Hi there. Welcome to the March 23rd Planning Commission. It is six o'clock. I'm going to go ahead and take roll.

1. Roll:

   Commissioner Coulter?

   I'm here.

   Yay. Commissioner Arthur?

   Here.

   Commissioner Nelson?

   Present.

   Vice Chair Collier?

   Here.

   Commissioner Tokarz-Krauss?

   Here.

   Commissioner Scherf appears to be absent, as does Commissioner Aviles. I am Eric, I'm here. Do we have anybody online that we know of, staff?

   Our understanding was that Commissioner Scherf was going to call in. That's what we were told a few hours ago.
Okay.

Since you have a quorum, you're okay to proceed, but he may-
We will proceed, maybe he'll join us a little bit late.

2. **Introductions:**
   
   Introductions. Staff, do we have an introduction?

   We have with us tonight Gabby Sinagra. She is our Assistant Planner, and I don't think the Commission has heard from her yet, maybe one other time. She is the planner assigned to the Rogue Credit Union tonight, so this will be her debut and there'll be many more to come.

   Welcome, we can't wait to get you on the hot seat. I have an introduction, too, Commissioner Coulter has rejoined the Commission after a 10-month hiatus. Welcome, sir. We appreciate you being here with us.

   Thank you.

3. **Public Comment:**
   
   This item number 3 is for public comment. Are all of you here for one project or another, you're not just public attending the meeting? Am I right?

   One project. Yeah.

   Well, if any of you are here to talk to us, now's your time. You can talk to us about any items not related to the agenda items. The intent here is to provide information that is pertinent to the city's jurisdiction. Any of you speakers that want to come up to the podium, you're welcome to. You've got three minutes. Any takers? All righty, then.

4. **Approval of Minutes:**
   
   Item 4A, approval of the March 9th minutes. Do we have a motion, or does somebody want to amend anything?

   I'll move to approve the minutes.

   Tokarz-Krauss moves to second that motion.

   Commissioner Collier moves to approve the minutes. Commissioner Tokarz-Krauss seconds. All those in favor, say aye.

   Aye.

   Any opposed? Any abstentions? Commissioner Coulter and myself both abstain.
MOTION/VOTE
Vice Chair Collier moved, and Commissioner Tokarz-Krauss seconded the motion to approve the minutes from the March 9, 2022, meeting. The vote resulted as follows: “AYES”: Vice Chair Collier, Commissioners Nelson, Tokarz-Krauss and Arthur. “NAYS”: None. Abstain: Chair Heesacker and Commissioner Coulter. Absent: Commissioners Aviles and Scherf. The motion passed.

5. Informational Items:
Item 5, it says informational items. I don't have any. Staff, any informational items?
None.

6. Findings of Fact:
a. 405-00127-21 ~ HNA Comp Plan Amendment
Item 6A, Findings of Fact, project number 450127-21, Comp Plan Amendment. Does anybody have any motion for that Findings of Fact?

I would move approval of the Findings of Facts for the Comprehensive Plan Amendment.

Commissioner Nelson moves to approve the Findings of Fact, any seconds?

Arthur seconds.

Commissioner Arthur seconds. All those in favor, say aye.

Aye.

Anybody opposed? Abstentions?

Abstain.

Commissioner Coulter and Heesacker abstain.

MOTION/VOTE
Commissioner Nelson moved and Commissioner Arthur seconded the motion to approve the Findings of Fact, project number 450-00127-21, HNA Comp Plan Amendment. The vote resulted as follows: “AYES”: Vice Chair Collier, Commissioners Nelson, Tokarz-Krauss and Arthur. “NAYS”: None. Abstain: Chair Heesacker and Commissioner Coulter. Absent: Commissioners Aviles and Scherf. The motion passed.

b. 104-00146-22 ~ Buckmaster Subdivision PC
Item 6B, Findings of Fact for the Buckmaster subdivision, project number 104-00146-22. Motion to approve? Motion to deny? Motions, motions.

I would move approval of the Buckmaster Findings of Fact for their subdivision.

Tokarz-Krauss seconds.

Commissioner Nelson moves to approve, Commissioner Tokarz-Krauss seconds. All those in favor, say aye.

Aye.

Aye.

Any opposition? Abstentions?

Abstain.

Commissioner Coulter and Heesacker both abstain.

MOTION/VOTE
Commissioner Nelson moved and Commissioner Tokarz-Krauss seconded the motion to approve the Findings of Fact, project number 104-00146-22 ~ Buckmaster Subdivision PC. The vote resulted as follows: “AYES”: Vice Chair Collier, Commissioners Nelson, Tokarz-Krauss and Arthur. “NAYS”: None. Abstain: Chair Heesacker and Commissioner Coulter.

Absent: Commissioners Aviles and Scherf.

The motion passed.

7. Public Hearing:
   a. 201-00417-22/301-00149-22 ~ Rogue Credit Union ~ Union Avenue Major Site Plan & Major Variance Review ~ Staff Report

Item 7A, public hearing, item number 201-00417-22 and project number 301-00149-22, Rogue Credit Union Site Plan Review and variance. Bear with me as I open the public hearing. We will begin the hearing with a staff report, followed by public comment, and then the matter will be discussed and acted upon by the commission. Is there anyone present who wishes to challenge the authority of this commission to consider this matter? Seeing none. Conflicts of interest, do commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Nobody’s jumping to that. 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. 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 will not be
able to appeal to the Land Use Board of Appeals based on that issue. We may now begin the hearing with a staff report.

All right. Is this thing on? Oh, okay. All right. Well, good evening, everybody. I'm happy to be here and finally be presenting in front of you all. My name is Gabby Sinagra, as Brad said, I'm the Assistant Planner with the city, and I was the planner assigned to the proposed Rogue Credit Union. We processed this as a Major Site Plan Review with a major variance request. Let's get into it. First and foremost, the proposed development is located at 340 Union Avenue. The parcel currently has frontage along Union Avenue, which we classify as a collector, in addition to frontage along Redwood Highway, classified as a state highway. The parcel is zoned general commercial and is within city limits. While the lot is currently vacant and undeveloped, there is an existing approach that does take access off of Union Avenue. However, the applicant proposes to abandon the existing approach and would like to be approved for two approaches. You'll notice, circled in red here on the far-left hand side of the Union Avenue frontage, and another along the right-hand side of the Union Avenue frontage.

All right. The application is for a Major Site Plan Review to allow the development of the vacant lot with a single story, 4,598 square foot Rogue Credit Union branch, with three drive-through Personal Teller Machines, or PTMs. The applicant is requesting a major variance for relief from the Access Standards outlined in Article 27 of the Grants Pass Development Code, and request to be allowed to have those two two-way commercial driveways off of the Union Avenue from the previous slide to serve the proposed development. Pictured here is the site plan. Just to give you guys some orientation here, so Union Avenue, this is the Southern part of the parcel. On the north here is where Redwood Highway comes through. The building is proposed on the Northern edge of the parcel. I do want to call out something that was discussed in the staff report. The applicant, as part of their submittal, did include a future development plan. As part of this, there was an indicated future property line, which suggests that perhaps a potential partition might be in their interest later on. That property line is indicated, I believe, right here.

I just want to call out that Public Works did make a comment that with the existing utility configuration proposed for the Rogue Credit Union branch with that optional property line, if they were to move forward with that, that would create a nonconforming situation with the laterals crossing property lines. Just something to take note of. Pictured here are the proposed building elevations for the Credit Union. All new commercial buildings are subject to the standards outlined in Article 20 of our Commercial Design Standards in the Development Code. Staff has reviewed these elevations and has determined that they meet the criteria area in Article 20. In regard to the variance, I wanted to first start with our city traffic engineer, John Replinger's, comments. He did review the submitted Transportation Impact Analysis that was required as part of the applicant submittal. He did provide a comment on the request saying that "The applicant proposes to access driveways to Union Avenue rather than the one that's prescribed under Article 27.121. The applicant provides no justification or analysis for the extra access. I recommend that the applicant resubmit a site plan with access meeting the requirements of Article 27."
The Article that Mr. John Replinger is referencing, the specific section is 27.121-H4. This is outlined under Access to Arterials and Collectors. The Development Code does specify that each parcel shall be allowed no more than one direct access driveway, regardless of the size of the property or the amount of frontage, unless the variance is granted by the review body, based on a Traffic Analysis Report and the criteria in Article 6 outlining variance requests. A summation of the applicant's response to the variance requests is that the proposed Credit Union drive-through will see significant vehicular traffic, more than is normal for a proposed office. Therefore, having those two two-way entries and exits provides the most clear, direct way in and out to serve the property. You can see their full response to the variance criteria outlined in your packets from pages 30 to 31. Staff's response is that we adhere to the provisions for variance criteria that is outlined in Section 6.060 of the Development Code, and we found that the applicant does not meet Criteria 1, regarding topographical constraints, nor Criteria 3, pertaining to the proposal's benefits, outweighing any negative outcomes for development of adjacent uses.

Once again, just to reiterate, we found that Criteria 1 and 3 for the variance requests were not satisfied. We recommend that the Planning Commission deny the request for a major variance for the two two-way entries and exits from the Union Avenue, based not only on the provisions outlined in Article 6.060 of the Code pertaining to variance criteria, but also to Mr. John Replinger's comments, which you can see in page 34 of the packet. In regard to the Major Site Plan Review, we do have 13 criteria that outlined the process of approval which is, excuse me, outlined in pages 32 to 41 of your packet. Staff reviewed it and found that the criteria are met with the associated conditions outlined in the staff report. Just some relevant conditions to discuss, the first being the revised utility plan and the future development plan, as discussed earlier, for the nonconforming utility laterals, a landscape plan that meets requirements of the code, lighting details. The applicant would have to conform with Public Works and public safety requirements.

On that note, there was one particular comment in the Public Works staff report worth discussion here. Currently, the sidewalk configuration for the entire Union Avenue is a five-foot sidewalk and a five-foot planter strip. As part of their proposal, the applicant is proposing to do a reconfiguration of the sidewalks, but they do propose to meet these same standards of the five feet. However, this does not meet the requirements outlined in Section 27-3 of our Development Code. Public Works is requiring that if the applicant does indeed reconfigure the sidewalks, they'll need to meet the standards listed it in 27-3 and provide a six-and-a-half-foot sidewalk with seven-and-a-half-foot planter strips. Apart from that, a revised site plan. If the variance tonight is denied, then the applicant will need to submit a revised site plan indicating that the approach standards in Schedule 27-1 are met. All of the other criteria for the Major Site Plan Review requests are met with the associated conditions. Again, you can find that in pages 41 to 45 of your packet.

Staff recommends that the Planning Commission approve the request for the single story, 4,958 square foot Rogue Credit Union branch with the three drive-through Personal Teller Machines with the associated conditions in the report. For call to action, staff recommends denial of the major variance, and we recommend the approval for the request for the Major Site Plan Review. Thank you.
Any questions of staff before we let her get away? Commissioner Coulter?

Yes, sir.

Well, I guess I jump on the wagon again. The site plan recommendation is in opposition to the variance and the two-way driveway, from my perspective, is part of the site plan. For consistency, it would seem that you would recommend against the site plan, because we can't... If the commission disapproves the variance, there is no site plan that we can approve. Am I correct?

That is correct, yeah. They would need to submit a revised site plan with the appropriate access.

One of the reasons I say that, so really, if the variance is disapproved, we can't even discuss the site plan, or we shouldn't until the new site plan is put on. This is the way we've done it in the past.

No, that makes sense.

It also keeps the applicant from having to start from scratch, almost, on a site plan.

Okay.

Or at least the permitting fees and stuff.

No, I think that's a solid point. Brad, would you agree?

But we don't want to make it harder on the applicant if we were to disapprove the variance. I want to make it as easy for them in the resubmittal process as possible, the way I see it.

Right, Commissioner, I think that's generally right. You certainly are open to discussion about the site plan. Obviously, you need to hear the applicant's presentation if there's other things that are relevant that you would want to point out, so that the applicant can also consider those things if-

We haven't even, in the past, even considered a site plan, if we didn't approve the variance, is what I was going to say.

Right. That's not a standard that is required in the Development Code, nor is it mandatory. It's a case-by-case basis.
Okay. But it's integral to the site plan, so a little concerned about that. Oh, whatever, just wanted to bring it up.

Commissioner Collier?

In just the brief two years that I've been here, I think since you've been gone, what we've done, I've seen at least twice, is that we've worked on the variance first and the site plan second. I think that was something that Commissioner Nelson introduced us to. Because we've had this more than once where we've talked about the variance first, voted on it separately, and then moved forward. But that's what we've done within the last year.

How did you-

Oh, that's historical. I'm just letting you know.

How did you reconcile that if-

I wouldn't answer that question, because it's not specific to staff, but I'm just letting you know that's how we've done it. Since you've been away, we've talked about the variance first and the project second, voted on the variance, up or down. And it was different from this situation.

We did have one when I was here on Board that whatever the variance was, wasn't integral to the site plan. I do recall that. My concern is we're going to end up, if we don't approve the variance, of probably disapproving the site plan. I don't see how we can do conditions of approval on that.

I would say you're correct in that you couldn't approve the site plan, but there is the option to continue the hearing.

Got it. Good answer. I like that.

Other questions of staff? All right, you get a break.

Oh. All right.

Anyone from the applicant side like to come up and give us a presentation on the project, please? State your name and address for the record and go right ahead.

My name is Matt Small, I'm with KSW Architects. Address is 66 Water Street, Ashland, Oregon. I'm not quite sure where to start. I think you bring up a really good question and I want to maybe start with that, if we could.
Sure. Go ahead and start with that and then go right into the variance, that'd be great.

Okay. Our hope tonight is to convince you that two driveways are what we need and would be acceptable. We'll get into that in a bit. If you choose not to agree with us tonight, what we would like to do is ask for a continuance, which my understanding is that the continuance would happen, our next meeting be would April 6th, is that correct? In addressing your question, my thought is we could have... The reason for the continuance, it would buy us some time to get a traffic engineer involved. The traffic engineer that we had involved initially did what was required for the TIA, but she didn't really study the two access points. That was my problem for not asking her to do that. She's away on spring break this week, so she couldn't get a report to us for tonight. But she'll be back, and she could get a report for us for the April 6th meeting. My thinking is, we would present it again, if we don't get approval tonight, on April 6th. We could have at that meeting, two options, the original option, and then a secondary option that would only have one.

The reason why I'm spending time on this is that our project is under some very strict time frames. The Credit Union, as you may or may not know, they're occupying their West Branch in the West side of town. Their lease is up in 2023, our whole schedule is set up to get them a new building by the time that lease is up. It's a very time-sensitive situation, that's why it's important. I don't know if that's a scenario that would work for you, that I just described. In our worst-case scenario, we have a decision April 6th, with two or one driveways. Does that make sense?

It makes sense. Our deliberations following your presentation will outline how we're going to proceed.

Okay. But any questions about my thinking there from anybody?

The next UAPC meeting, I believe, is the 13th of April. City Council's the sixth.

Yeah. Thank you for that clarification. They meet the second and fourth Wednesdays of each month.

Whatever, I thought it was April 6th is what- [crosstalk 00:20:58]. Or whatever that next...

13th.

13th.

13th, okay. We just added another week, but... Okay. Let's go back to my original presentation. Gabby, thanks for the good work. It was great. We have really very few problems with the report, but there are few that I would like to discuss. The first is a clarification. We noticed that there is a planter strip required along the Redwood
Highway. Typical planter strip [inaudible 00:21:51], and we have the same requirement on Union Avenue, which makes perfect sense. I'm not sure it makes sense along Redwood Highway, so I'd like some clarifications and thought about that. I'm not sure that ODOT would be appreciative of that landscape. I don't know what it does. It certainly doesn't do the job that it does on Union Avenue. If you could discuss that and perhaps offer some clarity to that, that would be great. Second item, one of the requirements in the staff report was for a Type 3 bicycle parking area. Type 3 is a covered parking area. The need for a Type 3 is based upon square footage. Gabby and I have spoken about this, I think our calculations for the square footage are different.

I do have a drawing that I'd like to share with you. The issue with the Type 3 bicycle parking is that it becomes required in a commercial use when your square footage exceeds 4,000 square feet. The code allows us, when we calculate that square footage of the building, to exclude spaces like storage spaces, restrooms. The drawing that I just gave you, the building is 4,598 square feet, the total square footage of the building. You subtract the restrooms, the storage areas, which is the yellow part of that drawing, that equals 659 square feet. You subtract that from the 4,598 and you end up with 3,939 square feet, which is less than 4,000 square feet. What we're asking is to have [inaudible 00:24:37] staff take another look at that. It's certainly not the end of the world, but I think it's an expense that we don't need to incur on this project. I don't think I provided the information for Gabby that she needed to make that determination. Any questions about that Type 3 bicycle parking?

I don't have any questions about that, but I'm hoping you can get straight to the variance so that we can discuss that, the access points.

Okay. I can do that, but I have a... How about one more item?

Go right ahead.

Okay. Thank you. The next item is the 10-foot city utility easements. As you probably know, we have a requirement of 10-foot utility easements along Union, and also along Redwood Highway. We have absolutely no problem with the easements, the issue is the timing of the easements. The staff report is requiring that the easements be recorded before a building permit can be issued, or before we can submit for a building permit. The CUE process can be quite lengthy. There are drawings involved, there's legal descriptions involved, there's recording at the county. As I mentioned earlier, time is of the essence for this project. The change that I would like to see is make this a condition but make it a condition before the Certificate of Occupancy. That buys us months of time to get this process done. As far as I understand, the building department really doesn't care much about easements. I'm not quite sure why that's even a requirement.

Any questions about that? I really truly hope that those requests will be considered. Let's talk about the variance. Again, I want to be really clear, my hope tonight is to
convince you that we need two driveways. If I fall short in that, for the record, we'd like to do a continuance. Okay. Gabby, you got that drawing? Can we put that up there?

Is there a way to make this full screen or-

That's great.

Is that perfect? Okay.

Yep. First of all, it's important for you all to understand how important this second driveway is to the Rogue Credit Union. They are just an incredibly successful, and because of their success, a very busy Credit Union. They see a lot of traffic. One of the things that they pride themselves on is great service. The ability for someone to use the PTM machine and then zip right out is, really, very, very important to them. Gabby [inaudible 00:29:09] mentioned there were four criteria that we had to meet for this variance to be allowed. We satisfied two of them and two we did not. The first criteria that we didn’t meet was Criteria number 1. I'm going to read a portion of what that criterion says. It says, "The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, or adjacent development." The thing that I want to focus on tonight is the adjacent development, and the that's why we have this plan up here.

What you'll see on the right side is our proposed Credit Union with the two driveways. To the left was a proposal that was put together by a developer. You'll notice that they have an exit onto Union Avenue, and they also are showing an exit up to Redwood Highway. Do you see that? If I had a pointer, I could point it to you. [inaudible 00:31:06]. Here's the driveway onto Union Avenue, this was their driveway out onto Redwood Highway. They had a meeting with ODOT. ODOT said, "No way. We're not going to give you access to Redwood." And so, when that happened, the project stopped. What you'll see on this proposal is a gas station with fuel pumps and a convenience store. This is a drive-through coffee shop and then another drive through restaurant. Here's our proposed drive-through bank, PTMs, and then a future project here.

Just so I can see it, this is all to scale?

I'm sorry, what?
This is all to scale?

Yes, it's to scale. But keep in mind that this is off of Google Earth and then imposed drawings, so it's not an exact scale, but it's sufficient for this discussion.

Urban Area Planning Commission
Meeting Minutes March 23, 2022
Not too long ago.

Years? Months?

No, months.

Okay. Thank you very much.

At least that's when we saw it, just a few months ago. I don't know if they would mind that I've got this up here or not, but I went ahead. What this shows is what the potential of this lot is. There're three drive-through businesses, right there generating a heck of a lot of traffic that's coming out on Union. They're not allowed to go out here. The other piece that I want to talk about here, is that when they lost this second access, they dropped the project. It's an indication to me that they want and need two exits out of this project, given the traffic load. By the way, the owners of this property also owned our property. When the Credit Union bought this property, this owner, which is the same owner, required a cross access easement between these two properties. It was a requirement of the developer with the anticipation that as this got developed, they're going to need a second way out of here. This piece right here I want to talk about it a little bit.

We drew in a driveway, and it's roughly 150 feet from the intersection, which is the closest it can be to that intersection by code. You can see, there's really not much room for this development to have two exits. Whereas here, if you look at this, we've got three that are equally spaced. I think it would be problematic for all this traffic to have to come through here, to exit, if this were not there. Getting back to the criteria, where it talks about unique, physical circumstances of adjacent development, that's what I'm talking about. The other thing to point out is, this is actually two lots currently. It's split roughly here, with one lot here and one lot here. This lot is landlocked. It has to go through this lot to get out, so another physical constraint. Who knows if and when this development will happen, but I would surmise that having this as an option for them would help promote the development of that piece of property, which I'm assuming from your point of view is a good thing. Any questions?

Commissioner Arthur, go right ahead.

Sort of in that direction. Where were they allowed to have access at all on that other property, because there isn't anything that's 150 feet from a corner, the entire thing?

You mean access for this property?

No, for the other one. For the brown part.
Yeah. This is roughly 150 feet from that intersection, so they have that from here over-

Oh, that's the 150 feet? I thought you said your entrance was 150 feet.

No, I'm sorry.

Okay. I misunderstood that.

It's this piece right here-

The thought I had that I didn't understand why you were asking for two two-way entrances and exits, instead of the east one being in and the west one being out. I was trying to envision what happens with the traffic with that center lane if people are coming opposite directions trying to go into the different ones, instead of there just being one in and one out. I was wondering why you were choosing to ask for two two-way-

We were just trying to make it as easy as possible for people to- [crosstalk 00:38:05].

Yeah. I-

How is that easy?

Given there's going to be a lot of traffic, so... But I think you bring up a really good point. It would be perhaps feasible to make this just one-way. That would be one way out, and I still like the idea of having this being two-way.

If somebody came, it wouldn't be very many people lives down where I grew up, at the end of the street on Union Avenue. There're no houses left now. But if they're coming from that direction, from the west, why would anybody turn in the west exit, the west one-

Here.

... and then thread their way through to get around to the drive-through?

That's a good point.

If they're coming from the east-
Not everybody is visiting the [inaudible 00:39:05].

... the same question, why would they go in the west exit and double back to go? It seemed like-

That's a fair question.

Everybody would use the east entrance in any case. Whoever occupied that front space later would be lucky to have it if they were also a drive-through. I just didn't understand the logic of two two-way-

We were greedy. Sorry.

Well, it's all right.

We're just trying to make it as easy as we can for the people using the bank. Not everybody coming to the Credit Union is using the PTMs. There are plenty of people coming to visit the actual building. But I want to, also, I want to make sure that you understand that I'd have to confer with the Credit Union, but I think they would be acceptable to this being a one-way out only, as an option.

Other questions of the applicant? Sir, did you want to discuss anything else?

Yes.

Go right ahead.

That was Criteria number 1. The second criteria that staff was not satisfied with was Criteria number 3. Let me read that criterion, a portion of it anyway, "The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses." I think that's pretty self-explanatory. Having two driveways, certainly, will alleviate some congestion. These driveways will provide access for this future development, which is a plus. As I mentioned, we already have this cross-access easement, it's recorded as in the deed of this property. As far as this second driveway benefiting this development, I think there are many positive ways it does. In terms of negative impact, I don't see any to this development. Again, this development wanted this access point. Any questions about that? That concludes my comments on the variance.

Questions? Go ahead, sir. Are you going to impart more information to us?

I'm sorry.
Anything else you want to say about the site plan?

Just keep in mind the idea of a continuance. If it looks like you're not in favor of what we just discussed, please keep that in mind. That would buy us time to get a traffic engineer involved who could maybe give us some more information. Other than that...

Anyone else from your camp want to speak to us?

I will.

Name and address, please?

My name's Tony Workman, 1370 Center Drive, Medford, Oregon. I am with Rogue Credit Union. I just wanted to come back on your question a little bit about how we came up with this. Really, when we go into a new development like this, we sit down with the architect and we really look at safety for our members, and flow, and how it's ease comes about. The idea of the second entrance, ingress/egress, was based on that future property and with, what you were saying, with people driving through and weaving through, in and out. We do believe that most of our members coming through on Union will probably use that Eastern drive up. However, once the development is made, we do believe that some traffic that will be going over there, will use that second entrance and exit, otherwise they're going to have to weave through, too. If they're going to try to go to the fuel station or the restaurant or something and they're coming from the east over, if they took that first entrance, they would have to go through the parking lot with our members walking through and all that.

We're looking at it as a safety issue. How can we keep traffic not coming to the branch, alleviating away from that? That's where the second one came in. That's a lot of what we're looking at is, how can we keep a lot of traffic not stopping there from that area? We felt like this entrance would help the future, as well as like Matt was saying, we don't know when that development will happen, but if we can get that put in now and have it there, so that way when it does get done, it's all ready to go, and traffic now will get used to using that. We're looking at it as just a safety and flow. As you can see, if they were to come in the first entrance to the east, they'll go up through the drive-throughs, and then they continue straight down. They don't have to go back through the parking areas at all.

During busy times, payday Fridays, however, if there's only one ingress/egress, there'll be a lot of circling traffic coming in, out, and other. We're trying to keep it just a flow of circle and ease for everybody. I hope that clears up a little bit of what we came up with.

Questions of this gentleman? Thank you very much.
Thank you.

Anyone else in your camp would like to speak to us? Any one of you wanting to speak in favor of this application? Anyone wanting to speak in opposition to this application? Commissioners, are you sure there’s no further questions? Staff, back to the hot seat, please.

Yes, sir.

I have some questions, but I'll wait if anybody else wants to go first. Let's try and be clairvoyant here. Let's pretend for a minute that the variance does not get approved tonight. Can the variants be re-requested at a continued hearing, or is it off the table if it gets denied? I'm asking a procedural question here.

Can the variance be re-requested?

Right? Assume that it gets denied tonight, a gentleman mentioned they would like the chance to resubmit for the variance and try again at the continued hearing, if that's the disposition of the Commission. Can they do such a thing.

From a public notice perspective, the obligation of the city is to make sure that all of the public is notified, accurately, of what the hearing's about. The public has been notified that tonight's hearing is about a variance and a site plan. The variance was for two access points. As long as the hearing continues to only be about a variance for two access points, and you move this to a date certain, then the public has been adequately informed. They could show up at the next meeting and there'd be no surprises. If there's a change to what the variance is about, there would have to be a new notice, so that the public is adequately informed about what this hearing's about.

Understood. Thank you for that. Anyone else have questions of staff? Commissioner Nelson?

Yeah. First off-

Sorry. Excuse me.

I had a question on the bike parking and how that square footage determination... On all other projects, how do you determine square footage?

Well, Matt is correct. We do have a provision in Article 25 that does exclude areas like restrooms, elevator shafts, and similar areas within there. The only reason that I did the calculations the way that I did is, essentially, he didn't show the math. He gave me a number and I couldn't see how he determined that number, where he excluded the square footage, and how that penciled out. Just for due diligence's
sake, I took the entire square footage of the building. I think that if they can show how they arrived at that number, I think that's a perfectly reasonable ask.

And then that would just be done when they submit whatever site plan. And then I had another question.

Go right ahead.

I'm a little confused here. The question is, if you have, over on the east side, one way and over here, one way, is that allowed under our-

No.

Coffee stands that might have that, or previously, they've taken those out, then?

Well, this requirement is really specific to arterials and collectors. I can't speak for every coffee stand in the city as to what the street designation may be and how they got approved for that. But the restriction of the access is really outlined for arterials and collectors specifically.

Okay. And so, then that... Because I think there's a coffee stand on Union Avenue down the road there a little ways with two accesses, if I recall correctly. That's why I was confused when they put this request in, but that might have been previously approved, maybe that's been changed.

Yeah. It's hard to know without doing the appropriate research. Perhaps they were granted a variance, as well.

Oh.

What is the restriction?

That you only have one direct access point on an arterial or a collector.

Per parcel.

Yeah, per parcel. Correct.

Thank you.

Commissioner Coulter?
If we were to do a one-way, just to make sure I’ve got it right, we could recommend that on a site approval tonight, if we approve the variance, correct? Am I correct? If we approve the variance, we go to the site plan, we could do a one-way as a Condition of Approval, correct?

We could. I would recommend, considering the applicant’s testimony tonight who asked for a continuance, to give them a chance to play with the site plan and come back-

Well, yeah. But he actually kind of said, "Yeah, that might be feasible." Your thought is we got to have it more in concrete?

Yeah. I think staff’s recommendation would be to-

Continue?

... permission actually see what you're approving, the revised site plan.

Gotcha. Okay. Thank you.

Other questions of staff? Mr. Nelson?

My understanding is that the sidewalks elsewhere are five foot?

That is correct.

This would then have a six foot, or is being requested?

That is being requested by Public Works. It is the standard in the code, as of today. As to how that sidewalk configuration is five feet with the five-foot plant strips, I couldn't speak to that. But in talking with Wade Elliott from Public Works, I did ask them if they would be allowed to match the existing configuration, as it would match the rest of the development along Union Avenue. But Wade Elliott did request that they adhere to today's standards, which is that six-and-a-half-foot sidewalk and the seven-foot planter strip.

Other questions of staff?

I guess a follow-up.

Mr. Nelson.
Why was it changed? If the whole Avenue is five, why did we change it to six?

That's a fantastic question.

Yeah. I don't think either Gabby or I would [inaudible 00:52:46] to take some research. The city, obviously, at some point changed the design standards so that the adjacent sidewalk for a collector and arterial became six feet. But we would have to look exactly at the date of construction of Union and the date of construction of that sidewalk and see. We can only assume that five foot was the standard at the time that it was constructed, and standards changed, so-

The sidewalk would be all the way equal all the way down Union, right?

Mm-hmm (affirmative).

But it'd be a foot over here next to the property that would be added?

Correct.

Interesting.

This is a Public Works standard, we just want to say that. I think you would need to include in your decision, if you wanted to agree with the applicant's request, exactly why you would want to change that standard.

We do, as a Commission, have to analyze this project based on today's standards.

True.

Any other questions of staff? Thank you very much.

Thank you.

You did great. Commissioners, I will entertain a motion so that we can begin to deliberate. Commissioner Nelson?

Well, I'm going to move for the continuance, and then I'd like to discuss with the Commission some of these things that I just brought up and why we would be doing that. If we want to change that now, I think it's best to have that in the discussion so at the continuance, next time they bring it back, they know how we're going to feel about that. These, I guess, would be motions to be put forward on the continuance.
The first one, I guess, would be, because I think it probably doesn't need even a motion on, is the bike parking, is that correct, because you have the plan now?

I'm sorry, can you repeat the question?

Well, I was going to put in a motion to be forward for the planning to limit the bike parking, not to require the overhead.

Yes, if they could just indicate on the revised site plan how they got to the square footage.

I'm not worried about that.

Fantastic.

And then the other one was, I'm inclined, and I'll make the motion to see how you guys feel about this, to approve this, as to an egress and an entrance. One way going on the east side, one way going west side, because it makes no sense to have this two-way, because you could have confusion going around the wrong way.

Are you making a motion about a variance-

That's up for discussion.

Well, I think he's trying to get a motion on the floor to discuss, but if you continue-

The first one's going to be the continuance.

Well, then we end the meeting.

That's right, so that's why I want a discussion for- [crosstalk 00:56:29], to know what to do on the continuance.

You need to make some kind of motion and the motion would be to approve the variance with that condition. We can always vote it down.

Sure.

That allows discussion to continue.

Okay. I will do that then.
Go right ahead. You're going to make a motion regarding the variance request.

I approve the variance with condition that they have only one way going in and one way going out.

I second.

Okay. I'm going to throw a wrench into this. Staff did just tell us that the in and out will require a future variance request, as well. You're aware of that, yeah?

I don't think we can do Condition of Approval on a variance, it's got to be up or down. That would be a recommendation on a site plan if we approve the variance, not the variance with the Condition of Approval, but we're

Right. But we're not doing a variance. I'm talking about the conditions.

No, it's got to be up or down on, on a variance. That's it.

I agree with Commissioner Coulter, we need a motion for the variance to either be approved or denied, and then we can go into discussion.

Right. I'll withdraw.

I make a motion to deny the variance and I'll give reasons why in discussion, lots of them.

We have a motion on the table to deny the variance request. Do we have a second?

I'll second it.

With a second by Commissioner Collier.
No, Nelson.


Okay. During the replication, I didn't hear any discussion from the applicant about the safety of their customers getting back out onto Union Avenue. Ms. Arthur said a little bit about it when there were houses down there, now there's everybody down there. There's the Volvo rebuilder, there's Cartwright's, which I just went by today to take a
look at this whole thing. Anybody's tried to get on Union Avenue, for whether it's Les Schwab, whether it's Toyota, whether it's a complex on Safeway, all up and down Union Avenue, it's a struggle left and right. The proposal from the applicant tonight is four lanes, two going in, two going out, which shows me that they are not recipients of any partial engineering discussion about the traffic flow on Union Avenue. I almost feel sorry for the applicant, engineers from Ashland and Medford, having a look at Union Avenue and put four lanes onto Union Avenue with that in-complex, when you've got all these people driving in and driving out, and then saying, "Oh, by the way, we're doing this for future development on the lot next to it."

As I sat here, I couldn't almost contain myself from shaking my head and saying, "You have no concept of the traffic flow on Union Avenue." Union Avenue is begging for a four-way traffic light up there where the Verizon building is. This is right in between it, and they say, "Yeah, let's go four lanes. And then we didn't even think about why we need four lanes, we really only need two lanes." You talk about Redwood Avenue, access to Redwood Avenue. We all know that's a nonstarter, it never was. The applicant said, "People want to zip in and zip out." Well, guess what? Nobody's going anywhere. They're not going to zip into those ATMs and then come right back out. They're going to be clogged up, backed up all the way around. I've never seen anything so smashed into a sandwich that just shows... Even with a new traffic engineering study, it ain't going to get any better. This will not get any better. Whether you go from one in, one out, people don't pay attention to that. You can't stop traffic left to right going in that.

If you sit out in front of the Laughing Clam, it clearly says, "You cannot turn left onto G Street," yet everybody does. As I sat through this, and I made all these notes, I haven't even covered them all, but this isn't even close to all the reasons why staff indicated why this should be a no. Then the traffic engineer, then Public Works says no. Then you got future development in the front, which even compounds it even further, and this guys in the back. I didn't even drink coffee before I came here tonight, but this is nuts. That's why I'm saying no.

Mark, a big criterion, if I hear you talking, is Criteria Number 3 is uh-uh (negative), it doesn't meet it whatsoever, correct? Just wanted to clarify that.

On every facet that [inaudible 01:01:07] has said no, they've made their case. Staff has made their case, Public Works made their case, traffic flow has made their case. An engineering study on traffic won't make the case. This ain't going to get any better. Nobody coming back from spring break is going to make the traffic flow on Union Avenue less, to make this look any better. Sorry.

Commissioner Arthur?

I'd like to speak to one very positive aspect of this, my first thought... By the way, Replinger has a strange error, I would say, in the report where he says they're going to have future building on the north end. I got stuck on that and tried to look at arrows for direction and all, and said, "What? It looks to me like your buildings at the north
end." My first thought was, "Why are they building in the back instead of the front?"
Anybody who's ever gone over to WinCo and tried to get into anybody's drive-
through, we made a real mistake on that one. No queuing distance, absolutely, totally
insufficient queuing. That is what this does accomplish, by putting the drive-throughs
all the way to the back, you at least stand a chance of not having traffic backing up
out on Union Avenue. The basic use of the property for that purpose is really pretty
good, and to have that kind of length is wonderful. We don't want to make that
mistake again. I think it's salvageable.

But again, I came back to my original things, I don't see why you need in and out on
both. If you were sharing long range with that property to the west, they have a way
to get in, where that red thing is, whatever that is, and they could use the same out-
point. They don't have to have another endpoint, necessarily. Well, he said that the
150 foot was where that red square is. Yeah. Anyway, I think it's workable. My
reason for preferring the two, one in, one out, is exactly what Mark was talking about.
I run into it all the time coming from the hospital to get out onto Williams Highway,
and you have to turn into center lane. If you ever want to get out, you have to turn
into the center lane and wait until the southbound traffic or the northbound traffic
comes by you. But at least you have a chance to do it. If you had people turning in
and out both directions in that little section in front of there, they could easily be
running into each other in the middle lane.

Kind of grim, but I need to tell you, the first funeral I went to in my life was for an
eight-year-old boy who lived across the street from there and got killed on his bicycle
on Union Avenue. There were no sidewalks or anything in those days, but it's always
been a busy road.

Mr. Coulter?

I think Mark presented the case, I agree with him, very well, as far as the variance is
concerned. I don't think in good conscience at this particular point... One of the things
that's kind of an unwritten rule, always, is we're looking at safety. Safety, safety. This
is one of those that the collector street, in this particular case, is almost a collector
street on steroids. It's huge. It's big and not only... Well, make it simple. In this
particular case, I do not see that the variance meets criteria. I think just by that, we
voted down, my recommendation.

Anyone else have anything they would like to say?

I do. I do appreciate that safety and hazard issues that they were trying to address
within the confines of the building, the customers, your clientele. I appreciate that, but
I don't think it came forward to the arterials and the collector street, which is, in and of
itself, a hazard on its best day already. I do like what Commissioner Arthur was
saying about, perhaps, another way of addressing that in one way, ingress/egress.
Future plans, that's going to be a daunting task, but we're not speaking to that at
present.
Anyone else? Commissioner Nelson?

Well, I'm not sure what the traffic flow would be, but the reason I was concerned is, as you have these, 1, 2, 3, various cars that are going to be coming here. One possibility, you have two released at the same time coming down here. If this isn't here, then they'd either have to come across this way, with all the people trying to get into the bank, I'm assuming this is the front door here, and cars pulling out here and using machines in this location. I was trying to visualize how this is making it safer by only allowing one, whereas if this was a flow out, then at least it flows out and would be a greater safety to the people and parking in this area. That was my big concern is you're... If this is what they describe as a right of way or an easement, and you have traffic now coming here and going across, we've increased that load into that banking parking lot even more. I guess if we vote for the denial of variance, they'll have to come up with something, but I don't know what they're going to do.

No, I know. Hang on. Anyone else have anything to say? Great, that means it's my turn. Can I borrow your pointer, please?

Oh, certainly. [crosstalk 01:08:38].

Okay, there it is. Okay. Before I get to the pointer, I want to tell you a couple things I'm uncomfortable with. In my mind, a variance is used when there's a topographical challenge. We're not seeing that here. A variance is used when neighboring property owners are enjoying something that you're allowed to. We're not seeing that as a case here, except maybe for this building next door. If that was approved yesterday, there's a problem. If it was approved 10 years ago under different standards, probably not an issue. When I first saw the site plan and I noticed they were proposing a shared access easement agreement to the west, I thought, "What a great idea. I love shared access." Here's what makes me nervous about that, at this point. Where I was once in favor of it, now I'm not so sure. I think it's really dangerous for us to look at approving this parcel based on a site plan that is just a concept in somebody's mind. I don't think that we should be doing that.

I thought, "Well, this is great. These two parcels can share an access," but after hearing all the testimony tonight, I also believe two two-way entrances are a mess. In my mind, before I came here, great minds think alike, I'm thinking, "Well, why don't we do it one way in and a one way out?" I, too, was going to ask the question, "Can they do that?" And staff says, "No, not without a variance request." I am leaning, then, at this point to denying the variance, based on what we're looking at tonight with two two-way entrances. Would I be more inclined to approve a variance that has a one way in and a one way out? I'm not sure about that right now, either. I'm seeing a wrench with this. Let's assume this is one way, and this is one way out, people come in this way, and they discover there's no parking here, so they go around this way, which way... Do you think they're going to back up and turn around and come back around this way?
No, they're going to drive right into the out lane, go up here to look for more parking up here. I see that as a potential problem. Is it a for certain problem? Don't know. Having said all that, applicant, I feel bad for you. This is kind of a nightmare. We want to make traffic circulation here as safe as possible, but I see us just pouring more water into a bucket that is this far from overflowing, no matter what you do. Whatever decision that we make on these accesses, I think that we have to be careful. Staff, question. Does the code recommend any access spacing standards? Is there a minimum distance between access points along an arterial on a collector?

Yes, there is. Shooting off the cuff, I think it might be 100 feet, but if you want to hang tight, I can look in the code and confirm.

I'm going to bet that if you find such things, they're probably going to be based upon the speed limit of the road and the ADT. But I appreciate you taking a look at that. I think that was all I wanted to say. Somebody have a question?

What is the width of the property? It is on here somewhere? [crosstalk 01:12:18].

There's probably a little, teeny, tiny number right here.

I know. I can't see it. Can I say something?

Yes, ma'am. Go right ahead.

Okay. I do want to disagree with Commissioner Collier on one point, and that is, I think people can follow instructions for in and out. The example would be next door at the car wash, nobody tries to go in the back end of the car wash. They can follow the signs telling you where to go to get where you need to be.

Commissioner Collier?

Okay, I get that. Nobody goes in the wrong way at a car wash. This is completely different, because the question here is, "Am I going left or right out of there, and someone's coming in." That's the problem. With a four, with two in and two out on both sides, it's just going to be a mess. People are going to come from all directions. I'm also with Commissioner Heesacker that I don't think this gets any better with the traffic flow. This whole thing, this whole premise on this whole project is, as they said, zip in and zip out. I just see so many cars coming in here that from my 10,000-foot view, I go, "There's no way you can pack all that stuff in there, and with four lanes or two lanes, make it any better." I'm just ready to vote for the motion on the variance and then go from there.

Anyone else, because I have one more thing to say? Did you find your answer to the access spacing?
Well, we do have a separation between driveways, and for commercial properties, that would be 22 feet. That 100-foot distance for collectors refers to the minimum distance from the intersection. [crosstalk 01:14:07]. No, that's for arterials.

Okay.

To answer Commissioner Arthur’s question, the property is 208.69 feet.

Okay, the last thing I wanted to say. 99% of the time, I agree with you, people driving don’t follow signs. Thank you very much for your pointer. People don’t follow signage and they do whatever they want. I can think of one exception to that rule, that I witnessed right here in town. When you said the words, "In-N-Out," that’s where it was. Those guys, that was a thing of beauty when they opened. That it could have been a potential mess up there, on Morgan, at the freeway entrance, for crying in a bucket. Those people followed directions, those first million customers on their first opening night.

We had already experienced the WinCo at that point and trying to get long enough queue distance there was a huge challenge. They managed to do it and make it work, so-

You saw what they did at In-N-Out, they had cones that said... They took them all the way down to... What's that street?

Morgan's the one right next to it.

No, it's further down, that's got the Dutch Brothers on it, from AllCare. [crosstalk 01:15:31]. Hillcrest. They took them all the way down to Hillcrest, brought them all the way back up and around, and then brought them in on the two entryways, so that was huge. But they have the traffic. I think this is maybe not on the level of In-N-Out, but this is meant to take people into those, like he said, zip in and zip out. That's a lot of traffic for Union and I just... That's why, anyway, same thing.

Understood. But as we've all agreed, it's going to be a traffic mess no matter what. I don't think I have anything else to say. We have a motion on the floor to deny the variance, it's been seconded. If there's no more discussion, I'm going to go to a roll call vote.

Can we have one more item of discussion, and that is what's the difference between voting to deny it now or just what voting not to deny it and continue? What are the choices for them?
I'll tell you my thought on that. What we're getting ready to deny is two two-way access points, because that's what's proposed. Anybody disagree with that? Are we ready for a vote? Mr. Coulter?

Aye. Yes.

Yes, to deny?

Yes, to deny.

Commissioner Arthur?

Yes.

Mr. Nelson?

Yes.

Mr. Collier?

Yes, to deny.

Commissioner Tokarz-Krauss?

Yes.

And I'm voting yes, Heesacker votes yes. We're going to deny the request for variance.

**MOTION/VOTE**

Vice Chair Collier moved, and Commissioner Nelson seconded the motion to deny the variance. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Nelson, Tokarz-Krauss, Coulter and Arthur. “NAYS”: None. Abstain: None. Absent: Commissioners Aviles and Scherf.
The motion passed.

Procedurally, we are at a point now where we are ready to discuss the continuance. Commissioner Nelson?

I would move for the continuance to a date certain-
April 13th.

13th, was it? Yeah.

Second.

Commissioner Nelson has moved that we continue this hearing until April 13th, Commissioner Coulter seconded. All those in favor, say aye.

Aye.

Aye.

Aye.

Anybody opposed? Anybody abstaining? Technical question, there's a picture of somebody up there. Is that Commissioner Scherf?

No, that's just the minimized Team's feature.

Okay.

Yeah.

Thank you very much. We're continuing this till April 13th.

**MOTION/VOTE**

Commissioner Nelson moved, and Commissioner Coulter seconded the motion to continue this hearing until April 13th. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Nelson, Tokarz-Krauss, Coulter and Arthur. “NAYS”: None. Abstain: None. Absent: Commissioners Aviles and Scherf. The motion passed.

I forgot to ask, what's the agenda like? Do we have 10 public hearings on that agenda already?

You do not.

Okay, good. So, we're comfortable with this?

Yep. This would be the first item on that agenda.

Understood. Applicant, thank you very much for your time. We appreciate it. I encourage you to work with staff about your bike parking square footage. I encourage you, if you want to talk to ODOT about a planter strip, I hope you know...
who to get ahold of at ODOT. Your easement question, timing of easement, it sounds like you need to take that up with either the Planning Department or the Building Department. I encourage you to do that during these next two weeks. One last question, KSW, is that Kistler, Small, somebody? Who's the somebody?

White.

White. Okay. Please say hi to Ray for me. He'll know who I am. Thank you very much for attending, and your presentation, and all your time. Appreciate that.

8. Matters from Commission Members and Staff:

Next item on the agenda, matters from commission members and staff. Staff, we'll start with you.

I don't think we have anything else for you tonight.


Welcome back.

Thank you very much. I'm going to say something about that in a minute. Commissioner Tokarz-Krauss?

I want to say good job, very professional [inaudible 01:19:25].

Thank you.

I will second that. That was a good job.

Thank you. Motion approved.

Impressed. That was great. We'll make you sweat next time. In addressing Commissioner Collier's statement to me, the rumors are true, I did have a stroke about a month ago. It was really a miracle that I wasn't hurt any worse than I was. When the doctors took the CT and they saw the pool of blood on my brain, they didn't think I should be walking, talking, or doing much of anything. Like I said, I was very lucky. I did fall twice in the very first 30 seconds of the stroke, and then after that out, I knew something was weird, so I watched my legs as I walked. I really focused and made sure I told my leg to do what I was supposed to do. I went to the doctor and she had me do the FAST test, you guys are familiar. Told me to smile and hold up your arms, and I whipped through all that, because I'm telling myself, "I didn't have a stroke." By this time, there was not CT scan.
She had me do this one thing, "Stand up, close your eyes, put your arms out straight, and put your palms down." Okay, easy. No problem. She said, "Now turn your palms up." I did this, and this hand dropped halfway to my knee. She said, "Open your eyes," and I had no clue that this had happened. She said, "Yeah, you had a stroke. We're going to get you a CAT scan." And that's when they took the picture, they sent me down to Three Rivers, I sat there for hours. Then they came and said, "You know what? This is too..." Disastrous is not what they said, but "We can't handle this. You have to go to Medford. We're going to put you in an ambulance." I said, "Oh no, you're not. My insurance won't pay for that. I can drive myself." And they said, "Oh no, you're not." So, my girlfriend drove me over to Medford, I was in that emergency room for another couple hours. They threw me in ICU. Their neurologist looked at the CAT scan.

They came and talked to me a couple hours later, and they said, "Well, you have every right to be here in ICU, and we don't know why you're functioning the way you are, but we need this bed for someone who really needs it. We're sending you upstairs." I was in the hospital a total of not quite three days, they sent me home. The good news is a month later, the one month is a big milestone for strokes. I didn't have any more. I didn't get any worse. That's what everybody was hoping for. There was no surgery, no need for that. What happens to the pool of blood? I learned it goes away kind of like a scab on your skin, your body reabsorbs it. It takes a while. My worst symptom is that my left side is numb and there's some really funky differences. I can feel heat with the right side of my mouth, but not on the left side. The big victories that have come over the past few weeks, I get itches now on my left side. Yeah.

The other day, I bumped my elbow and said, "Man, it hurt." I'm going, "Ouch," and it's my numb elbow, so I'm starting to get some feeling back. I feel good. Like I said, there's been no pain associated with this, nothing debilitating, walking, talking. You'll see I'm riding my bike, it's been recommended I do that three times a week for now, and slowly build back up to where I was. But thank you very much, I appreciate that. I'm glad I'm here, too. I like rubbing elbows with you smart people. I love heckling the newbies, too, but you got off easy tonight because of my stroke.

Yeah. You [inaudible 01:22:37].

All right. Anybody else?

9. Adjourn
Meetings adjourned.

____________________________________    ________________
Eric Heesacker, Chair        Date
Urban Area Planning Commissioner

Urban Area Planning Commission
Meeting Minutes March 23, 2022
I. PROPOSAL:

The application is for a Major Site Plan Review to allow the development of a vacant lot with a single story 4,598 square foot Rogue Credit Union branch with three (3) drive thru PTM’s. The applicant also requests a Major Variance to the access standards outlined in Section 27.121(h) in the Grants Pass Development Code and be allowed to have two (2) two-way entries/exports from Union Avenue two approaches from Union Avenue (one (1) one-way entry on the eastern side of the parcel and a two-way exit on the western side of the parcel). The lot is currently vacant and bordered by Union Avenue to the south, Redwood Highway to the north, a recently constructed carwash to the east, and a vacant lot to the west. Frontage improvements including curb, gutter, sidewalk, and all major utilities are currently in place.

The property is located at 340 Union Avenue in the GC zoning district and is subject to the Commercial Design Standards as listed in Article 20 of the Grants Pass Development Code (GPDC). The property is also located in the Medical Overlay District. No additional requirements for development will be imposed as part of this District. The applicant’s site plan and parking plan are attached (see Exhibit 3). The proposed branch will require roughly half of the site leaving the remainder available for future development.
II. AUTHORITY AND CRITERIA:

Review procedures are provided in the Grants Pass Development Code (GPDC) §2.020 and Schedule 2-1. Major Variances are a Type III procedure requiring a hearing before the Urban Area Planning Commission (UAPC).

This decision shall be based upon the criteria contained in Sections 19.052 and 6.060 of the Development Code.

III. APPEAL PROCEDURE:

Section 10.050 of the GPDC, provides the procedure for an appeal of the Urban Area Planning Commission’s decision to the City Council. An appeal must be filed with the Director within 12 calendar days from the date the written notice of decision was mailed, on a form provided by the Director.

IV. BACKGROUND

A. Characteristics of the Property:

1. Land Use Designation:
   a. Comprehensive Plan: General Commercial
   b. Zone District: General Commercial (GC)
   c. Special Purpose District: Medical Overlay
      Grants Pass Irrigation District (GPID)

2. Size: 1.79 acres

3. Frontage: Union Avenue (Collector)
   Redwood Highway (State Highway)

4. Access: Union Avenue

5. Existing Public Utilities:
   a. Water: 16-inch main in Union Avenue
      8-inch main in Redwood Hwy
   b. Sewer: 12-inch main in Union Avenue
      8-inch main in Redwood Hwy
   b. Storm: 18-inch main in Union Avenue
      12-inch main in Redwood Hwy

6. Topography: Flat

7. Natural Hazards: None identified
8. Natural Resources: None identified

9. Existing Land Use:
   a. Subject Parcel: Vacant (GC)
   b. Surrounding:
      West: Vacant (GC)
      East: Carwash (GC)
      South: Union Avenue (Collector)
      North: Redwood Hwy (State Highway)

B. Discussion:

The property is located at 340 Union Avenue and is within the GC zoning district. The site is currently undeveloped and vacant. The application is for a Major Site Plan Review to allow the construction of a new single story 4,598 square foot Rogue Credit Union branch with three (3) drive thru PTM’s. According to the applicant, the proposed project will require roughly half of the site leaving the remainder available for future development.

As part of the Future Development Plan, the applicant has indicated a proposed optional property line, as part of a potential Partition. The proposed configuration would not comply with water and sewer requirements outlined in the Public Works Staff Report (See Exhibit 5).

Section 27.121(h) of the GPDC restricts the number of accesses onto Arterials and Collectors. Union Avenue is classified as a Collector. The applicant is requesting a variance to allow for two (2) two-way entries/exits from Union Avenue to more safely serve the credit union clientele, in particular, the customers using the drive thru PTM stations.

There are two AFD’s (AFD 5227 & 5228) associated with the project site. Fees for 340 Union Avenue total $47,471.41. These payments would be triggered if the lot is developed in such a manner as to share parking or other above ground facilities or structures with Tax Lot 1700 directly or through another lot.

The subject property has curb, gutter, sidewalk and access to all city utilities along Union Avenue. The applicant proposes to reconstruct the sidewalks along Union Avenue. It is indicated on the applicant’s site plan that they intend to match the existing sidewalk configuration of five (5) feet with five (5) foot planter strips, however this configuration does not adhere to the current standards of the GPDC. As conditioned below, the applicant shall conform to the requirements outlined in the Public Works Staff Report and install a 6-foot sidewalk with 7.5-foot planter strips (See Exhibit 5). After reviewing the Public Works conditions to widen the sidewalk configuration along Union Avenue, the applicant has chosen to retain the existing 5-foot sidewalk configuration. As no modifications are proposed to the Union Avenue public right-of-way, the nonconforming sidewalk width can remain in place (see Paragraph 4 of the UAPC Memorandum attached as Exhibit 14).

According to the Institute of Transportation Engineers Trip Generation Manual, the proposed 4,598 square foot building classified as a use of Drive-in Bank is expected to
generate approximately 400 average daily trips and 80 p.m. peak hour trips. A traffic impact analysis was required for this application because the combined uses at the site generate 25 or more PM peak hour trips.

The applicant is 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.

V. CONFORMANCE WITH APPLICABLE CRITERIA

A. Major Variance

6.060. Criteria for Variances

Previously granted variances shall not be considered to have established a precedent. The Review Body may approve, or approve with conditions, a variance upon finding that it meets all the following criteria.

(1) The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

Staff Response: Not Satisfied. Satisfied. The property and request do not meet this criterion above. The applicant has submitted a revised site plan (Exhibit 15) proposing a new scenario for the UAPC to consider. The applicant requests a variance from the access standards outlined in Article 27.321(h) which restricts the number of permitted accesses onto Arterial and Collector streets. The applicant is requesting to have two accesses from Union Avenue, classified as a Collector. The applicant has revised the two-access proposal to now be a one-way access on the eastern side of the parcel as well as a two-way exit on the west side of the parcel with separate left and right turn lanes. The applicant submitted a Transportation Impact Analysis and the City Traffic Engineer, John Replinger provided comment stating, “The site plan should be revised to provide for a single access to Union Avenue.” The applicant has since provided a new site plan with a modified proposal for the two accesses off Union. The applicant’s Traffic Engineer, Kelly Sandow, has reviewed the scenario and provided comment attached as Exhibit 17. Both Staff and Public Works have reviewed the revised access proposal and recommend approval of the request.

The applicant, in the submitted burden of proof statement, has provided the following arguments that address this criterion:

➢ The land to the west of the proposed project is vacant and as such there is not a secondary access driveway for the proposed project to tie into on the west. In addition, it is unknown if/when development might occur on this parcel and if so, if there would be a driveway that our proposed project could tie into. Allowing the proposed western driveway guarantees a connection to the property to the west.

➢ The property to the east (existing carwash) is developed with an existing driveway to
Union Avenue. However, the existing driveway was not designed to allow for future development to the west to tie into it. Access to our proposed project from the carwash site would require driving through the carwash pay station.

➢ The western driveway of the proposed project is designed to allow for future development from the west to tie into it. A proposed cross access location is shown on the proposed site plan.

➢ The Traffic Impact Analysis finds no issues with two driveways from the proposed development onto Union Avenue. The applicant’s Traffic Engineer, Kelly Sandow, has reviewed the revised two access proposal and has commented that, “The proposed access revision to enter in only for the east access and exit only for the west access operates safely and efficiently as proposed.”

(2) The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

Staff Response: Satisfied. The property and request meet criterion (2) above.

The applicant, in the submitted burden of proof statement, has provided the following arguments that address this criterion:

➢ The proposed credit union drive thru will see significant vehicular traffic. This is in addition to the traffic created by those parking and walking into the facility. This traffic is more than a typical office use and therefore, having a clear, direct way in and out of the property is essential. Having two, two-way entries/exits achieves this goal.

(3) The proposal’s benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

Staff Response: Not Satisfied. The request does not meet criterion (3) above as the applicant has failed to demonstrate how the variance could benefit users of the transportation system or what potential negative impacts there may be on the development of the adjacent uses. The request satisfies criterion 3 as the applicant has revised their access proposal based on the concerns presented by the UAPC and has provided additional comment from their Traffic Engineer, Kelly Sandow, on the safety and efficiency of the proposal.

The applicant, in the submitted burden of proof statement, has provided the following in support of this criterion:

➢ Two driveways provide a more direct, less congested way in and out of the proposed site rather than just one driveway.

➢ A secondary driveway provides access for future development to the west.

➢ The applicant’s Traffic Engineer, Kelly Sandow, has reviewed the revised two access proposal and has commented that, “The proposed access revision to enter in only for
the east access and exit only for the west access operates safely and efficiently as proposed.”

(4) The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

**Staff Response: Satisfied.** The request meets this criterion above as the need for the variance is not a result of a previously approved property line adjustment or land division granted to the applicant.

The applicant, in the submitted burden of proof statement, has provided the following arguments that address this criterion:

- The variance request is not a result of a lot line adjustment, land division, or any other self-imposed property configuration previously granted to the applicant.
- The variance request is not self-imposed but is rather a condition of the type of permitted uses proposed for the site. Drive thru banks/credit unions generate a significant amount of traffic.

**B. MAJOR SITE PLAN REVIEW:**

Section 19.052 of the 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 Response: Satisfied.** The subject property is approximately 1.79 acres in size and is located in the GC zoning district. Professional Offices are a primary use in this zoning district per Schedule 12-2. The proposed plan is for the construction of a 4,598 sq. ft. Rogue Credit Union branch with three (3) drive thru PTM’s. The use as proposed is allowed within the GC zoning district and is therefore consistent with the base standards of the zoning district.

Property line setbacks per Schedule 12-9 for General Commercial zoned lots are 10 feet for the front, exterior side, and exterior rear yards. There are no setbacks for rear and side yards. The proposed development fronts both Union Avenue (Collector) and Redwood Highway (State Highway). A 10-foot setback will be required for each of those frontages. The applicant’s submitted site plan indicates these requirements are met. Maximum height per Schedule 12-10 in the GC zone is 35 feet and the proposed building is approximately 23 feet high. The proposed plan meets all of these base development standards.

**Commercial Design Standards**
The applicant proposes to build a 4,598 square foot Rogue Credit Union branch with three drive-thru PTM’s. New retail construction in the GC zone is subject to Article 20 commercial design standards per Section 20.220(3).

The proposed structure is 92 feet in length on the north and south sides and 60 feet in length on the east and west sides. The south side, which faces Union Avenue, will provide the entrance to the building. The building is 23 feet in height.

The submitted plans require review for Sections 20.405 (Architectural Standards – Building Entrances), 20.410 (Architectural Standards – Windows and Glass Doors in Exterior Walls), 20.420 (Massing and Detailing) 20.450 (Use of Parapets), and 20.460 Cornice Treatments and Eave Lines as follows:

**20.405 Building Entrances.** Per Section 20.405(2) buildings shall have sheltering elements to provide protection from the weather at public entrances that are at least five (5) feet deep. Submitted plans meet this criteria.

**20.410 Windows and Glass Doors in Exterior Walls.** Subsection 3, requires that buildings 18 feet or taller must meet all of the following standards:

The ground floors (under 18 feet) which are visible from a public right of way, pedestrian path, on-site circulation area or adjoining property, shall have windows and/or glass doors a minimum of 3 feet tall, including the area between 3 and 6 feet above the ground, for at least 25% of the width of the elevation. All four elevations are visible and must meet this requirement. Submitted plans indicate:

- **North Elevation:** Coverage of windows and/or glass doors must be 25% of 92 feet = 23 feet of coverage. Submitted plan indicates 24 feet of coverage. Meets standards.
- **West Elevation:** Coverage of windows and/or glass doors must be 25% of 60 feet = 15 feet of coverage. Submitted plan indicates 31 feet of coverage. Meets standards.
- **South Elevation:** Coverage of windows and/or glass doors must be 25% of 92 feet = 23 feet of coverage. Submitted plan indicates 40 feet of coverage. Meets standards.
- **East Elevation:** Coverage of windows and/or glass doors must be 25% of 60 feet = 15 feet of coverage. Submitted plan indicates 20 feet of coverage. Meets standards.

**20.420 Massing and detailing.** Submitted plans indicate a flat roof with a parapet encircling the building. A flat roof building shall have a horizontal or vertical change in the wall plane at the cornice line at least every 50 feet, at least 18” in height or 3 feet in depth and 12 feet wide, in accordance with Section 20.423(2). This criteria applies to all four elevations.

**Per Section 20.423(2),** all four elevations must meet this criteria. Submitted plans indicate that all four elevations meet this criteria.

**20.450 Use of Parapets.** Per Section 20.450(1), a building with a flat roof shall have a parapet that extends above the roof plane. The parapet shall wrap around all sides of the flat roof, except for the side that faces a service drive, service corridor, service courtyard or alley. The parapet height shall meet the requirements of Article 23 for screening of rooftop mechanical equipment. Submitted plans meet these criteria.
20.460 Cornice Treatments and Eave Lines. Per Section 20.460(2), a building with a flat roof shall have a decorative three-dimensional cornice along the top of each wall. 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 be less than 4-inches deep. Cornices less than 18 inches high shall be composed of at least 2 elements. Submitted plans meet these standards. The cornice height is approximately 1-foot tall, is composed of 2 elements, and is approximately 6-inches deep.


Staff Response: Satisfied with conditions.

Traffic Plan: The property has frontage along Union Avenue and Redwood Highway. Access to the property is provided by an existing approach from Union Avenue. The applicant proposes two (2) two-way driveways from Union Avenue to provide a more direct, less congested way in and out of the proposed site rather than just one driveway.

The applicant has provided a Transportation Impact Analysis (TIA) as required by Section 27.121(3) as the proposal is projected to generate more than twenty-five (25) PM peak hour trips. The City Traffic Engineer, John Replinger, has reviewed the TIA and provided comment (Exhibit 6) stating the TIA, as submitted, provides an adequate basis to assess the impacts of the proposed development. The TIA provided an analysis of peak AM and PM trips at the following intersections:

- Redwood Highway/Ringuette Street
- Ringuette Street/Union Avenue
- Union Avenue/SW Ramsey Street
- Williams Highway/Union Avenue
- Two proposed site accesses on Union Avenue

The TIA found the proposed project will generate 45 AM peak hour trips and 96 PM peak hour trips. The applicant’s TIA does not provide an estimate of weekday trips. Replinger, using the same source as the applicant, calculated 459 weekday trips, and concurred with the applicant’s engineer that:

“...no mitigation is required for operational or safety issues. I concur with the engineer’s conclusion that traffic operations at study area intersections meet standards with the development or are otherwise acceptable; storage for queuing is adequate; sight distance is adequate; and that there are no safety concerns requiring attention in connection with this development.”

“The obvious flaw in the application relates to site access and additional, future development on the site. The application materials suggest that there will ultimately be a future building on the south part of the site. Even if one ignores this potential expansion and additional development of the site, the applicant proposes two access driveways to Union Avenue rather than one as prescribed by Article 27.121. The applicant provides no justification or analysis for the extra access.”
“I recommend that the applicant resubmit a site plan with access meeting the requirements of Article 27.”

Oregon Department of Transportation (ODOT) have provided comment (Exhibit 7) requesting the applicant obtain written approval from ODOT for any signage visible from Redwood Highway. As a condition of approval, the applicant will need to obtain a misc./utility permit prior to any disturbance within the State right-of-way (ROW) and must provide drainage calculations showing the proposal will not adversely affect State facilities for review and approval by ODOT. The applicant shall contact Julee Scruggs at Julee.y.scruggs@odot.state.or.us or 541-864-8811 to discuss permits.

As conditioned below, the applicant is required to provide a ten (10) foot City Utility Easement (CUE). The applicant shall provide a legal description and map of the CUE and the recorded easement to the Community Development Department prior to the issuance of a Development Permit-Building Permit.

**Water and Sewer Plan:** Existing water and sewer utility mains are located in the frontages of both Union Avenue and Redwood Highway. The applicant proposes connecting to the existing mains along Union Avenue and running the water and sewer laterals through the eastern proposed driveway access. Public Works has provided comment (Exhibit 5) requesting the applicant locate meter boxes and install sewer laterals to avoid driveways and roof drains. In addition, Public Works has also stated if the “optional property line” indicated on the applicant’s future development plan that splits the lot in half is used, it would not comply with the sanitary sewer or water requirements outlined in the report. As a condition of approval, the applicant shall submit a revised utility plan and future development plan that meets the requirements of the Public Works Staff Report.

**Storm Drain Plan:** As a condition of approval:

a. The applicant is required to provide detention/calculations which limit/verify the storm water runoff to not exceed .65 cfs per acre for the proposed area of development during a 25-year storm event (Reference Master Storm Drainage Facilities and Management Plan – May 1982). The Applicant’s Engineer shall submit a storm water report which demonstrates how the proposed development satisfies this condition.

b. Meet all applicable conditions in the Public Works Staff Report (Exhibit 5).

**Bicycle Plan:** There are painted/striped bike lanes along the Union Avenue frontage that meet the standards of Schedule 27-3.

**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 Response:** Satisfied with conditions.

**Parking:** Per Section 25.031 off street parking is required for new buildings. Per Section 25.033, all areas used for parking, driveways and maneuvering of vehicles shall have
durable and dustless surfaces such as asphalt, concrete or pervious surfacing materials. The submitted site plan meets this design standard.

Per Section 25.033(5) all parking areas for this development shall provide a curb of not less than six (6) inches in height along the perimeter. The submitted site plan meets this design standard.

In accordance with Section 25.033(1), parking space dimensions must be 8 ½ feet by 20 feet. Per Section 25.031(11), not more than 25% of the total parking spaces in a parking lot may be designated for compact cars. Minimum dimensions for compact cars shall be 8 ½ feet by 16 feet. Such spaces shall be signed and/or the space painted with the words “Compact Car Only.” Minimum aisle dimensions for the parking lot shall be 22 feet. The submitted parking lot plan meets these design standards.

Per Section 25.033(6) all parking stalls fronting a sidewalk shall provide a secured wheel bumper not less than six (6) inches in height and not less than six feet in length, to be set back from the front of the stall a minimum of 2.5 feet. The submitted site plan meets this design standard.

The Development Code specifies four parking spaces per 1,000 sq. ft of gross floor area for professional office uses (Section 25.042(6)(e)).

Total number of parking spaces required is 20. Submitted site plan indicates 35 spaces and meets the design standards of Section 25.033.

In accordance with Section 25.060 of the GPDC, General Institutional, Commercial and Industrial uses require one (1) Type 3 bicycle space per 10,000 square feet of building space (Section 25.062 and Schedule 25-2 of the GPDC). Based on the current proposal this would require one (1) Type 3 bicycle parking spaces. Required bicycle parking facilities shall be located no further than fifty feet from a public entrance. Per Schedule 25-2, fifty (50) percent of all Type 3 bicycle parking facilities must be covered, exclusive of the first two. The applicant’s submitted site plan indicates in the legend the provision of one (1) Type 1 bicycle parking space, however the GPDC requires a Type 3 space. As a condition of approval, the applicant shall submit a revised site plan indicating the provision of a Type 3 bicycle parking space that meets the design standards of Section 25.064. The applicant has submitted a revised floor plan (Exhibit 16) indicating the portions of the square footage of the proposed building which meet the exemptions provided for under Section 25.035(1), reducing the requirement to one (1) Type 1 Bicycle Parking space as indicated on the applicant’s site plan (See Paragraph 2 of the UAPC Memorandum).

Landscaping: Per Section 23.032(2), a 10 ft. landscaped front yard setback from both Union Avenue and Redwood Highway is required. Required front and exterior yards shall be landscaped, and building setbacks shall be maintained, according to the Type B Concept sketch and Schedule 23-2.

Minimum landscape requirements per 1,000 square feet of required front or exterior yard:

- Three (3) trees at least eight (8) feet in height, one and one-half (1½) inch caliper measured three (3) feet from the base;
b. Five (5) 5-gallon and ten (10) one-gallon shrubs or accent plants;

c. Remaining area treated with attractive living ground cover. Coverage with shrubs and living groundcover shall be at least 50% upon installation and 80% after 3 years.

Front yard landscaping along Union Avenue does not meet the requirements of five (5) trees, eight (8) 5-gallon shrubs, seventeen (17) 1-gallon shrubs and groundcover. As a condition of approval, the applicant shall submit a revised landscape plan indicating the above requirements are met.

Exterior yard landscaping along Redwood Highway does not meet the requirements of six (6) trees, ten (10) 5-gallon shrubs, twenty (20) one-gallon shrubs, and groundcover. In addition, it is indicated on the applicant’s site plan that the parking lot area intrudes into the required 10-foot landscaping area. As a condition of approval, the applicant shall submit a revised landscape plan indicating the above requirements are met and that a 10-foot landscaped area is provided along the entirety of the Redwood Highway frontage.

Per Section 23.042(2)(c), as a condition of approval size of existing trees to be kept or removed must be indicated on the landscape plan.

Parking lot landscaping must meet criteria outlined in Section 23.035. The submitted landscape plan meets all but one criteria outlined in Section 23.035(3)(b) pertaining to appropriate tree species. The City’s Urban Forester has provided comment (See Exhibit 9) stating the species listed for the parking lot (Acer ginnala and Zelkova serrata) are not appropriate. As a condition of approval, the applicant shall submit a revised landscape plan indicating the requirements for 23.035 are met and an appropriate species of Parking Lot tree has been chosen (See tree list in Section 23.076 in the GPDC).

Landscaping adjacent to the building is required based on Section 23.035(4). Where the building does not abut a landscaped yard or public sidewalk, beds or planters at least 5 feet deep shall be incorporated adjacent to the building. This requirement applies to all sides of the building.

The south and east elevations must have at least 30% of the length in landscape beds, as there is a sidewalk present. The submitted landscape plan meets this criteria.

The north and west elevations must have beds along the entire face of the building as there are no sidewalks present. The submitted landscape plan meets this criteria.

Per Section 23.035(4)(d), minimum landscape requirements per 1,000 sq. ft. of required planter, or any portion thereof, shall be the following:

a. Ten (10) five-gallon and twenty (20) one-gallon shrubs or accent plants

b. Remaining area treated with attractive living ground-cover as defined in Article 30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 100% after 2 years.

Submitted plans do not meet the requirements of Section 23.035(4)(d). As a condition of approval, the applicant shall submit a revised landscape plan indicating these requirements are met.
Submitted landscape plans must meet the requirements of Section 23.041. Per the Urban Forester Comments (Exhibit 9) items 1 and 3 pertaining to identification and location of all existing trees and indication of general drainage flow with arrows are missing from the applicant’s submittal. As a condition of approval, the applicant shall submit a revised landscape plan including the required information from Section 23.041.

Per Section 23.052(c), the landscape plan shall provide specifications for topsoil, including depth, organic matter requirements, limits to sand, clay, and gravel and other requirements designed to ensure the health and vitality of required landscaping. The applicant did not include this information as part of their submittal. As a condition of approval, the applicant shall submit a revised landscape plan including the above information.

Per Section 23.042 an irrigation plan is required as part of the applicant’s submittal. In accordance with Section 23.042(1), the irrigation plan must provide the location of connection to the public water main and location of stub-outs to separate landscape areas. The Urban Forester has commented this requirement is missing as part of the applicant’s submittal (Exhibit 9). As a condition of approval, the applicant shall submit a revised irrigation plan that satisfies the above requirement.

Buffering and Screening: No buffering requirements apply to this proposal.

Any refuse container or disposal area shall be screened from view by placement of a solid wood fence or masonry wall from five (5) to eight (8) feet in height. The applicant’s submitted site plan indicates these requirements are met.

Signage: The application proposes two 35 square foot signs to be located on the north and south building elevations as well as a monument sign along the Redwood Highway frontage. Oregon Department of Transportation (ODOT) provided comment (Exhibit 7) requesting the applicant obtain written approval from ODOT for any signage visible from Redwood Highway. Signage at the proposed locations will be reviewed under a separate sign permit application.

Environmental Standards: The project as proposed will not adversely impact air or water quality.

Special Purpose District Standards: The property is located in the Medical Overlay District. No additional requirements for development will be imposed as part of this District.

The proposed project is located within the Grants Pass Irrigation District. GPID has requested that the applicant contact the District at (541) 476-2582, regarding any additional comments.

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

Staff Response: Satisfied with conditions. The property is located in the GC zoning district, which allows the proposed use upon approval by the Director of Community
Development. However, because the proposal includes a Major Variance, the matter requires review by the Planning Commission.

Potential conflicts are typically mitigated through the base development standards for the zoning district and adherence to the required conditions of approval. In this case, the applicant is requesting a variance from the access standards outlined in Section 27.121(h) and proposes to utilize two (2) two-way driveways to serve the property.

The applicant contends that the proposed credit union drive thru will see significant vehicular traffic that is more than a typical office use and therefore, having two clear, direct ways in and out of the property is essential. The applicant also contends that the Traffic Impact Analysis they submitted as part of their proposal found no issues with two driveways from the proposed development onto Union Avenue.

As a condition of approval, the applicant will conform to the decision made by the UAPC on whether the request for the variance regarding two (2) entries/exports is approved, approved with conditions, or denied. If denied the applicant shall submit a revised site plan indicating one access to Union Avenue.

As a condition of approval, the applicant shall conform to the decision made by the UAPC in regard to access off Union Avenue, indicate the approved access on a revised site plan, and shall construct the approved approach to meet the width standards of Schedule 27-3.

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 Response: Satisfied with conditions. As noted previously, public water and sewer utility services are available to the site.

As conditioned below, the applicant shall conform with all requirements outlined in the Public Works Staff Report (Exhibit 5).

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

Staff Response: Satisfied. As noted in Criterion 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 Response: Satisfied. 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 orientating 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 Response: Satisfied with conditions.** To mitigate impacts of the location of the addition, the applicant proposes to retain the oversized Type D-1 zone buffer that is currently in place along the west property line to provide screening for the adjacent residential uses. This buffer is heavily vegetated and approximately 9.4 feet in width as compared to the required 3-foot landscape buffer.

a) **Areas of land use conflict:** The proposed development will not cause new land use conflicts. As addressed in Criterion 2, the TIA analysis by the City Transportation Engineer indicated no mitigation is required for operational or safety issues.

b) **Setbacks:** The proposed structure meets the setback requirements.

c) **Building Size and Design:** The proposed building is depicted as a single-story 4,598 sq. ft. Rogue Credit Union branch with three (3) drive-thru PTMs. The building is subject to the architectural feature standards contained in Article 20. Any alteration to the existing plans must be submitted with the building plans.

d) **Signs:** The application proposes two 35 square foot signs to be located on the north and south building elevations in addition to a monument sign along the Redwood Highway frontage. Signage at this location will be reviewed under a separate sign permit application.

e) **Lighting:** Lighting will not glare on adjacent development. **As a condition of approval, any proposed lighting shall be included on the amended site plan.** All lighting shall be downlit and unobtrusive.

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

**Staff Response: Satisfied with conditions.** The applicant has provided a Transportation Impact Analysis (TIA) as required by Section 27.121(3) as the proposal is projected to generate more than twenty-five (25) PM peak hour trips. City Traffic
Engineer John Replinger provided comment concurring with the engineer’s conclusion that traffic operations at study area intersections meet standards with the development or are otherwise acceptable. The applicant has requested a variance to be allowed two (2) two-way entries/exits along the Union Avenue frontage. Replinger provided comment recommending the applicant re-submit a site plan with access meeting the requirements of Article 27.

As a condition of approval, the applicant will conform to the decision made by the UAPC on whether the request for the variance regarding two (2) entries/exits is approved, approved with conditions, or denied. If denied the applicant shall submit a revised site plan indicating one access to Union Avenue.

As a condition of approval, the applicant shall conform to the decision made by the UAPC in regard to access off Union Avenue, indicate the approved access on a revised site plan, and shall construct the approved approach to meet the width standards of Schedule 27-3.

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

Staff 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 Response: Satisfied. Landscaping, existing and proposed are adequate for the use.

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

Staff Response: Satisfied. The submitted site plan illustrates compliance with this criterion. Compliance with applicable standards of the Americans with Disabilities Act will be verified through the Building Permit process.

Criterion (13): If the property contains 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 Response: Satisfied with conditions. The subject property is considered legal non-conforming with regards to the width of the sidewalks. The current sidewalk configuration measures at five (5) feet with five (5) foot planter strips. Schedule 27-3 of the GPDC requires Collector streets to provide six (6) foot sidewalks with 7.5 foot planter strips. As conditioned below, the applicant shall conform with the above requirements and those outlined in the Public Works Staff Report (Exhibit 5) in order to bring the sidewalk configuration up to full conformance.
VI. RECOMMENDATION:

- Staff recommends the Planning Commission **DENY APPROVE** the revised request for a Major Variance.

- Staff recommends the Planning Commission **APPROVE** the request for a Major Site Plan Review.

Conditions of Approval:

A. The following shall be accomplished within eighteen months of the date this report is signed, prior to issuance of a Development Permit otherwise, the approval shall expire. (NOTE: A development permit is required prior to commencement of grading or construction).

1. Submit one (1) set and an electronic file (pdf) of a revised site plan reflecting the following items:
   a. A revised utility plan and future development plan that meets the requirements of the Public Works Staff Report (**Exhibit 5**).
   b. An updated landscaping plan meeting all conditions listed in Criterion 3, including information on front and exterior yard landscaping, existing trees, parking lot landscaping, required landscaping adjacent to building, specifications for topsoil, and indication of general drainage flow.
   c. A revised site plan indicating the provision of a Type 3 bicycle parking space that meets the design standards of Section 25.064.
   d. A revised site plan indicating the provision of one (1) Type 1 bicycle parking space that meets the design standards of Section 25.064.
   e. Lighting details indicating the proposed lighting shall not glare on adjacent developments. Location must be confirmed.
   f. Required ROW dedication, if necessary.

2. Submit a final, engineer’s signed and sealed TIA with appendices.

3. Complete Landscaping Requirements for the project as proposed:

   a. Front Yard/Exterior Yard Landscaping shall include:
      i. Union Avenue
         (a) Five (5) trees, eight (8) 5-gallon shrubs, and seventeen (17) 1-gallon shrubs.
         (b) Remaining area treated with living ground-cover, as defined in Article 30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 80% after 3 years.
      ii. Redwood Highway
          (a) Six (6) trees, ten (10) 5-gallon shrubs, and twenty (20) 1-gallon shrubs.
          (b) Remaining area treated with living ground-cover, as defined in Article 30. Coverage with shrubs and
living ground-cover shall be at least 50% upon installation and 80% after 3 years.

b. Landscaping Adjacent to the Building:
   i. Minimum landscaping per 1,000 sq. ft. of required planter, or any portion thereof, shall be the following:
      (a) Ten (10) 5-gallon and twenty (20) 1-gallon shrubs.
      (b) Remaining area treated with attractive living ground-cover as defined in Article 30. Coverage with shrubs and living ground-cover shall be at least 50% upon installation and 100% after 2 years.

c. Irrigation plan requirements for the project as proposed:
   i. Location of connection to the public water main and location of stub-outs to separate landscape areas;
   ii. Identification of the type of irrigation system to be used, the location of irrigation facilities, and coverage to be achieved by the irrigation system, and
   iii. 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 plant species identified in the landscape plan.

4. Upon approval of the revised site plan, provide six (6) copies and a pdf of the following to the City Engineering Division for review and approval:
   a. An engineered drainage plan, including detention calculations and detention plan with details for drainage swales and detention basins or proof that the existing configuration meets requirements.
   b. A grading plan, if applicable. **Note:** A grading permit is required prior to any grading on site.
   c. A detailed Utility Plan reflecting the following, as required by Public Works:
      i. Show the location of water and sewer laterals serving all development on site.
         (a) The applicant will be required to provide the appropriately sized lateral or laterals, pursuant to the Oregon Plumbing Code.
         (b) Any proposed sewer laterals shall be tapped into the sewer main line.
      ii. Show the location of any existing laterals to be properly abandoned or those that will be used will require a TV inspection.
iii. RP backflow devise shall be required on all water services as “premises” protection.

iv. DC backflow devices shall be required as “point of use” protection on all water services containing multiple zone irrigation systems.

v. The location of public water meters. All public water meters shall be located only within the public right-of-way and outside of the driveway approaches. Any water services located within the commercial driveways shall be properly abandoned.

vi. All “premises” backflow prevention devices shall be located within 10 feet behind each public water meter.

d. A signed Developer Installed Agreement for plan check and engineering inspection services.

5. Obtain an encroachment permit from the City prior to any work within the right of way, including landscaping, removal or installation of trees, installation of drive approaches or sidewalks, or installation of utilities.

6. Obtain a misc./utility permit prior to any disturbance within the State ROW and provide drainage calculations showing the proposal will not adversely affect State facilities for review and approval by ODOT. The applicant shall contact Julee Scruggs at julee.y.scruggs@odot.state.or.us or (541) 864-8811 to discuss permits.

7. The applicant shall provide evidence of the existing on-site storm detention meeting storm drain requirements, or how a new configuration will meet storm drain requirements outlined in the public works comments (Exhibit 4).

8. Meet all applicable Public Safety requirements (Exhibit 6), including meeting water supply for the building fire flow requirement listed in OFC B105. In no case shall the required fire flow be reduced by 50%. Where:
   a. 4,598 square feet type V-B = 1,750 gpm @ 20 psi for 2 hours
   b. Required Fire Flow: 1,750 gpm @ 20 psi

9. A request for a new address for the Rogue Credit Union building must be submitted and approved prior to submitting building plans.

10. The applicant shall conform to the decision made by the UAPC on whether the request for the variance regarding two (2) entries/exits is approved, approved with conditions, or denied. If denied the applicant shall submit a revised site plan indicating one access to Union Avenue.

11. The applicant shall conform to the decision made by the UAPC in regard to access off Union Avenue, indicate the approved access on a revised site plan, and shall construct the approved approach to meet the width
The information provided 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 (Exhibit 10).

2. Submit construction documents to the Building Division for their review and approval to determine compliance with all Building, Fire and Life Safety, and adopted Oregon Structural Specialty Code requirements. Building plans shall be consistent with the approved site plan. The plans must be prepared by an Oregon-licensed design professional.

3. Provide a ten (10) foot City Utility Easement (CUE) along all frontages. The applicant shall provide a legal description and map of the CUE and the recorded easement to the Community Development Department prior to the issuance of a Building Permit.

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 Community Development Department and arrange for a final inspection prior to occupancy to ensure compliance.

2. Install at least one (1) covered Type 3 bicycle parking space.

3. Install at least one (1) Type 1 bicycle parking space.

4. Install landscaping according to approved plans.

5. Maintain vegetation throughout the year.

6. Any refuse container or disposal area shall be screened from view by placement of a solid wood fence or masonry wall from five (5) to eight (8) feet in height. Trash containers shall be stored behind the fenced area as indicated on the site plan.


8. Comply with all requirements of the Engineering and Utility Divisions.

9. 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.

standards of Schedule 27-3.
10. An RP backflow device shall be required as “premises” protection on all domestic water services.

11. 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.

12. All “premises” backflow devices shall be located within 10 feet of the public water service.

13. All utilities shall be placed underground.

14. Provide addresses visible from the public right-of-way.

15. A sign permit is required prior to installation of any signs, temporary or permanent.

16. Pay all inspection fees incurred by the Engineering and Utility Divisions Exhibit 11, as well as all City bills due.

17. Upon development of the adjacent parcel to the West of the subject property, the applicant shall obtain a cross access agreement with Tax Lot 1600 that provides for shared vehicular access across both parcels to Union Ave. This condition must be recorded in the form of a deed restriction against the subject parcel prior to issuance of a Certificate of Occupancy.

VII. INDEX TO EXHIBITS:

1. Location Map
2. Aerial Photo
3. Site Plan and Narrative
4. Applicant’s Submitted Elevations
5. Public Works Staff Report
6. TIA review by City Traffic Engineer
7. ODOT comments
8. Public Safety Staff Report
9. Urban Forester comments
10. System Development Charges Brochure
11. Planning Fee Schedule
12. Land Use Decision & Hearing Schedule
13. Engineering Fees
14. UAPC Memorandum
15. Applicant’s Resubmittal Narrative and Revised Site Plans
16. Revised Site Plans
17. Applicant’s Traffic Engineer (Kelly Sandlow) Comments
February 14, 2022

Narrative/Response to Criteria

Rogue Credit Union – Grants Pass Branch
340 Union Avenue
TABLE OF CONTENTS

- PROJECT INFORMATION 3-4
- PROJECT DESCRIPTION 5
- SUBMITTAL REQUIREMENTS 6
- **SITE PLAN REVIEW** - NARRATIVE/RESPONSE TO CRITERIA 7-12
- **ARCHITECTURAL** - NARRATIVE/RESPONSE TO CRITERIA 13-16
- **LANDSCAPE** - NARRATIVE/RESPONSE TO CRITERIA 17-18
- **VARIANCE** - NARRATIVE/RESPONSE TO CRITERIA 19-20
- PROJECT DRAWINGS ATTACHMENT A
- TRAFFIC IMPACT ANALYSIS ATTACHMENT B
- CONFIRMATION OF IRRIGATION PERFORMANCE ATTACHMENT C
PROJECT INFORMATION

PROPOSAL:

**MAJOR SITE PLAN REVIEW:** A development of a vacant lot with a single story, 4,598 square foot Rogue Credit Union branch and drive thru PTM’s. This proposal is a Major Site Plan Review requiring a Type I-C – Director’s Decision and subject to Grants Pass Development Code (GPDC) section 19.052 Approval Criteria.

**ARCHITECTURAL STANDARDS REVIEW:** The proposed project is subject to Article 20 architectural standards. Applicant requests a “Standard Review”.

**VARIANCE REQUEST:** The proposed development requests (2), two-way entries/exits from Union Avenue. This request will require a variance subject to the Approval Criteria in GPDC Section 6.060 – Criteria for Variance.

ADDRESS & LEGAL DESCRIPTION:

**OWNER:** Rogue Credit Union
1370 Center Drive
Medford, OR 97501
541.622.7622

**ARCHITECT:** KSW Architects, Attn: Matt Small
66 Water Street, Suite 101
Ashland, OR 97520
541.488.8200 ext. 15

**LAND USE PLANNING:** KSW Architects, Attn: Matt Small
66 Water Street, Suite 101
Ashland, OR 97520
541.488.8200 ext. 15

**PROJECT LANDSCAPE DESIGNER:** Madara Design Inc
2994 Wells Fargo Road
Central Point, OR 97502
541.664.7055

**LAND USE DISTRICT:** General Commercial (GC), Medical Overlay District

**URBAN GROWTH BOUNDARY:** Inside Grants Pass UGB

**SITE ADDRESS:** 340 Union Avenue, Grants Pass, OR 97526

**MAP:** 36-05-19-CA TAX LOT 1500

**ACREAGE:** 1.79
PROPOSED OCCUPANCY TYPE: Business (B)

BUILDING CONSTRUCTION TYPE: V-B

FIRE SPRINKLER SYSTEM: YES

BUILDING AREA: 4,598 s.f.

<table>
<thead>
<tr>
<th>Floor</th>
<th>Area:</th>
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<tbody>
<tr>
<td>First Floor</td>
<td>4,598 s.f.</td>
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<tr>
<td>TOTAL</td>
<td>4,598 s.f.</td>
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LOT COVERAGE:

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<th>Area:</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Lot Area</td>
<td>1.79 Acres</td>
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<tr>
<td>Building Footprint</td>
<td>4,598 s.f.</td>
<td>(6%)</td>
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<tr>
<td>Proposed Paving/Sidewalks Area</td>
<td>40,275 s.f.</td>
<td>(52%)</td>
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<tr>
<td>Proposed Landscaped Area</td>
<td>13,537 s.f.</td>
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<tr>
<td>Undeveloped (possible future development) Area</td>
<td>19,650 s.f.</td>
<td>(25%)</td>
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APPLICABLE ORDINANCES:

City of Grants Pass Land Development Code
2019 Oregon Structural Specialty Code

ADJACENT ZONING/USE:

| NORTH:   | (N/A) Redwood Highway                      |
| EAST:    | General Commercial (GC)/Drive thru Carwash |
| SOUTH:   | (N/A) Union Avenue                         |
| WEST:    | General Commercial (GC)/Vacant Lot         |
| SUBJECT SITE: | General Commercial (GC)/Vacant Lot |
PROJECT DESCRIPTION

The proposed project is a single story, +/-4,600 square foot credit union building and drive through PTM station. The PTM drive through will have (3) PTM stations covered by one canopy and (1) uncovered bypass lane. The building and PTM canopy design will be very similar to other RCU branches constructed throughout southern Oregon. The Rogue Credit Union has developed a palette of exterior materials and colors that is a significant piece of their marketing and branding. This palette is evident in all of their recently constructed projects throughout southern Oregon. The exterior material palette will include red brick, ACM panels, sheet metal coping and storefront window/door systems. Please refer to the attached renderings and drawings. The PTM canopy design will match the design of the building, using the same material palette.

The site is vacant and bordered by Union Avenue to the south, the Redwood Highway to the north, a recently constructed carwash to the east and a vacant lot to the west. The proposed branch will require roughly half of the site leaving the remainder available for future development. The nature and timing of the future development is currently unknown.

The Applicant requests a “Standard Review” for the architectural design standards (Article 20).

The Applicant is requesting (2), two-way entries/exits from Union Avenue to more safely serve the credit union clientele, in particular, the customers using the drive thru PTM stations. The western driveway is proposed as a possible shared driveway with future development of the property to the west of the proposed credit union.
SUBMITTAL REQUIREMENTS

GPDC Section 19.070 – Submittal Requirements

Section 19.072(2) – Major Site Plan Map

Documents conforming to and addressing all relevant items are included with this submittal.

Section 19.072(3) – Elevation Drawings

Documents conforming to and addressing all relevant items are included with this submittal.
FINDINGS OF FACT

The following information has been provided by the applicant to help the Planning Staff, Planning Commission and neighbors better understand the proposed project. In addition, the required findings of fact have been provided to ensure the proposed project meets the Site Design & Use Standards as outlined in the City of Grants Pass Land Development Code.

For clarity reasons, the following documentation has been formatted in “outline” form with the City approval criteria noted in **bold** font and the applicant’s response in regular font. Also, there are several responses that are repeated in order to ensure that the findings of fact are complete. Where appropriate numbering follows the sited LUO.

APPROVAL CRITERIA

GPDC Section 19.050 – Major Site Plan Review

Section 19.052 – Criteria for Approval

19.052(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.*

This project complies with all applicable development standards for the General Commercial (GC) zoning district. See Site Plan included.

19.052(2):

*Complies with applicable elements of the Comprehensive Plan, including Traffic Plan, Water Plan, Sewer Plan, Storm Drainage Plan, Bicycle Plan, and Park Plan.*

This project complies with the current Comprehensive Plan. See Site Plan included.

19.052(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.*

This project complies with all other applicable provisions of the GPDC, including provisions set forth in the Medical Overlay District (a Special Purpose District). See Site Plan included.
19.052(4):
Potential land use conflicts have been mitigated through specific conditions of development.

There are no potential land use conflicts associated with this development.

19.052(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.

Adequate basic urban services are currently available for the development of this project.

19.052(6):
Provision of public facilities and services to the site will not cause service delivery shortages to existing development.

There is not an existing development on the proposed site. Services are adequate to serve the proposed site.

19.052(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 City of Grants Pass Development Code Article 19: Last Rev. 8/18/21 Page 19-6 into the project. Alternatives shall be considered, and the proposal shall represent the most effective design to preserve these resources.

There are no significant resources located on the proposed site.
19.052(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.

There are no areas of land use conflict.

(b) Setbacks. Where existing buildings are setback deeper than required by Code, new setbacks to be compatible.

The building has been located on the site to front the Redwood Highway like the existing project to the east of the proposed project which also fronts Redwood Highway.

(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.

The proposed credit union is compatible with the existing, adjacent developments, including other bank branches and another credit union.

(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.

There are (2) monument signs proposed for the site. One located at an entry from Union Avenue and a second located along and visible from Redwood Highway. Neither sign will block the view of existing signs and will be sized to meet codes.

(e) Lighting. Exterior lighting shall not impact adjacent development or traveling motorist.

Proposed parking lot/site lighting will not detrimentally impact adjacent properties or passing motorists. A site lighting plan and photometrics for the proposed fixtures can be provided as desired.
19.052(9):
Traffic conflicts and hazards are minimized on-site and off-site, as provided in Article 27.

The proposal is designed to avoid traffic conflicts and meets the criteria set forth in Article 27 with the following requested exception:

27.121(11)(h)(i):

Direct access to arterial streets and collector streets shall be City of Grants Pass Development Code Article 27: Last Rev. 8/1/18 Page 27-8 avoided wherever practical. An encroachment permit to allow private direct access onto an arterial street shall be granted by the City Engineer only after all other reasonable options are explored. The number of access points on arterial and collector streets shall be minimized whenever possible through the use of driveways common to more than one development and through interior circulation design to further this requirement. Any public or private road approach onto a state facility must be consistent with the spacing and permit standards of the Access Management Oregon Administrative Rule 734-051.

- Direct access from the proposed project to Union Avenue is necessary given the limited development in the immediate area and limited alternative access ways onto Union Avenue. Currently, there is one access on the adjacent development to the east, however, the configuration of this existing driveway is one way at portions of the drive and is incompatible with our proposed development.

- The adjacent parcel to the west is vacant and the layout of future development is undetermined.

- A Traffic Impact Analysis (TIA) has been completed for the proposed project and concluded that direct access onto Union Avenue would have no adverse effects. See attached TIA.

27.121(11)(h)(iv):

Each parcel shall be allowed no more than one direct access driveway, regardless of the size of the property or the linear feet of frontage, unless a variance is granted by the review body based on a traffic analysis report and the criteria in Article 6.

- The Applicant requests a variance to allow two access driveways onto Union Avenue. See variance request as part of these findings of fact.
• A critical component of the proposed credit union is the drive thru PTM stations. Drive thru PTMs generate a significant amount of vehicular traffic requiring direct and efficient vehicular circulation. The current design does exactly that, allowing for easy in and out flow. The two access points minimizes potential conflicts with traffic entering and exiting from just one access point. It also eliminates the need to travel through parking areas, another area of potential conflict.

• The second access driveway is designed to accommodate future development of the property to the west. A possible location for this cross access is shown on the proposed site plan.

• A Traffic Impact Analysis (TIA) has been completed for the proposed project and concluded that direct access onto Union Avenue would have no adverse effects. See attached TIA.

19.052(10):

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

The proposed project is one phase. However, there is the potential for the future development of the portion of the site fronting Union Avenue. The proposed Site Plan demonstrates a possible future development showing adequate space for the on site requirements such as parking, landscaping, etc.

19.052(11):

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

The landscaped areas are designed to allow for easy access and maintenance.

19.052(12):

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

Pedestrian and bicycle pathways are provided connecting the proposed building with Union Avenue and the sidewalk along Union Avenue.
19.052(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.

The property does not contain existing nonconforming uses or development scheduled to remain.
GPDC Section 20.400 – Architectural Standards

Section 20.405 – Building Entrances

20.405(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.

The main entrance into the building and the primary parking area are oriented to the front yard and Union Avenue.

20.405(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.

A 5’-6” deep canopy is provided.

Section 20.410 – Windows and Glass Doors in Exterior Walls

20.410(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.

The specified glass storefront is standard, clear glazing with no tinting and/or mirroring applied. There are no fences/screens obscuring visibility between the wall openings and the public route.
20.410(2):

Building Less Than 18 Feet Tall or Ground Floor of Multi-Story Building. Except as provided in Subsection (6), all building elevations less than 18 feet in height 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 area between 3 feet and 6 feet above the exterior ground surface, for at least 25% of the width of the elevation. Except as provided in Subsection (6), there shall not be wall sections longer than 100 feet without glass doors and/or windows. See Figure 20-15.

South Elevation: The proposed storefront windows and doors are all taller than the required 3’-0”. The proposed glazing is 46.6% of the width of the elevation. See included Exterior Elevations.

North Elevation: The proposed storefront windows and doors are all taller than the required 3’-0”. The proposed glazing is 27% of the width of the elevation. See included Exterior Elevations.

East Elevation: The proposed storefront windows and doors are all taller than the required 3’-0”. The proposed glazing is 37.7% of the width of the elevation. See included Exterior Elevations.

West Elevation: The proposed storefront windows and doors are all taller than the required 3’-0”. The proposed glazing is 57% of the width of the elevation. See included Exterior Elevations.

Section 20.422 – Overall Building Length of More Than 50 Feet

20.422(1)(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.

South Elevation: Proposed design complies with standard. A proposed metal panel entry element with an attached canopy provides vertical and horizontal relief meeting the minimum 50’-0” requirement. In addition, aluminum sunshades are proposed at the storefront openings. See included Floor Plan and Exterior Elevations.
North Elevation: Proposed design complies with standard. The design includes vertical and horizontal relief. See included Floor Plan and Exterior Elevations.

20.422(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.

The proposed design complies. See included Floor Plan and exterior Elevations.

20.422(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.

The proposed design complies. See included Floor Plan and exterior Elevations.

Section 20.423 – Change in Massing at Maximum 50 Feet

20.423(2):

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.

(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.

North Elevation: Proposed design complies with standard. There are two horizontal offsets, each exceeding 3’-0” in depth and 75% of the main wall plane height. See included Floor Plan and Exterior Elevations.
(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.

South Elevation: Proposed design complies with standard. The main entry element includes a vertical offset exceeding the required 18” and is roughly 21'-0” wide.

(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.

South Elevation: Proposed design complies with standard. Proposed offset features are not repetitive and are designed to accentuate the main entry.

North Elevation: Proposed design complies with standard. Proposed offset features are not repetitive.
GPDC Section 23.030 – Landscape and Buffering Development Standards

Section 23.032 – Type B: Commercial and Indoor Industrial Front and Exterior Yards

23.032(1) – (5):

The following landscape standards shall apply to commercial and indoor industrial uses in residential, commercial, and indoor industrial zones; and to residential uses in commercial and indoor industrial zones.

This project complies with all applicable Commercial Landscape Requirements. See included Landscape Plan.

Section 23.035 – Type E: Parking Lot Landscaping and Screening

23.035:

All parking lots, which for purposes of this Section shall include areas of vehicle maneuvering, parking and loading, shall be landscaped and screened according to the appropriate concept sketch and criteria, as follows:

This project complies with all applicable Parking Lot Landscaping and Screening. See included Landscape Plan.

Section 23.036 – Type F: Other Screening

23.036(1):

Refuse Container Screen. Except for single family detached dwellings, any refuse container or disposal area shall be screened from view by placement of a solid wood fence or masonry wall from five to eight feet in height. All refuse materials shall be contained within the refuse area.

This project complies with standard. A 5’-1” brick clad trash enclosure with a metal gate is proposed. See included Trash Enclosure plans.
23.036(4):

Mechanical Equipment. Development subject to the commercial design standards of Article 20 shall comply with the provisions of this Subsection.

(d): It shall be located on the roof and screened from public ground level view with a rooftop equipment screen set back from the exterior wall, at least 6 inches taller than the equipment, with materials, colors, and detailing similar to the primary building materials and design.

This project complies with standard. A perforated, corrugated metal screen is proposed to shield view of the roof mounted HVAC equipment.
GPDC Section 6.060 – Criteria for Variance

6.060(1):

The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

- Adjacent Development: The land to the west of the proposed project is vacant and as such there is not a secondary access driveway for the proposed project to tie into on the west. In addition, it is unknown if/when development might occur on this parcel and if so, if there would be a driveway that our proposed project could tie into. Allowing the proposed western driveway guarantees a connection to the property to the west.

- Adjacent Development: The property to the east (existing carwash) is developed with an existing driveway to Union Avenue. However, the existing driveway was not designed to allow for future development to the west to tie into it. Access to our proposed project from the carwash site would require driving through the carwash pay station.

- Adjacent Development: The western driveway of the proposed project is designed to allow for future development from the west to tie into it. A proposed cross access location is shown on the proposed site plan.

- The Traffic Impact Analysis finds no issues with two driveways from the proposed development onto Union Avenue.

6.060(2):

The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

Unique Physical Circumstances: The proposed credit union drive thru will see significant vehicular traffic. This is in addition to the traffic created by those parking and walking into the facility. This traffic is more than a typical office use and therefore, having a clear, direct way in and out of the property is essential. Having two, two-way entries/exits achieves this goal.
6.060(3):

The proposal’s benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

Benefits to this project include:
- Two driveways provide a more direct, less congested way in and out of the proposed site rather than just one driveway,
- A secondary driveway provides access for future development to the west.

6.060(4):

The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

The variance request is not a result of a lot line adjustment, land division or any other self-imposed property configuration previously granted to the applicant.

The variance request is not self-imposed but is rather a condition of the type of permitted use proposed for the site. Drive thru banks/credit unions generate a significant amount of traffic.
ATTACHMENT A

The following drawings are included with this submittal:

- Architectural Site Plan
- Architectural Floor Plan
- Architectural Exterior Elevations
- Architectural 3-D Colored Renderings
- Trash Enclosure Plans
- Landscape Site Plan
- Civil Grading Plan
- Civil Storm Water Drainage/Detention Plan
- Civil Erosion Control Plan
- Existing Carwash Site Plan (property to the east of proposed project)
- Survey

ATTACHMENT B

A Traffic Impact Analysis is included with this submittal.

ATTACHMENT C

Landscape Confirmation of Irrigation Performance Letter

Prepared and Respectfully Submitted by:

Matthew J. Small, Principal Architect
KSW Architects

02.14.2022
Date
This Staff Report presents the comments generated during the review of the subject application on behalf of the City of Grants Pass Public Works Department. The objective of the review is to assist the City and the Applicant in determining requirements for public works improvements and other pertinent requirements as specified in the Grants Pass Development Code, applicable master plan documents, Standard Specifications, and current policy. The following comments are composed as either recommended conditions of approval directed to the Approving Authority and Applicant, or as an emphasis of select City policies and standards directed to the Applicant’s Engineer. Not all pertinent Codes and Standards are listed herein:

A. Prior to Issuance of a Development Permit:

The Applicant shall submit plans, maps and other required documents, for review and approval by the Public Works Department, which specify the design and construction of the public and private improvements in compliance with the following conditions and comments:

1. General:
   a. Submit a ‘Developer Installed Improvements’ application, including all required submittals and the appropriate fees specified therein. Refer to the application form for the submittal requirements. A partial list of the submittal requirements includes the following:
      i. A grading plan which includes all proposed earthwork and creation of building pads.
      ii. A detailed drainage and detention plan – if required.
      iii. A utility plan.
      iv. An erosion and sediment control plan.
      v. A digital file (PDF format) of the complete set of approved plans.
      vi. A CAD file of the complete set of the approved plans for the proposed public improvements.
   b. Submit a ‘Grading/Fill Permit’ application, if applicable, including all required submittals and the appropriate fees. Refer to the application form for the submittal requirements.
   c. Submit an ‘Encroachment Permit’ application, if applicable, including all required submittals and the appropriate fees. Refer to the application form for the submittal requirements.
   d. Provide written acknowledgement that the Applicant will retain the Engineer-of-Record (Engineer), to make visits to the Site at intervals appropriate to the various stages of construction to observe as an experienced and qualified design professional the progress that has been made and the quality of the various aspects of the executed work. Based on information obtained during such visits and observations, the
Engineer, will determine, in general, if the work is proceeding in accordance with the approved plans and specifications. The Engineer will notify the contractor and the City immediately if the work is not in accordance with the approved plans and specifications. The Engineer will provide the City with copies of each Site Visit Report within seven (7) days of the visit. The Applicant shall notify the City if an alternate professional engineer will provide the above mentioned services.

2. Streets:
   a. Union Avenue. Classification – Collector Street
      i. Required Right-of-Way dedication: The required half street right-of-way equals 36 feet. The Applicant’s Surveyor shall determine if any additional right-of-way dedication is required at the subject location.
      ii. Required Street Improvements: Driveway approach, 7.5 foot planter strip, and 6 foot sidewalk.
      iii. Public Works defers to the City of Grants Pass Traffic Engineer on the necessity of the extra access from Union Avenue.
   b. Redwood Highway. Classification – State Highway
      i. Required Right-of-Way dedication: The applicant shall contact ODOT to determine if any additional right-of-way dedication is required at the subject location.
      ii. Required Street Improvements: Street and frontage improvements and access within right-of-way shall be determined per ODOT standards. Verify with ODOT for confirmation of access and street improvements.

3. Storm Drainage:
   a. All new, and substantially reconstructed, developments shall limit the storm water run-off from the development site to not exceed .65 cfs per acre during a 25-year storm event (Reference Master Storm Drainage Facilities and Management Plan – May 1982). The Applicant’s Engineer shall submit a storm water report which demonstrates how the proposed development satisfies this condition. Partially redeveloped sites shall apply the above condition to new impervious areas only, if the City Engineer determines that applying this condition to the entire site is not feasible.
   b. Design the development to not alter off-site existing drainage patterns.
   c. Design for the collection of on-site storm runoff and discharge to City approved downstream drainage facilities. Provide a storm drain extension from downstream facilities to the project.
   d. Design erosion and sediment control measures.

4. Sanitary Sewers:
   a. Project specific requirements: If the “optional property line”, which would split the lot in half, is used it would not comply with (b) below.
   b. Design a minimum of one service lateral for each lot. Avoid installing service laterals in driveways. All service lines shall be located in the serviced property’s adjacent right-of-way and installed in a straight-line perpendicular to the Sewer Main.
   c. Connect the new development to public sewer and do not use septic systems unless exempted by section 28.071 (1).
   d. Design all new sanitary sewer facilities in conformance with the City’s Sanitary Sewer Standards and Specifications.
e. Design 4-inch or larger service laterals for single dwellings and small single stores or offices, provided the current Plumbing Code does not require the building sewer to be larger than 4-inches. Install 6-inch or larger, and at least equal to the size of the building sewer, all other service laterals.

5. Water System:
   a. Project specific requirements: If the “optional property line”, which would split the lot in half, is used it would not comply with (b) below.
   b. Design all new water facilities in conformance with the City’s Water Standards and Specifications.
   c. Design all service meters in the serviced property’s improved adjacent Right of Way. Service meters will not be allowed in easements. Wherever possible, install all service meters in the sidewalk per GP274. Do not install service closer than 5 feet to a front property corner. Locate meter boxes to avoid driveways and roof drains. Install water service lines in a straight line perpendicular to the waterline from the service meter. Install service line taps to not have less than 2 feet of separation between each other. Do not install a service tap in a main closer than 18” to a joint or fitting.
   d. Determine the water service and meter size. The aforementioned determination is not required for single-family residential units, where a 5/8” x 3/4” meter per GP274 each unit shall be standard. Furnish and install meters 3” and above. The City will furnish and install all meters smaller than 3”.

B. Prior to Issuance of a Building Permit:
The Applicant shall substantially complete all construction items specified in A above.

C. Prior to Issuance of a Certificate of Completion:
The Applicant shall substantially complete all construction items specified in A above, and perform the following:

1. General:
   a. Pay all outstanding fees, including engineering inspection fees.
   b. The Applicant shall retain the Engineer to prepare and submit ‘Record Construction Drawings’ prepared by the Engineer for all public improvements, and which includes a statement on the drawings as to the source(s) of information, surveying, and testing, including the dates of the site visits, the Engineer relied upon to complete the “Record Drawings.

2. Streets:
   Sweep all adjacent streets regularly during construction.

3. Storm Drainage:
   Maintain erosion and sediment control measures until disturbed areas are re-established.

4. Sanitary Sewers:
   a. Test all new sewer facilities in conformance with the City’s Water Standards and Specifications.
   b. Abandon all un-used sewer laterals in conformance with City Sewer Standards.
   c. Provide a mini-tv inspection video of existing laterals planned for use to the Wastewater Collections Division.

5. Water System:
a. Test all new water facilities in conformance with the City’s Water Standards and Specifications.
b. Provide backflow prevention measures per City of Grants Pass requirements if onsite irrigation is utilized or if GPID is on site. Locate backflow devices as determined by the Public Works Staff.
c. Properly abandon any wells on site, unless they are to be used for irrigation.

6. **Public Utilities:**
   a. Place underground all utility facilities, including, but not limited to, electrical lines and other wires, street lighting and communication and cable television services.
   b. If none exists, dedicate a City utility easement (C.U.E.) across the frontages of the development in conformance with the requirements of the public utility companies.
February 16, 2022

Gabby Sinagra  
City of Grants Pass  
101 NW A Street  
Grants Pass, OR 97526

SUBJECT: REVIEW OF TRAFFIC IMPACT ANALYSIS – ROGUE CREDIT UNION

Dear Gabby:

In response to your request, I have reviewed the Traffic Impact Analysis (TIA) submitted in support of the proposed Rogue Credit Union. The TIA was prepared under the direction of Kelly Sandow, PE of Sandow Engineering. The TIA is dated December 14, 2021.

The proposed development is located at 340 Union Avenue. It is proposed to occupy a portion of the currently vacant parcel, which totals 1.79 acres. The parcel is on the north side of Union Avenue between the intersections of Union Avenue with Ringuette Street and SW Ramsey Avenue. The proposed development consists of a 4572 square foot building and 3 drive-up service windows.

Overall

I find the TIA addresses the city’s requirements. The TIA provides an adequate basis to assess the impacts of the proposed development.

Comments

1. **Study Area.** The city code requires analysis of intersections where the impact of the proposal causes an increase of 25 or more trips during either the AM or PM peak hour.

   To assess the impacts on the street system, the TIA provides an analysis during the AM and PM peak hours of the following intersections:

   - Redwood Highway/Ringuette Street
   - Ringuette Street/Union Avenue
   - Union Avenue/SW Ramsey Street
   - Williams Highway/Union Avenue
   - Two proposed site accesses on Union Avenue
The analysis area is appropriate and covers the key intersections impacted by the proposed development.

2. **Traffic Counts.** The AM and PM peak hour traffic counts were conducted in November 2021. The traffic volumes were adjusted to account for seasonal variations. Citing counts from the Oregon Department of Transportation, the engineer indicates that traffic counts have returned to pre-pandemic levels and no further adjustments are required. The traffic counts and adjustments appear reasonable.

3. **Trip Generation.** The engineer estimated trip generation for the credit union using trip generation rates from the Institute of Transportation Engineers’ *Trip Generation Manual*. The engineer used the rates for a drive-in bank, ITE land use code 912. The engineer calculated the facility will generate 45 AM peak hour trips and 96 PM peak hour trips. The TIA does not provide an estimate of weekday trips; using the same source, I calculated 459 weekday trips. The trip generation estimates appear reasonable.

4. **Trip Distribution.** The TIA presents information on trip distribution. Trip distribution was based on existing travel patterns and logical assumptions about trip origins and destinations. The engineer assumes approximately 5 percent would go to and from the north on Highway 199; 30 percent would travel to and from the west on Highway 199; 6 percent would travel to and from the south on Ringuette; 18 percent would go to and from the south on the Williams Highway; 7 percent would travel to and from the east on Harbeck; and 34 percent would travel to and from the north on Highway 99. The traffic was split between the two proposed site driveways on Union Avenue. The trip distribution seems reasonable.

5. **Traffic Growth.** The TIA accounts for traffic growth by using the predicted growth from the Transportation System Plan. The calculated growth rate was 0.7 percent annually, which the engineer rounded up to an annual growth rate of 1 percent. The assumptions used to develop background volumes for the analysis appear reasonable.

6. **Analysis.** Traffic volumes were calculated for the intersections described in #1, above. The analysis was conducted for 2021 existing conditions; 2022 background
conditions; 2022 conditions with the development; 2027 background conditions; and 2017 conditions with the development of the credit union facility. The analysis addressed the AM and PM peak hours.

Intersection level of service (LOS), delay calculations, and the volume-to-capacity ratio (v/c) were provided to assess operations relative to the city’s intersection LOS standard and ODOT’s v/c standards.

According to the TIA, the intersection of the Redwood Highway and Ringuette Street currently meets ODOT’s v/c standard during AM peak hour but fails to meet the standard during the PM peak hour. Due to background traffic growth, the performance of the intersection is predicted to deteriorate. The v/c ratio during the PM peak hour is predicted to be 0.97 in 2027 without the development and 0.98 with the development. As explained by the engineer, “The development trips will result in the v/c increasing 0.01. As per Oregon Highway Plan Action 1F, a v/c increase of less than 0.03 is considered insignificant when considering mitigation. Therefore, mitigation [at the Redwood Highway/Ringuette intersection] is not required for this project.” I concur with this conclusion.

The TIA indicates that all other study area intersections meet the applicable performance standards for the AM and PM peak hours under the existing, 2022 background, 2022 build, 2027 background, and 2027 build conditions. The TIA indicates that both proposed site access locations will operate at LOS B, easily meeting applicable standards.

The TIA also provides an analysis of queuing at the study area intersections. The engineer concludes that “the addition of development traffic does not substantially increase the queuing conditions at the studied intersections.” I concur.

Excepting the intersection of the Redwood Highway and Ringuette Street, discussed above, the engineer shows that traffic operations at the study area intersections will meet operational standards during the AM and PM peak hours and concludes that no off-site mitigation is required for this development proposal. I concur with this conclusion.

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Street/Union Avenue; none at Union Avenue/Ramsey Street; and 10 at Williams Highway/Union Avenue. The calculated crash rate for all four intersections is low; all fall below the critical crash rate, so no further analysis or mitigation is needed.

There is no reason to believe that the proposed development will disproportionately affect safety in the study area.

8. **Site Plan and Access.** The TIA and site plan illustrate a proposed access plan involving two access points to Union Avenue and a potential access to the Redwood Highway. The third access is apparently envisioned as an access intended to serve a “future building” in the north part of the site near the Redwood Highway.

The proposed access is problematic for several reasons. The Oregon Department of Transportation pre-ap notes recommend removal of the proposed access to Redwood Highway and that the applicant take access from Union Avenue. Adding an access to the highway is not consistent with policy of either the state or the city. Article 27.121 of the Grants Pass code is clear that the access should be taken from the lower classification of street when there is more than one option. Furthermore, it is clear from the code that the “access points to a public street shall be the minimum necessary to provide reasonable access....”

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The applicant appears to have given little thought to the transportation impact of constructing a second building on north part of the site. Since access to the Redwood Highway is highly unlikely, the applicant should consider how traffic generated by the potential building will be accommodated in the site layout and access to be constructed in connection with the credit union building, drive-through service windows, parking lots and aisles.

The site plan should be revised to provide for a single access to Union Avenue and for full development of the site.

9. **Sight Distance.** The engineer assessed sight distance on Union Avenue for both proposed access points. The engineer measured sight distance to be in excess of
335 feet, the distance associated with 30 mph, the posted speed of the road. She concluded that the available sight distance was adequate and met intersection sight distance and stopping sight distance.

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Conclusion and Recommendations

I find that the TIA addresses city requirements for analysis of the impacts of the proposed credit union building. The applicant’s traffic engineer uses appropriate methods and accurately describes her analysis of traffic operations. I concur with the applicant’s engineer that no mitigation is required for operational or safety issues. I concur with the engineer’s conclusion that traffic operations at study area intersections meet standards with the development or are otherwise acceptable; storage for queuing is adequate; sight distance is adequate; and that there are no safety concerns requiring attention.

The obvious flaw in the application relates to site access and additional, future development on the north part of the site. The application materials suggest that there will ultimately be a future building on the north part of the site and that access would be provided to the Redwood Highway. As described above, access to the Redwood Highway is highly unlikely.

Even if one ignores this potential expansion and additional development of the site, the applicant proposes two access driveways to Union Avenue rather than one as prescribed by Article 27.121. The applicant provides no justification or analysis for the extra access.

I recommend the applicant resubmit a site plan with access meeting the requirements of Article 27.
If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net or at 503-719-3383.

Sincerely,

John Replinger, PE
Principal
February 16, 2022

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If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net or at 503-719-3383.

Sincerely,

[Signature]

John Replinger, PE
Principal
Hi Carolyn & Gabby, please find ODOT comments below in advance of the upcoming UAPC hearing:

I. ODOT supports the revised site plan taking access on Union Avenue rather than Redwood Highway. ODOT would not support direct access to Redwood Highway.

II. The applicant should be required to obtain written approval ODOT for any signage visible from Redwood Highway.

III. The applicant will need to obtain a misc./utility permit prior to any disturbance within the State ROW.

IV. The applicant needs to provide drainage calculations showing the proposal will not adversely affect State facilities for review and approval by ODOT

Please direct the applicant to contact Julee Scruggs at Julee.Y.SCRUGGS@odot.state.or.us or 541.864.8811 to discuss permits.


Best regards,
Micah

Micah Horowitz, AICP
Senior Transportation Planner
ODOT Region 3 | Southwest Oregon
p: 541.774.6331 | c: 541.603.8431
e: micah.horowitz@odot.oregon.gov

From: Carolyn Nealon <CNealon@grantspassoregon.gov>
Sent: Wednesday, February 23, 2022 11:37 AM
To: Wade Elliott <welliott@grantspassoregon.gov>; Lance Baker <LBaker@grantspassoregon.gov>; Craig Kuhnert <ckuhnert@grantspassoregon.gov>; Shelly Stichter <sstichter@grantspassoregon.gov>; Joe Hyatt

[NOTICE: This message originated outside the City of Grants Pass -- DO NOT CLICK on links or open attachments unless you are sure content is safe.]
Site Plan Review # 1

Date of Review: March 1, 2022                  Permit Numbers: 201-00417-22 & 301-00149-22
Map/Tax Lot: 36-05-19-CA Tax Lot 1500
Address of Project: 340 Union Ave.
Planner: Gabbi Sinagra

Comments:

1. Fire Department access must be provided to within 150 feet of all portions of buildings. [OFC 503.1.1]

2. Minimum access width 20' and may not be obstructed. [OFC 503.2 & 503.4]. Where gates are secured, an approved lock (KNOX box) is to be installed in an approved location. [OFC 506.1.1]

3. KNOX Box on the building is required for afterhours access before final fire signoff. Contact the Fire Prevention Division for the required form. [OFC 506.1]

4. If building is required to have a Fire Department Connection, a locking KNOX FDC Caps required before final signoff. Contact the Fire Prevention Division for the required form. [OFC 912.4.1]

5. If the building does not meet the excluding requirements of OFC 510, the building shall be provided with Emergency Responder Radio Coverage as provided in OFC 510 & Appendix J. [OFC 510.1 (4)]

6. Water supply will be determined using the building fire flow requirement listed in OFC B105. Lacking sufficient information to determine fire flow, the most restrictive will be provided and may be reduced on provided specific building construction and use. In no case shall the required fire flow be reduced by 50%.
   a. 4,598 square feet type V-B = 1,750 gpm @ 20 psi for 2 hours
   b. Required Fire Flow: 1750 gpm @ 20 psi
   c. 50% reduction is allowed for NFPA 13 Sprinkler System .5 X 1750 = 875 gpm @ 20 psi, however, Minimum Standard is 1,000 gpm for 2 hours.

7. Fire hydrant location and distribution will be determined using OFC Appendix C. In no case shall hydrant spacing exceed 500 feet nor more than 75 feet from a required FDC. [OFC C105.1.1] Fire Hydrants shall

have the ability to deliver 1000 gallons per minute at a minimum of 20 psi for 2 hours.

a. Required Hydrants and Spacing: 1 hydrant with average spacing on 500 feet and minimum distance of 250 feet from any point on frontage to hydrant.

Existing Hydrant WDHY 821 will meet this requirement.

Submitted By: Michael Meyer, Fire Inspector
## Requirements for Major Site Plan Review

<table>
<thead>
<tr>
<th>Code</th>
<th>Requirement</th>
<th>Status</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.052(7)</td>
<td>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.</td>
<td>Sufficient</td>
<td></td>
</tr>
</tbody>
</table>

## Requirements for Tentative Plan, Development Permit, and Final Plat

<table>
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<tr>
<td>23.032(2)(a)</td>
<td>Required front and exterior yards shall be landscaped, and building setbacks shall be maintained, according to the Type B Concept Sketch and Schedule 23-2. Minimum landscape requirements per 1000 square feet of a required front or exterior yard, or any portion thereof, shall be the following: Three trees at least eight feet in height, and one and one-half inches in caliper measured three feet from the base. Select from street tree list, Section 23.076, and plant within 10 feet of the right-of-way as per Type B Concept Sketch. Trees may be offset to permit signs in the Landscape Yard. Trees shall be kept trimmed of branches up to 14’ from base five years following planting. Any sign on the property shall be in compliance with the sign requirements for the use in residential zones as established in Title 9, Chapter 9.21, Sign Standards, of the City of Grants Pass Municipal Code.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.032(5)</td>
<td>Approved plant materials installed in the area between the curb and the sidewalk may be used in meeting the landscaping requirements for front and exterior yards.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.041</td>
<td>Landscape Plan</td>
<td>Insufficient</td>
<td>Ensure that the Landscape Plan includes all requirements from 23.041, 23.052(2), 23.052(3)(b), and 23.052(3)(c).</td>
</tr>
<tr>
<td>Code</td>
<td>Requirement</td>
<td>Status</td>
<td>Comments</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>23.041(1)</td>
<td>Identification and location of all existing trees over 8” in diameter as measured 3’ from ground level, with notations indicating whether they are to be removed or utilized in the development. Clusters of trees may be noted in approximate locations.</td>
<td>Missing</td>
<td></td>
</tr>
<tr>
<td>23.041(2)</td>
<td>Existing and finished grades, with sections showing cut and fill for areas to be excavated below soils containing organic matter.</td>
<td>Sufficient</td>
<td>Landscape plan contains information regarding grading and soil backfill.</td>
</tr>
<tr>
<td>23.041(3)</td>
<td>Indication of general drainage flow with arrows, and location of all surface drains and subsurface drain ways.</td>
<td>Missing</td>
<td></td>
</tr>
<tr>
<td>23.041(4)</td>
<td>Location of all required yards, screening and buffering areas, easements, and public rights-of-way, building foundations or pads, parking areas, walkways and other impervious surfaces, and all access ways and private streets.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.041(5)</td>
<td>A schedule showing the % of impervious surface, landscaped area, and recreation open space, as a % of usable site area.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.041(6)</td>
<td>Plant material, including identity and spacing, using both symbol and schedule if necessary.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.041(7)</td>
<td>Typical sections at building mass, planters in paved areas, landscape strips 10’ in width or less, and landscaped berms, showing excavation, topsoil fill, finished grade, plant materials and irrigation.</td>
<td>Unclear</td>
<td>Current section in Landscape Plan shows tree bed to be dug deeper than root ball. The International Society of Arboriculture (ISA) and American National Standards Institute (ANSI) call for tree beds to be no deeper than root balls. Trees planted too deep will significantly increase likelihood of premature tree mortality. Appropriate details and specifications can be sourced online from the ISA and ANSI A300 Part 6 (Planting and Transplanting).</td>
</tr>
<tr>
<td>Code</td>
<td>Requirement</td>
<td>Status</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>23.052(2)(a)</td>
<td>The applicant shall provide methods for the protection of existing plant material to remain during the construction process. The plants to be saved shall be shown on the Landscape Plan or the Concept Plan and the method of protection shall be noted on the landscape plans. Example: Areas not to be disturbed can be temporarily fenced, as in snow fencing which can be placed around individual trees.</td>
<td>Unclear</td>
<td>Are any trees being preserved? There are existing right-of-way and private trees. (If right-of-way trees are going to be removed, a tree permit is required, see notes below for Municipal Code Title 10 requirements). If any trees (including trees in the right-of-way) are to be preserved, this section and its requirements must be addressed in the Landscape Plan. For tree protection methods and specifications, you can reference: - ANSI A300 Part 5 (Site Planning, Site Development); and ISA Best Management Practices – Managing Trees During Construction, Second Edition (2016)</td>
</tr>
<tr>
<td>23.052(2)(b)</td>
<td>Existing trees shall not have construction occur within the drip line, where possible. Trees to be saved shall be kept free from trunk abrasion or soil compaction during construction. The landscape plan shall provide for the location and variety of replacement trees in case of the subsequent death of existing trees.</td>
<td>Unclear</td>
<td>If any trees (including trees in the right-of-way) are to be preserved, this section and its requirements must be addressed in the Landscape Plan.</td>
</tr>
<tr>
<td>23.052(3)(a)</td>
<td>Areas for required landscaping shall not be used as a waste dump or fill during the construction process. All waste material shall be removed from such areas prior to the application of topsoil.</td>
<td>To Be Determined</td>
<td>Ensure that all persons involved in construction are aware of this requirement. Violation of this requirement may lead to the decline of plants.</td>
</tr>
<tr>
<td>23.052(3)(b)</td>
<td>Soils devoid of organic materials shall not be utilized as topsoil for required landscape areas. Where such areas have been excavated to soil levels containing no organic material, the landscape plan shall provide for further non-organic soils removal and replacement with topsoil.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.052(3)(c)</td>
<td>The landscape plan shall provide specifications for topsoil, including depth, organic matter requirements, limits to sand, clay, and gravel and other requirements designed to ensure the health and vitality of required landscaping.</td>
<td>Missing</td>
<td>Ensure that the topsoil specifications (e.g. limits to sand, clay, gravel, pH) are appropriate for required landscaping. These limits must be provided in the Landscape Plan.</td>
</tr>
<tr>
<td>23.042</td>
<td>Irrigation Plan</td>
<td>Insufficient</td>
<td>Ensure that the Irrigation Plan includes all requirements from 23.042</td>
</tr>
<tr>
<td>23.042(1)</td>
<td>Location of connection to the public water main and location of stub-outs to separate landscape areas.</td>
<td>Missing</td>
<td></td>
</tr>
<tr>
<td>23.042(2)</td>
<td>Identification of the type of irrigation system to be used, the location of irrigation facilities, and coverage to be achieved by the irrigation system.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.042(3)</td>
<td>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 plant species specified in the landscape plan.</td>
<td>Missing</td>
<td>See 23.042(2) for information relevant to this letter.</td>
</tr>
<tr>
<td>23.051(1)</td>
<td>Except single family residences and duplexes, all development shall provide an automatic underground irrigation system.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Requirement</td>
<td>Status</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>23.052(1)</td>
<td>All landscaping materials and irrigation shall be installed according to approved plans.</td>
<td>To Be Determined</td>
<td></td>
</tr>
<tr>
<td>23.071</td>
<td><strong>Street Trees.</strong> All development fronting on public or private streets approved following the adoption date of this Code shall be required to plant street trees in accordance with the following standards. Street trees to be planted shall be chosen from the recommended list of street trees found in Section 23.076 below. Approval for the planting of alternate species may be given by the Director.</td>
<td>Insufficient</td>
<td></td>
</tr>
<tr>
<td>23.072</td>
<td>Location for Street Trees. Street trees shall be located outside of street right-of-way except in cases where there is a designated planting strip in the right-of-way, and as specified in requirements and restrictions in Section 23.030 and Section 27.313.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.073</td>
<td>Spacing, Placement, and Pruning of Street Trees.</td>
<td>Insufficient/Unclear</td>
<td>New street trees must be at least 10 feet from storm drains, water lines, and sewers.</td>
</tr>
<tr>
<td>10.01.500(D) (Muni Code)</td>
<td>10.01.500 The Manager shall develop reasonable standards for the planting, maintenance and removal of trees to carry out the purposes of this ordinance. These standards will apply to trees within Grants Pass city limits on public or semi-public land. These standards may be amended as the need arises, by the Manager. The standards shall include, but not be limited to, the following: (D) Utility clearances including, but not limited to, sewers, storm drains, curbs, sidewalks, driveway aprons, streets, power or telephone lines, fire hydrants and water meters.</td>
<td>Right-of-way trees must not be planted where the base of their trunks are less than 10 feet from water meters, sewer lines, storm drains, or fire hydrants. Here, street tree is proposed to be less than 10 feet from storm drain. This tree appears to be located right on top/next to a water meter.</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Requirement</td>
<td>Status</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------</td>
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<td>----------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>10.01.400</td>
<td>No person shall plant, set out, prune, root prune, remove, cut above ground, kill, or otherwise disturb any tree on public or semi-public property without first filing an application for, and procuring, a Public Tree Permit from the City Manager. The person receiving the permit shall abide by the standards adopted pursuant to Section 10.01.500</td>
<td>Unclear</td>
<td>If trees are removed from the public right-of-way along Union Avenue, a Tree Removal Permit is required. To find the application, please visit: <a href="https://www.grantspassoregon.gov/789/Tree-Permits">https://www.grantspassoregon.gov/789/Tree-Permits</a></td>
</tr>
<tr>
<td>10.01.900(1)</td>
<td>It shall be unlawful for any person to engage in the business, occupation or profession of pruning, treating or removing trees in public or semi-public areas within the City limits of Grants Pass without being certified by the International Society of Arboriculture, and without first obtaining liability insurance. Liability insurance requirements shall be set forth by resolution.</td>
<td>Unclear</td>
<td>Trees in the public right-of-way can only be removed from prequalified and certified arborists who obtain a Tree Removal Permit from the City. The Tree Removal Permit contains a list of the arborists who meet this requirement. <a href="https://www.grantspassoregon.gov/789/Tree-Permits">https://www.grantspassoregon.gov/789/Tree-Permits</a></td>
</tr>
<tr>
<td>23.074</td>
<td>Replacement of Street Trees. Existing street trees removed by development projects shall be replaced by the developer with those from the approved street tree list. The replacement trees shall be of size and species similar to the trees that are being removed, unless alternatives are approved by the Director. All replacement trees shall be a minimum of 1-3/4 inch caliper.</td>
<td>Sufficient</td>
<td></td>
</tr>
</tbody>
</table>

**Parking Lot Requirements (if applicable)**

<table>
<thead>
<tr>
<th>Code</th>
<th>Requirement</th>
<th>Status</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.035(3)</td>
<td>Landscape Standards. Parking lot landscaping shall be provided at the ratio of 1 tree and 16 square feet landscaping per ten parking spaces, in order to create a canopy effect. Trees and landscaping shall be installed as follows and as shown in the Type E-2 Concept Sketch.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.035(3)(a)</td>
<td>Landscaping shall be designed so there are no more than 5 parking spaces between any parking space and a tree. See Figure 23-1.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.035(3)(b)</td>
<td>The tree species shall be an appropriate large canopied shade tree, and shall be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and sidewalks.</td>
<td>Insufficient</td>
<td>Species listed for parking lot (Acer ginnala 'Flame' and Zelkova serrata 'City Sprite') are not appropriate. See tree list of Section 23.076. Look for “PT” in the Comments column for “Parking Lot” species.</td>
</tr>
<tr>
<td>23.035(3)(c)</td>
<td>The tree shall be planted in a landscaped area such that the tree bole is at least 2 feet from any curb or paved area.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.035(3)(e)</td>
<td>Landscaped areas shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.</td>
<td>Sufficient</td>
<td></td>
</tr>
<tr>
<td>23.035(3)(f)</td>
<td>Landscaped end islands shall be provided at the end of parking rows. End islands shall be a minimum of 6 feet wide to the inside of curb at a point adjacent to the midpoint of the adjoining parking space. When there are unique site constraints, the Director may authorize minor modifications to this requirement, provided equivalent landscaping is provided. See Figure 23-2.</td>
<td>Sufficient</td>
<td></td>
</tr>
</tbody>
</table>
This brochure is intended to be used as a guideline 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 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 Storm Drain, Parks and Transportation SDC’s.

Our Building Permit Technician can assist you with Water and Sewer SDC questions and estimates.

Visit our website at:
http://www.grantspassoregon.gov

***NEW ONLINE FEE ESTIMATOR***
https://gpweb.grantspassoregon.gov/EnerGov_Prod/SelfService/#/estimate

Community Development office is located at:
101 NW “A” Street
Upstairs, Room 202
Grants Pass, Oregon 97526
(541) 450-6060

Open 8am – 5pm Monday – Friday

Building Counter Hours 8am – 10am M – F
(Submittal Hours 8am – 10am & 2pm – 4pm M – F)

Planning Counter Hours 8am – 5pm M – F

Storm Drain System

Storm Water and Open Space SDC’s were adopted by the City Council on February 4, 2004. Storm Water SDC’s apply to all lands within the Urban Growth Boundary (UGB).

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 Water SDC’s are due and payable upon issuance of a 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 Water and Open Space Plan SDC
For residential and commercial development is $0.284 per square foot of impervious surface.

What are SDC’s?

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.

For further assistance...

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

SYSTEM DEVELOPMENT CHARGES

Fees Effective

January 01, 2022 through December 31, 2022

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 February 5, 2020. This fee is charged and payable for development at the time of permit to connect to the water system.

The method of calculating the Water SDC for residential development is based on dwelling and water meter size, as follows:

**Small (<= 1,700 sf):**
- $2,863.47
- $7,158.68
- $14,317.35

**Standard (1,701—2,900 sf):**
- $4,210.99
- $10,527.47
- $21,054.93

**Large (>2,900 sf):**
- $5,769.05
- $14,422.63
- $28,845.26

For Duplices, Multi-Family & ADU’s, the base fee by an additional 0.64 per unit to calculate the SDC amount. If individual water meters are requested for each unit, a full additional base fee would apply for each water meter requested.

The method of calculating the Water SDC for non-residential development for all Water Pressure Zone service areas are as follows:

(based on water meter size)
- 1” Meter: $10,527.47
- 1.5” Meter: $21,054.93
- 2” Meter: $33,687.89
- 3” Meter: $63,164.80
- 4” Meter: $105,274.67
- 6” Meter: $210,549.33

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

**Sewer System**

The Sewer SDC was first adopted by the City Council on October 19, 1994 and last amended on February 5, 2020. 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 dwelling size as follows:

**Single Family (SF) or Manufactured Home:**

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small (&lt;=1,700 sf)</td>
<td>$2,630.61</td>
</tr>
<tr>
<td>Standard (1,701—2,900 sf)</td>
<td>$3,868.55</td>
</tr>
<tr>
<td>Large (&gt;2,900 sf)</td>
<td>$5,299.91</td>
</tr>
</tbody>
</table>

**Duplex**

(1.64 of SF amount based on dwelling size):

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small (&lt;=1,700 sf)</td>
<td>$4,314.20</td>
</tr>
<tr>
<td>Standard (1,701—2,900 sf)</td>
<td>$6,344.43</td>
</tr>
<tr>
<td>Large (&gt;2,900 sf)</td>
<td>$8,691.86</td>
</tr>
</tbody>
</table>

**Triplex**

(2.28 of SF amount based on dwelling size):

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small (&lt;=1,700 sf)</td>
<td>$5,997.79</td>
</tr>
<tr>
<td>Standard (1,701—2,900 sf)</td>
<td>$8,820.30</td>
</tr>
<tr>
<td>Large (&gt;2,900 sf)</td>
<td>$12,083.80</td>
</tr>
</tbody>
</table>

Sewer SDCs for commercial, public and quasi-public development are determined by the number of fixtures units and strength of discharge. A worksheet is available to estimate the sewer SDC for individual projects or you may use the City’s online fee estimator located at:

https://epweb.grantspassoregon.gov/EnerGov_Prod/SelfService/estimate

**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 City Planning for an estimate of the Transportation SDC’s for your project.

Below is an example using the $125.77/trip rate:

**Single Family Residence**

Category: Single-family (9.57 trips/unit)

1 unit x 9.57 trips/unit x $125.77/trip = $1,203.62

**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; or
- Any construction which creates a new business building or enlarges a business; 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: $521.93 per residence
- Park Development: $419.23 per residence

**Total per unit $941.16**

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

- Parkland Acquisition: $47.79 per new parking space built
- Park Development: $37.32 per new parking space built

**Total per parking space $85.10**

The City Council adopted Resolution 15-6338 to establish the current Parks SDC rates. These rates are a 30% reduction from the previous rates.

See other side for Storm Drain SDC Information
<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addressing (Major) 4 or more</td>
<td>$126.67</td>
</tr>
<tr>
<td>Addressing (Minor) 3 or under</td>
<td>$63.34</td>
</tr>
<tr>
<td>Annexation (upon request)</td>
<td>$975.34</td>
</tr>
<tr>
<td>Appeal of Sign Code</td>
<td>$200.00</td>
</tr>
<tr>
<td>Appeal of Type I</td>
<td>$487.50</td>
</tr>
<tr>
<td>Appeal of Type II, Type III, or System Development Charge</td>
<td>$1,124.86</td>
</tr>
<tr>
<td>Comprehensive &amp; Zone Map Amendment</td>
<td>$2,438.38</td>
</tr>
<tr>
<td>Conditional Uses</td>
<td>$1,219.18 plus $30.66/1,000 sq. ft. plus HC</td>
</tr>
<tr>
<td>County Joint Review</td>
<td>$163.02</td>
</tr>
<tr>
<td>Designation of Historic Landmark Amendment</td>
<td>$790.03</td>
</tr>
<tr>
<td>Development Permit</td>
<td>$236.39</td>
</tr>
<tr>
<td>Expedited Land Division</td>
<td>$3,480.59 plus $23.69/lot</td>
</tr>
<tr>
<td>Extension Letters (for Land Use Decisions and Development Permits)</td>
<td>$111.46</td>
</tr>
<tr>
<td>Flood Plain Review</td>
<td>$308.77</td>
</tr>
<tr>
<td>Hearing Charge (HC)</td>
<td>$459.82</td>
</tr>
<tr>
<td>Historical Buildings &amp; Sites Review</td>
<td>$229.90</td>
</tr>
<tr>
<td>Home Occupation (Major)</td>
<td>$1,042.23</td>
</tr>
<tr>
<td>Home Occupation (Minor)</td>
<td>$61.31</td>
</tr>
<tr>
<td>Interpretation of Code by Director</td>
<td>$229.90</td>
</tr>
<tr>
<td>Land Use Compatibility Statement (LUCS)</td>
<td>$63.34</td>
</tr>
<tr>
<td>Non-Conforming Use Development Code</td>
<td>$1,277.71</td>
</tr>
<tr>
<td>Optional Review Procedure for Type I-EX, I-AU, or I-A</td>
<td>$351.13</td>
</tr>
<tr>
<td>Partitions</td>
<td>$2,032.36</td>
</tr>
<tr>
<td>Performance Parking</td>
<td>$459.82</td>
</tr>
<tr>
<td>Planned Unit Developments (Final Plat)</td>
<td>$1,042.23</td>
</tr>
<tr>
<td>Planned Unit Developments (Preliminary)</td>
<td>$1,042.23 plus $59.92/lot or du plus HC</td>
</tr>
<tr>
<td>Pre-Application</td>
<td>$407.56</td>
</tr>
<tr>
<td>Property Line Adjustment</td>
<td>$684.70</td>
</tr>
<tr>
<td>Property Line Vacation</td>
<td>$351.13</td>
</tr>
<tr>
<td>Remand from Land Use Board of Appeals (LUBA)</td>
<td>$813.71</td>
</tr>
<tr>
<td>Removal of Service and Annexation Agreements</td>
<td>$105.90 plus $105.90/lot</td>
</tr>
<tr>
<td>Re-noticing Fee</td>
<td>$225.72</td>
</tr>
<tr>
<td>Revise/Remove Deferred Development Agreement</td>
<td>$526.70 plus $209.00/lot</td>
</tr>
<tr>
<td>Sidewalk Café Permit requests that do not include reconstruction, alteration - other than approved barriers, tables, chairs, and accoutrements - or any other destruction or modification of the public right of way, including the sidewalk.</td>
<td>No Charge</td>
</tr>
<tr>
<td>Signs</td>
<td>$112.86 plus $2.40/s.f.</td>
</tr>
<tr>
<td>Site Plan Review - Major Modification</td>
<td>$459.82</td>
</tr>
<tr>
<td>Site Plan Review - Minor Modification</td>
<td>$113.88</td>
</tr>
<tr>
<td>Site Plan Review (Major)</td>
<td>$2,462.64 plus $32.05/1000 s.f. or $59.92/du plus HC</td>
</tr>
<tr>
<td>Site Plan Review (Minor)</td>
<td>$815.11 plus $32.05/1000 s.f. or $59.92/du plus HC</td>
</tr>
<tr>
<td>Solar Access Permit</td>
<td>$813.71</td>
</tr>
<tr>
<td>Special Purpose District Amendment</td>
<td>$2,046.83</td>
</tr>
<tr>
<td>Street Name Change</td>
<td>$418.01</td>
</tr>
<tr>
<td>Subdivision (Final Plat)</td>
<td>$1,042.23</td>
</tr>
<tr>
<td>Subdivision (Tentative Plan)</td>
<td>$2,032.36 plus $59.92/lot plus HC</td>
</tr>
<tr>
<td>Text Amendment (If noticing requirements are increased in order to comply with Ballot Measure 56, then a $1.00 per notice fee shall be added to the application)</td>
<td>$1,971.59</td>
</tr>
<tr>
<td>Urban Growth Boundary Amendment</td>
<td>$2,899.57</td>
</tr>
<tr>
<td>Variance (Major and Minor)</td>
<td>$1,586.74</td>
</tr>
<tr>
<td>Zone Map Amendment</td>
<td>$2,046.83</td>
</tr>
<tr>
<td>App Rec’d by</td>
<td>Site Plan Review Date</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>12/31/21</td>
<td>01/11/22</td>
</tr>
<tr>
<td>01/07/22</td>
<td>01/18/22</td>
</tr>
<tr>
<td>01/14/22</td>
<td>01/25/22</td>
</tr>
<tr>
<td>01/21/22</td>
<td>02/01/22</td>
</tr>
<tr>
<td>01/28/22</td>
<td>02/08/22</td>
</tr>
<tr>
<td>02/04/22</td>
<td>02/15/22</td>
</tr>
<tr>
<td>02/11/22</td>
<td>02/22/22</td>
</tr>
<tr>
<td>02/18/22</td>
<td>03/01/22</td>
</tr>
<tr>
<td>02/25/22</td>
<td>03/08/22</td>
</tr>
<tr>
<td>03/04/22</td>
<td>03/15/22</td>
</tr>
<tr>
<td>03/11/22</td>
<td>03/22/22</td>
</tr>
<tr>
<td>03/18/22</td>
<td>03/29/22</td>
</tr>
<tr>
<td>03/25/22</td>
<td>04/05/22</td>
</tr>
<tr>
<td>04/01/22</td>
<td>04/12/22</td>
</tr>
<tr>
<td>04/08/22</td>
<td>04/19/22</td>
</tr>
</tbody>
</table>

(1) Incomplete applications may be delayed. (2) Except Type I-D Procedures

T:\CD\PLANNING\Planning Technician\Hearing Dates
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 ARE 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 $594.26 base fee + $62.51 per lot. This fee will be paid in full at the time of plan submittal.

The Encroachment Permit Fee is a flat fee of $77.89 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:

<table>
<thead>
<tr>
<th>Grading Volume</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 cubic yards (CY)</td>
<td>$78.17</td>
</tr>
<tr>
<td>51 – 100 (CY)</td>
<td>$116.71</td>
</tr>
<tr>
<td>101 – 1,000 (CY)</td>
<td>Base Fee $129.57</td>
</tr>
<tr>
<td>1,001 – 10,000 (CY)</td>
<td>Base Fee $262.34</td>
</tr>
</tbody>
</table>

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:

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

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 $77.89 plus the following charges apply for the applicable items:

<table>
<thead>
<tr>
<th>Encroachment Item</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavation (100 sq ft or less)</td>
<td>$24.13</td>
</tr>
<tr>
<td>Excavation (101-1000 sq ft)</td>
<td>$103.12</td>
</tr>
<tr>
<td>Excavation &gt; 3001 sq ft</td>
<td>$209.54</td>
</tr>
<tr>
<td>Driveway Approach</td>
<td>$0.42</td>
</tr>
<tr>
<td>Sidewalk (per sq ft)</td>
<td>$0.27</td>
</tr>
<tr>
<td>Pavement (per sq ft)</td>
<td>$0.27</td>
</tr>
<tr>
<td>Valley Gutter (per sq ft)</td>
<td>$0.27</td>
</tr>
<tr>
<td>Manhole or Catch Basins</td>
<td>$262.20</td>
</tr>
<tr>
<td>Fire Hydrant</td>
<td>$394.95</td>
</tr>
</tbody>
</table>

Fence Items

<table>
<thead>
<tr>
<th>Fence Item</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian Benches (ea)</td>
<td>$24.13</td>
</tr>
<tr>
<td>Traffic Survey Counts (ea)</td>
<td>$156.88</td>
</tr>
<tr>
<td>Annual Blanket (ea)</td>
<td>$96.54</td>
</tr>
<tr>
<td>Tree/Stump Removal (ea)</td>
<td>$24.13</td>
</tr>
<tr>
<td>Deposit Material in ROW (ea)</td>
<td>$48.27</td>
</tr>
<tr>
<td>Curb/Gutter (per lf)</td>
<td>$0.42</td>
</tr>
<tr>
<td>Storm Drain (per lf)</td>
<td>$1.33</td>
</tr>
<tr>
<td>Water Laterals (per lf)</td>
<td>$1.33</td>
</tr>
<tr>
<td>Sewer Laterals (per lf)</td>
<td>$1.33</td>
</tr>
<tr>
<td>Fences (ea)</td>
<td>$62.53</td>
</tr>
<tr>
<td>Walls less than 3’ in height (ea)</td>
<td>$62.53</td>
</tr>
<tr>
<td>Walls more than 3’ in height (ea)</td>
<td>$62.53</td>
</tr>
<tr>
<td>+ $1.59/sf of wall area</td>
<td></td>
</tr>
</tbody>
</table>
**Grading Permit Only:**

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

<table>
<thead>
<tr>
<th>Grading Volume</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 cubic yards (CY) or less</td>
<td>$ 78.17</td>
</tr>
<tr>
<td>51 – 100 (CY)</td>
<td>$ 116.71</td>
</tr>
<tr>
<td>101 – 1,000 (CY)</td>
<td>Base Fee $129.57</td>
</tr>
<tr>
<td>1,001 – 10,000 (CY)</td>
<td>Base Fee $262.34</td>
</tr>
<tr>
<td>10,001 – 100,000 (CY)</td>
<td>Base Fee $526.81</td>
</tr>
<tr>
<td>100,001 (CY) or more</td>
<td>Base Fee $1,058.96</td>
</tr>
<tr>
<td>Each Additional 10,000 (CY)</td>
<td>$62.11 / 10,000 (CY)</td>
</tr>
</tbody>
</table>

**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:

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partitions</td>
<td>$164.41</td>
</tr>
<tr>
<td>Property Line Adjustments</td>
<td>$153.28</td>
</tr>
<tr>
<td>Subdivision, Pre-Monumented</td>
<td>$333.01  + $30.66/lot</td>
</tr>
<tr>
<td>Subdivision, Post-Monumented</td>
<td>$501.60  + $47.37/lot</td>
</tr>
<tr>
<td>Condominiums</td>
<td>$586.60  + $47.37/unit</td>
</tr>
</tbody>
</table>
MEMORANDUM

To: Urban Area Planning Commission

Fm: Gabby Sinagra, Assistant Planner

Dt: 4/6/22

Re: Application File No. 201-00147-22 & 301-00149-22, Rogue Credit Union Drive Thru with Major Variance for Number of Accesses to a Collector- Revised Text Based on 3/23/22 Public Hearing

At your March 23rd meeting, UAPC discussed the subject application and continued the public hearing to your April 13, 2022, meeting. At the last meeting, a motion was made during deliberation of the application which denied the variance request for two (2) two-way driveways taking access off Union Avenue. The motion, made by Commissioner Collier with a second by Commissioner Nelson, was to deny the variance request. The impact of this decision is that the applicant was required to submit a revised site plan for the Commission to review that meets the standards outlined in Article 27 of the Grants Pass Development Code. The applicant submitted revised site plans on 4/5/2022 indicating two access scenarios for the Commission to consider (Exhibit 16). The first scenario is a one-way entry on the eastern side of the parcel and an additional two-way exit only on the west side of the parcel. The second scenario is one approach with a one-way entry and two-way exit. The applicant also submitted additional comment from their Traffic Engineer, Kelly Sandow, who has provided comment on the newly proposed scenario for the two (2) one-way approaches (Exhibit 17). The applicant has requested that the UAPC reconsider their variance request under the revised site plan (Exhibit 16) and re-open the public hearing. Staff has reviewed the revised submittals and recommends the UAPC approve the revised variance request.

The second revision to the staff report that was requested by the applicant pertains to bicycle parking requirements. It was required in the staff report that the applicant provide one (1) Type 3 Bicycle Parking space. This determination was made by staff from the provided square footage indicated on the applicant’s submitted floor plan. The applicant has since provided a revised floor plan (Exhibit 16) indicating the portions of the square footage of the proposed building which meet the exemptions provided for under Section 25.035(1), reducing the requirement to one (1) Type 1 Bicycle Parking space as indicated on the applicant’s site plan. The impact of this revision is that the applicant will not have to submit a revised site plan indicating a change to the provided bicycle parking spaces.

The third revision that was requested by the applicant pertains to moving the condition requiring the applicant to provide recorded copies of a City Utility Easement to the Community Development Department from the A List Conditions of the staff report to the B List Conditions.
The impact of this revision is that the applicant may receive their Development Permit prior to the dedication of the C.U.E.

The fourth revision pertains to the sidewalk configuration along Union Avenue. After reviewing the Public Works conditions to widen the sidewalk, the applicant has chosen to retain the existing 5-foot sidewalk along Union Avenue. As no modifications are proposed to the Union public right-of-way, the nonconforming sidewalk width can remain in place. The applicant has indicated this change on a revised site plan.

At its April 13th meeting, the Commission will need to make a formal motion to accept the changes outlined in this Memorandum and/or make additional revisions to the original application as presented in the March 23rd packet.
April 6, 2022

City of Grants Pass Community Development Department
Attn: Gabby Sinagra, Assistant Planner
101 NW A Street
Grants Pass, Oregon 97526

Re: Rogue Credit Union
   Project Number: 201-00417-22 and 301-00149-22
   Sidewalk and Planter Strip Change

Gabby,

Please find attached two options (Option A and Option B) for the development of the site for the above referenced project and note the following:

- Option A:
  - A one way driveway into the site from Union Avenue and a one way driveway exiting the site onto Union Avenue. The exit is designed w/ right and left hand turn lanes.
  - The sidewalk fronting Union Avenue has been revised. The original submittal replaced the sidewalk the entire width of the property w/ a new 5'-0” sidewalk. This site plan is showing replacing only the sidewalk sections affected by new construction and keeping the remaining sidewalk as is.

- Option B:
  - Single, two way driveway access to/from Union Avenue including one entry lane, a left hand turning exiting lane and a right hand turning exiting lane.
  - The sidewalk fronting Union Avenue has been revised (same as above). The original submittal replaced the sidewalk the entire width of the property w/ a new 5'-0” sidewalk. This site plan is showing replacing only the sidewalk sections affected by new construction and keeping the remaining sidewalk as is.

We are including w/ this letter a statement from the traffic engineer, Kelly Sandow, regarding the proposed options.

The Applicant requests that the Urban Area Planning Commission re-open the public hearing for this project and reconsider our original variance request. Towards that effort, please enter the attached site plans, the Kelly Sandow letter and this letter into the record for this project w/ the hope of having a chance to review during the April 13th hearing.

Thank you for your consideration, please contact me w/ questions/concerns.

Sincerely,
Matthew J. Small, Architect

Attachments: Site Plan Option A, Site Plan Option B, Kelly Sandow Letter
CC: Christi McGonigal, Tony Workman, Mike Neron

66 WATER STREET, SUITE 101, ASHLAND, OREGON 97520. 541.488.8200. KSWARCHITECTS.COM
TOTAL BUILDING SF = 4,598 SF  EXCLUSIVE AREA = 659 SF  BUILDING AREA CALCULATED FOR PARKING = 3,939 SF
As per your request, I have evaluated the safety and operation of the proposed modifications to the access connections for the Rogue Credit Union development located on Union Avenue in Grants Pass, Oregon.

Sandow Engineering prepared a Traffic Impact Analysis dated December 14, 2021, that evaluated the site access connections as two full-movement access connections to Union Ave. The current modification to the site plan is to revise the access connections to:

- East access as entering only
- West access as exiting only with separate left and right turn lane

The following provides the safety and operational analysis of the proposed access reconfiguration.

1.0 TURNING MOVEMENT VOLUMES

The site is anticipated to generate 45 trips in the AM with 26 entering and 19 exiting, and 96 trips in the PM with 48 entering and 48 exiting. Figures 1 and 2 below provide the year 2027 AM and PM total traffic volumes at the intersection. The distribution of development trips maintains the distribution as per the December 2021 TIA with reallocation to the access connections.
Tech Memo
From: Kelly Sandow
RE: Rogue Credit Union Access Connections
Date: 4.6.2022
Page 2

Figure 1: Year 2027 AM Traffic Volumes
2.0 LEVEL OF SERVICE AND QUEUING

The site access connections were evaluated for level of service and queuing conditions at the future year 2027, consistent with the analysis methodology in the December Traffic Impact Analysis. The results are depicted in Table 1, and the outputs are included as an attachment.
TABLE 1: ACCESS LEVEL OF SERVICE AND QUEUING - YEAR 2027

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Standard</th>
<th>LOS, v/c</th>
<th>Storage (Feet)</th>
<th>Queuing</th>
<th>95th</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AM PEAK HOUR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Access</td>
<td></td>
<td>D, v/c 1.0</td>
<td>A, 0.01</td>
<td>150</td>
<td>25</td>
</tr>
<tr>
<td>Left-In</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-In</td>
<td></td>
<td>D, v/c 1.0</td>
<td>A, 0.00</td>
<td>150</td>
<td>0</td>
</tr>
<tr>
<td>West Access</td>
<td></td>
<td>D, v/c 1.0</td>
<td>B, 0.02</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td>Left-Out</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-Out</td>
<td></td>
<td>D, v/c 1.0</td>
<td>A, 0.01</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td><strong>PM PEAK HOUR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Access</td>
<td></td>
<td>D, v/c 1.0</td>
<td>A, 0.03</td>
<td>150</td>
<td>25</td>
</tr>
<tr>
<td>Left-In</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-In</td>
<td></td>
<td>D, v/c 1.0</td>
<td>A, 0.00</td>
<td>150</td>
<td>25</td>
</tr>
<tr>
<td>West Access</td>
<td></td>
<td>D, v/c 1.0</td>
<td>B, 0.06</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td>Left-Out</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-Out</td>
<td></td>
<td>D, v/c 1.0</td>
<td>B, 0.04</td>
<td>100</td>
<td>25</td>
</tr>
</tbody>
</table>

As demonstrated in Table 1, the intersection level of service meets the standards, and the queuing does not cause safety or operation issues.

3.0 TURN CONFLICTS
The access connections were evaluated for turning movement conflicts.

**East Access**
The east access will be located along the eastern edge of the property. This access will be enter only. The access is located approximately 140 feet west of the intersection of Union Ave and
Ramsey Ave. The 140 feet between the access and Ramsey Ave provides enough distance for turns to be completed safely. There are no turn conflicts between the access and Ramsey Ave. Just south of the eastern access connections are two access connections to the business to the south. The spacing of the accesses will result in left-turns into the site having an overlap with the left-turns into the west access to the business to the south. The overlap is small enough that the turns can observe and enter the center turn lane safely. There is no conflict with exiting left turns. All turns from this access can occur safely.

**West Access**
The west access will align directly with the access to the south. All turns into and out of this site access can be performed safely and efficiently.
3.2 SIGHT DISTANCE

Sight distances are classified by the stopping sight distance (SSD) for the major roadway and departure/intersection sight distance (ISD) for the site accesses. The SSD is the length of roadway needed for a vehicle traveling at the design speed to safely stop for a stationary object in the roadway. The required sight distance allows a driver to perceive and react to an object 2 feet high on the roadway visible from a driver’s eye height of 3.5 feet above the ground. The (ISD) is a measure of the length of visibility of the roadway given to a stopped driver on a minor road approach. The distance provides time to perceive and react to gaps in traffic to allow a driver to safely turn into the roadway. For this calculation, it is assumed that the driver’s eye is 3.5 feet above the ground and that the object to be seen is 3.5 feet above the ground of the intersecting road.

The standards for evaluating SSD and ISD follow the methodology in the AASHTO’s A Policy on Geometric Design of Highways and Streets (2011). As per the AASHTO methodology, intersections and driveways should, at a minimum, meet the SSD requirements. However, it is desirable to achieve the ISD whenever possible.
EAST ACCESS

Stopping Sight Distance
The east access is enter only. Therefore, only SSID evaluates to ensure a driver can stop safely ahead of the turn. Stopping sight distance is based on the speed of the major roadway. Union Ave has a posted speed of 30 mph within 500 feet of the access. As per AASHTO, the SSD is 200 feet. The available stopping sight distance exceeds this distance.

WEST ACCESS

Stopping Sight Distance
Stopping sight distance is based on the speed of the major roadway. Union Avenue has a posted speed of 30 mph. As per AASHTO, the SSD is 200 feet. The available stopping sight distance exceeds this distance.

Intersection Sight Distance
The recommended intersection sight distance is calculated for a vehicle turning from the access onto Union Ave for both left and right turn maneuvers. Therefore, the intersection site distance calculations are based on Case B1 of the AASHTO manual. Again, the speed used was 30 mph, resulting in an ISD of 335 feet for this approach. The available ISD exceeds this distance.

CONCLUSION
The proposed access revision to enter in only for the east access and exit only for the west access operate safely and efficiently, as proposed.
# Intersection

| Int Delay, s/veh | 0.5 |

<table>
<thead>
<tr>
<th>Movement</th>
<th>EBL</th>
<th>EBT</th>
<th>WBT</th>
<th>WBR</th>
<th>SBL</th>
<th>SBR</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Lane Configurations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Vol, veh/h</td>
<td>0 196 204 0 9 10</td>
</tr>
<tr>
<td>Future Vol, veh/h</td>
<td>0 196 204 0 9 10</td>
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| Storage Length | - | - | - | - | 0 | 0 |
| Veh in Median Storage, # | - | 0 | 0 | - | 0 | - |
| Grade, % | - | 0 | 0 | - | 0 | - |
| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 2 | 2 | 2 | 2 | 2 | 2 |
| Mvmt Flow | 0 | 213 | 222 | 0 | 10 | 11 |

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| Conflicting Flow All | - | 0 | - | 0 | 435 | 222 |
| Stage 1 | - | - | - | 222 | - |
| Stage 2 | - | - | - | 213 | - |
| Critical Hdwy | - | - | - | 6.42 | 6.22 |
| Critical Hdwy Stg 1 | - | - | - | 5.42 | - |
| Critical Hdwy Stg 2 | - | - | - | 5.42 | - |
| Follow-up Hdwy | - | - | - | 3.518 | 3.318 |
| Pot Cap-1 Maneuver | 0 | - | - | 0 | 578 | 818 |
| Stage 1 | 0 | - | - | 0 | 815 | - |
| Stage 2 | 0 | - | - | 0 | 823 | - |
| Platoon blocked, % | - | - | - | - | - | - |

| Mov Cap-1 Maneuver | - | - | - | 578 | 818 |
| Mov Cap-2 Maneuver | - | - | - | 638 | - |

| Stage 1 | - | - | - | 815 | - |
| Stage 2 | - | - | - | 823 | - |

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| Conflict Flow All | - | 0 | - | 0 | 838 | 406 |
| Stage 1 | - | - | - | - | 406 | - |
| Stage 2 | - | - | - | - | 432 | - |
| Critical Hdw | - | - | - | - | 6.42 | 6.22 |
| Critical Hdw Stg 1 | - | - | - | - | 5.42 | - |
| Critical Hdw Stg 2 | - | - | - | - | 5.42 | - |
| Follow-up Hdw | - | - | - | - | 3.518 | 3.318 |
| Pot Cap-1 Maneuver | 0 | - | - | 0 | 336 | 645 |
| Stage 1 | 0 | - | - | 0 | 673 | - |
| Stage 2 | 0 | - | - | 0 | 655 | - |
| Platoon blocked, % | - | - | - | - | - | - |
| Mov Cap-1 Maneuver | - | - | - | - | 336 | 645 |
| Mov Cap-2 Maneuver | - | - | - | - | 456 | - |
| Stage 1 | - | - | - | - | 673 | - |
| Stage 2 | - | - | - | - | 655 | - |

| Approach | EB | WB | SB |
| HCM Control Delay, s | 0 | 0 | 12 |
| HCM LOS | B |

<p>| Minor Lane/Major Mvnt | EBT | WBT | SBLn1 | SBLn2 |
| Capacity (veh/h) | - | - | 456 | 645 |
| HCM Lane V/C Ratio | - | - | 0.056 | 0.043 |
| HCM Control Delay (s) | - | - | 13.4 | 10.8 |
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Minor Lane/Major Mvmt | EBL | EBT | WBT | WBR | SBL | SBLn1 |
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Zone Summary

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Intersection: 5: Union Ave & W Dvwy, Interval #1

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Intersection: 14: Union Ave & E Dvwy, Interval #1

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Intersection: 14: Union Ave & E Dvwy, All Intervals

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Zone Summary

| Zone wide Queuing Penalty, Interval #1: 0 |
| Zone wide Queuing Penalty, Interval #2: 0 |
| Zone wide Queuing Penalty, All Intervals: 0 |
Property Address: City Wide

Assessor’s Map & Tax Lot: City Wide

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
☑ Other: __________________________

Size of Project (# of units, lots, sq. ft., etc.):

Attachments:
☐ (8) Folded Maps/Site Plan to scale
☐ (1) 8 ½ x 11” reduced copy of site plan
☐ Electronic copy
☐ Written Narrative/Response to Criteria
☐ Power of Attorney
☐ Service Agreement
☐ Architectural Features
☒ Other: Code text amendments (proposed)

Description of Request
(include name of project and proposed uses):

Development Code amendment middle housing code amending Articles 2, 12, 13, 15, 17, 18, 19, 22, 25, . and 30

Property Owner: City of Grants Pass
Address: 101 NW A St.
Grants Pass, OR 97526
Phone: 541-450-6060
Email: ____________________________

Applicant: City of Grants Pass
Address: 101 NW A St.
Grants Pass, OR 97526
Phone: 541-450-6060
Email: ____________________________

Authorized Representative (if different from applicant):
Bradley Clark, Director Community Development
Address: 101 NW A St. Grants Pass, OR 97526
Phone: 541-450-6060
Email: bclark@grantspassoregon.gov

Surveyor or Engineer (if applicable):

Address: ____________________________
Phone: ____________________________
Email: ____________________________

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).

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

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### Article 2: Procedure Types

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2.080 Deadline for Decision ................................................................. 2-28
2.085 Coordinated Review for Transportation Facilities .................. 2-28

2.090 Noticing Requirements for Certain Proposed Administrative Rules .................................................. 2-29
2.095 Noticing Requirements for Certain Comprehensive Plan and Ordinance Amendments that Rezone Property .................................................. 2-31
Article 2: Procedure Types

2.10 Purpose.

The purposes of this section are:

(1) To establish land use review procedures;

(2) To stratify land use review procedures according to the degree of discretionary judgment required and the extent of public participation appropriate; and

(3) To relate the type of the procedure to the degree of impact of the proposed development.

2.20 Procedure Types.

(1) For purpose of administering the provisions of this Code, and other ordinances and policies of the City pertaining to land use and development, there are hereby established five types of basic procedures for processing all land use applications.

(2) Applications shall be processed in accordance with the procedures specified in Schedule 2-1. Consolidated procedures shall be processed in accordance with Section 3.044(3) of this Code.

(3) The Director may modify the procedure types as provided in this Code as follows. The Director may:

(a) Refer a Type I-B or I-C application to a Type II or Type III review as provided in Sections 2.036 and 2.037.

(b) Refer a Type II application to a Type III review as provided in Section 2.042(2).

(c) Refer a Type III application to a Type II review as provided in Section 2.052.

(d) In special cases where there is a compelling public interest, refer any Type I, II, or III application to a Type IV-A or IV-B review.
## Schedule 2-1. Application Procedures

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<td>9. Historic Designation, Amendment, or Revision</td>
<td>Sections 4.045 047 &amp; 13.430</td>
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<td>10. Nonconforming Use and Development</td>
<td>Article 15</td>
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<td>11. Property Line Vacation</td>
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<td>13. Partition</td>
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<td>14. Subdivision</td>
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<td>c. Final Plat</td>
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<td>15. Modification to Final Plat</td>
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<td>16. Lot Authorization</td>
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<td>17. Future Development Plan</td>
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<td>Application Type</td>
<td>Development Code Section</td>
<td>Type I-EX</td>
<td>Type I-AU</td>
<td>Type I-A</td>
<td>Type I-B</td>
<td>Type I-C</td>
<td>Type I-D</td>
<td>Type II</td>
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<td>Type IV-A</td>
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<td>18. Revision of Future Development Plan</td>
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<td>19. Future Street Plan (local streets only)</td>
<td>17.550</td>
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<td>20. Future Street Plan (arterials and collectors)</td>
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<td>21. Planned Unit Development</td>
<td>Article 18</td>
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<td>a. Preliminary Plan in Residential Zone</td>
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<td>b. Preliminary Plan in Commercial or Industrial Zone</td>
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<td>c. Final Plan</td>
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<td>22. Modification to Planned Unit Development Final Plan</td>
<td>18.063</td>
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<td>a. Major Modification</td>
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<td>b. Minor Modification</td>
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<td>23. Planned Unit Development Modification or Termination</td>
<td>Article 18</td>
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<td>24. Expedited Industrial Site Plan Review</td>
<td>Article 19</td>
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<td>25. Site Plan Review (Minor or Major)</td>
<td>Article 19</td>
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<td>NOTE: Applicant can request an Expedited Industrial Site Plan Review Procedure for property within a Regionally Significant Industrial Area (RSIA)</td>
<td>Section 2.038</td>
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<td>SEE Art 3 Sec 3.050</td>
<td>Section 3.050</td>
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<td>26. Conditional Use Permit</td>
<td>Article 16</td>
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<td>27. Solar Access Permit</td>
<td>22.640</td>
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<td>28. Removal of noxious vegetation &amp; replacement with riparian vegetation within stream corridor</td>
<td>24.343</td>
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<td>29. Allowed Activities in Conservation Class Wetlands</td>
<td>24.551</td>
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<td>30. Conditionally Permitted Activities in Conservation Class Wetlands</td>
<td>24.552</td>
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<td>31. Allowed activities in Protection Class Wetlands</td>
<td>24.561</td>
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<td>32. Performance Parking</td>
<td>25.050</td>
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**Table Legend**

- **I-EX** = Type I Procedure, Exempt from Development Permit Review, Section 2.033
- **I-AU** = Type I Procedure, Administrative Use Permit Review Only, Section 2.034
- **I-A** = Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
- **I-B** = Type I Procedure, Director's Decision without Comment Period, Section 2.036

City of Grants Pass Development Code | Article 2: Draft 2/25/22 | Page 2-4
I-C = Type I Procedure, Director’s Decision with Comment Period, Section 2.037
I-D = Type I Procedure, Director’s Decision for Expedited Industrial Site Plan Review within RSIA with Comment Period, Section 2.038
II = Type II Procedure, Hearings Officer’s Decision, Section 2.040
III = Type III Procedure, Planning Commission’s Decision (or Historic Buildings and Sites Commission’s Decision), Section 2.050
IV-A = Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
IV-B = Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
V = Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070
✓ = Specifies the required procedure for the application type, using the procedure specified at the top of the column in which the check mark is located.
-p = In accordance with Section 3.041, a pre-application is required unless the Director finds a conference is not needed.

Notes
(1) = The 1998 Intergovernmental Agreement gives the City decision-making authority for these items within the Urbanizing Area, and gives the County automatic party status.

2.30 Type I Procedures.

2.31 Purpose. The purpose of the Type I procedure is to provide a method for the Director to make decisions on applications under land use standards either which do not require interpretation or the exercise of policy or legal judgment, or which require only limited discretion in applying land use standards.

2.32 Type I Procedure Subcategories. This Code identifies numerous developments and activities that require a Type I review. The Type I designation includes several subcategories that have different procedural requirements.

Section 3.050 of this Code provides an option where the applicant may choose to have an application that requires a Type I-EX, I-AU, or I-A procedure reviewed through a Type I-B procedure, which provides a land use decision.

(1) Type I-EX. Exempt from the requirements for a Development Permit. Processed in accordance with Section 2.033.

(2) Type I-AU. Do not require a Development Permit, but do require a use permit issued in accordance with the provisions of this Code. Processed in accordance with Section 2.034.

(3) Type I-A. Building Permit serves as Development Permit. Processed in accordance with Section 2.035.

(4) Type I-B. Director’s Decision without a public hearing, which does not require a public comment period. Processed in accordance with Section 2.036.
(5) **Type I-C.** Director’s Decision without a public hearing, which requires a public comment period. Processed in accordance with Section 2.037.

(6) **Type I-D.** Director’s Decision without a public hearing, which requires a public comment period. Processed in accordance with Section 2.038 those specific procedures consistent with Expedited Industrial Site Plan Review statutes and available only for application types authorized by statute.

### 2.33 **Type I-EX. Exempt.**

The permitted development and activities listed as Type I-EX in Schedules 2-1 and 12-2, and the following activities regardless of use, are exempt from the requirements for a Development Permit, but are nonetheless subject to the provisions of this Code:

(1) Landscaping, irrigation, maintenance or other treatment or use of the land not involving a structure EXCEPT:

   (a) grading which requires a permit under the Uniform Building Code or other applicable regulations.

   (b) grading in any of the following areas, where grading shall only occur as allowed by the applicable section, and in accordance with the procedure required by the applicable section:

      (i) a slope hazard area, which shall be processed in accordance with Section 13.100,

      (ii) a flood hazard area, which shall be processed in accordance with Section 13.200,

      (iii) a stream corridor setback, which shall be processed in accordance with Section 24.340

      (iv) a wetland or wetland buffer, which shall be processed in accordance with Section 24.500.

(2) Construction or improvement of parking areas of less than 1,000 square feet.

(3) Paving an existing driveway in a manner that complies with the current standards, access provisions, and landscaping provisions of this Code, subject to an encroachment permit for any work within the right-of-way.

(4) An emergency measure necessary for the safety or protection of property when authorized by the City Manager.

(5) Structures not requiring a building permit.

(6) Maintenance of a building for which a building permit is not required.
(7) Interior remodel of a building for which a building permit is not required provided it does not result in any of the items listed in Section 2.035(6).

(8) Roofing or siding of a building for which a building permit is not required, unless the property is an Historic Landmark or within a district that requires review for the work, such as the Historic District or Riverfront Tourist Commercial District.

(9) Fences meeting the requirements of Section 23.037 that do not require a building permit.

2.34 Type I-AU, Administrative Use Permit. The permitted uses, development and activities listed as Type I-AU in Schedules 2-1 and 12-2 do not require a Development Permit, but do require issuance of a use permit issued in accordance with the applicable Sections of this Code for the stated use.

2.35 Type I-A, Building Permit as Development Permit. The permitted uses, development and activities listed as Type I-A in Schedules 2-1 and 12-2, and the following activities regardless of use, may use the Building Permit as the Development Permit, provided the provisions of this Code are met:

(1) Fences meeting the requirements of Section 23.037 that require a building permit.

(2) Required strengthening of non-conforming building or structure as provided in Section 15.090.

(3) Maintenance of a building for which a building permit is required.

(4) Roofing or siding of a building for which a building permit is required, unless the property is an Historic Landmark or within a district that requires review for the work, such as the Historic District or Riverfront Tourist Commercial District.

(5) Expansions of 400 square feet floor area or less which comprise less than 25 percent of the existing floor area of the building, provided the expansion would meet the requirements for a Minor Modification in Section 19.056(2) and the requirements of Subsection (6) below.

(6) A change of use, interior remodel, or change internal to a building or other structure, provided all of the following are satisfied. If the change would create a noncompliant situation, it shall not be permitted. For all other situations below, review shall be through the applicable review procedure for site plan review, rather than the Type I-A Procedure where building permit acts as development permit.
Noncompliant Situation Created.

(a) the change does not convert the existing use to a non-permitted use, either based on zoning or proximity to other land uses, such as an Adult Business as provided in Article 14.

(b) there is no change to the characteristics of the existing use that would make it noncompliant with this Code, such as the standards for a Home Occupation, Bed and Breakfast Inn, or Adult Business, as provided in Article 14.

(c) the change does not violate conditions of approval of a land use decision or Development Agreement, such as those designed to protect public facilities or adjoining properties.

Site Plan Review Required.

(d) the change would not result in a use that requires review through a higher Procedure Type than the existing use, such as to convert a single-family dwelling to two units, or to convert a residential-accessory use to a dwelling, in a zone where a Type II review is required for two units.

(e) the change does not require more parking than is already present for the existing use on-site or through existing parking agreements.

(f) the change does not generate more than 20 additional PM Peak Hour vehicle trips or 500 additional Average Daily Weekday Trips vehicle trips, based on the 6th Edition ITE Trip Generation Manual, or otherwise generate additional traffic that creates a transportation deficiency or hazard.

(g) the change does not use the property in a manner substantially different than the original approval, such that a different decision or additional mitigation requirements at the time of the original approval would have been required.

Examples include:

- converting an area approved for outdoor retail to a parking lot when the area does not have the required parking lot landscaping

- installing windows in a commercial structure at a location that would have required screening or privacy considerations for adjacent residential development

- change to a noise intensive use adjacent to residential development that could have required conditions to limit noise or hours of operation
(h) the change does not add a drive-through window.

(i) the change would not convert a use from one “land use category” listed in Schedule 12-2 to a different land use category, unless the Director determines that they have substantially the same operating characteristics or impacts on adjoining properties and public facilities. The land use categories are summarized below:

(1) Agriculture
(2) Residential Dwelling Unit
(3) Trade
(4) Services
(5) Recreation
(6) Public
(7) Industrial
(8) Temporary Use

For example, the following would require site plan review: conversion of a residence to an office or retail building; conversion of an industrial warehouse to a retail use.

2.36 Type I-B. Type I Decision without Public Comment Period. The permitted uses, development and activities listed as Type I-B in Schedules 2-1 and 12-2 shall be processed by the Director in accordance with the requirements of this Section. At the Director’s discretion, an application requiring a Type I-B review may be referred directly to the Hearings Officer for review through a Type II review or the Planning Commission for review through a Type III review.

(1) Director’s Decision.

(a) Action and Criteria. Within 20 working days of the date of determination that an application is complete, the Director shall make a decision by approving, conditionally approving, or denying the application based upon compliance with the provisions of this Code.

(b) Conditions. Conditions may be applied to the approval of any application when such conditions are required to comply with the relevant Sections of the Code.

(2) Notice of Decision. Upon reaching a final decision on the application, the Director shall provide notice in accordance with this Section.

(a) Notice Area. The Director shall mail notice of the decision to:

(i) The applicant.
(ii) Owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

(iii) Any neighborhood or community organization whose boundaries include the site and who is listed by the City on a public notice registry.

(iv) If requested by the applicant in writing at the time of application, the Director shall also provide notice to the Department of Land Conservation and Development.

(v) Public agencies which provide transportation facilities and services, such as Josephine County and the Oregon Department of Transportation (ODOT), for applications which affect private access to roads.

(b) **Notice Content.** The notice shall:

(i) Explain the nature of the application and the proposed use or uses which could be authorized.

(ii) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.

(iii) Set forth the street address or other easily understood geographical reference to the subject property.

(iv) Include the name of a City representative to contact and the telephone number where additional information may be obtained.

(v) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

(vi) Describe the nature of the decision.

(vii) State that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (a) of this Subsection may appeal the decision by filing a written appeal in a manner provided in this Code within 12 calendar days of the date the written notice is mailed.

(viii) State the place, date and time that the appeal is due.
(ix) State that the decision will not become final until the period for filing a local appeal has expired.

(x) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(3) **Effective Date.** The effective date of the final decision shall be 12 calendar days following the date the notice of decision is mailed, unless appealed, in which case the effective date shall as provided for the Type III decision.

(4) **Appeal.** A final decision may be appealed to the Planning Commission as provided in Section 10.020 of this Code.

(5) **Resubmittal.** A denied application may be resubmitted as provided in Section 3.080 of this Code.

2.37 **Type I-C. Type I Decision with Public Comment Period.** The permitted uses, development and activities listed as Type I-C in Schedules 2-1 and 12-2, shall be processed by the Director in accordance with the requirements of this Section. At the Director’s discretion, an application requiring a Type I-C review may be referred directly to the Hearings Officer for review through a Type II review or the Planning Commission for review through a Type III review.

(1) **Public Comment Period Required.** The Director shall provide a 14 day period for submission of written comments prior to making a decision on any application requiring a Type I-C procedure.

(2) **Notice of Public Comment Period.** The Director shall mail public notice within 10 working days of receiving a complete application pursuant to Section 3.050 of this Code.

(3) **Notice Area.** The Director shall mail notice of the public comment period to the following:

(a) The applicant.

(b) Owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

(c) Any neighborhood or community organization whose boundaries include the site and who is listed by the City on a public notice registry.

(d) Public agencies which provide transportation facilities and services, such as Josephine County and the Oregon Department of Transportation (ODOT), for all partitions, and other applications which affect private access to roads.
(4) **Notice of Comment Period Content.** The notice shall:

(a) State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

[Note: The above language is required by ORS 197.195 for Limited Land Use Decisions, even though the procedures herein provide for appeal of a Type I-C decision to be heard by the Planning Commission through a ‘de novo’ hearing, which allows new issues to be raised and allows introduction of new evidence. The ‘notice of comment period’ and ‘notice of decision’ language below is slightly different than the statutory language to reflect the fact that this code allows for local appeal].

(b) Explain the nature of the application and the proposed use or uses which could be authorized.

(c) Briefly summarize the local decision making process for the decision being made.

(d) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.

(e) Set forth the street addresses or other easily understood geographical reference to the subject property.

(f) Include the name of a City representative to contact and the telephone number where additional information may be obtained.

(g) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, all evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

(h) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice under paragraph (3) of this Subsection, and anyone who provides written comments during the comment period may appeal the decision by filing a written appeal in a manner provided in this Code within 12 calendar days of the date the written notice of decision is mailed.

(i) State the place, date and time that comments are due.

(j) State that the decision will not become final until the period for filing a local appeal has expired.
(k) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(5) **Director's Decision.**

(a) **Action and Criteria.** Within 10 working days of the end of the public comment period, the Director shall make a decision by approving, conditionally approving, or denying the application based upon compliance with the provisions of this Code.

(b) **Conditions.** Conditions may be applied to the approval of any application when such conditions are required to comply with the relevant Sections of the Code.

(6) **Notice of Decision.** Upon reaching a final decision on the application, the Director shall mail a copy of the decision to the applicant and any person who submits comments during the public comment period.

The Director shall also mail notice of the decision in writing to parties who were notified of the comment period in Subsection (3) of this Section.

(7) **Notice of Decision Content.** The content of the notice of the decision shall:

(a) Explain the nature of the application and the proposed use or uses which could be authorized.

(b) Briefly summarize the local decision making process for the decision being made.

(c) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.

(d) Set forth the street addresses or other easily understood geographical reference to the subject property.

(e) Include the name of a City representative to contact and the telephone number where additional information may be obtained.

(f) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable criteria, and all evidence relied upon by the decision-maker are available for inspection at no cost and will be provided at reasonable cost.

(g) Describe the nature of the decision.

(h) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice under paragraph (3) of this Subsection,
or anyone who provided testimony for the record may appeal the decision by filing a written appeal in a manner provided in this Code within 12 calendar days of the date the written notice of decision is mailed.

(i) State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

(j) State the place, date, and time the appeal is due.

(k) state that the decision will not become final until the period for filing a local appeal has expired.

(l) state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(8) **Effective Date.** The effective date of the final decision shall be 12 calendar days following the date the notice of decision is mailed, unless appealed, in which case the effective date shall as provided for the Type III decision.

(9) **Appeal.** A final decision may be appealed to the Planning Commission as provided in Section 10.030 of this Code.

(10) **Resubmittal.** A denied application may be resubmitted as provided in Section 3.080 of this Code.

2.38 **Type I-D.** Type I Decision for Expedited Industrial Site Plan Review within Regionally Significant Industrial Area (RSIA) with Public Comment.

**Purpose.** Consistent with ORS 197.724, this Section provides procedures for an Expedited Industrial Land Use Permit for properties within a Regionally Significant Industrial Area (RSIA) designated by the Economic Recovery Review Council (ERRC).

An applicant for a new industrial use or the expansion of an existing industrial use located within a RSIA may request an application for a land use permit be reviewed as an application for an Expedited Industrial Land Use Permit and the local government shall review the application applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for Expedited Land Division) and ORS 197.370 (Failure of Local Government to Approve or Deny Application within Specified Time).
The permitted uses, development and activities listed as Type I-D in Schedules 2-1 and 12-2, shall be processed by the Director in accordance with the requirements of this Section.

(1) **Public Comment Period Required.** The Director shall provide a 14 day period for submission of written comments prior to making a decision on any application requiring a Type I-D procedure.

(2) **Notice of Public Comment Period.** The Director shall mail public notice within 10 working days of receiving a complete application pursuant to Section 3.050 of this Code.

(3) **Notice Area.** The Director shall mail notice of the public comment period to the following:

   (a)  The applicant.

   (b)  Owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

   (c)  Any neighborhood or community organization whose boundaries include the site and who is listed by the City on a public notice registry.

   (d)  Any state agencies, local governments or special districts responsible for providing public facilities or services to the development.

(4) **Notice of Comment Period Content.** The notice shall:

   (a)  State the deadline for submitting written comments, and that issues which may provide the basis for an appeal to the referee shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

   [Note: The above language is required by ORS 197.365 for Expedited Land Divisions, even though the procedures herein provide for appeal of a Type I-D decision to be heard by referee under ORS 197.375. The 'notice of comment period' and 'notice of decision' language below is slightly different than the statutory language to reflect the fact that this code allows for local appeal].

   (b)  Explain the nature of the application and the proposed use or uses which could be authorized.

   (c)  Briefly summarize the local decision making process for the decision being made.
(d) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.

(e) Set forth the street addresses or other easily understood geographical reference to the subject property.

(f) Include the name of a City representative to contact and the telephone number where additional information may be obtained.

(g) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, all evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

(h) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice under paragraph (f) of this Subsection, and anyone who provides written comments during the comment period may appeal the decision by filing a written appeal within 14 days of the date the written notice of decision is mailed.

(i) State the place, date and time that comments are due.

(j) State that the decision will not become final until the period for filing a local appeal has expired.

(k) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(5) **Director’s Decision.**

(a) **Action and Criteria.** Within 63 days of receiving a completed application, the Director shall make a decision by approving, conditionally approving, or denying the application based upon compliance with the provisions of this Code. For applications subject to this section, the local government:

(i) Shall not hold a hearing on the application; **and**

(ii) Shall issue a written determination of compliance or non-compliance with applicable land use regulations that include a summary statement explaining the determination.

(b) **Conditions.** Conditions may be applied to the approval of any application when such conditions are required to comply with the relevant Sections of the Code.
(6) **Notice of Decision.** Upon reaching a final decision on the application, the Director shall mail a copy of the decision to the applicant and any person who received notice under Subsection (3) of this Section within 63 days of the date of a completed application and any person who submitted comments during the public comment period.

The Director shall also mail notice of the decision in writing to parties who were notified of the comment period in Subsection (3) of this Section.

(7) **Notice of Decision Content.** The content of the notice of the decision shall:

(a) Explain the nature of the application and the proposed use or uses which could be authorized.

(b) Briefly summarize the local decision making process for the decision being made.

(c) List, by commonly used citation, the applicable criteria from the ordinance and the plan that apply to the application at issue.

(d) Set forth the street addresses or other easily understood geographical reference to the subject property.

(e) Include the name of a City representative to contact and the telephone number where additional information may be obtained.

(f) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable criteria, and all evidence relied upon by the decision-maker are available for inspection at no cost and will be provided at reasonable cost.

(g) Describe the nature of the decision in a summary statement.

(h) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice under paragraph (3) of this Subsection, or anyone who provided testimony for the record may appeal the decision by filing a written appeal in a manner provided in this Code within 14 calendar days of the date the written notice of decision is mailed.

(i) State that issues which may provide the basis for an appeal shall be raised in writing prior to the expiration of the appeal period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

(j) State the place, date, and time the appeal is due.
(k) State that the decision will not become final until the period for filing a local appeal has expired.

(l) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(8) **Effective Date.** The effective date of the final decision shall be 14 calendar days following the date the notice of decision is mailed, unless appealed, in which case the effective date shall be in accordance with ORS 197.375 (Appeal of Decision on Application for Expedited Land Division) or ORS 197.726 (Jurisdiction on Appeal).

(9) **Appeal.** A final decision shall be in accordance with ORS 197.375 (Appeal of Decision on Application for Expedited Land Division) or ORS 197.726 (Jurisdiction on Appeal).

(10) **Resubmittal.** A denied application may be resubmitted as provided in Section 3.080 of this Code.

(11) **Review, Eligibility.**

(a) An applicant for a new industrial use or the expansion of an existing industrial use located within a regionally significant industrial area may request that an application for a land use permit be reviewed as an application for an expedited industrial land use permit under this section if the proposed use does not require:

(i) An exception taken under ORS 197.732 (Goal Exceptions) to a statewide land use planning goal;

(ii) A change to the acknowledged comprehensive plan or land use regulations of the local government within whose land use jurisdiction the new or expanded industrial use would occur; or

(iii) A federal environmental impact statement under the National Environmental Policy Act.

(b) If the applicant makes a request that complies with section 2.038, the local government shall review the applications for land use permits for the proposed industrial use by applying the standards and criteria that otherwise apply to the review and by using the procedures set forth for review of an expedited land division in ORS 197.365 (Application for Expedited Land Division) and ORS 197.370 (Failure of Local Government to Approve or Deny Application within Specified Time).

(12) **Jurisdiction on Appeal; Standing.** Jurisdiction for appeal of a local decision for an Expedited Industrial Site Plan within a RSIA shall be in accordance with
ORS 197.726 (Jurisdiction on Appeal). See also ORS 197.375 (Appeal of Decision on Application for Expedited Land Division).

(a) The Land Use Board of Appeals does not have jurisdiction to consider decisions, aspects of decisions or actions taken under ORS 197.722 (Definitions for ORS 197.722 to 197.728) to ORS 197.728 (Rules). See also ORS 197.360 (Expedited Land Division Defined) to ORS 197.380 (Application Fees for Expedited Land Division).

(b) An appeal of a decision on an application for an Expedited Industrial Land Use Permit made under ORS 197.724 (Review of Application for Land Use Permit within Regionally Significant Industrial Area) may be made in the manner set forth in ORS 197.375 (Appeal of Decision on Application for Expedited Land Division) for appeal of a decision on an expedited land division. Notwithstanding ORS 197.375 (Appeal of Decision on Application for Expedited Land Division);

(i) The applicant and a person who filed written comments in the time period established under ORS 197.365 (Application for Expedited Land Division) may file an appeal;

(ii) If an appeal is filed, the referee shall hold a hearing on the appeal; and

(iii) The referee shall issue a written decision within 42 days (ORS 197.375(4)(b) or within 56 days (ORS 197.726(2)(c) after the appeal was filed.

(c) A party to a proceeding before a referee under this Section may seek judicial review of the referee’s decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 (Judicial Review of Board Order) and 197.855 (Deadline for Final Court Order). The Court of Appeals shall review decisions of the referee in the manner provided for review of final orders of the Land Use Board of Appeals in ORS 197.850 (Judicial Review of Board Order) and 197.855 (Deadline for Final Court Order). However, notwithstanding ORS 197.850 (Judicial Review of Board Order) (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds that:

(i) The local government’s decision clearly does not concern an application for an expedited industrial land use permit as described in ORS 197.360 (Expedited Land Division Defined) or ORS 197.724 (Review of Application for Land Use Permit within Regionally Significant Industrial Area) and the appellant raised this issue in proceedings before the referee;
(ii) There is a basis to vacate the decision as described in ORS 36.705 (Vacating Award)(1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710 (Modification or Correction of Award)(ORS 197.375(8)(b));

(iii) The referee’s decision contains a clear, material error of fact based on the record, and the Appellant raised the issue in proceedings before the referee;

(iv) The referee’s decision contains a clear, material error of law, giving deference to any interpretations of law by the referee, and the Appellant raised the issue in proceedings before the referee; or

(v) The decision of the local government or the referee is unconstitutional.

2.40 Type II Procedure

2.41 Purpose. The purpose of the Type II procedure is to hold a meeting between the applicant and surrounding property owners, in which the opportunity is given to resolve any potential conflict between the applicant and affected parties in an informal setting, and reach an acceptable decision regarding the proposal. The decisions involved in development review are to be objective in nature, and require only moderate discretion in the application of the requirements of this Code.

2.42 Processing.

(1) Except as provided in Section 2.042(2), a Type II application shall be processed by the Hearings Officer through a publicly held and noticed mediation hearing.

(2) Hearing Option. At the Director’s discretion, a Type II review may be referred directly to the Planning Commission for review and approval, using the Type III procedure as provided in Section 2.050.

(3) Upon verification of a complete application pursuant to Section 3.050 of this Code, the Director shall provide for a public mediation meeting as provided in Section 2.043 through 2.044 following, and shall cause review of the application as required by this Code to proceed.

(4) A staff report on the application shall be prepared and shall be available to the applicant and any other interested parties at least seven calendar days prior to the meeting.
Notice of Mediation Hearing

(1) Notice Area. The Director shall mail notice not less than 20 calendar days prior to the mediation hearing to the following:

(a) The applicant.

(b) Owners of record of property on the most recent property tax assessment roll where such property is located within 100 feet of the property which is the subject of the notice.

(c) Any neighborhood or community organization whose boundaries include the site and who is listed by the City on a public notice registry.

(d) Public agencies which provide transportation facilities and services, such as Josephine County and the Oregon Department of Transportation (ODOT), for all subdivisions, and other applications which affect private access to roads.

(2) Notice Content. The notice shall:

(a) Explain the nature of the application and the proposed use or uses which could be authorized.

(b) List the applicable criteria from this Code and the Comprehensive Plan that apply to the application at issue.

(c) Set forth the street address or range of addresses, Assessor’s map reference, or other easily understood geographical reference to the subject property.

(d) State the date, time and location of the meeting.

(e) State that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue may preclude an appeal to the board based on that issue.

(Note: ORS 197.763 requires the language “…precludes appeal to the board on that issue”. The procedures herein provide for local appeal of a Type II decision to be heard by the Planning Commission and City Council prior to an appeal to the Land Use Board of Appeals. The procedures also allow for the possibility of a ‘de novo’ hearing, which allows new issues to be raised and allows introduction of new evidence].

(f) Include the name of a City representative to contact and the telephone number where additional information may be obtained.
(g) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection and will be provided at a reasonable cost.

(h) State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost.

(i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

2.44 Mediation Hearing.

(1) **Purpose.** The mediation hearing is a face-to-face meeting of those persons directly involved, whose purpose is to determine design and development conditions that may mitigate the impacts of the proposed development. The Hearings Officer shall take the role of mediator, and shall encourage a design solution meeting the needs and concerns of both the applicant and objecting property owners.

(2) The Mediation Hearing shall be held by the Hearings Officer on the date noticed by the Director. The conduct of the hearing shall be as provided in Article 8, Quasi-Judicial Hearing Rules.

(3) **Orderly Conduct.** The Hearings Officer shall chair the mediation hearing, and shall provide for the orderly conduct of the hearing in an informal but fair and open manner. Participants will conduct themselves in a reasonable and orderly manner, and may be excused from the meeting by the Hearings Officer for disruptive conduct.

(4) At the commencement of the hearing, a statement shall be made to those in attendance that:

(a) Lists the applicable criteria by which a decision will be made.

(b) States that testimony, evidence, and arguments, must be directed toward these criteria or other criteria contained in this Code or the Comprehensive Plan which the person believes to apply to that decision.

(c) States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue may preclude appeal based on that issue.

*Note: ORS 197.763 requires the language "...precludes appeal to the board on that issue". The procedures herein provide for local appeal of a Type II decision to be heard by the Planning Commission and City Council prior to an*
appeal to the Land Use Board of Appeals. The procedures also allow for the possibility of a 'de novo' hearing, which allows new issues to be raised and allows introduction of new evidence).

2.45 **Hearings Officer’s Decision.**

(1) **Action and Criteria.** The Hearings Officer shall review the application, written comments, mediation hearing testimony, if any, and the requirements of this Code, and shall make a decision on the application by approving, conditionally approving, or denying the application. The criteria for reaching a decision under a Type II procedure shall be based on compliance with the provisions of the Code.

(2) **Conditions.** Conditions may be applied to the approval of any application under a Type II procedure when such conditions are required to comply with the applicable provisions of this code.

(3) **Final Decision and Notice.** At the conclusion of the mediation hearing, or within 10 calendar days of the mediation hearing, the Hearings Officer shall reach a final decision, and shall mail notice in writing of the final decision to the applicant, all affected parties participating in the mediation meeting, and all affected parties submitting written comment prior to the mediation meeting requesting such notice. The content of the notice of final decision shall be as provided in Section 2.037(7) of this Code, and shall state the right of appeal of the final decision as provided in this Code. A copy of the adopted Findings shall be mailed to the applicant/owner and other parties requesting such copy.

(4) **Effective Date.** The effective date of the final decision shall be 12 calendar days following the date the written notice of decision is mailed, unless appealed, in which case the effective date shall be as provided for the Type III decision.

2.46 **Appeal.** The final decision of the Hearings Officer under the Type II procedure may be appealed to the Planning Commission as provided in Section 10.040 of this Code.

2.47 **Resubmittal.** A denied application may be resubmitted as provided in Section 3.080 of this Code.

2.50 **Type III Procedure**

2.51 **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.
2.52 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.

(2) Upon verification of a complete application pursuant to Section 3.050 of this Code, the Director shall schedule a public hearing as provided in Sections 2.53 through 2.054 following, and shall cause review of the application as required by this Code to proceed.

2.53 Notice of Public Hearing

(1) Notice shall be mailed not less than 20 calendar days prior to the hearing, or, if there are two or more evidentiary hearings, notice shall be mailed not less than 10 days before the first hearing. Notice shall be mailed to the following:

(a) The applicant.

(b) Owners of record of property on the most recent property tax assessment roll where such property is located within 100 feet of the property which is the subject of the notice. NOTE: Noticing outside the UGB requires a 250 foot radius.

(c) Any neighborhood or community organization whose boundaries include the site and who is listed by the City on a public notice registry.

(d) Public agencies which provide transportation facilities and services, such as Josephine County and the Oregon Department of Transportation (ODOT).

(2) If the hearing is a Planning Commission recommendation hearing or City Council action hearing for a Type IV procedure, the following notice shall also be provided:

(a) For Development Code text amendments and Comprehensive Plan amendments, notice shall be provided in a newspaper of general circulation 4 to 10 days prior to the hearing.

(b) If the application would change the zone of property which includes all or part of a manufactured home park, notice shall be mailed to each existing mailing address for tenants of the manufactured home park at least 20 calendar days and not more than 40 calendar days prior to the hearing.
(c) For Development Code amendments and Comprehensive Plan amendments that "rezone" property as defined in Section 2.095, mailed notice shall be provided in Section 2.095.

(3) On an appeal from the Type I or II procedures, the Director shall mail notice to parties specified in Section 10.022, 10.032, 10.036, or 10.042, provided below for reference:

(a) Type I-B. The applicant, the appellant, any adversely affected or aggrieved party requesting notice in writing, and all persons previously mailed written notice of the decision.

(b) Type I-C. The applicant, the appellant, any adversely affected or aggrieved party requesting notice and writing, and all persons previously noticed as part of the process leading to the Director’s final action.

(c) Type I-D. The applicant, the appellant, any adversely affected or aggrieved party requesting notice in writing, and all persons previously noticed as part of the process leading to the Director’s final action.

(d) Type II. The applicant, the appellant, any adversely affected or aggrieved person requesting notice in writing, and all persons previously noticed leading to the Hearings Officer’s written decision.

(4) **Notice Content.** The notice shall:

(a) Explain the nature of the application and the proposed use of uses which could be authorized.

(b) List the applicable criteria from this Code and the Comprehensive Plan that apply to the application at issue.

(c) Set forth the street address or range of addresses, Assessor’s map reference, or other easily understood geographical reference to the subject property.

(d) State the date, time and location of the meeting.

(e) State that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue may preclude appeal of the Planning Commission’s decision based on that issue and may preclude an appeal of the City Council’s decision to the Land Use Board of Appeals based on that issue.
(f) Include the name of a City representative to contact and the telephone number where additional information may be obtained.

(g) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection and will be provided at a reasonable cost.

(h) State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost.

(i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

2.54 Public Hearing. A public hearing shall be held by the Hearing Officer or the Planning Commission on the date noticed by the Director. The conduct of the hearing shall be as provided in Article 8, Quasi-judicial Hearing Rules.

2.55 Final Decision

(1) Action and Criteria. The review body shall review the application, together with staff review, written comment received prior to or during the hearing, and testimony made at the hearing, and shall make a decision on the application by approving, approving with conditions or denying the application. The criteria for reaching a decision under a Type III procedure, including decisions made under appeal, shall be based upon compliance with the provisions of this Code.

(2) Conditions. Conditions may be applied to the approval of any application under a Type III procedure, when such conditions are required to comply with the applicable Sections of this Code.

(3) Findings and Notice of Final Decision. The initial action by the Planning Commission shall be known as the oral decision, as provided in Section 8.038.

(a) A final decision by the Planning Commission incorporating the oral decision shall be adopted by the next regularly scheduled meeting of the Commission, and shall include findings which address the applicable criteria when required by this Code.

(b) Notice of the final decision shall be mailed to the applicant, and other affected parties requesting such notice in writing, within 10 calendar days of the rendering of the final decision by the Planning Commission, and shall state the right of appeal of the final decision as provided in this Code. A copy of the adopted Findings shall be mailed to the applicant/owner and other parties requesting such copy.

(4) Effective Date. The effective date of the final decision shall be 12 calendar days following the date the written notice of decision is mailed, unless
appealed, in which case the effective date shall be as provided for the Type IV decision.

2.56 **Appeal.** The final decision of the review body under the Type III procedure may be appealed to the City Council as provided in Section 10.050 of this Code.

2.57 **Resubmittal.** A denied application may be resubmitted as provided in Section 3.080 of this Code.

2.60 **Type IV Procedures.**

2.61 **Purpose.** The purpose of the Type IV procedure is to provide for quasi-judicial and legislative review of designated land use actions by the City Council at a public hearing. Such actions are complex and discretionary in nature, and require the exercise of judgment in applying the policies of the Comprehensive Plan and the requirements of this Code.

2.62 **Processing.**

(1) A Type IV application may be reviewed at a public hearing before the Planning Commission for a recommendation, unless otherwise stipulated by this Code, and shall be reviewed at a public hearing before the City Council for action on the matter.

(2) Upon verification of a complete application pursuant to Section 3.050 of this Code, the Director shall schedule a public hearing before the Planning Commission as provided in Sections 2.063 through 2.064 following, and shall cause review of the application required by this Code to proceed.

(3) As specified in this Code, certain land use actions processed under the Type IV procedure may require review by the City Council only, all other particulars of the review process under the Type IV procedure remaining the same. These actions are designated as Type “IV-A” in Schedule 2-1. Unless specifically stated otherwise in this Code, the Type IV procedure shall include consideration by the Planning Commission. These actions are designated as Type “IV-B” in Schedule 2-1.

2.63 **Recommendation Hearing Before Planning Commission.**

(1) **Notice.** When an application is scheduled for the recommendation hearing by the Planning Commission, notice area, method and content shall be as provided in Section 2.053 of this Code.

(2) **Public Hearing.** A public hearing shall be held by the Planning Commission on the date noticed by the Director. The conduct of the hearing shall be as provided in Article 8, Quasi Judicial Hearing Rules or Article 9, Legislative Hearing Guidelines, as appropriate.
2.64 Recommendation Hearing by the Planning Commission

(1) **Action, Criteria and Conditions.** The Planning Commission shall review the application and make a recommendation to the City Council, either for approval, approval with conditions or denial of the proposal. The criteria for reaching a decision under the Type IV procedure shall be compliance with the Comprehensive Plan, including but not limited to the Master Transportation Plan, and the provisions of this Code.

(2) **Findings and Notice of Recommendation Decision.** The initial action by the Planning Commission at the Recommendation Hearing shall be known as the oral recommendation.

(a) A final recommendation embodying the oral recommendation by the Planning Commission shall be adopted at the next regularly scheduled meeting of the Commission, and shall include findings which address the applicable criteria of this Code.

(b) Notice of the final recommendation shall be incorporated within the City Council’s public hearing notice indicating the hearing date the City Council will review the recommendation.

2.65 Action Hearing Before City Council

(1) **Schedule.** Within 14 calendar days of the final recommendation by the Planning Commission, the Director shall schedule the action hearing on the application before the City Council.

(2) **Notice of Public Hearing.** Notice shall be as provided in Section 2.053 of this Code, except that mailed notice shall also include those affected parties who testified either in person or in writing at the recommendation hearing before the Planning Commission.

(3) **Public Hearing.** A public hearing by the City Council shall be held on the date noticed by the Director. The conduct of the hearing shall be as provided in Article 8, Quasi-Judicial Hearing Rules, or Article 9, Legislative Hearing Guidelines, as appropriate.

2.66 Final Decision by City Council

(1) **Action and Criteria.** The City Council shall review the application, together with the staff review, findings and final recommendation of the Planning Commission, evidence received prior to and during both the Planning Commission and City Council hearings, and shall make a decision on the application by approving, conditionally approving or denying the application. The criteria for reaching a decision under the Type IV procedure shall be compliance with the Comprehensive Plan and the provisions of this Code.
(2) **Conditions.** Conditions may be applied to the approval of any application under Type IV procedure, when such conditions are in accord with the applicable Sections of this Code.

(3) **Findings and Notice of Final Decision.** The initial action by the City Council shall be known as the oral decision.

(a) A final decision embodying the oral decision shall be adopted by the City Council by the second regularly scheduled meeting of the Council following the oral decision by Council.

(b) Notice of the final action shall be mailed to the applicant, and to other affected parties requesting such notice in writing within 10 calendar days of the rendering of the final decision. A copy of the adopted Findings shall be mailed to the applicant/owner and other parties requesting such copy.

(4) **Effective Date.** The decision of the Council shall be final upon signing of the findings of fact.

2.67 **Appeal.** The final decision of the City Council under the Type IV procedure may be appealed to the Oregon Land Use Board of Appeals as provided in Section 10.060.

2.68 **Resubmittal.** A denied application may be resubmitted as provided in Section 3.080 of this Code.

2.70 **Type V Procedure.** Type V procedure providing for joint City Council and Board of County Commissioners review shall be as provided in the Joint Urban Area Services Management Agreement.

2.71 **Appeal.** The final decision of the City Council and Board of County Commissioners under the Type V procedure may be appealed to the Oregon Land Use Board of Appeals as provided in Section 10.060.

2.080 **Deadline for Decision**

The review body shall take final action on any application including resolution of all appeals as provided in Section 3.050.

2.085 **Coordinated Review for Transportation Facilities**

All land use decisions involving transportation facilities, corridors and sites shall include as part of the record, and consider the findings of, any relevant Environmental Impact Statements and Environmental Assessments completed by the Oregon Department of Transportation (ODOT).
Noticing Requirements for Certain Proposed Administrative Rules and New State Statutes and Administrative Rules

The purpose of this Section is to comply with noticing procedures required by ORS 197.047.

(1) **Applicability.** The provisions of this Section apply to all statutes and administrative rules of the Land Conservation and Development Commission that limit or prohibit otherwise permissible uses or cause a local government to rezone property.

(2) **'Rezoned' Defined.** For purposes of this section, property is rezoned when the statute or administrative rule causes the City to:

(a) Change the base zoning classification of property; or

(b) Adopt or amend an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(3) **'Owner' Defined.** As used in this section, “owner” means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(4) **Notice Requirement for Proposed LCDC Administrative Rule That Rezones Property.** When the City receives notice under ORS 197.047(2) of a proposed new or amended administrative rule of the Land Conservation and Development Commission, it shall cause the notice set forth in Subsection (5) of this Section to be mailed to every property owner that will be rezoned as a result of the proposed rule. Notice to an owner under this subsection must be mailed at least 45 days prior to the final public hearing on the proposed rule.

(5) **Notice Content for Proposed LCDC Administrative Rule That Rezones Property.** The notice required in Subsection (4) of this Section must:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that the Land Conservation and Development Commission has proposed a new or amended administrative rule that, if adopted, may affect the permissible uses of your property and other properties."

(b) Contain substantially the following language in the body of the notice:

“On (date of public hearing), the Land Conservation and Development Commission will hold a public hearing regarding adoption of proposed (new or amended) rule (number). Adoption of this rule may affect the
permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Rule (number) is available for inspection at the Department of Land Conservation and Development located at (address). A copy of the proposed rule (number) also is available for purchase at a cost of $_____.

For additional information, contact the Department of Land Conservation and Development at (phone number)."

(6) **Notice Requirement for Adopted Statute or LCDC Administrative Rule That Rezones Property.** When the City receives notice under ORS 197.047(6) of an adopted new or amended statute or administrative rule of the Land Conservation and Development Commission, it shall cause the notice set forth in Subsection (7) of this Section to be mailed to every property owner that will be rezoned as a result of adoption of the rule or enactment of the statute, unless notice was provided pursuant to Subsection (4) of this Section.

The City shall mail the notice to an owner under this subsection at least 45 days prior to the effective date of the rule or statute unless the rule or statute is effective within 90 days of enactment or adoption, in which case the City shall mail the notice to an owner under this subsection not later than 30 days after the City receives notice under ORS 197.047(6).

(7) **Notice Content for Adopted Statute or LCDC Administrative Rule That Rezones Property.** The notice required in Subsection (6) of this notice must:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

"(Check on the appropriate line:)

_____ This is to notify you that the Land Conservation and Development Commission has adopted an administrative rule that may affect the permissible uses of your property and other properties; or

_____ This is to notify you that the Legislative Assembly has enacted a land use planning statute that may affect the permissible uses of your property and other properties."

(b) Contain substantially the following language in the body of the notice:

"(Check on the appropriate line:)

_____ On (date of rule or adoption), the Land Conservation and Development Commission adopted administrative rule (number). The
rule may affect the permissible uses of your property, and other properties in the affected zone, any may change the value of your property.

Rule (number) is available for inspection at the Department of Land Conservation and Development located at (address). A copy of the rule (number) also is available for purchase at a cost of $______.

For additional information, contact the Department of Land Conservation and Development at (phone number); or

On (date of enactment), the Legislative Assembly enacted (House/Senate bill number). The Department of Land Conservation and Development has determined that enactment of (House/Senate bill number) may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

A copy of the (House/Senate bill number) is available for inspection at the Department of Land Conservation and Development located at (address). A copy of (House/Senate bill number) also is available for purchase at a cost of $______.

For additional information, contact the Department of Land Conservation and Development at (telephone number).

(8) **D.L.C.D Reimbursement to City.** The Department of Land Conservation and Development shall reimburse the City for:

(a) The actual costs incurred responding to questions from the public related to a proposed new or amended administrative rule of the Land Conservation and Development Commission and to notice of the proposed rule; and

(b) All usual and reasonable costs of providing notices required under subsection (4) or (8) of this section.

2.95 **Noticing Requirements for Certain Comprehensive Plan and Ordinance Amendments that Rezone Property**

The purpose of this Section is to comply with noticing procedures required by ORS 227.186.

(1) **‘Rezoned’ Defined.** For purposes of this Section, property is rezoned when the City:

(a) Changes the base zoning classification of the property; or
(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(2) **‘Owner’ Defined.** As used in this Section, “owner” means the owner of the title to real property or the contract purchaser of real property, of record as shown on the latest available complete tax assessment roll.

(3) **Legislative Acts by Ordinance.** All legislative acts relating to comprehensive plans, land use planning or zoning adopted by the City shall be by ordinance.

(4) **Additional Notice Requirement for Proposed Ordinance Amending Comprehensive Plan That Would Require Rezoning of Property to Comply with Plan.** The noticing requirement in this Section is in addition to the applicable notice requirements contained elsewhere within this Article.

Except as provided in Subsection (7) of this Section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(5) **Additional Notice Requirement for Proposed Ordinance That Rezones Property.** The noticing requirement in this Section is in addition to the applicable notice requirements contained elsewhere within this Article.

At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the City shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(6) **Notice Content for Proposed Ordinance Described in Subsection (4) or (5).** An additional individual notice of land use change required by Subsection (4) or (5) of this Section shall be approved by the City and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

“This is to notify you that the City of Grants Pass has proposed a land use regulation that may affect the permissible uses of your property and other properties.”

(b) Contain substantially the following language in the body of the notice:
“On (date of public hearing), the City of Grants Pass will hold a public hearing regarding the adoption of Ordinance Number______. The City of Grants Pass has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, any may change the value of your property.

Ordinance Number______ is available for inspection at the Grants Pass City Hall located at 101 NW ‘A’ Street. A copy of Ordinance Number______ also is available for purchase at a cost of $______.

For additional information concerning Ordinance Number______, you may call the City of Grants Pass Planning Division at 474-6355.”

(7) Notice Requirement for Adoption of Ordinance Amending Comprehensive Plan or Land Use Regulation for Periodic Review. At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by a city pursuant to the requirements of periodic review of the comprehensive plan under ORS 197.628, 197.633 and 197.636, the City shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment may affect the use of property. The notice also shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

“This is to notify you that the City of Grants Pass has proposed a land use regulation that may affect the permissible uses of your property and other properties.”

(b) Contain substantially the following language in the body of the notice:

“As a result of an order of the Land Conservation and Development Commission, the City of Grants Pass has proposed Ordinance Number______. The City of Grants Pass has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number______ will become effective on (date).

Ordinance Number______ is available for inspection at the Grants Pass City Hall located at 101 NW ‘A’ Street. A copy of Ordinance Number______ also is available for purchase at a cost of______.

For additional information concerning Ordinance Number______, you may call the City of Grants Pass Planning Division at 474-6355.
(8) **Combined Mailing Option.** Notice provided under this Section may be included with the tax statement required under ORS 311.250.

(9) **Method of Mailing.** Notwithstanding Subsection (8) of this Section, a city may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under Subsections (4) and (5) of this Section.

(10) **Relationship to Section 2.090.** The provisions of this Section do not apply to legislative acts of the City Council resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under Section 2.090 or resulting from an order of a court of competent jurisdiction.

(11) **Notice Not Required to Duplicate Ownerships.** The City Council is not required to provide more than one notice under this Section to a person who owns more than one lot or parcel affected by a change to the comprehensive plan or land use regulation.

(12) **DLCD Reimbursement to City.** The Department of Land Conservation and Development shall reimburse the City for all usual and reasonable costs to provide notice required under Subsection (7) of this Section.

**REVISIONS**

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</tr>
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<td>4/17/19</td>
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</tr>
</tbody>
</table>
Article 12: Zoning Districts

12.10 Purpose and Concept
   12.11 Purpose
   12.12 Concept

12.20 Zoning Districts
   12.21 Establishment of Zoning Districts
   12.22 Zoning Map
   12.23 Zoning Map Amendment
   12.24 Zoning District Boundary Interpretation
   12.25 Land Use Classifications
   12.26 Summary Schedule: Comprehensive Plan Land Use Map and Zoning Map Designations
   12.27 Zone Modifiers and Other Designations
   12.28 Types of Permitted Use
   12.29 Permitted Use and Procedures Schedule: Land Use Types by Zoning District
   12.050 Secondary Uses

12.100 Residential Zoning Districts

12.120 Purpose of the Residential Zoning Districts
   12.121 R-1 Districts
   12.122 R-2 District
   12.123 R-3 District
   12.124 R-4 District
   12.125 R-4 (R-4-1), R-4-2, and R-5 Districts
   12.131 Land Use Review

12.140 Determining Maximum Residential Density

12.145 Determining Minimum Residential Density

12.150 Residential Base Development Standards
   12.151 Purpose
   12.152 Lot Requirements
   12.153 Height Requirements
   12.154 Access Requirements
   12.155 Other Requirements
   12.156 Alternate Development Options

12.200 Commercial Zoning Districts

12.220 Purpose
   12.221 Neighborhood Commercial District (NC)
   12.222 General Commercial District (GC)
   12.223 Central Business District (CBD)
   12.224 Office Residential (OR)
   12.225 Riverfront Tourist Commercial District (RTC)
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.230</td>
<td>Commercial Land Uses and Review Procedures</td>
<td>12-36</td>
</tr>
<tr>
<td>12.231</td>
<td>Land Use Review</td>
<td>12-36</td>
</tr>
<tr>
<td>12.232</td>
<td>Riverfront Tourist Commercial Zones</td>
<td>12-36</td>
</tr>
<tr>
<td>12.240</td>
<td>Residential Densities in Commercial Zones</td>
<td>12-36</td>
</tr>
<tr>
<td>12.241</td>
<td>New Residential Dwelling Units</td>
<td>12-36</td>
</tr>
<tr>
<td>12.242</td>
<td>Existing Residential Dwelling Units</td>
<td>12-37</td>
</tr>
<tr>
<td>12.243</td>
<td>Residential Density Within the RTC-I District</td>
<td>12-37</td>
</tr>
<tr>
<td>12.244</td>
<td>Residential Development in the RTC-III District</td>
<td>12-37</td>
</tr>
<tr>
<td>12.250</td>
<td>Commercial Base Development Standards</td>
<td>12-37</td>
</tr>
<tr>
<td>12.251</td>
<td>Purpose</td>
<td>12-37</td>
</tr>
<tr>
<td>12.252</td>
<td>Lot Requirements</td>
<td>12-37</td>
</tr>
<tr>
<td>12.253</td>
<td>Lot Requirements for RTC Districts</td>
<td>12-38</td>
</tr>
<tr>
<td>12.254</td>
<td>Height Requirements</td>
<td>12-41</td>
</tr>
<tr>
<td>12.255</td>
<td>Access Requirements</td>
<td>12-42</td>
</tr>
<tr>
<td>12.256</td>
<td>Other Requirements</td>
<td>12-42</td>
</tr>
<tr>
<td>12.257</td>
<td>Alternative Development Options</td>
<td>12-43</td>
</tr>
<tr>
<td>12.300</td>
<td>Industrial Zoning Districts</td>
<td>12-43</td>
</tr>
<tr>
<td>12.320</td>
<td>Purpose</td>
<td>12-43</td>
</tr>
<tr>
<td>12.321</td>
<td>Business Park District (BP)</td>
<td>12-43</td>
</tr>
<tr>
<td>12.322</td>
<td>Industrial Park District (IP)</td>
<td>12-43</td>
</tr>
<tr>
<td>12.323</td>
<td>Industrial District (I)</td>
<td>12-43</td>
</tr>
<tr>
<td>12.330</td>
<td>Industrial Land Uses and Review Procedures</td>
<td>12-43</td>
</tr>
<tr>
<td>12.331</td>
<td>Land Use Review</td>
<td>12-43</td>
</tr>
<tr>
<td>12.340</td>
<td>Residential Uses in Industrial Zones</td>
<td>12-43</td>
</tr>
<tr>
<td>12.341</td>
<td>New Residential Dwelling Units</td>
<td>12-43</td>
</tr>
<tr>
<td>12.342</td>
<td>Existing Residential Dwelling Units</td>
<td>12-43</td>
</tr>
<tr>
<td>12.350</td>
<td>Industrial Base Development Standards</td>
<td>12-44</td>
</tr>
<tr>
<td>12.351</td>
<td>Purpose</td>
<td>12-44</td>
</tr>
<tr>
<td>12.352</td>
<td>Lot Requirements</td>
<td>12-44</td>
</tr>
<tr>
<td>12.353</td>
<td>Height Requirements</td>
<td>12-44</td>
</tr>
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<td>12.354</td>
<td>Access Requirements</td>
<td>12-45</td>
</tr>
<tr>
<td>12.355</td>
<td>Other Requirements</td>
<td>12-45</td>
</tr>
<tr>
<td>12.356</td>
<td>Alternative Development Options</td>
<td>12-46</td>
</tr>
<tr>
<td>12.400</td>
<td>General Exceptions to Setback Requirements</td>
<td>12-46</td>
</tr>
<tr>
<td>12.410</td>
<td>Installation of Structure in Public Right-of-Way</td>
<td>12-47</td>
</tr>
</tbody>
</table>
12.10 Purpose and Concept

12.11 Purpose. The purpose of this Article is as follows:

(1) To implement the policies and Land Use Map of the Comprehensive Plan;

(2) To protect the right to use and enjoy real property;

(3) To protect the health, safety and welfare of the community;

(4) To serve as a basis for resolving land use conflict.

12.12 Concept

(1) "Zoning" is the grouping of a homogenous and mutually supporting family of land uses in one area, called a Zoning District, or Zone. Certain land uses obviously conflict with one another, such as a brick factory, for instance, located next to a residential subdivision, affecting the residents with its noise, dust, appearance and 24-hour work schedule. Prior to zoning, the conflict was resolved after the fact with desist and damage suits and inevitable heavy losses to the loser. Zoning became the classic tool for mitigating land use conflict in advance, allowing the purchaser to select property guaranteed to be suitable for his needs.

(2) Zoning as the primary tool of conflict resolution, however, led to the creation of long lists of allegedly homogenous land uses. Those uses "less homogenous" than others faced added procedures of review (such as the conditional use permit process). As the lists gradually changed over time, the distinction between basic land use categories became blurred, and conflict resolution turned zoning issues once again into courtroom battles.

(3) Zoning in this Code is not intended as the primary tool for resolving land use conflict. Instead, zoning in this Code forms a basis for establishing generally homogenous land uses. Design and construction standards, together with the necessary review procedures, then function as the primary tools for resolving specific land use conflicts, both within a homogenous group of uses in a single zone and between groups of incompatible uses at the border of two different zones. Procedures of review may then focus on achieving design solutions and may be greatly simplified as a result.

(4) Zoning in this Code fulfills its purpose in the following manner:

(a) Reflect Comprehensive Plan Policy. The thousands of acres in each Zoning District resulted from the patterns of historical development, careful analysis of lands needed for future growth and development, the need for protection and enhancement of the environment, and the cost and feasibility of extending necessary services. The Zoning Districts thus reflect the policies of the City Council on housing,
economic development, environmental protection and service extension, based on this detailed analysis.

Major area-wide changes in, or additions to, the Zoning Districts should therefore return to the policies of the Comprehensive Plan and to the analyses of the data base upon which these policies are based. Major zone changes should be not entered into lightly, and should not be used as the sole basis for conflict resolution. (See Amendment Procedures, Article 4).

(b) **Protect Basic Property Rights.** The Zoning Districts are defined by broad categories of land use. These categories establish the "basic ground rules" of land use and development, enabling owners of real property to know in advance what to expect from their neighbors, before investing in or developing property. In this Code, these broad categories of land use are given performance definitions, defining not only the categories of use, but also how the use is to function within the category. The list of specific uses is de-emphasized and is kept at an administrative level. Any given land use is expected to function properly within the purpose of the zone when fully developed and active. (See Definitions, Article 30).

(c) **Conflict Resolution.** The broad categories of land use and the Base Development Standards provided for each category form only the starting point for conflict resolution. This Code anticipates most conflict resolution to occur by meeting performance design and construction standards, or by meeting special conditions arising out of the review procedure. The design and construction standards are tailored for specific land uses, specific opportunities or constraints of the site, differing types of development and ownership, differing building types, specific buffering situations, environmental concerns, and requirements for service extension and utility installation. Conflict resolution issues that may have a design solution should not be resolved by zone changes or changes in definitions of land use. Instead, these conflict resolution issues should be referred to the performance standard sections of this Code.

12.20 Zoning Districts

12.21 **Establishment of Zoning Districts.** The location and boundaries of the Zoning Districts designated in this Article are hereby established as shown on the Zoning District Map of the Grants Pass Urban Growth Boundary area. The Zoning District Map may be referred to as the "Zoning Map" within this Code.
12.22 Zoning Map

(1) All lands within the Urban Growth Boundary shall be classified within a Zoning district, according to the policies of the Comprehensive Plan and the criteria of this Code. The Zoning District shall be shown on a single map at a scale large enough that the zoning districts of individual properties may be identified.

(2) The Director shall cause the Zoning Map to be on public display at all times during regular office hours.

(3) Copies of the Zoning Map shall be available for public purchase.

12.23 Zoning Map Amendment. The Zoning Map may be amended according to the procedures provided in Schedule 2-1 and the criteria provided in Article 4 of this Code.

12.24 Zoning District Boundary Interpretation. If uncertainty exists as to the boundaries of the Zoning Districts, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways or alleys, streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;

(2) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main track or tracks;

(3) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;

(4) Boundaries indicated as parallel to, or extensions of natural or manmade features indicated in Subsections (1) through (3) above shall be so construed;

(5) Distances not specifically indicated shall be determined by the scale of the Zoning Map; and

(6) Where a lot is divided by zone boundary other than as provided in Subsections (1) through (4) above, the entire lot may be placed in the Zoning District containing the majority of the land area of the lot by an action of the Director, provided that the boundary adjustment is for a distance of twenty feet or less. If an adjustment of more than twenty feet is required, the boundary adjustment shall be treated as a zone change as provided in Section 4.030.

12.25 Land Use Classifications.

(1) Use types. All land uses shall be classified into use types. The definition of each use type shall be performance oriented, describing a category of uses that
have common functional, impact, compatibility or product characteristics. For land use type definitions, see Article 30.

(2) **List of Uses.** Each specific land use shall be placed within the appropriate use type according to the definition of each use type category, based upon the functional, impact, compatibility and product characteristics of the specific land use. A list of land uses is arranged by use type category. The classification of a land use by the Director shall be determined and maintained by the Director, and is subject to appeal as provided in Section 10.030 of this Code.

12.26 **Summary Schedule: Comprehensive Plan Land Use Map and Zoning Map Designations.** The land use designations of the Comprehensive Plan Land Use Map shall encompass the Zoning Districts of this Code according to the Schedule 12-1:

<table>
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| **Commercial Designation:**                | **Allows:**                   |
| Neighborhood Commercial                    | NC                             |
| Riverfront Tourist Commercial              | RTC-I, RTC-II, RTC-III         |
| General Commercial                         | GC (GC-1), GC-2                |
| Central Business District                  | CBD                            |
| Office-Residential                         | OR                             |

| **Industrial Designation:**                | **Allows:**                   |
| Business Park                              | BP                             |
| Industrial Park                            | IP                             |
| Industrial                                 | I                              |

12.27 **Zone Modifiers and Other Designations.** Some zones may be appended with a suffix on the zoning map, or a different designation may appear on the zoning map. Those have the following meaning:
(1) "M": The letter "M" following a zoning district name means the properties within the modified zone are subject to the minimum density provisions of Section 12.145, in addition to the other provisions applicable within the zoning district.

(2) "PUD": Approval of a Planned Unit Development may include site-specific approval for a development that includes modifications to the otherwise applicable base development standards and use provisions of the underlying zoning district. PUD approvals shall be designated as an overlay and denoted on the zoning map with a PUD designation that identifies the terms of the PUD approval applicable to the subject property and the PUD.

12.28 Types of Permitted Uses. Uses are authorized as one of the following types. They are denoted in Schedules 12-2 and 12-3 with the specified symbols:

(1) **Permitted Uses (P)**. The use is permitted outright, subject to compliance with the applicable development criteria and any required mitigation. Permitted uses are also referenced as a "principally permitted uses", "principal uses", or "primary uses".

(2) **Secondary Uses (S)**. The use is permitted outright, but only when in conjunction with primary permitted uses on the same lot in accordance with the same criteria that apply to primary uses and any additional requirements for the Secondary Uses specified in Section 12.050 and Schedule 12-2 special notes. Some Secondary Uses must be in conjunction with a specific, associated Primary Use.

For example, in a zone that allows residential uses and commercial uses as Primary Uses and residential accessory uses and commercial accessory uses as Secondary Uses, it is not permitted to provide a commercial accessory use in conjunction with a primary residential use. The residential accessory use must be in conjunction with a primary residential use, and a commercial accessory use must be in conjunction with a primary commercial use.

Secondary Uses include two subcategories:

(a) **Accessory Uses**. Schedule 12-2 includes a use category for accessory uses and accessory structures. Specific accessory uses are not listed, but these activities must remain incidental and subordinate to the principal use of the property consistent with the definition of ‘accessory use’ in Article 30.

(b) **Other Secondary Uses**. Other secondary uses must be in conjunction with a primary use as specified in this code. However, unlike accessory uses, other Secondary uses need not be incidental or subordinate to a principal use. Secondary Uses are regulated differently than accessory uses to achieve a different purpose. Secondary Uses are regulated so as to not displace Primary Uses from key sites with location attributes and/or characteristics determined to be suitable for and prioritized for the Primary Uses.
Secondary Uses must be on the same lot as a Primary Use, unless authorized on a separate lot through a PUD process where Primary Uses are included in the PUD on other lots, and the purpose of this Section is substantially furthered.

(3) **Conditionally-Permitted Uses (C).** The use *may* be permitted on a given site, subject to findings of compliance with compatibility criteria specified in the Condition Use section of this code. This code is unlike some other codes that specify very general discretionary conditional use criteria that apply to a long list of conditionally-permitted uses. This code uses conditional use designations sparingly, typically with criteria specific to a group of conditional uses which focus on ensuring individual sites and conditions are considered in the specific context of preventing or mitigating potential conflicts and issues associated with a specific use. These may have unique and specific geographic siting requirements, so it would not typically be an option to entirely exclude these uses from a geographic area or zoning district in order to avoid conflicts.

(4) **Planned Unit Developments (PUD).** Schedule 12-2 refers to PUDs to note that certain uses which aren’t otherwise permitted in a zoning district *may* be permitted as an element as part of a PUD that includes a master plan for a larger site, in accordance with the provisions of Article 18.

(5) **Uses Not Permitted (denoted with a dash ‘-‘ or a blank cell).** These uses are not permitted in the zoning district.

(6) **Uses Specifically Prohibited (denoted with an ‘X’).** These uses and activities are explicitly listed and prohibited to provide greater specificity. They are typically more specific activities. For example, while ‘manufacturing’ may be permitted in a district, ‘manufacturing of explosives’ may be explicitly listed and prohibited.

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12.29 **Permitted Use and Procedures Schedule: Land Use Types by Zoning District.** The Land Use types permitted in each Zoning District and procedure types for their review are provided in Schedule 12-2, except for the Riverfront Tourist Commercial (RTC) Districts, which are provided in Schedule 12-3. For Definitions of each land use type, see Definitions, Article 30.

**NOTE:** Applicant can request an Expedited Industrial Site Plan Review Procedure for property within a Regionally Significant Industrial Area (RSIA) Overlay. (Procedures in Schedule 12-2 apply unless requested).

12.50 **Secondary Uses.** The following specific provisions apply to certain Secondary Uses and zoning districts.

(1) In the R-4-2 and R-5 zones, office uses are Secondary Uses to residential uses. Office uses may occur on the ground floor in conjunction with, at a minimum, an equivalent area of residential use on the upper floors and/or
ground floor. For zones with minimum density requirements, calculations shall be in accordance with Section 12.145.

(2) In the GC-2 zone, residential uses are Secondary Uses to nonresidential uses. Residential uses may occur on upper floors above nonresidential uses, with no limitation on residential area relative to non-residential area. Residential uses may occur on lower floors provided they don't exceed the area of nonresidential uses.

(3) In the OR zone, residential uses are Secondary Uses to nonresidential uses. Residential uses may occur on upper floors above nonresidential uses, with no limitation on residential area relative to non-residential area. Residential uses may occur on lower floors provided they don't exceed the area of nonresidential uses.

(4) In the RTC-II and RTC-III zones, residential uses are permitted as Secondary Uses only on upper floors when part of a mixed-use development that includes commercial uses on the ground floor.

(5) Within any special districts that have specific provisions governing Secondary Uses, those provisions shall apply within the area subject to the applicable special district.

(6) Along any specially designated street segments that may be categorized and have specific provisions governing Secondary Uses, those provisions shall apply within the area subject to the applicable designated street segment. (For example, if a street segment has a designation such as 'pedestrian-oriented retail street').

(7) Accessory Dwelling Unit (ADU).

(a) An Accessory Dwelling Unit (ADU) which is accessory to a single-family detached dwelling shall only be permitted in accordance with Section 22.720. If a duplex dwelling or more than one single-family detached dwelling is authorized on a lot and meets the use and density requirements of the zone for the subject property, the second dwelling shall not be considered an Accessory dwelling unit, and is not subject to the additional requirements of Section 22.720.

(b) An Accessory Dwelling Unit (ADU) which is accessory to a commercial building and use shall be one accessory dwelling per lot, unless the zoning allows additional residential use on the property. Such accessory structure shall be incidental, appropriate, and subordinate to the principal use, but is not subject to the additional requirements of Section 22.720.

(8) Upper-Story Residential, Mixed-Use in Commercial Zones. In zones where upper-story residential is permitted as part of mixed use development, certain residential definitions that apply to exclusively residential developments are less clear. This section is intended to provide clarifications:

(a) In the NC zone, upper-story residential use is permitted, up to four
units, not to exceed the footprint of the ground floor building. These upper-story units can be configured as detached, attached, or multi-unit dwellings, as long as they are located above the ground floor commercial use and permitted in compliance with the other provisions of the zone.

(b) In other Commercial zones where upper-story residential use is permitted, these upper-story units can be configured as detached, attached, or multi-unit dwellings, as long as they are located above the ground floor commercial use and permitted in compliance with the other provisions of the zone.
Schedule 12-2. Permitted Uses and Site Plan Review Procedures

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<tr>
<th>Land Use Types</th>
<th>Zoning Districts</th>
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P-I-EX. See Section 2.033

P-I-AU. See Section 2.034

P-I-A. See Section 2.035

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<td>5. Attached (3-or more units/2-or more zero lot-lines) Townhouse per 22,700</td>
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3) Trade

a) Retail Indoor | PUD (k) | PUD (k) | PUD (k) | PUD (k) | PUD (k) | PUD (k) | PUD (k) | PUD (k) | P-II | P-(a) | P-(a) | P-(a) | -  | -  | -  | -  |

b) Retail Outdoor | -      | -      | -      | -      | -      | -      | -      | -      | -      | P-(a) | P-(a) | -  | -  | P-(b) | -  | -  |

c) Wholesale | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      | P-(a) | -  | -  | P-(b) | -  | -  |

d) Itinerant Use (Repealed) See Chapter 4.08 of Muni Code | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      | -      | -  | -  | -  | -  | -  | -  | -  | -  |
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City of Grants Pass Development Code

Article 12: Draft 6/14/21

Page 12-13
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<th>R-1-10</th>
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<td>C-I-C</td>
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<td></td>
</tr>
<tr>
<td>d) Collocated Antenna on Existing Transmission Tower or Other Structure Other than Building Roof or Façade</td>
<td>C-II</td>
<td>C-II</td>
<td>C-II</td>
<td>C-II</td>
<td>C-II</td>
<td>C-II</td>
<td>C-II</td>
<td>C-II</td>
<td>C-I-C</td>
<td>C-I-C</td>
<td>C-I-C</td>
<td>C-I-C</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>e) Ancillary Facilities Located within an Existing Permanent Permitted Structure</td>
<td>P-I-A</td>
<td>P-I-A</td>
<td>P-I-A</td>
<td>P-I-A</td>
<td>P-I-A</td>
<td>P-I-A</td>
<td>P-I-A</td>
<td>P-I-A</td>
<td>P-I-A</td>
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<td>P-I-A</td>
<td>P-I-A</td>
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</tr>
</tbody>
</table>

**Table Legend:**

- **P** = Permitted Use
- **S** = Secondary Use. Secondary uses are allowed as a permitted use, but only when provided in conjunction with permitted uses. See Sections 12.028 & 12.050.
- **-** = Use Not Permitted
- **X** = Use Specifically Prohibited (Uses defined in Article 30 as “Industrial, Prohibited”)
- **C** = Use Conditionally Permitted (See Article 16)
- **PUD** = Planned Unit Development
- **I-EX** = Type I Procedure, Exempt from Development Permit Review, Section 2.033
- **I-AU** = Type I Procedure, Administrative Use Permit Review Only, Section 2.034
- **I-A** = Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
- **I-B** = Type I Procedure, Director’s Decision without Comment Period, Section 2.036
- **I-C** = Type I Procedure, Director’s Decision with Comment Period, Section 2.037
- **II** = Type II Procedure, Hearings Officer’s Decision, Section 2.040
- **III** = Type III Procedure, Planning Commission’s Decision, Section 2.050
- **IV-A** = Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
- **IV-B** = Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.063
- **V** = Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070

**Table Notes:**

City of Grants Pass Development Code  Article 12: Draft 6/14/21  Page 12-16
(a) A Type II Procedure is required if the subject property adjoins a residential zone, otherwise a Type I-C Procedure is required.

(b) A Type II Procedure is required if the subject property adjoins a residential or commercial zone, otherwise Type I-C Procedure is required.

(c) If within the Spalding Regionally Significant Industrial Area (RSIA) Overlay, an applicant can request an Expedited Industrial Site Plan Review procedure; otherwise procedures within Schedule 12-2 apply.

(d) Type I-A, except the following are exempt (Type I-EX): operation, maintenance, repair, and preservation of existing transportation facilities; dedication or public acquisition of rights-of-way and easements; authorization of construction and construction of facilities and improvements, where the improvements are within the existing right-of-way or easement area or are consistent with clear and objective dimensional standards; and emergency measures necessary for the safety and protection of property.

(e) Manufactured Dwelling Parks are not permitted in industrial zones or industrial Comprehensive Plan land use districts. Siting of an individual home within an approved manufactured dwelling park requires a Type I-A procedure.

(f) An existing residential dwelling unit is a permitted use in this zone. In zones where a new residential dwelling unit is not a permitted use, this provision allows the existing residential dwelling unit to continue or expand without being subject to the nonconforming use provisions of the Development Code. There may be nonconforming development provisions that are applicable. If an existing dwelling unit is removed in a zone where a new dwelling unit is not permitted, it shall not be replaced.

In zones where a new residential dwelling unit is not a permitted use, this provision does not allow for expansion that increases the number of dwelling units, except that conversion of a single-family detached dwelling unit to a duplex is permitted in residential zones.

(g) In zones where a new residential dwelling unit is not a permitted use, this provision allows for this use associated with the existing residential dwelling as authorized in Article 14.

(h) A commercial or industrial accessory building of 400 square feet or less that comprises less than 25 percent of the existing floor area of buildings and meets the definition of a minor modification in Section 19.058 of this Code is reviewed through a Type I-A procedure. All other commercial or industrial accessory buildings are subject to the applicable site plan review procedures.

A watchman’s cottage is permitted as a new residential dwelling unit if it serves a direct industrial function. (12.341)

(i) A Type I-A Procedure is required for water and sewer pump stations. All other minor public facilities are reviewed through the procedure specified in table.

(j) A Type III Procedure is required if the tower height exceeds the zone height limit, otherwise a Type II Procedure is required.

(k) Trade and service uses permitted through a PUD in residential zones are subject to the limitations in Article 18.

(l) In the R-4-2 and R-5 zones, office uses are Secondary Uses, See Section 12.050

(m) In the GC-2 zone, residential uses are Secondary Uses, See Section 12.050

(n) In the OR zone, residential uses are Secondary Uses, See Section 12.050

(o) In the NC zone, upper-story residential uses are Secondary Uses, See Section 12.050

(p) In addition to the uses listed in Schedule 12-2, the following shall be permitted as primary uses rather than only as secondary uses or as part of a PUD in the specified zone, subject to all applicable provisions of this Code:
1. **R-3-2 zone.**
   a. One single-family detached dwelling on an existing lot of record, and permitted accessory uses, including an accessory dwelling unit, meeting the requirements of this section.
   b. The existing lot of record shall be existing on or before November 12, 2014, or shall be a lot or parcel that was part of an approved land division application which was submitted on or before November 12, 2014.
   c. This shall include replacement of an existing single-family detached dwelling on a lot of record meeting the requirements of this section.

2. **R-4-2 and R-5 zones.**
   a. One single-family detached dwelling on an existing lot of record, and permitted accessory uses, including an accessory dwelling unit, meeting the requirements of this section.
   b. One duplex, two detached single-family detached dwellings, or division of a lot of record described below to include two townhouse attached units (with one common zero-lot line), subject to all applicable building code, utility, and Development Code requirements.
   c. The existing lot of record shall be existing on or before November 12, 2014, or shall be a lot or parcel that was part of an approved land division application which was submitted on or before November 12, 2014 which has not expired.
   d. This shall include replacement of an existing dwelling on a lot of record meeting the requirements of this section.

3. **GC-2 zone.**
   a. One single-family detached dwelling on an existing lot of record, and permitted accessory uses, including an accessory dwelling unit, meeting the requirements of this section.
   b. The existing lot of record shall be existing on or before November 12, 2014, or shall be a lot or parcel that was part of an approved land division application which was submitted on or before November 12, 2014.
   c. This shall include replacement of an existing single-family detached dwelling on a lot of record meeting the requirements of this section.

(q) Professional Office use permitted in the Industrial Park District only when subject property is located within the Medical Overlay District.

(r) Self-Storage in General Commercial zones must adhere to Section 14.710.

(s) Self-Storage in Residential zones must adhere to Section 14.720.

(t) Housing applications for multi-family developments that include affordable units for low-income families shall be finalized within 100 days.

(u) Accessory dwelling units and residential accessory buildings and uses are permitted in the GC and GC-2 zones only on lots with an existing dwelling unit that was permitted prior to __/__/2021.
## Schedule 12-3. RTC Zone - Permitted Uses and Review Procedures

### Land Uses

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>RTC-I</th>
<th>RTC-II</th>
<th>RTC-III</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Residential</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Two (2) Single-Family Dwellings (See Notes 1 and 2 Below)</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>b. Multi-dwelling residential (See Notes 2 and 3 below)</td>
<td>P-III</td>
<td>S-III</td>
<td>S-III</td>
</tr>
<tr>
<td>c. Condominiums (See Notes 2 and 3 below)</td>
<td>P-III</td>
<td>S-III</td>
<td>S-III</td>
</tr>
<tr>
<td><strong>2. Lodging and Visitor Accommodations</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Visitor information and tourist center</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>b. Small scale visitor accommodations such as bed and breakfasts, and inns and resort lodges at a density of no greater than 25 units per acre</td>
<td>P-III</td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>c. Large scale visitor accommodations such as a major hotel chain</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>d. Youth hostel</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>e. Campground (to include RVs, tents, and trailers)</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td><strong>3. Meeting and Performing Arts</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Conference center</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>b. Performing arts complex (inside and outside)</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td><strong>4. Food and Beverage</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a. Eating and alcohol drinking establishments (inside and outside), only when associated with a restaurant</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>b. Eating, alcohol drinking, and dancing establishments (inside and outside)</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>c. Beer and wine drinking establishments</td>
<td></td>
<td></td>
<td>P-III</td>
</tr>
<tr>
<td>d. Fast food restaurants and other small cafes with entertainment and meeting facilities (inside and outside)</td>
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<td>P-III</td>
</tr>
<tr>
<td><strong>5. River-Related Retail</strong></td>
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<td></td>
</tr>
<tr>
<td>a. Retail (indoor and outdoor) which support river-type activities</td>
<td></td>
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<td>P-III</td>
</tr>
<tr>
<td>b. River-related retail (location necessary for existence)</td>
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<td></td>
<td>P-III</td>
</tr>
<tr>
<td><strong>6. River-Related Services</strong></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
### Schedule 12-3. RTC Zone - Permitted Uses and Review Procedures

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Hotel excursion tour boats for river tours down river</td>
<td>P-III</td>
</tr>
<tr>
<td>b. Fuel docks</td>
<td>P-III</td>
</tr>
<tr>
<td>c. Marine hardware</td>
<td>P-III</td>
</tr>
<tr>
<td>d. Bait and tackle shop</td>
<td>P-III</td>
</tr>
<tr>
<td>e. Guided sport fishing</td>
<td>P-III</td>
</tr>
<tr>
<td>f. River-related club's and organization's facilities</td>
<td>P-III</td>
</tr>
<tr>
<td>g. Offices and businesses of river-related and recreational activities</td>
<td>P-III</td>
</tr>
</tbody>
</table>

#### 7. Other Retail and Services
- a. Specialty and gift shops     | P-III          |
- b. Art galleries and displays  | P-III          |
- c. Esplanade along the river, small newspaper kiosks, flower carts, specialty food vendors and carts | P-III |
- d. Small grocery               | P-III          |
- e. Bicycle, roller skating, moped, and other recreational equipment rental stores | P-III |

#### 8. Interpretive/Educational
- a. Fish spawning interpretive center                                     | P-III          |
- b. Natural history library and/or bookstore                              | P-III          |
- c. Educational interpretive center and displays                          | P-III          |
- d. River-related museums and libraries                                   | P-III          |

#### 9. Public Parks
-                                                         | P-III | P-III | P-III |

**Table Legend**
- P-III = Permitted Use, Requires a Pre-application and Type III Review.
- S-III = Secondary Use, Requires a Pre-application and Type III Review.

**Note 1:** Minimum parcel size for two (2) single-family dwellings in the RTC-III zone is 4.42 acres.

**Note 2:** Residential development in the RTC-III zone is subject to the development standards listed in Article 22 rather than the design standards of Article 21 of the Development Code.

**Note 3:** Residential uses are permitted as Secondary uses in the RTC-II and RTC-III zones only on upper floors when part of a mixed-use development that includes commercial uses on the ground floor.
12.100 Residential Zoning Districts

12.120 Purpose of the Residential Zoning Districts

12.122 R-1 Districts. The purpose of the R-1 Districts is to encourage, accommodate, maintain and protect a suitable environment for residential living at low and moderate densities.

12.123 R-2 District. The purpose of the R-2 District is to encourage, accommodate, maintain and protect a suitable environment for residential living at moderate densities.

12.124 R-3 Districts. The purpose of the R-3 (R-3-1) and R-3-2 Districts is to encourage, accommodate, maintain and protect a suitable environment for residential living at moderate-high densities. Maximum densities in these districts are typically representative of 2-story housing such as attached or multi-family.

12.125 R-4 (R-4-1), R-4-2, and R-5 Districts. The purpose of the R-4 (R-4-1), R-4-2, and R-5 Districts is to encourage, accommodate, maintain and protect a suitable environment for residential living at higher densities, and for professional uses that typically support residential areas; such as professional offices; hospitals, clinics and other suitable uses, but only in a manner designed to support and protect residential livability. Maximum densities in these districts are typically representative of 3-story housing such as attached or multi-family. Some districts only allow non-residential uses when in conjunction with residential use to ensure the residential land supply is not exclusively consumed by other uses.

12.131 Land Use Review. Schedule 12-2 shows the specific land uses permitted in each Residential Zoning District, subject to all provisions of this Code and the review procedure associated with each use and zone.

12.140 Determining Maximum Residential Density.

(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:

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

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

(3) The maximum density for any given zone is not subject to increase using the variance process or the subdivision process. The maximum density for any given zone may be increased only by using the PUD process, small lot allowance, or density incentives as provided in this Code.
The maximum net density for all residential zones shall be as given in the following schedule. Net density in Schedule 12-4a generally corresponds to the minimum lot area per dwelling in Schedule 12-5, following calculation: Divide the area in an acre (43,560 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 12-4a 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).

<table>
<thead>
<tr>
<th>Comprehensive Plan Designation</th>
<th>Zoning Designation</th>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density (LR)</td>
<td>R-1-12</td>
<td>3.96 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-1-10</td>
<td>4.84 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-1-8</td>
<td>6.22 du/Acre</td>
</tr>
<tr>
<td>Moderate Density (MR)</td>
<td>R-1-6</td>
<td>8.74 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-2</td>
<td>9.68 du/Acre</td>
</tr>
<tr>
<td>Moderate-High Density (HR)</td>
<td>R-3 (R-3-1)</td>
<td>12.44 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-3-2</td>
<td>17.4 du/Acre</td>
</tr>
<tr>
<td>High Density (HRR)</td>
<td>R-4 (R-4-1)</td>
<td>34.8 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-4-2</td>
<td>34.8 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-5</td>
<td>50 du/Acre</td>
</tr>
</tbody>
</table>

The following exceptions to maximum net residential density in Schedule 12-4a apply:

(a) Duplexes shall count as a single dwelling unit for purposes of calculating net residential density.

(b) Triplexes and quadplexes shall be exempt from maximum net residential density in Schedule 12-4a and shall be subject only to the minimum lot sizes in Schedule 12-5, except that triplexes and quadplexes in the R-4-1, R-4-2 and R-5 zones shall meet the maximum net residential density standards in Schedule 12-4a.

(c) Townhouses shall be exempt from the maximum net residential density in Schedule 12-4a and shall be subject only to the minimum lot sizes in Section 12.152(2)(d).

(d) Cottage clusters shall be exempt from maximum net residential density in Schedule 12-4a and shall be subject only to the minimum lot sizes in Schedule 12-5 and the cottage cluster density standards in Section 22.800(3).
(1) 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.

This designation is typically applied only in higher density residential zones. Minimum lot sizes in lower density zones will typically achieve zoned densities with detached housing types. However, in higher density zones, densities will only be achieved with attached and multi-dwelling housing types. Rather than implementing these provisions by prohibiting certain lower-density housing types in higher-density residential zones, this approach allows flexibility. Minimum densities on a site can be met in more than one way: by a single housing type on a lot, each built at the same average density, or by a mix of different housing types where some are at higher density and some are at lower density, resulting in the same average density.

(2) In a zone with a minimum density requirement designated with an “M” suffix following the name of the zoning district, development shall meet the minimum density provisions of this section, as provided in Schedule 12-4b

<table>
<thead>
<tr>
<th>Comprehensive Plan Designation</th>
<th>Zoning Designation</th>
<th>Minimum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density (LR)</td>
<td>R-1-12</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>R-1-10</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>R-1-8</td>
<td>N/A</td>
</tr>
<tr>
<td>Moderate Density (MR)</td>
<td>R-1-6</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>R-2</td>
<td>N/A</td>
</tr>
<tr>
<td>Moderate-High Density (HR)</td>
<td>R-3 (R-3-1)</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>R-3-2</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>R-3M (R-3-1M)</td>
<td>12.44 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-3-2M</td>
<td>12.44 du/Acre</td>
</tr>
<tr>
<td>High Density (HRR)</td>
<td>R-4 (R-4-1)</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>R-4-2</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>R-5</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>R-4M (R-4-1M)</td>
<td>20 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-4-2M</td>
<td>20 du/Acre</td>
</tr>
<tr>
<td></td>
<td>R-5M</td>
<td>20 du/Acre</td>
</tr>
</tbody>
</table>
(3) Deductions for Natural Features. In calculating minimum density requirements, site area within stream banks and riparian setbacks, wetlands and wetland buffers, and slopes over 25% may be deducted from the site acreage before measuring minimum density.

(4) Deductions for Public Dedications. Land dedicated as public right-of-way or public open space as part of a development may be deducted from the site acreage before measuring minimum density.

(5) Deductions for Mixed-Use. In a zone with minimum density requirements, when residential development is part of a mixed-use development together with uses such as office and commercial use, the minimum density requirement may be reduced as follows:

(a) Vertical mixed use: Lower-floor non-residential use areas may be calculated as if they had the same number of dwelling units as the residential use on the floor above.

(b) Horizontal mixed use on same site: An equivalent deduction to Subsection (1) may be made for horizontal mixed-use on the same site, as would apply if the same mix of uses were configured as vertical mixed use. For example, two 2-story buildings of the same size, where one is a 2-story residential building and the other is a 2-story office building would qualify for the same deduction as two 2-story buildings with residential above commercial.

(c) Through a Planned Unit Development, similar deductions may be made as for horizontal mixed-use if the resulting development is on separate sites and the resulting development is consistent with the purpose of the deductions.

(6) Notwithstanding the exceptions for calculating maximum net residential density in Section 12.140(6), all dwelling units shall be counted towards meeting the minimum residential density.

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).

(2) Exceptions to minimum lot size and width. The following exceptions to minimum lot size and width are allowed outright:
small lot allowance. The small lot allowance applies to new subdivisions with five (5) lots or more in the R-1-6, R-1-8, R-1-10 and R-1-12 zones. The small lot allowance is intended to promote efficient use of land and flexibility in subdivision design.

(i) Up to 20 percent (20%) of new residential lots within a subdivision may be below the minimum lot size, but not smaller than 5,000 square feet.

(ii) Small lots created in accordance with this provision shall not be included in the calculation of maximum density set forth in Schedule 12-4.

(b) Lot size averaging. In order to promote efficient use of land and allow flexibility in subdivision design to address site constraints such as cul-de-sacs or irregularly shaped lots, the lot area standards may be modified through the use of lot size averaging as follows:

(i) This option is allowed only within the R-1-12, R-1-10 and R-1-8 zones.
(i) Up to 50 percent (50%) of the lots within the subdivision may be smaller than the minimum lot size required by the zone provided that the smallest lots created are not less than 80 percent (80%) of the minimum lot size.

(iii) For each lot below the minimum lot size, there shall be one lot that is above the minimum lot size. For example, if five lots below the minimum lot size are created using lot size averaging, five lots above the minimum lot size shall also be created. Combining the “leftover” square footage from small lots into one very large lot is not allowed.

(iv) The minimum lot width may also be reduced only on the smaller lots created through lot size averaging. On those lots, the lot width shall not be less than 80 percent of the minimum lot width established by the base zone.

(v) The overall density of the subdivision shall not exceed the maximum density standard for the zone unless the small lot allowance in (a) above is also used.

(vi) A deed restriction shall be placed on any lots that could be further divided if such a subsequent land division would exceed the maximum density of the zone.

(vii) This option may be used in conjunction with the small lot allowance provisions in (a) above.
(c) Cluster lots. These standards are intended to provide an option to allow for greater flexibility in preserving natural features and providing open space while achieving zoned density. These provisions are allowed in any residential zone.

(i) Lot Size Reductions. If a subdivision creates one or more public or private open space lots meeting the requirements of Subsection (ii), any developable lot with at least 50 feet abutting the open space lot on one or more interior side or rear lot lines may have a reduced minimum lot size, as follows:

(1) Those lots shall not be less than 50% of the minimum lot size of the zone, and not less than 4,000 square feet, whichever is larger.

(2) The lot width for a lot may be reduced below the minimum lot width requirement by the same percentage that the lot size is reduced below the minimum lot size, but not less than 50 feet. (For example, in the R-1-12 zone, if a lot is reduced to 80% of the minimum, from the 12,000 10,000 square feet minimum to 9,600 8,000 square feet, lot width for
that lot may be reduced to 50% from 89 feet to 64 feet.

(3) These provisions do not allow for an overall increase above maximum density for the parent parcel that would exceed the maximum allowed density of the zone. However, these provisions may be used together with the small lot allowance provisions in Subsection (a).

(ii) Common Open Space Area. The common open space lot required to allow smaller cluster lots described in Subsection (i) shall meet the following requirements:

(1) The common open space lot or lots shall be created as part of the subdivision. It may be public or private. If public, the applicant must have prior approval from the affected public agency to accept the dedication. If private, it shall be a common area.

(2) A common open space lot shall contain an area no less than the sum of the difference between the actual lot size and minimum lot size for each reduced size lot abutting the common open space. However, in no case shall any open space lot shall be less than 5,000 square feet. (For example, if 10 lots abutting the common space each have lot sizes 2,000 square feet below the minimum lot size of the zone, the open space lot shall contain at least 20,000 square feet).

(3) The common open space lot shall have a minimum width or depth dimension of no less than 20 feet at any point.

(4) The common open space lot shall have at least 50 feet of frontage on a public right-of-way.

(5) The common open space lot shall be for preservation of special natural features or and/or provision of natural or recreational open space.

(6) The open space lot shall be predominantly vegetated, but may contain hardscape elements such as pedestrian and bicycle trails, play structures, etc., that may be counted toward the minimum area requirements for the open space lot. Sidewalks and bike lanes located within an
adjacent public right-of-way, shall not be counted toward the open space area.

(7) Any area provided for vehicular parking adjacent to an open space lot will not count toward the minimum lot area requirement.

(8) If the common open area lot contains a delineated resource (wetland, wetland buffer, riparian area, etc.), the open space lot lines shall be set back at least 20 feet from the edge of the delineated resource.

(9) The applicant shall record a covenant for any lot abutting the open space lot that precludes sight-obscuring fencing taller than 4 feet within 20 feet of a pedestrian path in a common area lot. Taller fencing may be permitted within the specified distance, provided it isn’t sight-obscuring.

(d) Lot requirements for Single-Attached townhouse development. The following lot requirements apply to Single-Attached residential-townhouse development.
(i) The minimum lot size for a Single-Attached townhouse lot shall be 2,000 square feet. The maximum density requirements per the base zone do not apply.

(ii) No side yard setback is required for an interior property line (lots that have a Single Attached-dwelling on both sides where a townhouse is attached to another townhouse).

(iii) The minimum lot width shall be 20 feet for interior Single-Attached townhouse lots (lots that have a Single-Attached dwelling on both sides).

(iv) The minimum lot width shall be 30 feet for exterior Single Attached lots (lots with a Single-Attached dwelling on only one side).

<table>
<thead>
<tr>
<th>Zone</th>
<th>Lot Area One-Dwelling Unit for Single Family Detached or Duplex, in sf (See Note 1)</th>
<th>Lot Area for Triplex, in sf (See Note 1)</th>
<th>Lot Area for Quadruplex or Cottage Cluster Development in sf (See Note 1)</th>
<th>Area/du Two- or More Dwelling Units for Multi-Dwelling Development in sf (See Note 1)</th>
<th>Lot Width in ft (See Note 34)</th>
<th>Front Yard in ft (See Note 33)</th>
<th>Ext. Side/ Rear Yard in ft</th>
<th>Side Yard in ft (See Note 64)</th>
<th>Rear Yard in ft (See Note 59)</th>
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<td>7,000</td>
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<td>20</td>
<td>6 (See Note 75)</td>
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</tr>
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<td>3,500</td>
<td>870</td>
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<td>10</td>
<td>10</td>
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<td>5</td>
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<td>n/a</td>
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</tr>
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</table>

sf = Square Feet ft = Linear Feet du = Dwelling Unit

- **Note 1:** Where public right-of-way is required to be dedicated from a lot for development permit approval, the area dedicated in excess of that necessary to provide a 60-foot wide right-of-way may be counted towards the minimum lot area. This doesn’t apply to more than one lot when property is subdivided.

- **Note 2:** Minimum lot area shall not apply to single-family detached and duplexes on existing lots of records. Also, see Section 15.100 for nonconforming lot standards.

- **Note 3:** Lot depth shall not be greater than four (4) times its width, exclusive of the flagpole of a flag lot.

- **Note 4:** Minimum lot width shall be the minimum lot size for the proposed dwelling type divided by one hundred (100) or fifty (50) feet, whichever is less. The minimum lot width for all multi-dwelling developments shall be fifty (50) feet.

- **Note 5:** If each property that adjoins an interior side property line of the subject property is developed with a residential structure that has a nonconforming front yard setback, the front yard setback for a single-family residential structure on the subject property may be reduced subject to Subsection (3). See Concept Sketch: Reduced Front Yard Setback

- **Note 6:** The structure shall be constructed so that any point on the structure is set back from the side and rear property lines the required minimum setback plus one-half (1/2) foot for each foot over fifteen (15) feet that the point is above finish grade.
• See Concept Sketch: Side and Rear Yard Setback. Also, see Section 12.400 for exceptions to side and rear yard setbacks.

• **Note 75:** Garage door and carport openings shall in all cases maintain a minimum setback of twenty (20) feet with the exception of Section 13.140(2).

• **Note 86:** Side yard setbacks shall be a minimum of six (6) feet, and the sum of the two side yards shall be a minimum of sixteen (16) feet. Any side yards beyond the first two shall be a minimum of six (6) feet.

![Concept Sketch: Side and Rear Yard Setback](image)

(3) A lot with frontage on two streets requires only one front yard. For a lot with frontage on more than one street, the applicant shall designate one such frontage as the front yard, and all other frontages shall be designated exterior side or rear yards, as appropriate. See also Article 30, Definitions. Exterior side or exterior rear yards shall be as given in Schedule 12-5.

(4) If both properties that adjoin the interior side property lines of the subject property are developed with residential structures that have nonconforming front yard setbacks, the front yard setback for a single-family detached residential or duplex structure on the subject property may be reduced, subject to the following. If the first adjoinging property is a flag lot, the setback of the next property that adjoins the flagpole may be considered.

(a) The subject property must be in a residential zone, and the properties that adjoin the interior side lot lines must be subject to the same front yard setback requirement as the subject property.

(b) The front yard setback for the single-family detached residential or duplex structure may be reduced to a distance equal to the average...
setback of the adjoining residential structures, but to no less than 10 feet. If the subject property is a corner lot, the front yard setback for the single-family detached residential or duplex structure may be reduced to a distance equal to the nonconforming setback of the adjoining property along the same public street frontage, but no less than 10 feet.

(i) The minimum setback for a front wall of the single-family detached residential or duplex structure shall be the average of the setback of the nonconforming front walls of the adjoining residential structures, but no less than 10 feet.

(ii) The minimum setback for a covered porch shall be the average of the setback of the nonconforming front walls or nonconforming covered porches of the adjoining residential structures, but no less than 10 feet, measured from the outermost wall or vertical roof support.

(c) No reduction in front yard setback for a residential structure or other structure shall be permitted based on the setback of a carport or detached accessory structure on an adjoining property.

(d) A reduction in front yard setback shall only be permitted for a single-family detached residential or duplex structure; however, no reduction in front yard setback shall be permitted for a wall containing a front-facing garage door. No reduction in front yard setback shall be permitted for a carport or a detached accessory structure.

(e) If the subject property is adjacent to a corner lot, an exterior side yard of the corner lot shall not be considered a nonconforming front yard.

---

(5) **Compliance with Solar Standards**

---

<table>
<thead>
<tr>
<th>ADJOINING PROPERTY</th>
<th>SUBJECT PROPERTY</th>
<th>ADJOINING PROPERTY</th>
</tr>
</thead>
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<tr>
<td>Existing House</td>
<td>House</td>
<td>Existing House</td>
</tr>
<tr>
<td>Porch</td>
<td>Porch</td>
<td>Porch</td>
</tr>
<tr>
<td>x</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>(no less than 10')</td>
<td>(no less than 10')</td>
<td>(no less than 10')</td>
</tr>
</tbody>
</table>

**PUBLIC RIGHT-OF-WAY**

Concept Sketch: Reduced Front Yard Setback
(a) Solar Setback Standards

Any structure built on a lot to the south of a residentially zoned lot shall comply with the solar setback standards of Section 22.620 of this Code.

(b) Solar Lot Design Standards

All subdivisions in residential zones shall comply with the solar lot design standards of Section 22.630 of this Code.

12.153 Height Requirement

(1) Maximum heights shall be as given in Schedule 12-6.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Feet*</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1-12</td>
<td>35</td>
</tr>
<tr>
<td>R-1-10</td>
<td>35</td>
</tr>
<tr>
<td>R-1-8</td>
<td>35</td>
</tr>
<tr>
<td>R-1-6</td>
<td>35</td>
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<tr>
<td>R-2</td>
<td>35</td>
</tr>
<tr>
<td>R-3 (R-3-1)</td>
<td>35</td>
</tr>
<tr>
<td>R-3-2</td>
<td>35</td>
</tr>
<tr>
<td>R-4 (R-4-1)</td>
<td>45</td>
</tr>
<tr>
<td>R-4-2</td>
<td>45</td>
</tr>
<tr>
<td>R-5</td>
<td>45</td>
</tr>
</tbody>
</table>

* Any gabled or hipped roof feature with a pitch over 5:12 may exceed the maximum height by two additional feet for each additional unit of rise per 12 units of run, up to a maximum of 16 additional feet:

<table>
<thead>
<tr>
<th>Roof Pitch</th>
<th>Zone</th>
<th>R-1-12, R-1-10, R-1-8, R-1-6, R-2, R-3-1, R-3-2</th>
<th>R-4-1</th>
<th>R-4-2</th>
<th>R-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>5:12 or less</td>
<td>35</td>
<td>45</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>more than 5:12 up to 6:12</td>
<td>37</td>
<td>47</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>more than 6:12 up to 7:12</td>
<td>39</td>
<td>49</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>more than 7:12 up to 8:12</td>
<td>41</td>
<td>51</td>
<td></td>
<td></td>
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<tr>
<td>more than 8:12 up to 9:12</td>
<td>43</td>
<td>53</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>more than 9:12 up to 10:12</td>
<td>45</td>
<td>55</td>
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<td></td>
<td></td>
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<tr>
<td>more than 10:12 up to 11:12</td>
<td>47</td>
<td>57</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>more than 11:12 up to 12:12</td>
<td>49</td>
<td>59</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>more than 12:12</td>
<td>51</td>
<td>61</td>
<td></td>
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<td></td>
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</tbody>
</table>
(2) **Exceptions.** Residential Zoning District height limitations may be exceeded by the following:

(a) Farm buildings and structures

(b) Chimneys

(c) Church spires, belfries, cupolas and domes
(d) Flagpoles, masts and aerials
(e) Firehouse towers
(f) Elevator shafts

12.154 Access Requirements

(1) Each residential lot shall have access to a dedicated public street not less than 20 feet in width.

(2) Where such access is not provided by lot frontage on a dedicated public street, access may be provided by a flagpole running to a dedicated public street other than a minimum access street, as provided in Article 27, Access.

12.155 Other Requirements. All relevant procedures and standards of this Code apply to use and development within Residential Zoning Districts.

12.156 Alternate Development Options. Residential Development other than as provided in these Base Development Standards may be pursued by the following procedures of this Code:

(1) Planned Unit Development & Alternative Development Options, Article 18.

(2) Modified Setback Option, Residential Development Standards, Article 22.

(3) Variance, Article 6.

(4) Cottage Developments, Article 18.
Article 13: Special Purpose Districts .................................................. 13-1

13.010 Purpose ................................................................................. 13-1

13.020 General Provisions .............................................................. 13-1

13.025 Special Purpose District Overlay Map ............................... 13-1

13.100 Slope Hazard District ......................................................... 13-1

13.110 Purpose ................................................................................. 13-1

13.111 Applicable Areas ............................................................... 13-1

13.120 Submittal Requirements for Development of Partitions, Subdivisions and Planned Unit Developments .................. 13-2

13.121 Plans and Reports ............................................................... 13-2

13.130 Submittal Requirements for a Building Permit on an Existing Lot or Parcel .................................................. 13-3

13.140 Provisions for construction in Steep Slope Hazard Area ..... 13-4

13.150 Appeals ................................................................................ 13-5

13.200 Flood Hazard District ........................................................... 13-5


13.211 Authorization .................................................................... 13-5

13.212 Findings of Fact ................................................................ 13-5

13.213 Purpose ............................................................................... 13-5

13.214 Methods of Reducing Flood Losses ................................... 13-6

13.220 Definitions ............................................................................ 13-6

13.221 Interpretation of Terms ...................................................... 13-6

13.222 Definitions ......................................................................... 13-6

13.230 General Provisions .............................................................. 13-11

13.231 Lands to Which This Article Applies .................................... 13-11

13.232 Basis for Establishing the Areas of Special Flood Hazard Area ........................................................... 13-11

13.233 Coordination with State of Oregon Specialty Codes ....... 13-12

13.234 Compliance ..................................................................... 13-12

13.235 Penalties for Noncompliance ............................................. 13-12

13.236 Abrogation and Greater Restrictions ......................... 13-12

13.237 Severability ..................................................................... 13-12

13.238 Interpretation .................................................................. 13-12

13.239 Warning and Disclaimer of Liability .............................. 13-13

13.240 Administration .................................................................. 13-13

13.241 Floodplain Development Permit Required ....................... 13-13

13.242 Application and Submittal Requirements for Floodplain Development Permit .............................................. 13-13

13.243 Designation of the Floodplain Administrator .................. 13-14
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.244</td>
<td>Duties and Responsibilities of the Floodplain Administrator</td>
<td>13-14</td>
</tr>
<tr>
<td>13.245</td>
<td>Requirement to Notify Other Entities and Submit New Technical Data</td>
<td>13-16</td>
</tr>
<tr>
<td>13.246</td>
<td>Variance Procedures</td>
<td>13-18</td>
</tr>
<tr>
<td>13.247</td>
<td>Appeals</td>
<td>13-21</td>
</tr>
<tr>
<td>13.250</td>
<td>Provisions for Flood Hazard Reduction</td>
<td>13-21</td>
</tr>
<tr>
<td>13.251</td>
<td>General Standards</td>
<td>13-21</td>
</tr>
<tr>
<td>13.252</td>
<td>AH Zone Drainage</td>
<td>13-21</td>
</tr>
<tr>
<td>13.253</td>
<td>Construction Materials and Methods</td>
<td>13-22</td>
</tr>
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<td>Tanks</td>
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<td>Subdivision Proposals and Other Proposed Developments</td>
<td>13-22</td>
</tr>
<tr>
<td>13.257</td>
<td>Use of Other Base Flood Data</td>
<td>13-23</td>
</tr>
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<td>Structures Located in Multiple or Partial Flood Zones</td>
<td>13-23</td>
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<td>Specific Standards for Riverine (Including All Non-Coastal) Flood Zones</td>
<td>13-23</td>
</tr>
<tr>
<td>13.261</td>
<td>Garages</td>
<td>13-24</td>
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<td>For Riverine (Non-Coastal) Special Flood Hazard Areas with Base Flood Elevations</td>
<td>13-25</td>
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<tr>
<td>13.263</td>
<td>Crawlspaces and Below-Grade Crawlspace</td>
<td>13-28</td>
</tr>
<tr>
<td>13.270</td>
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<tr>
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</tr>
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<td>13-31</td>
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<tr>
<td>13.331</td>
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<td>13.332</td>
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</tr>
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<td>13.421</td>
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**Procedures for Historic Review**

- **Initiation**...
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<td>13.440</td>
<td><strong>Designation of Historic Resources</strong></td>
<td>13-54</td>
</tr>
<tr>
<td>13.441</td>
<td><strong>Designation Criteria</strong></td>
<td>13-54</td>
</tr>
<tr>
<td>13.442</td>
<td><strong>Historical Buildings and Sites Commission and City Council Action</strong></td>
<td>13-55</td>
</tr>
<tr>
<td></td>
<td><strong>Historic Resource, Conservation District and Landmarks Design Guidelines</strong></td>
<td>13-55</td>
</tr>
<tr>
<td></td>
<td><strong>Review Required</strong></td>
<td>13-55</td>
</tr>
<tr>
<td></td>
<td><strong>Criteria for Approval</strong></td>
<td>13-56</td>
</tr>
<tr>
<td></td>
<td><strong>Elements of Compatibility</strong></td>
<td>13-56</td>
</tr>
<tr>
<td></td>
<td><strong>Historical Buildings and Sites Commission Action</strong></td>
<td>13-59</td>
</tr>
<tr>
<td></td>
<td><strong>Public Safety Caveat</strong></td>
<td>13-59</td>
</tr>
<tr>
<td>13.460</td>
<td><strong>Demolition Review</strong></td>
<td>13-59</td>
</tr>
<tr>
<td>13.461</td>
<td><strong>Review Required</strong></td>
<td>13-59</td>
</tr>
<tr>
<td>13.462</td>
<td><strong>Criteria for Approval</strong></td>
<td>13-60</td>
</tr>
<tr>
<td>13.463</td>
<td><strong>Historical Buildings and Sites Commission Action</strong></td>
<td>13-60</td>
</tr>
<tr>
<td>13.464</td>
<td><strong>Public Safety Caveat</strong></td>
<td>13-62</td>
</tr>
<tr>
<td>13.500</td>
<td><strong>Zoning Transition Overlay District</strong></td>
<td>13-62</td>
</tr>
<tr>
<td>13.510</td>
<td><strong>Purpose and Intent</strong></td>
<td>13-62</td>
</tr>
<tr>
<td>13.520</td>
<td><strong>Zoning Transition Overlay District Created</strong></td>
<td>13-64</td>
</tr>
<tr>
<td>13.530</td>
<td><strong>Effect</strong></td>
<td>13-64</td>
</tr>
<tr>
<td>13.600</td>
<td><strong>Regionally Significant Industrial Area (RSIA)</strong></td>
<td>13-64</td>
</tr>
<tr>
<td>13.610</td>
<td><strong>Purpose</strong></td>
<td>13-64</td>
</tr>
<tr>
<td>13.611</td>
<td><strong>Effect</strong></td>
<td>13-64</td>
</tr>
<tr>
<td>13.612</td>
<td><strong>Location</strong></td>
<td>13-65</td>
</tr>
<tr>
<td>13.620</td>
<td><strong>Permitted Uses</strong></td>
<td>13-67</td>
</tr>
<tr>
<td>13.625</td>
<td><strong>Special Development Standards for All Uses Within RSIA Overlay</strong></td>
<td>13-67</td>
</tr>
<tr>
<td>13.630</td>
<td><strong>Siting an Expedited Industrial Use within a RSIA Overlay</strong></td>
<td>13-67</td>
</tr>
<tr>
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<td><strong>Expedited Industrial Site Plan Review, Eligibility</strong></td>
<td>13-67</td>
</tr>
</tbody>
</table>
Article 13: Special Purpose Districts

13.010 Purpose

The special purpose districts are intended to accommodate development within areas with specific natural, historical, or locational features. The standards herein are intended to mitigate natural hazards, to protect natural or historical features, and/or to mitigate land use conflicts. The special district standards apply in addition to the standards of the underlying zoning district.

13.20 General Provisions

The Special Purpose Districts shall encompass land areas that:

(1) Have slopes exceeding 15%;

(2) Are located within the boundaries of the 100 year flood plain;

(3) Are located in proximity to hospitals and that are appropriate for medical uses; or

(4) Are recognized as historically significant.

13.025 Special Purpose District Overlay Map. There shall be an overlay map to the Zoning Map that depicts boundaries of the Flood Hazard District, the Medical Overlay District, and the Historic District. These maps are incorporated into this Section by reference. The special purpose district maps may be amended as provided in Article 4 of this Code. The maps are general in nature. There is no adopted overlay map for the Slope Hazard District. Staff will use topographic data to assist in identifying areas where slope likely exceeds 15%. The applicant for a development shall verify the grades on lands or portions of lands that are the subject of any specific application.

13.100 Slope Hazard District

13.110 Purpose. The purpose of the Slope Hazard District is to designate and provide standards within the hillside of Grants Pass to allow for reasonable development while balancing issues such as tree removal and replacement, soil stability, erosion control, storm water runoff, grading, wildland interface areas and general aesthetics. It is recognized the hillsides are sensitive areas that require a distinct set of regulations. The following guidelines are established in order to development in the slope hazard area.

13.111 Applicable Areas. A slope hazard area contains slopes of at least fifteen 15%. Slope hazards shall be divided in two classes of slope steepness as follows:

(1) Class A, 15% to 25%

(2) Class B, greater than 25%
13.120 Submittal Requirements for Development of Partitions, Subdivisions and Planned Unit Developments

The applicant shall meet the submittal requirements of the request (see Section 17.311 for Partition submittal; see Section 17.411 for Subdivision submittal; see Section 18.050 for Planned Unit Development Preliminary Plan submittal) in addition to the submittal requirements below:

13.121 Plans and Reports

The following plans and reports shall be submitted with the land use application:
Reports for Class A Slopes shall be submitted and stamped by an engineer licensed to practice by the State of Oregon. Reports for Class B slopes shall be submitted and stamped by a Geo-Technical Engineer or Certified Engineering Geologist.

(1) Steep Slope Development Report. A written and illustrated report containing all of the following information:

(a) Soils Analysis. The analysis shall include data regarding the nature, distribution and properties of existing soils, techniques grading and erosion control procedures, design criteria for corrective measures, and information covering the capacity of the sites to be developed in a manner imposing the minimum variance from the natural condition. Data and recommendations from the Soil Survey of Josephine County, Oregon may be included in the analysis.

(b) Geology Analysis. The analysis shall include a description of the geology of the site, information regarding the effect of geologic conditions on the proposed development, and how to best develop the sites being reviewed. Data and recommendations from the Soil Survey of Josephine County, Oregon may be included in the analysis.

(c) Hydrology Analysis. The analysis shall include a description of the hydrology of the site and surrounding area, including movement of soil moisture, groundwater (subsurface), surface flow and the drainage network of the site before and after construction and guidelines on how to properly handle existing and new surface/underground water if the development proceeds.

(2) Grading and Erosion Control Plans. A plan shall be stamped by an Oregon licensed Engineer or Certified Engineering Geologist and shall include all of the following:

(a) Existing and proposed contours.
(b) Details of site and area drainage for proposed lots including elevations of proposed house pads, driveways, adjacent lots and streets.

(c) Direction of surface drainage flow and the approximate grade of drainage ways.

(d) Limiting dimensions, elevations, or finish contours to be achieved by the grading, including per cent grades for all cut and fill slopes, proposed drainage ways and related construction.

(e) Type of erosion control measures to be established prior to grading, during construction and post construction.

13.130 Submittal requirements for a Building Permit on an Existing Lot or Parcel

(1) **A Steep Slope Development Report.** The report shall contain the information required in Section 13.121(1). The Steep Slope Development Report is not required if the lot or parcel was included in a Steep Slope Development Report at the time of subdivision, land partition, or PUD approval.

(2) **Grading and Erosion Control Plans.** The plan stamped by an Oregon licensed Engineer or Certified Engineering Geologist and shall include all of the following:

(a) Existing and proposed contours

(b) Details of site and area drainage for proposed lots including elevations of proposed house residential structure pads, driveways, adjacent lots and streets.

(c) Direction of surface drainage flow and the approximate grade of drainage ways.

(d) Limiting dimensions, elevations, or finish contours to be achieved by the grading, including percent grades for all cut and fill slopes, proposed drainage ways and related construction.

(e) Type of erosion control measures to be established prior to grading, during construction and post construction.

(3) **Retention Plan.**

(a) Location of existing trees or groups of trees to be removed or retained.

(b) If trees are retained, indication of how the tree or group of trees will be protected out to the drip line.

(c) A tree planting plan identifying general location of where new trees will be planted. The plan shall include the number, height, caliper, and
species of trees to be planted. The plan shall identify the vision clearance area at driveways and street intersections.


(1) **Tree Removal.** The removal of trees in areas proposed to be impacted by new roadways or other infrastructure shall occur first. Trees located within proposed lots shall be protected during construction and remain until the construction of the home to the extent possible.

(2) **Front Yard Setback.** The front yard setback for the new home a new residential structure can be reduced to ten (10) feet. Typically, the entrance for the garage/carport shall remain at the required twenty (20) foot setback. However, the minimum setback for a side-loaded garage may be reduced to ten (10) feet.

(3) **Timeframe for Construction.** All construction work disturbing the soil or affecting the natural drainage and runoff shall be scheduled to begin no earlier than April 15 and shall terminate not later than October 15. The Director may extend starting and completion dates by no more than thirty (30) days based on the weather conditions prevailing at the time of the extension.

(4) **Retaining Walls.** No cuts or fills may include retaining walls greater than 15 feet in height in a single wall from the finish grade or create any unretained slopes which are greater than 100%. No filling may 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%. Retaining walls shall also comply with the applicable standards of Article 23 of this Code.

(5) **Erosion Control Measures.**

(a) All construction work shall be planned to minimize the amount of time the soil is exposed and unprotected. All access points shall be protected with gravel or crushed rock.

(b) Erosion control measures, determined by the approved Grading and Erosion Control Plan, shall remain in place throughout the entire length of the construction.

(c) Since construction must be stopped during the winter months, re-vegetation and temporary erosion control measures shall be put in place to protect the site, surrounding properties, streams and storm drain system from erosion through the winter months. Re-vegetation and all other temporary erosion control measures shall be fully in place and established by October 15 and shall be maintained after storms and at other regular intervals according to the approved plan. The City Engineer may mandate, based on adverse weather conditions,
any reseeding installed after September 15 be installed in the form of a mat.

13.150 Appeals

Appeals to the interpretations of this Article shall be undertaken as provided in Section 10.030 of this Code.

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</tr>
</tbody>
</table>
Article 15: Nonconforming Use and Development ......................................................... 15-1

15.010 Purpose ........................................................................................................ 15-1

15.020 Definitions .................................................................................................. 15-1

15.030 Procedures, Criteria, and Fees .................................................................... 15-2

15.40 Nonconforming Uses ...................................................................................... 15-3
  15.41 Continuation of Nonconforming Use ............................................................. 15-3
  15.42 Expansion of Nonconforming Use ................................................................. 15-3
  15.43 Application for One-Time Expansion of Nonconforming Use ................ 15-4
  15.44 Supplemental Criteria for One-Time Expansion of Nonconforming Use ... 15-5
  15.45 Change or Modification of Nonconforming Use ......................................... 15-5
  15.46 Application for Modification or Change of Nonconforming Use .............. 15-6
  15.47 Supplemental Criteria for Modification or Change of Nonconforming Use 15-7
  15.48 Discontinuation or Abandonment of Nonconforming Use ....................... 15-8

15.50 Nonconforming Development ........................................................................ 15-9
  15.51 General Provisions ....................................................................................... 15-9
  15.52 Continuation of Nonconforming Development .......................................... 15-9
  15.53 Alteration or Enlargement ........................................................................... 15-9

15.060 Replacement of Structure Destroyed by Calamity .................................... 15-13

15.070 Repair of Structure Damaged by Calamity ............................................... 15-13

15.080 Routine Maintenance ................................................................................... 15-14

15.090 Required Strengthening of Unsafe Building ............................................. 15-14

15.100 Nonconforming Lots .................................................................................... 15-14

15.110 Variance Development is Not Nonconforming ........................................... 15-14
Article 15: Nonconforming Use and Development

15.10 Purpose.

This Article concerns nonconforming uses, development, and lots. It is the purpose of this Article to:

(1) Encourage uses and development to conform over time with the use and development standards of the zone and any applicable overlay district;

(2) Allow for limited expansion and alteration of nonconforming use;

(3) Allow reasonable continuance and maintenance of nonconforming use and development, and replacement of nonconforming development damaged or destroyed by calamity;

(4) Mitigate the impact of nonconforming use and development upon adjoining property.

For nonconforming development, this Article provides for retention of existing nonconformity, but provides that new expansion shall comply with this Code. Any relief for new construction associated with expansion of a nonconforming development shall be addressed through the provisions of Article 6, Variances, or Article 18, Planned Unit Development.

Alteration or expansion in a manner that brings the property into full compliance with current requirements of this Code is not subject to the requirements of this Article.

Nothing in this Article is intended to modify any provision of the Building Code or Fire Code.

15.20 Definitions.

(1) Nonconforming Development. Means a “Nonconforming Building” as defined in Article 30, or any other aspect of a property developed in such a way that it lawfully existed prior to the effective date of this Code, its subsequent amendment, or its applicability to the property, but which due to requirements adopted herein, no longer complies with the standards of this Code.

(2) Nonconforming Lot. See Article 30.

(3) Nonconforming Use. See Article 30.
The procedures, fees, and criteria for applications involving nonconforming use or development shall be according to the following schedule. If there is a conflict between the review procedure in this Section and the procedure for site plan review, the higher procedure shall be utilized.

<table>
<thead>
<tr>
<th>Action</th>
<th>Procedure</th>
<th>Fees (1)</th>
<th>Criteria (2)</th>
<th>Applicable Standards (3)</th>
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<tr>
<td>One-Time Expansion of Nonconforming Use &lt;=50%</td>
<td>-Type 3</td>
<td>SPR fee, plus nonconforming use supplemental fee</td>
<td>SPR, plus 15.044</td>
<td>SPR only</td>
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<td>Modification or Change of Nonconforming Use</td>
<td>-Type 2</td>
<td>SPR fee, plus nonconforming use supplemental fee</td>
<td>SPR, plus 15.048</td>
<td>SPR only</td>
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<td><strong>Nonconforming Development</strong></td>
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<tr>
<td>Expansion or Alteration of Nonconforming Development &lt;=50%:</td>
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<tr>
<td>- Single Family Detached Dwelling or Duplex Middle Housing, and Items in 2.035, Type I-A Building Permit as Dev. Permit</td>
<td>-Type 1, Building Permit as Development Permit</td>
<td>Applicable SPR fee only</td>
<td>SPR only</td>
<td>SPR, plus 15.051 &amp; 15.053</td>
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<td>- Other:</td>
<td>-Type 2</td>
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<tr>
<td>Expansion or Alteration of Nonconforming Development &gt;50%:</td>
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<td>- Single Family Detached Dwelling or Duplex Middle Housing:</td>
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<td>- Other:</td>
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<td><strong>Nonconforming Use or Development</strong></td>
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<td>Replacement of Structure Destroyed by Calamity. -or- Major Repair of Structure Damaged by Calamity.</td>
<td>-Type 3</td>
<td>-SPR fee, plus nonconforming use supplemental fee</td>
<td>SPR, plus 15.060</td>
<td>SPR only</td>
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<tr>
<td>Routine Maintenance (15.080)</td>
<td>-Type 1, Building Permit as Development Permit</td>
<td>Applicable SPR fee only</td>
<td>SPR only</td>
<td>SPR only</td>
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<td>Required Strengthening of Unsafe Building (15.090) -or- Minor Repair of Structure Damaged by Calamity:</td>
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<td>Applicable SPR fee only</td>
<td>SPR only</td>
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(1) Where “SPR” is noted in the Fee column, it means the applicable fee for minor site plan review, major site plan review, or the planning review fee where building permit serves as development permit.

(2) Where “SPR” is noted in the Criteria column, it means the applicable minor site plan review criteria of Section 19.042 or major site plan review criteria of Section 19.052. If other criteria are listed, the proposal shall also comply with those criteria.

(3) When Development includes nonconforming use or development, these standards include special provisions specifying how the nonconformity is to be addressed without full adherence to other provisions of this Code.

15.40 **Nonconforming Uses.**

Except as provided in this Section, no nonconforming use shall be expanded, modified, or changed; no additional structure, building, or sign shall be constructed on the lot in connection with the nonconforming use of land; and the operating characteristics of a nonconforming use shall not be substantially modified. In no case shall a nonconforming use be moved to another property where it is not a permitted use.

15.41 **Continuation of Nonconforming Use.**

Where at the time of adoption, amendment, or applicability of this Code, a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, subject to the provisions of this Article.

15.42 **Expansion of Nonconforming Use.**

(1) Any of the following shall be considered expansion of a nonconforming use:

   (a) Expansion of a nonconforming use to occupy a greater area within a building, either horizontal or vertical;
(b) Expansion of a building or structure housing a nonconforming use, either horizontal or vertical;

(c) Expansion of a nonconforming use to occupy a greater area of land.

(2) A one-time expansion of a nonconforming use up to 50% may be permitted for some situations, as provided below, subject to the provisions of this Article.

(a) For any use that became nonconforming with this Code upon its adoption, a one-time expansion or alteration shall be permitted if no expansion has occurred since September 14, 1983, or the effective date of subsequent amendment that made the use nonconforming.

(b) For any use that was subject to, and nonconforming with, the Josephine County Urban Growth Area Zoning Ordinance and became nonconforming with this Code on August 5, 1998 through adoption of the 1998 Intergovernmental Agreement, a one-time expansion shall be permitted if no expansion has occurred since September 14, 1983.

(c) For any use that was subject to, and conforming with, the Josephine County Urban Growth Area Zoning Ordinance and became nonconforming subject to this Code on August 5, 1998 through adoption of the 1998 Intergovernmental Agreement, a one-time expansion shall be permitted if no expansion has occurred since August 5, 1998.

(d) For any use that was subject to the Josephine County Rural Land Development Code, whether conforming or nonconforming, and became nonconforming subject to this Code by inclusion in the Urban Growth Boundary after August 5, 1998, no expansion of a nonconforming use shall be permitted.

(e) For any use that was conforming with this Code and became nonconforming by an amendment to this Code after August 5, 1998, no expansion of a nonconforming use shall be permitted.

15.43 Application for One-Time Expansion of Nonconforming Use.

In addition to the submittal requirements for Site Plan Review, the applicant shall provide the following items:

(1) Supplemental Fee

(2) Detailed site plan and floor plan drawn to scale showing the extent and location of the nonconforming use before and after the expansion.
(3) Calculation of area of land occupied by nonconforming use and square footage of building occupied by nonconforming use.

(4) Narrative explaining proposal, and including the following:
   (a) nature of nonconforming use
   (b) operating characteristics of nonconforming use before and after the change, including noise, dust, odor, light and glare, traffic, deliveries, hours of operation, appearance, and any restriction on minors
   (c) any proposed measures to mitigate impacts resulting from the expansion

15.44 Supplemental Criteria for One-Time Expansion of Nonconforming Use.

In addition to the site plan review criteria, the Review Body shall grant a one-time expansion of a nonconforming use up to 50% only when it finds the proposal satisfies the following additional criteria. The review body may require special development standards or conditions to ensure impacts resulting from the expansion are adequately mitigated.

(1) The property qualifies for expansion in accordance with Section 15.042, and has not already utilized the one-time expansion.

(2) Impacts upon adjoining properties can be adequately mitigated. Impacts include changes to the character or operation of the use including, but not limited to, noise, dust, odor, light and glare, traffic, hours of operation, appearance, or any other characteristic that affects the use, enjoyment, or livability of conforming uses in the vicinity or zoning district.

(3) If the property is nonconforming in respect to site development standards, the site shall be brought into greater conformance with current development standards, consistent with the provisions of this Article regulating Nonconforming Development.

(4) The review body may deny expansion of the nonconforming use if the property is within a special district specifically designed to actively redevelop the area and eliminate nonconforming uses, including non-regulatory districts such as urban renewal districts, where expansion would be in direct conflict with the purpose of the special district.

15.45 Change or Modification of Nonconforming Use.

(1) Less Restrictive Use or Greater Impact. A change of a nonconforming use to a less restrictive nonconforming use or to a nonconforming use with greater impact upon adjoining properties is not permitted. Modification to the
character or operation of the existing nonconforming use in a manner that has
greater impacts upon adjoining properties is not permitted. In accordance with
the purpose of Oregon HB2001 (2019), converting a single dwelling to a
multi-dwelling with two, three or four units is not defined as a greater impact.

(2) **More Restrictive Use or Less Impact.** A change of a nonconforming use to a
more restrictive nonconforming use, or to a nonconforming use with less
impact upon adjoining properties may be approved. Modification to the
character or operation of the existing nonconforming use in a manner that has
less impacts upon adjoining properties may be approved.

(3) **Nature of Impacts.** Items to be considered by the review body to determine if
there is greater or less impact include changes to the character or operation of
the land use including, but not limited to, noise, dust, odor, light and glare,
traffic, hours of operation, appearance, or any other characteristic that
adversely affects the use, enjoyment, or livability of conforming uses in the
vicinity or zoning district.

(4) **Restrictiveness of Use.** If the proposal is a change of a nonconforming use to
a different nonconforming use, the proposed use shall only be authorized if it
is closer to the purpose, intended character, and nature of permitted uses in the
zoning district and conforming uses in the vicinity of the nonconforming use.

15.46 **Application for Modification or Change of Nonconforming Use.**

In addition to the submittal requirements for the Site Plan Review, the applicant shall
provide the following items:

(1) **Supplemental Fee**

(2) Detailed site plan and floor plan drawn to scale showing the extent and
location of the nonconforming use before and after the modification or change
of nonconforming use.

(3) Calculation of area of land occupied by nonconforming use and square
footage of building occupied by nonconforming use.

(4) Narrative explaining proposal, and including the following:

(a) nature of nonconforming use, before and after change,

(b) operating characteristics of nonconforming use before and after the
change, including noise, dust, odor, light and glare, traffic, deliveries,
hours of operation, appearance, and any restriction on minors.

(c) any proposed measures to mitigate impacts resulting from the change.

In conjunction with the review for completeness, the Director shall make a
preliminary determination whether the modification or change is less restrictive or
more restrictive and whether the use has greater or less impact. If the Director
determines it is a less restrictive use or has greater impact, the applicant shall be
informed of the decision and may withdraw or proceed with the application. The
review body shall make the final determination regarding the restrictiveness and
impacts of the use

15.47 Supplemental Criteria for Modification or Change of Nonconforming Use.

A modification or change of nonconforming use that does not include expansion may
be permitted subject to the criteria of this Section, and is not subject to the “one-time”
limitation that applies to expansion of a nonconforming use.

In addition to the site plan review criteria, the Review Body shall approve an
alteration, relocation, or change of a nonconforming use, only if it finds the proposal
satisfies the following additional criteria. The review body may require special
development standards or conditions to ensure there are less impacts as a result of the
modification or change of use.

1. If the proposal is a change of use, the change of a nonconforming use shall be
to a more restrictive nonconforming use, or to a nonconforming use with less
impact upon adjoining properties. If the proposal is a modification of use, the
modification to the character or operation of the existing nonconforming use
shall have less impact upon adjoining properties.

2. The modification or change of use shall not expand the nonconforming use.
An expansion shall only be reviewed in accordance with the provisions of
Section 15.043 for “One-Time Expansion of Nonconforming Use Up to 50
Percent”.

3. Addition of one or more accessory uses or buildings shall not substantially
change the character of the primary use unless it reduces impacts.

4. A building housing a nonconforming use shall not be moved to, nor rebuilt at,
a different location on the property.

5. Where a nonconforming use occupies a portion of a building, the review body
may allow such nonconforming use to occupy a different part of the same
building, or a different building already existing on the same property, only if
it reduces the impacts of the nonconformity. The use shall not occupy more
area than was lawfully occupied on the effective date the use became
nonconforming. The area previously occupied by the nonconforming use
shall only thereafter be occupied only with a conforming use, in accordance
with the development standards of this Code.

6. Where the nonconforming use includes outdoor elements such as outdoor
storage or outdoor retail, the review body may allow such nonconforming
elements to be moved to a different location on the same property, only if it
reduces impacts of the nonconformity. The use shall not occupy more area
than was lawfully occupied on the effective date the use became
nonconforming. The location from which the use is moved shall be improved to current standards for permitted uses. The area previously occupied by the nonconforming use shall only thereafter be occupied only with a conforming use, in accordance with the development standards of this Code.

(7) If the property is nonconforming in respect to site development standards, any alteration to the site shall bring the property into greater conformance with current development standards, consistent with the provisions of this Article regulating Nonconforming Development.

15.48 Discontinuation or Abandonment of Nonconforming Use.

(1) If the nonconforming use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the schedule of permitted uses for the zoning district. For purposes of calculating the 12-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

(a) On the date when the use of land is physically vacated;

(b) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

(c) On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

(d) On the date a request for final reading of water and power meters is made to the applicable utility.

(2) The following items are not sufficient to demonstrate that the nonconforming use has continued:

(a) Payment of a utility bill, such as a sewer or water bill, after the nonconforming use has been discontinued.

(b) Demonstrating that the property was for sale, after the nonconforming use has been discontinued.

(3) If the property is subsequently occupied by a permitted use, the subsequent use of land shall conform to applicable development standards and criteria specified by this Code for the use and zoning district in which such land is located, unless retention of existing nonconforming elements is authorized by Section 15.050.
15.50 Nonconforming Development

15.51 General Provisions.

(1) **Right-of-Way Encroachment.** If an existing structure encroaches into existing public right-of-way, the City shall not be limited to the provisions of this Article and may require removal of the encroachment at any time, or may require the owner to sign a right-of-way use agreement specifying terms under which continued encroachment is authorized, whether or not in conjunction with any alteration or expansion of the nonconforming development.

(2) **Encroachment onto Adjoining Property.** Encroachment of a structure onto an adjoining property is not considered nonconforming development. The City cannot authorize expansion or modification any portion of a structure that encroaches onto adjoining property.

(3) **Relocation.** Should any nonconforming structure be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code.

15.52 Continuation of Nonconforming Development.

Where a development exists on the effective date of adoption, amendment, or applicability of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot, or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, except as otherwise provided in this Article.

15.53 Alteration or Enlargement.

No nonconforming development may be altered or enlarged in a way that increases its nonconformity, but any portion thereof may be altered or enlarged in a way that satisfies the current requirements of this Code or will decrease its nonconformity, as follows. The following shall apply at the time of application for expansion or alteration.

(1) **Exempt Alterations.** Alteration of a nonconforming building that does not include expansion, and that does not alter the footprint or exterior elevation, is subject only to the applicable site plan review or building permit procedures, and not this Section. Alteration of a site that involves only routine maintenance, or brings existing nonconforming landscaping, paving, or driveway approaches into compliance without changing drainage, parking, traffic or circulation patterns, is subject only to the applicable site plan review or building permit procedures, and not this Section.

(2) **Existing Nonconformity Affecting Right-of-Way, Public Utility Easements, or Creating Hazard; Requirements at Time of Alteration or Enlargement.** If, at the time of alteration or enlargement of nonconforming development, an existing nonconforming structure encroaches into an
existing or planned public right-of-way or public utility easement, or creates a hazard such as a visual obstruction, the review body may require the existing structure to be partially or fully brought into compliance with setback requirements to the extent needed to eliminate the conflict. If the review body authorizes all or part of such nonconformity to remain, it may require the owner to sign an agreement specifying the terms under which the continuation of the nonconformity is authorized.

(3) **Percentage Expansion Cumulative.** When expansion occurs sequentially, determination of the percentage of expansion shall be cumulative from the effective date of adoption, amendment, or applicability of the standards in this Code that made the property nonconforming.

(4) **Change of Use of Residential Accessory Structure.** An accessory structure in a residential zone, nonconforming in relation to height or setback, shall only be converted to a primary use if related impacts on adjoining properties can be adequately mitigated. A primary use includes residential living space, bed and breakfast, day care, residential home, residential care facility, professional or limited office, etc.

(5) **Change of Use of Residential Structure.** A residential structure in a residential zone, nonconforming in relation to height or setback, shall only be converted to a more intensive use if related impacts on adjoining properties can be adequately mitigated. A more intensive use includes a bed and breakfast, day care, residential care facility, professional or limited office, etc, but does not include a change from a single-family detached dwelling to a middle housing use.

(6) **Standards for Expansion of Single-Family Detached Dwelling or Duplex Middle Housing.**

(a) **Existing Nonconforming Structure.** Except as provided in Subsection (2), the Review Body shall allow for an existing structure that is nonconforming in relation to height or setback to:

(i) remain; or

(ii) be altered in a manner that decreases its nonconformity; or

(iii) be converted to a middle housing use in a manner that does not increase its nonconformity.

(b) **New Enlargement.** Any new construction that enlarges the existing development shall satisfy current requirements.

(c) **Other Nonconformity.** The Review Body shall approve the amount and type of improvements to be made in order to bring existing nonconforming aspects of the site into greater conformance. The type of improvements may include, but are not limited to:
(i) Expansion of 50 Percent or Less:

(1) Paving of all new driving and parking surfaces.

(2) Partial paving of existing driving and parking surfaces, up to a maximum of 50 feet starting at the street, at a rate of ten lineal feet per 100 square feet of expansion, except an expansion of 100 square feet or less is exempt.

(3) Architectural Standards of Article 22 if the expansion increases the width of the front façade.

(ii) Expansion of More than 50 Percent:

(1) Frontage improvements or deferral for street, sidewalk and driveway approach, sewer, water, and storm drain.

(2) Paving of all existing driving and parking surfaces, up to a maximum of 50 feet starting at the street.

(3) Paving of all new driving and parking surfaces.

(4) Provision of all required landscaping.

(5) Eliminating or modifying nonconforming driveway approaches.

(6) Architectural standards of Article 22.

(7) Standards for Expansion of 50 Percent or Less, Except Single-Family Detached Dwelling or Duplex Middle Housing. When cumulative expansion exceeds 50 percent, the development shall be reviewed under Subsection (8) below.

(a) Existing Nonconforming Structure. Except as provided in Subsection (2), the Review Body shall allow for an existing structure that is nonconforming in relation to height or setback to

(i) remain; or

(ii) be altered in a manner that decreases its nonconformity;

(b) New Enlargement. Any new construction that enlarges the existing development shall satisfy current requirements.

(c) Other Nonconformity. The Review Body shall approve the amount and type of improvements to be made in order to bring existing nonconforming aspects of the site into greater conformance. The type of improvements may include, but are not limited to:
(i) Eliminating or modifying non-conforming driveway approaches;

(ii) Pedestrian circulation between a building's main entrance and the public right-of-way;

(iii) Pedestrian circulation between buildings on a site;

(iv) Bicycle parking;

(v) Paving of surface parking and exterior storage and display area;

(vi) Interior parking lot landscaping;

(vii) Landscaped yards or buffers for surface parking and exterior development.

(viii) Modify setbacks to preserve intersection sight distance to ensure safe ingress and egress, if different requirements are necessary as a result of existing nonconformity.

(8) **Standards for Expansion of Greater than 50 Percent, Except Single-Family Detached Dwelling or Duplex Middle Housing.** The following shall apply to a nonconforming development that is enlarged, increased, or extended to occupy a greater area of land or space, greater than 50 percent of what was occupied at the effective date of adoption or amendment of this Code when the development became nonconforming.

(a) **Existing Nonconforming Structure.** Except as provided in Subsection (2), the Review Body shall allow for an existing structure that is nonconforming in relation to height or setback to

   (i) remain; or

   (ii) be altered in a manner that decreases its nonconformity;

(b) **New Enlargement.** Any new construction that enlarges the existing development shall satisfy current requirements.

(c) **Other Nonconformity.** Except for a structure that is nonconforming in relation to height or setback as provided in Subsection (a), all other nonconforming aspects of the structure and property shall be brought into compliance, or a variance obtained.
15.60 Replacement of Structure Destroyed by Calamity

(1) A nonconforming building or structure, or a building or structure housing a nonconforming use which has been destroyed or damaged by fire, flood, wind, or other calamity may be restored to its original condition, provided such restoration is begun within 12 months of the calamity and is completed within 24 months of the calamity.

(2) Restoration shall meet current building and fire codes, and right-of-way shall not be encroached upon, unless use of right-of-way is authorized by City Council, and the owner signs an agreement acknowledging the terms under which the right-of-way may be used.

(3) Restoration that results in alteration or expansion shall only occur if in accordance with the other provisions of this Article.

(4) Restoration shall make every reasonable effort to conform to current development standards, where physically possible without creating undue financial hardships.

15.70 Repair of Structure Damaged by Calamity

When a structure is partially damaged by calamity, the Director shall determine whether repair of the damaged structure is minor or major. “Major Repair” shall be processed subject to the provisions of Section 15.060, “Structure Destroyed by Calamity”. “Minor Repair” shall be subject to the provisions of Section 15.090, “Required Strengthening of Unsafe Building”.

The director shall consider the following in determining whether the repair is major or minor:

(1) Whether the nature of the repair would reasonably include measures to bring nonconforming aspects of the development into greater conformity.

(2) Extent of area damaged and in need of repair, whether structural or nonstructural elements.

(3) Nature of items needing repair, and whether the repair is limited to nonstructural elements, such as electrical, plumbing, or mechanical systems, nonstructural interior walls, drywall, or nonstructural roofing components.

If the Director determines the repair constitutes “Major Repair”, he may, prior to review by the Review Body, immediately authorize a building permit for temporary measures to prevent damage to other parts of the building, or to allow safe occupancy of a portion of the building. At the time of review, the Review Body may require modifications to any temporary measures authorized by the Director.
15.080 Routine Maintenance

Routine maintenance and repairs may be performed on nonconforming development and upon structures or sites containing nonconforming uses, without being subject to the requirements of this Article.

15.90 Required Strengthening of Unsafe Building

(1) A nonconforming building, or a building housing a nonconforming use, which is declared unsafe by the City Building Official may be strengthened or restored to a safe condition.

(2) Strengthening or restoration shall not involve alteration that increases nonconformity.

15.100 Nonconforming Lots

(1) Lots of Record. Any lot of record that was created in accordance with City requirements in effect at the time of creation, and is now nonconforming due to area, width and depth of the lot, may be used for development as originally intended.

(2) Development of Nonconforming Lots. Setbacks, landscaping and buffering, building height, off-street parking, utilities, and other development standards of this Code shall be met. Relief from any Code requirement other than lot area, width and depth shall be processed according to the requirements of Article 6, Variance Procedures.

15.110 Variance Development is Not Nonconforming

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.

1Revised 12-17-03 by Ordinance 5205
2Revised 4-20-05 by Ordinance 5285
Article 17: Lots and Creation of Lots

17.010 Purpose

17.020 Applicability

17.30 Procedures

17.31 Review Procedure Schedule

17.100 Property Line Vacations

17.101 Effect

17.110 Petition for Property Line Vacation

17.111 Submittal Requirements

17.112 Criterion for Approval, Property Line Vacations

17.114 Filing a Property Line Vacation Order

17.200 Property Line Adjustments

17.201 Effect

17.202 Property to Be Included

17.210 Tentative Property Line Adjustment Plan

17.211 Submittal Requirements

17.212 Criteria for Tentative Property Line Adjustment Plan Approval

17.213 Expiration and Extension of Tentative Property Line Adjustment Plan

17.220 Final Property Line Adjustment Plat

17.221 Plat Required

17.222 Deeds Required

17.223 Final Property Line Adjustment Map Option

17.224 Signatures on Final Property Line Adjustment Plat

17.225 Filing an Approved Property Line Adjustment Plat

17.226 Filing Deeds for Adjusted Properties

17.227 Expiration of an Approved Property Line Adjustment Plat

17.300 Partitions

17.301 Effect

17.310 Tentative Partition Plan

17.311 Submittal Requirements

17.312 Criteria for Tentative Partition Plan Approval

17.313 Expiration and Extension of Tentative Plan

17.320 Final Partition Plat

17.321 Plat Requirements

17.322 Signatures on a Final Partition Plat

17.323 Filing an Approved Final Partition Plat

17.324 Expiration of Final Partition Plat

17.400 Subdivisions
17.401 Effect .................................................................................. 17-9
17.402 Exclusion of Property .......................................................... 17-9

Tentative Subdivision Plans ......................................................... 17-10
Submittal Requirements .............................................................. 17-10
Referral for Review ................................................................. 17-12
Criteria for Tentative Subdivision Plan Approval ...................... 17-13
Revised Tentative Subdivision Plan ............................................. 17-14
Expiration and Extension of Tentative Subdivision Plan ............ 17-14
Phased Development .................................................................. 17-14

Final Subdivision Plat .................................................................. 17-14
Standards for Approval ............................................................... 17-14
Modification to Final Plat ........................................................... 17-15
Approval Standards for Final Plat .............................................. 17-15
Signatures on a Final Subdivision Plat ........................................ 17-16
Filing an Approved Final Subdivision Plat ................................. 17-17
Expiration of Final Subdivision Plat ............................................ 17-17

General Provisions ..................................................................... 17-17
Subdivision Name ....................................................................... 17-17
Lot and Parcel Numbers or Letters ............................................ 17-17
Properties Split by the Urban Growth Boundary ....................... 17-17
Recording Multiple Plats During One Calendar Year .................. 17-17
Creation of Street without Partitioning or Subdividing and Properties Split by Streets .............................................. 17-18
Arterial Access .......................................................................... 17-18
Reciprocal Easements ............................................................... 17-18
Blocks ..................................................................................... 17-18

Base Lot Standards ..................................................................... 17-18
Lot Width to Depth Ratio ............................................................ 17-18
Buildable Lots ........................................................................... 17-18
Through Lots ............................................................................ 17-18
Side Property Lines ................................................................. 17-19
Curved Property Line at Street Intersections ......................... 17-19
Commercial Properties ............................................................ 17-19

17.520 Flag lots ........................................................................... 17-19

17.530 Authorized and Unauthorized Lots ..................................... 17-20
17.531 Authorized Lots ................................................................. 17-20
17.532 Unauthorized Lots ............................................................. 17-21
17.533 Signatures Required when Platting Unauthorized Lots .... 17-22
17.534 Lot Authorization ............................................................... 17-22

Future Development Plan ........................................................... 17-22
Applicability ............................................................................. 17-22
Submittal Requirements, Future Development Plan ................ 17-22
Criterion for Future Development Plan Approval ..................... 17-23
Conditions of Approval for Future Development Plan ............. 17-23
Filing a Future Development Plan .............................................. 17-23
Code Revisions.........................................................17-25
Amendment to an Approved Future Development Plan........17-25

17.550  Future Street Plan..................................................17-25
17.551  Applicability.....................................................17-25
17.552  Submittal Requirements, Future Street Plan.............17-25
17.553  Criterion for Future Street Plan Approval...............17-25
Article 17: Lots and Creation of Lots

17.010 Purpose

The purpose of this section is to protect the public health, safety, welfare, and convenience and to provide a means to meet the goals of the Comprehensive Community Development Plan for the City of Grants Pass and the Urbanizing Area. It provides procedures, standards, and criteria for the vacation and adjustment of property lines, and for the creation of lots and parcels which are consistent with state statutes and the standards of this Code, and with a consideration for future development. The intention is to create lots and parcels for which development permits and/or building permits can be issued without varying applicable site development standards, and for which urban services and necessary off-site improvements are provided.

17.020 Applicability

The provisions of this section apply to all lands within the City of Grants Pass or within Grants Pass Urban Growth Boundary. Unless otherwise provided for in this Code, no property, land, interests in land, unit ownership, lots, or parcels shall be created prior to approval of a partition or subdivision. No property line vacation, property line adjustment, partition, or subdivision shall be made or recorded with the Josephine County Recorder without meeting the requirements of this section.

17.30 Procedures

The following procedures are structured to expedite those applications that are minor in scope and impact, and to ensure thorough public review and comment for applications that may have greater impact to neighborhoods and public facilities.

17.31 Review Procedure Schedule. Land divisions applications shall be processed according to Schedule 2-1.

17.100 Property Line Vacations

17.101 Effect.

The Property Line Vacation process provides an alternative to vacate a property line or property lines, in lieu of the Property Line Adjustment process. Through the Property Line Vacation process, a property line may be vacated by ordinance, rather than through recording of a property line adjustment plat.

A property line vacation shall act to remove the lot, parcel, or property lines separating the properties and consolidate them into a single authorized lot. Once the ordinance vacating the property line(s) is adopted and recorded, the original property lines may not then be recovered except through a partition or subdivision.
17.110  Petition for Property Line Vacation

17.111  Submittal Requirements. Petitions for property line vacations shall be on a form provided by the Director, and shall contain the following:

(1)  Location: Location by street address and assessor's map and tax lot number.

(2)  Legal Description: A legal description of the property by metes and bounds, subdivision lot or partition parcel number, or similar description.

(3)  Existing Uses: General location and/or description of existing uses on each property.

(4)  Names: Name, address and telephone number of the property owner(s), applicant(s).

(5)  Signatures: Signatures of all property owners indicating their consent and approval to vacate the property lines. The ownership of the original properties must be identical at the time of application for a property line vacation.

17.112  Criterion for Approval. Property Line Vacations. The City Council shall approve, approve with conditions, or deny the request, based upon the following criteria. The property line vacation shall be by ordinance.

(1)  The resultant property configuration does not create a substandard condition relative to the requirements of this Code, such as structures that do not meet the required setbacks, place two single-family dwellings on one lot where only one single-family dwelling per lot is allowed.

(2)  The proposal is not contrary to the public health, safety, welfare, and convenience or any other purpose of Article 17.

17.114  Filing a Property Line Vacation Order. The Finance Department shall file the approved vacation ordinance with the County Recorder within 30 days of adoption.

17.200  Property Line Adjustments

17.201  Effect. A property line adjustment shall act to vacate and replace the existing property line(s) separating adjacent properties. The number of parcels resulting from the property line adjustment may be equal to or fewer than the number or original lots, parcels, or properties.

17.202  Property to Be Included. All property within any of the original authorized lots proposed for adjustment shall be included within the property line adjustment plat.

17.210  Tentative Property Line Adjustment Plan

17.211  Submittal Requirements. The applicant shall submit eight (8) copies of a tentative plan and any supporting materials to the Director. The following shall be included:
(1) Plan: No smaller than 8 1/2 inches x 11 inches and legible with north arrow, scale (an engineering scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch : 30 feet, 1 inch : 50 feet, 1 inch : 100 feet, or less), and date of preparation.

(2) Location: Location by street address and assessor’s map and tax lot number.

(3) Names: Name, address and telephone number of each of the following: property owner(s), applicant(s), and preparer of the plan.

(4) Property Dimensions: Existing and proposed property lines and their dimensions, and parcel size in square feet or acres.

(5) Parcel numbers or letters: Parcel numbers or letters for each property line adjustment parcel.

(6) Streets: Names and rights-of-way locations.

(7) Existing Uses: Location and outline of existing buildings and structures with distances in feet to new parcel lines created by the proposed property line adjustment, and an indication if they are to be removed prior to the adjustment.

(8) Future Divisions: If the proposed property line adjustment results in parcels greater than twice the minimum lot size allowed, indicate by dashed lines how future divisions and streets can be created.

(9) Signatures: A signature by the property owner or stamp of a registered land surveyor that guarantees that all information shown on the plan is accurate and correct, and the applicant accepts responsibility for same.

(10) For the area that is adjusted from one parcel to other, the following must be shown:

(a) Easements: The location, dimensions and purpose of all recorded and proposed public and private easements.

(b) Flood Areas: Location of floodplain and floodway.

(c) Slope: Degree and approximate direction of slope and drainage, and an indication of areas within in Slope Hazard District.

(d) Natural Features: Location and extent of streams, rivers, their high banks, wetlands, any required setbacks, and the location of dominant and co-dominant trees.

(e) Utilities: Location and size of all storm drains and other drainage ways; sewer mains, laterals, septic tank leach fields, or other facilities;
water mains, laterals, wells, or other facilities; irrigation facilities or other pertinent utilities.

17.212 Criteria for Tentative Property Line Adjustment Plan Approval. The review body shall approve, conditionally approve or deny the request based upon the following criteria:

1. An additional property is not created by the property line adjustment.

2. A property is not reduced in size below the minimum lot size established by the applicable zone district.

3. If one or more properties are less than the minimum lot size, no property is reduced smaller than the size of the original smallest property.

4. The adjusted property configuration does not create a substandard condition relative to the applicable standards of this Code.

5. The proposal is not contrary to the public health, safety, welfare, and convenience or any other purpose of Article 17.

17.213 Expiration and Extension of Tentative Property Line Adjustment Plan.

1. Expiration. Within eighteen months following the effective date of the written decision approving a tentative plan, the applicant shall fulfill all conditions of tentative plan approval and submit the final plat and all required documents.

2. Extension. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and that no other development approval would be affected.

17.220 Final Property Line Adjustment Plat.

17.221 Plat Required. Except as exempted in section 17.223 below, all final property line adjustment plats shall be prepared in accordance with all requirements of final partition plats per Section 17.320, except that the City Finance Department need not sign the plat. This requires a survey of all property lines by a registered land surveyor.

17.222 Deeds Required. A property line adjustment plat does not convey ownership. When the final plat is submitted to the City for signatures, the applicant shall submit a copy of the deeds that will convey ownership, corresponding to the adjusted property lines.
17.223 Final Property Line Adjustment Map Option. Preparation of a surveyed final property line adjustment plat is the option of the applicant when all properties affected are 10 acres or greater. When the properties are not surveyed, a final map of the property line adjustment shall be prepared and shall be considered the final plat of the property line adjustment. The map shall contain the following:

1. The map shall be 18 inches x 24 inches. No part of the drawing shall be nearer to the edge of the sheet than one inch. The map shall reserve a space one inch by three inches in the most upper right corner for County recording information.

2. All property lines and their dimensions.

3. Revised property descriptions of each property affected by the property line adjustment.

4. The names and signatures of the property owners and other applicable parties with the proper acknowledgments.

5. References to the original recorded documents.

6. Any plat notes, restrictions, notices, and special conditions that were required to be placed on the final plat as part of tentative plan approval.

17.224 Signatures on Final Property Line Adjustment Plat.

1. When the property line adjustment is surveyed, the City or County Surveyor shall sign to verify compliance with applicable survey laws of the State of Oregon.

2. The Director may sign the final plat and release it for recording if the final plat is in conformity with the approved tentative plan, and when all conditions of tentative plan approval have been met.

3. All signatures shall be in black permanent India type ink.

17.225 Filing an Approved Property Line Adjustment Plat. The applicant shall file the approved original plat with the County Recorder and an exact duplicate with the County Surveyor, and shall file one print or copy of the recorded plat with the Director.

17.226 Filing Deeds for the Adjusted Properties. Concurrent with filing the plat, the applicant shall record the deeds conveying ownership consistent with the adjusted property lines. After the deed is recorded, the applicant shall file one copy of the recorded deed with the Director.

17.227 Expiration of an Approved Property Line Adjustment Plat. The approved final plat shall become null and void if the plat and deeds are not filed and recorded with the County Recorder within 30 days from the date the Director signs the plat.
17.300  Partitions

17.301  Effect. A partition acts to divide land into two or three parcels. All previous property lines within the plat area are vacated by the partition plat.

17.310  Tentative Partition Plan

17.311  Submittal Requirements. The applicant shall submit eight (8) copies of a tentative plan and any supporting materials to the Director. The following shall be included:

1. Plan: No smaller than 8 1/2 inches x 11 inches and legible with north arrow, scale (an engineering scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch : 30 feet, 1 inch : 50 feet, 1 inch : 100 feet, or less), and date of preparation.

2. Location: Location by street address and assessor's map and tax lot number.

3. Names: Name, address and telephone number of each of the following: property owner(s), partitioner, and preparer of the plan.

4. Parcel Dimensions: Existing and proposed parcel lines and their dimensions, and parcel size in square feet or acres.

5. Parcel numbers or letters: Parcel numbers or letters for each parcel.

6. Streets and Sidewalks, Existing: Names, rights-of-way locations and widths, curb locations, sidewalk locations, vehicular access points, public or private status, and any recorded reservations or restrictions.

7. Streets and Sidewalks, Proposed: Names, rights-of-way locations and widths, curb locations, pavement widths, sidewalk locations, street lights, vehicular access points, public or private status, any recorded reservations or restrictions, approximate radii of curves, grades, and typical cross-sections showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.

8. Easements: The location, dimensions and purpose of all recorded and proposed public and private easements.

9. Utilities: Location and size of all existing and proposed storm drains and other drainage ways; sewer mains, laterals, septic tank leach fields, or other facilities; water mains, laterals, fire hydrants, wells or other facilities; irrigation facilities or other pertinent utilities.

10. Natural Features: Location and extent of streams, river, their high banks, wetlands, and any required setbacks.

11. Flood Areas: Location of floodplain and floodway.
(12) Slope: Degree and approximate direction of slope and drainage.

(13) Slope Hazard District: If the property is located within the Slope Hazard District see Section 13.120 for additional submittal requirements.

(14) Submit an existing Tree Plan (required for all developments even those outside of the Slope Hazard District) in accordance with Section 11.040.

(15) Districts: The designated zoning district, special purpose district, and any zoning district boundary, special purpose district boundary, political subdivision boundary, or the Urban Growth Boundary that are adjacent to or that divide the property.

(16) Existing Uses: Location and outline of existing buildings and structures with distances in feet to new parcel lines created by the proposed partition, and an indication if they are to be removed prior to final platting.

(17) Proposed Uses: Use types proposed, including total number of dwelling units if relevant.

(18) Future Development Plan: A future development plan shall be submitted for the property being partitioned in accordance with Section 17.540.

(19) Future Street Plan: A future street plan shall be submitted in accordance with Section 17.550.

(20) Signatures: A signature by the property owner or stamp of a registered land surveyor that guarantees that all information shown on the plan is accurate and correct, and the applicant accepts responsibility for same.

17.312 Criteria for Tentative Partition 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.

(2) When required, the proposed future development plan allows the properties to be efficiently further developed, 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.

(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.

(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.

(5) The tentative plan allows for the preservation or establishment of natural features or the preservation of historic features of the property 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 may result in a retaining wall within the required setback from a property not included in the development plan greater than six (6) feet in height from the finish grade nor create any un-retained slopes greater than 100%.

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

17.313 Exp. and Extension of Tentative Plan.

(1) Expiration. Within eighteen months following the effective date of the written decision approving a tentative plan, the applicant shall fulfill all conditions necessary for a development permit, obtain a development permit, fulfill all conditions of tentative plan approval necessary to file the final plat, and submit the final plat and all required documents.

(2) Extension. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan and that no other development approval would be affected.

17.320 Final Partition Plat

17.321 Plat Requirements. After tentative plan approval, the applicant shall submit a final plat to the Director. The plat shall be prepared by a registered professional land surveyor and shall contain the following:

(1) The plat shall be 18 inches x 24 inches. No part of the drawing shall be nearer to the edge of the sheet than one inch. The plat shall reserve a space one inch by three inches in the most upper right corner for County recording information.

(2) All requirements of ORS 209.250 and ORS 92 and any other applicable state or federal regulations.

(3) Any dedications or changes required as part of tentative plan approval. Dedications shall be done in accordance with applicable local or state laws.
(4) Any plat notes, restrictions, notices, and special conditions that were required to be placed on the final plat as part of tentative plan approval. The review body shall not require that the plat show graphically any information or requirement that is or may be subject to administrative change or variance.

(5) As a separate document, a land division guarantee from a title company.

(6) A letter submitted by the Responsible Engineer stating the Engineer supervised the grading and construction for the entire parcel and individual lots and the grading and construction was completed according to approved Plans.

(7) Submittal requirements in accordance with Section 11.060.

17.322 Signatures on a Final Partition Plat.

(1) The surveyor who prepared the plat, the property owner(s), and all other parties required to sign under ORS Chapter 92 shall sign the plat.

(2) The City or County Surveyor shall sign to verify compliance with applicable survey laws of the State of Oregon.

(3) The City Finance Department shall sign to verify that all financial obligations on the property have been met.

(4) The Director may sign the final plat and release it for recording if the final plat is in conformity with the approved tentative plan, and when all conditions of tentative plan approval have been met.

(5) All signatures shall be in black permanent India type ink.

17.323 Filing an Approved Final Partition Plat. The applicant shall file the approved original partition plat as per ORS 92.120. After recording, the applicant shall also file one print with the Director.

17.324 Expiration of Final Partition Plat. The approved final plat shall become null and void if not filed and recorded with the County Recorder within 30 days from the date the Director signs the plat.

17.400 Subdivisions

17.401 Effect. A subdivision acts to divide land into four or more lots. All previous property lines within the plat area are vacated by the subdivision plat.

17.402 Exclusion of Property. All property within the original authorized lot or lots being proposed for platting shall be included on the plat, except that an area may be
excluded from a final subdivision plat provided all of the following conditions are met:

(1) The area to be excluded is equal to or greater than to 2.5 acres.

(2) Only one such area is created per subdivision.

(3) The approved future development plan allows for the property to be further partitioned or subdivided.

(4) The remaining area is not developed until it is further partitioned or subdivided in accordance with the provisions of this Code, or all facilities are provided to that area as if it were a lot in the subdivision.

Tentative Subdivision Plans

Submittal Requirements. The applicant shall submit eight (8) copies of a tentative plan and any supporting materials to the Director. The following shall be included:

(1) Plan: No smaller than 8 1/2 inches x 11 inches and legible with north arrow, scale (an engineering scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch: 30 feet, 1 inch : 50 feet, 1 inch : 100 feet, or less), and date of preparation.

(2) Location: Location by street address and assessor's map and tax lot number.

(3) Vicinity map: A vicinity sketch shall be shown on the plan at a small scale (i.e., 1 inch : 400 feet) showing all existing and adjacent subdivisions, streets, property lines of acreage properties, names of the recorded owners of properties adjoining the land to be divided and between it and the nearest existing or proposed public street, adjacent railroad rights-of-way, and adjacent political subdivisions.

(4) Names: Name, address and telephone number of each of the following: property owner(s), subdivider, and preparer of the plan.

(5) Lot Dimensions: Existing and proposed lot lines and their dimensions, and lot size in square feet or acres.

(6) Lot numbers or letters: Lot numbers or letters for each lot.

(7) Streets and Sidewalks, Existing: Names, rights-of-way locations and widths, curb locations, sidewalk locations, vehicular access points, public or private status, and any recorded reservations or restrictions.

(8) Streets and Sidewalks, Proposed: Names, rights-of-way locations and widths, curb locations, pavement widths, sidewalk locations, street lights, vehicular access points, public or private status, any recorded reservations or restrictions, approximate radii of curves, grades, and typical cross-sections.
showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.

(9) Easements: The location, dimensions and purpose of all recorded and proposed public and private easements.

(10) Utilities: Location and size of all existing and proposed storm drains and other drainage ways; sewer mains, laterals, septic tank leach fields, or other facilities; water mains, laterals, fire hydrants, wells or other facilities; irrigation facilities or other pertinent utilities.

(11) Natural Features: Location and extent of streams, rivers, their high banks, wetlands, and any required setbacks

(12) Flood Areas: Location of floodplain and floodway.

(13) Slope: Topographic contour lines having the following minimum intervals:

<table>
<thead>
<tr>
<th>Overall Site Slope</th>
<th>Contour Interval</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 5 percent</td>
<td>2 feet</td>
</tr>
<tr>
<td>5 to 15 percent</td>
<td>5 feet</td>
</tr>
<tr>
<td>15 percent or more</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

Slope hazard areas shall be indicated as follows:

| Slopes 15% to 25% | light shading |
| Slopes exceeding 25% | heavy shading |

A Tentative Grading Plan indicating cuts, fills, and retaining walls.

(14) Slope Hazard District: If the property is located within the Slope Hazard District see Section 13.120 for additional submittal requirements.

(15) Submittal an existing Tree Plan (required for all developments even those outside of the Slope Hazard District) in accordance with Section 11.040.

(16) Districts: The designated zoning district, special purpose district, and any zoning district boundary, special purpose district boundary, political subdivision boundary, or the Urban Growth Boundary that are adjacent to or that divide the property.

(17) Existing Uses: Location and outline of existing buildings and structures with distances in feet to new subdivision lines created by the proposed subdivision and an indication if they are to be removed prior to final platting.
(18) Proposed Uses: Use types proposed, including total number of dwelling units if relevant.

(19) Future Development Plan: A future development plan shall be submitted for the property being subdivided in accordance with Section 17.540.

(20) Future Street Plan: A future street plan shall be submitted in accordance with Section 17.550.

(21) Signatures: A signature by the property owner or stamp of a registered land surveyor that guarantees that all information shown on the plan is accurate and correct, and the applicant accepts responsibility for same.

(22) Title: The proposed name and the title "Tentative Plan".

(23) Dedication: locations of all areas to be dedicated or reserved for public use, with the purpose, condition, or limitations of such reservations clearly indicated.

(24) Deed Restrictions: Previously recorded and proposed deed restrictions.

(25) Phasing: If the subdivision will be platted in phases, indicate the lots to be included in each phase, all street, utility, and other improvements to be constructed in conjunction with each phase, and proposed timing for each phase.

(26) Solar Lot Design Standard: Documentation shall be provided indicating compliance with Section 22.630 of this Code.

(27) Watermaster compliance: If groundwater is proposed as a source of water for the subdivision, and the subdivision is located in a designated area of groundwater availability concern, the applicant shall submit a certificate of compliance with applicable ground water testing ordinances.

(28) The City Engineer may require a traffic analysis, as per Section 27.121(3), for any new development to determine the development’s potential impact on the existing transportation system. At a minimum, the impact of development on transportation facility performance shall be mitigated to the standards set forth in Section 27.121(2).

Referral for Review: The Director shall distribute copies of the tentative plan to such agencies as would have an interest in reviewing the plan, which may include:

(1) Applicable School District.

(2) Applicable Citizen Participation Committee.

(3) Grants Pass Irrigation District.

(4) Affected Governmental Agencies and Other Special Districts.
(5) Affected Public and Private Utilities.
(6) Applicable Site Plan Review Committee.
(7) Department of Environmental Quality.
(8) Josephine County Public Works Department.
(9) Oregon State Highway Division.
(10) Oregon Department of Fish and Wildlife.
(11) Others, as determined by Director.

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.

(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.

(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.

(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.

(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%.

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

Revised Tentative Subdivision Plan. Prior to receiving a development permit for the tentative plan, the applicant shall submit a revised tentative plan demonstrating compliance with the conditions of tentative plan approval. The review body may waive this requirement if no significant modifications are required.

Expiration and Extension of Tentative Subdivision Plan.

(1) Expiration. Except as provided in Section 17.416 for a phased development, within 24 months following the effective date of the written decision approving a tentative plan, the applicant shall fulfill all conditions necessary for a development permit, obtain a development permit, fulfill all conditions of tentative plan approval necessary to file the final plat, and submit the final plat and all required documents for final approval. For a phased development, the applicant shall obtain a development permit, complete construction, and file the final plat for each phase in accordance with the approved phasing schedule.

(2) Extension. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and that no other development approval would be affected.

Phased Development. When an applicant desires to record and develop a subdivision plat in phases, then the approving body may authorize a time for the submittal of the final plat and development of various phases. The time period may exceed eighteen months but in no case shall the total time period for all phases exceed five years without resubmission of the tentative plan for review and approval. Each phase so platted and developed shall conform to the applicable requirements of this Code. Phases platted after eighteen months are subject to modifications in accordance with any changes in the Comprehensive Plan or implementing regulations.

Final Subdivision Plat

Standards for Approval. If the final plat substantially conforms to the approved tentative plan, it shall be reviewed through a non-discretionary, administrative procedure. The decision of the Director is final and is indicated through a signature on the final plat.
Modification to Final Plat. The applicant may petition for modification of the approved tentative plan.

(1) Major Modification. When modification to an approved tentative plan is determined to be a Major Modification the final plat shall be reviewed using the same review procedure that the tentative plan required. A Major Modification constitutes one or more of the following:

(a) An increase in the density of number of lots within the development.

(b) Modifications or changes to the proposed utility plan. Changes must conform to the adopted utility plans and the requirements of Article 28.

(c) Modifications or changes to the proposed street plan. Changes must conform to the adopted street plans and the requirements of Article 27.

(2) Minor Modification. A minor modification to an approved tentative plan, such as phasing the development, may be made by the Director provided the Director determines the modification does not constitute a major modification.

Approval Standards for Final Plat.

(1) The approved tentative plan shall be considered to have met the requirements outlined in the approval for the tentative plan if it meets all of the following:

(a) A letter has been submitted by the Responsible Engineer stating 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.

(b) All water, sewer and storm facilities have been installed, tested and tentatively approved per the approved plans. The final testing and acceptance of the water, sewer and storm facilities may be secured per Article 29.

(c) All street facilities have either been installed, tested and accepted per the approved plans, or security has been posted per Article 29.

(d) Notwithstanding Article 29 regarding Security, construction of all remaining improvements not including sidewalks and tree planting if required, shall be completed within seven months of the recording of the final plat. Occupancy of homes shall not be permitted until all public improvements have been installed, tested, and accepted by the City, and final inspection of the home has occurred.

(e) A tree re-vegetation plan has been submitted and approved in accordance with Section 11.060.
(2) **Plat Requirements.** After completing the requirement for tentative subdivision plan approval, the applicant shall submit a final plat and ten (10) prints to the Director. The plat shall be prepared by a registered professional land surveyor and shall contain the following:

(a) The plat shall be 18 inches x 24 inches. No part of the drawing shall be nearer to the edge of the sheet than one inch.

(b) All requirements of ORS 209.250 and ORS 92 and any other applicable state or federal regulations.

(c) Any dedications or changes required as part of tentative plan approval. Dedications shall be done in accordance with applicable local or state laws.

(d) When a future development plan is required, a note stating that development of the property is subject to the conditions of such plan.

(e) Any plat notes, restrictions, notices, and special conditions that was required to be placed on the final plat as part of tentative plan approval. The review body shall not require that the plat show graphically any information or requirement that is or may be subject to administrative change or variance.

(f) Statement or certifications verifying the source of water and sewage disposal in accordance with ORS 92.090.

(g) As a separate document, a land division guarantee from a title company.

**Signatures on a Final Subdivision Plat.**

(1) The surveyor who prepared the plat, the property owner(s), and all other parties required to sign under ORS Chapter 92 shall sign the plat.

(2) The City or County Surveyor shall sign to verify compliance with applicable survey laws of the State of Oregon.

(3) The City Finance Department shall sign to verify that all financial obligations on the property have been met.

(4) The Director of any special district shown on the final plat or any other official required by law shall sign the plat or provide certifications as required by law.

(5) The Director may sign the final plat if the final plat is in conformity with the approved tentative plan, and when all conditions of tentative plan approval have been met.
(6) The County Assessor shall sign certifying that all taxes on the property have been paid or bonded for in accordance with state law.

(7) Following (5) above, the Chairperson or the Board of County Commissioners shall sign.

(8) All signatures shall be in black permanent India type ink.

**Filing an Approved Final Subdivision Plat.** The applicant shall file the approved original subdivision plat as per ORS 92.120. After recording, the applicant shall also file one print with the Director.

**Expiration of Final Subdivision Plat.** The approved final plat shall become null and void if not filed and recorded with the County Recorder within 30 days from the date the Director signs the plat.

**General Provisions**

**Subdivision Name.** New subdivisions shall not bear a name similar to or pronounced the same as the name of any other subdivision in the Josephine County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name.

**Lot and Parcel Numbers or Letters.** All lots in a subdivision and parcels in a partition or property line adjustment shall be numbered or lettered consecutively. No partition or subdivision shall use block numbers or letters unless the subdivision is a continued phase of a previously recorded subdivision, bearing the same name, which has previously used block numbers or letters. All parcel and lot numbers or letters shall begin with the number "1" or the letter "A", except for a subdivision that is a continued phase of a previously recorded subdivision, bearing the same name, in which case the lots shall be numbered consecutively following the highest numbered or lettered lot of the previous phase(s).

**Properties Split by the Urban Growth Boundary.** When only a portion of a property is within the Urban Growth Boundary, only the portion of the property inside the boundary shall be required to meet the standards of this Code.

**Recording Multiple Plats During One Calendar Year.**

(1) Only one partition or subdivision plat may be recorded on the same land during the same calendar year, unless the subsequent plat fully encompasses all the land contained in the previous plat.

(2) A partition or subdivision plat may be recorded on one or more of the parcels of a property line adjustment plat that was recorded previously that calendar year as long as the property proposed to be platted is under, and has been under since the beginning of the year, separate legal ownership from all other abutting parcels in the property line adjustment.
Creation of Street without Partitioning or Subdividing and Properties Split by Streets.
Streets may be created through processes other than partitioning or subdividing provided the street is constructed according to the standards of Section 27 of this Code or other applicable standards, is officially accepted by the City or other governing body responsible for the street, and is deeded and/or recorded with the County Recorder in accordance with all applicable laws. Any property divided by such a street shall be considered one property until it is partitioned or subdivided.

Arterial Access. Where possible, when driveway access from arterial or major collector streets is necessary for several abutting properties, the review authority shall require that such properties be served by a combined access driveway in order to limit possible traffic hazards on such streets. An access control line shall be placed along all properties abutting arterial streets requiring access onto the lesser class street where possible.

Reciprocal Easements. Where a common drive is to be provided to serve more than one property, a reciprocal easement which will ensure access rights shall be shown on the final plat.

Blocks. Blocks shall not exceed 1200 feet in length without street separation and shall not exceed 800 feet without improved pedestrian way separation, except blocks adjacent to arterial streets or unless previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between arterial street intersections is 1800 feet.

Base Lot Standards

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

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.

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.

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.
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.

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.

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

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

(2) 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.

(3) 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.

(4) 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.

(5) 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.

17.520 Flag lots

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

(1) A street cannot reasonably or practically be created to serve the properties.

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

(3) The flag pole shall be designed such that a driveway meeting the standards of Section 27.121 (8) could be constructed within the flag pole, unless an alternative access is provided by easement. The access shall not encroach upon or cross a live stream, ravine, irrigation ditch, or similar topographic feature without provision of an adequate structure, fill, or culvert to provide
access for emergency vehicles. Any such required structure shall be constructed prior to final plat or plan approval. The review body may require the structure to be certified by a registered engineer as meeting this standard.

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

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

17.530 Authorized and Unauthorized Lots

17.531 Authorized Lots. The following are considered discrete units of land for purposes of this Code:

(1) A parcel in a partition or property line adjustment, or a lot in a subdivision.

(2) A property resulting from a property line vacation.

(3) A unit of land that was created by deed or land sales contract, duly recorded with the County Recorder, where both of the following apply:

   (a) The property was created prior to September 3, 1980 for properties inside city limits, or was created prior to July 13, 1978 for properties outside city limits.

   (b) The property was created in accordance with the lot frontage, dimension, or similar standards in effect at the time of its creation.

(4) A unit of land on one side only of a public right-of-way which was created by the conveyance of that right-of-way through an original property, where the unit of land had been approved in writing by the City of Grants Pass or Josephine County as an single unit of land for planning, zoning, and land use and development purposes prior to August 5, 1991.

(5) Any other unit of land which had written approval by the City or County to be a discrete unit of land for planning, zoning, and land use and development purposes, prior to requirements for partitioning or subdividing.

(6) A unit of land created by the sale, grant, or other conveyance of property that was formerly all or part of a public road, street, highway, or other right-of-way, that meets the applicable lot dimension standards in effect at the time of its creation.

(7) A unit of land that remained after the recording of a subdivision or condominium plat, and that was not included as a lot or lots in the subdivision or condominium, and that has been provided all required public facilities as if it were a lot in a subdivision.

(8) A unit of land declared to be a lot by the appropriate review body in accordance with the provisions of Section 17.534.
Unauthorized Lots. Notwithstanding Section 17.531 above, the following are not considered discrete units of land for purposes of this Code.

(1) Any unit of land that was not created in compliance with all applicable planning, zoning, property line adjustment, partition, and subdivision regulations in effect at the time of its creation, or that was not duly recorded with the County Recorder.

(2) A unit of land resulting from a lien foreclosure or foreclosure of a recorded contract for the sale of real property.

(3) A unit of land that existed prior to proper recordation with the County Recorder of a superseding plat, property line vacation, or similar legal deed or document.

(4) A cemetery lot.

(5) A public street, road, highway, square, right-of-way or open space.

(6) A private street or unit of land reserved as private open space.

(7) A unit of land on one side only of a public right-of-way which was created by the conveyance of that right-of-way through an original property, unless the unit of land had been approved in writing by the City of Grants Pass or Josephine County as an single unit of land for planning, zoning, and land use development purposes prior to August 5, 1991.

(8) A unit of land adjusted in dimension through the sale, grant or other conveyance of the property for a public road, street, or highway that, as a result of said conveyance, does not meet the applicable lot dimension standards of this Code.

(9) A unit of land created by the sale, grant, or other conveyance of property that was formerly a public road, street, highway, square, or other right-of-way, that did not meet the applicable lot standards in effect at the time of its creation.

(10) A unit of land that remained after the recording of a subdivision or condominium plat, and that was not included as a lot or lots in the subdivision or condominium, and that has not been provided all required public facilities as if it were a lot in a subdivision.

(11) A unit of land that was previously required by the City or County to be consolidated with another unit of land, unless the City or County has approved the unit to be discrete lot in accordance with applicable regulations in effect at the time.

(12) A unit of land created solely to establish a separate tax account.
17.533 **Signatures Required when Platting Unauthorized Lots.** Where application is made to plat lots or parcels which were previously unauthorized lots, the review body may approve the plat even though less than all of the owners of the existing authorized lot have applied for plat approval or have signed the plat.

17.534 **Lot Authorization**

In unusual circumstances the review body may authorize an unauthorized lot provided all of the following criteria are met:

1. Either the unauthorized lot was created prior to adoption of applicable subdivision and partitioning laws, or it was not created in conflict with applicable subdivision regulations.

2. No other procedure provided in this Code could be used to authorize the lot, such as partitioning.

3. No safety problems, significant public harm or undue public burden would result from declaring the property a lot.

4. Potential negative impacts to the public are mitigated to the extent possible.

17.540 **Future Development Plan**

**Applicability.** Whenever property is proposed to be partitioned or subdivided and there is potential for additional partitions or subdivisions of the property in accordance with the provisions of this Code, the partitioner/subdivider shall submit a future development plan for approval.

**Submittal Requirements, Future Development Plan.** The future development plan shall be submitted with the tentative subdivision or partition plan, either on the face of the plan or on a separate document included with each plan. The plan shall be prepared by a registered surveyor or similar professional, and shall contain the following:

1. The label "Future Development Plan."

2. Potential future lots and their dimensions, and approximate lot sizes in square feet or acres.

3. The location of current and potential future street rights-of-way with pavement widths that would adjoin or go through the property, including those streets planned in the Street Plan.

4. A future street plan when required by section 17.551 below.

5. Present and proposed future access points and street plugs for the subject and affected surrounding properties.
(6) Present and proposed future storm drains, water mains, sewer mains, and utilities, including those identified in adopted public facility plans.

Criterion for Future Development Plan Approval. The review body may approve, approve with conditions, or deny the proposed future development plan in accordance with the following criterion:

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.

Conditions of Approval for Future Development Plan. To the extent necessary to meet the criterion for approval of a future development plan, the review body may make any of the following requirements (See Concept Sketch 17 - Future Development Requirements):

(1) For properties smaller than 2.5 acres, require construction and dedication of streets and utilities in accordance with the provisions of Article 28.

(2) For properties equal to or larger than 2.5 acres, require dedication of easements for streets and rights-of-way shown on adopted street and utility plans that abut or cross the property.

(3) Restrict or allow present and/or future access at specific locations. The review body may require easements, street plugs, or access control lines to be placed on the plat to fulfill this purpose.

(4) Require standards and locations for future street and utilities.

(5) Require that certain utilities, streets, or accesses be abandoned at such a point that the City or County, as applicable, deems necessary.

(6) Require that future structures meet setbacks from future property lines.

Filing a Future Development Plan. The future development plan shall be recorded with the County Recorder as an exhibit to the approved plat. When a plan is amended, that amendment shall reference the original plan, and shall be recorded with the County Recorder.
Scenario 1: No Street Dedication Required

Scenario 2: Street Construction Required

Scenario 3: Dedication of Easement for Collector Required

Concept Sketch: Future Development Requirements
**Code Revisions.** In the event that this Code or other regulations change after the approval of a future development plan to the extent that future development plan could not be permitted under the new regulations, the applicant shall not be required to meet those portions of the plan not so permitted.

**Amendment to an Approved Future Development Plan.** At any time after the approval of a future development plan, the owner of the property may submit a revised future development plan to supersede the previously approved plan. The revised plan shall be submitted in accordance with the requirements outlined above. The plan shall meet the applicable criterion and may be subject to conditions as listed above.

17.550 **Future Street Plan**

17.551 **Applicability.** A future street plan shall be submitted along with a tentative subdivision or partition plan when either the tentative plan or the future development plan would affect the creation of streets on properties adjacent to the property being planned, other than streets already planned on the Street Plan. Otherwise, an owner of the subject properties, the Planning Commission, the City Council, or the Board of County Commissioners may initiate review of a future street plan for properties that are not under review for subdivision or partition.

17.552 **Submittal Requirements. Future Street Plan.**

The future street plan shall be submitted either on the tentative plan, the future development plan, or on a separate sheet. The plan shall contain the following:

1. Labeled as a future street plan for the streets involved.

2. North arrow, scale (an engineering scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch : 100 feet or 1 inch : 400 feet).

3. Existing and proposed property lines in the vicinity of the streets being created and their approximate size and dimensions.

4. Existing public rights-of-way and street names in the vicinity.

5. Existing uses that would affect street layout.

6. The general location and general right-of-way width for any future street that would be affected by the proposed subdivision or partition development.

17.553 **Criterion for Future Street Plan Approval.** The review body may approve, amend, or deny the proposed future street plan based on the following criterion:

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.
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### Article 18: Planned Unit Development (PUD) & Alternative Development Options

<table>
<thead>
<tr>
<th>Section</th>
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</tr>
</thead>
<tbody>
<tr>
<td>18.10</td>
<td>Purpose and Effect</td>
<td>18-1</td>
</tr>
<tr>
<td>18.11</td>
<td>Concept</td>
<td>18-1</td>
</tr>
<tr>
<td>18.12</td>
<td>Purpose</td>
<td>18-1</td>
</tr>
<tr>
<td>18.13</td>
<td>Effect</td>
<td>18-1</td>
</tr>
<tr>
<td>18.20</td>
<td>General Provisions</td>
<td>18-2</td>
</tr>
<tr>
<td>18.21</td>
<td>Applicability</td>
<td>18-2</td>
</tr>
<tr>
<td>18.22</td>
<td>Permitted Uses and Building Types</td>
<td>18-2</td>
</tr>
<tr>
<td>18.23</td>
<td>Subdivision Concurrent With PUD</td>
<td>18-2</td>
</tr>
<tr>
<td>18.30</td>
<td>Procedures</td>
<td>18-3</td>
</tr>
<tr>
<td>18.31</td>
<td>Pre-application Conference Required</td>
<td>18-3</td>
</tr>
<tr>
<td>18.32</td>
<td>Applicant Ownership</td>
<td>18-3</td>
</tr>
<tr>
<td>18.33</td>
<td>Review Procedure Schedule</td>
<td>18-3</td>
</tr>
<tr>
<td>18.34</td>
<td>Appeals</td>
<td>18-3</td>
</tr>
<tr>
<td>18.40</td>
<td>Preliminary Plan Review and Action</td>
<td>18-3</td>
</tr>
<tr>
<td>18.41</td>
<td>Complete Submittal</td>
<td>18-3</td>
</tr>
<tr>
<td>18.42</td>
<td>Referral for Review</td>
<td>18-3</td>
</tr>
<tr>
<td>18.43</td>
<td>Criteria for Approval</td>
<td>18-3</td>
</tr>
<tr>
<td>18.44</td>
<td>Conditions</td>
<td>18-5</td>
</tr>
<tr>
<td>18.45</td>
<td>Expiration and Extension of Preliminary Plan</td>
<td>18-5</td>
</tr>
<tr>
<td>18.46</td>
<td>Staged Development</td>
<td>18-5</td>
</tr>
<tr>
<td>18.50</td>
<td>Submittal Requirements - Preliminary Plan</td>
<td>18-5</td>
</tr>
<tr>
<td>18.51</td>
<td>Preliminary Plan</td>
<td>18-5</td>
</tr>
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<td>18.52</td>
<td>General Requirements</td>
<td>18-7</td>
</tr>
<tr>
<td>18.60</td>
<td>Final Plan Review and Action</td>
<td>18-8</td>
</tr>
<tr>
<td>18.61</td>
<td>Standards for Approval</td>
<td>18-8</td>
</tr>
<tr>
<td>18.62</td>
<td>Modification of the Final Plan</td>
<td>18-8</td>
</tr>
<tr>
<td>18.63</td>
<td>Criteria for Approval</td>
<td>18-8</td>
</tr>
<tr>
<td>18.64</td>
<td>Agreement to Meet Conditions</td>
<td>18-9</td>
</tr>
<tr>
<td>18.65</td>
<td>Filing an Approved Final Plat as Part of a PUD</td>
<td>18-9</td>
</tr>
<tr>
<td>18.66</td>
<td>Filing Approved Final Plan</td>
<td>18-9</td>
</tr>
<tr>
<td>18.70</td>
<td>PUD Development</td>
<td>18-9</td>
</tr>
<tr>
<td>18.71</td>
<td>Development in Conformity to Approved Final Plan</td>
<td>18-9</td>
</tr>
<tr>
<td>18.72</td>
<td>Failure to Comply</td>
<td>18-9</td>
</tr>
<tr>
<td>18.73</td>
<td>Revocation of Development Permit</td>
<td>18-10</td>
</tr>
<tr>
<td>18.80</td>
<td>Submittal Requirements - Final Plan</td>
<td>18-10</td>
</tr>
<tr>
<td>18.81</td>
<td>Submittal Requirements</td>
<td>18-10</td>
</tr>
<tr>
<td>18.90</td>
<td>Planned Unit Development (PUD) Development Standards</td>
<td>18-10</td>
</tr>
<tr>
<td>18.91</td>
<td>Density Determination</td>
<td>18-10</td>
</tr>
<tr>
<td>18.92</td>
<td>Residential Development Standards Apply</td>
<td>18-11</td>
</tr>
<tr>
<td>18.93</td>
<td>Indoor Recreation Area</td>
<td>18-11</td>
</tr>
<tr>
<td>Section</td>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>18.94</td>
<td>Maintenance of Facilities by Homeowners' Association</td>
<td>18-12</td>
</tr>
<tr>
<td>18.95</td>
<td>Ownership</td>
<td>18-12</td>
</tr>
<tr>
<td>18.96</td>
<td>Professional Design</td>
<td>18-12</td>
</tr>
<tr>
<td>18.97</td>
<td>Limitations on Commercial Uses in Residential PUD</td>
<td>18-13</td>
</tr>
<tr>
<td>18.100</td>
<td>Revision or Termination of a PUD</td>
<td></td>
</tr>
<tr>
<td>18.300</td>
<td>Alternative Development Option: Cottage Developments</td>
<td>18-16</td>
</tr>
<tr>
<td>18.310</td>
<td>Purpose, Concept and Guiding Principles</td>
<td>18-16</td>
</tr>
<tr>
<td>18.311</td>
<td>Purpose</td>
<td>18-16</td>
</tr>
<tr>
<td>18.312</td>
<td>Concept</td>
<td>18-17</td>
</tr>
<tr>
<td>18.313</td>
<td>Guiding Principles</td>
<td>18-17</td>
</tr>
<tr>
<td>18.320</td>
<td>Applicability and Review</td>
<td>18-22</td>
</tr>
<tr>
<td>18.321</td>
<td>Definitions SEE Article 30</td>
<td>18-23</td>
</tr>
<tr>
<td>18.322</td>
<td>Submittal Requirements and Review Procedures</td>
<td>18-23</td>
</tr>
<tr>
<td>18.325</td>
<td>Approval Criteria</td>
<td>18-23</td>
</tr>
<tr>
<td>18.330</td>
<td>Permitted Uses and Structures within a Cottage Development</td>
<td>12-23</td>
</tr>
<tr>
<td>18.332</td>
<td>Limitations on Use and Accessory Uses</td>
<td>18-24</td>
</tr>
<tr>
<td>18.340</td>
<td>Density</td>
<td>18-24</td>
</tr>
<tr>
<td>18.350</td>
<td>General Site Requirements</td>
<td>18-24</td>
</tr>
<tr>
<td>18.360</td>
<td>Building Requirements</td>
<td>18-29</td>
</tr>
</tbody>
</table>
Article 18: Planned Unit Development (PUD) & Alternative Development Options

18.10 Purpose and Effect

18.11 Concept. The Planned Unit Development is a process of design and review, and the results of this process are variable. The results may include different building types, land divisions and development types. The Base Development Standards of the Zoning Districts, Article 12, and the Base Lot Standards of Land Divisions, Article 17, represent the historic method of ensuring a safe, livable and economic community. The Planned Unit Development process is intended to permit development using alternate standards to occur, and yet maintain the safety, livability and economy of the community.

18.12 Purpose. The purpose of the Planned Unit Development process is as follows:

(1) To provide an alternate development process and alternate development standards to the Base Development and Lot Standards set forth in Articles 12 and 17 of this Code, and embodied in much of the established areas of the City.

(2) To encourage land use and development based upon the unique physical opportunities and constraints of each particular site, so that the outdoor living environment becomes an integral rather than an incidental feature of the design, and the overall appearance and livability of the community is enhanced.

(3) To encourage diversity in building types, site arrangement and ownership of real property.

(4) To encourage the greatest economic use of the land, and to lower unit development costs, in exchange for better use of open space, more recreational facilities, and greater resource conservation than possible using the Base Standards of this Code.

(5) To provide a development product which is equal to or superior to that possible under the Base Standards of this Code.

(6) To recognize the need to protect and buffer dissimilar development in the established districts, and to set a good precedent for future development in developing districts.

18.13 Effect. The Planned Unit Development, as finally approved, shall have the effect of varying the Base Development Standards of all Zoning Districts as contained in Article 12 of this Code, and the Base Lot Standards of Partitions and Subdivisions, Section 17.510 of this Code, without need of other variance procedure, but only insofar as indicated in the approved Planned Unit Development Plan and attached conditions. All other provisions of this Code shall apply.
18.21 **Applicability.** The provisions of this Section apply to all land within the City Limits or proposed for annexation to the City. For all Planned Unit Developments, no land, interests in land, unit ownership or tax segregation shall be created for sale prior to final approval of the Planned Unit Development. For those Planned Unit Developments including the subdivision or partition of lands, no land, interests in land, unit ownership or tax segregation shall be created for sale prior to final approval of both the Planned Unit Development and the Subdivision or Partition.

18.22 **Permitted Uses and Building Types**

(1) **Residential PUD.** *A greater variety of uses can be permitted through the PUD process provided the overall development meets the requirements of this chapter.*

(a) Uses are permitted consistent with the applicable Zoning District.

(b) The following residential uses are permitted as a component of a PUD in addition to permitted residential uses:

(i) Single-family detached dwellings and duplex dwellings in the R-3-2, R-4-2 and R-5 zones.

(ii) Townhouses and cottage developments in the R-4-2 and R-5 zone.

(iii) Multi-dwellings in the R-1-12, R-1-10, R-1-8, R-1-6 and R-2 zones.

(c) In addition, open space, playgrounds, recreation facilities, and recreation and community centers are also permitted, but only when serving PUD residents, their families and nonpaying guests, unless otherwise permitted in the applicable Zoning District.

(d) Building types are permitted as provided in Section 12.131 of this Code.

(2) **Commercial or Industrial PUD.** Uses are permitted consistent with the applicable Zoning District.

(3) **Mixed Use Residential/Commercial PUD.** Uses are permitted consistent with the applicable Zoning District.

18.23 **Subdivision Concurrent with PUD**

(1) **Requirement.** For PUD requests involving partitioning or subdividing of land, interests in land, unit ownership, or involving tax lot segregation, a
Preliminary Map or Plan and a Final Map or Plat shall be prepared as provided in Article 17 of this Code.

(2) **Combined Map or Plat.** Where practical, the Partition Maps or Subdivision Plats required by the Sections cited in Section 18.023 (1) above may be combined with the PUD Plan required by this Article, provided that all of the submittal requirements for each Section are satisfied.

(3) **Procedure Type.** A concurrent subdivision or partition and Planned Unit Development application shall be processed as a Planned Unit Development, except that the procedure type shall be the highest type required by Article 17, Lots and Creation of Lots, or Article 18, Planned Unit Development.

(4) **Criteria.** For a concurrent application, the approval, approval with conditions or denial of the PUD Plan shall be based upon the criteria for a Planned Unit Development while the approval, approval with conditions, or denial of the Partition Map or Subdivision Plat itself shall be based upon the criteria for a partition or subdivision, excepting only Section 17.510, Base Lot Standards.
18.30 Procedures

18.31 Pre-application Conference Required. Prior to submitting a Preliminary Plan for review, the applicant shall request a pre-application conference with the Director as provided in Section 3.033 of this Code.

18.32 Applicant Ownership. Application for PUD’s may be filed by a person(s) having an equitable interest in the property. The application shall be filed in the name(s) of the recorded owner(s). The applicant shall evidence a full ownership interest in the land, legal title or the execution of a binding sales agreement, prior to final approval of the application.

18.33 Review Procedure Schedule. The procedures are structured to ensure adequate public review for Planned Unit Developments requiring through extensions of streets, requiring changes to the Official Street Map, and located adjacent to a Zoning District of a less dense or less intensive land use, and to expedite all other Planned Unit Development review. PUD applications shall be processed according to Schedule.

18.34 Appeals. The final action of the review body may be appealed as provided in Article 10 of this Code.

18.41 Preliminary Plan Review and Action

18.42 Complete Submittal. Prior to review of the requests, a complete application must be accepted by the Director as provided in Section 3.050 of this Code.

18.43 Referral for Review. As provided in Section 3.071 of this Code, the Director shall distribute copies of the Preliminary Plan to:

1. Applicable School District.
2. Applicable Citizen Participation Committee.
4. Affected Governmental Agencies and Other Special Districts.
5. Affected Public and Private Utilities.
6. Applicable Site Plan Review Committee.
7. Others, as determined by the Director. Any comments received will be included in the staff report as part of the official record and distributed to the reviewing body.

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

1. Development of any remaining contiguous property under the same ownership can be accomplished as provided in this Code.
(2) Adjoining land under separate ownership can either be developed or be provided access that will allow its development in accordance with the Comprehensive Plan and this Code.

(3) The proposed street plan affords the most economic, safe, efficient and least environmentally damaging circulation of traffic possible under existing circumstances.

(4) The Preliminary Plan complies with applicable portions of the Comprehensive Plan, this Code, and State and Federal laws.

(5) The project results in an equal or superior product than would have resulted from following the Base Development Standards of the applicable Zoning District, as provided in Article 12 of this Code, or the Base Lot Standards of Land Divisions, as provided in Article 17 of this Code.

(6) The proposal results in a balanced exchange: for the developer, flexible development standards, maximum land utilization and alternate ownership options; flexible mix of uses to meet desired density levels; for the Community, greater preservation of natural features and natural resources, greater proportions of useable open space and recreation facilities; or other community benefit for both, a greater opportunity for housing at all income levels.

(7) Potential impacts to adjoining properties have been adequately mitigated through site design and attached development conditions. These conditions include the following protections:

(a) Providing the necessary information to complete the tree chart identified in Section 11.401.

(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 that are greater than 100%.

(c) No fills may 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 nor create any retained slopes greater than 100%.

(8) All utilities, access ways, open space and recreation areas not dedicated to the public are owned and maintained by a Homeowners' Association or other acceptable private legal entity with the responsibility for and capability of adequate maintenance and care of such facilities, to the satisfaction of the City Attorney and City Engineer.

(9) The applicant has demonstrated the ability to finance the project through final completion.
Conditions. Conditions of approval may be attached to the Preliminary Plan by the review body as required to comply with the provisions of this Code or State and Federal laws. Additional conditions may be imposed, but only those conditions necessary to mitigate the impacts resulting from varying Base Development Standards and the Base Lot Standards of this Code. All conditions of approval shall be satisfied prior to Final Plan approval.

Expiration and Extension of Preliminary Plan.

(1) Expiration. Except as provided in Section 18.047 for phased development, within 24 months following the effective date of approval of a Preliminary Plan, the Final Plan shall be submitted to the Director and shall incorporate any modification or condition required by the approval of the Preliminary Plan.

(2) Extension. The Director may, upon written request by the applicant, grant an extension of the expiration date up to six months. Upon granting such an extension, the Director shall make written findings that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the Preliminary Plan and that no other development approval would be affected.

Staged Development. When an applicant desires to develop Planned Unit Developments in stages, then the review body may authorize a time for the submittal of the Final Plan and development of various stages. The time period may exceed one year, but in no case shall the total time period for all stages exceed five years without resubmission of the Final Plan for review and approval. Each stage so developed shall conform to the applicable requirements of this Code. Stages developed after one year are subject to modifications in accordance with any changes in the Comprehensive Plan or this Code. For staged development of a PUD involving partitioning or subdivision of land, see Article 17.

Submittal Requirements - Preliminary Plan

Preliminary Plan. The Preliminary Plan shall contain the following information:

(1) Contour Map and Natural Features Map

(a) Existing contour and natural features map at 2, 5, or 10 foot intervals, as appropriate, drainage, irrigation, 100 year flood plain (showing floodway channel and floodway fringe, as applicable) and other water courses; prominent landforms including slope description at the following intervals:

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<th>Overall Site Slope</th>
<th>Contour Interval</th>
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<td>0 to 5 percent</td>
<td>2 feet</td>
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<tr>
<td>5 to 15 percent</td>
<td>5 feet</td>
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Slope Hazard areas shall be indicated as follows:

<table>
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<tr>
<th>Slopes 15% to 25%</th>
<th>light shading</th>
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<tr>
<td>Slopes exceeding 25%</td>
<td>heavy shading</td>
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(b) If the property is located within the Slope Hazard District, see Section 13.120 for additional submittal requirements.

(c) Existing vegetation, showing specific locations of riparian habitats, forest cover, and significant size trees.

(d) Significant size trees to be protected and remain during and after construction.

(2) **Buildings and Structures.** Location and floor area, size of all existing and proposed structures, and other features including maximum heights, types of dwelling units, and non-residential structures; renderings and elevations of typical structures.

(3) **Public Areas.** The location and approximate size of all areas to be dedicated for public ownership and use, including streets, parks and schools.

(4) **Open Space: Public, Private and Common.** The location and size of all areas for use as outdoor open space. The map shall delineate limits of individually owned lots (private), patio-garden areas for individual unit use (private easement) and all remaining areas to be commonly owned and maintained (public and common).

(5) **Circulation - Access.** The location, widths and material of all areas proposed for vehicle, pedestrian, and bicycle circulation. Statement as to private or public street ownership, and areas proposed for on-street parking, if any.

(6) **Off-Street Parking.** Location and number of required parking spaces.

(7) **Utilities.** Existing and proposed utility systems, including sanitary sewer, storm drains and storm water detention areas, water, fire hydrants, electricity, gas, telephone lines, and cable T.V. Any required public or private easements to be shown on Final Plan.

(8) **Landscape Plan.** A general landscape plan indicating location and amounts of areas to be landscaped, and general landscape material to be used. A specific landscape plan shall be submitted for review and approval prior to issuance of a building permit.

(9) **Surrounding Land Use.** Indicate the relationship between the proposed PUD and the existing and proposed adjacent land uses; provide information
showing existing zoning and land and uses within a 250 foot radius from the PUD's perimeter.

(10) **PUD Perimeter Buffering.** Show proposed treatment of the PUD perimeter, including screens, fences, setbacks, windows and walls.

(11) **Grading Plan.** A tentative grading plan indicating cuts, fills, retaining walls and resulting slope steepness.

(12) **Phasing.** If phased development is proposed, the Plan shall show the limits of each phase. Phasing shown on the Plan shall be consistent with the development schedule.

(13) **Statement of Proposed Financing.** A general statement showing commitment of lenders or applicant's ability to finance the project through to completion.

(14) **Solar Standards.** Documentation shall be provided indicating that the planned unit development either complies with Solar Setback requirements of Section 22.620 of this Code and the Solar Lot Design Standards of Section 22.630 of this Code, or that applicant proposes to vary these standards through the Planned Unit Development process.

(15) The City Engineer may require a traffic analysis, as per Section 27.121(3), for any new development to determine the development's potential impact on the existing transportation system. At a minimum, the impact of development on transportation facility performance shall be mitigated to the standards set forth in Section 27.121(2).

18.52 **General Requirements.** In addition to the Preliminary Plan, the submittal shall contain the following:

(1) **Project Intent.** A statement describing the objectives to be achieved through the PUD process that cannot be achieved through the conventional land development process. The statement shall include a description of the character of the proposed project and some of the rationale in choosing the development concept.

(2) **Development Schedule.** A statement indicating the approximate construction dates for beginning and ending the project, including any proposed phases of stages of development.

(3) **Ownership Status.** A statement of intention to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.

(4) **Land Use Data.** A quantitative description of the following:

(a) Total Acres Site (Acres)

(b) Area Dedicated to Public Right of Way (Acres)
(c) Useable Acres Site (Acres - item [a] minus item [b])

(d) Density Factor Used (du/Acre)

(e) Maximum Allowable Dwelling Units (du - item [c] times item [d])

(f) Actual Dwelling Units (du)

(g) Area Recreation/Open Space (Acres and % Useable Site)

(h) Area Impervious Surface (Acres and % Useable Site)

(i) As an alternative to steps (d) and (e) above, developments proposing middle housing should calculate the maximum allowable number of lots based on [c] divided by minimum lot size for proposed dwelling type(s) in the applicable Zoning District. The description should also include the total number of lots by housing types and total dwelling units, as part of [f].

18.060 Final Plan Review and Action

18.61 Standards for Approval. Within 24 months of Preliminary Plan approval, or not later than the extension date authorized by the Director, a Final Plan shall be submitted to the Director for review. Within 25 days of submission, the Director shall determine whether the Final Plan conforms to the approved Preliminary Plan and conditions, and conforms to the applicable requirements of this Code. If the Final Plan substantially conforms to the approved Preliminary Plan, it shall be reviewed through a non-discretionary, administrative procedure.

18.62 Modification of the Final Plan. When Final Plan fails to conform to the Preliminary Plan, the applicant may petition for a modification.

(1) Major Modification. When modification to an approved Preliminary Plan is determined to be a Major Modification, the Final Plan shall be reviewed using the same review procedure that the preliminary plan required. A Major Modification constitutes one or more of the following:

(a) An increase in the density of the development.

(b) Modifications or changes to the proposed utility plan. Changes must conform to the adopted utility plans and the requirements of Article 28.

(c) Modifications or changes that enlarge the boundaries of the approved plan or the general location or amount of land devoted to a specific land use, including open space.

(2) Minor Modification. A minor modification to an approved preliminary plan may be made by the Director provided the Director determines the
modification does not constitute a major modification.

18.63 Criteria for Approval. The decision to approve or deny the Final Plan shall be based upon the following criteria:

(1) Conformance with the approved Preliminary Plan.

(2) Compliance with conditions of approval.
3. Adoption of proposed Future Street Plan by the governing body, or conformance with the Official Street Map or previously adopted Street Plan.

18.64 Agreement to Meet Conditions. As part of the approving action, the developer must demonstrate to the satisfaction of the review body that all required offsite and onsite improvements and conditions of approval have been satisfied or guaranteed in accordance with the provisions of Article 28, Utility Standards.

18.65 Filing an Approved Final Plat as Part of a PUD. If a subdivision of land is included as a part of the PUD, and after obtaining all required approvals and signatures as provided in Section 17.225, the applicant shall:

1. File the Map or Plat with the County Clerk within 30 days. Failure to file within 30 days will render the Final Plat null and void, and will require resubmission of the Preliminary Plat to the Planning Commission.

2. Immediately after Final Plat approval, file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS Chapter 92.

3. File copy of survey with the County Surveyor and City Engineer.

18.66 Filing Approved Final Plan. Within 30 days of final approval of the Final Plan, if units of ownership not involving the subdivision or partitioning of land are to be offered for sale, the applicant shall file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS 92. Failure to file within 30 days shall render the Final Plan null and void, and will require resubmission of the Preliminary Plan to the review body.

18.70 PUD Development

18.71 Development in Conformity to Approved Final Plan

1. The applicant shall enter into a Development Agreement which binds him, his successors and assigns to the approved Final Plan and development conditions. Deed restrictions shall be recorded by the applicant which will serve to notice future owners and/or developers to the development requirements of the approved Final Plan.

2. The approved Final Plan and authorized staged development schedule shall control the issuance of development and building permits. Minor changes to an approved Final Plan may be authorized by the Director if such changes are consistent with the purpose, general character and attached conditions of the Final Plan. All other changes shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.

18.72 Failure to Comply. Failure to comply with preliminary or final plans, conditions of approval, or staged development schedule, shall constitute a violation of this Code as prescribed in Section 1.060.
18.73 Revocation of Development Permit. In the event of failure to comply with approved plans, conditions of approval, or staged development schedule, the Director shall initiate, and the Planning Commission may revoke a PUD Development Permit as provided in Section 1.062.

18.80 Submittal Requirements - Final Plan

18.81 Submittal Requirements. The Final Plan shall be sufficiently detailed to indicate fully the ultimate appearance of the development, and shall include all information of the Preliminary Plan, plus the following:

1. Detailed building, elevation, and landscaping plans.
2. The size and location of signs.
3. Locations and dimensions of all easements.
4. Plans and profiles for street improvements.
5. Grading and erosion control plans.
6. Copies of legal documents required for dedication or reservation of public facilities, and for the creation of a homeowners' association.
7. When the sale of individual units or parcels of land within a PUD is proposed, the Final Plans shall include adherence to the provision for land divisions, Article 17.
8. A tree re-vegetation plan has been submitted and approved in accordance with Section 11.060.

18.90 Planned Unit Development (PUD) Development Standards

18.91 Density Determination

1. Potential Units. A Planned Unit Development may use public or private streets, but in either case, rights of way do not have to be deducted from the total site area prior to determining maximum dwelling units. Increases in actual density of 10% to 20% are often accomplished. The degree to which the applicant benefits from this potential increase in actual density shall depend on the effectiveness of the PUD design in meeting the purpose and approval criteria for the PUD as provided in Sections 18.012 and 18.043.

2. Density bonus for open space. Within a residential PUD, applicants may earn a density bonus of one dwelling unit per acre for each acre of open space that is provided in excess of the minimum required. The open space shall be set aside and permanently protected from future development through a deed restriction or other instrument acceptable to the City.

3. Density Range. The applicant, therefore, has a range to work with in terms of...
maximum dwelling unit yield. At the low end of the range, applicant deducts actual area utilized for streets (public or private) and then determines potential units.

Example: 6 acres (total site area) minus 1.2 acres (streets) equals 4.8 acres (usable site area used to calculate number of units). Multiply 4.8 x 5.5 (density factor for Low Density Comp Plan) = 26.4 units = 26 units. If actual street area is unknown, deduct a normal standard of 20%.

At the high end of the range, applicant does not deduct any area used for public or private streets and takes advantage of the density bonus for open space in accordance with (2) above.

Example: 6 acres (total site area) x 5.5 (density factor for Low Density Comp Plan) equals 33 units plus 2 additional units for setting aside 2 acres of open space = 35 units.

The review body may require density at the low end of the range, or at any intermediate point up to the high end of the range, depending on how well the applicant meets the criteria and purpose of the PUD. Therefore, the applicant has an incentive to pull together the best possible design to achieve his maximum potential units.

18.92 Residential Development Standards Apply. The development standards for residential dwelling units as provided by Article 22 of this Code shall apply to all residential development utilizing the PUD approach.

18.93 Indoor Recreation Area

(1) In all Planned Unit Developments having 50 living units or more, indoor recreation area shall be established using the following minimum guidelines:

(a) Ten square feet of indoor recreation area for each living unit in the development.

(b) Play equipment, athletic facilities, and/or game room facilities and equipment in amounts commensurate with the size of the building or room, to be maintained by the property owner or owners' association.

(c) At least one restroom for all indoor recreation buildings or rooms under 600 square feet and two restrooms for all indoor recreation buildings or rooms 600 square feet or greater.

(d) All indoor recreation rooms and buildings shall be fully lighted, heated and shall meet all uniform building codes and should be designed primarily for the use of the residents of the PUD, their families and nonpaying guests.

(e) The off-street parking requirements for recreation rooms and buildings shall be one space per each 150 square feet of floor area. This requirement shall be in addition to any parking required for residents.
Alternative to Indoor Recreation Area. The requirement for indoor recreation area may be waived by the review body where increased opportunity for outdoor recreation is provided in addition to the requirements of Section 18.093(1). Such opportunities may include court sports, playgrounds, golf, swimming, or other exceptional treatment of open spaces.

18.94 Maintenance of Facilities by Homeowners' Association

(1) Whenever private outdoor living area is provided for the use of all residents of the PUD, whether by common ownership or by easement or other legal device, the review body shall require that an association of owners be created under the laws of the State of Oregon. Owners of subject property shall automatically be members, and shall be subject to assessments levied to maintain the private outdoor living area held in common for the purposes intended, and in a manner meeting the requirements of the City Municipal Code.

(2) Prior to and as a requirement of approval of the Final Plan, the City Attorney and the City Engineer shall review and approve the Owners' Association bylaws, articles of incorporation and restrictive covenants and conditions.

18.95 Ownership

(1) The property included in a PUD must be in one ownership, joint ownership, or under control of the applicant.

(2) Unless otherwise provided as a condition of PUD approval, the applicant may divide and transfer title of phases of units within a PUD provided that either state law regarding condominiums is adhered to, or state and local provisions regarding subdivisions and are adhered to. In both situations, the Preliminary Plan shall include a proposal for the division, as applicable. Any complete phases of a PUD that are partitioned or subdivided and sold must be complete entities in themselves in terms of meeting all open space, recreation, landscaping, parking, public facilities and services, and any other special requirements for PUD's.

18.96 Professional Design

(1) The applicant shall certify in writing that each of the following categories of design professionals shall be utilized in the planning process for development:

(a) Licensed architect or certified architectural designer.

(b) Landscape architect or certified nurseryman, or landscape designer as approved by the Director.

(c) Registered engineer or land surveyor.
(2) The applicant or his designated representative shall be responsible for conferring with the Director with respect to the concept and details of the Plan.

18.97

Limitations on Commercial Uses in Residential PUD

The following limitations apply in PUDs in a residential zone:

(1) The total amount of land dedicated to trade or service uses (including required parking) within the residential PUD shall not exceed 10 percent (10%) of the total PUD site area.

(2) Individual buildings containing trade and service uses shall not have a footprint larger than 20,000 square feet.

(3) Trade or service uses may be located along an abutting arterial, within the interior of the PUD, or in other locations that will not impact adjacent residential uses outside the PUD.

(4) The proposed street plan shall be designed to ensure safe and efficient access to the proposed trade or service use(s).

(5) Mitigation. Trade or service uses within a residential PUD may require mitigation of potential land use conflicts. Issues needing mitigation may include, but are not limited to: dust, odors, noise, interference with TV/radio transmissions, electrical interference, vibrations, heat, smoke, visual interference including glare and excess lighting, storage of flammable and hazardous materials, traffic, parking and interference with residential character of a neighborhood.

Methods of mitigation may include, but are not limited to: limiting the hours of operation; limiting the hours of deliveries; buffering; controlling the number of clients on-site at any given time and the total number of customers per day; controlling the number of on-site parking spaces; restricting the type of equipment, supplies, chemicals that may be stored onsite; and limiting the type and amount of signage.

18.100

Revision or Termination of a PUD

(1) The expansion or modification of a PUD approved under earlier PUD ordinances of the City or the revision of a Preliminary or Final PUD Plan shall follow the same procedures required for initial approval of a Preliminary PUD Plan in this Section, provided:

(a) Application for Revision; Filing Materials; Procedures:
(i) An application to revise an approved PUD Plan shall be on forms supplied by the City. The application form shall bear the signature of the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD and who are also the owner(s) of land and improvements within the PUD which constitute more than fifty percent (50%) of the total assessed value of vacant portion of the PUD.

(ii) For changes deemed by the Director to be minor but not de minimis, the Director shall exercise appropriate discretion under this Section to limit or waive the submittal of filing materials deemed to be excessive, repetitive or unnecessary based upon the scope and nature of the proposed PUD revisions.

(iii) PUD revisions shall follow the same procedures used for initial approval of a Preliminary PUD Plan.

(b) Consolidated Procedure: At the discretion of the Director, revisions to an approved PUD Plan may be consolidated into a single procedure, the effect of which will be the approval of both a Preliminary PUD Plan and Final PUD Plan by the Planning Commission.

(c) Burden of Proof; Criteria for Revisions: The burden of proof and supporting findings of fact and conclusions of law for the criteria in all applicable codes, shall be strictly limited to the specific nature and magnitude of the proposed revision. However, it is further provided that the design and development aspects of the whole PUD may be relied upon in reaching findings of fact and conclusions of law. It is further provided that before the Planning Commission can approve a PUD Plan revision, it must determine that the proposed revision is compatible with existing developed portions of the whole PUD.

(d) De minimis Revisions: The Director may approve revisions to an approved Preliminary or Final PUD Plan that are determined to be de minimis.

(i) Proposed revisions shall be considered de minimis if the Director determines the changes to be slight and inconsequential and will not violate any substantive provision of this Code.

(ii) The Director's written approval of a de minimis revision(s) shall be appended to the Final Decision of the Planning Commission or final approval of the Director of the Final PUD Plan.
(iii) Revisions that are de minimis shall not require public notice, public hearing or an opportunity to provide written testimony. However, if, while the record is open, any party requests in writing to be notified of future de minimis revisions of a Preliminary PUD Plan, then all de minimis revisions of a Preliminary PUD Plan shall be subject to review as may be permitted or required by law.

(2) A Commercial or Industrial Use PUD may be terminated by action of the Urban Area Planning Commission subject to the following procedures:

(a) If substantial development of the PUD has not occurred or if no lots or units therein have been sold, the PUD may be terminated as provided in this section.

(i) Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than fifty percent (50%) of the land covered by the approved PUD and which also constitutes more than fifty percent (50%) of the total assessed value of land and improvements of the PUD.

(ii) Upon receipt of a valid petition, the Planning Commission shall consider the matter in open meeting and shall declare the PUD terminated.

(iii) The Planning Commission's termination of a PUD shall be evidenced by a Final Decision declaring the same. When the Final Decision is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect.

(iv) Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.

(b) If substantial development of the PUD has occurred or if lots or units within the PUD have been sold, the PUD may be terminated as provided in this section.

(i) Termination proceedings may be initiated by filing with the City a written petition signed by the owner(s) who control a majority interest in more than fifty percent (50%) of the vacant land covered by the approved PUD which also constitutes more than fifty percent (50%) of the total assessed value of vacant land within the PUD.

(ii) If there is an association of owners established within the boundaries of the whole PUD, the owner(s) petitioning for termination of the PUD shall also supply the City with the
correct mailing address of the association which shall be notified along with others entitled to notice under this Subsection.

(iii) Upon receipt of the petition, the Planning Commission shall give public notice of the proposed PUD termination and conduct a public hearing on the matter. Notice and public hearing shall be subject to a Type III Procedure pursuant to Schedule 2-1 in GPDC Article 2.

(iv) The Planning Commission shall declare the PUD terminated if it concludes that the termination will not produce greater than minimal harm to the public health, safety or general welfare.

(v) The Planning Commission's termination of a PUD shall be evidenced by a Final Decision declaring the same and after the Final Decision is signed the PUD shall be terminated and previous PUD Plan approvals shall be considered void and of no further effect.

(vi) Termination of a PUD shall not affect other land use actions taken by the City which concern the PUD property.

Notwithstanding any approved deviations from other code requirements, at the termination of any PUD, or any section of a PUD, all standard requirements of the Development Code shall apply. This shall include, but not be limited to, Articles 12, 27, and 28.

18.300 Alternative Development Option: Cottage Developments

18.310 Purpose, Concept and Guiding Principles

18.311 Purpose

This section establishes standards for cottage housing development as an alternative housing choice in order to encourage creation of usable common open space in residential communities; promote neighborhood interaction and safety through design; ensure compatibility with surrounding neighborhoods; and provide opportunities for creative infill development.

Cottage Development is a grouping of four to twelve small, single-family dwelling units clustered around a common open space area and developed with a coherent plan for the entire site. Cottage units may have other shared amenities. The shared common area and coordinated design may allow densities that are somewhat higher than typical in single-family neighborhoods possible while minimizing impacts on adjacent residential areas.
18.312 Concept

(1) The standards of this chapter provide a voluntary option to allow compatible infill development with an automatic density bonus together with standards designed to limit the intensity of development and provide for high-quality construction. Density standards address the number of dwellings per acre. Intensity standards address how spacious a development feels. Intensity standards address elements such as amount and arrangement of dwellings, lot coverage, and open space.

(2) By reviewing cottage development (and the associated land division, if applicable) with a set of cohesive standards, it is possible to ensure higher-density development occurs in a way that is compatible with the surrounding area.

18.313 Guiding Principles

The following elements are intended to guide cottage developments to foster community and ensure a balance between privacy, security, and neighborhood interaction. The guiding elements are encouraged. The city may require proposed cottage development to be consistent with the guiding elements.

(1) Shared Open Space. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care, and oversight, thereby enhancing a sense of security and identity.

(2) Active Commons. Development can be arranged to encourage community interaction in the commons. This can be achieved by arrangement of mailboxes, parking areas, and common buildings, and by orienting front doors toward the commons. Rather than having homes turn their backs to their neighbors, active interior rooms can be oriented so they look onto the active commons.

(3) Common Buildings. An advantage of living in a cottage development is being able to have shared buildings. These can be simple and inexpensive shared amenities such as a tool shed, outdoor barbeque, or picnic shelter. A multipurpose room with a kitchenette, bathroom, and storage room can be used to host community events such as potlucks, meetings, exercise groups, and movie nights.

Example: Common buildings

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company
(4) Adequate Parking that does not Dominate. Parking areas should be located so they are shielded or screened from the surrounding neighborhood, adjoining public street, and the central commons. Parking areas can also be located and arranged to encourage interaction of residents and guests. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes.

(5) Connection and Contribution to the Neighborhood. A cottage development should make the neighborhood a better place. The site should be designed to connect and contribute to the fabric of the surrounding houses and streetscape. The development should be designed to make improvements that serve both personal needs and the larger community at the same time.

Example: Connection and Contribution to Neighborhood

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company

(6) Eyes on the Commons. When the active spaces of the houses look onto the shared common areas, safety for all residents is enhanced.
(7) **Layers of Personal Space.** When living closer together, the design and relationship of public and private space is important. It is desirable to help define and provide for transitions from public to semi-private to private space. Creating multiple ‘layers of personal space’ will help achieve the right balance between privacy and community.

This can be achieved between the cottage development and its surrounding neighborhood, as well as between the commons and homes within the cottage development. At the transition between the public street and the semi-public commons, this can be achieved by creating a passage of some sort: a gateway, arbor, or narrowed enclosure of plantings, for example.

Between the commons and the front door of the homes, this can be achieved by creating a series of layers such as a private yard with a low fence and/or border of shrubs and flowers at the edge of the sidewalk, a covered porch with a low railing and flowerboxes, and then the front door. With this layering, residents will feel comfortable being on the porch with enough enclosure to be private, with enough openness to acknowledge passersby.

**Example: Layers of Personal Space**

*Project:* Greenwood Avenue Cottages in Shoreline, WA  
*Architect:* Ross-Chapin Architects  
*Developer:* The Cottage Company

(8) **Private Space and a Place for Planting.** Include private ground space for each dwelling, such as a small yard or a planting bed. Locating at least some of the private garden in view of the shared common area provides a personal touch that contributes to the character of the commons, as well as a way of fostering connections with neighbors, and transitioning between public and private space.
(9) Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space, and height of railings are important to creating strong community connections.

(10) Nested Houses. Residences should be designed with open and closed sides so that neighboring homes ‘nest’ together. This means the open side has large windows facing its side yard, while the closed side has high windows and skylights to bring in ample light while preserving privacy. The result is that neighbors do not peer into one another’s living space.

(11) Smaller, High-Quality, Well-Designed Dwellings. Slightly smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood. Together, the common areas and individual home elements, such as the porch, gardens and shared common buildings, serve as additional living area. There are opportunities for privacy while fostering connection among neighbors with a spacious feeling and without a sense of overcrowding.
### Additional Illustrations of Key Guiding Principles and Cottage Development Elements

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<tr>
<th>Element</th>
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<tr>
<td><strong>Shared open space</strong></td>
<td>Project: Danielson Grove in Kirkland, WA</td>
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<td>Architect: Ross Chapin Architects</td>
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<td>Developer: The Cottage Company</td>
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<td><strong>Connection to the neighborhood</strong></td>
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<td><strong>Eyes on the common</strong></td>
<td>Photo provided by SERA Architects</td>
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18.320 — Applicability and Review:

(1) Review Procedure. Cottage development is permitted in all residential zones and shall be processed in accordance with the procedure specified in Schedule 12-2.

(2) If a cottage development includes creation of individual lots, subsequent development of those individual lots shall be in accordance with the approved cottage development plan and the provisions of this Chapter, rather than the standards of the applicable zoning district. Special use and development standards apply to lots within a cottage development that don’t apply to other lots. Those use and development provisions are specified in this Section.

(3) Cottage development is not considered “needed housing” per the definition in Oregon Revised Statutes, and as such is not limited to clear and objective review standards. Cottage development provides a voluntary alternative to standard land division and development methods to provide creative housing solutions. However, the standards of this Section are intended to provide a “template” that clearly identifies the necessary elements to successfully obtain approval of a cottage development.
(4) Whether or not lots are created as part of the cottage development, all provisions of the Development Code pertaining to frontage improvements along any public street frontage shall apply to the parent parcel—improvements within the cottage development shall be as specified in this Section.

18.321 Definitions. See Article 30.

18.322 Submittal Requirements and Review Procedures

(1) The applicant shall submit all items required for Major Site Plan review specified in Section 19.051 of the Development Code. The application shall include site plans and elevations for the structures.

(2) If the application includes creation of individual lots, the applicant shall also submit all items required for a Preliminary Subdivision Plat specified in Section 17.411 of the Development Code.

(3) If the application includes creation of individual lots, the applicant shall submit an application for final plat for approval upon completion of the required construction items.

18.325 Approval Criteria

(1) The application complies with all criteria for Major Site Plan review specified in Section 19.050.

(2) If the application includes creation of individual lots, the application complies with all of the criteria for tentative plan approval in Section 17.410. However, the base lot standards in Articles 12 and 17 may be modified as specified in this Section.

(3) The application complies with all provisions for public street frontage improvements.

(4) The application complies with the standards of this Section for all development and lots.

(5) The application is consistent with the purpose and guiding principles of this Section.

18.330 Permitted Uses and Structures within a cottage development

(1) Cottage. Permitted in all zones where cottage development is permitted.

(2) Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use. May include guest quarters.
(3) **Shared Accessory Structures.** Permitted in all zones where cottage development is permitted. May include parking, storage buildings. Shall not be permitted within central common area and must be screened from view from central common areas.

(4) **Individual Accessory Structures.** Individual attached garages may be permitted for a cottage. Garages shall not face a central common area.

(5) **Two Cottage Unit (Attached).** Permitted as part of cottage development only in R-1-6, R-2, R-3, and R-4 zones. Limited to one-third of units.

(6) **Carriage House (1 unit above a common parking structure).** Permitted as part of cottage development only in R-1-6, R-2, R-3, and R-4 zones. One carriage unit is permitted for every four cottages.

### 18.332 Limitations on Use and Accessory Uses

(1) Accessory Dwelling Units are not permitted as part of cottage development.

(2) **Home Occupation Limits.** Home occupations are limited to exempt home occupations that don’t have outside employees or on-site clients and which are only be conducted within the dwelling unit or attached garage. If the home occupation is located within an attached garage, it shall not preclude parking in the garage.

### 18.340 Density

(1) An automatic density bonus is allowed with cottage developments that meet the requirements in this section. Cottage developments may reach a density of up to 125% of the maximum density established by the base zone.

(2) In any zone that has a minimum density requirement, cottage development shall only be permitted if it meets those requirements, independently, or together with other development included in the overall proposal.

### 18.350 General site requirements

(1) **Ownership options.** Ownership may be a common lot, fee simple lots with a homeowner’s association holding common areas, or condominium ownership of the whole development. NOTE: Any development meeting the definition of a “Planned Development” or “Condominium” per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as “general common elements” and private yard spaces shall be designated as “limited common elements” for purposes of ORS Chapter 100 Condominium Law.

(2) Overall site requirements
(a) The parent parcel shall be at least 8,000 square feet. The lot may be further subdivided to facilitate individual lot ownership combined with shared ownership of common spaces.

(b) Cottage developments shall contain a minimum of four cottages, and no more than a total of 12 cottage units (single or attached).

(c) Lot Coverage. Principal and accessory structures in the cottage development shall account for no more than 35 percent of the gross lot area in the overall development.

(c) If individual lots are created, the lots shall not be subject to the minimum lot size provisions of the zone. They may be smaller subject to compliance with the density requirements for the overall cottage development, and in accordance with the provisions of this Section, including requirements for provision of common areas and private open space. There is no minimum lot size for the individual cottage lots, provided they include the footprint and private yards areas for the individual cottages.

(3) Lot/cottage arrangement

(c) Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space.

(d) Units along the public right-of-way should have an inviting facade such as a primary or secondary entrance facing the right-of-way.

(e) All other units shall be arranged around the common open space and have their primary entry and porch facing that common open space.

(f) Lots fronting common area and public right-of-way should generally be arranged at a corner to avoid a need for "two fronts" that would preclude full-height fencing, if desired, of both the front and back sides of the unit.

(b) A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, consistent with the standards in subsection (17) below.

(4) Setbacks

(b) Front yards (yards facing a public right-of-way) shall meet the front yard setback of the zoning district.

(e) Exterior side and rear yards (facing public right-of-way) shall be a minimum of 10 feet.

(d) Interior units on a common lot or separate lots shall be spaced at least 10 feet apart.
(d) If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy.

(e) Setbacks from central common area—private area between sidewalk and unit. Minimum of 5 feet topoorch.

(5) Private and common open space

(d) Central Common Open Space

(i) Common open space is a defining characteristic of a cottage housing development. A minimum of 400 square feet of central common open space per unit shall be provided.

(ii) Up to 50 percent of the central common open space requirement may be provided in an area constrained from development such as a wetlands, steep slope, or forested area.

(iii) Cottages shall be present on at least two sides of common open space to provide a sense of enclosure.

(iv) Common space should be in one contiguous area, or no more than three separate areas. Each contiguous common area shall have a minimum of four cottages arranged around at least 2 sides of the common area.

(v) Each common open space area should have minimum width and depth dimensions of 20 feet.

(vi) The central common shall include a sidewalk (width) around the open space, connecting to each cottage front entrance facing the common area.

(vii) No vehicular areas shall be located between dwellings and central common areas. Vehicular areas shall be screened as specified in Subsection.

(e) Private Open Space

(i) A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.

(ii) Required exterior side yards shall not apply to the calculation of required private open space.

(6) Frontage, access, parking, and vehicular circulation

(d) Frontage. The parent parcel shall have frontage on a public street.
(e) If individual lots are created within the cottage development, each lot shall abut a common area, but is not required to have public street frontage.

(f) Access. Access, parking and circulation will be provided through a shared private lane. A lane is similar to a private driveway and parking area serving multiple units. There shall be pedestrian connectivity to the common area, but a lane is not a public street and is not subject to street standards. A lane will not fulfill block-length and connectivity standards and is not intended for through-connectivity to other properties, although shared access may be required or desirable in some cases. If a public street connection is required to meet connectivity requirements or other street connectivity standards or plans, a public street connection shall be required where applicable.

(g) Parking. A minimum of one parking space per unit shall be provided, plus one additional parking space for every four cottages to provide for visitors and extra vehicles.

(h) Parking and/or garage structures shall be located behind or to the side of the residential area and open space. They shall be accessed from the back of the cottages.

(i) Parking areas, shared parking structures, and garages shall be screened from common space and public streets by landscaping or architectural screening, not chain link.

(j) Shared covered or uncovered parking is permitted. Parking should be limited to groups not to exceed 4 spaces, with each group separated by at least 20 feet.

(k) If the property has frontage on a public alley, access and parking may be provided from the alley.

(l) If individual lots are created, parking and access shall be provided in a common area with access easement.

(m) Fire Access. Fire access shall be provided consistent with the fire code, and fire hydrants shall be provided consistent with the fire code.

(n) On-street parking may be counted toward meeting the guest parking requirements for the development.
(7) Landscaping and vegetation

(d) Where feasible, cottage developments should be designed to retain existing mature trees (at least 6 inches in diameter) that do not pose a safety hazard.
(e) Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs.

(8) Fences

(d) No fence taller than 36 inches in height shall be located between the front wall of a cottage or community building and the common open space.
(e) Fences around dwelling units or on the street frontage shall not exceed 36 inches in height.
(f) If private yards between buildings are fenced, they shall not exceed 6 feet in height.

(9) Utilities
(d) Cottage development is subject to any applicable code provisions regarding public street frontages.

(e) Water. Water meters shall be installed within the public right-of-way. If the property is retained as a single lot, a master meter or individual meters may be used. If individual lots are created, each lot shall have a separate meter and service. Service lines may cross common areas to the individual lots, but shall not cross individual lots. If on-site fire hydrants are required, they shall be served by a public fire line located in a drivable easement within the parking and circulation areas.

(f) Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots.

(g) Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots. [City is considering language to limit the location and number of utility pedestals]

(h) Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation.

(i) Mailboxes. Mailboxes may be individual or grouped and are encouraged to be placed within or near a common area. Mailboxes are subject to all post office requirements.

(10) Addressing. Cottages should be addressed from a public street, not a private lane.

18.360 Building Requirements

(1) Cottages

(a) Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. The footprint of an attached one-car garage is not included in this maximum, but shall not exceed 200 square feet per unit.

(b) Cottages may have a second partial or full story, provided that the floor area of the second story is no more than 0.6 of the square footage of the main floor (e.g., a cottage with an 800-square-foot building footprint (main floor) could have a second floor of 480 square feet, for a total floor area of 1,280 square feet).
(e) The maximum total floor area of cottages shall be 1,600 square feet (e.g., a cottage with a 1,000 square foot building footprint (main floor) could have a second floor of 600 square feet, for a total floor area of 1,600 square feet). An additional 200 square feet is permitted for an attached garage.

(d) A below-grade partial story may be allowed, but habitable space on that story shall count toward the total floor area of the cottage.

(e) Building Height. The maximum building height shall be 24 feet.

(f) Porches. Attached, covered porches are required and shall have minimum width and depth dimensions of seven feet. (for cottages, two unit cottages). Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck.

(g) Other design requirements. Cottages shall contain a variety of designs that include articulation of facades, changes in materials, texture, color, and window treatments, and other architectural features so all units do not appear identical. (Some repetition is acceptable.)

(2) Two-Unit Structures

(a) Where permitted, two unit attached cottages shall not exceed a building footprint of 2,000 square feet for one-story units (average 1000 square feet footprint per unit) or 1,800 square feet for either one-and-a-half or two-story units (average 900 square feet footprint per unit).

(b) The number of attached units in a cottage development may not exceed one-third of the total number of units.

(c) Attached two-unit structures are allowed and must be similar in appearance to detached cottages.

(d) Attached two-unit structures shall have one primary shared entry facing the common open space.

(3) Carriage Units

(a) One carriage unit may be provided for every four cottages.

(4) Community Buildings

(a) Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, or similar amenities. Guest quarters, storage space, or a carriage unit could be included as part of a community building.
(b) A community building shall be of similar scale, design, and height as the cottages, with a maximum footprint of 1,000 square feet and with the second floor not to exceed 0.6 square footage of the first floor.

(c) Commercial uses are prohibited in the community building.

(5) Accessory Structures

(a) Accessory structures such as garages, carports, storage or tool sheds shall not exceed 200 square feet per unit, or 1,000 square feet per accessory structure that is shared by five or more dwelling units. Storage space may be included in a garage structure, but vehicle space may not be used for storage or uses other than parking.

(b) The design of garages, carports, and other accessory structures must be similar or compatible with that of the cottages in the development.

(6) Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased.

(7) Renovation and Expansion

(a) Renovations shall be in keeping with the size and architectural character of the new development.

(b) A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this section shall be recorded against the property.
Cottage development design standards

Preserve large trees wherever possible

Range of textures and colors

Shared open space

Changes in materials

Porches (7' x 7' min.)

Shared open space

Articulation of facades

REVISIONS

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City of Grants Pass Development Code  Article 18: Draft 2/25/22  Page 18-34
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Article 19: Site Plan Review ................................................................. 19-1

19.010 Purpose ................................................................. 19-1

19.020 Applicability ................................................................. 19-1
   19.021 Exemptions ................................................................. 19-1
   19.022 Site Plan Review Committee ........................................... 19-2

19.030 Procedures ................................................................. 19-2
   19.031 Pre-application Conference ........................................... 19-2
   19.032 Minor and Major Site Plans ........................................... 19-2
   19.033 Appeals ................................................................. 19-3
   19.034 Expiration ................................................................. 19-3
   19.035 Minor Site Plan Review for Residential Development .......... 19-3
   19.036 Major Site Plan Review for Residential Development .......... 19-3

19.040 Minor Site Plan Review (Non-Residential Development) ......... 19-3
   19.041 Complete Submittal .................................................... 19-3
   19.042 Criteria for Approval ................................................ 19-3
   19.043 Conditions Which May be Attached to Site Plan ............... 19-4
   19.045 Filing of Approved Minor Site Plan Map ......................... 19-5
   19.047 Development Agreement ............................................. 19-5

19.050 Major Site Plan Review (Non-Residential Development) ............ 19-5
   19.051 Complete Submittal .................................................... 19-5
   19.052 Criteria for Approval ................................................ 19-5
   19.053 Conditions Which May Be Attached to Site Plan Approval .... 19-6
   19.054 Filing an Approved Major Site Plan Map ......................... 19-8
   19.055 Development Agreement ............................................. 19-9
   19.056 Modification to Approved Plans .................................. 19-9

19.060 Security and Assurances ................................................ 19-10

19.070 Submittal Requirements ................................................. 19-10
   19.071 Application ............................................................. 19-10
   19.072 Site Plan Map .......................................................... 19-10
Article 19: Site Plan Review

19.010 Purpose.

The purpose of this article is to establish a review process ensuring that new development complies with the provisions of this Code and is therefore compatible with existing and future development. The review process will include procedures, submittal requirements, criteria, and decision authority. For routine small-scale projects requiring a Type I review process, a minor site plan review process is established (in accordance with the provisions of Section 2.020). The function of the minor site plan review is to ensure conformity with the Base Development Standards and clear and objective design standards outlined in this Code. For more complex projects requiring discretionary review, a major site plan review is established. The function of the major site plan review is to ensure conformity with the Base Development Standards, Special Development Standards and other development standards that may be required as part of a Special Purpose District classification, Area Plan or other Code provisions. If an applicant has chosen a discretionary review, the major site plan review process applies.

19.020 Applicability.

The provisions of this article apply to all new construction, expansion of commercial, industrial, and multiple family residential uses (if not part of a previously approved site plan), change of use, and other development requests covered by this Code. For development requests involving partitions, subdivisions, and Planned Unit Developments, refer to Articles 17 and 18 of this Code.

19.021 Exemptions.

The following residential uses and development are exempt from a separate stand-alone site plan review:

1. All uses listed in Schedule 12-2 as subject to a Type I-A review The construction of one single detached or duplex dwelling on a conforming lot and accessory structures associated with such dwelling uses that meet the applicable underlying zone standards.

2. Accessory dwelling units.

3. Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, impervious surfaces and the installation of replacement of operational equipment or fixtures.

4. Interior construction or tenant improvements that involve no change of use, increase in required parking or other site improvements.
Site Plan Review Committee. The Site Plan Review Committee is hereby established to review major site plan applications. The Site Plan Committee shall consist of the following, or their designee:

(a) Director, Community Development, Chair
(b) City Engineer
(c) City Building Official
(d) Principal Planner
(e) Director, Public Safety
(f) Director, Public Works

Procedures.

Prior to the issuance of a development permit, the applicant shall secure site plan approval in accordance with this Article, following the procedure type specified in Article 12, Schedule 12-2 or 12-3 as applicable.

NOTE: SEE Section 12.029 – Applicant can request Expedited Industrial Site Plan Review Procedure for property located within a Regionally Significant Industrial Area (RSIA) Overlay.

Pre-application Conference. Prior to submitting an application for review, the applicant shall request a pre-application conference with the Director as provided in Section 3.041 of this Code.

Minor and Major Site Plans.

(1) Minor Site Plans are:

(a) Residential: Any housing residential developments that meet the applicable and clear and objective standards of Articles 12, 13, 22, 23, 24, 25 and 27, excluding residential projects exempted in Section 19.021. (This provision does not exempt an applicant from filing a Floodplain Development Permit if it is located in a Special Flood Hazard Area).

(b) Procedure Type.

HousingResidential developments meeting the clear and objective standards of Article 22 shall be processed as a Minor Site Plan pursuant to a Type I-B/I-C permit under Schedule 12-1.

(c) For Commercial and Industrial, involving only Change of Use, and minor expansions less than 25% of existing square footage of building.
(2) Major Site Plans are:
   (a) All other land use requests including discretionary review of housing developments where:
      (i) The applicant has requested one or more adjustments or waivers to the standards of this Article; or
      (ii) The application includes a Variance for the residential component of the project.
   (b) Procedure Types II or III.
      (i) Applications for Site Plan Review that do not meet the clear and objective standards of Article 22 or include a request for a Variance to a standard of the Code are Major Site Plans and shall be processed pursuant to the Type II/Type III permit under Schedule 12-1.

19.033 Appeals. The Final Action of the review body may be appealed as provided in Article 10 of this Code.

19.034 Expiration. The land use decision shall expire in accordance with the provisions of Section 3.075 of this Code. The development permit shall expire in accordance with the provisions of Section 3.092 of this Code.


An application for a Minor Site Plan Review for Residential Developments shall be granted if it meets the applicable standards of the Articles listed in Section 19.032(1)(a).


An application for a Major Site Plan Review for Residential Developments shall be granted if it meets all of the applicable standards for a Major Site Plan and the applicable guidelines of Article 22.010 through 22.702.

19.040 Minor Site Plan Review (non-residential developments).

19.041 Complete Submittal. Prior to review of the request, a complete application shall be prepared, submitted to the Director in accordance with the minimum submittal requirements contained in Section 19.072 of this Code.

19.042 Criteria for Approval. The Director shall approve, approve with conditions, or deny the request based upon the following criteria:
(1) Complies with applicable Base Development Standards of the Zoning District or standards as previously approved under the provisions of an optional development plan or other approved permit.

(2) Complies with adopted public utility and access plans, policies, and standards.

(3) 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.

(4) Complies with all other applicable provisions of this Code, including off-street parking, landscaping, signage, and Special Purpose District requirements.

(5) Potential land use conflicts have been mitigated through specific conditions of development as required by this Code.

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

(7) 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.

19.043 Conditions Which May be Attached to Site Plan. Where it has been determined that potential land use conflicts will result from the proposed development, specific conditions of development may be required as follows:

(1) Require screening and/or buffering to minimize intrusion of privacy from parking and driveway areas.

(2) Require specific window placement to minimize intrusion of privacy impact from new two-story construction to existing adjacent single story residential.

(3) Modify parking design to ensure safe maneuvering of vehicles and pedestrians.

(4) To preserve significant landform, waterways, vegetation, and property rights, require additional setbacks, and allow variances to base standards.

(5) Extension of public utilities, street improvements, and sidewalks may be required in accordance with Article 27 of this Code.

(6) Where not already required by provisions of this code, require that uses, buildings, and/or building entrances be located close to each other, to public rights-of-way, to pedestrian ways, and/or to bikeways as needed to allow for pedestrian and bicycle circulation.
(7) Where not already required by provisions of this code, require construction and maintenance of private pedestrian ways between uses or buildings on a site, between a use or building and a public right-of-way, pedestrian way, or bikeway, or between a use or building and a current or potential use or building on an abutting parcel.

19.045 **Filing of Approved Minor Site Plan Map.** As a result of site plan review, a Final map shall be prepared, including all required modifications and conditions, and must be filed with the Director prior to issuance of a development permit, or the development permit land use decision shall expire as provided in Article 3.

19.047 **Development Agreement.** If conditions of approval are attached to the approved Map, the applicant shall enter into a Development Agreement as provided in Section 19.057 of this Code. If no conditions are attached, the approved Final Map shall constitute the legal binding conditions of site development.

19.050 **Major Site Plan Review (non-residential developments).**

19.051 **Complete Submittal.** Prior to review of the proposed request, a complete application shall be prepared and submitted to the Director in accordance with the submittal requirements contained in Section 19.072 of this Code.

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.

19.053 **Conditions Which May Be Attached to Site Plan Approval**. To the extent necessary to satisfy the criteria for site plan review, and to mitigate potential impacts to existing surrounding development, the site plan committee may impose any of the following
as conditions of development; however, any conditions applied under this provision shall not unreasonably reduce housing densities, unreasonably increase costs, or otherwise be used to exclude needed housing types.

(1) Require dedication of public right-of-way or easements for:
   (a) Streets
   (b) Sidewalks
   (c) Pedestrian Connector Routes or other appropriate pedestrian ways.
   (d) Utility easements
   (e) Bikeways

(2) Mitigating land use conflict requires:
   (a) Site obscuring fence, or
   (b) Additional setback, or
   (c) Vegetative screen/buffer, or
   (d) Orient traffic flow away from use, or
   (e) Relocate structure openings (doors, windows), or
   (f) Require noise attenuating barrier, or sound baffle or other device, or
   (g) Limit hours of operation, or
   (h) Any combination of the above.

(3) When public facilities and services are near capacity, require phased development to match availability of services.

(4) Require extension of facilities (water, sewer, storm drains, fire hydrant) consistent with adopted public facility plans and Article 28 of this Code.

(5) Require construction of street frontage improvements, including sub-base, base, paving transition, curb, gutter, and sidewalks consistent with Article 27 of this Code.

(6) When extension or construction of facilities and services is not feasible, require security guarantee consistent with City policy.

(7) As a means to satisfy future obligation for public improvements, require participation in a future improvement district, without remonstrance.
(8) Require vision clearance area to be free of structures, signs, or other material having potential to obstruct vision.

(9) Underground all on-site utilities.

(10) Ensure traffic congestion and hazards are avoided through limiting the number and strategically locating driveways and requiring traffic control and other access management measures such as median barriers, access to the road network via a lower street classification, or reciprocal or cross access easements between adjoining properties.

(11) For residential uses require a common drive to serve two or more lots which access onto a collector or arterial street.

(12) To ensure open space requirements comply with the standards of Article 22, require clustering of units, two story construction, or elimination of units, as needed.

(13) Require submittal of specific landscape plans, prepared in accordance with Article 23.

(14) Where not already required by provisions of this code, require that uses, buildings, and/or building entrances be located close to each other, to public rights-of-way, to pedestrian ways, and/or to bikeways as needed to allow for pedestrian and bicycle circulation.

(15) Where not already required by provisions of this code, require construction and maintenance of private pedestrian ways between uses or buildings on a site, between a use or building and a public right-of-way, pedestrian way, or bikeway, or between a use or building and a current or potential use or building on an abutting parcel.

(16) Require improvements necessary to mitigate any off-site, frontage, and off-site impacts identified in a submitted traffic impact analysis report.

(17) Require off-site road improvements in rough proportion to the impact created by a development, including those transportation system management techniques outlined in the Master Transportation Plan. Where such improvements are required, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bikeways along arterials and major collectors.

(18) Require transportation demand management-related facilities such as carpool/vanpool spaces.

19.054 Filing an Approved Major Site Plan Map. As a result of site plan review, a Final Map shall be prepared, including all modifications and conditions, and filed with the
Department of Community Development prior to the issuance of a development permit, or the land use decision shall expire as provided in Article 3.

19.055 Development Agreement. To finalize the site plan process, a development agreement shall be effected between the applicant and the City of Grants Pass. The agreement contains the terms, conditions and approved Final Map. The purpose of the agreement is to ensure that the terms and conditions of Site Plan Approval are understood and that they are binding upon the applicant to implement and fulfill prior to use and occupancy. Upon satisfactory completion of site development, the City will provide public facilities and services.

19.056 Modification to Approved Plans. The applicant may petition for modification of a previously approved site plan by filing a written narrative to the Director. The petition shall include reasons and justifications for modifying the plan standards of this Code. If, at time of building permit request, the approved site plan has been modified, issuance of a building permit will be postponed until the revised map has been processed in accordance with the provisions of this section.

(1) Major Modification. When modification to an approved plan is determined to be a Major Modification, the plan shall be resubmitted, with fee, to the Site Plan Committee for review and decision. A major modification constitutes one or more of the following:

(a) Increase in number of dwelling units, except when the increase is allowed under the applicable zone’s density and does not result in any site plan modification.

(b) Increase in gross floor area exceeding 10% of previously approved building size, or to the extent requiring an additional parking space, whichever is less.

(c) Decrease in amount of open space or landscaping exceeding 10% of previously approved area, provided decrease doesn't drop below minimum standards as required by this Code.

(d) Relocation of vehicle access points and parking areas where the change will potentially affect the safety of off-site and on-site traffic circulation.

(e) Reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening material.

(f) Modification to facilities and utilities which do not conform to adopted facility plans.

(g) Modification of any other component of the plan which does not conform to standards of this Code.
(2) **Minor Modification.** A minor modification to an approved plan or conditionally approved plan may be made by the Director provided the Director determines that the modification does not constitute a major modification.

19.060 **Security and Assurances.**

All required improvements shall be constructed and completed prior to use and occupancy of the site. Where weather conditions preclude certain improvements from occurring at time of construction, use and occupancy may occur provided security is given in accordance with City policy. Security may be posted for the following types of improvements:

(1) Areas required to have asphaltic concrete, such as parking lots, drives, streets. Postponement allowed due to wintertime closure of paving plants.

(2) Landscaping, except that erosion control vegetation shall be installed.

(3) As approved by the City Engineer, certain public facilities if not needed to implement the development nor practical to be installed at time of construction.

(4) Improvements which are deferred due to inclement weather conditions, shall be installed and completed during the next construction season, as soon as weather and site conditions permit.

19.070 **Submittal Requirements.**

Applications for site plan review shall be prepared in accordance with the following requirements.

19.071 **Application.** The Department of Community Development shall make available applications for site plan review. The applicant shall complete the application and submit it with the site plan map.

19.072 **Site Plan Map.**

(1) **Minor Site Plan Map.**

(a) Scale, north arrow, date of preparation.

(b) Location: street address and assessor's map page number and tax lot number.

(c) Dimension of parcel (feet) and size of parcel (acres).

(d) Location and size of existing utilities and required utilities on and adjoining the site, including all storm drains and other drainage ways; sanitary sewer mains, laterals, septic tank and leach fields, or other
facilities; water mains, laterals, wells, or other facilities, power, gas, telephone, cable T.V., and other pertinent utilities.

(e) Proposed and existing buildings: location, dimension, size setbacks to property lines, distance between buildings, height.

(f) Percent lot coverage of structures.

(g) Vehicular access point, off-street parking area.

(h) A landscape plan prepared in accordance to Section 23.041 shall be required at time of application submittal unless no additional landscaping is required.

Exception: Applicant may opt for the Concept Plan option described in Section 23.043 of the Development Code if approval is granted by the Director of the Community Development Department prior to submittal of the site plan application.

(i) An irrigation plan as described in Section 23.042 shall be required if additional landscaping is required, or if an irrigation system was required as a condition of a previous land use approval.

(2) Major Site Plan Map.

(a) Eight copies of the map to be drawn on a sheet not less than 8 1/2" x 14" and one electronic (PDF) copy.

(b) Scale: An engineering scale appropriate to the area involved and sufficient to show detail of the plan and related data, such as 1 inch : 10 feet, 1 inch : 20 feet, 1 inch : 50 feet, or less.

(c) North arrow, date map prepared, preparer's name.

(d) Proposed name of project.

(e) Location: Street address, assessor's map, township, range, section, and tax lot number, size, (acres or square feet), and dimension (feet) of parcel.

(f) Location, size, height and dimensions of existing and proposed building and structures, including distances between buildings.

(g) Percentage of lot covered by structures, driveways, sidewalks, patios and other impervious material.

(h) If residential, number of dwelling units and density, and percent open space both recreational and pervious.
(i) Points of vehicular entry and exit, driveway width dimension and general circulation pattern (arrows).

(j) Location and layout of off-street parking and loading requirements, including number of spaces, dimension both typical and compact, aisle width, type of surface material, and number of handicap spaces, bumper rails, striping and directional signage. See Article 27.

(k) Location of existing and proposed streets (public and private) including right-of-way and paving dimensions, ownership and maintenance status, other uses of the street (i.e., parking, bike or pedestrian route). See Article 27.

(l) Locations, dimensions and reasons for all easements on and abutting the property. See Article 28.

(m) Drainage, storm water detention and erosion control plan. See Article 28.

(n) Location and size of existing utilities and required utilities on and adjoining the site, including all storm drains and other drainageways; sanitary sewer mains, laterals, septic tank and leach fields, or other facilities; water mains, laterals, wells, or other facilities, power, gas, telephone, cable T.V., and other pertinent utilities.

(o) Location, height and construction material of existing and proposed fences and walls.

(p) Location, size, height and building material of all proposed signs. See Article 26.

(q) As applicable, general grading plan to indicate land-form relationships before and after site grading and preparation. Contour map to be provided at 2-foot contours for slopes exceeding 15% (light shading) and 35% (heavy shading). Identify and graphically depict cut and fill areas.

(r) Indicate adjoining zoning and land uses, including approximate distances to adjacent structures.

(s) Exterior lighting plan, including type, height, direction and area covered by illumination.

(t) Submit a Landscape Plan and Irrigation Plan prepared in conformance with Article 23.

Exception: Applicant may opt for the Concept Plan option described in Section 23.043 of the Development Code if approval is granted by the
Director of the Community Development Department prior to submittal of the site plan application.

(u) Flood Areas: location of floodway, 100-year Floodplain and all other areas subject to seasonal ponding if applicable. See Article 13.

(v) Pedestrian Ways: location, width and construction material of all proposed sidewalks and pedestrian access ways.

(w) Natural Features: location of perennial and seasonal streams, creeks, drainage ways, and significant vegetation (trees over 8 inches in diameter when measured 3 feet above the ground).

(x) Areas of trash and garbage disposal.

(y) Area and dimensions of all property to be conveyed, dedicated or reserved for common open spaces, recreational areas, and other similar public and semi-public uses.

(z) If phased development, show boundary limits of each proposed phase.

(3) Elevation Drawings.

(a) Eight copies of the exterior elevations of all sides of all buildings proposed for the site. Prototypical or “typical” elevations will not be accepted. Elevations shall identify the material, color, texture, shape of materials, and other design features of the building, including all mechanical devices.

(b) Scale: A standard architectural or engineering scale sufficient to show detail of the elevations, not less than 1 inch : 10 feet.

(c) One reduced copy of the elevation drawings to fit on one or more sheets not smaller than 8-1/2 inches x 11 inches.

(d) For developments over 30,000 square feet, samples of all materials, colors, and textures to be used on the building elevations.

(e) Elevations and proposed locations of all signs to be attached to the building. (NOTE: Sign permit applications will be submitted and processed separately in accordance with the sign code).

(4) Supplemental Information.

(a) Proposed deed restrictions and maintenance responsibility.

(b) Land Use Tabulation. Total area, percent dedicated for public use, percent landscaped, and percent impervious surface (streets, structures, walks, and other areas not allowing direct soil percolation of water).
(c) Proposed use of site.

(d) Total floor area (if applicable, subtotal by stories).

(e) If staged development, demonstration that each state is self-contained relative to utilities, parking, open space, landscaping, and recreation amenities.

(f) The City Engineer may require a traffic analysis, as per Section 27.121(3), for any new development to determine the development’s potential impact on the existing transportation system. At a minimum, the impact of development on transportation facility performance shall be mitigated to the standards set forth in Section 27.121(2).

(g) Other supporting information or documentation required by the Director, as needed to demonstrate the development complies with the provisions of this Code.

<table>
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<th>DATE</th>
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<tbody>
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Article 22: Residential Development Standards

Note: Formatting will be improved for code integration following discussion on desired direction and key concepts. Generally, yellow highlighted and underlined text indicates code additions, with red, strikeout text used for deletions.

22.010 Purpose

The purpose of this Article is to provide development standards for single and detached dwellings, multi-dwellings, middle housing, manufactured homes and recreational vehicle parks.

22.020 Concept

The provisions of this Article are supplementary to the Base Development Standards contained in Article 12 of this Code. These standards are intended to ensure an acceptable living environment for future residents of a development proposal and to minimize impact to adjacent residents and property owners.

22.030 Applicability

A development permit shall not be issued for any parcel or lot where compliance with the provisions of this Article has not been met.

The standards specifically apply to:

(1) Planned Unit Development (PUD) Development Standards (Section 18.090)
(2) Multi-Dwelling Projects
(3) Modified Setback Option
(4) Manufactured Housing
   (a) Individual lots (Class “A” Standard)
   (b) Manufactured Dwelling Parks (Class “B” Standard)
   (c) Health condition (Class “C” Standard)
(5) Single detached, single attached and duplex residences
(6) Recreational Vehicle Parks
(7) Triplexes and quadplexes
(8) Townhouses

(7)(9) Accessory dwelling units

(10) Cottage clusters and mixed cottage clusters

22.040 Procedures

For procedure types for site plan review for various categories of housing development, see Schedule 12-2, and Schedule 12-3 for the RTC zones, and Article 19 for exempt, minor and major site plan review requirements.

22.041 Pre-application Conference

The applicant shall request a pre-application conference with the Director as provided in Section 3.041 of this Code.

22.400 Architectural Features for Single Detached and Duplex Residences Dwellings.

22.401 Purpose. The purpose of this section is to establish and maintain the residential scale and character of neighborhoods by precluding large expanses of uninterrupted building surfaces.

22.402 Applicability. All single detached, single attached and duplex residences dwellings shall have architectural features along any face of the building that is visible from a street. A building face is considered visible from a street if it is less than 60 feet from a street right-of-way, is at an angle of 45 degrees or less from a street right-of-way, and is not blocked from view by another structure for over half or off its face.

22.403 Required Architectural Features. The architectural features required in Section 22.402 shall include two of the following for the first 40 feet of length, and one for each additional 30 feet of length or any part thereof:

(1) A roof overhang along the full face of one foot or greater.

(2) A break in the roof elevation of three or more feet in height, such as a dormer or hip roof.

(3) A recess with a minimum depth and width of three feet, such as an entry.

(4) A permanent extension with a minimum depth and width of three feet and height of eight feet, such as a bay window or a covered deck, porch, or patio.

(5) A permanent uncovered deck, porch, or patio with a minimum depth and height (including raling) of 3 feet, and a minimum length of 15 feet.
22.602 Standards. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:

1. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below. Any detached structure with more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

   a. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit and
   
   b. The entrance must either:

      i. Face the street (see Figure 13);

      ii. Be at an angle of up to 45 degrees from the street (see Figure 14);

      iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 15), or

      iv. Open onto a porch (see Figure 16). The porch must:

         (A) Be at least 25 square feet in area; and

         (B) Have at least one entrance facing the street or have a roof.

2. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 17.

3. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) and (b) below.

   a. The garage or off-street parking area is separated from the street property line by a dwelling; or

   b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.
Figure 13. Main Entrance Facing the Street

Figure 14. Main Entrance at 45° Angle from the Street

Figure 15. Main Entrance Facing Common Open Space

Figure 16. Main Entrance Opening onto a Porch
Figure 17. Window Coverage

- □ Area subject to 15% window & entrance door coverage requirement
- □ Qualifying window coverage
- □ Qualifying entrance door coverage

Figure 18. Width of Garages and Parking Areas

- A: Garage and on-site parking and maneuvering areas
- B: Total street frontage

\[ \frac{A_1 + A_2 + A_3}{B} \leq 50\% \]

Figure 19. Driveway Approach Width and Separation on Local Street

- A: \( x_1 + x_2 + x_3 \) must not exceed 32 feet per frontage.
- B: Driveway approaches may be separated when located on a local street.
Additional Standards for Single-Attached Townhouse Development

Purpose. These additional development standards for single-attached townhouses are intended to promote compatibility within single-family residential neighborhoods, attention to detail, human-scale design and street visibility, while affording flexibility to use a variety of building styles.

Standards. All new single-attached townhouse developments shall meet the following standards.

1. Number of consecutive units. Single-attached developments with street-facing driveways and/or garages are limited to six consecutive attached units. Single attached developments that have no street-facing driveways or garages (rear access only) have no limitation on number of attached units, but shall not exceed 300 feet in length. A minimum of two attached townhouse units are required up to a maximum of eight attached townhouse units.

2. Entry Orientation. The main entrance of each townhouse must:
(a) Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and

(b) Either:
   (i) Face the street (see Figure 13):
   (ii) Be at an angle of up to 45 degrees from the street (see Figure 14):
   (iii) Face a common open space or private access or driveway that is abutted by dwellings on at least two sides:
   (iv) Open onto a porch (see Figure 16). The porch must:
       (A) Be at least 25 square feet in area; and
       (B) Have at least one entrance facing the street or have a roof.

(3) Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 22):

(a) A roof dormer a minimum of 4 feet in width, or

(b) A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or

(c) A bay window that extends from the facade a minimum of 2 feet, or

(d) An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the facade of a single townhouse, or

(e) An entryway that is recessed a minimum of 3 feet, or

(f) A covered entryway with a minimum depth of 4 feet, or

(g) A porch meeting the standards of subsection (2)(b)(iv) of this section.

Balconies and bay windows may encroach into a required setback area.

(4) Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 17.

(5) Driveway Access and Parking. Townhouses with frontage on a public street must meet the following standards:
a. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 23):

i. Each townhouse lot has a street frontage of at least 15 feet on a local street.

ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.

iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).

i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 24.

iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 25.

iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b).
Figure 15. Main Entrance Facing Common Open Space

Figure 16. Main Entrance Opening onto a Porch

Figure 17. Window Coverage

Street-facing Facade:
- Area subject to 15% window & entrance door coverage requirement
- Qualifying window coverage
- Qualifying entrance door coverage
Figure 18. Width of Garages and Parking Areas

A Garage and on-site parking and maneuvering areas
B Total street frontage

\[
\frac{A' + A'^2 + A'^3}{B} \leq 50\%
\]

Figure 19. Driveway Approach Width and Separation on Local Street

A \(X' + X'^2 + X'^3\) must not exceed 32 feet per frontage.
B Driveway approaches may be separated when located on a local street.
(2) All units shall include at least three of the following features on any building elevation that faces the street (if on a corner lot, this standard applies on the street-facing elevation where the dwelling takes access):

(a) Covered porch at least 5 feet deep

(b) Entry area recessed at least 2 feet from the exterior wall to the door

(c) Bay or bow window that projects at least 1 foot from exterior wall

(d) Offset on the building face of at least 16 inch from one exterior wall surface to the other

(e) Dormer

(f) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls
(g) Roof line offsets of at least 1.6 inches from the top surface of one roof to the top surface of the other

(h) Attached garage

(i) Cupola

(j) Horizontal lap siding

(k) Brick or stone covering at least 40% of the building elevation that is visible from the street

(3) The design of front building elevations may not be repeated on more than four consecutive units.

(6) Driveway and garage standards. Single attached developments with street-facing garages shall meet the following criteria:

(a) Where two abutting units have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;

(b) Where a driveway is located in a front yard, all primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;

(e) The length of the garage wall facing the street shall not exceed fifty percent (50%) of the length of the street-facing primary dwelling façade.

(d) Where the street-facing façade of a primary dwelling unit is less than 22 feet wide, an attached garage is not allowed as part of that façade.

(7) Common areas. Any common areas shall be owned and maintained by a homeowners association or other legal entity, unless a public dedication is approved by the City. A copy of any applicable Covenants, Conditions and Restrictions shall be recorded and provided to the city prior to building permit approval.

22.703 Alternative design. As an alternative to Section 22.702, single attached dwellings of three or more units may be designed to de-emphasize individual units and create the impression of a larger, single-family dwelling. Architectural features similar to those required for single family detached dwellings (Article 22.400) should also be used. Single attached development using this alternative design approach shall be reviewed as a Major Site Plan in the R-2, R-3 and R-4 zones and through a PUD in all
other zones where single attached dwellings are allowed per Schedule 12-2.

22.704 Site Plan Review Criteria and Procedure.

(1) Applications that meet the standards of Article 22.702 shall be processed as a Type I C using Minor Site Plan Review criteria found in Article 19.03S.

(2) Applications that require Discretionary Review compliance with the standards of Article 22.702 shall be processed as a Type III review using the Major Site Plan Review criteria found in Article 19.036. The applicant shall meet the intent of the Purpose Statement in Article 22.701 as the guideline to demonstrate consistency of Article 22.700.

(8) Driveway Access and Parking. Townhouses with frontage on a public street must meet the following standards:

a. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 23):

i. Each townhouse lot has a street frontage of at least 15 feet on a local street.

ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.

iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).

i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 24.

iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly.
between the front façade and front lot line of any of the townhouses. See Figure 25.

iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b).
Figure 13. Main Entrance Facing the Street

Figure 14. Main Entrance at 45° Angle from the Street

Figure 15. Main Entrance Facing Common Open Space

Figure 16. Main Entrance Opening onto a Porch
Figure 17. Window Coverage

STREET-FACING FACADE

- Area subject to 15% window & entrance door coverage requirement
- Qualifying window coverage
- Qualifying entrance door coverage

Figure 18. Width of Garages and Parking Areas

A' + A'' + A''' ≤ 50%

A. Garage and on-site parking and maneuvering areas
B. Total street frontage

Figure 19. Driveway Approach Width and Separation on Local Street

A'. X1 + X2 + X3 must not exceed 32 feet per frontage.
B. Driveway approaches may be separated when located on a local street

City of Grants Pass Development Code Article 22: Draft 2/25/22 Page 22-17
22.800 Additional Standards for Cottage Development

1. Unit Size. The dwelling unit footprint of an individual cottage dwelling shall not exceed 900 square feet. Up to 200 square feet may be excluded from the calculation of dwelling unit footprint for an attached garage or carport. Detached garages, carports, or accessory structures shall not be included in the calculation of dwelling unit footprint.

2. Number of Units. A minimum of three cottage dwellings is required per cottage cluster. A maximum of eight cottage dwellings is permitted per cluster in the R-1 zone and a maximum of 12 cottage dwellings per cluster is permitted in the R-2, R-3, R-P and AR zones. More than one cottage cluster may be permitted as part of a cottage cluster project.

3. Density. Cottage cluster projects shall meet a minimum density of four units per acre. No maximum density shall apply to cottage cluster projects.

4. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 26):

   a. Each cottage within a cluster must either abut the common courtyard or must be...
directly connected to it by a pedestrian path.

b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
   i. Have a main entrance facing the common courtyard; and
   ii. Be within 10 feet from the common courtyard, measured from the facade of the cottage to the nearest edge of the common courtyard; and
   iii. Be connected to the common courtyard by a pedestrian path.

c. Cottages within 20 feet of a street property line may have their entrances facing the street.

d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

5. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 26):

a. The common courtyard must be a single, contiguous piece.

b. Cottages must abut the common courtyard on at least two sides of the courtyard.

c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

6. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).

b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

7. Pedestrian Access.

a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

i. The common courtyard; and

ii. Shared parking areas; and

iii. Community buildings; and

iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

8. Parking Design (see Figure 27).

a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.

iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

iv. Clustered parking areas may be covered.

b. Parking location and access.

i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
• Within of 20 feet from any street property line, except alley property lines; or

• Between a street property line and the front facade of cottages located closest to the street property line. This standard does not apply to alleys.

ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

d. Garages and carports.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

iii. Individual detached garages must not exceed 400 square feet in floor area.

iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

9. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

10. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

a. The existing dwelling may be nonconforming with respect to the requirements of NMC 15.415.050(C).

b. The existing dwelling may be expanded up to the maximum height of 25 feet or the maximum building footprint of 900 square feet; however, existing dwellings that exceed the maximum height and/or footprint may not be expanded.

c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per NMC 15.415.050(2)(b).

Figure 26. Cottage Cluster Orientation and Common Courtyard Standards

- A: A minimum of 50% of cottages must be oriented to the common courtyard.
- B: Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C: Cottages must be connected to the common courtyard by a pedestrian path.
- D: Cottages must abut the courtyard on at least two sides of the courtyard.
- E: The common courtyard must be at least 15 feet wide at its narrowest width.
Figure 27. Cottage Cluster Parking Design Standards

A  Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.

B  No parking or vehicle area within 20 feet from street property line (except alley).

C  No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.

D  Screening required between clustered parking areas or parking structures and public streets or common courtyards.

E  Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

22.840 Additional Standards for Mixed Cottage Cluster Development

22.841 Purpose. These additional standards provide more flexibility for a range of dwelling unit types within a cottage development.

22.842 Standards. In addition to the dwelling types permitted in a cottage development per Section 22.800, the following unit types are also permitted:
(Note: These are relocated from existing Section 18.300.)

(1) Two-Unit Structures

(a) Two-unit attached cottages shall not exceed a building footprint of 2,000 square feet for one-story units (average 1000 square feet footprint per unit) or 1,800 square feet for either one-and-a-half or two-story units (average 900 square feet footprint per unit).

(b) The number of attached units in a cottage development may not exceed one-third of the total number of units.

(c) Attached two-unit structures are allowed and must be similar in appearance to detached cottages.

(d) Attached two-unit structures shall have one primary shared entry facing the common open space.

(2) Carriage Units

(a) One carriage unit may be provided for every four cottages.
## Article 25: Parking and Loading Standards

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.010</td>
<td>Purpose</td>
<td>25-1</td>
</tr>
<tr>
<td>25.020</td>
<td>Procedures and Compliance</td>
<td>25-1</td>
</tr>
<tr>
<td>25.30</td>
<td>General Provisions</td>
<td>25-1</td>
</tr>
<tr>
<td>25.31</td>
<td>Applicability</td>
<td>25-1</td>
</tr>
<tr>
<td>25.32</td>
<td>Location of Parking and Loading Facilities</td>
<td>25-3</td>
</tr>
<tr>
<td>25.33</td>
<td>Design Standards</td>
<td>25-3</td>
</tr>
<tr>
<td>25.34</td>
<td>Parking Lot Plan</td>
<td>25-7</td>
</tr>
<tr>
<td>25.35</td>
<td>Minimum Number of Space Requirements</td>
<td>25-8</td>
</tr>
<tr>
<td>25.36</td>
<td>Outdoor Display &amp; Storage Standards</td>
<td>25-8</td>
</tr>
<tr>
<td>25.37</td>
<td>Residential RV Storage Standards</td>
<td>25-9</td>
</tr>
<tr>
<td>25.40</td>
<td>Off-Street Parking and Loading Requirements by Use</td>
<td>25-9</td>
</tr>
<tr>
<td>25.41</td>
<td>Loading Facilities</td>
<td>25-9</td>
</tr>
<tr>
<td>25.42</td>
<td>Parking Facilities</td>
<td>25-10</td>
</tr>
<tr>
<td>25.50</td>
<td>Performance Parking Standards</td>
<td>25-13</td>
</tr>
<tr>
<td>25.51</td>
<td>Purpose</td>
<td>25-13</td>
</tr>
<tr>
<td>25.52</td>
<td>Concept</td>
<td>25-13</td>
</tr>
<tr>
<td>25.53</td>
<td>Procedure</td>
<td>25-13</td>
</tr>
<tr>
<td>25.54</td>
<td>Standards</td>
<td>25-15</td>
</tr>
<tr>
<td>25.60</td>
<td>Bicycle Parking Facilities</td>
<td>25-16</td>
</tr>
<tr>
<td>25.61</td>
<td>Bicycle Parking Facilities Required</td>
<td>25-16</td>
</tr>
<tr>
<td>25.62</td>
<td>Required Number of Spaces</td>
<td>25-16</td>
</tr>
<tr>
<td>25.63</td>
<td>Bicycle Parking Facility Location</td>
<td>25-16</td>
</tr>
<tr>
<td>25.64</td>
<td>Bicycle Parking Facilities Design Standards</td>
<td>25-16</td>
</tr>
<tr>
<td>25.65</td>
<td>Vehicle Parking Reduction</td>
<td>25-18</td>
</tr>
</tbody>
</table>
Article 25: Parking and Loading Standards

25.10 Purpose

The purpose of this Article is:

(1) to ensure adequate amounts of parking and loading facilities relative to land use type.

(2) to set minimum design standards for parking, access, and maneuvering areas which promote safe, clean, durable and efficient facilities.

(3) to locate parking facilities within practical distances of proposed uses.

25.020 Procedures and Compliance

Wherever a new or expanded building or use is proposed, a development permit or business license shall not be issued until compliance with this section has been met. A Parking Lot Plan shall be prepared and submitted for review and approved in accordance with the requirements of Section 27, Access. For land use requests requiring other actions, such as site plan review, the Parking Lot Plan shall be made part of the overall Site Plan.

25.30 General Provisions

25.31 Applicability

(1) Off-Street parking spaces shall be provided at the time:

(a) A new building is hereafter erected.

(b) The use of a building existing on the effective date of this ordinance is changed, or the building is enlarged for an existing use. A change in use shall provide parking as required for a new use. A new use is considered "changed" when the proposed use of an existing building or parcel requires a greater parking requirement (Section 25.040) than the previous use. If an existing use is enlarged, and the increase is less than 50% of the existing structure floor area, new parking spaces may be provided in proportion to the increase only. If an increase exceeds 50%, parking shall be provided for the entire structure in accordance with the requirements of this section.

(c) An existing dwelling unit is converted to a permitted use.

(2) Off-Street loading spaces shall be provided when:

(a) the use will require the receipt or distribution of materials by truck or similar vehicle, and
(b) a building is erected or structurally altered to the extent that the building’s total floor area equals the minimum amount requiring an off-street loading space as specified in Section 25.041.

(3) All parcels and uses within the CBD zone are exempt from the space requirements of this Article, however, any voluntarily installed parking shall conform to the design standards of this Article.

(4) Required parking shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials.

(5) The provision for and maintenance of off-street parking and loading spaces are the continuing obligation of the property owner.

(6) If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this article.

(7) Parking lots shall be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated conditions shall be improved to maintain conformance with these standards.

(8) In the case of mixed uses, the total requirements for off-street parking space shall be the sum of the requirements for the various uses, unless joint use of parking facilities can be established consistent with Section 25.032(3).

(9) For all land divisions, any existing parking and maneuvering areas to remain on the property shall be surfaced in accordance with the provisions of this Code prior to final plat approval.

(10) **Loading Berths.**

(a) If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

(b) Off-street parking area used to fulfill the requirements of this section shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

(11) **Compact Car Parking.** Not more than 25% of the total parking spaces in a parking lot may be designated for compact cars. Minimum dimensions for compact spaces shall be 8 1/2 feet by 16 feet. Such spaces shall be signed and/or the space painted with the words "Compact Car Only".
25.32 Location of Parking and Loading Facilities. Parking as required by this ordinance is considered accessory to and part of the primary use of the lot. The location of the required parking shall be on the same lot, except as provided below. Except for voluntary parking facilities as provided in Section 12.131, Land Use and Procedure Schedule 12-3, parking for a use shall not be located in a residential zone unless that use is also a permitted use in the residential zone where the parking is provided.

1) Residential. All off-street parking facilities for residential uses shall be located on the same lot as the use or on a parcel or tract owned in common by all the owners of the properties that will use the parking area. If parking is provided on a separate lot, an easement or shared parking agreement shall be recorded allowing use of the parking. On-street parking may be counted toward up to 25% of the minimum parking requirements when it is on the block face abutting the subject use rounded down to the nearest whole space. On-street parking counted toward the minimum requirement shall remain open and available to the public.

2) Other Uses. For uses other than residences, parking spaces shall be located on the same parcel or on another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building or use. Where parking is located on a parcel not owned by the applicant, a lease or other evidence of agreement shall be submitted to the Director that the use of the facilities is exclusively for the applicant. On-street parking may be counted toward the minimum parking requirements when it is on the block face abutting the subject use. On-street parking counted toward the minimum requirement shall remain open and available to the public.

3) Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

4) Front and Exterior Side Yards. Required parking and loading spaces shall not be located in a required front or exterior side yards except as permitted in Section 23.030 of this Code.

25.33 Design Standards.

Parking as required by the Development Code is in addition to accessible parking requirements of the Oregon Structural Specialty Code.

1) Parking Space Dimension:

(a) Typical: 8 1/2 feet x 20 feet

(b) Compact: 8 1/2 feet x 16 feet
(2) **Minimum Aisle Dimensions.** Minimum Aisle Dimensions shall be as shown in Sketch 25-1.

(3) **Surfacing.** All areas used for parking, driveways and maneuvering of vehicles shall have durable and dustless surfaces composed of one of the following:

(a) Asphalt

(b) Concrete

(c) Pervious surfacing materials such as concrete, grasscrete, or paved tire strips, following review and approval of the City Engineer. Engineered plans for pervious surfacing materials used in lieu of asphalt or concrete shall be based on the following:

(i) The pervious surfacing material shall have similar structural characteristics to asphalt or concrete, and shall be capable of withstanding the normal wear and tear associated with the parking and maneuvering of vehicles.

(ii) Drainage shall not adversely affect the public right-of-way or adjacent properties.

(iii) The pervious surfacing material shall be maintained throughout its use so that it continues to function as originally approved by the City Engineer.

(d) Exceptions to the above for Commercial Outdoor Storage & Display are provided in Section 25.036 and exceptions for Residential RV Storage are provided in Section 25.037 below.

(4) **Drainage.** Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface area of all parking, display and/or storage areas. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way, and abutting private property. All drainage system must be approved by the City Engineer and shall be constructed in conformance with the Master Storm Drainage Facilities and Management Plan. (See Section 28.091)

(5) **Perimeter Curb.** All parking areas except those required in conjunction with a single-family detached dwelling or middle housing or two-family dwelling shall provide a curb of not less than six inches in height along the perimeter of all parking areas.

(6) **Wheel-Guard/Bumper.** All parking stalls fronting a sidewalk, alleyway, street or property line, except for those required in conjunction with a single-family detached dwelling or middle housing or two-family dwelling, shall provide a secured wheel bumper not less than six inches in height nor less than six feet in length, to be set back from the front of the stall a minimum of 2 1/2 feet. A linear curb (continuous or in
short sections) may be used to fulfill this requirement provided that if adjacent to a sidewalk or landscape area, 2 1/2 feet of additional sidewalk or landscape width is provided to allow for vehicle encroachment.

**Sketch 25-1: Minimum Aisle Dimensions**
(7) **Turnaround.** Except for single-family detached dwelling or middle housing or two-family dwelling, groups of more than two parking spaces shall be so located and served by an aisle or turnaround that their use will require no backing movements or other maneuvering within a street right-of-way, other than an alley.

(8) **Striping.** Except for single-family detached dwelling or middle housing, lots containing more than two parking spaces shall have all spaces permanently and clearly marked.

(9) **Screening.** Except for single-family detached dwelling or middle housing, off-street parking and loading spaces in groups of more than four (4) shall be screened and buffered in accordance with Section 23.035, Type E Landscaping, on each side which adjoins residential zoned property.

(10) **Lighting.** Parking lots that are illuminated shall contain lighting facilities that do not project light on any adjoining residential zone or onto passing motorists.

(11) **Loading Berth.** A loading berth shall contain a space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where vehicles generally used for loading and unloading exceed these dimensions, the required dimension of these berths shall be increased.

(12) **Service Drives.** Services drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of markers on frontage not occupied by service drives. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street, other than an alley. Through access from a commercial use to a residential street is prohibited unless provided by variance or other authorized provision of this Code.

(13) **Vision Clearance.** Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points 20 feet from their intersection.

(14) **Extension into Street.** Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street.

**25.34 Parking Lot Plan.** A Parking Lot Plan, drawn to scale, shall accompany development permit applications. The Plan shall show all those elements necessary to indicate that the requirements of this Ordinance are being fulfilled and shall include, but is not limited to:

(1) Delineation of individual parking spaces.
(2) Circulation area necessary to serve spaces.

(3) Access to streets, alleys and properties to be served.

(4) Curb cuts.

(5) Type of landscaping, fencing or other screening materials.

(6) Abutting land uses.

(7) Grading, drainage, surfacing and subgrading details.

(8) Location of lighting fixtures.

(9) Delineations of all structures and obstacles to circulation on the site.

(10) Specifications of signs and bumper guards.

(11) Location of planter bays where required.

(12) Amount of floor area space applicable to the parking requirement for the proposed use.

25.35 Minimum Number of Space Requirements.

(1) **Determining Need.** When square feet is specified, the area measured shall be the combined floor area on each level of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season. Fractional space requirements shall be counted to the nearest whole space; half spaces will be rounded up.

(2) **Parking Requirements for Uses not Specified.** The parking space requirements for buildings and uses not specified in this article shall be determined by the Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. A decision of the Director may be appealed as provided in Section 10.030.

25.36 Outdoor Display & Storage Standards

(1) Surfacing shall be no less than 3/4” gravel with fines (3/4 minus) with a minimum 6” depth of material, or as determined by a licensed engineer.

(2) Fire Access must be provided within 150’ of all portions of the Display and Storage area. Access roads must be engineered to support a vehicle load of
75,000 pounds. Fire access roads shall meet all requirements of the State Fire Code Section 503 as amended.

(3) The site and drainage plans shall be prepared by a licensed engineer and in accordance with Section 25.033(4).

(4) Driveway Approaches. All driveway approaches serving commercial display and/or storage areas shall be surfaced in accordance with Section 25.033(3) a minimum of fifty-feet (50') in length from the public right of way and a width equal to the approach to prevent tracking of material and debris onto the right of way.

(5) Owners of such Outdoor Display & Storage areas are responsible for maintaining the lot in a manner that is free of ruts and holes and consistent with Article 24 of this code.

(6) Nothing in this section provides an exclusion from the required landscaping standards as provided by Article 23.

25.37 Residential RV Storage Standards

(1) Surfacing shall be no less than 3⁄4” gravel with fines (3/4 minus) in an appropriate depth to maintain a mud and dirt free surface.

(2) RV storage shall be set back at least twenty feet (20’) from the Right-of-Way.

(3) Storm water drainage shall be provided in accordance with Section 25.033(4).

(4) Nothing in this section provides an exclusion from the required landscaping standards as provided by Article 23.

25.40 Off-Street Parking and Loading Requirements by Use

Off-Street parking spaces shall be provided according to the following schedule:

25.41 Loading Facilities.

(a) Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths as follows:

<table>
<thead>
<tr>
<th>Square Feet of Floor Area</th>
<th>Number of Berths Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5,000</td>
<td>0</td>
</tr>
<tr>
<td>5,000 - 29,999</td>
<td>1</td>
</tr>
<tr>
<td>30,000 - 99,999</td>
<td>2</td>
</tr>
<tr>
<td>100,000 and over</td>
<td>3</td>
</tr>
</tbody>
</table>
(b) Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

<table>
<thead>
<tr>
<th>Square feet of Floor Area</th>
<th>Number of Berths Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 30,000</td>
<td>0</td>
</tr>
<tr>
<td>30,000 - 99,999</td>
<td>1</td>
</tr>
<tr>
<td>1,000,000 and over</td>
<td>2</td>
</tr>
</tbody>
</table>

25.42 Parking Facilities

Parking as required by the Development Code is in addition to accessible parking requirements of the Oregon Structural Specialty Code.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Residential Uses</td>
<td></td>
</tr>
<tr>
<td>(a) Single-family detached dwelling</td>
<td></td>
</tr>
<tr>
<td>(i) Two or fewer bedroom dwelling units</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>(ii) Three or more bedroom dwelling units</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>(b) Duplex dwelling</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>(c) Triplex and quadplex dwelling</td>
<td>1 space per dwelling unit, except a total of 3 spaces are required for a quadplex on a lot between 5,000-6,999 square feet, a total of 2 spaces for a quadplex or triplex on a lot between 3,000-4,999 square feet, and a total of 1 space is required for a triplex on a lot less than 3,000 square feet.</td>
</tr>
<tr>
<td>(d) Townhouse dwelling</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>(e) Cottage dwelling</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>(f) Multi-dwellings</td>
<td></td>
</tr>
<tr>
<td>(i) Studio and one-bedroom dwelling unit</td>
<td>1.00 space per dwelling unit</td>
</tr>
<tr>
<td>(ii) Two-bedroom dwelling units</td>
<td>1.50 spaces per dwelling unit</td>
</tr>
<tr>
<td>(iii) Three- and four- or more bedroom dwelling units</td>
<td>2.00 spaces per dwelling unit</td>
</tr>
<tr>
<td>(iv) Five or more bedrooms</td>
<td>3.00 spaces per dwelling unit</td>
</tr>
<tr>
<td>(g) Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing. Includes residential facilities.</td>
<td>0.5 space per 4 bedrooms</td>
</tr>
<tr>
<td>(h) Group Quarters</td>
<td>1 space per 2 bedrooms</td>
</tr>
<tr>
<td>(e) Manufactured dwelling park</td>
<td>2 spaces per manufactured home, plus one space for guest parking for each five manufactured homes</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>(2) Commercial Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>(a) Hotel:</td>
<td>1 space per room</td>
</tr>
<tr>
<td>(b) Motel:</td>
<td>1 space per room</td>
</tr>
<tr>
<td>(c) Clubs, Lodge:</td>
<td>Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.</td>
</tr>
<tr>
<td>(d) Bed and Breakfast/Vacation Rental Dwelling:</td>
<td>One space per guest room plus one space for the owner/innkeeper. No more than two vehicles are allowed in the driveway and only one vehicle is allowed in the street. Recreational vehicles must be parked in the driveway and are strictly prohibited from being parked in the street.</td>
</tr>
<tr>
<td><strong>(3) Institutional Uses</strong></td>
<td></td>
</tr>
<tr>
<td>(a) Welfare or correctional institution:</td>
<td>One space per five beds for patients or inmates.</td>
</tr>
<tr>
<td>(b) Convalescent hospital, nursing home, sanitarium, rest home, home for the aged:</td>
<td>One space per two beds for patients or residents.</td>
</tr>
<tr>
<td>(c) Hospitals:</td>
<td>Two (2) spaces per bed.</td>
</tr>
<tr>
<td><strong>(4) Public Assembly Uses</strong></td>
<td></td>
</tr>
<tr>
<td>(a) Religious Assembly:</td>
<td>One space for every three fixed seats or every seven foot of bench length, or every 28 sq. ft. where no permanent seats or benches are maintained in assembly areas.</td>
</tr>
<tr>
<td>(b) Library; reading room; museum; art gallery:</td>
<td>One space per 500 square feet of floor area.</td>
</tr>
<tr>
<td>(c) Day Care Facility:</td>
<td>One space per attendant in addition to residential parking requirements. Resident attendants are not counted in parking requirements for attendant parking.</td>
</tr>
<tr>
<td>(d) Elementary or Junior High School:</td>
<td>Two spaces for each teaching station plus one for every eight fixed seats or every 100 sq. ft. of seating area where there are no fixed seats in the auditorium or assembly area.</td>
</tr>
<tr>
<td>(e) High School:</td>
<td>Two spaces for each teaching station plus one for every four fixed seats or for every 50 sq. ft. of seating area where there are no fixed seats in auditorium.</td>
</tr>
<tr>
<td>(f) College: commercial school for adults:</td>
<td>Two spaces for each teaching station plus one space for every two students of design capacity.</td>
</tr>
<tr>
<td>(g) Other auditorium; meeting rooms; or theater</td>
<td>One space per 3 seats or 7 ft of bench length, or every 28 sq. ft. where no permanent seats or benches are maintained in assembly areas.</td>
</tr>
</tbody>
</table>
(h) Limited school service facility: One space per 400 sq. ft. of floor area.

(5) **Commercial Recreation Uses**

(a) Stadium; sports arena: One space per 5 seats, or 10 ft of bench length.

(b) Bowling Alley: Six spaces per lane.

(c) Dance Hall; Skating Rink: One space per 100 sq. ft. of floor area.

(6) **Commercial Uses**

(a) Supermarkets; grocery stores, food stores: 2 spaces per 1,000 sq. ft. of gross floor area, except bulk retail per (b)

(b) Services or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building: One space per 1,000 square feet

(c) Other retail stores except as otherwise specified herein: 2 spaces per 1,000 sq. ft. of gross floor area, except bulk retail per (b)

(d) Medical or dental: 4 spaces per 1,000 sq. ft. of gross floor area

(e) Other office buildings, business and professional offices: 4 spaces per 1,000 sq. ft. of gross floor area

(f) Pharmacies: 2 spaces per 1,000 sq. ft. of gross floor area

(g) Establishments for the sale and consumption on the premises of food and beverages (restaurants and bars): 5 spaces per 1,000 sq. ft. of gross floor area

(h) Mortuaries: One space per 4 seats of maximum capacity in assembly areas, plus one space per employee, plus one space for each facility vehicle.

(i) Taxicab dispatch offices: One space for dispatcher and 1.5 spaces per licensed taxicab.

(j) Transportation terminals: One space for each 5 seats capacity of carriers, loading or unloading within any half-hour period.

(7) **Industrial uses**

(a) Manufacturing establishment One space per 1,000 sq. ft. of floor area.

(b) Storage warehouse; wholesale establishment; rail or trucking freight terminal: One space per 2,000 sq. ft. of floor area.

(8) **Other Uses:**

Other uses not specifically listed above shall furnish parking as required by the Director. The Director shall use the above list as a guide for determining requirements for said other uses.
(9) **Exceptions**

(a) A triplex or quadplex created through conversion of an existing single-family detached dwelling is not subject to the off-street parking requirements of Item (1)(c) above.

(b) A use listed in Item 6 (g) above existing at the time of passage of this Code may expand without meeting the full standards of this section, provided that additional off-street parking spaces are provided as follows:

| Eating or drinking establishments: | One space for every 200 sq. ft. of additional floor area. |
25.50 Performance Parking Standards

25.51 Purpose. The purpose of this section is to provide a procedure whereby business proprietors and property owners have the option to determine parking needs based upon a performance evaluation. This section is intended to apply to unique or special uses where the prescriptive parking standard contained in Section 25.040 appears unrepresentative of actual parking needs and, therefore, creates a hardship on the property owner. It is not the intent of this section to circumvent the normal requirements of this Code, nor create substandard parking conditions.

25.52 Concept.

1) The Performance Parking concept recognizes the need for flexibility in determining parking requirements for those uses which do not fit the standards contained in section 25.040 of this Code. The concept provides the property owner with an opportunity to determine parking needs based upon a submitted plan and the owner's ability to perform in accordance with the plan.

2) The parking plan, as approved by the Site Plan Review Committee, is constructed and placed on probation for an 18 month period. During this period, the parking conditions are monitored to determine impact to surrounding property owners and streets. If it is determined that no impact has been created, the probationary period terminates and the use is declared in compliance with the ordinance. If an impact has been created, the remaining parking requirements must be constructed. To guarantee construction, security must be posted prior to issuance of the development permit.

25.53 Procedure. A performance parking application shall be processed according to the procedures in Schedule 2-1.

The procedure for submission, review and approval is designed to insure the general health, safety and welfare of the community while providing flexibility and minimizing time delays to the applicant.

1) Application for Performance Parking Permit. A property owner or his designee may submit an application for a Performance Parking Permit to the Director. The application will be accepted and processed when all of the required information has been submitted.

2) Information Required

(a) Application for Performance Parking and non-refundable fee.

(b) Off-Street Parking Plan. A Parking Lot Plan shall be prepared and submitted in accordance with Section 25.034 of this Code. If the proposed use involves the preparation of a Site Plan, the Parking Lot Plan may then be part of the Site Plan. The Parking Lot Plan shall show both the total off-street parking spaces as required in Section 25.040, and the location and number of the proposed spaces.
The difference between the total and proposed spaces is the amount of relief requested from the zoning ordinance, and is hereby referred to as 'deferred parking'.

(c) **Evidence of Off-Site Parking Facilities.** If any of the total spaces are to be located on a separate parcel, the applicant shall submit evidence as to the ownership of the parcel, availability of parking, and an agreement, lease, deed in escrow, option to buy, or other mechanism guaranteeing the parking with the other owner. Off-site spaces shall conform with the requirements of Section 25.030 of this Code. The use of the off-site parking facilities shall not reduce the number of spaces below the required number for the use occupying the site.

(d) **Undeveloped Facilities.** If any of the deferred parking is located on property which does not contain parking facilities developed to the standards contained in Section 25.030 of this Code, a security guarantee shall be provided for the cost of the facilities and shall be guaranteed for the duration of the probationary period.

(3) **Application Review.** Upon receipt of all required information, the Site Plan Review Committee shall review the request as to compliance with the purposes, intent and standards of this section, and shall report their findings to the Director.

(4) **Decision on Permit Request.** Based upon the submitted evidence and the findings of the site Plan Review Committee, the Director shall approve, approve with conditions, or deny the request.

(5) **Issuance of Permit.** The permit is issued for the duration of the probationary period. If future facilities are involved, the applicant shall sign a binding agreement and shall post security guaranteeing to construct all required parking in accordance with the approved parking plan. The permit is issued for the use as described on the application. Any enlargement, expansion or change of use of the building shall subject the property to the parking requirements contained in Section 25.030 and 25.040 of this Code.

(6) **Probationary Review.** The probationary period shall begin at time of issuance of Use and Occupancy Permit, or Business License, and run for a period not to exceed 18 months. At the beginning of the probationary period, property owners within 500 feet of the use or building, shall be notified of the request. During the probation period, site visits shall be conducted by staff to determine impacts, if any. At the end of probation period, property owners are notified again and asked to comment on the parking condition. Based upon the evidence gathered during the probationary period, the Director shall determine if the applicant has performed to his stated need.

(7) **Decision on Performance Evaluation.** Upon completion of the probationary period, the Director shall decide:
(a) Whether the applicant has performed to his stated need, and therefore, complies with this Code. The permit, agreement and securities, if any, shall become null and void, or

(b) Whether the use consistently generates greater parking demand than the applicant's stated need, and that the applicant has failed to perform to his stated need and must comply with the prescriptive standards contained in the Ordinance. The deferred parking facilities must now be constructed.

(8) **Appeal.** Any aggrieved citizen may appeal the Director's decision as provided in Article 10 of this Code.

25.54 **Standards.** Applicant must conform to the normal requirements of this Code including lot design and materials, number of spaces and landscaping.

(1) **Parcel Size.** Each affected parcel must be of minimum size to physically accommodate the total required parking and landscaping requirements as prescribed in Section 25.040. Exception to the requirement is provided for in Section 25.032, Location of Parking Requirements, of this Code, and subsection 25.054(2) below.

(2) **Off-Site Parking.** If any of the total required parking is proposed off-site, applicant must comply with Section 25.032. Evidence must be provided that: the off-site facilities are exclusively available to the applicant for the duration of his use; the facilities are developed to the standards contained in Section 25.050 and use of the facilities will not reduce the amount of required parking available for any other uses. Evidence of proof must be in the form of a lease, deed, contract or any other written evidence acceptable to the Director.

(3) **Deferred Parking on Undeveloped Property.** If any of the deferred parking is proposed on undeveloped property, the applicant must demonstrate:

(a) The development rights of the property are controlled by the applicant for the duration of the probationary period. Proof may take the form of a deed, deed in escrow, deed restriction, or any other instrument acceptable to the Director.

(b) The ability to install and cover all costs of the deferred parking. Prior to the issuance of the Performance Parking Permit, the Site Plan Review Committee shall determine all associated costs of the parking and shall receive a security guarantee from the applicant to be held by the appropriate jurisdiction for the duration of the probationary period.

(4) **Binding Agreement.** Applicant to sign an agreement with the appropriate jurisdiction binding him to the terms of the Performance Parking Permit. The agreement commits the applicant to make all improvements as required and pertains to both the land and the parking facilities. The binding agreement
shall be implemented through the security guarantee and the possible forfeiture of any public service or facility.

25.60 Bicycle Parking Facilities

* Bicycle parking requirements only apply to multi-dwellings; no changes proposed to expand to include middle housing. 
Article 30: Definitions ...................................................... 30-1

30.010 Applicability .......................................................... 30-1

30.020 Definitions .......................................................... 30-1
Article 30: Definitions

30.010 Applicability

As used in this Code, the words and phrases contained in this Article shall have the following meanings:

30.20 Definitions

Abut: Contiguous to, as shown in Concept Sketch 30-Adjacent and Abutting. For example, two lots with a common property line or common property corner. However, "abut" does not apply to buildings, uses or properties separated by public right-of-way. See also "adjacent."

Access: The place, means or way by which pedestrian or vehicles shall have ingress and/or egress to a property or parking space.

(1) Primary: Provides the principal means of access to off-street parking areas and serves the general circulation needs of the property and development.

(2) Secondary: Provides incidental access to the property. Service drives are typical of secondary access facilities.

Access Control Line: A line or narrow strip of land that is recorded on a plat or other legal document across which vehicular and other specified types of access are prohibited.

Access Management: Measures regulating access to streets, road and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the mail facility.

Accessory Buildings: A building of less than 1,000 sq. ft. the use of which is subordinate to and consistent with the principal use of the property.

Accessory Dwelling Unit (ADU):

(1) A second dwelling unit created on a lot with a primary single-family detached house. The second unit is created auxiliary to, and is always smaller than the primary house. The ADU includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside. An ADU and primary dwelling unit are not considered a "Duplex Dwelling" for purposes of this Code.
(2) A dwelling unit attached to a commercial building and on the same lot as a commercial use in a commercial zone, which is incidental, appropriate, and subordinate to the principal use.

Accessory Use: A use incidental, appropriate and subordinate to the principal use. See also "Principal Use."

Industrial accessory uses may include uses such as:

- On-site food service: primarily, but not exclusively, for employees of the business or businesses on the subject property, provided there is no separate dedicated building, outdoor advertising, or drive-through;

- On-site day-care: primarily, but not exclusively, for employees of the business or businesses on the subject property, provided there is no separate dedicated building or outdoor advertising;

- Other uses not permitted as principal uses in subject industrial zones, provided they are principally for the convenience of the on-site industrial use and employees, provided they do not function as a separate principal use, and provided there is no separate dedicated building or outdoor advertising.

Access Way: An unobstructed way of specified width containing a drive or roadway which provides vehicular access and connects to a public street.


Adjacent: Contiguous to a property boundary at a property line or property corner, or contiguous to a property line or corner as extended across an abutting right-of-way for an alley or street, as shown in Concept Sketch 30-Adjacent and Abutting.
Concept Sketch 30 - Adjacent and Abutting

Adjoin: Same as adjacent.

Adult Business: Any person, group, firm, business, or organization (except non-profit corporations which are not open to the general public) which prohibits admission to all or a portion of the premises to any persons younger than 21 years of age.

Adult Use: A use of whatever character, conducted on the premises of an adult business, which use is conducted in the area in which any persons under 21 years of age are prohibited.

Agriculture: The cultivation of crops, and animal husbandry. Agricultural uses are of three types:

1) Intensive: Truck gardening and field crops; customary agricultural buildings, including plant nurseries and greenhouses; roadside stands only for display and sale of products raised on the premises; animals, including: public stables, kennels, and riding academies.

2) Non-Intensive: Gardening; accessory gardening buildings less than 1,000 square feet, including plant greenhouses for plant propagation; and including the keeping of animals as provided by Section 14.900 et seq.

3) Prohibited: Feed lots, Slaughter of animals.
Alley: A public way not over 30 feet wide providing a secondary means of access to private property.

Alter, Alterations: A change, addition or modification in construction or use of a building or structure.

Ambulance or Paramedic Service: A service for transporting the injured or sick or for providing emergency medical services before or during transportation to a hospital or clinic.

Amendment: A change in the text of the Code, or a change in the zone boundaries or district boundaries upon the zoning map or special district maps, or a change in the Comprehensive Plan text, Land Use Map or Urban Growth Boundary.

Apartment House: See "Dwelling, Multi-.

Appeal: A request that a final decision by the Director, Hearings Officer, Planning Commission or City Council be considered by a higher authority, either on the basis of a de novo hearing or with the inclusion of evidence in addition to the evidence considered by the maker of the initial decision.

Applicant: The owner of affected property, or such owner's duly authorized representative. The City Attorney may ascertain the sufficiency of the representative's alleged authorization by the owner to act as applicant on the owner's behalf.

Application: For purposes of this Code, application is defined as materials submitted, or required to be submitted under this Code.

Area of Shallow Flooding: A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and intermittent; and, velocity flow may be evident. AO is characterized as sheet flow, and AH indicates ponding.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

Arterial Street: A major street which functions primarily to move large amounts of traffic and is identified as an arterial street on the official street map.

Athletic Clubs: Recreation facilities containing one or more athletic activities which are primarily indoor in character.

Auto Service Station: Provision of fuel for any motor vehicles, together with performance of associated services for motor vehicles when performed as an accessory use.
Bankfull Stage: The stage or elevation at which water overflows the natural banks of streams or other waters and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

Basement: A space wholly or partly underground and having more than one-half of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

Beds or Banks: The physical container of the waters of this state lying below bankfull stage.

Bed and Breakfast Inn: A use providing temporary overnight lodging and a morning meal (breakfast), for which monetary compensation is paid and received. Bed and Breakfast does not include other similar service uses, such as eating and drinking establishments, religious services, clothing sales or distribution outlets, health or limited care for needy individuals, boarding homes, group quarters, transient quarters, or rescue missions.

Berm: A man-made mound or small hill or earth used to deflect sound or used as a buffer in landscaping provisions to separate incompatible areas or to provide aesthetic enhancement in site design.

Bicycle Parking Facilities: Space and improvements dedicated exclusively for use of securing bicycles. They include, but are not limited to: marked spaces, structures including lockers, racks and enclosures, and areas providing maneuvering space for access to parking spaces and improvements.

Bikeway: A paved facility provided for use by cyclists. There are four types of bikeways:

Shared Roadway: A type of bikeway where motorists and cyclists occupy the same roadway area.

Shoulder Bikeways: A bikeway which accommodates cyclists on paved roadway shoulder.

Bike Lanes: A section of the roadway designated for exclusive bicycle use.

Bike Paths: Bike lanes constructed entirely separate from the roadway, alone or in conjunction with pedestrian ways.

Block: An area of land containing one or more lots or parcels surrounded by streets, railroad rights-of-way, un-subdivided acreage or a combination thereof.

Board: Josephine County Board of County Commissioners.
**Bond:** Any form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City.

**Buffer, Buffering:** A landscaped area which provides a separation between potentially conflicting zoning districts, when developed as provided in Section 23.034, Type D.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Envelope:** That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces and easements, and which is available for siting and constructing a building or buildings.

**Building Line:** A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by this Code between the front property line abutting a street and the closest point of the foundation of any building or structure related thereto.

**Building Types:** The description of buildings according to their placement and arrangement on a site or sites as follows:

1. **Nonresidential** - That group of building types comprising the following:
   
   a. **Detached:** A single main building, freestanding and structurally separated from other buildings. (See Concept Sketch 30-Building Types.)
   
   b. **Attached:** Two or more main buildings placed side-by-side so that some structural parts are touching one another, located on a lot or development site or portion thereof. (See Code Concept Sketch 30-Building Types.)

2. **Residential** — See "Dwelling Types." That group of building types comprising the following:
   
   a. **Single Detached-One:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site. (See Concept Sketch 30-Building Types.)
   
   b. **Single Detached Two:** Two dwelling units located on the same lot that are not attached in any manner. (See Concept Sketch 30-Building Types.)
   
   c. **Duplex:** Two dwelling units placed so that some structural parts are in common and are located on a single lot or development site. (See Concept Sketch 30-Building Types.)
(d) **Single Attached**: Two or more dwelling units attached side-by-side with some structural parts in common at a common property line. (See Concept Sketch 30-Building Types.)

(e) **Multi-Dwelling**: A structure or complex of structures containing at least three dwelling units in any vertical or horizontal arrangement, located on a lot or development site. (See Concept Sketch 30-Building Types.)

(f) **Cottage Development**: A grouping of four to twelve small, single-family dwelling units clustered around a common open space area and developed with a coherent plan for the entire site. Cottage units may have other shared amenities. The shared common area and coordinated design may allow densities that are somewhat higher than typical in single-family neighborhoods possible while minimizing impacts on adjacent residential areas.

(3) The following commonly used terms are not considered building types for purposes of this Code:

(a) **Condominium**

(b) **Townhouse**

(c) **Apartment**
Concept Sketch 30 - Nonresidential Building Types
Building Official: The City Building Official.

Building, Principal: A building within which is conducted a principal use permitted on a lot.

Calendar Year: The period of time from January 1 to December 31 inclusive.

Carport: A structure consisting of a roof with its supports and which is entirely open on two or more sides and is used for sheltering a motor vehicle.

Cemetery: Land use or intended to be used for the burial of the dead and dedicated for cemetery purposes, and which may include columbaria, crematories, mausoleums and mortuaries.

City Engineer: The City Engineer of the City of Grants Pass or his designee.

City Manager: See "Manager."

City Surveyor: An individual appointed to the office of Grants Pass City Surveyor who is responsible for performing the duties of such office in lieu of the County Surveyor as described by law.

Clearance: The highest point of the grade below a sign to the lowermost point of the sign.

Clinic: A building for the diagnosis and treatment of human patients, for periods not exceeding 24 hours, by a health care provider licensed by the State of Oregon, including doctors, dentists, surgeons, chiropractors, physical therapists, psychologists, and health counselors.

Code: Shall mean the City of Grants Pass Development Code.

Co-dominant: Trees with crowns forming the general level of the crown cover and receiving full light from above but comparatively little from the sides; usually with medium-sized crowns more or less crowded on the sides.

Collector Street: A major street which transports traffic from local streets to the arterial street system and is identified as such on the official street map.

Commercial: See "Trade Retail."

Compatible: To be used in determining the suitability of land uses within a zone and is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. Compatible may include being made compatible through screening, fencing, traffic pattern and site plan design, restriction of building openings, building design, building setbacks or other design solutions.

Comprehensive Land Use Plan/Comprehensive Plan: An official document which establishes the future land use pattern and land use goals and policies for the City.
Condominiums: A type of residential development offering individual ownership of units and common ownership of open spaces and other facilities and regulated, in part, by State Law (ORS Chapter 100).

Cottage Cluster: A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

Cottage Cluster, Mixed: A cottage cluster that includes a mix of attached and detached cottage dwelling types.

Cottage Cluster Project: A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

Cottage Dwelling: See “Dwelling Types.”


County Recorder: The Josephine County Clerk.

County Surveyor: An individual appointed or elected to the office of Josephine County Surveyor and who is responsible for performing the duties of such office as described by law.

Courtyard: A landscape area enclosed by two or more walls.

Coverage, Building: That percentage of the total lot area covered by buildings.

Criteria: General rules or tests on which a judgment or decision can be based.

Crown: Live branches and foliage of individual trees that results in shading beneath.

Cul-de-sac: A short street which has one end open to traffic and is terminated by a vehicle turn-around.

Cul-de-sac Bulb: The circular radius at the end of a cul-de-sac.

Cultural Exhibits: Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art. Specifically excluded from this category are exhibitions where items displayed are available for retail sale (see “Trade, Retail.”)

Day(s): Shall mean calendar days, unless working days are specified, which shall mean Monday through Friday, exclusive of official City holidays.
**Day Care:** Care, supervision and guidance on a regular basis provided to five or more persons during part of the day, under appropriate local and State licensing. Day care is of two types:

1. **Family:** Day care provided for fewer than 13 children (under 13 years of age), including children of the provider, in the living area of the provider's home, regardless of full-time or part-time status, which meets the requirements of ORS 418.805 through 418.885.

2. **Group:** Day care provided in a place other than the recipient's home, excluding Family Day Care.

**Dedication:** The designation of land by its owner for any general or public use.
De Novo: A new hearing, usually without consideration of any previous hearing testimony.

Density: The number of residential dwelling units per acre of land.

Destination Resort: As defined in Goal 8, Recreational Needs, Oregon's Statewide Planning Goals, as may be amended from time to time (OAR 660, Division 15).

Development: Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, land division and partition, establishment or termination of a right of access, storage on the land, drilling and site alteration such as that due to land surface mining, dredging, paving, excavation or clearing.

Development, Existing: Development existing or authorized by City permit at the time of application for a Solar Access Permit.

Development Permit: A permit issued by the Director for a development which is in compliance with this Code and the Comprehensive Plan.

Development Plan: Any plan adopted by the City Council for the guidance of growth and improvement of the City. The Council may make adjustments in any such plan from time to time to meet unanticipated problems and conditions affecting landowners or the public.

Development Site: A tract of land either undivided or consisting of two or more contiguous lots of record which, on the effective date of this Ordinance or subsequently, came under single or common ownership and continued to be so owned at the time a Development Permit was applied for.

Director: Director of the City Community Development Department, or his/her designee.

District: A portion of territory of the Urban Growth Boundary within which certain uniform regulations and requirements of this Code apply.

Dividing Land: See "Land Division."

Dominant Tree: Trees with crowns extending above the general level of the crown cover and receiving full light from above and partially from the side; larger than the average trees occupying the site and with crowns well developed.

Drainageway: A natural or manmade watercourse which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation and which conveys significant seasonal concentrations of water over the surface of the land.

Driveway: The driving surface that provides access internal to a lot or parcel, which has access to the public or private street that constitutes frontage. A driveway does not constitute frontage. A driveway services only one lot or parcel, except where
there are provisions for shared driveways and cross access easements. See definition of “Streets, Private.”

**Duplex Dwelling:** See "**Dwelling Types**."

**Duplex:** A building under single or common ownership designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family. See also "Building Type."

**Dwelling, Multi:** A building under single or common ownership designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family. See also "Building Type."

**Dwelling, Single Family:** A building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family, and if attached, under separate ownership from any attached dwelling. See also "Building Type."

**Dwelling Types:**

1. **Cottage Dwelling:** An individual dwelling unit that is part of a cottage cluster or mixed cottage cluster, also commonly called a “cottage.”

2. **Duplex Dwelling:** Two dwelling units on one lot or parcel in any detached or attached configuration. Does not include a Detached Dwelling and an Accessory Dwelling Unit on one lot or parcel.

3. **Multi-Dwelling:** A building(s) on one lot or parcel where each building contains one or more dwelling units and that includes five or more total dwelling units.

4. **Quadplex Dwelling:** Four dwelling units on one lot or parcel in any detached or attached configuration.

5. **Single-Family Detached Dwelling:** One dwelling unit on one lot or parcel with no common walls attached to another dwelling unit, also commonly called a “single-family dwelling” or “detached residential dwelling unit.”

6. **Townhouse Dwelling:** A dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit, also commonly called a “single-family attached dwelling,” “rowhouse” or “common-wall house.”

7. **Triplex Dwelling:** Three dwelling units on one lot or parcel in any detached or attached configuration.

**Dwelling Unit, Existing Residential:** A residential dwelling unit that is currently certified for occupancy, that was constructed as a new residential dwelling unit in accordance with the standards in effect at the time of its construction.
Dwelling Unit, Residential: A single unit of one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities providing complete independent facilities for occupants, including permanent provisions for living, sleeping, cooking, and eating and sanitation.

Easement: A recorded interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Eating/Drinking Establishments: Uses providing facilities for consumption of prepared food and/or licensed beverages.

Elevation, Average: The average of the lot elevation on the northerly side of a structure and the lot elevation on the southerly side of a structure.

Employees: All persons, including proprietors, working on the premises during the largest shift at peak season.

(1) An individual or group of persons not to exceed fifteen in number, related by blood, marriage or adoption.
(2) An individual or group of disabled persons, not to exceed fifteen in number.
(3) An individual or a group of not more than five persons (excluding servants) who need not be related by blood, marriage or adoption, living together in a dwelling unit.
Fee in Lieu Agreement: Replaces the Deferred Development Agreement. The agreement obligates the property owner to pay a one-time assessed fee for those public improvements associated with the property’s street frontage. The assessed fee for public improvements is based on the street classification fronting the property. The agreement is duly recorded, remains with the property and guarantees the property owner(s) one-time assessed fee for those public improvements specified in the agreement are paid in full.

Fenestration: The arrangement or design of windows and doors in a building.

Final Action: A final determination made by the review body and accompanied by adopted findings, if required, and signed by the review body or its designee. See also "Oral Action" and "Findings."

Findings: Written statements of fact, conclusions and determinations based on the evidence presented in relation to the Decision Approval Criteria and accepted by the review body in support of a decision.

Flag Lot: A lot that has frontage on and primary access to a street by means of a flag pole (See Concept Sketch 30 - Flag Lot and Flag Pole).

![Concept Sketch 30 - Flag Lot and Flag Pole](image)

Flag Pole: That portion of a lot that is a narrow strip of land to provide primary frontage and access to the main body of the lot. A flag pole has a width at all points that is less than 50 feet or the width of the lot, whichever is less. The width of the flag pole at any point is less than the depth of the flag pole from the street right-of-way to that point (See Concept Sketch 30 - Flag Lot and Flag Pole).
Flood: Any high stream flow which overtops the natural or artificial bank of any part of a stream or river that covers land not usually under water. The Intermediate Regional or Base Flood (often referred to as the 100-year flood) is a flood with a one percent chance of occurrence in any given year. This flood is mapped by the Army Corps of Engineers and is used by the Federal Emergency Management Agency and the City of Grants Pass for purposes of regulating development within flood boundaries.

**Flood Fringe:** The area bordering the floodway and within the floodplain and which acts as a reservoir of flood waters.

**Flood Insurance Rate Map (FIRM):** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

**Floodplain:** The combined area of the floodway and flood fringe as defined herein.

**Floodway:** The minimum area necessary for the passage of floodwaters, including the channel and adjacent land areas which must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot; or any area designated as a floodway on the Floodway Map, whichever is more restrictive.

**Flood Area:** The gross area, under roof, of all of the floors of a building, measured from the interior of exterior walls, excluding only space devoted to off-street parking or loading.

**Forestry:** Any commercial activity relating to the growing or harvesting of forest tree species, including, but not limited to:

(a) Reforestation;

(b) Construction and maintenance of roads specifically for the growing or harvesting of forest tree species;

(c) Harvesting of forest tree species;

(d) Application of chemicals as part of growing or harvesting forest tree species; and

(e) Disposal of slash.

**Forestry:** Individual or stand culture; pest management, thinning, fertilization, chemical applications, pruning or other at an individual tree or stand level.
Frontage: That portion of a property which abuts a street right-of-way.

Functional Classification: The description of streets by the relative importance of the movement and access functions. See "Streets" for specific descriptions of each street classification.

Future Street Plan: An approved street plan indicating the location of future streets within undeveloped or partially developed portions of the Urban Growth Boundary.

Garage, Private Parking: A structure having one or more tiers of height used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this Code and which are not open for use by the general public.

Garage, Public Parking: A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this Code, provided said parking spaces are clearly identified as free parking space(s) for the building or use.

Garage, Repair: A building used for the care and repair of motor vehicles, including major and minor work such as body and fender work or engine and transmission overhaul, and incidental storage or parking of vehicles.

Goals: Statements identified as such in the Comprehensive Plan.

Governmental Bodies: Shall mean City, County, State and Federal Boards, Councils, Commissions and Agencies and the like. See also "Review Bodies."

Government Buildings: All buildings and structures defined in ORS 446.210 through 446.280 used by the public which are constructed, purchased, leased or rented in whole or part by the use of State, County or Municipal funds, or the funds of any political subdivision of the State; and to the extent not required otherwise by federal law or regulations or not beyond the power of the State to regulate, all buildings and structures used by the public which are constructed, purchased, leased or rented in whole or in part by the use of federal funds.

Grade, Finish: The final grade of paving, sidewalk or landscaped area at any given point upon completion of construction.

Group Care Home: Facilities licensed by the State of Oregon and the appropriate governing bodies providing convalescent or chronic care for periods exceeding 24 hours for elderly or physically dependent persons, or providing care and training on a daily basis for physically or mentally handicapped persons, for sixteen or more persons not related by blood, marriage or adoption to the administrator of such care and training.
**Group Quarters:** The residential occupancy of living units by groups of more than five persons who are not all related by blood, marriage or adoption, and where the communal kitchen and/or dining facilities are provided.

**Habitable Floor:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

**Half Street:** Half of the width of a street, usually along the side of a subdivision where the remaining portion of the street could be provided in another subdivision.

**Handcrafted Manufacturing:** Merchandise produced using non-power equipment and tools, except for low-impacting household appliances, such as sewing machines, jigsaws, small drills and sanders. In no case can the equipment and/or material used in production result in noise, vibration or air or water quality impact in excess of locally adopted standards.

**Hearings Officer:** A contracted individual empowered with certain decision-making authority by this Code.

**Height of Building:** The vertical distance above a reference datum measured to the highest point of the roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building.

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

   When a building has a covered porch, covered deck, or other unenclosed covered space without an exterior wall, the outermost point of the unenclosed space shall be considered an exterior wall.

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.
helipad. Medical: a landing and takeoff place for a helicopter for emergency medical services, such as patient transport.

Homeowners Association: an incorporated, non-profit organization operating under recorded land agreements through which each lot owner of a Planned Unit Development or other described land area is automatically subject to a charge for a proportionate share of maintaining a common property.

Home Occupation: an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. The primary use of the dwelling unit is residential.
Hospitals: Institutions devoted primarily to the rendering of healing, curing and/or nursing care which maintain and operate facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity, or where other healing curing and/or nursing care is rendered over a period exceeding 24 hours.

Hospital, Small Animal: See Veterinary Clinic.

Hotel (Motel, Motor Hotel, Tourist Court): A building or group of buildings used for transient residential purposes containing rental units which are used, rented or hired out for sleeping purposes.

Indoor Recreation Area: A room or rooms within an enclosed building which is designed and used for recreational purposes by the public and/or occupants of a residential development. Activities provided for within an indoor recreation area may include, but are not limited to, the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance floors, tennis or handball courts, and games such as pool, ping-pong, shuffleboard, etc.

Industrial: The on-site production of goods excluding agriculture. Industrial uses are one of three types:

(1) Indoor: Those light industrial uses that can be accomplished within a wholly enclosed building, that require no outside production and little or no outside storage of materials. Indoor Industrial uses refer to industrial production of previously processed or prepared materials, as follows:

(a) Production, processing, assembling, packaging or treatment of food products from previously processed materials; or

(b) Production, processing, assembling and packaging of finished products from previously prepared materials; or

(c) Manufacturing and assembly of electronic instruments and equipment and electrical devices.

(2) Outdoor: Those heavier industrial uses that require open air production, processing and storage of materials. Outdoor Industrial uses refer to:

(a) The manufacturing, processing or assembling of semi-finished or finished products from raw materials.

(b) The retail or wholesale trade in bulk of hazardous materials.

(3) Prohibited: Those industrial uses within the City of Grants Pass, as follows:

(a) Manufacturing of explosives.

Intensity of Use: See "Land Intensity of Use."
Intermediate Tree: Trees shorter than those in the Codominant and Dominant classes but with crowns extending into the crown cover formed by codominant and dominant trees; receiving little direct light from above and none from the sides, usually considerably crowded on the sides.

Irrigation System: Method of supplying water which can be manually or mechanically-controlled to a needed area.

Itinerant Use: (Repealed per Ord 5564) See Chapter 4 of the Municipal Code.

Kennels: A lot or premises on which three or more adult dogs are kept, whether by the owners of the dogs or by persons providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six months.

Kitchen: Any room used or intended or designed to be used for preparation of food and storage of food, including any room having a sink, and either a 3/4-inch gas opening or provision for a range or stove.

Laboratory, Medical: A laboratory that provides the processing and/or manufacture of medical products on an individual basis from another medical source, usually a health care provider. This includes, but is not limited to, a dental, blood, foot, radiology, and pharmaceutical laboratories.

Land, Intensity of Use: Relative measure of development impact defined by such characteristics as the number of dwelling units per acre, amount of traffic generated and amount of site coverage.

Land, Parcel of: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Landscaping: Includes ground cover, trees, grass, bushes, shrubs, flowers and garden areas and any arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas.

Landscape Coverage: The degree to which living plant materials cover any given landscaped area, as measured no higher than six inches from the finish grade of the landscaped area.

Library: Collection of books, manuscripts, periodicals, and other media, etc., for study or reading, on-site or available for check out and circulation. A library may house meeting space as a secondary function. Specifically excluded from this category are exhibitions where items displayed are available for retail sale (see “Trade,” “Retail.”)

1. Main branch. When there is one library in the library system, it shall be considered the main branch. When there is more than one library in the library system, the principal library, typically the largest facility
which serves as a hub for other libraries in the system, shall be considered the main branch. Administrative functions for the library system are typically housed in the main branch rather than neighborhood branches.

(2) Neighborhood branch. When there is more than one library in the library system, a secondary library, typically a smaller facility, which acts as a satellite facility and serves a smaller neighborhood area, shall be considered a neighborhood branch.

Loading Space: An off-street space or berth on the same lot with a main building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading.

Lodge: A lodge, club or fraternal organization, except those carried on as a business for a profit, and excepting Group Care and Group Quarters uses.

Lot: Either a discrete unit of land for planning, zoning, use, and development purposes, or subdivision lot, as the context dictates.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Authorized: A lot which is recognized by the City of Grants Pass as a discrete unit of land for planning, zoning, use, and development purposes.

Lot, Corner: A lot situated at the intersection of two intersecting streets, where the interior angle of such intersection does not exceed 135 degrees.

Lot Coverage: The percent of a development site area covered by the vertical projection of any structures or buildings.

Lot Depth: The average minimum horizontal distance between the rear lot line and the front lot line, unless,

(1) the rear lot line is enclosed within a floodway, required stream setback, or similar area not to be used for building and the applicant chooses to designate the setback or floodway line to be the rear lot line; or

(2) the lot is a flag lot, in which case the lot depth shall be the average minimum horizontal distance between the two lot lines most distant from one another.

Lot, Interior: A lot other than a corner lot and having frontage on only one street.

Lot Line: The property line bounding a lot.

Lot Line, Exterior: Any Side or Rear Lot Line abutting a street or alley.

Lot Line, Front: A property line which abuts the street. Where two or more property lines abut a street, one shall be the Front Lot Line and all others shall be Exterior Side
or Exterior Rear Lot lines, as appropriate. The choice of Front Lot line shall be the applicant's.

**Lot Line, Rear:** The record lot line or lines most distant from and generally opposite the front lot line, except that in the case of a triangular lot or lot with more than four sides, it shall mean a straight line 10 feet in length which is a) parallel to the front lot line or its chord and b) intersects the other lot lines at points most distant from the lot line. (See Concept Sketch 30-Rear Lot Line.)

**Lot Line, Side:** Any lot boundary not a front or rear lot line.

![Concept Sketch 30 - Rear Lot Line](image)

**Lot of Record:** See "Lot, Authorized."

**Lot, Tax:** A unit of land that has been assigned a lot number by the Josephine County Assessor, that may or may not be an authorized lot.

**Lot, Through:** A lot of record which has both a front and rear lot line abutting a street.

**Lot, Unauthorized:** A lot which is not recognized by the City of Grants Pass as a discrete unit of land for planning, zoning, use, and development purposes.

**Lot Width:** The diameter of the largest circle that can be inscribed within the property lines of a lot (See Concept Sketch 30 - Lot Width).
Concept Sketch 30 - Lot Width

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.

Maintenance: See Repair/Maintenance.

Major Zone District: The primary zone designation of property within the City such as R-1, GC or BP.

Makerspace/Innovation Hub: A community center or shared facilities that provide technology, manufacturing equipment and educational opportunities to the public, typically funded by membership fees or through affiliations with external organizations such as universities, for-profit companies, non-profit organizations and libraries.

Manager: The City Manager of the City of Grants Pass or his designee.

Manufactured Dwelling: A residential trailer, mobile home, or manufactured home. As defined in ORS 446.001, manufactured dwelling does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code, or the Small Home Specialty Code.

Manufactured Dwelling Park: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured Dwelling Park" does not include a lot or lots located within a subdivision which are being rented or leased for occupancy by no more than one manufactured dwelling per lot.
Manufactured Home: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Manufactured Home Space or Lot: A plot of ground within a manufactured dwelling park designed for the accommodation of one manufactured home, its accessory structures, parking spaces and required yard areas.

Manufactured Housing Park: A manufactured dwelling park.

Marijuana: (a) Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae; (b) “Marijuana” does not include industrial hemp as defined in ORS 571.300.

Marijuana Business: “Marijuana Business” shall mean any of the following:

1. Marijuana processing sites; or
2. Marijuana dispensaries; or
3. Marijuana producers; or
4. Marijuana processors; or
5. Marijuana wholesalers; or
6. Marijuana retailers.

Medical Office: A business office directly associated with a licensed health care provider or providers for activities directly related to the health care, such as supplying, billing, and record keeping, but not providing diagnosis or treatment of patients.

Middle Housing. Any individual or combination of duplex, triplex, quadplex, townhouse and cottage dwellings.

Mixed Cottage Cluster: See “Cottage Cluster, Mixed.”

Mobile Home. A structure constructed for movement on the public highways that has sleeping cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Mobile Home Park: A manufactured dwelling park.

Modular Home: A factory-fabricated transportable building designed to meet the Uniform Building Code, to be used by itself or incorporated with similar structures or units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include buildings constructed at a site from prefabricated parcels, trusses and other prefabricated supplements. A "Modular Home" is not considered a "Manufactured Home."
Mortuary: Mortuaries, crematories, and funeral and interment enterprises, where human bodies are kept prior to cremation or interment.

Motel, Tourist Court: See "Hotel".

Motor Vehicle and Trailer Sales Area: A lot used for display, sale or rental of new or used motor vehicles or trailers.

Multi-Dwelling: See "Dwelling Types."

Non-Conforming Building: Any building which lawfully exists prior to the effective date of this Code but which, due to the requirements adopted herein, no longer complies with the height, yard, area and/or coverage regulations, off-street parking requirements or other provisions of this Title.

Non-Conforming Lot: A parcel of land which lawfully existed as a lot on the effective date of this Code, or which is legally created after the effective date of this Code, but which in either case does not conform to the lot area and/or lot dimension standards for the zone in which it is located.

Non-Conforming Use: Any use which lawfully existed on the effective date of this Code but which, due to the requirements adopted herein, no longer complies with the schedule of permitted uses.

Noon: Noon solar time, when the sun reaches its highest position in the sky on January 21.

Northern Lot Line: A lot line or lines less than 45 degrees southeast or southwest of a line drawn east-west and intersecting the northernmost point of the lot, or, if such line exists, the lot line the fewest degrees southeast or southwest of this east-west line. If the northern lot line adjoins an unbuildable area or areas (e.g. streets, alleys, public rights-of-way, parking lots, common areas) other than a required yard area, the northern lot line shall be northerly edge of the unbuildable area. (See Concept Sketch 30-Northern Lot Line.)

[Diagram of Northern Lot Line]

Concept Sketch 30 - Northern Lot Line
North-South Lot Dimension: A distance that represents the general length of the north-south axis of a lot. It is calculated as one-half the sum of the distances between: (A) the northernmost point on the northern lot line and the southernmost point of the southern lot line, and (B) the southernmost point on the northern lot line and the northernmost point on the southern lot line. The north-south lot dimensions of flag lots shall be measured excluding the flag pole portion of the lot. (See Concept Sketch 30-North-South Lot Dimension.)

![North-South Lot Dimension Diagram](image)

North-South Lot Dimension = \((A+B)/2\)

Concept Sketch 30 - North-South Lot Dimension

Nursing Home: See "Group Care Home."

Nuisance: A use, development or building on a parcel which is found to be dangerous, or a potential threat to the health, welfare and safety of the community, and which may be cited by the City Manager for civil action.

ODOT: Oregon Department of Transportation.

Offices: All offices maintained by business, professional and financial organizations and individuals for the performance of their business or profession, excepting repair/maintenance. Office uses are three types:

1. Professional: Office uses for the practice of a profession, including any office performing personal or business services, excepting repair/maintenance services. Professional office uses include medical and dental clinics, but do not include small animal clinics, and do not include laboratories not incidental to medical/dental office or clinic operation.

2. Business: Office uses provided for the conduct of business other than professional, excepting repair/maintenance services, and not involving retail or wholesale trade on the premises. See also "Trade, Wholesale."

3. Limited: Professional or Business Offices, but only when abutting GC or CBD Zoning Districts by either (a) an interior side lot line or (b) an interior side and interior rear lot line. (See Concept Sketch 30-Limited Office.)
Concept Sketch 30 - Limited Office

**Open Space, Recreational:** Area on a lot that is suitable for recreational use such as play, picnics, gardens, or sports. While recreational open space generally contains pervious surfaces, it may include impervious surfaces necessary to the recreational activity such as decks or sports courts. Recreational open spaces may be any of the following:

1. lawn or similar living ground cover that allows active recreational use. This does not include areas covered with decorative rock, landscaping bark, shrubs, or similar materials.

2. decks, patios, balconies, picnic areas, gazebos, or similar facilities that are designed solely for recreation.

3. active recreation facilities such as playgrounds, swimming pools, and sports courts.

4. walking, jogging, biking, or similar trails, including adjoining natural areas. This does not include trails within a required exterior yard.

5. cultivated gardens.

**Open Space, Pervious:** Area on a lot with surfaces permeable to water. This includes required landscaped yards, buffer areas, other landscaped areas, ponds, creeks, and other natural areas. It does not include streets, accessways, parking areas, areas covered by structures, decks, or areas covered by asphalt, concrete, or decorative rock.

**Oral Action:** The initial determination made by the review body at a public meeting or hearing, subject to the Final Action and adoption of findings. See also "Final Action" and "Findings."
**Outdoor Storage:** The keeping, in an unroofed area, of non-explosive materials, merchandise, goods and/or vehicles in the same place for more than 24 hours. Storage shall be screened with a solid fence or wall and shall not encroach into any required setback.

**Owner:** Where used in relationship to real property, the legal owner of record or, where there is a recorded Land Sales Contract in force, the purchaser thereunder.

**Parapet or Parapet Wall:** That part of any wall above the roof line as defined in Uniform Building Code, Oregon Edition.

**Parcel:** A partition parcel, a property line adjustment parcel, or a discrete unit of land for planning, zoning, use, and development purposes, as the context dictates.

**Parking Area, Commercial:** Privately or publicly owned property other than streets or alleys, on which parking spaces are defined, for use by the general public, either free or for remuneration, and not provided as part of a parking requirement for some other use.

**Parking Area, Private:** Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required and not open for use by the general public.

**Parking Area, Public:** Privately or publicly owned property other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, provided as a part of a parking requirement for an adjoining land use.

**Parking Space:** The minimum gross area available for the parking of an automobile as required by this Code.

**Parking, Voluntary:** A private parking area provided in a residential zone for use by a business or use on an adjacent lot in a commercial or industrial zone. Parking is provided voluntarily and is in excess of any parking spaces required by this Code. The number of spaces is not more than 50 percent of the number of spaces required for the use, or ten spaces, whichever is greater. Voluntary parking is of two types:

1. **Local Impact:** Voluntary parking involving ten or fewer spaces with no access to a street in a residential zone.

2. **Area Impact:** Voluntary parking involving more than ten spaces or access to a street in a residential zone.

**Partition:** Either an act of partitioning of land or an area or tract of land partitioned.

**Partition Parcel:** A single unit of land that is created by a partitioning of land.
Partition Land: To divide land into two or three parcels of land within a calendar year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots.

2. A property line adjustment.

3. The division of land resulting from the recording of a subdivision or condominium plat.

4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Comprehensive Plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

Partition Plat: A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Party: Any person, organization, or governmental body, including the applicant, that appeared at a public hearing by submitting written or oral testimony concerning a particular application or matter, or who submitted written testimony concerning a particular matter or application during a noticed public comment period prior to a land use decision or limited land use decision.


Pedestrian Connection: A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, pedestrian ways, stairways and pedestrian bridges.

Pedestrian Connector Route: A right-of-way dedicated and constructed to accommodate pedestrian travel between rights-of-way or properties.

Pedestrian Way: An access, trail, sidewalk, or similar path that accommodates pedestrian travel.

Pedestrian Way, Private: A pedestrian way that is located on private property.

Performance Standards: A measure of the quality of traffic operations at an intersection or roadway segment. Performance standards can include level of service, volume to capacity ratio, average stopped delay, and other methods of measurement.
Person: An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more people having a joint or common interest, or any other legal entity.

Personal Services: Services, the primary function of which is to enhance the appearance, health, or hygiene of individuals. Providing these personal services for the convenience of walk-in customers is the primary function. The sale of any product is accessory to these services. Typical uses include beauty and barber shops, professional masseuses, shoe repair shops, and coin operated laundries. Personal services do not include medical or dental offices or clinics.

Pharmacy: A retail store where medicines are compounded and sold. Not more than 25 percent of the floor area may be devoted to retail sale or rental of goods other than medicines, durable medical goods, or medical related products.

Planned Unit Development: A land development project comprehensively planned as an entity via a unified site plan which permits flexibility in building siting, mixtures of building types and land uses (provided those land uses are permitted in the underlying zone), usable open spaces and the preservation of significant natural features.

Planning Commission: The Urban Area Planning Commission, except that the Historical Buildings and Sites Commission may be substituted for the Planning Commission in Section 2, Procedures, and Section 10, Appeals, when referencing action by the Historical Buildings and Sites Commission under the Procedures or Appeals Sections.

Plat: A final subdivision plat, replat, partition plat, property line adjustment plat or map.

Pre-Existing Lot: See "Authorized Lot."

Preliminary Plan: See "Tentative Plan."

Premises: A lot, parcel or tract of land occupied, or to be occupied, by a building or unit or group of buildings and their accessory buildings.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exist. See also "Accessory Use."

Private Driveway: A driveway to serve residential premises.

Property: A unit or tract of land.

Property Consolidation: The creation of one unit of land where more than one unit of land previously existed.

Property Line: The legally recognized division line between two units of land.
Property Line Adjustment: The relocation of a common property line between two abutting properties, when recorded with the County Recorder by the appropriate parties, when such adjustment is done in accordance with the applicable standards in effect at the time of recordation.

Property Line Adjustment Parcel: A unit of land created by a property line adjustment.

Property Line Vacation: The removal of the property lines separating two units of land resulting in the consolidation of abutting properties.

Public Building: All buildings and structures used by the public that are constructed, purchased, leased or rented in whole or in part by the use of private funds, where the building or structure has a ground area of more than 4000 square feet or is more than 20 feet in height from the top surface of the lowest flooring to the highest interior overhead finish of the building or structure.

Public Facilities: This category includes public uses and facilities which are not defined separately under more specific definitions in this Article, such as ‘Public Park’ and ‘Library.’

Except as provided below, public facilities that operate and function similarly to their private equivalents other than for their public ownership or occupancy, shall be reviewed using the procedures that apply to their private equivalents, if there is a commonly recognized equivalent, and if the public nature itself does not make the use location-dependent. Examples of these uses include: government/public offices, maintenance facilities, storage, etc.

1) Public Facility, Location-Dependent: Government, public, or semi-public facilities and utilities which, by nature of their function, must be located relative to other facilities, areas, elements of the collection or distribution system, or natural or topographic features to function properly, whether they may have local impact or substantial impact. Any associated impacts are addressed through mitigation rather than zoning. If a facility could meet more than one definition (Location-Dependent Public Facility, Minor Public, or Major Public), the least restrictive shall apply.

Examples of Uses included in this definition include: Open-air utility substations and pumping stations, reservoirs and wholly enclosed pumping stations or utility sub-stations. It also includes municipal water or sewage treatment plants when separated from any residential development by a minimum 50-foot wide Type B landscaped buffer. Uses also include public safety stations and substations (police and/or fire) when necessary to serve a specific area or achieve needed response times to a specific area.

Examples of uses not included in this definition are other public uses that are included in the ‘Major Public’ and ‘Minor Public’ definitions. Those uses may have specific siting requirements, but they are not location-dependent in the
same manner as uses in this definition, and they have greater siting flexibility to function properly.

(2) **Public, Major:** Government or publicly owned facilities which have substantial impact, including materials storage or equipment repair facilities, warehouses, and detention and correction institutions.

(3) **Public, Minor:** Government, public or semi-public facilities and utilities which have a local impact upon surrounding properties.

**Public Need:** A conclusion based on presentation of factual evidence which demonstrates that a particular request for a change is in the best public interest for economic, social, and environmental reasons.

**Public Park:** A tract(s) of land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public and under the management or control of a public agency. Parks may include playgrounds, recreation facilities, athletic fields, courts and open space. Uses generally occur outdoors, but buildings for indoor uses and enclosed spaces may be permitted by the Review Body as Accessory Uses. Parks are classified as Mini-Neighborhood, Neighborhood, Community, and Metropolitan Parks in accordance with the definitions found in the Parks and Recreation Master Plan for the City of Grants Pass Urban Growth Boundary.

**Quadplex Dwelling:** See “Dwelling Types.”

**Quasi-Judicial Action:** An action which involves the application of adopted policy to a specific development application or amendment, as provided by this Code.

**Ramada:** A structure having a roof extending over a manufactured home or manufactured home space which is designed for protection of the manufactured home from sun and rain.

**Reasonably Direct:** A route that does not deviate unnecessarily from a straight line or involve a significant amount of out-of-direction travel for likely users.

**Recreation, Commercial:** Provision of sports, recreation and entertainment for both participants and spectators, provided both indoors and outdoors. Specifically excluded from this category are “Residential Recreation” and “Athletic Club” uses. Commercial Recreation uses are of two types:

(1) **Local Impact:** Commercial recreation uses conducted within an enclosed building with a capacity of 300 persons or less. Typical uses include theaters and meeting or banquet halls.

(2) **Area Impact:** Commercial recreation uses conducted outdoors, or conducted within an enclosed building with a capacity of over 300 persons. Typical uses include theaters, meeting or banquet halls, cinemas, theme parks, stadiums, miniature golf facilities, and zoos.
Recreation, Residential: Provision of recreation facilities for participants, with only incidental spectator use, such that compatibility with residential uses can be maintained. Residential recreation uses are of two types:

1. **Local Impact**: Facilities for the private use of an individual family and non-paying guests, including members of a PUD. Typical uses include swimming pools, open space, club houses, or other recreational facilities located within a residential subdivision, PUD, or multi-family development.

2. **Area Impact**: Facilities for use of the general public or membership of a private organization (where not a part of a PUD) which consist primarily of vegetative landscaping, or similar natural-appearing areas, and focus on outdoor recreation. Lands tend to have few structures, but accessory uses such as club houses, maintenance facilities, concession stands, etc. may be permitted by Review Body. Typical uses include golf courses, privately-owned parks and plazas, botanical gardens, and nature preserves.

Recreational Resort: As defined in Section 14.142 of the Josephine County Zoning Ordinance, as may be amended from time to time (Acknowledged Plan, December 1985).

Recreational Vehicle: A boat, camper, motor vehicle or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses. If identified in some manner as a recreational vehicle by the manufacturer or registered as such with the State, it is prima facie a recreational vehicle.

Religious Assembly: The building and premises used for the conduct of regular religious services, such as customarily occur in synagogues, temples, mosques and churches. Specifically excluded from this category are schools, other than premises used for religious instruction during regular religious services. See also “Schools.”

Rental Unit: Any housing unit, which is occupied pursuant to a lawful rental agreement, oral or written, expressed or implied, which was not owned as a condominium unit or cooperative unit on the effective date of this Code. A condominium housing unit in a converted rental building for which there has been no acceptance of sale on the effective date of this Code shall be considered a rental unit.

Repair/Maintenance: A use whose primary function is the repair and maintenance of equipment, machines, and/or vehicles. Repair/Maintenance uses are of two types:

1. **Commercial**: Repair and maintenance of household and personal machines and equipment, of light business machines and equipment, and of cars, pickup trucks and mobile homes.

2. **Industrial**: Repair and maintenance of heavy business machines and equipment, large contractor and farm equipment, and of motorcycles, heavy trucks and truck and trailer tractors. A repair/maintenance use with any
industrial component shall be designated as an Industrial Repair/Maintenance use.

Replat: The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

Reserve Strip: A strip of property, usually one foot in width, overlaying a dedicated street which is reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

Residential Care: Services such as supervision, protection, assistance while bathing, dressing, grooming or eating, management of money, transportation, recreation and the providing of room and board.

Residential Dwelling Unit: See "Dwelling Unit, Residential."

Residential Care Facility: A facility licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for six or more individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home: A home licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training, or a combination thereof, for five or fewer individuals who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential home.

Residential Trailer: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Restaurant: An establishment where meals are prepared and served to the public for consumption either on or off the premises.

Retirement Housing: Housing for an older person as defined in the Fair Housing Act.

Review Body: The Director, Hearings Officer, Planning Commission, Historical Buildings and Sites Commission or City Council, whichever has authority for making a determination under the various provisions of this Code.

Right-of-way: The area between boundary lines of a street.

Rip Rap: The act of facing a stream bank with rock or similar substances to control erosion.
Road: A street.

Roadway: The portion or portions of a street right-of-way improved for vehicular traffic.

Sale or sell: Every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

School: Facilities for the instruction of children, youth and adults. School uses are of two types:

1. Public: Public, private or parochial, kindergarten, primary, secondary and high schools and colleges, including accessory administrative uses, but not child care facilities, except when operated in conjunction with a school.

2. Technical: Technical, business, trade, dancing, music or sports schools, including accessory administrative uses.

Self-Storage: A commercial facility in which customers can rent space to store possessions; or

A storage facility in a residential neighborhood or development which, in accordance with Section 14.720, is only available for use by the residents of that neighborhood or development.

Service Station: An establishment selling fuel and oil for vehicles; selling, servicing and installing tires, batteries, accessories and related products; furnishing minor repair and service when conducted entirely within an enclosed building, and at which incidental services are conducted. "Minor repair and service," as used in this definition, shall be understood to exclude activities such as painting, bodywork, steam cleaning, and/or tire recapping.

Service Driveways: Any driveway constructed, installed, maintained in or over any portion of the public right-of-way for the purpose of ingress and egress of vehicles from the street to the property abutting the street.

Setback: The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this Code shall be the property line, unless otherwise stated, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

Shade: A shadow, except a shadow caused by a narrow object, including but not limited to such narrow objects as a utility pole, antenna, wire, flagpole or reasonable-sized chimney or flue.

Shade Point: The point on a structure that would cast the highest shadow at the northern lot line at noon on January 21. (See Concept Sketch 30-Shade Point and Shade Point Height.)
Concept Sketch 30 - Shade Point and Shade Point Height

Shade Point Height: The vertical distance between the shade point and the finished grade at that point. If the shade point is on a ridgeline that runs generally north-south, then the shade point height is one-foot less than what otherwise would be the shade point height. (See Concept Sketch 30-Shade Point and Shade Point Height.)

Side-Loaded Garage: A garage that is located perpendicular to either a front or exterior yard where a minimum of twenty (20) feet of paved area is located in front of the garage entrance.

Single-Family Detached Dwelling: See “Dwelling Types.”

Site: That parcel of real property in common ownership, notwithstanding that the particular application may be for development of a portion of the site only. Conveyance of less than fee title to different persons, such as by ground lease, shall not operate to prevent the requiring of site design review of the entire parcel.
Site Plan: A plan, prepared to scale, showing accurately and with complete dimensions, all the uses proposed for a parcel of land and other information as required by specific sections of this Code.

Social Services Facility/Transient Quarters: A private, not-for-profit, non-profit, or government organization providing any of the following: temporary housing, food, clothing and other support services primarily to adult, transitory individuals.

Solar Access Permit: A document that describes the maximum permitted height of non-exempt vegetation on properties to which the permit applies to protect solar access on the property of the permit applicant, to the extent authorized by the City. A Solar Access permit shall include, but is not limited to, the legal description of the properties benefited and restricted by the Permit and copy of the sun chart, solar access permit height limitations, and information listed in The Solar Access Permit Height Limitations (Solar Envelope) of the solar energy system.

Solar Access Permit Height Limitations: A series of contour lines rising in four-foot increments at an angle to the south not less than 27 degrees from the horizon (the altitude of the sun on January 21 at noon) and extending at an angle not greater than 55 degrees (the azimuth of the sun on March 21 and September 21 at 9 AM and 3 PM, respectively) east and west of true south, parallel to and beginning at the bottom edge of a solar energy system for which a Solar Access Permit is requested.

Solar Building Line: A line designated on a lot south of which residential structures are precluded. The purpose of this line is to allow construction of a higher shade point on the lot to the south than would otherwise be allowed (See Concept Sketch 30-Solar Building Line).

![Concept Sketch 30 - Solar Building Line](image-url)
Solar Energy System: A device or combination of devices or elements that rely on direct sunlight as any energy source, including but not limited to a substance or device that collects sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or, generating electricity. A solar energy system may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof or a building or structure and serving as a window or wall. A south-facing wall of a habitable structure is a solar system to the extent it is unshaded.

Solar Front Line: A line used to determine the solar orientation of a lot. It is the same as the front lot line, except in the following cases:

1. For a curved front lot line, a line that connects the endpoints of the curve.

2. For a lot with more than one frontage, the exterior lot line that runs closest to east-west.

3. For a flag lot, the side or rear property line, exclusive of the flagpole, that runs closest to east-west. (See Concept Sketch 30-Solar Front Line)

Solar Heating Hours: The hours and dates during which solar access is protected under a Solar Access Permit, not to exceed those hours and dates when the sun is lower than 27 degrees altitude or greater than 55 degrees east or west of true south.
Solar Setback: A line parallel to the northern lot line which is the minimum distance that the shade point of a structure shall be set back from the northern lot line.

Solar Sunchart: A photograph or photographs, taken in accordance with guidelines issued by the Director, which plot the position of the sun during solar heating hours. The sunchart shall contain, at a minimum, the southern sky line as seen through a grid which plots solar altitude for a 42-degree northern latitude in 10-degree increments and solar azimuth measured from true, south in 15-degree increments. If the solar energy system is less than 20 feet wide, a minimum of one sunchart shall be taken from the center of the bottom edge of the system. If the solar energy system is wider than 20 feet, a minimum of two suncharts shall be taken, one from each end of the bottom edge of the system.

Solar Energy Systems, Active: Utilizes heat collection which is separate from the area being heated, with a mechanical method of transferring heat between the two areas.

Solar Energy System, Passive: Requires no external energy input to collect and disperse solar heat. In new building design this means utilizing site design, building orientation, window placement, insulation, vegetation, etc. to heat and cool a building. Passive solar systems may also include the addition of such solar collectors as greenhouses, water traps, improved insulation or other weatherization techniques.

Southern Building Line: A line establishing the southernmost location for a structure on a lot.

Southern Lot Line: A lot line or lines less than 45 degrees southeast or southwest of a line drawn east-west and intersecting the southernmost point of the lot, or, if no such line exists, the lot line the fewest degrees southeast or southwest of this east-west line.

Special Purpose District: Overlay zone designations which set forth specific land use regulations in addition to the standards of the underlying Zoning District.

Staff: An employee or employees of the City of Grants Pass.

Stand: A hard-surfaced area within a manufactured home space or lot designed for placement of a manufactured home.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above finish grade, such basement or cellar shall be considered a story.

Story, Half: A basement or cellar, except as provided in this Code, which has less than six feet of its height above finish grade.
Street Plug: An area of land that is dedicated to the public for a future street or other specified purpose, over which current access is prohibited or specifically limited.


1. Cul-de-sac: A local street with only one outlet and having an appropriate terminal for safe and convenient turnaround of vehicles.

2. Hammerhead Street: A dead-end street that terminates in a turn-around other than a circular cul-de-sac, usually shaped like a “T” or a “Y”. Typically these are private streets, and are used only where use of a circular cul-de-sac is impractical.

3. Loop Street: A local access street with outlets that begin and end on the same street. Typically, they serve 100 dwelling units or less, and are less than 1200 lineal feet in length.

4. Local: A street intended to provide direct access to other streets from individual properties and allow traffic movement within a neighborhood.

5. Local Collector: A street intended to move traffic from local roads to collectors or arterial. A local collector services a neighborhood or large subdivision.

6. Collector: A street intended to collect and transport traffic from a varying number of local neighborhoods to arterials, and having a minimal number of controlled access points, and which may have two or more travel lanes.

7. Arterial: A street intended to transport large quantities of traffic in an efficient, rapid manner, and having a minimal number of controlled access points.

Streets, Private: A private street constitutes frontage and may serve more than one lot or parcel. Private streets may be accessed by driveways. See definition of “Driveway”.

Structure: Anything built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, carports, swimming pools, hot tubs, permanent signs, above ground gas or liquid storage tanks, fences, railings, sheds, manufactured homes, antennae, satellite dishes, well pump houses, mechanical equipment, and portable buildings. It also includes tents, awnings, stands, carts, and tables, except those used temporarily for an itinerant use. It does not include portable items solely for sale or temporary storage on the premises, including manufactured homes, portable buildings, and vehicles.

Subdivide Land: To divide land into four or more lots within a calendar year.

Subdivision: Either an act of subdividing land or an area or tract of land subdivided.
Subdivision Lot: A single unit of land that is created by a subdivision of land.

Subdivision Plat: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Tax Lot: See "Lot, Tax."

Tentative grading plan: A grading plan submitted with the application and used for public review. It shall be drawn at a scale of either 1:50 or 1:100 and indicate intervals of 5 feet. It shall indicate cuts, fills, and retaining walls, and shall be replaced with a final grading plan.

Tentative Plan: A map showing the proposed layout of a property line adjustment, partition, subdivision, or planned unit development.

Tourist Court, Motel: See "Hotel."

Townhouse: Two or more common wall single family dwelling units, each unit of which is built upon an individually owned subdivided or partitioned lot or parcel. See “ Dwelling Types.”

Trade, Retail: The distribution, retail sale and/or rental of goods. Retail trade may include Wholesale trade and Handcrafted Manufacturing, but only as an accessory use to retail trade, when retail trade is the dominant use. In no case shall retail trade include manufacturing or assembly, except in the case of handcrafted items crafted for sale.

1. **Ground Floor Level:** Handcrafted Manufacturing or Wholesaling uses shall not exceed more than 25% of floor area. Not more than two handcrafted power machines may be operating at the same time.

2. **Other than Ground Floor:** No area restriction. Not more than one handcrafted power machine for every 400 square feet of floor area may be operating at the same time.

Retail Trade may include those offices necessary to the function of the retail trade operation. Retail trade does not include bulk fuel oil or bulk vehicle fuel sales; sale of explosives, and/or live animal sales other than small domestic pets. Retail Trade uses are of two types, as follows:

1. **Indoor:** Retail Trade uses which do not require more than 5% of the enclosed square footage for outdoor uses accessory to the enterprise, other than parking.

2. **Outdoor:** Retail Trade uses which require more than 5% of the enclosed square footage for outdoor uses accessory to the enterprise, other than parking.
Trade, Wholesale: The distribution and sale of goods at wholesale. Wholesale trade may include retail trade as an accessory use when wholesale trade is the dominant use. Wholesale trade does not include storage and/or sale of bulk fuel oil, bulk fuel, explosives or other hazardous material, or sale of live animals other than small domestic pets, when such sales are made from the premises. Wholesale Trade by brokerage only, with no display or storage of merchandise on the premises, shall be considered a Business Office use.

Transient Quarters: See Social Services Facility/Transient Quarters.

Transportation Facilities: Any physical facility that moves or assists in the movement of people or goods, but excluding electricity, sewage and water systems. A plan or land use regulation amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;
2. Changes standards implementing a functional classification system;
3. Allows types or levels of land uses which would result in levels of travel access which are inconsistent with the functional classification of a transportation facility; or
4. Would reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.

Transportation System Management Measures: Techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size.

Tree Professional: An individual registered in the State of Oregon that specializes in Arboriculture, Landscape Architecture, or a person having a degree in horticulture, urban forestry, arboriculture, landscape architecture, or similar profession.

Triplex Dwelling: See “Dwelling Types.”

Urban Area: Lands within the Grants Pass Urban Growth Area.

Use: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is, or may be, occupied or maintained.

Vacation Occupancy: Vacation Occupancy means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, which has all of the following characteristics:

a. the occupant rents the unit for vacation purposes only, not as a principal residence;

b. the occupant has a principal residence other than at the unit; and
(c) the period of authorized occupancy does not exceed twenty-seven (27) days.

**Vacation Rental Dwelling:** A dwelling unit that is used, rented or occupied on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis.

**Vegetation, Exempt:** Existing vegetation that is shown on a sunchart to shade a Solar Energy System during solar heating hours, and existing deciduous vegetation to the extent that it shades a Solar Energy System used solely for space heating, or formerly non-exempt vegetation that has been allowed to grow more than 10 feet into the skyscape protected by a Solar Access Permit.

**Vegetation, Non-Exempt:** Vegetation other than exempt-vegetation.

**Veterinary Clinics:** Facilities providing for veterinary care to animals, where overnight accommodation is limited to emergency care and treatment, where animals are treated and kept indoors, and where laboratories are incidental to the operation of the clinic.

**Vision Clearance Area:** A triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway; defined by a line across the corners, the ends of which are on the street or alley lines, an equal and specified distance from the corner. (See Concept Sketch 30-Vision Clearance area.)

![Concept Sketch 30 - Vision Clearance Area](image)

**Visual Obstruction:** Any fence, hedge, tree, shrub, device, wall or structure between the elevations of 2 1/2 feet and 8 feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the City Engineer, and so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

**Warehouse:** A large building for storing items before they are sold, used, or sent out to retail shops.

City of Grants Pass Development Code  Article 30: Draft 2/25/22  Page 30-45
Watchman's Cottage: See “Residential Uses in Industrial Zones.”

Water-Dependent Use: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production or source of water.

Waters of this State: Natural waterways, including all bays, estuaries, any stream which flows during a portion of every year and supports aquatic life, rivers, creeks, lakes and other bodies of water in this State. (See OAR 141-85-100)(24).

Water-Oriented Use: Any use which receives a demonstrable benefit from being located with a view to the river. Examples might include restaurants, residential structures and commercial structures when river views are incorporated into the design of the river.

Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions.

Wrecking Yard, Motor Vehicles and Building Materials: Any premises used for the storage, dismantling or sale of either used motor vehicles, trailers, machinery and/or building materials, or parts.

Yard: An open space unobstructed from the ground upward except as otherwise provided in this Code.

Yard, Exterior Side: A yard extending from the front yard to the rear lot line on the street side of a corner lot. (See Concept Sketch 30-Yard, Exterior Side.)

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building. (See Concept Sketch 30-Yard, Front.)
Yard, Rear: A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line. (See Concept Sketch 30- Yard, Rear.)

Yard, Side: A yard between the main building and the side lot line extending from the Front Yard or front lot line where no front yard is required, to the rear yard. The width of the required Side Yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building. (See Concept Sketch 30- Yard, Side.)

Zoning District: A classification of land in which only uses specified by this Code are allowed, except for non-conforming uses, and for which specific requirements are set forth pertaining to height, yard, area, coverage, landscaping, parking and other land use restrictions.

REVISIONS
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