I got six o’clock Wednesday, May 11th. I’m going to go ahead and start this meeting.

1. Roll
I’ll start with a roll call. Commissioner Arthur.

Here.

Commissioner Scherf.

Here.

Commissioner Nelson.

Present.

I’m Eric, I’m here. Commissioner Collier.

Here.

Commissioner Tokarz-Krauss.

Present.

Thank you for joining us online. Commissioner Vilas? Commissioner Coulter? All right, we have a quorum.

2. Introductions
Staff, any introductions you’re aware of tonight?

3. Public Comment
Item 3, public comment. This is an opportunity for the public to address the Commission on items not related to a public hearing or action item. The intent is to provide information that is pertinent to the city's jurisdiction. Each speaker will be given three minutes to address the Commission as one body, not to individuals.
The Commission may consider items brought up during this time later in our agenda during matters from Commission members and Staff. Anybody here tonight for this item? Alrighty.

4. Approval of Minutes
   a. April 27, 2022
      Item 4A, Approval of Minutes from the last meeting. Is there a motion?

      Nelson moves approval.

      We have approval. A Motion for Approval of last meeting's minutes. Do we have a second?

      I second, but I have a question.

      Go ahead. Second question.

      Page 40.

      I'm sorry?

      Page 40 on the minutes.

      Page 40.

      Just above the motion vote count. It looks like somebody said I oppose but there's nobody listed who opposed down in the nays. You're the only one. Heesacker was the only name not listed. So, it may not have been, I oppose, it may have been any opposed or something like that, that you said, the way it was transcribed.

      I think that's likely.

      Participants are waiting in the lobby. To admit all participants in the lobby. Press *21.

      I think that's likely what happened. I don't remember opposing.

      And did you vote yes?

      Yes.

      You should correct that, I think.

      Can we correct that in the record? Thank you very much. So.

      Is now joining.

      You want to change your motion to as-amended, Commissioner Nelson?

      I've writ reading the motion. There's two. Oh, I would accept that. I see what happened.

      Okay. So new motion as amended.
I guess you were [inaudible 00:05:04].

It's just that they neglected. They put you as one of us as a no, when it was all in favor.

Understood.

Are you seconding the motion as amended?

Yes.

Commissioner Arthur?

Yes.

Okay. We have motion on the floor. Accept the minutes as amended. It's been seconded. All those in favor, say aye.

Aye.

Anybody opposed? Anybody abstaining.

Collier abstains. And I think you need to add Mr. Coulter.

Chair notes for the record, Commissioner Coulter has joined us. He is abstaining from the vote on the minutes as is Commissioner Collier.

**MOTION/VOTE**

Commissioner Nelson moved, and Commissioner Arthur seconded the motion to approve the minutes from April 27, 2022, as amended. The vote resulted as follows:

"AYES": Chair Heesacker, Commissioners Arthur, Nelson, Tokarz-Krauss and Scherf.

"NAYS": None. Abstain: Vice Chair Collier and Commissioner Coulter. Absent: Commissioner Aviles. The motion passed.

5. Informational Items

Next item on the agenda is Informational Items. Staff, any Informational Items?


Moving on to item 6A, Findings of Fact for the Kicking Cattle Company, PUD. Do we have a motion for that?

Nelson moves approval for the Findings of Facts on the, and I got to say this right, Kicken Cattle or Kicking Kicken Cattle Company Plan Unit Development. Kicken. Not ing.

Do we have a second?

I second.
Commissioner Arthur second to approve the Findings of Fact for Project # 10500106-22 Kicken Cattle Company. All those in favor, say aye.

Aye. Aye.

Thank you. Anybody opposed? Anybody abstaining?

Abstained.

Commissioner Coulter abstains.

And Collier.

And Commissioner Collier abstains.

MOTION/VOTE

7. Public Hearing
   a. 104-00147-22 ~ Leson Subdivision 25-lot Residential Subdivision ~ Continued Hearing

Next item is item 7A. We are operating under a continued public hearing for Project 10400147-22, the Leson Subdivision. Staff, I'm going to let you take it away.

All right. Good evening, Commissioners. Apologies for the throat clearing in advance. I'm still kicking this cold. For the record, my name is Gabby Sinagra, I'm the Assistant Planner that was assigned to this project and we are discussing the continuance of the Leson Subdivision located at 1134 Southeast Allenwood Drive and 2881 Southeast Coach Drive.

Just a brief reiteration and a refresher on the application. It is a request for the approval of a 25-lot subdivision to be constructed in two phases. The parcels are located in city limits under the comprehensive plan designation of low density residential. The zoning attached to the parcels is R18 that requires a 7,000 square foot minimum lot size and cumulatively, the parcels are 8.34 acres in size. And this hear is a tentative subdivision plat, for your reference.

At the April 20th, 2022, public hearing, a 24-page letter, this is attached as Exhibit 11, and page 63 of your packet, listing 15 property owners on Southeast Allenwood Drive and Coach Drive was submitted. Some concerns that are listed in the memorandum on page 61 of your packet, regarded steep slope, fire egress and evacuation constraints, contamination of soil from horses on site, traffic, storm water issues from the proposed private street, public utilities, the applicants submitted tree plan, the capacity of public safety, and the city's noticing policy.
At the April 27th hearing, additional public comment was submitted from the homeowner group, and this is attached as Exhibit 12 on page 87 of your packet. Many of the concerns that were outlined in Exhibit 11 were reiterated, but there were additional concerns and requests for your review today. The first was the request to keep the hearing open until the applicant has provided a steep slope development report that is made available to the surrounding property owners for review. However, the provisions outlined in Section 3.050 of the Grants Pass Development Codes specify the 120-day deadline that does require the city to take final action, including any appeal timeline on any application, once deemed complete. The aforementioned deadline for this particular application is July 20th, 2022. And this 120-day deadline would not allow for the hearing to remain open as requested.

Another concern to bring to your attention was regarding unpermitted grading on the site. Staff has since received confirmation from the applicants engineer that no such work is occurring on site. And the engineer is here tonight, and I'll allow him to expand further on the nature of the activity that is occurring on the parcels. Upon receiving a request during public comment, the public hearing for the Leson Subdivision was continued, and the public record, excuse me, was left open until May 11th, 2022. This allows for the submittal of any new information from all parties.

Additional public comment that was received, was on May 4th, 2022. And this was submitted by Barbara Oolian, property owner at 1222 Southeast Allenwood Drive. This is attached as Exhibit 13, starting on page 117 of your packet. Ms. Oolian reiterated many of the same concerns that we've discussed so far and that are attached in Exhibits 11 and 12, but she also suggested that the city consider updating its development codes and maps pertaining to fire hazards.

On May 4th, 2022, Staff did receive correspondence from Joe Hyatt, City Fire Marshall, to address some of the additional fire and public safety concerns raised by the public during that public comment period. And I do just want to quote the correspondence I received from Mr. Hyatt, "Heard the Oregon Fire Code and Oregon revised statutes comments are limited to fire department access and water supply. There are, currently, additional requirements of the Oregon Residential Specialty Code that were adopted in the Grants Pass Municipal Code that only apply in the wildfire hazard zones, and the area in question is not in one of those adopted zones."

For call to action, the Commission should consider all new written testimony and any new oral testimony provided for tonight's continued hearing. If a Commissioner finds that any of the required criterion need be need to be potentially changed as a result of public testimony, the Commission must clarify and state on the record, your new finding and how that may change the Staff report, as presented.

Staff recommends the Planning Commission approve the tentative plan for the Leson Subdivision with the conditions, as listed, in the Staff report. Based on the criteria found in Section 17.413 of the Development Code. Any questions?

Questions of Staff? Apparently not.

Thank you.
Applicant, would you like to come up and make any statements? Name and address please?

Hello. My name is Mark Cross. Address is 112 North Fifth Street, Klamath Falls, Oregon, 97601. Thank you, Commissioners, and I apologize for not being here two weeks ago. Was on, actually, my son's senior trip, so I apologize about that.

I just wanted to talk about several things tonight. One, as I reviewed the Staff report and some of the concerns, there are some concerns that I see as valid. However, I think we've addressed them in our application. One being the secondary access. And I didn't bring a map with me, but I don't know. Gabby, could you get a map up of the surrounding area? On Kroner Drive, I think it is, it's a cul-de-sac that is the North South Road.

Would this work or would you prefer?

Something that shows the whole area and surrounding area. I don't know if you have that.

Am I able to access any of that here?

It's okay, Gabby. If you don't, it's fine. So, the cul-de-sac that is directly to the west of Allenwood is a cul-de-sac, and as it comes down to the highway, it terminates in a cul-de-sac. However, it does have a 20-foot access there that is, most likely, for a sewer line and there's a removable bollard within that area. And so, I would think that would serve as a secondary access. We've designed those into our subdivisions before, so that would provide a secondary access to this neighborhood.

And then allowing the subdivision to move forward would be one step closer to getting Coach Drive connected to the north. So, Coach Drive, right now, is stubbed into our subdivision from the south. And off to the north there, you can see just the very end of Coach Drive stubbed to an adjacent property. And so, the only way the city has to get those connections done is to approve these subdivisions and allow the developers to make that connection.

Now, we wouldn't be able to make that connection because of having to cross adjacent private property. But one of the things that will happen when this property develops is, most likely, that property would come up for development, and then that connection could be finished at that time.

Regarding fire. I think Gabby touched on that. It's not in a Higher Fire Zone, as listed on the city criteria. However, just from doing some work in the county and the city, I know there's different development guidelines in the county and the city, and it seems like some of those are getting confused. But when we do city developments, we're going to end up with city lots. We're going to end up with green lawns and water system extended through the subdivision, which would provide additional firefighting capacity in the form of fire hydrants through the subdivision. There'll be a lot of brush clearing to build this subdivision. So, we'll be removing fuels as the subdivision is developed, which, actually, would help the fire concerns.
So, regarding steep slopes, there are steep slopes located on this site and through multiple developments in the county and the city. I've gotten used to having that steep slope report submitted with my engineering drawings, because if we go to a geotechnical engineer right now, he doesn't have enough detail through those finalized engineering drawings that detail out my storm water design, my grading plan. He likes to see those, and so we've gotten used to just having that as a condition of approval, which is on the A list. And it is there in our application tonight. So that steep slope report will be done at the time my engineering drawings are submitted, which is before any grading activity occurs.

And then just a few side notes. I guess I try not to get emotionally involved in a project like this, but when I start seeing stuff that's written that is complete dishonest, I get a little upset about my applicants. So, I was just on site on Friday, May 6th. There's absolutely no grading going on at all on this property. There's been no mass tree cutting at all on this property. And I don't understand why that got written into a record. The best we can come up with for the grading activity was they do have a riding arena on site, and that gets leveled every once in a while, with a tractor. I don't know if that was being interpreted as grading, but it's not. That's been done quite a while.

And the second thing is, it's been a while ago, but they had some hazardous tree limbs and a hazardous tree removed around their primary residence. Totally allowed. And so, there's been no widespread tree cutting on this property, either. And a site, also another side note. If I was a neighbor to this property, I would actually be happy to see this development coming in at 25 lots. If you do a quick calculation on the zoning and the allowable residences, we could actually get somewhere between 40 and 50 lots on this property per the 6.22 dwelling acres, or 12 dwelling units per acre. So having 25 lots is, actually, a good thing, in my mind, if you're a surrounding neighbor. If this property was sold out right to a developer, it would definitely get a lot closer to that 40 to 50 lot area.

That completes my, what I wanted to say, but I'm available for any questions tonight.

Questions of the applicant, anybody? Anybody else want to speak on behalf of this project going forward? Thank you, sir, you can have a seat. Yes ma'am? Are you speaking in opposition to the project? Okay. We will open that up and you're going to present new information.

Yes, I am.

Okay. Name and address please.

Judith Berkman, 768, Rhonda Drive.

Go right ahead.

I was advised by Mrs. Leson last time that we all met, that the Coach Drive that goes to private property, that the private owner has no intention of selling that lot. That was a "that I was told."
Secondly, I would like to, if it's permissible, to personalize what happens when the seriousness of building a subdivision above an existing division without paying attention to post construction runoff. May I digress a little bit to a personal experience?

You have about two and a half minutes, yes.

Thank you. This is nothing more than a repeat that my husband and I went through in our last home. We bought a lot. When we sold that lot, there was a sudden creek that went through that lot that was four feet deep and eight feet wide. After above our land subdivisions were built. We had a $25,000 insurance claim for washed down oak tree, which was a protected specimen. We had a $35,000 insurance claim because we had 200 PSI on our homes, which 65 or 68 is maximum water pressure onto a home. We had 200 PSA, and our home flooded our insurance covered for that.

In terms of life threatening, I have been saved by two neighbors, one man on one side trying to clear her uncontrolled debris with no holding pond above it. My neighbor on the other side, their feet were washed out for them. They had body strength. They got out. I was in the middle trying to manage 300 feet of water pouring off of a mountain that wasn't even as steep as this. I became instantly disoriented. There was a debris block which backed up and I suddenly found myself in a lake and I could not get out. They finally heard me screaming because the water was so loud. They both tried to jump the fence, they couldn't because they'd lost their strength. They ran around from their fence to mine, came through my gate, and the two of them, together, pulled me out.

Another neighbor, it went through one door and out the other, and the only place to go was on the balcony, and he took a video of that. I gave the video to the police chief, I mean the fire chief, and I said, "Would you order a rescue in that situation?" After he looked at that video and you know what he said to me? He said, "No." So, I'm begging you. I'm not asking you, I am begging you to pay attention. Thank you.

Thank you for your testimony. Anybody else would like to speak? Any other parties in opposition? Applicant, would you like to rebut anything? Alrighty, any other questions to Staff? I'm getting ready to close the public hearing. Alrighty. The public hearing portion of this matter is closed. We have before us, the request for this subdivision. We'll take a motion and then go ahead into discussion off the motion. Commissioner Nelson.

Let the process start. I move approval of the subdivision with the findings and the conditions that have been placed on it by the Planning Department.

Motion on the floor to approve with Staff recommended conditions. Is there a second?

Second.

We have a second from Commissioner Coulter. Director Bradley, is there something that you were getting ready to say?

No.

Okay. All right, so we have a motion on the floor with a second. I will do a roll call vote.
What about discussion?

Oh, sorry, sorry. Sorry. We need discussion on the motion. I'm sorry. Anybody want to discuss the motion? No discussion. Now I'll move to a roll call vote. Commissioner Arthur?

Yes.

Commissioner Scherf?

Yes.

Commissioner Nelson.

Yes.

Commissioner Heesacker votes yes. Commissioner Collier?

Yes.

Commissioner Tokarz-Krauss.

Yes.

Commissioner Coulter.

Yes.

All right. Subdivision is approved under conditions in the Staff Report.

**MOTION/VOTE**

Commissioner Nelson moved, and Commissioner Coulter seconded the motion to approve the Leson Subdivision with the findings and the conditions that have been placed on it by the Planning Department. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Arthur, Nelson, Tokarz-Krauss, Coulter, and Scherf. “NAYS”: None. Abstain: None. Absent: Commissioner Aviles. The motion passed.

b. 405-00129-22 ~ Middle Housing Code Text Amendment CC ~ Continued Hearing

Next item on the agenda, Item seven B, one of our favorite topics these last few meetings, Project 405-00129-22. The Middle Housing Code Text Amendment. This hearing is continued. Staff, I guess I will turn this over to you.

Do any of the Commissioners need a copy of the memo that was emailed today? That was from the city attorney. We can pass it around here if you need to. Huh?

We got them.

You're all good? Okay.
Hang on one second. Commissioner Tokarz-Krauss, did you need a copy of that memo?

I did.

Okay.

I have it in front of me.

All right.

So, as I put in the email that was sent last week, your motion at your last hearing, was to have the chair attend the city council meeting and present the concerns that you have been talking about. Particularly, related to the amount of latitude that the city has to require triplexes and quadplexes to have a public hearing, as well as off street parking and some of the other things that Commissioner Scherf has been up, has been raising, in particular.

The council meeting last Wednesday night did not have this topic, actually, called out on their agenda, so it did not get any discussion by the Council. That's when the direction really was given there, and afterwards, that the city attorney did his best to provide that information to you. So, that's what you have in front of you.

I won't reiterate, I guess, anything that's in there unless you want to talk about some of it. I can go through and highlight pieces of it, but I think that Augustus was fairly explicit in his review of the Oregon Administrative Rules, as they apply to middle housing. There was, in the email that I sent last week, an attachment and I will send this around just in case people didn't bring that. And Susan, that was the email that was sent last Friday, I believe. So, this what I attached here, which Augustus's email or memo does not really address is this section 660-046. There's a subsection 3, and it does give some examples of where the city could allow for the triplexes, quadplexes, townhomes, cottage clusters, not on 100% of the lots. You see there in the third paragraph; triplexes must be allowed on 80%. Quads must be allowed on 70%. Townhouses must be allowed on 60%. Cottage clusters on 70%.

So, the Staff report that you got, originally, didn't really talk about that, and I just wanted to make sure that you, as a Commission, knew that was an option. Now, what would that mean? That would mean us having to really probably set up some kind of criterion for how you decide who gets the requirements for the quads and the plexes and who doesn't.

When we were going through this with Jet Planning, who was the city's consultant on this project, Elizabeth looked at it at a high level, but did not really come back with any recommendations. There wasn't anything on the map, the zoning map, that really popped out. But I would not say that this was given a lot of attention. So, I guess my point is that if it's one option that you could explore, that if you're concerned about allowing all of those higher density type housing products across the city, that we, there is some allowance built into the statute that you could trim that down a little bit. But it would involve, probably, a six-to-eight-week delay so that we could bring back to you some GIS work and show you that.
So, and that relates, also, to page 2 of the city attorney's memo at the bottom, right before Model Code Deviation, there's a paragraph that said, "it is, therefore, the recommendation of the city attorney that the UAPC should not compel the city by ordinance to require a public hearing for any middle housing in residential zones where detached single-family dwellings are permitted." The detached single-family dwellings under this are not permitted in the R3 Zones and above. So, I guess I'm... That's another area that there's, potentially, some room there, if this Commission is concerned about allowing for all those quads, triplexes, et cetera, across all zones. The way that the statute is written, you only have to allow those where single-family housing is permitted. Well, single-family housing is not going to be permitted in the R3, R4, and R5 Zones. So, you could set up a different process for how those are approved in those higher density zones if you so choose.

But again, we would ask, from a Staff standpoint, for more time because that's, we already require standards that are clear and objective for multi-family housing in those higher density zones. So, I think those are the two other pieces to Augustus's memo that I wanted to point out.

Commissioner Nelson.

Thank you. Question. In regard to the percentages. I don't like percentages in codes because it's too much wiggle room and too many problems occurring with trying to define, as you already articulated. But in reality, are we really expecting developers to go into areas and actually go through the expense of putting up triplexes and quadplexes in other zones, other R3 and R4. In other words, if you had to go in and demo a house and then put in the quadplex, that's going to be a pretty sizeable chunk of rent that he's going to have to charge to recover their cost. So, I believe, in my mind, and I may be wrong. Maybe Commissioner Scherf would be able, disagree on this, but I believe that we're not going to see even these percentages in Grants Pass. So does the law, are we complying as long as we blanket cover, even if we don't achieve 70%?

Yes.

Okay.

You would comply, yes. Yes. It's a crystal ball question, in terms of what we might see. If you look at the past, there's been very little demand and very little construction, but it's also been permitted in much fewer zones, so.

But from a market standpoint, if you're looking at just what is the development community responding to in Grants Pass? We saw three triplexes go in, we saw two fourplexes, and a few other one multi-family development in the last eight years. So that's the track record, historically.

Would it be because of the process that we have? In other words, if they don't have to go for a hearing or public comment, that they would more likely do these middle housing units?

Well, I think you could argue that streamlining the process, simplifying it, not requiring a rezone, developer's looking at time and money, and if they don't have to do a rezone,
they don't have to pay for that, which is a public hearing. And if they don't have to go through any kind of special permit, that's attractive. And I think that's one, a key factor, for sure.

But they're still going to have to provide the park and they still meet the setbacks. They still have to provide landscaping. So, it's not like you're going to be able to take a backyard of a single-family dwelling and put a fourplex in there because you're still going to have to meet frontages. And yes, all the other development standards still apply. It's really just where they could... It's really the process by which they are approved. That's really the big change.

Commissioner Collier, you had hand up?

I only have my hand up because I was trying to get the response of Commissioner Scherf, because we've been talking about this, and this is where I defer to a developer and I would ask, Clint, given this handout and the attorney's comments, and they're pretty specific, I did do over them a couple times. Do you feel that we have the tools, at Staff level, to get back to where we once belong?

I'll go ahead and take the floor and I'll start with commenting back to words earlier, comments. Realistically, the percentage, when you look at the budget for a multi-family, any development, the percentage of money that you put forth, whether you go through an over-the-counter permit versus a rezoning hearing, it's minuscule to the amount of materials, infrastructure, that goes into that. So multi-families are not being built here because it's the builders complain it's too expensive to pay for every single toilet in that room, in that building. All builders have come up here and testified the same thing. The SDCs inhibit these multifamily developments. And it's funny because realistically, if you add a toilet to the system, you should have to pay for it. It's not the burden of the community to pay for that. If you're going to add 20 toilets versus one toilet within a single-family residence.

So, I think that's... it's not a foundation for an argument to me, as somebody who works for developers as a career, for state legislation to say, "this is going to make it easier. So, they're going to build a lot more." That's, there's no foundation behind that. It's bogus.

I believe if you start changing the densities, the downfall, the trickle effect, which I'm going to say, and I've said it before, is your infrastructure lacks. Your infrastructure does not follow behind it. For example, if you take a single-family house that's got three bedrooms, you're going to have to put two cars on it. You take that single-family house out, you put triplex on there, parking code now says it only has to have one car parking spot. You got three residences that are within one building, and you don't have any parking to come up with.

So, this code that's coming down, this model code, is horrifying. It doesn't take into account that the infrastructure doesn't follow behind it. So, I absolutely read this memo from our town attorney. I read it two, three times. I appreciate his effort. I appreciate his words. But my only comment to his memo is I see the lack of defending the city of Grants Pass, which he works for. He's basically just stating Code and giving us no outs. The information he's provided is usable. It's relevant. It's an interpretation. But I look at it
like if a town attorneys supposed to support this town, that memo doesn't give us any
support to go forward. Gives us some education, yes. Basically, they're putting their
hands up saying that we have to abide by what the state says, no matter what.

Two arguments I have with that, I truly believe we are on the minimal precipice of being
deemed a large city. We don't have the infrastructure. We don't have the economic base
to actually be deemed a large city. So, you completely change the density of our
community overnight. It just, nobody's thinking ahead, nobody's looking six years down
the road, nobody's looking five minutes ahead of them. So, this is all a knee-jerk
reaction. I appreciate the memo from the town attorney. I take it under advisement. If
there's any more discussion that wants to happen, I'm willing to allow that and listen to it.
I'll probably make three motions tonight. That'll be done. So, I'll throw it back to you guys,
if you have any more discussion.

Commissioner Tokarz-Krauss, did you want to weigh in or anything here?

No, I do not.

Anyone else? Okay. I'm going to go ahead and take your soapbox for just a second,
here. Commissioner Scherf, in light of the memo from the city attorney and the task that
we've been assigned, we have Staff's effort at addressing the middle housing code
standards. If we don't accept Staff's recommendations, we're stuck with the model code
for a certain amount of time. We don't know how long. Our task is to forward a
recommendation to Council.

We have dug into this code. Commissioner Scherf, your efforts have been heroic. I'm
having trouble understanding how having to adopt the Model Code would be preferable
over adopting Staff's Code. I don't view that as an option. When we start digging into the
weeds and we start making this, making Staff's Code more palatable for us, what we
don't know is what Council will do with our recommendations. I am predicting that
Council will have a different look on the city attorney's memo than, maybe, we do.

Because we have this task in front of us, I don't have three motions, but I have a
suggested single motion that we take this off our plates, because we have no idea where
Council is going to go with this. And whatever Council says is what's going to happen.
Council, as I mentioned will take a look at the city attorney's memo and I have no idea
how they're going to take it. And none of us can second guess what Council might do.
We have another hour and a half here, tonight. And if there are certain issues that are
burning and you really, really think that we need to forward those recommends to
Council, I'm all for it. However, I'm still sitting here wondering what, of our recommends,
Council might take, in light of the city attorney's memo.

And that's really all I wanted to say. I really appreciate the deep dive that you've done
into this, Commissioner Scherf. The city attorney's is telling us that there are some
things we cannot do. If we forward Staff's Code to Council as-is, and Council adopts it
as-is, we don't, we can't really know that it's broken. We have a pretty good idea that
there are some things in here that aren't going to wash over the next five minutes to six
or seven years. We know that. But if we adopt Staff's version of the Model Code, we
know we can at least change it down the road, if there's a huge problem. We can make
recommendations for amendments, additions, deletions, all that. We still will have the
power to do most of that, realizing that there are confines of what we can and cannot do, according to the law, according to the city attorney.

So, I'm just bringing all these things out to light. We can discuss this all we want tonight. That's really, I'm going to start stammering here, so I'm going to shut my mouth. Yes. Commissioner Collier, thank you for rescuing me.

You bet. I think, given the memo, and it's certainly a well thought out memo from the attorney, it seems to me and sounds to me, and I've shopped this memo out to another development and gotten input back, and it seems the safest road is just take Staff's recommendation. That's the safest road. We certainly don't want the model road, the Model Code, excuse me. But Staff's taken one good crack at it, and it seems to me that we would have a better than average success rate with Council if we went with Staff's recommendations because it's learned, it's local, it's tempered, and we have the ability to come back and look at it, again, at a later date. So that would be my presumption, was to be go with Staff's recommendation. I think that's the safe route. That's it.

Anyone else would like to talk about this? Commissioner Scherf.

And I will throw my sentiments out there. I truly appreciate the effort that the Staff put into this. It was well thought out and they took their expertise and used the latitude they thought that they could, and yes, I'm not discrediting their attempt to modify and manipulate this Code underneath the guides of the Model Code that was sent down from the state. I truly commend them. They did a great job.

I just still have some issues with middle housing completely. So, I think it's not, necessarily, modeled towards every city that's within the state of Oregon. I think it's modeled to a certain premise of a city, a certain size of a city. A city that, basically, it's modeled after a city that's has a backbone of public transportation.

Public transit is the backbone, or it's the format. It's the stability that a larger metropolitan city relies on. So, they can actually increase the density of their population, increase the density of their housing without accommodating for the parking. We are a rural city. We do not have transportation, of a public nature, as our backbone. We rely on individual vehicles and cars.

I sat with the Planning Commission for almost a year before I sat on the City Council for two years before I came back to the Urban Planning Commission. Ever since I've been in the public limelight here, it has been a constant, constant complaint of our community that we have a lack of parking. And I think if we don't address that, we are doing a disservice to our community. So, I would love to make a motion to change the exceptions and take out higher density products, such as quadplexes and greater density that we could actually utilize those and put them through the system as a type three review process. I don't think I'm going to get the support. I don't think we're going to get the support from the lawyer, and the lawyer, nobody to fight the battle. It's been prevalent from our conversations, my conversations one-on-one with Councilors, my conversations with Augustus, the town attorney, nobody wants to fight for this town. So whatever little bit we fight for here, it's a great effort. It's a valiant effort.
But I think the dice has already cast, as Mark Collier says. I simplified your verbiage there. The Council's going to do what they're going to do. So, at that point, I guess I will just make a recommendation or, I will make a motion that we adopt this Code, as amended by Planning Staff, and put it in front of the Council.

Motion on the floor. Do we have a second?

Second.

Second that motion. You want to put what's here before the Council and let them make the decision?

That is the motion at hand to digress. I don't want to do that.

But that's your motion?

But that's my motion.

Then I second.

So, we have a motion on the floor and a second from Commissioner Nelson to forward Staff's version of Model Code to Council. Any discussion?

I'm not real clear on what you were just saying [inaudible 00:48:28]. You were saying, take out the townhouses. [inaudible 00:48:36] And I forgot which one, what flexes, or which. Are you talking about not having them go through regular review, or are you talking about changing the parking requirements?

If I felt that I had the, after all the education that we've had, and over the last time since we've seen this, if I had my, if my ultimate goal, my heart's desire would be, basically, to take a quadplex development and greater density, townhouses, multi-family, cottage dwellings, and push them through the system with a type 3 review, which means that they would have to go through Urban Planning Commission, they'd have to have a public hearing, they'd have to go through Council. That is what we've been advised by our lawyer is an absolute, not latitude within this Model Code that's come down from the state.

I disagree with that, but nobody wants to fight a battle. Augustus, specifically, said, if we adopted and changed code that was outside the bounds of what the Model Code prescribed, even if it went all the way through Council, the State of Oregon could come back down and sue us.

On the parking issue, it sounded like there was some leeway in there to change. And it came back to that thing about the 3,000, 5,000 square foot lots, and that kind of thing, which was never real clear to me, from the beginning. That chart that you were, well, I think it was you more that was concerned about. So, I thought there might be some way to propose at least something in that area to the Council, but it also seems that it's something we could do later.
It is something I think you'd probably do later, just under advisement. If you take this memo from our town attorney wholeheartedly and use this as our guide through this foggy storm, he specifically says that his legal interpretation is if we make it harder, within our local code, than the Model Code is, then it opens up the door for a lawsuit. I don't, again, agree with that because I think we should stand up and fight for our community, but nobody wants to. Nobody wants to stand behind me, at this point. So specifically, our town attorney. No discredit to him. It's just, you pick your battles.

But I do have a huge problem with the way the parking is laid out in this, as well, because it seems to me the Code is written underneath the guise of this Model Code that came down from the state. It's basically the higher density of a building, the more families you put in one building, the less cars you have to have for your project. And that's just, I don't even know what dystopia would you think that works. So, I think it's, it could be a battle down the road that we could pursue.

So, that's my explanation.

Do you think we could say that we would like to look at adapting some of the parking in the future and let the Council know that or?

Commissioner Collier.

So, if you put this all together, go up a few thousand feet, given what Mr. Clark has given us the development over the last eight years or so, I don't think that we're headed towards a problem immediately. I do think we have time to look at these things. I think Clint, you're wisely in the theoretical, but as our attorney has pointed out, it's not in the practical, unfortunately. So, I think we're ready to move forward with it, with Staff recommendations. And then once we're there, we have at least a clay model. And then, because it does say, clearly say, in the memo that we can go back on it and through our local ordinance, we can work with that.

He just was very clearly that there's one way to go about it and there's one way not to go about it, and I think he left it that almost four times in the memo. So, my inclination is to go forward with Staff's recommendations and then go, okay, now unit, by unit, by unit, or over time, address what ordinances we think would support your level. So, I think we're ready to move on. You're right. You're not going to prevail, so.

Yes. And the motion at hand is to proceed forward with approving the Code, as Staff has amended it, underneath the guise of the Model Code from the state and present it, our recommendations, for approval to Council. That's my motion at hand.

To further the discussion is, I would like to, at a later date, fully explore this Oregon Administrative Rule 660-046 Middle Housing that Brad has presented us, specifically, Section 3. Delineating percentages over these zones, I think that's a great way to really make sure that the horse doesn't get... the cart doesn't get in front of the horse in this, in the aspect. So, my motion's still on the table and I would definitely like to continue this conversation, specifically, in a later date.

Commissioner Tokarz-Krauss. Did you want to weigh in, here?
Not really. I appreciate the comments that Commissioner Scherf is making, as well as the others. Everyone has a valid point. It's about picking one's battle, so no further comment.

Thank you. Any other discussion? We have a motion on the floor with a second. I'm going to go ahead and do a roll call. Once again, that motion is to forward Staff's Middle Housing Code to Council.

Mr. Chair. I'm sorry, this is Brad. Can I interrupt really quick? Can I do that?

Sure, Director Clark.

So at your last meeting, Commissioner Nelson, on page 346 under the parking section, did make a motion to change the wording in that parking section to say, "single family detached dwelling unit," and then to take out the dwelling unit under sub items 1 and 2. I just wanted to make sure that you all knew what you were voting on, because when you say Staff's recommendation in the motion, that's modified by Commissioners.

Oh, we already voted on that.

So, I just want to make sure you were, you remember that.

And that was just add clarity.

Yes. Thank you.

All right. So, the motion still stands. Roll call vote. Commissioner Arthur.

Yes.

Commissioner Nelson.

Yes.

Commissioner Scherf.

Yes.

Commissioner Collier.

Yes.

Commissioner Tokarz-Krauss.

Yes.

Mr. Coulter.

Yes.
And this is Heesacker voting yes. All right. So, this matter is off our plate.

**MOTION/VOTE**

Commissioner Scherf moved, and Commissioner Nelson seconded the motion to adopt the Code, as amended by Planning Staff, and put it in front of the Council. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Arthur, Nelson, Tokarz-Krauss, Coulter, and Scherf. “NAYS”: None. Abstain: None. Absent: Commissioner Aviles. The motion passed.

8. Matters from Commission Members and Staff:

a. Item number 8A on the agenda, Matters from Commission Members and Staff. Staff, what do you got for us?

I think the only thing I've got is we have a very strong candidate that we've talked to for our principal planner, which would become your new Staff liaison.

Congratulations.

And we're cautiously optimistic because in this employment world, it's not until you actually have somebody show up on the first day of work that you can actually be confident that they're going to work. But anyway, I've talked to a couple times. Looks good. And to your point, earlier, about some subsequent work on this, because this is a big deal, especially if you've got some other lawsuits that may happen throughout the state that may push this, which, we'll obviously be tracking all that closely. But regardless of what that happens, we're looking forward to having a principal planner on board who can put a lot more time and energy than what we're currently able to, because long range planning code amendments will be one of their primary duties. So anyway, we'll keep you posted on that.

Well, congratulations.

Yes. Thank you.

[inaudible 00:57:47].

Not yet. Not yet.

Commissioner Scherf.

Not, not to leave that topic, but can we actually set a further out date to continue this conversation about this Rule 660-46 that you presented us?

You can, yes.

I'm not talking like next week, but a few months down the road, I'd really like to have a synopsis on how this rule could be utilized within, like you said, you have to go back through the GIS maps and get some stuff presented to us. I'd like to set some kind of date a few months out for that to happen. Do I have to make a motion or is, am I asking a request for that?
No, I don't. You don't need a motion. I'll, maybe four to five months, we'll just-

Yes, I just, I don't want it to follow up the radar. I'd like to make that request for a few months out. Like I said, four or five months. And I'd like to see this rule, basically, investigated against the GIS map in the different zonings that we have to see if we do have some latitude to curtail some, tighten some areas in. Yes.

Yes.

Three months?

Yes. I think it just, if you actually want to base that on permit activity, we'd probably want to go more than that. Just you know-.

No, I'd really like to-

How the market goes.

I'd really like to base it on. Because basically, this is saying that these different densities of multi-family development can be, only have to be, allowed a certain percentage in certain lots. And so, I'd like to see, first and foremost, I'd like to see an overlay of the GIS of the current zoning systems, and then basically, then, maybe an analysis of, hey, this color purple is in this zone, and so you don't actually have to have these plexus in this area type deal. Just broad-brush strokes analysis on what we can and can't do. Set it for say three months out. I think that'd be great.

Sure.

Is that amendable by everybody?

Mm-hmm (affirmative).

To continue the conversation?

The trouble that I would have with that is three, four months, as we stated earlier, in what, eight years, you've had how many triplexes and multiplexes put in? A few and a handful. So, we're not going to have very good data as to what the impact of the state law is or how it impacts our city.

I would argue against that. I think we're going to have a huge impact in the next six months. City of Grants Pass alone, just earmarked millions of dollars for low-income housing, specifically, for these multi-family developments that'll have grants going out to developers, assistance going out to developers, so I think you're going to see an influx of this happen. The state is-

Well.

The state is actually set it up that way.

Okay. I hope you're right. But I-
Oh, I don't hope I'm right. I hope I'm wrong.

I think you are wrong.

But no, there is. The Council, last Council meeting, they approved 30, I thought it was 30 million, I could have all the wrong numbers wrong. But specifically, the majority of that money that came through is earmarked for housing assistance for low-income housing projects and so forth. So, you're seeing federal money go to state money, go specifically geared towards pushing this affordable housing in areas that just don't have people that have jobs.

Is middle income housing geared towards middle income or low income?

The threshold is 60% of medium income, right?

Yes. Well, depends on which project you're talking about. But yes, the low is, typically, 60% of the area median income. Which for a family of four is around 54,000. So, 60% of 54,000. That's the income range that when we, when you talk about affordable housing, that's the figure you're talking about.

Right. That's why I'm not optimistic that is going to be met easily, particularly if you're trying to have a construction done at the cost at today's prices, you create that type of affordable housing that someone can pay the rent on. That's my thoughts. And I, so maybe you're, you might be right. That will be a deluge, but I'm not optimistic.

I've seen federal funding fueling that side of the development, and that's where I'm anticipating an influx, not a deluge maybe, but an influx of more development.

So, when we talk about it in three months, and if there's no data yet, we'll postpone it for another three.

Yes.

It'll be something that's out there, in the future, on our docket for sure.

I just wanted to do a little bit of a date certain, so it doesn't fall off the radar and the conversation continues. That's my personal preference.

You might have to remind us. Hopefully not, but I'd be up for that conversation.

We'll calendar it. I've got four to five is what I said. I think by the time we get somebody in and we... Both of our GIS people are gone, so we're trying to recruit them. And so, we're struggling with on that front. But so, if we could have that four to five, but I'll definitely calendar. We'll come back to you on one of your agendas with that as a topic.

Thank you very much. Thank you.

Commissioner Collier, anything for the group?
The only thing is on a personal level. You guys know I'm getting another kidney transplant. I think. You guys did know that?

Yes. I think you told us that.

Where I'm at is my kidney's hanging on by a thread. This is my brother's kidney, so I'm getting a second transplant. I have a complete workup, physical everything, end of this month, 25th. I'd appreciate your prayers. That's a big first step, thoughts and prayers, because that's a first big step. Once I'm approved, then my donor can go through the process, and then she could be approved, and I can finally get my transplant.

Nice. Well, we're all hoping for you, sir.

So that's it.

Alrighty. Commissioner. Tokarz-Krauss, do you have anything for the good of the order?

One of these days, I'm going to learn to use this mute thing back.

Thank you for that. Anything else?

You're in our prayers and mine, for sure. And nothing more. Thank you.

Thank you.

Nope.

So, the only thing I have is I just want to ensure, Director Clark, the memo from Augustus to us, that will be going to Council? Okay. That's all I want.

Oh, absolutely.

Okay. Thank you for that. That's all I have. Mr. Collier, Mr. Collier, nothing.

Commissioner Nelson, nothing. Commissioner Arthur?

Yes. I have something I probably should have said it before the Cathedral Hills people left, but just to put it on the record for the benefit of City Council, if nothing else, those people did a lot of work, and they actually had some good suggestions that maybe we should think about for future planning purposes. There were a few areas where they got a little carried away on, maybe, exaggeration of problem. There were terms like this, I wrote down three or four of them. Sudden burst of growth here, explosion of residential growth, rapid dense residential growth, high density traffic increase. Pretty dramatic wording, but a little out of context, I think. I realize when you're next door to it, it feels like that. But having lived through the urban growth boundary process and had people come into all of our hearings accusing us of becoming Las Vegas and that kind of thing.

I just want to remind everybody that Josephine County has 1,642 square miles of land, and we were at about 11 something square miles. We increased with the 20-year urban
growth boundary to 13 something, maybe 13.2 or something. And the 50-year reserve, still, was in the 15 square mile rate. Which means that even at the 50-year planning, we're less than 1% of the square miles of the county. So, the extreme wordings here about explosion of growth and extreme density and all that kind of thing, just doesn't really reflect reality. I think the city has done a really good job on doing what the state wants them to do, in terms of containing urban sprawl. That's my comment.

Thank you very much. Anybody, anything else? I'm going to adjourn? I'm not kidding. All right. Meeting adjourned.

Is now exiting.

____________________________________  ________________
Eric Heesacker, Chair     Date
Urban Area Planning Commissioner
I. PROPOSAL:

The applicant proposes the division of Tax Lots 521 and 600 into 25 separate lots (Tentative Subdivision) ranging in size from 7,269 sq.ft. to 15,848 sq.ft. with one parcel as large as 69,224 sq. ft. The proposed subdivision will be served off of SE Allenwood and SE Coach Drive and includes the creation of Flicker Drive, Greyhawk Drive (both proposed as local access streets), and Redtail Hawk Lane (private street). The applicant proposes to extend SE Coach Drive north through the property and stubbed to the property to the north. Half street improvements of Greyhawk Drive to City Standards will also be part of the development.

The applicant is proposing the subdivision to be completed in two phases. Phase one proposes to complete lots 1-10 with the partial extension of SE Coach Drive and Flicker Drive. Phase two proposes to complete lots 11-25, complete the extension of Flicker Drive, construct Greyhawk Drive and Redtail Hawk Ln, and continue the extension of SE Coach Drive to stub to the north property line.

A 13,645 square foot lot in the northwest corner is proposed as tract ‘A’ (unbuildable) to accommodate storm water detention.
II. **AUTHORITY AND CRITERIA:**

Pursuant to Section 2.052, a Type III decision shall be processed by the Urban Area Planning Commission and include a publicly held and noticed hearing. Sections 2.050 & 7.040, and Schedule 2-1 of the Development Code, authorize the Urban Area Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny.

The decision for the tentative subdivision plan must be based on the criteria contained in Section 17.413 of the Development Code.

III. **APPEAL PROCEDURE:**

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

IV. **PROCEDURE:**

A. An application for a Subdivision Tentative Plan was submitted on March 18, 2022 and deemed complete on March 22, 2022. The application was processed in accordance with Section 2.050 of the Development Code.

B. Public notice of the April 27, 2022 hearing was mailed on April 6, 2022, in accordance with Section 2.053 of the Development Code.

C. A public hearing was held on April 27, 2022 and the UAPC continued the hearing until May 11, 2022.

D. A public hearing was held on May 11, 2022 and the UAPC approved the Subdivision Tentative Plan with the conditions attached in the Staff Report.

V. **SUMMARY OF EVIDENCE**

A. The basic facts and criteria regarding this application are contained in the Staff Report, which is attached as Exhibit “A” and incorporated herein.

B. The minutes of the public hearing held by the UAPC on April 27 and May 11, 2022, attached as Exhibit “B”, summarize the oral testimony presented and are hereby incorporated herein.

C. Public comment from surrounding neighbors was submitted on April 25, 2022, which is attached as Exhibit “C” and incorporated herein.

D. Public comment from the “Homeowners Group” was submitted by surrounding neighbors at the April 27, 2022 hearing which is attached as Exhibit “D” and incorporated herein.
E. Public comment from Barbara Ullian was submitted on May 4, 2022 which is attached as Exhibit “E” and incorporated herein.

F. A memorandum to the UAPC regarding the continuation of the April 27, 2022 hearing as well as concerns raised during the public comment period was sent on May 5, 2022 which is attached as Exhibit “F” and is incorporated herein.

VI. FINDINGS OF FACT:

The UAPC found that based upon the testimony given at the public hearings and the staff report, the proposal meets the criteria in Section 17.413 of the Development Code based on the reasons stated in the findings below.

VII. GENERAL FINDINGS OF FACT:

A. Characteristics of the Property:

1. Land Use Designation:
   a. Comprehensive Plan: Low Density Residential
   b. Zoning District: Residential, R-1-8
   c. Special Purpose District: Steep Slope, GPID

2. Size:
   TL 521: 1.29 acres
   TL 600: 7.05 acres

3. Frontage & Access:
   TL 521: SE Allenwood Drive (Local Street)
   TL 600: SE Coach Drive (Local Collector Street)

4. Public Utilities:
   a. Existing Utilities:
      i. Water: 8” main in Allenwood Drive
         12” main in Coach Drive
      ii. Sewer: 8” main in Allenwood Drive
         8” main in Coach Drive
      iii. Storm: 12” main in Coach Drive
         12-inch main in Allenwood Drive
         Curb-gutter on both Allenwood and Coach Drive

5. Topography: Steep Slope (15-25%)

6. Natural Hazards: None noted
7. Natural Resources: None identified

8. Existing Land Use:
   a. Subject Parcel(s): Both parcels are partially developed with a residential home and several outbuildings.
   b. Surrounding: North: Residential
                   East: Residential
                   South: Residential
                   West: Residential

B. Background:

The application is to request approval for a 25-lot residential Subdivision. The proposed development consists of two parcels 1.29 acres (TL 521) and 7.05 acres (TL 600) located in the R-1-8 zoning district. The lots range in size from 7,269 – 69,224 square feet.

The developer is proposing to split the subdivision into two project phases. Phase I will consist of Lots 1-10, partial extension of Coach Drive, partial construction of SE Flicker Drive, and frontage improvements along Allenwood Drive. Phase II will include Lots 11-25, further extension of Coach Drive to stub out along the adjacent northern property, construction of the proposed private street (Redtail Hawk Ln), construction of SE Greyhawk Drive, and completion of SE Flicker Drive.

The proposed name for the Subdivision is “Leson Subdivision.” The applicant has approval from Josephine County for the proposed subdivision name. Tax Lot 521 has frontage along Allenwood Drive which is classified as a Local Street. Tax Lot 600 has frontage along SE Coach Drive which is classified as a Local Collector. SE Coach Drive is currently stubbed to the frontage of Tax Lot 600. As part of the applicant’s submitted Tentative Site Plan, the future development plan indicates the extension of SE Coach Drive where it would connect to the platted SE Coach Drive further north of the proposed development.

The subject property is part of an Advance Finance District (#04-50000047). However, the AFD has expired and no payment is due. The subject property is also part of a Deferred Development Agreement (#04-5000004) for street improvements on Coach Drive for a distance of approximately 20 feet. Improvements to Coach Drive would be required at the time of development.

The proposed use matches code 210 (Detached Single-Family Homes) in the Institute of Transportation of Engineers (ITE) trip generation manual. The new proposed twenty-five (25) units are not expected to generate more than 500 Average Daily Trips or 25 P.M. Peak Hour Trips, therefore a Transportation Impact Analysis (TIA) is not required.

The applicant submitted a narrative addressing the Subdivision criteria.
C. 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 (Section 17.416). The applicant is proposing two phases of development with an unspecified timeline for completion.

VIII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

A. SUBDIVISION

Section 17.413 of the City of Grants Pass Development Code states that the review body shall approve, approve with conditions or deny the request based upon the following criteria:

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

Planning Commission Response: Satisfied with conditions. All lots meet the minimum width and lot size requirements of the R-1-8 zone. No lots exceed the maximum lot width to depth ratios (Section 17.511), lots are arranged such that there will be no difficulties in obtaining building permits for typical permitted uses (Section 17.512), there are no proposed through lots (Section 17.513), and side property lines run at right angles to the street it faces (Section 17.514).

Section 17.515 requires all street intersections to provide an arc along the property line to allow construction of standard curb and sidewalk wholly within the right-of-way. Section 27.121(5)(c) requires a curb radius of not less than 20 feet at local street intersections. The tentative plan appears to meet the minimum curb radius but this will be verified at the time of Final Plat.

There are two flag lots proposed as part of this development (Lots 1 and 6). The applicant contends that existing street patterns and the existing location of homes on the property have required some flag lots to be proposed in order to efficiently layout proposed building lots within the constraints of the property lines. Flag lots are subject to the requirements of Section 17.520.

Portions of the proposed lots are in the Steep Slope Hazard Area. Section 13.100 of the GPDC will apply to development of the lots located in those portions of Steep Slope Hazard Area. In accordance with Section 13.121 a steep slope development report is due at the time of land use application. The applicant did not provide a steep slope development at the time of their submittal. As a condition of approval, a steep slope
development report covering any lots located within the Steep Slope Hazard Area will be required prior to the issuance of a Development Permit for the subdivision.

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

Planning Commission Response: Satisfied with conditions. A future development plan is required whenever a property is proposed to be subdivided and there is the potential for additional division of the property in the future (Section 17.541). For a lot to be dividable in the R-1-8 zone, it would need to be at least 14,000 sf in size. The largest proposed lot is 69,224 sf (Lot 17) with another lot as large as 15,848 sf (Lot 6), so a future development plan is required.

The applicant has submitted a future development plan and contends that while Lots 6 and 17 are large enough to be subdivided in the future, they contain existing structures with the structure size, location, and topography of each lot preventing large scale future development. Per the Director’s discretion, staff accepts that Lot 6 cannot be further divided due to the shape of the lot and the existing structure located on it. However, staff will require a future development plan for Lot 17 as the lot is over eight times the size of the minimum lot size required by the R-1-8 zone. As a condition of approval, the applicant shall submit a future development plan for Lot 17 that meets the requirements of Section 17.542.

A future street plan is required with a tentative subdivision plan when 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. The applicant proposes the future extension of SE Coach Drive to connect to the platted SE Coach Drive further north of the proposed development. The applicant has also indicated the extension of the newly proposed Flicker Drive to connect to Erin Drive, therefore a future street plan is required.

The applicant has not provided a future street plan as part of their submittal. As a condition of approval, the applicant shall provide a future street plan that meets the requirements of Section 17.552. Said future street plan must meet dimensions of SE Coach Drive to verify the right-of-way widths on the Leson parcel and the adjacent parcel align.

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

Planning Commission Response: Satisfied with Conditions. Section 27.051 requires new development to conform with and provide for the extension and construction of streets in conformance with Article 27. As a condition of approval, all conditions in the Public Works Staff report regarding public street improvements shall be met.
The development proposes two new streets (Flicker Drive and Greyhawk Drive) to be City Local Streets. Both streets shall be constructed to meet all standards found in Article 27. As a condition of approval, all conditions in the Public Works Staff report regarding public street improvements shall be met.

The tentative plan proposes Greyhawk Drive as a half street. In conformance with Section 27.121(8), half streets, while generally not acceptable, may be approved where reasonably essential to the development, when in conformity with the other requirements of these standards, and when it will be practical to require the dedication of the other half street when the adjoining property is developed. Whenever an existing half street is adjacent to land to be developed, the remaining half of the street shall be dedicated either by Final Plat or through deed acceptance and shall be developed in compliance with the standards of this Code. It is indicated on Sheet T2 of the applicant’s tentative plan that the street cross section for Coach Drive, “Road A, B, and C” intends to utilize a five (5) foot sidewalk and five (5) foot planter strip. The applicant has not provided a legend for which streets on the tentative plan Road A, B, or C refer to. As a condition of approval, the applicant shall submit a revised site plan that clearly labels which roads Road A, B, and C are referencing. In addition, per the Public Works Staff report, Coach Drive will require a five (5) foot sidewalk with seven and a half (7.5) foot planter strips; Flicker Drive and Greyhawk Drive will require five (5) foot sidewalks with five and a half (5.5) foot planter strips. As a condition of approval, the applicant shall conform with all requirements outlined in the Public Works Staff report and provide a revised site plan indicating the required sidewalk and planter strip configurations.

The proposed Tentative Subdivision plan also proposes to create a private street, Redtail Hawk Lane. The private street is proposed to serve Lots 13-16 and is approximately 300 feet in length. In recognition of Section 27.122(3), the applicant proposes to construct Redtail Hawk Lane as a dead-end street. Dead-end streets shall be limited unless impractical due to constraints outlined in Section 27.122(5). As the area where the private street is proposed is in the Steep Slope Hazard Area, the applicant meets the constraints in Section 27.122(5). In steep slope areas, a cul-de-sac or dead-end street may not exceed 400 feet in length. The applicant’s submitted site plan indicates this requirement is met.

Per Section 27.123(12)(a), private streets serving four dwelling units or less may use a minimum 20-foot street with no curbs, planter strips, or sidewalks required. The Tentative Plan complies with these standards as the number of lots proposed to take access off of the private street does not exceed four. Note that future development will not allow more than four dwelling units to take access off of the private street. The proposed tentative plan shows Redtail Hawk Lane abutting Lot 17. In conformance with Section 27.123(14), in those cases where a proposed street abuts a developed neighboring residential property, the street itself shall be kept a minimum of 5-feet from the abutting property line. As a condition of approval, all conditions in the Public Works Staff report regarding street improvements shall be met.

The majority of Tax Lot 600 is in the Steep Slope Hazard Area. Per Section 27.123(11), there are separate standards for streets within the Steep Slope Hazard Area. In addition, in accordance with Section 27.121(11)(d), driveways in the steep slope hazard area must not exceed 18%. For driveways longer than 50 feet, the transition between the
street and driveway must allow a City Fire truck to enter the driveway without contacting the undercarriage.

The applicant has indicated an existing gravel driveway located on Tax Lot 521 that spans across Lots 1, 2, and 4 on the Tentative Subdivision Plan. There is an additional driveway configuration spanning across Tax Lot 600 that provides access to the existing residence. It is unclear on Sheet T2 of the applicant’s tentative plan whether either of the existing driveways will be utilized as part of the development, abandoned, or relocated. If the applicant desires to keep the existing driveways as part of the proposed development, then as a condition of approval, the applicant shall provide a shared access agreement for the driveway on Tax Lot 521 with Lots 1, 2, and 4. The driveway configuration spanning across Tax Lot 600 will need to be abandoned or relocated as it does not meet the driveway separation standards outlined for Private Streets in a Director’s Interpretation from June 23, 2017. In accordance with Section 25.033(3), all 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

It is indicated on the applicant’s site plan that the existing driveways are composed of gravel. As a condition of approval, the applicant shall either pave the existing driveways in conformance with the standards outlined in Section 25.033(3) or provide a revised site plan that indicates the driveways will be abandoned.

As conditioned below, all conditions outlined in the Public Safety Staff report shall be met.

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

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

The proposed utility plan will provide utility service to all of the lots within the proposed development. Public water and sewer already exist within the Coach Drive stub and Allenwood Drive. The applicant proposes to extend the existing utilities in the Coach Drive stub as well as provide extensions for the proposed Flicker and Greyhawk Drives.

The applicant proposes an 8-inch sanitary sewer main to be located in a 20-foot wide public, unobstructed, and drivable easement centered on the sewer main within Redtail Hawk Lane. Per the Public Works Staff Report, the applicant shall extend the 20-foot sanitary sewer easement into Lot 16 and manholes shall be installed on all terminating sewer mains that are 200 feet or longer.
The applicant proposes to locate water meters to service Lots 13-16 in the Flicker Drive right-of-way with service lines running to each lot within private easements. The Water Distribution Superintendent has provided comment that Lots 13-16 are located at the top end of the NH2 pressure zone making it likely that the applicant will need to speak with a plumber regarding a booster pump setup for their parcel.

A storm water detention pond is proposed on Tract A of the applicant’s site plan. All stormwater detention areas must be privately maintained.

An existing GPID irrigation ditch exists on the property and the applicant proposes to pipe the ditch as part of the development. As a condition of approval, the applicant shall contact GPID to discuss any change to GPID infrastructure.

As a condition of approval, the applicant shall record all proposed utility easements on the final plat.

A 10-foot City Utility Easement (CUE) is required along all lot frontages. As a condition of approval, the applicant shall submit a revised site plan indicating the provision of a CUE on all proposed lots.

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

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

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

Planning Commission Response: Satisfied with Conditions.

The applicant submitted a “tree plan” document which does not meet all conditions outlined in Sections 11.040 and 11.041. The criteria outlined in Sections 11.040 and 11.041 applies to each lot proposed within the development. The applicant submitted a canopy chart that applies to the overall development and does not provide the required information of number of trees needed per lot nor the percentage of tree canopy to be maintained or re-established per lot. As a condition of approval, the applicant shall submit a revised tree plan which satisfies the criteria outlined in Sections 11.040 and 11.041.

As a condition of approval, prior to recording of the Final Plat, the applicant must submit a “Tree Re-vegetation Plan”, prepared by a Tree Professional, in accordance with Section 11.060 which displays percent coverage per lot in conformance with the required 25 percent to 30 percent coverage requirement.

As a condition of approval, the applicant shall pay a tree deposit of $500 per lot in compliance with Section 11.060(2). The money will be available for future installation trees in accordance with the Tree Re-vegetation Plan and other standards found in Section 11.060(2).
As a condition of approval, all future building permits shall reflect the Tree-Revegetation Plan.

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

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

Planning Commission Response: Satisfied with conditions. The site contains slopes. As a condition of approval, the above standards 5(b) and 5(c) must be adhered to during future development.

Solar lot design standards apply to all proposed subdivisions in residential zones per Section 22.631. Solar lot standards found in Section 22.632 requires that 80% of the proposed lots have a north-south dimension of at least 80. As 88% of the proposed lots exceed 80 feet in their north-south dimension the proposed tentative plan meets solar lot design standards.

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

Planning Commission Response: Satisfied with Conditions. With the submittal of the Tentative Subdivision plan and the burden of proof, the applicant is demonstrating compliance with all applicable Grants Pass Comprehensive Plan, Development Code requirements, and state and federal laws given the conditions of approval stated below.

As conditioned below, the applicant shall be required to obtain a demolition permit for any structures to be removed.

The project site is located within the Grants Pass Irrigation District. As a condition of approval, the applicant shall contact Grants Pass Irrigation District and comply with all associated requirements and discuss any proposed changes to GPID infrastructure.

IX. DECISION AND SUMMARY:

- The Urban Area Planning Commission APPROVED the request for the twenty-five (25) lot Subdivision with the conditions below. The vote was 7-0 with Commissioners Collier, Nelson, Tokarz-Krauss, Scherf, Arthur, and Chair Heesacker voting in favor. Commissioner Aviles was absent. There is one vacancy on the commission.

Subdivision Conditions of Approval:

A. Phase I - The following must be accomplished within 24 months of the Planning Commission’s Decision and prior to issuance of a Development Permit. The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each.
(Note: A Development Permit is required in order to obtain a grading permit):

1. Submit four (4) copies of the revised tentative plan to the Community Development Department indicating the following:
   a. A future development plan that meets the requirements of Section 17.452.
   b. A future street plan that meets the requirements of Section 17.552.
   c. A revised tree plan which satisfies the criteria outlined in Sections 11.040 and 11.041.
   d. Relocation or abandonment of the existing driveway configuration on Tax Lot 600.
   e. Paving of the existing gravel driveways or reflect their abandonment.
   f. A 10-foot City Utility Easement on all proposed lots.
   g. Legend on sheet T2 providing reference to what Roads A, B, and C are referring to as well as revised street cross sections that comply with the Public Works Staff report.

2. Provide all requirement submittals and meet standards found in the Public Works Comments and Public Safety Comments.

3. Contact Grants Pass Irrigation District and comply with all requirements.

4. Provide a Steep Slope Development Report that meets the requirements of Section 13.121.

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

1. Provide all requirement submittals and meet standards found in the Public Works Comments and Public Safety Comments.

2. Pay a tree deposit of $500 per lot in compliance with Section 11.060(2). The money will be available for future installation trees in accordance with the Tree Re-vegetation Plan and other standards found in Section 11.060(2).

3. Provide recorded copies of a shared access agreement with Lots 1, 2, and 4 if the existing gravel driveway is to be utilized.

4. Separate sewer and water services are required for each lot. Private sewer and water lines shall not cross other lots unless a private utility easement is established. The applicant shall create and then provide recorded copies of all private utility easements.

5. Provide a Declaration of Covenants and a Storm Water Operations and Maintenance Agreement to the City for review and approval covering the area proposed for the storm water detention. The documents shall indicate the private party responsible for maintenance, and the scope and frequency of the maintenance required for the drainage facility.
6. Submit a Tree Re-vegetation Plan, prepared by a Tree Professional, in accordance with Section 11.060 which displays percent coverage per lot in conformance with the required 25 percent to 30 percent coverage requirement.

7. Provide a land division guarantee issued by a title company.

8. Development of all streets in Phase I shall be made by the applicant prior to the submission of the Final Plan or by an agreement to secure the future construction of the streets in accordance with City requirements per Section 27.110(4).

9. Street names and traffic control signs shall be installed by the City Engineer Section 27.121(14) and Section 27.121(15).

10. If individual lots were graded as part of the grading permit for the subdivision, provide a map of those lots with new building pads and include the dimensions of the area graded.

11. All adjacent streets shall be swept regularly during construction.

12. Pay all engineering inspection fees due.

13. Coordinate with the Streets Department to confirm that all required signage and street lights are installed at the proper locations.

14. Power, telephone, cable television, and natural gas lines shall be installed underground and within the 10-foot City Utility Easements.

15. All water services on existing public water lines shall be installed by the City of Grants Pass Water Distribution Crews. All encroachment fees related to the installation of water services shall be the responsibility of the developer.

16. Complete installation of the public utility services as reflected on the approved utility plans.

17. Comply with Grants Pass Irrigation District requirements.

18. Submit a letter from the Responsible Engineer stating that he/she supervised the grading and construction for the entire parcel and individual lots and the grading and construction was completed according to approved plans.

19. Submit a final plat in accordance with Section 17.422 of the City of Grants Pass Development Code. Incorporate any modifications or conditions required as part of tentative approval. A professional land surveyor must survey the subdivision. A plat check by the City Surveyor and payment of appropriate fees is required. Failure to comply with this condition will nullify the approval of the Tentative Plat.
20. After all signatures are obtained, the plat must be recorded with the Josephine County Recorder within 30 days. The subdivider shall file on print of the recorded plat with the Community Development Department. Failure to do so will nullify plat approval.

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

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

1. Future Development of lots shall comply with adopted City standards at time a future submittal is deemed complete. Standards at time of a future submittals deeming of condition shall override any of the below conditions.

2. Comply with the Uniform Fire and Building Codes.

3. Development of lots shall be in accordance with solar standards.

4. All future development shall reflect the Tree-Revegetation Plan.

5. Payment of all System Development Charges due; including, but not limited to, water, storm, sewer, parks and transportation.


7. During Construction on new development sites that are without paved surfaces the developer shall take appropriate measures to suppress the dust, primarily by wetting the travel surfaces, in and around, the construction site in accordance with Section 24.253.

8. Each lot shall conform to Article 25; Parking and Loading Standards

9. Prior to occupancy, driveways and parking and maneuvering areas shall be paved in accordance with the requirements of the Development Code.

10. Driveways shall be in compliance with Section 27.121(11) and cannot exceed 18% grade.

11. Each lot shall have separate utility services.

12. All utilities shall be placed underground.

13. Install landscaping in accordance with the approved landscape plan (Section 23.031 ~ Residential Front Yard).

14. Submit lot drainage plans for approval on all building plans.
15. Developed or undeveloped building lots will need to be maintained for weed and grass control throughout the year.

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

17. Gravel driveway approaches and other erosion and track out control measures shall be in place during construction of individual lots.

18. 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%. And 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%.

D. **Phase II - The following must be accomplished within 18 months of the issuance of Development Permit.** The Director may, upon written request by the applicant, grant up to two extensions of the expiration date of six months each.

1. Provide all requirement submittals and meet standards found in the Public Works Comments and Public Safety Comments.

3. Contact Grants Pass Irrigation District and comply with all requirements.

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

1. Provide all requirement submittals and meet standards found in the Public Works Comments and Public Safety Comments.

2. Provide a Declaration of Covenants and a Storm Water Operations and Maintenance Agreement to the City for review and approval covering the area proposed for the storm water detention. The documents shall indicate the private party responsible for maintenance, and the scope and frequency of the maintenance required for the drainage facility.

3. Pay a tree deposit of $500 per lot in compliance with Section 11.060(2). The money will be available for future installation trees in accordance with the Tree Re-vegetation Plan and other standards found in Section 11.060(2).

4. Submit a Tree Re-vegetation Plan, prepared by a Tree Professional, in accordance with Section 11.060 which displays percent coverage per lot in conformance with the required 25 percent to 30 percent coverage requirement.

5. Provide a land division guarantee issued by a title company.

6. Street names and traffic control signs shall be installed by the City Engineer Section 27.121(14) and Section 27.121(15).
7. The applicant shall submit evidence of the continued maintenance of all private streets as required in Section 27.123(12)(d).

8. If individual lots were graded as part of the grading permit for the subdivision, provide a map of those lots with new building pads and include the dimensions of the area graded.

9. All adjacent streets shall be swept regularly during construction.

10. Pay all engineering inspection fees due.

11. Submit a final plat in accordance with Section 17.422 of the City of Grants Pass Development Code. Incorporate any modifications or conditions required as part of tentative approval. A professional land surveyor must survey the subdivision. A plat check by the City Surveyor and payment of appropriate fees is required. Failure to comply with this condition will nullify the approval of the Tentative Plat.

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

F. Phase II - The following shall be accomplished at the time of development of individual lots in the subdivision:

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

1. Future Development of lots shall comply with adopted City standards at time a future submittal is deemed complete. Standards at time of a future submittals deeming of condition shall override any of the below conditions.

2. Comply with the Uniform Fire and Building Codes.

3. Development of lots shall be in accordance with solar standards.

4. All future development shall reflect the Tree-Revegetation Plan.

5. Payment of all System Development Charges due; including, but not limited to, water, storm, sewer, parks and transportation.


7. During Construction on new development sites that are without paved surfaces the developer shall take appropriate measures to suppress the dust,
primarily by wetting the travel surfaces, in and around, the construction site in accordance with Section 24.253.

8. Each lot shall conform to Article 25; Parking and Loading Standards

9. Prior to occupancy, driveways and parking and maneuvering areas shall be paved in accordance with the requirements of the Development Code.

10. Driveways shall be in compliance with Section 27.121(11).

11. Each lot shall have separate utility services.

12. All utilities shall be placed underground.

13. Install landscaping in accordance with the approved landscape plan (Section 23.031 ~ Residential Front Yard).

14. Submit lot drainage plans for approval on all building plans.

15. Developed or undeveloped building lots will need to be maintained for weed and grass control throughout the year.

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

17. Gravel driveway approaches and other erosion and track out control measures shall be in place during construction of individual lots.

18. 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%. And 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%.

X. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 25th day of May, 2022:

________________________________________________
Eric Heesacker, Chair
I. PROPOSAL:

The proposal is an ordinance amending sections of ten (10) Articles of the Grants Pass Development Code (GPDC) – Articles 2 (Procedure Types), 12 (Zoning Districts), 13 (Special Purpose Districts), 15 (Nonconforming Use and Development), 17 (Lots and Creation of Lots), 18 (Planned Unit Developments), 19 (Site Plan Reviews), 22 (Residential Development Standards), 25 (Parking and Loading Standards) and 30 (Definitions). All amendments relate to bringing the GPDC into compliance with the Middle Housing elements mandated through House Bill 2001 (2019). See Exhibit 1 for the mark-up text of the proposed Development Code text amendments and Exhibit 2 for the application cover sheet.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The Director has initiated these amendments on behalf of the City Council to ensure the City complies with the Middle Housing elements.
legislation passed by the Oregon Legislature (2019 session) that requires cities with populations greater than 25,000 to update their Development Codes to allow middle housing types in areas zoned for residential use that allow detached single-family dwellings. The legislation required these larger cities (25,000+) to update their codes no later than June 30, 2022.

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

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

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

IV. PROCEDURE:
A. An application for a Development Code Text Amendment was submitted on February 28, 2022 and deemed complete on March 1, 2022. The application was processed in accordance with Section 2.062 of the Grants Pass Development Code.

B. Public notice of the April 13, 2022 public hearing was sent to Josephine County and the Oregon Department of Land Conservation and Development (PAPA) on March 1, 2022. Notice was posted on March 23, 2022 and ran a legal notice in The Daily Courier on April 1, 2022, in accordance with Section 2.060 of the Development Code. Notice of the public hearing was also e-mailed to a list of local builders and developers on March 28, 2022.

C. The initial public hearing was held on April 13, 2022, at 6:00pm in the Council Chambers. Online participation option was also provided. The Planning Commission voted unanimously to continue the public hearing until April 27th to provide additional time to review the proposed amendments and to review the potential impact of the code amendment on public infrastructure. The April 27, 2022 public hearing was continued to May 11, 2022 to allow time for the Commission to seek additional input from City Council and legal counsel on certain aspects of the proposed amendment.

D. On May 11, 2022, the Planning Commission voted unanimously to recommend approval of the application to the City Council with two minor amendments.

V. SUMMARY OF EVIDENCE:
A. The basic facts and criteria regarding this application are contained in the Staff Report, which is attached as Exhibit “A” and incorporated herein. Additional exhibits to the report include an April 21, 2022 Memorandum from Community Development Director to UAPC regarding master utility plans, a May 7, 2022 e-mail
from the Community Development Director to UAPC, and a May 11, 2022 Memorandum from the City Attorney to UAPC regarding interpretation of House Bill 2001 and the Middle Housing Model Code.

B. The minutes of the three (3) public hearings held by the Urban Area Planning Commission on April 13, April 27, and May 11, 2022, attached as Exhibit “B”, summarize the oral testimony presented and are hereby incorporated herein. The minutes of the April 27th hearing reflect concerns raised by some Commission members about potential negative impacts of required middle housing on public infrastructure and concerns about allowing triplex and fouplex development without public notice. Input from the City Council and City Attorney was requested.

C. The PowerPoint given by staff is attached as Exhibit “C”.

VI. GENERAL FINDINGS OF FACT:

The Urban Area Planning Commission found that based upon the testimony given at the public hearing, the staff report, and supplemental Memos from the Community Development Director and City Attorney, the proposal meets the criteria in Section 4.102 of the Development Code based on the reasons stated in the findings included below.

VII. BACKGROUND AND DISCUSSION:

In 2019, the Oregon Legislature passed House Bill 2001 (HB2001) requiring updates to local government rules related to the types of housing that can be constructed in residential zones. For cities over 25,000 population (as well as cities in the Portland Metro boundary with more than 1,000 residents), the bill required five (5) housing types (duplexes, triplexes, quadplexes, cottage clusters and townhomes) to be permitted uses on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. These housing types are collectively referred to as “middle housing.” (Note: The term “single-family” will be used throughout this report since that is the term used in HB2001 and this report implements that piece of legislation. Staff recognizes that this term is inconsistent with the GPDC which was amended several years ago to strike the term “family” when referring to housing types.)

Under the current GPDC (Schedule 12-2), single-family detached dwellings are permitted (either outright or through a PUD) in all ten of the City’s “R” zoning districts (R-1-12, R-1-10, R-1-8, R-1-6, R-2, R-3-1, R-3-2, R-4, R-4-2 and R-5). Until October 2021, single-family dwellings were also permitted in the General Commercial (GC) zone. Ordinance No. 21-5814 was adopted on August 20, 2021 and now prohibits new single-family detached, duplexes and manufactured homes in the GC zone in order to preserve that commercial zone for its intended uses. However, for all single-family detached dwellings that were built in the GC zone prior to September 20, 2021, they will also be subject to the terms of this middle housing code update and will be allowed to construct the five additional housing types permitted under this code amendment on their lots.

According to the Department of Land Conservation and Development (DLCD), a primary intent of HB 2001 is to remove unreasonable cost and delay to the development of middle housing. Applying a more laborious or onerous review process to middle housing than is applied to single-family dwellings would be in conflict with that intent. Per OAR 660-046-
0215, a city must apply the same approval process to middle housing as detached single-family dwellings in the same zone which, in Grants Pass, is a staff-level administrative review. There is no public hearing and no public notice is provided for development of a single dwelling. Per State rules, all residential development is required to be reviewed under "clear and objective" standards. The amendments in this ordinance seek to achieve this goal of making middle housing permit reviews consistent with single-family dwelling permits and establishing clear design standards for the five middle housing types.

HB2001 required that a model housing code be created by DLCD to guide the development of all middle housing types (e.g. plexes, cottages, townhomes). This model code was adopted by the State on December 9, 2020. If they choose, the model code can be used by cities in lieu of amending their own code. If cities fail to have their local development codes updated and effective by June 30, 2022, the model code will automatically apply until such time as their local code becomes effective. The Grants Pass City Council is scheduled to hold their public hearing for this code amendment on May 18, 2022 and, if approved, would become effective on June 19, 2022.

Under the Oregon statute (ORS 197.758), cities are not required to consider whether the amendments significantly affect an existing or planned transportation facility. The statute did anticipate potential impacts on other urban services such as sewer and water capacity and a time extension to the 6/30/22 adoption deadline was built into HB2001 to allow for this analysis. However, Grants Pass did not find any uniquely underserved areas that would warrant use of the infrastructure time extension for city utilities and did not request a time extension. We did not perform a Transportation Impact Analysis (TIA) to evaluate potential build-out impacts of new middle housing. This provision in ORS 197.758 means the City is exempt from doing a TIA to adopt these code amendments but this does not mean future development applications are exempt from preparing a TIA if one is required by Article 27 of the GPDC.

**Code Update Assistance / Public Meetings To Date**

To assist municipalities with implementation of HB2001, the bill provided $3.5 million to DLCD for technical assistance. The City of Grants Pass was awarded a technical assistance contract under that provision with JET Planning (Elizabeth Decker), one of the consultants approved by DLCD to provide code writing guidance to cities. Starting in September 2020, Ms. Decker worked with Community Development staff and a subcommittee of the Housing Advisory Committee (HAC) to prepare the draft code amendment. She made two presentations to the HAC committee and also presented the draft code amendments to the UAPC as part of the 2021 Severe Rent Burden Forum. An overview of the Housing Needs Analysis and Middle Housing code update was also presented to City Council at their May 24, 2021 workshop.

**Summary of Changes**

Key changes to the GPDC Articles that are necessary to accommodate the five new middle housing types in all residential zones are summarized below. (See Exhibit 1 for details.)

**Land Uses:**

The use table in Article 12, Schedule 1-2 specifies which residential uses are permitted in which zones and through what type of review process. Generally, duplexes, triplexes, quadplexes, townhouses and cottage clusters are proposed as permitted uses in all zones
where new single-family detached dwellings are currently permitted. Several existing use categories were simplified, such as two categories for townhouses and cottage clusters that were previously distinguished by the number of allowed units. The allowance for two detached single-family units on a lot was removed in favor of the proposed detached duplex option, which would also permit two detached primary dwellings on a site.

**Explanation and Discussion Items**

- All middle housing uses are proposed as Type I-A uses, meaning that they are reviewed at the time building permits are submitted and do not require a separate planning application. HB 2001 requires that the same review process be applied to middle housing as to single-family detached dwellings. An alternative option would be to require a Type I-B (planning staff review) or Type I-C (planning staff review with public notice) for all single-family detached and middle housing. However, this could add considerable complication to existing development and is not being recommended by staff.
- In the highest density R-4-2 and R-5 zones, proposed code updates prohibit new single-family detached and duplex dwellings in order to focus on other middle housing including triplexes, quadplexes, cottage clusters, townhouses and importantly, multifamily.
- The existing cottage housing standards in GPDC 18.300 allow individual detached cottages as well as two-unit attached cottages and carriage houses units above a garage for a percentage of units. The way that the state cottage housing regulations are written, only detached cottages can be permitted under the “Cottage Cluster Development” use category. Committee members voiced support for continuing the diversity of units, however, and so the use table includes the proposed “Mixed Cottage Cluster Development” use category that will layer the additional dwelling types on top of the Cottage Cluster use category. These uses are proposed in the R-1-6, R-2, R-3 and R-4 zones, consistent with existing cottage standards in GPDC 18.300 which limits these housing types to those specific zones.

**Minimum Lot Sizes:**

As reflected in Schedule 12-5 in Article 12, two major goals for changes to the minimum lot sizes are to allow a modest decrease in minimum lot sizes for single-family in all zones and to introduce lot sizes calibrated for middle housing that comply with state requirements. The proposed lot size reductions for single-family detached dwellings are intended to support more efficient and less expensive residential development on limited residential buildable land in the UGB and will apply to duplexes as well. Townhouses must be permitted on 1,500-square-foot lots in all zones so Subsection ‘d’ on page 12-28 was significantly amended to outline how townhouses are regulated. Triplexes must be allowed on lots the same as single-family detached, or 5,000 square feet, or the equivalent of minimum lot area for three units of multifamily, which is smaller. Quadplexes and cottage developments must be allowed on lots the same as single-family detached, or 7,000 square feet, or the equivalent of minimum lot area for four units of multifamily, which is smaller. Reductions to minimum lot widths are also proposed to better align with the proposed minimum lot sizes.

**Explanation and Discussion Items**

- The proposed minimum lot sizes in the R-1 zones are modest reductions of 10-15% to support greater development efficiency; these will affect single-family detached as
well as duplex development. The proposed changes in the R-2 through R-5 zone are intended to allow single-family detached and duplex development within the minimum and maximum density range, as opposed to the uniform 5,000 minimum lot size (8.7 units/acre), which is well below the density ranges for those zones.

- A single minimum lot width is proposed for all dwelling types in each zone, set at close to a 1:100 ratio to the minimum lot size. The only proposed exception is townhouse lots, which must be allowed a minimum lot width of 20 feet in all zones.

**Minimum & Maximum Densities:**

Maximum densities are closely related to minimum lot sizes: generally, development on lots meeting the minimum lot sizes should comply with the maximum density standards. With the proposed adjustments to minimum lot sizes above, changes to the maximum density standards are recommended in Schedule 12-4a. These also help to correct some existing discrepancies between the two sets of standards. Maximum density works best for single-family detached and multi-dwelling development; it becomes more challenging to apply maximum density in a meaningful way to middle housing types that permit multiple units on lots similar in size to single-family detached and that, therefore by definition, are two to four times as dense as single-family detached. A variety of exceptions to maximum density are proposed for middle housing to ensure that middle housing is allowed on minimum lot sizes established in Schedule 12-5 and remain consistent with state regulations. Minimum densities are a tool to ensure land is used efficiently, particularly in the higher density zones, and to support a variety of housing types are provided beyond single-family detached. The proposed minimum lot sizes and maximum densities for a range of single-family and middle housing types were calibrated to ensure development could meet the minimum density standards. On April 6, 2022, the City Council made a motion to adopt new minimum density standards in the R-3 and R-4 zones. These sections will be updated accordingly to be consistent with the new minimum density ordinance.

**Explanation and Discussion Items**

- Under the Oregon administrative rules, there is flexibility to vary the maximum density for townhouses. The proposed code standards permit townhouses at 29 du/acre, which is the density that can be achieved with the mandated 1,500-square-foot minimum lot size for all zones. However, state regulations also allow the city to set a lower minimum density for townhouses, effectively requiring larger average lot sizes. Maximum density for townhouses can be set at four times the density of single-family detached (16.4 du/acre in R-1-12, 21.8 du/acre in R-1-10 or 29 du/acre in R-1-8) or capped at 25 du/acre, whichever is less.

**Design Standards for Middle Housing:**

The proposed design standards for individual middle housing types are in Article 22. The proposed language is derived from the state’s Model Code and replaces and consolidates the City’s existing standards for townhouses and cottage development.

**Explanation and Discussion Items**
- Townhouses: The recommendation is to require a minimum of two attached units, with a maximum of six attached units in all zones. The maximum could be four or eight units in all zones or differentiated by zone to allow a minimum of four in the R-1 zones and up to eight in higher-density zones. Regardless of the regulation, four-unit buildings are expected to be the most common because of financing reasons.

- Cottages: The recommendation is to require a minimum of four cottage dwellings per cottage cluster, up to a maximum of 12 cottage dwellings per cottage cluster (same as current standard). More than one cottage cluster may be permitted as part of a cottage cluster project. The maximum number per cluster could be as low as 8 or as high as 16 (or unlimited); generally, a higher number would provide more flexibility. Actual number of units would likely be self-limited by the requirement to provide a common courtyard serving all of the units, which keeps the number of units “clustered” around the courtyard in check.

- Cottage unit size: The maximum building footprint for cottages is required to be 900 square feet, which is less than the 1,000 square feet footprint currently allowed. The recommendation is to have no maximum total building size, effectively allowing cottages as large as 1,800 square feet if built with two stories. Alternatives would be to cap cottages at 900 square feet total (single-story), or some number between 1,200 to 1,400 square feet. The current maximum size is 1,600 square feet.

Minimum Parking Requirements:

The primary issues to resolve in Article 25, Parking and Loading Standards, are to establish minimum off-street parking requirements for middle housing and to clarify the standards that apply to those parking areas. The minimum number of off-street spaces required is generally one per dwelling unit for all proposed middle housing types, with an option for a small reduction where on-street parking is available. Parking for middle housing must also be exempt from parking area design standards that exceed the state requirements, including requirements for things like curbs, driveway aisles, and landscape screening for more than 2-4 parking spaces.

Explanation and Discussion Items

- Parking Ratios: Section 25.42 currently sets minimum off-street parking based on the number of bedrooms in a dwelling unit for nearly all residential uses. The proposed code includes specific ratios for middle housing types at one space per unit, as well as introducing a similar ratio for single-family detached dwellings for consistency. The per bedroom ratios are retained, with some simplifications, for multi-family dwellings.

- On-street Parking Credits: The code currently allows on-street parking spaces along the adjacent lot frontage to count towards to minimum parking requirements for a given residential development. This is a recommended provision from the state Model Code and allows for greater flexibility to develop middle housing, given that fitting off-street parking on small lots can be a significant barrier to new development. However, some community members may be concerned about impacts to on-street parking resulting from middle housing in neighborhoods, especially given the new parking ratios of one parking space per unit are lower than the current ratios. As a middle ground, a modification is proposed in Section 25.32 to allow on-street parking to count towards up to 25% of the minimum parking requirement for all residential
uses (vs. counting towards a full space). If the off-street parking minimums cannot be met with a new middle housing development and the reduced allowance for on-street parking, the project would not be permitted.

**Access & Driveways:**

While single-family dwellings typically have a single driveway, there are potentially more driveway configurations possible for middle housing that should be refined to balance ease of access with potential impacts on the street frontage and traffic conflicts. Duplexes, triplexes and quadplex access standards should address whether and how to permit multiple driveways on a single lot and townhouse access standards must address the relative size of driveways on lots as narrow as 20 feet and any alternative access configurations. Cottage developments may be similar to multi-family sites, with a single shared access and parking area, or with elements similar to townhouses if individual garages are provided with each cottage.

**Explanation and Discussion Items**

- **Duplexes:** The proposed code would explicitly allow two driveways on a duplex lot if spacing requirements can be met, including one each on separate frontages for corner lots. Those driveways would be required to have 20-24 foot spacing between them in order to retain sufficient curb length for an on-street parking space, and to avoid chopping up the curb frontage.

- **Triplexes and Quadplexes:** As shown in Article 22, the proposed code would allow up to 32 feet of driveway width (total, based on multiple driveways), or 50% of the lot frontage, whichever is less, consistent with state requirements. Placement of multiple driveways is subject to spacing standards, which is proposed to be similar to those for duplexes. It is expected that few lots would have sufficient lot width to accommodate more than two driveways. Access standards based on street classification and intersection distances will continue to apply.

- **Townhouses:** Townhouse driveways are one of the more challenging design issues to balance development feasibility with impacts on the street frontage and pedestrian realm. The state Model Code includes a variety of options, including allowing a minimum 12-foot wide driveway per 20-foot wide lot, alley-loaded parking, a shared access easement or driveway, or pairing driveways for adjacent townhouses. Individual driveways are expected to be the most popular option if allowed, which provide easy access but result in a lot of pavement and relatively limited curb space. The proposed code instead provides the option for “paired” driveways whereby the two individual driveways of 10-12 feet wide are adjacent to create one, larger driveway cut for every two adjacent lots and increase the amount of unbroken curb frontage between driveways.

- **Cottages:** New cottage projects can provide parking in individual garages or carports, or in shared parking areas. Parking areas subject to compatibility standards including landscaping, buffering and setbacks, which are similar to the concepts in the existing code but will require a set of parallel standards specific to middle housing uses that better implement the Model Code.

**Planned Unit Developments:**
Planned Unit Developments (PUDs) offer flexibility to vary residential development standards as an alternative to a traditional subdivision, in exchange for providing additional amenities such as common open space. PUDs also require a discretionary review including a public hearing before Planning Commission (Type III review) to consider the balance of flexibility and amenities proposed. The most common use of PUDs in Grants Pass recently has been to increase density and to alter street and sidewalk requirements. With the introduction of middle housing, which provides for greater flexibility of uses and increased density beyond single-family detached dwellings, it is unclear how popular or useful PUDs will be. HB2001 legislation does not necessitate any change to Article 18 in the GPDC but there are a few amendments proposed to make the chapter text more consistent with the new middle housing requirements.

Definitions:

The definitions in Article 30 have been revised to include all middle housing types and centralize them under “Dwelling types.” The definitions focus on the number of dwelling units and their arrangement, allowing attached and detached configurations of duplexes, triplexes and quadplexes.

Goal 10 Analysis

House Bill 2001 requires local governments to consider ways to increase the affordability of middle housing, including considerations related to System Development Charges, property tax exemptions, and construction taxes. Section 3, Chapter 639, Oregon Laws 2019 clarifies:

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:
(a) Waiving or deferring system development charges;
(b) Adopting or amending criteria for property tax exemptions; and
(c) Assessing a construction tax under ORS 320.192 and 320.195.

Since its creation in 2017, the City’s Housing Advisory Committee (HAC) has been meeting monthly to assess and recommend new and diverse strategies to the City Council to address the local housing crisis. In 2020, they developed a Housing Work Plan with prioritized actions. They did recommend a System Development Charge (SDC) waiver system, as suggested in the above Chapter 639 rules. However, rather than completely waive this fee (which comprises more than 20% of the Public Works budget for new sewer and water system infrastructure), the City Council instituted a grant program where qualifying housing developments can apply for SDC grants to assist with paying their full fee. This grant program is funded through the proceeds of surplus city land sales. A 50% waiver is open to anyone who restricts new units to 100% or less of Area Median Income and a 100% waiver is open to those who make units affordable to 80% or less of Area Median Income.

In December 2021, the City Council approved a local Construction Excise Tax (CET) that provides sustainable income for a new “Housing Opportunity Fund” as well as down payment assistance programs (available through Oregon Housing and Community Services). Revenues from the CET can also be used to fund SDC grants as well as land
acquisition assistance, local public improvements, foreclosure prevention assistance and other services.

Additionally, in April 2022, the City Council voted 6:2 in favor of adopting a minimum residential density ordinance that will require new development in the R-3 and R-4 zones to build housing to at least 60% of the maximum density in the zone. By mandating higher density developments, future residential growth will need to maximize the building envelopes on each parcel to a higher extent. This middle housing code provides more tools for developers to achieve the 60% density target, in part due to the smaller lots sizes required for plexes and townhomes.

In May 2021, a final draft of the Grants Pass Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) was completed by the city’s consultants, 3J Consulting and FCS Group. That document, prepared in tandem with this middle housing code amendment, projects the following baseline housing needs through the year 2040:

The projected 4,055 new net housing units breaks down by tenure and housing type as follows:

Adoption of this Development Code amendment streamlines the process to apply for townhomes, plexes and cottage building permits. Most of these housing types currently require a separate land use application and review process that adds four to six weeks to the entitlement process. That is eliminated under this proposed ordinance. Unlike large
multi-family developments which often require large capital investments and specialized, layered financing, the middle housing types that are now allowed in all residential zones throughout the city limits can be constructed by individuals with less development experience and more limited capital assets. As noted above, the HNA projects that 749 units in townhomes, triplexes and fourplexes will be needed over the next 20 years. The simplified and streamlined permitting process outlined in this ordinance is expected to incentivize the development of some middle housing that may otherwise not be built. Finally, the draft BLI (May 2021) finds the majority of buildable lands in the Urban Growth Boundary (778 acres) are partially built out compared to 360 acres of vacant land. Given their smaller building footprints and less land-intensive requirements, the types of middle housing facilitated through this ordinance have a higher likelihood of being constructed on partially developed parcels than the larger and denser multi-family projects.

VIII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

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

SECTION 4.103:

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

Planning Commission Response: Satisfied. The proposed amendment is found to be consistent with both the purpose and intent of the GP Development Code. Specifically, Section 1.020 states one purpose of the Development Code is to coordinate regulations governing the development and use of land. This proposal enhances and improves coordination between code sections that relate to middle housing. It helps to achieve the purpose statements of the R-2, R-3 and R-4 zoning districts to encourage residential living at moderate and moderate-high densities. The purposes of the Articles remain intact. The proposed amendments will assist in expanding development options for duplexes, townhomes, cottages and other plexes. The Commission does find that the terminology in Section 1, Residential Uses, within Section 25.42, Parking Facilities, should be updated to add the term “unit” to subsection (a) (“Single-family detached dwelling unit”) and strike the term “dwelling units” from the end of subsections (a.i and a.ii).

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

Planning Commission Response: Satisfied. The proposed amendments are consistent with other provisions and Articles in the Development Code as they relate to expanding residential development options throughout the UGB. One Article where the provisions and purpose may be challenging to align with parts of the subject amendment is Article 11, Trees. Section 11.010, Purpose, aims to maintain wildlife habitat, preserve existing trees, and establish an urban tree canopy. No analysis has been done to approximate the relationship of increased middle housing to these environmental goals but, in some instances, it may be more difficult to
achieve objectives of the Trees article with reduced lot sizes and higher percentages of lot coverage. That being said, the ordinance still requires full compliance with the landscape standard in Article 23. The proposed amendment increases development standards and provides developers with varied development options.

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

Planning Commission Response: Satisfied. The proposed changes are consistent with the Grants Pass Comprehensive Plan, specifically Element 6, Policy #6.2 to provide sufficient lands capable of full urbanization and to ensure adequate choice in the market place for the projected city population. There are also several policies in Element 9, Housing, that may be achieved through full implementation of this ordinance:

9.4 The Land Use Map, Zoning Map, Overlay Maps and the Development Code shall provide opportunities for a variety of housing types, densities and locations within the Urban Growth Boundary area.

9.5 The Development Code shall establish provisions for housing types which are shown to be related to lower housing costs, and shall allow these housing types outright in appropriate locations throughout the Boundary area.

9.9 The City and County recognize the need for balance in housing types, and shall continue to support the development of traditional housing types, and shall act to protect and enhance Established neighborhoods within the City and Boundary area.

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

Planning Commission Response: Not Applicable. Under the Oregon statute (ORS 197.758), cities are not required to consider whether these middle housing amendments under HB2001 significantly affect an existing or planned transportation facility.

IX. DECISION AND SUMMARY:

The Urban Area Planning Commission RECOMMENDS APPROVAL to the City Council of the request for a Development Code Text Amendment. Commissioner Scherf moved and Commissioner Nelson seconded the motion. The vote was 7-0 with Commissioners Heesacker, Coulter, Arthur, Collier, Tokarz-Krauss, Scherf, and Nelson voting in favor. Commissioner Aviles was absent.
X. INDEX TO EXHIBITS

1. Mark up text of Articles 2, 12, 13, 15, 17, 18, 19, 22, 25 and 30.
2. Application Cover Sheet
3. April 21, 2022 Memorandum from Community Development Director to UAPC
4. May 7, 2022 e-mail from Community Development Director to UAPC
5. May 11, 2022 Memorandum from City Attorney to UAPC

XI. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION this 25th day of May, 2022.

________________________________________________
Eric Heesacker, Chair
CITY OF GRANTS PASS
COMMUNITY DEVELOPMENT DEPARTMENT

123 NE STEIGER, CHANGE OF USE
FROM SINGLE DWELLING UNIT TO ADULT USE MARIJUANA BUSINESS
MINOR SITE PLAN DENIAL
APPEAL OF STAFF’S DECISION OF DENIAL

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<th>Procedure Type:</th>
<th>Type III: Urban Area Planning Commission Decision</th>
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<tr>
<td>Project Number:</td>
<td>302-00111-22</td>
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<td>Project Type:</td>
<td>Appeal of Staff Decision</td>
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<tr>
<td>Owner:</td>
<td>Joel Thompson</td>
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<td>Applicant:</td>
<td>Joel Thompson</td>
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<td>Property Address:</td>
<td>123 NE Steiger St.</td>
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<tr>
<td>Map and Tax Lot:</td>
<td>36-05-08-CA, TL 3800 (see Exhibits 1, &amp; 2)</td>
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<td>Zoning:</td>
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<tr>
<td>Size:</td>
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<td>Planner Assigned:</td>
<td>Ryan Nolan</td>
</tr>
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<td>January 28, 2022</td>
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<td>Date of Staff Report:</td>
<td>April 11, 2022</td>
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<td>April 26, 2022</td>
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<td>120 Day Deadline:</td>
<td>May 27, 2022</td>
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I. PROPOSAL:

The applicant is appealing the decision to deny the Minor Site Plan for the proposed change of use of an existing structure from a single dwelling Unit to a retail marijuana sales (Adult Use). The project is located at 123 NE Steiger Street in the General Commercial (GC) zoning district. Following Staff’s denial, the applicant filed an appeal on April 26, 2022 (see Exhibit 5).

II. AUTHORITY & CRITERIA:

Section 2.020, Schedule 2-1, and Section 2.050, Schedule 12-2 of the Grants Pass Development Code authorize the Planning Commission to consider the request and make a decision to approve, approve with conditions, or deny. The decision must be based on the criteria contained in Sections 14.630 & 19.042 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 the decision is mailed. The decision will not become final until the period for filing a local appeal has expired.

IV. BACKGROUND:

A. Characteristics of the Property:

1. Land Use Designation:
   a. Comprehensive Plan: Commercial
   b. Zone District: GC
   c. Special Purpose District: NA

2. Size: .15 acres

3. Frontage: NE Steiger Street (City Local Street)

4. Access: NE Steiger Street (City Local Street)

5. Existing Public Utilities:
   a. Water: 8-inch main in NE Steiger Street
   b. Sewer: 8-inch main in NE Steiger Street
   c. Storm: Curb and Gutter

6. Topography: Relatively flat

7. Natural Hazards: NA

8. Natural Resources: N/A

9. Existing Land Use:
   a. Subject Parcel: Residential
   b. Surrounding: Residential, Commercial

B. Background:

The applicant is requesting approval of a Minor Site Plan Review to allow a change in use from single family residential, to retail sales and associated handcrafted manufacturing (Adult Use/Marijuana Business). The property is located at 123 NE Steiger Street, in the General Commercial (GC) zoning district. The proposed retail store intends to sell brand related items and incorporates associated handcrafted marijuana related products within the existing 872 square foot structure and also propose associated use of the 360 square foot detached garage.

Access to the property is provided via an existing driveway off of NE Stieger Street. The subject parcel is currently connected to all city services, and the street frontage is partially developed with curb, gutter. The applicant is proposing to fully improve the street frontage with sidewalk...
installation. Similarly, the applicant is proposing to pave the driveway and install a two-space parking area.

The use of the site as a detached dwelling is listed as a permitted use in Schedule 12-2 of the Code, in conjunction with the provisions of Section 14.500. A retail marijuana business, as defined in Article 30, is

A business involving the retail sale of..."the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae."

While it was determined through the course of a Pre-Application Conference held on April 21, 2021 (001-00375-21) that the retail marijuana sales business would be located outside of the mandatory geographical buffers as identified in Section 14.630, during review of the formal application (201-00413-21) it was determined that a State-licensed daycare facility is currently located within 1,000 feet of the proposed location. The state licensed daycare facility (The Growing Tree) is located at 1368 NW Conklin Avenue and obtained a State DHS license in August of 2020. Due to the fact that the daycare facility has never obtained a City of Grants Pass business license it was not previously listed on the City’s Marijuana Business or Adult Use buffer maps. The Grants Pass Municipal Code Section 11.01.500 specifically states that marijuana businesses may not be located within 1,000 feet of a daycare facility licensed by “the State of Oregon”. The same prohibition is listed in the City of Grants Pass Development Code Section 14.630 which prohibits an adult business from being located within 1,000 feet of a daycare facility licensed by the State of Oregon. The daycare facility is located 750 feet from the proposed marijuana business site and would therefore prohibit the Community Development Director from approving any Marijuana Business or an Adult Business at this site.

V. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

A. Section 19.042 of the City of Grants Pass Development Code states that the review body shall approve, approve with conditions, or deny the request based upon the following criteria:

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

Staff Response: Not satisfied. The subject parcel is .15 acres in the (GC) residential zoning district and meets current base lot standards. Retail marijuana business is a permitted use in the General Commercial (GC) zoning district provided the site is not within a designated adult use buffer. It has been determined that a State licensed daycare facility is located within 1,000 feet of the subject site. In accordance with City of Grants Pass Municipal Code 11.01.500 and City of Grants Pass Development Code Section 14.630 the marijuana business may not be allowed at the subject site as it is within 1,000 feet of a State-licensed daycare facility.

The applicant is also proposing handcrafted manufacturing as part of the business. They are proposing to use 160 square feet of floor area for handcrafted manufacturing, along with 640 square feet for storage, and 195 square feet for retail sale. Article 30 of the City of Grants Pass Development Code states that retail trade may include handcrafted manufacturing so long as the manufacturing portion does not exceed more than 25% of the ground floor level floor area. The applicant is proposing to utilize just under 13% of
the gross floor area (both structures are single level), which is less than the maximum of 25% of gross floor area. Provided that the site was outside of any restrictive buffer, the associated use of handcrafted manufacturing would be a permitted use.

**CRITERION (2):** Complies with adopted public utility and access plans, policies, and standards.

**Staff Response:** Satisfied with conditions. The property has frontage NE Steiger Street. Access to the property is provided by an existing shared approach.

Frontage improvements, including water, sewer, storm drain, curb, gutter along both of the NE Steiger Street frontage. **As conditioned below,** the applicant shall comply with the City Public Works directive and install sidewalk to City Standard.

**As conditioned below,** the applicant is required to provide evidence of a ten (10) foot City Utility Easement along the NE Steiger Street frontage.

City standards require preventative backflow devices to protect the public water system. **As conditioned below,** the applicant shall install RP backflow assembly and DC backflow assembly on the landscape irrigation system.

**CRITERION (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.

**Staff Response:** Satisfied. The property currently has adequate urban services to serve the facility. The property is currently served by public water and sewer services. There is capacity in the existing systems to provide service to the subject property without detrimentally affecting other developments.

**CRITERION (4):** Complies with all other applicable provisions of this Code, including off-street parking, landscaping, signage, and Special Purpose District requirements.

**Staff Response:** Satisfied with conditions.

**Marijuana Business:** **As conditioned below,** in accordance with Section 14.690 if the application where approved the business would be required to comply with all state and local laws, including, but not limited to, holding the applicable license in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission.

**Parking:** In accordance with Section 25.042(6)(c) two (2) parking spaces per thousand square feet are required for the retail portion of the business. With the proposed design that would require two vehicle parking spaces. In addition, pursuant to Section 25.042 (7)(a) one (1) parking space per thousand square feet is required for the processing portion of the business. The proposed design would require one parking space for the handcrafted manufacturing portion of the business. In accordance with state ADA parking requirements, at least one (1) ADA parking space is required. On street parking spaces along the property street frontage may be counted towards the required number of parking spaces. As proposed the business would require three parking spaces. The proposed site plan meets this requirement.
Landscaping: Existing landscaping is non-conforming. Future development, such as building expansion, may require landscaping to be brought up to the conforming standards below:

a. Along the full NE Steiger Street frontage, a ten (10) foot landscaped front yard, including minimum landscape requirements per 1,000 square feet of required front yard:
   i. Three (3) tree at least eight (8) feet in height, one and one-half (1 1/2) inch caliper measured six (6) inches from the root flare;
   ii. Five (5) 5-gallon and ten (10) one-gallon shrubs or accent plants;
   iii. Remaining area treated with living ground cover.

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

Lighting: All installed lighting shall be directional, non-glare, and shall not cause glare onto adjacent properties or passing motorists.

Trash Enclosure: The site has an existing area for trash disposal in conformance with Section 23.036.

Environmental Standards: None applicable.

Life/Safety Standards: As conditioned below, the change of use will require the applicant to comply with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code requirements.

CRITERION (5): Potential land use conflicts have been mitigated through specific conditions of development as required by this Code.

Staff Response: Satisfied. The property is located within the (GC) General Commercial zoning district and is developed with a single dwelling unit. It is the intent of the staff report to mitigate any potential land use conflicts with the adjacent properties through the conditions listed below.

CRITERION (6): Internal circulation is accommodated in commercial, institutional and office park uses with walkways and bikeways as provided in Article 27.

Staff Response: Satisfied. Section 27.320 of the GPDC requires private pedestrian ways connecting the major building entry points with a public sidewalk or right-of-way. The site, as proposed to be developed, has a pedestrian connection providing connection to the NE Steiger Street frontage.

CRITERION (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.
**Staff Response: Satisfied.** This development is considered a Minor Site Plan, and any existing nonconforming development shall be allowed to remain. Further development may trigger additional requirements.

**VI. RECOMMENDATION:**

**AFFIRM** the Staff decision to deny the Minor Site Plan.

**VII. PLANNING COMMISSION ACTION:**

A. Affirm the staff decision of denial

B. Reverse the Staff decision and approve the Minor Site Plan

C. Continue Item (Note: 120-day time expires May 27, 2022)
   1. Indefinitely
   2. To a date and time certain.

**VIII. INDEX TO EXHIBITS:**

1. Vicinity Map
2. Aerial Map
3. Original Application
4. Appeal Application
5. Evidence of State Day Care License
123 NE STEIGER ST
36-05-08-CA, TL 3800

Legend

\[ \text{Local Tax Parcels} \]
\[ \text{Subject Parcel} \]

CITY OF GRANTS PASS
Community Development Dept.
501 Northwest "A" Street
Grants Pass, OR 97526
Phone: (541) 476-3130
Fax: (541) 476-3128
Web: www.grantspassoregon.gov
<<CLEANUP 4/15/22>>

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

Property Address: 123 NE Siever Street
Grants Pass, OR 97526

Assessor's Map & Tax Lot:
38 - 05 - 09 - GA Tax Lot(s) 3800
6 - 05 - 09 - GA Tax Lot(s)

Zoning: GC - General Commercial
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 Plan
☐ 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
☑ (11) 8 ½ x 11 redacted copy of site plan
☑ Electronic copy
☑ Written Narrative/Response to Criteria
☑ Power of Attorney
☑ Service Agreement
☑ Architectural Features
☑ Other:

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

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

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

Property Owner: Joel Thompson
Address: 825 NW 15th Ave
Portland, OR 97201
Phone: (704) 351-6701
Email: thompson131f@gmail.com

Applicant: See owner information above
Address:

Phone:
Email:

Authorized Representative (if different from applicant):
Address:
Phone:
Email:

Surveyor or Engineer (if applicable):
Sylas E. Allen, PE, Contact: Malia Waters
Address: 127 NW D St, Grants Pass, OR 97526
Phone: (541) 488-4566
Email: malia@zic.com

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

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

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

For Office Use
Date Application Received: 12-28-21
Date Application Complete: 1-28-22
Pre-App required: N Pre-App #: 001-00375-21
Fee Paid: $785.50 Initials CN
File Number: 201-00413-21

Exhibit 3
Page 61
SUMMARY OF CHANGES AND CLARIFICATIONS – ADDENDUM #1
(12/28/21 - Project Bid Phase)

AMENDMENTS AND CLARIFICATIONS:

1. Owner will provide 3rd party for testing and inspection. Contractor to coordinate with owner and engineer during construction.

2. Contractor to restore and/or replace swimming pool basin surface and tile as necessary to return all items to a clean and functioning state.

3. Contractor to provide and install ±625 LF of 2' tall (minimum), 4' tall (maximum), 3' tall (average) Keystone Standard III block retaining wall (or approved equal) across rear property lines of lots 71 through 82. See attached detail.
   a. Contractor shall provide a cost per SF unit price with bid. Actual SF totals will be determined in the field during construction.

4. Contractor to evaluate the existing hydrant and water supply system with (1) set of the following tests per Oregon Fire Code Sec 507.5.3 prior to Certificate of Occupancy.
   a. All tests to be conducted and recorded by a qualified person, such as a fire protection / fire sprinkler contractor, with results uploaded to the Brycer website (thecomplianceengine.com). Annual and five-year items to be continued by owner.
   b. Furthest hydrant from S Pacific Hwy (adjacent to lot 40) - Measured flow test every five years per NFPA 25 sec 7.3.1.
   c. All hydrants - Annual operational test per NFPA 25 sec 7.3.2.
   d. Residual Hydrant - Test procedure every five years in accordance with NFPA 291 sec 4 including:
      i. Static and residual pressures at residual hydrant in 2.5" flow discharge condition per NFPA 291 sec 4.1 - 4.7.
      ii. Pitot PSI observed per NFPA 291 sec 4.8.
      iii. Discharge coefficient used for 2.5" outlet per NFPA 291 sec 4.9.
      iv. Total gpm based on pitot test, as adjusted from coefficient used per NFPA 291 sec 4.12.

5. Asphalt replacement in the northwestern most corner of the site will be extended ±130' x 34' (4,420 SF) to reach fully across lots 25 and 44.
6. Contractor to locate and cap (with approved water-tight plug) existing private lateral connections to water and sanitary mains. Assume 82 water and 82 sanitary connections.
   a. Contractor may elect to remove OR abandon-in-place the old lateral service lines.

7. Contractor to provide R-15 rigid insulation per detail 5 note 18 on A4.0. All vapor barrier to be Stego Wrap 15 mil (or approved equal) per detail 3 note 1 on A8.1.

ALL AMENDMENTS RESULT FROM QUESTIONS RAISED DURING ON-SITE MEETING OR OVER EMAIL PRIOR TO ISSUANCE OF THIS AMENDMENT #1
Memo

To: Joel Thompson
From: Sylas E. Allen, PE/kka
CC: Malia Waters
Date: 12-15-2021
Re: 123 NE Steiger Street Retail/Processing Facility – Stormwater Management Memo

The project site is located on the south side of NE Steiger Street between 6th and 7th streets in downtown Grants Pass (Figure 1). Current development of the ±0.15-acre lot (T36S-R05W-S08CA, Lot 3800) includes a single-story house and detached garage with a shared gravel driveway, and lawn/landscaping. The existing house and detached garage will be remodeled for commercial use.

Figure 1 - Vicinity Map

Topography of the site generally slopes from north to south at 1% to 8%. Stormwater generated by the building roofs are collected in a gutter system and discharged at grade. Currently there are no stormwater collection/detention/treatment systems on site. Per NRCS soil survey, the site is predominantly composed of Holland Sandy Loam (NRCS soil classification 42B which has a hydrologic soil group rating of 'C', indicative of soils with low infiltration capacity.)
Exterior site improvements will include paved parking and maneuvering upgrades, ADA parking, an accessible path between the public sidewalk and retail entrance, pedestrian connectivity between the two buildings, and general landscape upgrades. Right-of-way improvements include a new 5.5-ft sidewalk with curb and gutter to match adjacent frontage to the east. A shared access driveway will provide access to the project site and lot 3900 to the east.

Surface runoff in the parking and maneuvering areas will be directed to two (2) catch basins. Existing gutter/downspouts and catch basins will be connected via a subsurface pipe network that discharges to a lift station at the northeast corner of the site before ultimately discharging to the public right-of-way via a weep hole at the curb.

New impervious surfaces on the site will total ±2,435-sf, including ±2,063-sf of new asphalt pavement and ±372-sf of new concrete sidewalks (Figure 2). Per Chapter 2 of the Grants Pass Stormwater Management Manual, projects with under 2,500-sf of new or modified impervious surface are exempt from stormwater management requirements.

Please contact us with any questions or requests for additional information.

Thank you,

Sylas E. Allen, PE
MKW/kka

RECEIVED
DEC 23, 2014
CITY OF GRANTS PASS
Tuesday, December 14, 2021

Joel Thompson
101 NW A Street
Grants Pass, OR 97526

Reference: Treets Retail and Processing Facility
123 NE Steiger Street, Grants Pass, OR 97526

Subject: Site Plan Review Submittal

Joel —

We have prepared the following project narrative to accompany the attached plans and application for the proposed Treets Dispensary and Processing Facility to be located at 123 NE Steiger Street in Grants Pass.

The existing house and detached garage will be remodeled for commercial use. The primary building will be reconfigured with interior partition walls to create separate retail trade, and handcrafted cannabis manufacturing spaces within the existing structure. Additionally, two exterior access doors will be added and the existing restroom will be reconfigured to meet ADA compliance.

The project requires a change of use from residential use (R) to mercantile use (M), manufacturing use (F-1), and storage use (S). The handcrafted manufacturing space will occupy approximately 160-sf of the business with approximately 430-sf of storage areas. The retail trade portion of the business will occupy approximately 195-sf with approximately 210-sf of retail storage areas. In addition, the handcrafted manufacturing portion of the business will include a security room to house the security control platform for OLCC approved security camera systems serving the handcrafted cannabis manufacturing use.

Exterior site improvements will include paved parking and maneuvering upgrades, ADA parking, an accessible path between the public sidewalk and retail entrance, pedestrian connectivity between the two buildings, and general landscape upgrades. Additionally, utility upgrades for sanitary sewer, water, and storm drainage are included based on staff comments from Pre-Application Conference File No.: 001-00375-21.

Right-of-way improvements include a new 5.5-ft sidewalk with curb and gutter to match adjacent frontage to the east. A shared access driveway will provide access to the project site and lot 3900 to the east.
Please let me know if you have any questions or if you require additional information.

Thank you,

Malia Waters/kka

Enclosures:
- Engineering Plan Submittal Application
- 50% CD Plan Set (civil & architectural)
- Stormwater Management Memo
PLANNING APPLICATION FORM

Property Address: 123 NE 8th St.
Assessor's Map & Tax Lot:
36 - 05 - 09 - CA Tax Lot(s) 3800
Zoning: GC
City: ☒ LGR: ☐

Project Type: [Please check all applicable]
☒ Site Plan Decision (Z) & (A)
☒ Standard Architectural Review
☒ Architectural Review
☒ Special Concept Plan
☒ Partition
☒ Property Line Adjustment
☒ Property Line vacation
☒ Planned Unit Development
☒ Subdivision
☒ Final Subdivision or PUD Plan
☒ Variances
☒ Cmp Plan/Zone Map Amendment
☒ Text Amendment
☒ Pre-Application
☒ Appeal - Sign Code Appeal
☒ Other

Size of Project (if units, lots, sq. ft., etc.)
15

Attachments:
☒ 11 x 17, single-sided Maps Site Plan to scale
☒ 11 x 11, reduced copy of site plan
☒ Electronic copy
☒ Written Narrative Response to Criteria
☒ Power of Attorney
☒ Service Agreement
☒ Architectural Features
☒ Other

Description of Request
1. Name of project and proposed uses

Property Owner: Joel Thompson
Address: 123 NE 8th St.
Portland OR 97201
Phone: (503) 836-0003
Email: https://gmail.com

Applicant: Joel Thompson
Address: 8th NE 11th Ave
Portland OR 97201
Phone: Same
Email: Same

Authorized Representative (if different from applicant)
Address:
Phone:
Email:

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

[Office Use]
Date Application Received 4-24-22
Date Application compltd 4-28-22
Pre-App approved 4-24-22
Pre-App Fees PAID 487.50
Fees Paid In Full CN
Filed: 302-00111-22
April 25, 2022
Regarding Project #201-00413-21
Property: 123 NE Steiger Street

To Whom it May Concern,

This written narrative is in response to the Director’s Decision on the Staff Report and Decision Notice for the property listed above.

I, Joel Thompson, am the applicant and owner of the property. This narrative will briefly outline the history and context of this application that I hope to present to the Planning Commission in further detail.

Early last year my business partner (also my father) and I began looking for a facility to operate our solventless cannabis processing operation which does not have any special zoning or hazardous processing requirements in that water and agitation are our only solvents.

I have worked and paid taxes in the Grants Pass area for years and was delighted to find a viable solution with this property as it was in the approved zoning for a cannabis business per the tools provided by the City of Grants Pass.

We plan to make a dual use of this General Commercial zoned building to encompass both a small water-based processing operation with an OLCC Processing License as well as a small retail showroom for the production of brand related items which will be laser carved wood items, apparel, and merchandise.

The retail will be street facing in the building and the processing would be on the backside and would not have access through the retail shop as a separate secured access would be installed for that.

Walking by, you would not see or smell anything relating to cannabis and the type of processing we would be doing is not hazardous or explosive nor does it require solvents. I mention this only to address any potential concerns with exposure to children or public danger related to the approval of this proposed use of the building.

After we saw the building met requirements for a cannabis license, we did further due diligence on the property before deciding to move forward with the purchase of the property.

The only reason my family and I purchased this property was to move our cannabis business into the building as I have no other use for the building we now own. I feel our proposed use intention was made clear in every interaction I had with the city.

We worked with the necessary parties to submit a completed LUCS, which was approved pending site plan review. During this time, we had a lengthy conversation with Ryan Nolan where it was explained that currently the proposed use was allowed, but that should we have a daycare open

Exhibit 4
between then and when we were scheduled to have the minor site plan review, we found that the property would not be viable.

At the time we reviewed the map and LUCLS with Ryan and determined it was viable and approved for use, confirmed by the City of Grants Pass.

With that knowledge and understanding we moved forward, quickly as to not allow that window to be larger than necessary. We closed on the property and promptly began work with ZCS engineering, Tera Firma foundation specialists and multiple contractors to bring the building up to working standards.

We submitted all required documentation to the City for the minor site plan review and that is where it was discovered that a daycare had been operating, out of city and state compliance, for over 3 years, 950 feet from the proposed location.

This home based daycare never applied for nor obtained the city required business license, only the state daycare license and never specified hours or operation of our updated contact information with the Health Department.

This home based business operated for more than 3 years 100% out of compliance with city codes.

For more than 3 years the city only checked for local business licenses when updating the Marijuana Business Map, when the code language states, “a state licensed daycare facility”. It wasn’t until 2022 that this unlicensed business came to light, more than 3 years into its unlawful operation.

This massive oversight has now caused a denial of the site plan for all cannabis activities at 123 NE Steiger street and will cause irreparable damage to our small, family owned business and will greatly decrease the value of the property for future sales if not rectified.

We have plans to be a very good partner and make contributions to the City of Grants Pass in various ways and will continue to be a compliant and vibrant partner to this community. We are asking that you not penalize our business for the oversight of city employees and a non-compliant, non-cooperative business and issue a special variance to allow the proposed use we are asking for.

Further details are noted below and we hope to be given consideration in an open review to consider a special variance for our application and proposed use of this property.

With Gratitude,

Exhibit 4

Page 88
Location/Proximity of Business

- If this home based daycare is active, which multiple attempts by applicant and city officials have failed to confirm, any attending minors would have to cross a major city road and cross 4 roads to access the proposed site of this non-public facing marijuana business.

- This home based daycare is in close proximity to other types of businesses that are ‘adult’ in nature (Liquor, Gun store, & Forward Cannabis Dispensary) with no incidents reported.

Nature of Business

- No monument/building mounted sign at business, from an outsider looking at the facility it will appear as a residence with a front end retail showroom with no outward appearance of cannabis business.

- Applicant is cleaning up an otherwise derelict site, adding value to the neighborhood and improving safety (current conditions on site are unsafe but we have already cleared much debris).

- Site will be fully secured with automatically locking doors and security cameras in compliance with OLCC licensing requirements, including secure access and discreet security cameras.

- Site will be fenced along the rear and side yards in addition to the secured access points.

Context of Pre-app Approval / Property Purchase

- Property was on the market for over 100 days at current price because it was a poor investment as a residence or traditional retail space.

- See attached letter describing issues related to impact on real estate – due diligence ahead of sale based on conversations with City planning & analysis of all available information on locations of marijuana buffer zones.

- Pre-app approval of site was based on City mapping/City business licensing available – not applicant’s fault that the City information was not accurate.

- This oversight raises issues related to code language – current CITY code references STATE business license, should ultimately be CITY to better prevent this type of issue in the future and encourage proper CITY business license.

- Applicant has followed all appropriate steps in the development process, including frequent communication with City to ensure that proposed use was acceptable on subject property.
To whom it may concern,

Hello, my name is Molly Nichols and I have been a licensed Broker in Southern Oregon for almost 10 years. During this time, I have sold more than 200 homes and businesses in our beautiful region. I have specialized in cannabis real estate since recreational legalization passed in 2015, focusing on fostering strong relationships with small craft cannabis entrepreneurs. I have prided myself on assisting business and community minded individuals’ step into the full light of regulated, licensed, and legal production, manufacturing, and sales of cannabis. I have been mindful to only work with individuals and companies that I would like as a neighbor, those who will embrace and abide by local zoning and permitting rules. Through this endeavor, I have relied heavily on the information provided by state and local governments, regarding specific zoning regulations particular to the city/county the business will be located in. Some of the most important tools have been the Grants Pass Marijuana Business map and the planners at Grants Pass City community development.

The property located at 123 NE Steiger Street has been a property and project I have been involved with since 2018, when I first approached the city with a LUCS for a cannabis retail project a client was interested in. The property fell just outside all the restricted boundaries and offered a unique option for a small cannabis business in a safe and unassuming location. Unfortunately, that project, while approved with a LUCS, never moved forward. Fast forward to 2021, the property came onto the market just as I was beginning to assist a friend and colleague, Joel Thompson, in searching for a location to move his solventless processing and edibles company (Treats) to. His intention was to find a leased space possibly in Jackson or Josephine County. I excitedly brought this option to Joel as a long-term investment into his business, one that could give him stability and build real wealth that leasing can’t offer. Joel decided to move forward, we placed an offer with the contingency of an approved LUCS and further due diligence with the city regarding possible uses. The only reason that this property was of interest to Joel, was for his cannabis business. This was very clear in our offer and in all the conversations that followed. Over the next month Joel diligently completed and submitted his LUCS, which was approved pending site plan review. During this time, we had a lengthy conversation with Ryan Nolan where it was explained that currently the use was allowed, but that should a day care open between then and when Joel had is site plan review that his plan may not be viable. At the time we reviewed the map and LUCS with Ryan it was viable and an approved use. With that knowledge and understanding we moved forward, quickly as to not allow that window to be larger than necessary.

Joel closed on the property and promptly began work with ZCS engineering, Tera Firma foundation specialists and multiple contractors to bring the building up to working standards. He submitted all required documentation to the City for his site plan review and that is where it was discovered that a day care had been operating, out of city and state compliance, for over 3 years 950 feet from the proposed location. This day care never applied for or obtained the city required business license, only the state day care license. This business operated for more than 3 years 100% out of compliance with city
codes. For more than 3 years the city only checked for local business licenses when updating the Marijuana Business Map, when the code language states, “a state licensed day care facility”. It wasn’t until 2022 that this unlicensed business came to light, more than 3 years into its unlawful operation. This massive oversight has now caused a denial of the site plan for all cannabis activities at 123 NE Steiger street and will cause irreparable damage to Joels business and greatly decrease the value of the property for future sales if not rectified. As a real estate broker and business owner in Grants Pass, I have to be able to rely on the city to do their due diligence in enforcing the code as written and in providing reasonable assurance that the tools they provide and require us to use are updated in a timely and reasonable fashion. I must have some level of assuredness that the city is acting in a professional and fair manner, for all types of businesses...weather I am selling a day care, car wash or a cannabis business I rely on you, the City of Grants Pass, to provide me and my clients with the basic ability to reasonably plan for future development, using the tools and recourses you provide. If I do not have that confidence, I cannot in good faith continue to recommend Grants Pass as a place to move business to. This unfortunate oversight needs to be corrected by the city, with no penalty to Joel Thompson, who has been a very good partner thus far and will continue to be a compliant and vibrant partner to this community. I would ask that you not penalize my client for the oversight of city employees and a non-compliant, non-cooperative business. I have always known the city and all its agents to be fair, reasonable, and professional. I hope to maintain that understanding and be able to move forward from this event with the tale of how the city of grants pass is reasonable, supportive, and encouraging to compliant and good business partners. Thank you for your time and consideration on this matter, I look forward to working with you to continue to build a strong community.

Sincerely,

Molly Nichols
Licensed OR Broker

CITY OF GRANTS PASS

Exhibit 4
Exhibit 5
### Procedure Type:
Type III: Urban Area Planning Commission Decision

### Project Number:
302-00111-22

### Project Type:
Appeal of Staff Decision

### Owner:
Joel Thompson

### Applicant:
Joel Thompson

### Property Address:
123 NE Steiger St.

### Map and Tax Lot:
36-05-08-CA, TL 3800 (see Exhibits 1, & 2)

### Zoning:
GC - City

### Size:
0.15 acre

### Planner Assigned:
Ryan Nolan

### Application Received:
December 28, 2021

### Application Complete:
January 28, 2022

### Date of Staff Report:
April 11, 2022

### Date of Findings:
April 13, 2022

### Appeal Filed:
April 26, 2022

### Date of Hearing:
May 25, 2022

### Date of Findings of Fact:
May 25, 2022

### 120 Day Deadline:
May 27, 2022

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

### I. PROPOSAL:

The applicant is appealing the decision to deny the Minor Site Plan for the proposed change of use of an existing structure from a single dwelling Unit to a retail marijuana sales (Adult Use). The project is located at 123 NE Steiger Street in the General Commercial (GC) zoning district. Following Staff’s denial, the applicant filed an appeal on April 26, 2022 (see Exhibit 5).

### II. AUTHORITY & CRITERIA:

Section 2.020, Schedule 2-1, and Section 2.050, Schedule 12-2 of the Grants Pass Development Code authorize the Planning Commission to consider the request and make a
decision to approve, approve with conditions, or deny. The decision must be based on the criteria contained in Sections 14.630 & 19.042 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 the decision is mailed. The decision will not become final until the period for filing a local appeal has expired.

IV. SUMMARY OF EVIDENCE:

A. The basic facts, criteria and hearing record regarding this application are contained in the Planning Commission staff report, which is attached and incorporated herein as Exhibit “A”.

B. The minutes of the public hearing held by the Planning Commission on May 25, 2022, shall be attached to the record of decision as Exhibit “B”, summarizing the oral testimony presented and shall be adopted and incorporated herein.

C. The PowerPoint Presentation presented by staff is attached as Exhibit “C.”

D. The PowerPoint Presentation presented by applicant shall be attached as Exhibit “D”.

V. PROCEDURE:

A. An application for a Minor Site Plan Review was submitted on December 28, 2021. The application was processed in accordance with Section 2.050 of the Development Code.

B. The Director of Community Development denied the application April 13, 2022.

C. The appellant filed an appeal of the denial on April 26, 2022. The appeal was deemed valid on April 26, 2022.

D. Public notice of the March 25, 2022, Planning Commission hearing was mailed on May 3, 2022, in accordance with Sections 2.020, 10.051(4).

E. A public hearing was held by the Planning Commission on May 25, 2022, to consider the appeal.

F. The Planning Commission revised the Director’s decision with conditions and approved the appeal application.
VI. BACKGROUND:

A. Characteristics of the Property:

1. Land Use Designation:
   a. Comprehensive Plan: Commercial
   b. Zone District: GC
   c. Special Purpose District: NA

2. Size: .15 acres

3. Frontage: NE Steiger Street (City Local Street)

4. Access: NE Steiger Street (City Local Street)

5. Existing Public Utilities:
   a. Water: 8-inch main in NE Steiger Street
   b. Sewer: 8-inch main in NE Steiger Street
   c. Storm: Curb and Gutter

6. Topography: Relatively flat

7. Natural Hazards: NA

8. Natural Resources: N/A

9. Existing Land Use:
   a. Subject Parcel: Residential
   b. Surrounding: Residential, Commercial

B. Background:

The applicant is requesting approval of a Minor Site Plan Review to allow a change in use from single family residential, to retail sales and associated handcrafted manufacturing (Adult Use/Marijuana Business). The property is located at 123 NE Steiger Street, in the General Commercial (GC) zoning district. The proposed retail store intends to sell brand related items and incorporates associated handcrafted marijuana related products within the existing 872 square foot structure and also propose associated use of the 360 square foot detached garage.

Access to the property is provided via an existing driveway off of NE Stieger Street. The subject parcel is currently connected to all city services, and the street frontage is partially developed with curb, gutter. The applicant is proposing to fully improve the street frontage with sidewalk installation. Similarly, the applicant is proposing to pave the driveway and install a two-space parking area.

The use of the site as a detached dwelling is listed as a permitted use in Schedule 12-2 of the Code, in conjunction with the provisions of Section 14.500. A retail marijuana business, as defined in Article 30, is
“A business involving the retail sale of...‘the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.’”

While it was determined through the course of a Pre-Application Conference held on April 21, 2021 (001-00375-21) that the retail marijuana sales business would be located outside of the mandatory geographic buffers as identified in Section 14.630, during review of the formal application (201-00413-21) it was determined that a State-licensed daycare facility is currently located within 1,000 feet of the proposed location. The state licensed daycare facility (The Growing Tree) is located at 1368 NW Conklin Avenue and obtained a State DHS license in August of 2020. Due to the fact that the daycare facility has never obtained a City of Grants Pass business license it was not previously listed on the City’s Marijuana Business or Adult Use buffer maps. The Grants Pass Municipal Code Section 11.01.500 specifically states that marijuana businesses may not be located within 1,000 feet of a daycare facility licensed by “the State of Oregon”. The same prohibition is listed in the City of Grants Pass Development Code Section 14.630 which prohibits an adult business from being located within 1,000 feet of a daycare facility licensed by the State of Oregon. The daycare facility is located 750 feet from the proposed marijuana business site and would therefore prohibit the Community Development Director from approving any Marijuana Business or an Adult Business at this site.

VII. ISSUES RAISED ON APPEAL

It is the contention of the appellant that criterion 19.042 (1) has been satisfied to the best extent possible by the applicant utilizing the City’s mapping system to identify adult use buffers in existence at the time of application. The appellant’s full narrative is attached as Attachment 4 to the staff report.

VIII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

A. Section 19.042 of the City of Grants Pass Development Code states that the review body shall approve, approve with conditions, or deny the request based upon the following criteria:

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

Planning Commission Response: Not satisfied. The subject parcel is .15 acres in the (GC) residential zoning district and meets current base lot standards. Retail marijuana business is a permitted use in the General Commercial (GC) zoning district provided the site is not within a designated adult use buffer. It has been determined that a State licensed daycare facility is located within 1,000 feet of the subject site. In accordance with City of Grants Pass Municipal Code 11.01.500 and City of Grants Pass Development Code Section 14.630 the marijuana business may not be allowed at the subject site as it is within 1,000 feet of a State-licensed daycare facility. As the subject daycare facility does not have a current City business license, nor a current state registration as a business, and the applicant utilized the City’s interactive mapping to identify that the address at 123 NE Steiger Street was outside of any adult use buffer when the application was submitted, the Planning Commission find the applicant has sufficiently met this criteria.
The applicant is also proposing handcrafted manufacturing as part of the business. They are proposing to use 160 square feet of floor area for handcrafted manufacturing, along with 640 square feet for storage, and 195 square feet for retail sale. Article 30 of the City of Grants Pass Development Code states that retail trade may include handcrafted manufacturing so long as the manufacturing portion does not exceed more than 25% of the ground floor level floor area. The applicant is proposing to utilize just under 13% of the gross floor area (both structures are single level), which is less than the maximum of 25% of gross floor area. Provided that the site was outside of any restrictive buffer, the associated use of handcrafted manufacturing would be a permitted use.

CRITERION (2): Complies with adopted public utility and access plans, policies, and standards.

Planning Commission Response: Satisfied with conditions. The property has frontage NE Steiger Street. Access to the property is provided by an existing shared approach.

Frontage improvements, including water, sewer, storm drain, curb, gutter along both of the NE Steiger Street frontage. As conditioned below, the applicant shall comply with the City Public Works directive and install sidewalk to City Standard.

As conditioned below, the applicant is required to provide evidence of a ten (10) foot City Utility Easement along the NE Steiger Street frontage.

City standards require preventative backflow devices to protect the public water system. As conditioned below, the applicant shall install RP backflow assembly and DC backflow assembly on the landscape irrigation system.

CRITERION (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.

Planning Commission Response: Satisfied. The property currently has adequate urban services to serve the facility. The property is currently served by public water and sewer services. There is capacity in the existing systems to provide service to the subject property without detrimentally affecting other developments.

CRITERION (4): Complies with all other applicable provisions of this Code, including off-street parking, landscaping, signage, and Special Purpose District requirements.

Planning Commission Response: Satisfied with conditions.

Marijuana Business: As conditioned below, in accordance with Section 14.690 if the application where approved the business would be required to comply with all state and local laws, including, but not limited to, holding the applicable license in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission.

Parking: In accordance with Section 25.042(6)(c) two (2) parking spaces per thousand square feet are required for the retail portion of the business. With the proposed design that would require two vehicle parking spaces. In addition, pursuant to Section 25.042 (7)(a) one (1) parking space per thousand square feet is required for the processing portion of the business. The proposed design would require one parking space for the
handcrafted manufacturing portion of the business. In accordance with state ADA parking requirements, at least one (1) ADA parking space is required. On street parking spaces along the property street frontage may be counted towards the required number of parking spaces. As proposed the business would require three parking spaces. The proposed site plan meets this requirement.

**Landscaping:** Existing landscaping is non-conforming. Future development, such as building expansion, may require landscaping to be brought up to the conforming standards below:

a. Along the full NE Steiger Street frontage, a ten (10) foot landscaped front yard, including minimum landscape requirements per 1,000 square feet of required front yard:
   
   i. Three (3) tree at least eight (8) feet in height, one and one-half (1 1/2) inch caliper measured six (6) inches from the root flare;
   
   ii. Five (5) 5-gallon and ten (10) one-gallon shrubs or accent plants;
   
   iii. Remaining area treated with living ground cover.

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

**Lighting:** All installed lighting shall be directional, non-glare, and shall not cause glare onto adjacent properties or passing motorists.

**Trash Enclosure:** The site has an existing area for trash disposal in conformance with Section 23.036.

**Environmental Standards:** None applicable.

**Life/Safety Standards:** As conditioned below, the change of use will require the applicant to comply with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code requirements.

**CRITERION (5):** Potential land use conflicts have been mitigated through specific conditions of development as required by this Code.

**Planning Commission Response: Satisfied.** The property is located within the (GC) General Commercial zoning district and is developed with a single dwelling unit. It is the intent of the staff report to mitigate any potential land use conflicts with the adjacent properties through the conditions listed below.

**CRITERION (6):** Internal circulation is accommodated in commercial, institutional and office park uses with walkways and bikeways as provided in Article 27.

**Planning Commission Response: Satisfied.** Section 27.320 of the GPDC requires private pedestrian ways connecting the major building entry points with a public sidewalk or right-of-way. The site, as proposed to be developed, has a pedestrian connection providing connection to the NE Steiger Street frontage.
CRITERION (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.

Planning Commission Response: Satisfied. This development is considered a Minor Site Plan, and any existing nonconforming development shall be allowed to remain. Further development may trigger additional requirements.

IX. DECISION AND SUMMARY:

The Planning Commission APPROVED the appeal, amending the Staff decision to deny the Minor Site Plan with conditions as reflected below. The vote was ___ - ___ with Commissioners ______________________________________ voting to approve. Commissioners(s)________________________________________ voted to deny. Commissioner(s) __________________________________________ abstained. And Commissioner(s) __________________________________________ were/was absent.

Conditions of Approval:

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

1. The applicant will pay the request a development permit from the Community Development front counter and pay the appropriate associated fee.

B. The information provided below is provided for your information only. The following must occur prior to the issuance of a building permit:

1. Submit construction documents to the Building Division for their review and approval to determine compliance with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code requirements. The plans must be prepared by an Oregon-licensed design professional. This will be considered a change of use/occupancy.

2. Complete a Sewer Use Survey.

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

1. Development must occur according to the approved site plan, including all requirements identified in the Public Works Comments. The developer must
contact the Community Development Department and arrange for a final inspection prior to occupancy to ensure compliance.


D. The following must be maintained during the operation of the business.

1. Comply with all state and local laws, including, but not limited to, holding the applicable license in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission.

X. FINDINGS APPROVED BY THE PLANNING COMMISSION this 25th day of May, 2022.

_____________________________________

Eric Heesacker, Chair
PROPOSAL:

The applicant is appealing the decision to deny the Minor Site Plan for the proposed change of use of an existing structure from a single dwelling Unit to a retail marijuana sales (Adult Use). The project is located at 123 NE Steiger Street in the General Commercial (GC) zoning district. Following Staff’s denial, the applicant filed an appeal on April 26, 2022 (see Exhibit 5).

II. AUTHORITY & CRITERIA:

Section 2.020, Schedule 2-1, and Section 2.050, Schedule 12-2 of the Grants Pass Development Code authorize the Planning Commission to consider the request and make a
decision to approve, approve with conditions, or deny. The decision must be based on the criteria contained in Sections 14.630 & 19.042 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 the decision is mailed. The decision will not become final until the period for filing a local appeal has expired.

IV. SUMMARY OF EVIDENCE:

A. The basic facts, criteria and hearing record regarding this application are contained in the Planning Commission staff report, which is attached and incorporated herein as Exhibit “A”.

B. The minutes of the public hearing held by the Planning Commission on May 25, 2022, shall be attached to the record of decision as Exhibit “B”, summarizing the oral testimony presented and shall be adopted and incorporated herein.

C. The PowerPoint Presentation presented by staff is attached as Exhibit “C.”

D. The PowerPoint Presentation presented by applicant shall be attached as Exhibit “D”.

V. PROCEDURE:

A. An application for a Minor Site Plan Review was submitted on December 28, 2021. The application was processed in accordance with Section 2.050 of the Development Code.

B. The Director of Community Development denied the application April 13, 2022.

C. The appellant filed an appeal of the denial on April 26, 2022. The appeal was deemed valid on April 26, 2022.

D. Public notice of the March 25, 2022, Planning Commission hearing was mailed on May 3, 2022, in accordance with Sections 2.020, 10.051(4).

E. A public hearing was held by the Planning Commission on May 25, 2022, to consider the appeal.

F. The Planning Commission revised the Director’s decision with conditions and approved the appeal application.
VI. BACKGROUND:

A. Characteristics of the Property:

1. Land Use Designation:
   a. Comprehensive Plan: Commercial
   b. Zone District: GC
   c. Special Purpose District: NA

2. Size: .15 acres

3. Frontage: NE Steiger Street (City Local Street)

4. Access: NE Steiger Street (City Local Street)

5. Existing Public Utilities:
   a. Water: 8-inch main in NE Steiger Street
   b. Sewer: 8-inch main in NE Steiger Street
   c. Storm: Curb and Gutter

6. Topography: Relatively flat

7. Natural Hazards: NA

8. Natural Resources: N/A

9. Existing Land Use:
   a. Subject Parcel: Residential
   b. Surrounding: Residential, Commercial

B. Background:

The applicant is requesting approval of a Minor Site Plan Review to allow a change in use from single family residential, to retail sales and associated handcrafted manufacturing (Adult Use/Marijuana Business). The property is located at 123 NE Steiger Street, in the General Commercial (GC) zoning district. The proposed retail store intends to sell brand related items and incorporates associated handcrafted marijuana related products within the existing 872 square foot structure and also propose associated use of the 360 square foot detached garage.

Access to the property is provided via an existing driveway off of NE Stieger Street. The subject parcel is currently connected to all city services, and the street frontage is partially developed with curb, gutter. The applicant is proposing to fully improve the street frontage with sidewalk installation. Similarly, the applicant is proposing to pave the driveway and install a two-space parking area.

The use of the site as a detached dwelling is listed as a permitted use in Schedule 12-2 of the Code, in conjunction with the provisions of Section 14.500. A retail marijuana business, as defined in Article 30, is
“A business involving the retail sale of….“the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.”

While it was determined through the course of a Pre-Application Conference held on April 21, 2021 (001-00375-21) that the retail marijuana sales business would be located outside of the mandatory geographical buffers as identified in Section 14.630, during review of the formal application (201-00413-21) it was determined that a State-licensed daycare facility is currently located within 1,000 feet of the proposed location. The state licensed daycare facility (The Growing Tree) is located at 1368 NW Conklin Avenue and obtained a State DHS license in August of 2020. Due to the fact that the daycare facility has never obtained a City of Grants Pass business license it was not previously listed on the City’s Marijuana Business or Adult Use buffer maps. The Grants Pass Municipal Code Section 11.01.500 specifically states that marijuana businesses may not be located within 1,000 feet of a daycare facility licensed by “the State of Oregon”. The same prohibition is listed in the City of Grants Pass Development Code Section 14.630 which prohibits an adult business from being located within 1,000 feet of a daycare facility licensed by the State of Oregon. The daycare facility is located 750 feet from the proposed marijuana business site and would therefore prohibit the Community Development Director from approving any Marijuana Business or an Adult Business at this site.

VII. ISSUES RAISED ON APPEAL

It is the contention of the appellant that criterion 19.042 (1) has been satisfied to the best extent possible by the applicant utilizing the City’s mapping system to identify adult use buffers in existence at the time of application. The appellant’s full narrative is attached as Attachment 4 to the staff report.

VIII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

A. Section 19.042 of the City of Grants Pass Development Code states that the review body shall approve, approve with conditions, or deny the request based upon the following criteria:

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

Planning Commission Response: Not satisfied. The subject parcel is .15 acres in the (GC) residential zoning district and meets current base lot standards. Retail marijuana business is a permitted use in the General Commercial (GC) zoning district provided the site is not within a designated adult use buffer. It has been determined that a State licensed daycare facility is located within 1,000 feet of the subject site. In accordance with City of Grants Pass Municipal Code 11.01.500 and City of Grants Pass Development Code Section 14.630 the marijuana business may not be located at the subject site as it is within 1,000 feet of a State-licensed daycare facility.

The applicant is also proposing handcrafted manufacturing as part of the business. They are proposing to use 160 square feet of floor area for handcrafted manufacturing, along with 640 square feet for storage, and 195 square feet for retail sale. Article 30 of the City of Grants Pass Development Code states that retail trade may include handcrafted
manufacturing so long as the manufacturing portion does not exceed more than 25% of the ground floor level floor area. The applicant is proposing to utilize just under 13% of the gross floor area (both structures are single level), which is less than the maximum of 25% of gross floor area. Provided that the site was outside of any restrictive buffer, the associated use of handcrafted manufacturing would be a permitted use.

**CRITERION (2):** Complies with adopted public utility and access plans, policies, and standards.

**Planning Commission Response:** Satisfied with conditions. The property has frontage NE Steiger Street. Access to the property is provided by an existing shared approach.

Frontage improvements, including water, sewer, storm drain, curb, gutter along both of the NE Steiger Street frontage. As conditioned below, the applicant shall comply with the City Public Works directive and install sidewalk to City Standard.

As conditioned below, the applicant is required to provide evidence of a ten (10) foot City Utility Easement along the NE Steiger Street frontage.

City standards require preventative backflow devices to protect the public water system. As conditioned below, the applicant shall install RP backflow assembly and DC backflow assembly on the landscape irrigation system.

**CRITERION (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.

**Planning Commission Response:** Satisfied. The property currently has adequate urban services to serve the facility. The property is currently served by public water and sewer services. There is capacity in the existing systems to provide service to the subject property without detrimentally affecting other developments.

**CRITERION (4):** Complies with all other applicable provisions of this Code, including off-street parking, landscaping, signage, and Special Purpose District requirements.

**Planning Commission Response:** Satisfied with conditions.

**Marijuana Business:** As conditioned below, in accordance with Section 14.690 if the application where approved the business would be required to comply with all state and local laws, including, but not limited to, holding the applicable license in good standing with the Oregon Health Authority or the Oregon Liquor Control Commission.

**Parking:** In accordance with Section 25.042(6)(c) two (2) parking spaces per thousand square feet are required for the retail portion of the business. With the proposed design that would require two vehicle parking spaces. In addition, pursuant to Section 25.042 (7)(a) one (1) parking space per thousand square feet is required for the processing portion of the business. The proposed design would require one parking space for the handcrafted manufacturing portion of the business. In accordance with state ADA parking requirements, at least one (1) ADA parking space is required. On street parking spaces along the property street frontage may be counted towards the required number of parking spaces. As proposed the business would require three parking spaces. The proposed site plan meets this requirement.
**Landscaping:** Existing landscaping is non-conforming. Future development, such as building expansion, may require landscaping to be brought up to the conforming standards below:

a. Along the full NE Steiger Street frontage, a ten (10) foot landscaped front yard, including minimum landscape requirements per 1,000 square feet of required front yard:
   i. Three (3) tree at least eight (8) feet in height, one and one-half (1 1/2) inch caliper measured six (6) inches from the root flare;
   ii. Five (5) 5-gallon and ten (10) one-gallon shrubs or accent plants;
   iii. Remaining area treated with living ground cover.

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

**Lighting:** All installed lighting shall be directional, non-glare, and shall not cause glare onto adjacent properties or passing motorists.

**Trash Enclosure:** The site has an existing area for trash disposal in conformance with Section 23.036.

**Environmental Standards:** None applicable.

**Life/Safety Standards:** As conditioned below, the change of use will require the applicant to comply with all Building, Fire and Life Safety, and the adopted Oregon Structural Specialty Code requirements.

**CRITERION (5):** Potential land use conflicts have been mitigated through specific conditions of development as required by this Code.

**Planning Commission Response: Satisfied.** The property is located within the (GC) General Commercial zoning district and is developed with a single dwelling unit. It is the intent of the staff report to mitigate any potential land use conflicts with the adjacent properties through the conditions listed below.

**CRITERION (6):** Internal circulation is accommodated in commercial, institutional and office park uses with walkways and bikeways as provided in Article 27.

**Planning Commission Response: Satisfied.** Section 27.320 of the GPDC requires private pedestrian ways connecting the major building entry points with a public sidewalk or right-of-way. The site, as proposed to be developed, has a pedestrian connection providing connection to the NE Steiger Street frontage.

**CRITERION (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.
Planning Commission Response: Satisfied. This development is considered a Minor Site Plan, and any existing nonconforming development shall be allowed to remain. Further development may trigger additional requirements.

IX. DECISION AND SUMMARY:

The Planning Commission DENIED the appeal, amending the Staff decision to deny the Minor Site Plan. The vote was ___ - ___ with Commissioners __________________________ voting to deny.
Commissioners(s)__________________________ voted to Approve.
Commissioner(s)____________________________ abstained. And Commissioner(s)______________________________ were/was absent.

X. FINDINGS APPROVED BY THE PLANNING COMMISSION this 25th day of May, 2022.

________________________________________

Eric Heesacker, Chair