forth in Exhibit 1 of the Staff Report, be forwarded to the City Council for adoption. The vote was 5-0, with Commissioners Fitzgerald, Coulter, Arthur, Kellenbeck and McVay in favor. Commissioners MacMillan, McIntire and Wiegand were absent.

IX. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 10th day of August, 2016.

Gerard Fitzgerald, Chair

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

**BLACKBERRY LANE
SUBDIVISION TENTATIVE PLAN
FINDINGS OF FACT**

Procedure Type:	Type III: Urban Area Planning Commission	
Project Number:	104-00102-16	
Project Type:	Subdivision Tentative Plan	
Owner(s):	Maurer Properties, LLC	
Applicant:	Gayle Atkins	
Representative:	Gerlitz Engineering Consultants. Attn: Justin Gerlitz	
Property Address:	2587 Leonard Road	
Map and Tax Lot:	36-06-23-BD, TL 800	
Zoning:	R-2 (Urban Growth Boundary)	
Size:	5.83 acres	
Planner Assigned:	Justin Gindlesperger	
Application Date:	June 10, 2016	
Application Complete:	June 24, 2016	
Date of Staff Report:	July 20, 2016	Due: 07/20/2016
Hearing Date:	July 27, 2016	
Date of Findings:	August 10, 2016	
120 Day Deadline:	October 22, 2016	

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

I. PROPOSAL:

The proposal is to subdivide the approximately 5.83 acre property into a total of 38 single family lots located at 2587 Leonard Road in the R-2 residential zoning district. The proposal will construct two (2) sections of public street and six (6) private streets for access to the individual lots. The development will also include frontage improvements along Leonard Road.

In conjunction with the application for the subdivision, the applicant has applied for two (2) separate Property Line Adjustment (PLA) applications. The first PLA is between the applicant and an adjacent property owner due to structures encroaching onto the subject parcel. The second PLA is between tax lot 800 and tax lot 1900 to the south, which is also owned by the applicant. The applicant has submitted a future development plan to show further development for the subdivision.

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. PROCEDURE:

- A. An application for a Subdivision Tentative Plan was submitted on June 10, 2016 and deemed complete on June 24, 2016. The application was processed in accordance with Section 2.050 of the Development Code.
- B. Public notice of the July 27, 2016 hearing was mailed on July 6, 2016, in accordance with Section 2.053 of the Development Code.
- C. A public hearing was held on July 27, 2016 and the Planning Commission voted unanimously to approve the Subdivision Tentative Plan request with the conditions attached in the Staff Report.

VI. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the Staff Report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on June 22, 2016, attached as Exhibit "B", summarize the oral testimony presented and are hereby incorporated herein.
- C. The PowerPoint given by staff is attached as Exhibit "C".
- D. An email from Misty Whorley, an adjacent neighbor, is attached as Exhibit "D".
- E. A copy of an aerial map submitted by Tony Riojas is attached as Exhibit "E".

VII. GENERAL FINDINGS OF FACT:

A. Characteristics of the Property:

- 1. Land Use Designation:
 - a. Comprehensive Plan: Moderate Density Residential
 - b. Zone District: R-2

- c. Special Purpose District: R-3-2 transition overlay; Grants Pass Irrigation District; Sand Creek Drainage
- 2. Size: 5.83 acres
- 3. Frontage: Leonard Road and Raydean Drive
- 4. Access: Lots will have access from interior public and private streets
- 5. Public Utilities:
 - a. Existing Utilities:
 - i. Water: 12-inch main in Leonard Road and 8-inch main in Raydean Drive.
 - ii. Sewer: 8-inch main Leonard Road and Raydean Drive
 - iii. Storm Drain: 12-inch main in Raydean Drive
 - b. Proposed Utilities:
 - i. Water: 8-inch main in SW Blackberry Lane and 8-inch extension in Raydean Drive;
 - ii. Sewer: 8-inch main in SW Blackberry Lane, an 8-inch extension along Raydean, and 8-inch main in each private street;
 - iii. Storm: Extension of the storm drain in Leonard Road and SW Blackberry Lane (size to be determined).
- 6. Topography: Relatively flat
- 7. Natural Hazards: None
- 8. Natural Resources: Wetlands
- 9. Existing Land Use:
 - a. Subject Parcel: Undeveloped pasture with agriculture structure
 - b. Surrounding: Moderate Density Residential

B. Background:

The proposal is for a 38-lot Subdivision on an approximately 5.83 acre tract in the R-2 zoning district, located at 2587 Leonard Road. Individual lots are approximately 5,000 square feet in size and are proposed single-family residences, with two (2) of the lots featuring attached dwelling units.

The development includes an extension of Raydean Drive, frontage improvements along Leonard Road, a new public street (SW Blackberry Lane) and six (6) private streets. Access to the individual lots will be from the proposed internal streets. SW Blackberry Lane will be constructed to Local Access street standards and the private streets will be

a minimum of twenty (20) feet wide with four dwelling units accessing each private street segment. The private street segments will be designated as “fire lanes” to help ensure emergency vehicle access.

In conjunction with the application for the subdivision, the applicant has applied for two (2) separate Property Line Adjustment (PLA) applications. The first PLA is between the applicant and an adjacent property owner due to structures encroaching onto the subject parcel. The second PLA is between tax lot 800 and tax lot 1900 to the south, which is also owned by the applicant. The applicant has submitted a future development plan to show further development or subdivision.

Due to the number of trips generated by the subdivision, the applicant was required to provide a Traffic Impact Analysis (TIA). The TIA City’s traffic consultant concurred with the conclusions of the TIA that no additional mitigation is required for the project.

VIII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

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.

Planning Commission Response: Satisfied with Conditions. The R-2 zone district requires a minimum lot size of 5,000 square feet. The proposed lots meet or exceed this base requirement. Each lot is required to have a minimum width of fifty (50) feet, as required by the Development Code, and all lots meet this base requirement.

As previously noted, the applicant has submitted a Property Line Adjustment with TL 1900. However, the tentative plan for the subdivision does not reflect the area being adjusted into TL 800. The adjusted area is proposed to be developed at a future date and is reflected on the “future development plan”. As conditioned below, the applicant will be required to submit a revised tentative plan reflecting the adjusted area as Tract B.

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.

Planning Commission Response: Satisfied. The proposed lots in the subdivision cannot be further divided due to minimum lot size requirements in the R-2 zoning district. The maximum development potential of the individual lots will be completed with the construction of single-family residences.

As previously noted, the tentative plan application is in conjunction with two (2) Property Line Vacation applications. On the second PLA, the applicant is proposing to adjust the

common property line with an adjacent property (tax lot 1900) that is under common ownership. Tax lot 1900 is not part of the current subdivision application and the applicant has submitted a future development plan.

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.

Planning Commission Response: Satisfied with Conditions. The tentative plan reflects the development of a new internal local access street (50 ft. right-of-way, 5.5 ft. planter strips and 5 ft. sidewalks) and six (6) private streets. As conditioned below, the private streets shall be a minimum of 20-feet wide and be designated as a “fire lane” with no parking along the street ~~or within the turn-around.~~

As conditioned below, the applicant will be required to extend Raydean Drive along the length of the subject property to Local Access standards (5.5 ft. planter strip and 5 ft. sidewalks) and install frontage improvements along Leonard Road to Collector street standards (7.5 ft. planter strip, 6 ft. sidewalk and 5 ft. bike lane).

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. Willow Lane and George Tweed Boulevard are the nearest destination streets. As reflected on the tentative plan, sidewalks will be provided on the new local access street, the extension of Raydean Drive and the improvements along Leonard Road in accordance with Resolution 4851.

The application is subject to the connectivity standards of Section 27.122 to ensure that a pattern of streets and accessways are provided for vehicles, pedestrians and bicyclists. Due to the existing development on the east and west property lines, the applicant is unable to meet the 600 ft. block length standards under Section 27.122(1). The review body is allowed to grant an exception to this requirement when it is found to be impractical due to existing development patterns. During the pre-application for the proposed subdivision, staff and the applicant had extensive discussions regarding alternative street layouts. Due to the existing development, staff and the applicant believe the tentative plan provides the best possible design due to the existing limitations.

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.

Planning Commission Response: Satisfied with Conditions.

Water: The proposal includes the extension of a public water main to provide domestic and fire services to the individual properties. 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 applicant proposes sewer main extensions within the dedicated public right of way and within the private streets. Separate sewer laterals are required for each lot. The installation of the proposed sewer mains 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. The proposal includes storm mains in SW Blackberry Lane that drain into a proposed detention pond on the northeast corner of the property. The applicants are proposing to connect to an existing storm drain that flows through Rainwood Estates. Rainwood Lane is not a City street and the applicant is required to obtain permission from Josephine County.

As conditioned below, the applicant shall submit storm drain calculations that 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. The applicant must also provide information on the maintenance of the proposed storm detention facility. The tentative plan notes that Tract A is to be maintained by the City; the City has not accepted this dedication. Prior to any acceptance of the detention area, the applicant will be required to submit a detailed design for the detention pond to include demonstration of its function to the Public Works Department for review and approval. If it is all future "City Street" water that is going into the detention pond, the City will decide whether to accept responsibility for the future maintenance. If the City accepts the maintenance responsibility, the installation of landscaping and a separate irrigation meter may be required.

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 public street frontages, and along one side of each of the private streets.

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.
- (b) No cuts shall result in retaining walls greater than 15 feet high in a single wall from the finish grade or create any un-retained slopes greater than 100%.
- (c) No fills shall result in a retaining wall within the required setback from a property not included in the development plan greater than 6 feet in height from the finish grade or create any slopes which are greater than 100%.

Planning Commission Response: Satisfied with Conditions. The applicant provided a tree canopy chart showing existing tree canopy and existing trees to be removed. The site has an existing tree-canopy cover of approximately 5%. As required by Section 11.041, residential developments in the R-2 zone shall maintain or re-establish a tree-canopy cover of 20% to 30%, which typically requires 3-4 trees per lot. As conditioned below, prior to final plat, the applicant shall submit a revegetation plan and pay applicable tree deposits per Section 11.060.

Solar Standards: The solar lot design standards in Section 22.632 (1) requires, "At least 80 percent of lots in a residential subdivision shall:
(a) have a north-south dimension of at least 80 feet; or
(b) have a solar building line located on the lot(s) to the north of the subject lot. The solar building line shall be at least 85 feet north of the south property line of the subject lot. Construction on the lot shall be setback from the recorded solar building line in accordance with Section 22.623(2)."

Section 22.632 (3) states,
"Any proposed lot where any structure built on that lot would be exempt from solar setback standards as given in Section 22.621 of this Code shall not be included in the total number of lots in the subdivision when calculating the number of lots in subsection (1) above."

Of the 38 proposed lots, four (4) lots do not meet or exceed the eighty (80) foot minimum north/south lot dimension. The remaining 34 lots exceed the minimum percentage of lots that comply with the minimum lot dimension requirements.

The site is relatively flat; therefore areas of cut and fill are not expected to exceed 1-2 feet. No retaining walls are proposed as part of the development plan. 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.

Planning Commission Response: Satisfied with Conditions. The proposed subdivision name of "Blackberry Lane Subdivision" was approved by the County Surveyor. As conditioned below, the proposed street names shall be amended to include the "SW" directional identifier (Section 6.40.030.B of the Municipal Code).

The subject property is located outside of the City limits within the Urban Growth Boundary and is considered a Category 2 development, pursuant to the 1998 Intergovernmental Agreement for the Orderly Management of the Grants Pass Urban Growth Boundary. As conditioned below, the applicants will be required to submit a signed Service and Annexation Agreement.

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.

IX. DECISION AND SUMMARY:

The Planning Commission **APPROVED** the request for the thirty eight (38) lot tentative plan with the conditions listed below. The vote was 5-0 with Commissioners Fitzgerald, Coulter, Arthur, Kellenbeck and McVay in favor. None were opposed. Commissioners MacMillan, McIntire and Wiegand were absent.

CONDITIONS OF APPROVAL:

A. The following must be accomplished within 24 months of the Planning Commission's Decision and prior to issuance of a Development Permit. (Note: A Development Permit is required in order to obtain a grading permit.):

1. 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.

2. Submit a revised tentative showing the following:
 - a. Tract B (formerly part of TL 1900).
 - b. Revised street names with the directional identifier of "SW" in accordance with Section 6.40.030 of the Municipal Code.
 - c. ~~An approved turn-around design for each of the six (6) private streets that comply with the requirements of Grants Pass Public Safety.~~ Designate the private streets as "Fire Lane No Parking".
 - d. Reflect the parking areas for each lot along the private streets.
 - e. Identify mailbox locations.
3. Obtain 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 an engineered drainage plan for the subdivision and tentative drainage plans for each lot. The plan shall include line size and percentage of fall. The drainage plan shall include the

prevention of storm water from crossing property lines unless within dedicated easements. GPID approval must be obtained prior to drainage into their system.

- i. The applicant shall provide maintenance information on the proposed stormwater detention facility. Upon review and approval of the stormwater detention plan, the City will make a determination regarding the future maintenance of the proposed detention facility. If the City excepts the maintenance, the applicant will be required to install appropriate landscaping, irrigation and a separate irrigation meter.
 - ii. The applicant shall obtain permission from Josephine County prior to connection of the storm drain into the existing main along the western property line of the subject property.
- b. 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.
 - c. Provide an erosion control and dust control plan for the subdivision.
 - d. Include any provisions of the NPDES permit on the construction plans.
 - e. Present engineered construction drawings stamped by a registered Engineer, including plans and profiles if necessary, that detail the following improvements to the City Engineering Division for review and approval.

Street Improvements:

- i. Show full street improvements to Raydean Drive and SW Blackberry Lane to City standards.
- ii. Show the half-street improvements along Leonard Road to the eastern property line of the subject property (tax lot 800).
- iii. Construction of a City Standard commercial drive approach at the intersection of each private street and SW Blackberry Lane. The City Engineer may require appropriate transitioning from the private street to the City street.

- iv. Reflect proposed street lighting in accordance with Section 27.121.16 of the Development Code.
- v. Provide a striping and signage plan.
 - (a) Developer will paint 20' yellow setbacks at the corners and paint white stop bar at stop sign.
 - (b) City will install the required street name sign, "stop" sign, and will bill developer for all costs.
 - (c) Any other signs will be the developers to install.
- vi. Obtain encroachment permits prior to any work in the right-of-way.

Utility Plan Provide detailed engineered drawings containing plan and profiles for the Utility Division Review (Specific conditions or changes to the utility shall be approved by the Engineering and Utility Departments).

- i. Show the extension of an 8" public water main in SW Blackberry Lane and Raydean Drive
- ii. Show the extension of an 8" public sewer main in SW Blackberry Lane, Raydean Drive and each of the six (6) private streets.
- iii. Show the extension of public storm water main in SW Blackberry Lane and Leonard Road.
- 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. 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.
6. Sign a Service and Annexation Agreement.
7. A recorded copy of the two Property Line Adjustments under concurrent review.

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

1. Substantially complete all construction items related to SW Blackberry Lane, Raydean Drive, Leonard Road and the six (6) private streets.
 - 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 private streets.
2. 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.
3. Pay the tree deposit fee in the amount of \$400 for each new lot in Phase I (Section 11.060.2).
4. Separate sewer and water services are required for each lot. Private sewer and water lines shall not cross other lots.

5. 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.
6. 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.
7. All adjacent streets shall be swept regularly during construction.
8. Street name sign, "stop" sign, and "*Fire Lane* 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, and *no parking along the Fire Lane* are to be completed by the developer.
9. Power, telephone, cable television and natural gas lines shall be installed underground and within the 10 foot City Utility Easements.
10. Pay all engineering inspection fees due.
11. 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.
12. Properly abandon any existing wells and provide evidence of proper abandonment to the Parks and Community Development Department.
13. 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.
14. Complete installation of the public utility services as reflected on the approved utility plans.
15. 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.
16. Provide a land division guarantee issued by a title company.
17. 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 Blackberry Lane and Raydean Drive to the public.
- b. All easements indicated on approved construction plans.
- c. A ten-foot wide City Utility Easement dedicated to the City of Grants Pass along all necessary public street frontages, and along one side of each of the private streets.
- d. Dedicate the ten (10) feet of additional right-of-way for Leonard Road as reflected on the tentative plan.
- e. Include any necessary drainage and cross access easements.
- f. Twenty (20) foot unobstructed and drivable public sewer main easements within the four (4) private streets.

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

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

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

1. Payment of all System Development Charges due; including, but not limited to, water, storm, sewer, parks and transportation.
2. Development of lots shall be in accordance with solar standards.
3. Each lot shall have separate utility services.
4. All utilities shall be placed underground.
5. Comply with the Uniform Fire and Building Codes.
6. Install landscaping in accordance with the approved landscape plan (Sections 11.041 ~ Tree Canopy and 23.031 ~ Residential Front Yard).
7. Submit lot drainage plans for approval on all building plans.
8. Tree refund in the amount of \$400 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.
9. Developed or undeveloped building lots will need to be maintained for weed and grass control throughout the year.

10. Provide addresses visible from the public right-of-way.
11. Gravel driveway approaches and other erosion and track out control measures shall be in place during construction of individual lots.
12. Prior to occupancy, driveways and parking and maneuvering areas shall be paved in accordance with the requirements of the Development Code.

VIII. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 10th day of August, 2016.

Gerard Fitzgerald, Chair