URBAN AREA PLANNING COMMISSION
Meeting Minutes – March 9, 2022, at 6:00 p.m.
Council Chambers

COMMISSIONERS:
Eric Heesacker (Chair) - Absent
Mark Collier (Vice Chair)
Loree Arthur
Jennifer Aviles
Susan Tokarz-Krauss
L. Ward Nelson
Clint Scherf
Vacant

City/Staff/Council Liaisons:
Bradley Clark (Director)
Jason Maki (Associate Planner)
Donna Rupp (Associate Planner)
Ryan Nolan (Contract Principal Planner)
Gabby Sinagra (Assistant Planner)

Guests:
Amber Neeck (Housing & Neighborhood Specialist)
Rick Riker, Planning and Research Services
Michael Masters
Dustin Smith
Christian Macklovich

So, I'm getting a lot of head nods from staff and commission, so I think we can start a couple minutes early. I don't see anyone opposed.

So, it's 5:58. I'll go ahead and open up the meeting.

1. Roll: First, we'll take roll. Chair Heesacker is out. He expects to be back at the next meeting. Commissioner Nelson.
   Present.
   Commissioner Aviles.
   Here.
   Commissioner Arthur.
   Here.
   Commissioner Tokarz-Krauss.
   Here.
   My name's Mark Collier. I'm your Vice Chair, acting Chair. I'm here. Commissioner Scherf.
   Here.
   Final position is vacant.

2. Introductions: Any introductions? No.

3. Public Comment: Public comment is an opportunity for the public to address the commission on items not related to the public hearing or action item. The intent is to provide information that is pertinent to the city's jurisdiction. Is anyone here to talk on anything that is not on the agenda? We'll just move forward.

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4. Approval of Minutes: Approval of the minutes for February 23rd, 2022. Do I have a motion?
   I would move approval.
   
   Do I have a second?
   
   Tokarz-Krauss seconds.
   
   Tokarz-Krauss seconds. Take a roll. Commissioner Nelson.
   
   Abstain.
   
   Commissioner Aviles.
   
   [inaudible 00:01:39]
   
   Commissioner Arthur.
   
   Yes.
   
   Commissioner Tokarz-Krauss.
   
   Yes.
   
   I'm Collier. I'm voting yes. Commissioner Scherf.
   
   Yes.

   **MOTION/VOTE**

   Commissioner Nelson moved and Commissioner Tokarz-Krauss seconded the motion to approve the minutes from the February 23, 2022, meeting. The vote resulted as follows: "AYES": Vice Chair Collier, Commissioners Aviles, Tokarz-Krauss, Arthur, and Scherf. "NAYS": None. Abstain: Commissioner Nelson. Absent: Chair Heesacker.
   
   The motion passed.

   Approve of the minutes.

5. Informational Items:
   Informational items. Nothing.

6. Findings of Fact:
   Nelson moves approval of the findings of facts.

   Arthur second.

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Commissioner Arthur seconds. State the role again from top to bottom. Commissioner Nelson.

Yes.

Commissioner Aviles.

Yes.

Commissioner Arthur.

Yes.

Commissioner Tokarz-Krauss.

Yes.

All your votes: yes. Commissioner Scherf.

Yes.

Findings of fact is approved.

MOTION/VOTE
The motion passed.

b. 405-00128-22 ~ Development Code Text Amendment: Amendment to Article 12 ~ Minimum Residential Density ~ Type IV

For the next item. Development code text amendment for article 12. Minimum residential density for type four. Do I have a motion?

I would move approval of the change in the development code. Do I have a second?

Arthur second.

Great. I'll take the roll. Commissioner Nelson.

Yes.

Commissioner Aviles.

Yes.

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Commissioner Arthur.

Yes.

Commissioner Tokarz-Krauss.

Yes.

All your votes: aye. Commissioner Scherf.

No.

Okay. Consistent with your last vote. So that passes.

**MOTION/VOTE**

Commissioner Nelson moved and Commissioner Arthur seconded the motion to approve the Findings of Fact: 405-00128-22 ~ Development Code Text Amendment: Amendment to Article 12 ~ Minimum Residential Density ~ Type IV. The vote resulted as follows: "AYES"; Vice Chair Collier, Commissioners Aviles, Tokarz-Krauss, Arthur, and Nelson. "NAYS"; Commissioner Scherf. Abstain: None. Absent: Chair Heesacker.

The motion passed.

7. Public Hearing:
   a. 405-00127-21 ~ HNA Comp Plan Amendment PC ~ Continued.
      Moving to the public hearing, we're going to move item B, the Housing needs analysis comp plan amendment, that was continued. We'll reopen the public hearing and continue. Staff.
      Already on? Good evening, everybody. I'm here before you for the third time. And we are talking about, I provided background information for the definitions of family, out of the zoning codes. And so, the information that was requested last meeting was the request for more information on House Bill 2583, that did instruct local governments to strike the definitions of family out of developmental zoning codes. And that can be found on the summary that was provided on page 132 in your packet. So that provided some of the background as to why the state of Oregon had removed definitions of family, in order to prevent occupancy standards being discriminatory against people who are unrelated in housing. So, on top of that, I did go ahead and provide samples of the comprehensive plan policy for the housing element, as well as the text amendments for the housing element, where we did replace the word family in that aspect with unit. And I believe that's good to open it up for your discussion.
      I think you did an excellent job on it. I would hope at some point the figures would be updated to match. But since they're 2019, it might be good to wait until the 2020 statistics are actually available and redo those figures. I think it's well done.

Commissioner Nelson.

Yeah, I don't want to rain on anybody's parade. I found unit to be confusing, because when I think of a unit, I'm thinking of a structure. Whereas we're talking about entities, which are different than structures.

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So, when we get into housing, unit is just each unit. So, each apartment in a building would be a separate unit. So, it is pretty cohesive with the verbiage that housing professionals tend to use if they're not using single family, multifamily. And even if they are, they do break it down into units.

So, I'm reading here that census classification has specific meanings, but other commonly used terms to describe these housing types include single. And then you made a unit dwelling, without specifying attached or detached, is commonly used to refer to a detached single unit dwelling. Which the census bureau defines as one unit detached. However, a single unit... I mean, I was going through that, and I said, that's confusing.

So, I did some research. And two communities are going through the same battle. One has already completed it. I found that my old Bellingham is in the midst of it, trying to define family in a different verbiage or turn terminology than what's currently being done. They have not completed that process. But I found that St Paul has passed a new requirement, calling it household, and household is six or fewer adults. And they scratched out "together with". And continued, "and minor children in their care living together in a dwelling unit". So, then it's defined as what's in that unit.

So, we have moved to household in terms of the actual family makeup or household makeup. But when we're talking about the structure itself, that's where we're pulling in the word unit, as opposed to calling it a single-family dwelling, we can call it a single unit dwelling, and that way it doesn't get [confusing 00:07:47]. [crosstalk 00:07:47]

So where would the definition then be for the what's in that unit?

So, there is a definition under ORS 9.100. And that is defined as, dwelling unit means a structure or the part of the structure that is used as a home residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household dwelling unit, regarding a person who rents a space for a manufactured dwelling or recreational vehicle, or regarding a person who rents moorage space for a floating home, as defined in ORS 830.700, but does not rent the home, means the space rented and not the manufactured dwelling, recreational vehicle or floating home itself.

So, it really just comes down to the actual living unit space.

All right. I understand where you're trying to go with this. Did this go through legal?

Which part?

Terminology, "unit".

The Oregon bill did, yes. But in terms of this specific plan...

So, is this terminology...?

It's cohesive with what Oregon...
Oregon uses?

Yes.

Okay. Good luck.

Anyone else?

Oh, I had one more.

Okay.

You still have family in the graphs and charts.

Yes. So those ones are going to be difficult to remove because those graphs and charts are based off of census data. And we had spoken last time about how the census still was utilizing the difference between family and households, so we were not able to pull those out. But as Loree had spoken of, when they go ahead and update the 2020 data, and so on forward, it should not be showing that anymore. It will be leaning towards the household and the unit verbiage.

Well, that's where it was confusing me, because then it refers to household, through the census.

Yeah. So, the census at the time is counting household and family as separate. So, you can have of a separate household income average from the family income average. And you're right, it does get confusing. And moving forward, it sounds like the census is pulling away and sticking just with household.

So, we're not going to copy the census, but copy Oregon?

Sounds like the census is following suit with what Oregon has been.

So, when we try to determine housing needs or housing problems, we're going to talk about units. And are we going to then convert household incomes, household transportation needs, et cetera to units? Or are we going to copy the census and use the household?

So again, household is talking about the actual people.

Right.

And then unit is the structure. So, it would still be the household needs. And then the unit would be just the structure, the type of structure. Is it a single unit structure? Is it multi-unit structure? So, they're two separate things.

Okay, thank you.

Nobody else? So, are we good? We have a motion, findings of fact? Are we good?

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You don't have findings of fact.

This was educational only.

Oh, that's right.

Yeah, this is your hearing. So, yeah.

So, I have provided the samples where we did replace that verbiage. If you wanted to go ahead and approve that today, or if you wanted changes to those. Alternatively, we have the old samples that didn't have those changed. So, if we didn't like those and wanted to keep with what we had before.

I move that we approve this portion of the comprehensive plan, as it's been updated.

Tokarz-Krauss seconds.

We have a second. Any discussion?

If I could, Chair, technically, you're recommending approval onto the city council. Just to be clear.

Okay. I'll call the role. Commissioner Nelson.

Yes.

Commissioner Aviles.

[inaudible 00:12:22].

Commissioner Arthur.

Yes.

Commissioner Tokarz-Krauss.

Yes.

All yours: aye. Commissioner Scherf.

Yeah.

Okay. Carries.

Thank you.
MOTION/VOTE
Commissioner Arthur moved and Commissioner Tokarz-Krauss seconded the motion to approve this portion of the comprehensive plan, as it's been updated. The vote resulted as follows: “AYES”: Vice Chair Collier, Commissioners Aviles, Tokarz-Krauss, Arthur, Scherf, and Nelson. “NAYS”: None. Abstain: None. Absent: Chair Heesacker. The motion passed.

(silence)

b. 104-00146-22 ~ Buckmaster Subdivision PC Staff Report ~ Staff Report Okay. So, at this time, we'll open the public hearing to consider the application, is item 104-00146-22, Buckmaster subdivision staff report.

(silence)

It's 49, yep.

Application is for a proposed division of tax lots, ranging from 5,000 to 8,400 square feet. Proposed subdivision is served off of Leonard Road, and to include a creation of Buckmaster Drive. So, we'll begin the public hearing with the staff report, followed by presentation by the applicant, statements by persons in favor of the applications, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, public comment portion will be closed. The matter will be discussed and acted upon by council.

Is there anyone present who wishes to challenge the authority of the council to hear this matter? Seeing none. Do any commissioners wish to abstain from participating in this hearing, declare a potential conflict of interest? Seeing none. Prior ex parte contacts by commissioners. Any commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to the meeting, regarding the application? Seeing none. This hearing, the decision of the commission will be based upon specific criteria set forth in development code. Testimony will apply in the case noted in staff report. If you'd like a copy of the report, please request, and request by the development director. It is important to remember, if you fail to raise an issue with enough detail to afford the commission and parties and opportunity to respond to the issue, you will not be able to appeal to the land use board of appeals. Staff report.

Chair Collier, for the record, my name is Ryan Nolan. I'm a contract planner from Rogue Valley Council of Governments. And I assist with land use actions at the city of Grants Pass.

So as the chair stated, this is a request for a subdivision off of Leonard Road. So, in your packet, you have the full staff report, which has reviewed all criteria for subdivisions, and addressed those in findings and have proposed conditions if you choose to approve this. You also have the complete application, which includes the large copy site plans. And also includes a traffic impact analysis, a brief summary of that, input from the city's traffic engineer regarding that impact analysis, comments from the Public Works department and Public Safety department. As well as comments received from neighboring property owners, including the school district and a neighbor to the south, which we'll talk about as
we go through this. So, I'm going to try to do a brief review of the application and staff report. And remind you that the full details of each criterion are found in the staff report.

So just so you can see where this is, this is on Leonard Road, across from Redwood Elementary School, near the Public Safety station there on Leonard Road. This property is within the urban growth boundary, kind of at the edge of the urban growth boundary. And recently underwent a zone change, where you made a recommendation which was approved by the city council, changing it from rural zoning RR5 to city zoning of R2. It's two tax lots, as you can see. It's largely an undeveloped grassy field that has had cattle on it, hay operations, et cetera, over the past.

Just a street view, looking west down Leonard Road. You can see, other than fencing, it's just a grassy field area with irrigation serving it. This is directly across from the elementary school. Go to the other edge of the property and look east. Again, you can see what it currently looks like. It's gently sloping away from Leonard Road. Essentially one tree, no identified natural features except for some identified wetlands, which the applicant has submitted a report to Department of State Lands. And they have determined that they approve their delineation report and will require a permit as part of the ongoing project. There's looking at it from the sky. You can see that it's close to the intersection of Darnell and Leonard Road.

So, the subdivision tentative plan includes a request to approve 54 lots. As I said, it's located in the urban growth boundary. Since 2014, the comprehensive plan designation has been moderate density residential. The zone change approved in November of 2021 changed the zoning from RR5 to R2, which is a moderate density, residential zoning with minimum lot size of 5,000 square feet. There are two lots, for a total of 10.5 acres. The subdivision is proposed in three phases. Again, as I said, it's gently sloping from Leonard Road towards the river to the north. There are delineated wetlands, that they will deal with, in the northwest corner of the property. And there is Grants Past Irrigation District infrastructure, and they do serve the property currently, so the applicant will need to work with them.

This is the tentative subdivision plat, which shows Leonard Road. There will be four proposed public streets, which meet local through street design standards. Which will be Buckmaster Drive, Stony Creek Road, Green Pasture Lane, and Stillwater Lane. Those would all be public streets built to city standards. They are proposed with temporary dead ends that could allow for future connectivity. Due to the short stub dead ends, these meet fire apparatus access turnaround standards, so fire trucks would be able to turn around at these intersections, in order to get into within 125 feet of any proposed structure that would be built on the lots in the future.

There's also a private street, Deer Meadow Lane, which would provide access to some of the internal lots. Again, this will be required to meet private street standards and be required to have a maintenance agreement. Similarly, up in the Northwest corner, there's a tract A, which is proposed for a storm water detention site and to preserve wetlands. This will also require a maintenance agreement that's submitted, showing that they have a plan to maintain this area so that it can continue to handle, in perpetuity, storm runoff from this development. This development will require extension of water in Leonard Road. It'll be connecting to an existing sewer through an easement on the northeast side. Again, all the streets are designed to meet city street standards and Oregon fire code standards.

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The dead ends would provide, potentially, efficient connectivity for future development and future development of utilities in those public right of ways.

So, the criteria that we're looking at are found in section 17.413. And again, all of those are reviewed and analyzed in the full staff report. It's staff's opinion that the plan conforms to the lot dimension standards in article 12 and the base lot standards of section 17.510. They're all large enough and have enough width and street front to meet the base lot standards. Each lot is 5,000 square feet or larger, ranging from 5,000 square feet to 8,472 square feet. And all of the proposed lots exceed the 50-foot width requirement for an R2 lot. It's a Public Works and staff opinion that the street design is compliant with city standards, and also that the utility standards are going to be met with their utility plan, or can be, with the proposed conditions of approval. Also, none of the lots proposed are large enough for redevelopment or re-division. So, there's no future division plan or future development plan required as part of this.

So, I'm going to point out three significant conditions of approval. One is quite significant. According to Oregon fire code, no development over 30 residential dwelling units may be permitted with only one fire access road. The proposed development would eventually have 54 developable lots. So, one condition would be that future development will be limited to 30 homes within the subdivision until such time as a second approved fire apparatus access road is provided, or until such time as fire suppression sprinkler systems are provided in each home. So, the applicant can speak to how they would address that, as they move forward with development. Number two, the applicant shall submit evidence of a continued maintenance plan for the proposed private street. And number three, the applicant shall submit a stormwater operations and maintenance agreement to the city, for review and approval, covering the area posed for the storm water detention. There is a lengthy list of conditions, but these are three that are unique to this site. Most of the others are standard subdivision conditions that you see in other subdivisions.

So, there were some important comments received. Many of those are in the packet. However, I would like to approach the dais and hand out additional comments that were received. There's one additional comment from the neighbor to the south, and then some comments received from Redwood Elementary School and from Grants Pass School District Seven. So, there are three additional exhibits and then a response from Public Works. So, I'll approach you to hand out these. And they would be exhibits 12 through 15, for the record.

(silence)

I think I'm confusing which town I'm in. This is the property to the east, the neighbor, not the south. So, the first additional exhibit, number 12. The neighboring property owner to the east has expressed concerns related to street design. And that's in relation to existing development on his property. There are two streets stubbed out for potential future connection to his property. He's concerned about existing development on his site that may prohibit efficient connection to the proposed street design. It's the city's opinion that the street standards are being met by this proposal. If the applicant and the engineer for the applicant are willing to work with him, the city would be open to slight revisions to this. And maybe the applicant can speak to if there's any intention on their part to redesign the street standard. Another issue is that there's some been some expressed concern about traffic issues related to the school. We'll get to a response from Public Works on that. So
again, this property owner is here and can speak, and the applicant can speak, to address some of those concerns.

And then you have exhibits 13 and 14, very similar letters from Redwood Elementary School and Grants Pass School District Seven, mainly voicing concern related to traffic adjacent to the school. There are some concerns about, the frontage along Leonard Road is not improved. And this is potentially an issue related to high traffic volumes at school drop off and pickup times, and pedestrian safety.

So, in relation and response to these specific comments, mostly related to traffic, but also utility extension, Public Works has a response in exhibit 15. I guess I’ll read that for the record.

So, from the Public Works assistant director, it says, in response to the concerns raised by school district seven and the applicant’s neighbor, while we were concerned with safe pedestrian access, Public Works does not believe that the applicant should be required to install sidewalk, from the eastern edge of their development to Harvest Drive, along another property’s frontage. These improvements are not consistent with the development code, nor the historical precedents set by previous developer projects. Applicants are generally only responsible for the improvements fronting their development, unless mitigation is required, following a study such as the TIA (Traffic Impact Analysis). Leonard Road is in the transportation system plan to be upgraded to collector standards, which will include sidewalks, and should be a city project in the future. The city is also actively creating a Safe Routes to School master plan for future grant opportunities. Sidewalks along Leonard Road will certainly be a part of future grant opportunities.

In general, developers are responsible for mitigating the impacts to the public utility systems, not to necessarily fix nearby preexisting issues. It’s not the responsibility of a developer to plan future street connections on adjacent property unless there’s an adopted local street connection plan. I think this question is best answered by planning. School district seven is concerned that the new development will adversely affect the traffic near the school. However, the number of expected trips created from this development will have little effect on the area. This is illustrated in the traffic impact analysis created by Sando Engineering, and reviewed from Mr. Ripplinger, the city’s traffic engineer. The traffic near this development and school has been functioning poorly for years due to an influx in passenger vehicles accessing the school. It should not be the developer’s responsibility to mitigate a preexisting condition. However, item number 10 in the Traffic Impact Analysis review letter states that the development should install a center turn lane as part of their collector street frontage improvements, and Public Works agrees. We also believe that moving the access point for the subdivision to the Western portion of the development would help safety and congestion in the area, but we can’t require it.

So, from planning, to speak a little bit to that Public Works comment, this specific property does not have any identified future streets in our transportation system plan. If we did, we could require them to locate these streets where our transportation system plan indicates they’ll be in the future. So, without an adopted street plan saying where they are going to be located, as long as their meeting the connectivity standards, block length standards, et cetera, their proposal meets our adopted criteria. So, with that, I’m sure that the neighbor will have some comments for you. And I hope that the applicant can speak to address some of these issues. So, there is definitely some room for discussion, but with the
proposed conditions of approval, staff feels that this application meets the criteria found in our previously adopted development code. And we recommend that the planning commission approve the tentative plan for Buckmaster subdivision with the conditions listed in the staff report, based on the criteria found in section 17.413. And with that, I'd be happy to try to address any questions that the planning commission may have, Chair Collier.

Okay, thank you. Questions?

Could you show us where this street connection is, where we can see the whole picture? Have you got anything there that would depict that?

Where the future, the street that the neighbor is concerned about?

Yeah, we were talking about the section that connects to, I forgot the name of it already, the next street crossing. What the letters are talking about. The street crossing and sidewalk.

Okay. Let’s see. So, you can see it a little bit on this side. So just east of the property, down to the public safety station, the road is fully improved. So, at this southwest Harvest intersection, at the center of that screen, you can see that there is curb, gutter, sidewalk, and planter strip one lot to the west. Then the curb, gutter and sidewalk stops. There’s a neighboring tax lot right here, that will not have curb, gutter, and sidewalk. And then the Buckmaster subdivision will be required to extend the asphalt to half of a 60-foot-wide street. So, they're responsible for 30 feet. Which would be one travel lane, half of a center turn lane, a bicycle lane, curb, gutter, sidewalk, a planter strip, and then sidewalk. So that's kind of, the concern is that there's going to be a section that doesn't have sidewalk, that some kids, that the school side won't have full curb, gutter, and sidewalk. Though, there is an asphalt pedestrian path, but that there will be a missing link right here. That's part of that discussion about, should there be a sidewalk continued, to tie into other existing sidewalk.

Keep your cursor going. Show us where that crossing is. [crosstalk 00:32:22] close up on. Right there.

Well, let's see. So, there is a pedestrian cross crosswalk right here, which is just to the east of the neighbor's property. And so right now, there's going to be one lot, in between that section of sidewalk, that's not complete.

Other questions? Commissioner Aviles.

So, to the exhibits that were added and to some of the concerns around safe crosswalks, given that the project is in phases, do some of these concerns apply now? Or would some come up when phase two or three are being built? There are specific lots that are being built in phase one. [crosstalk 00:33:26]

Leonard Road is early in the phasing process, so not full Leonard Road frontage in phase one, but most of the Leonard Road frontage, I think is. So, I'm trying to remember which lots phase one are. Let's see.
Okay. I'll let the applicant address that a little bit more, but the full Leonard Road frontage would not be approved in the first phase, but by the end of the third phase, all street improvements would have to be completed.

Anyone else? Ready for the applicant.

Good evening, Commissioners. Thank you, staff, for that report. For identification, I'm Rick Reiger, Planning and Research Services, representing the applicant Michael Masters, here tonight, on the Buckmaster subdivision. And I'll just summarize, I'm not going to say everything that's been previously presented, but I'd just like to summarize the different criteria under section 17.410, [on the tentative plans 00:35:03] [crosstalk 00:35:03] for the subdivision.

We've met all the requirements for 54 lots, streets, and city standards. The section is outside the flood zone. It's also, it's been stated, gently sloping land with pasture, and it's vacant. Under section 17.413, end of plan criteria, all the lot sizes are 5,000 square feet or larger. The street layout is to city standards and the wetlands have been designated to be part of lot 39, in that Northwest corner. Cuts and fills will be addressed in the construction drawings, and it may include a vertical alignment with Leonard Road. When Leonard Road and Buckmaster come together, there may be some cut and fills in that location, determined by the engineer. Infrastructure. It will have city water, city sewer, city storm drain and utilities. This application complies with the comprehensive plan development code, state, and federal laws.

Under section 17.416, phasing, we're proposing the three phases. First phase will be along the top section, and that will be in the first 24 months. And then progressing down will be second phase for 18 months. And the last phase will be the frontage along Leonard Road, and the west lots as well. For a total phasing period of 60 months. One of the questions that was asked was on the side sidewalks. I believe our engineer will indicate when Buckmaster Road is constructed, then the sidewalk on lots one and two in the southeast corner will have a sidewalk constructed at that time. The sidewalks west of that will be constructed probably in the third phase.

And also, under section 22.630, solar, each lot, when it's developed, will have a site plan indicating where trees will be planted, also to protect potential for solar development of each lot. Attachments in your report include a letter from division state lands on wetlands. They have approved the study that was done for this project. And they say, when the permit is issued, it will be valid for five years. The traffic study was also done, and that's also been confirmed by the city traffic engineer, that meets all standards and that there are no additional impacts. This application also complies to the master transportation plan. And one of the conditions that was mentioned, if the development exceeds 30 lots, would be to put a 15-foot easement along the east line of lot 46 in that Southwest corner. And that would allow fire access for emergency purposes.

And that concludes my presentation at this point. If there's any questions, I'd be happy to answer them.

Questions for the applicant? Commissioner Scherf.
I don't know if this is too far down the road, but what I'm looking at is the T1 exhibit on the engineering plans. This is basically laying out the lots and then there's a square footage. I'm assuming that's each lot's square footage that's listed in there. And then there's some dash lines that are listing the building envelopes. My concern is, some of the side lots, like say example, lot 1, 4, 7, where they've got dual frontages, they look a little skinny. Did you guys propose to the city, any variances on those side setbacks for those lots that ended up a little bit skinny?

I will let the applicant respond on that.

Okay.

Thank you.

Anyone else? Okay.

(silence)

Are you complete, applicant?

Hi, Michael Masters, the applicant. I'm looking at those dotted lines. I don't think they're actually accurate, because my understanding of the code is, you have to have a 20-foot setback from the front yard. And then on a side street, when you're on a corner lot, it's a 10-foot setback on the side yard. So, I think the lots are actually big enough to build single family in there.

Okay.

Yeah, just one of those mistakes the guy drew.

Yeah, that's just one of those things you're concerned about when you're looking three steps ahead of time, you want to make sure. I know corner lots are really bad because you have the double street frontage there.

Yeah.

Just want to make sure that you end up with a buildable, you can put a house on it. I hear you. When you said that, I looked at it. I went, wait a minute, I never thought of that. And then I looked at it and so, wait a minute, when you're on a corner lot, then you have only one front yard setback standard. And then the other streets have a 10-foot side yard setback on another street. So, we can fit a single family in there, and that's pretty much what I'm going to do.

Perfect.

I think we can make it all work. And as far as, I've talked a lot with several of the neighbors and I've told them, I've expressed my openness to work with him. I expect the window for me to engineer this project and have plans ready to submit to the city is going to take three to four months. So hopefully, that's enough time for him to get with his engineer and us to
collaborate. I want to work with him, I want to be a neighbor. We're going to end up sharing some utilities at some point, so I've always told Dustin, who's the neighbor to the east, that it's in my interest to work with him and I intend to. I don't know how to put a condition on that for me, but I mean, people that know me, I've been around a long time, I usually do what I say. And I don't think it's in my interest to promise him something I can't do. So that's, again, we probably have to tweak the plan a little bit once the engineer and the neighbor gets together. And what he's proposed to me, doesn't look like it really material impacts any of my lots and if it helps his project in the future, I'm happy to do it. And like I said, I don't want to change my application, but I'll have my engineer work with you.

Any other questions for me?

I'm good, thanks.

Okay, thank you.

You've got one more.

Oh, Commissioner Nelson.

Yeah. I was just looking at your proposal and I see how that school district would have some concern with the street coming right out into where people are going to park their cars. I know elementary schools are notorious with parents dropping off and picking up kids and lining up on the street. Is there any solution to that issue?

Yeah, I've been speaking with Dustin about that. As soon as I heard that there might be some grant money available, I talked to Rick and I said, is there money out there? We'd like to maybe see if we can get some grant money. I'd contribute some money towards those extra sidewalks. And he said he'd contribute some money. My kids went from kindergarten all the way through to Redwood School. I live in the neighborhood; I walk that street every day. I understand. So, I didn't want to foot the whole bill, but if he's willing to put some money into it and if there is actually grant money available in some kind of transportation plan, I think we can do it, even though it's not required. I don't know what it's going to cost. I mean, it was just raised essentially to me today, in this email. And I asked him, how much frontage is it? I have no idea what this is going to cost. And he said, let's work together and try and figure it out. So, I'd like to not make it a condition, but I would like to work with him and see if we can do it, because he wants those sidewalks in front of him.

I'm sorry, I wasn't concerned about the sidewalk as much as the street entrance off of Leonard Road. They had asked if that could be moved further to the west.

I don't know why it was designed the way it was. I'd have to let my engineer comment on that. It wasn't a requirement, in the staff report, that he address it. So, I told him there was no need to come, because he would've had to drive from Klamath Falls.

Right.
So again, I heard the staff say that they had some room to tweak the plan. And so why don't we just have the engineer try and work with staff, and the engineering at city, to try and address this as best we can. I think probably the issue is, we have the 150 feet for the turnaround, and if we go too long, then we got another issue. So, I have to let the engineer and the experts design that out and come up with the answer. Because half the time, I just say, if you guys say it works, then I'll do it. You know? And so, if the engineer says that he can come up with a solution that works for everybody, then that's what I'm open to. Because it doesn't matter to me where the street in entrance goes, but I think there was a lot of thought put into it. And I'd like to have him address that with the staff. I think what I heard was, they were saying they thought it'd be a good idea, but they weren't going to require it. So, I'd like to have the engineer revisit that when we submit the plans. Because this is just a tentative plan. We'll have a full set of engineering that basically takes a lot of collaboration with city engineering department, to get those plans turned in. I wish I could give you a better answer right now.

Yeah. Just from my expertise, looking at this, your lot five and six or pigeonholing that entrance. So basically, the whole lot layout has had some thought, and that Buckmaster is specifically located kind of with this lot layout. So, it would kind of be a full lot reconfiguration to move that entrance. So, I see where the challenges would be.

Yeah. Again, if there's a discussion about a bulb for a cul-de-sac in the future, I said I'm willing to dedicate some frontage if it helps him, as long as I don't lose a lot or over it.

Yeah.

Any other comments or questions? Okay, thank you. Are you finished?

Sorry, I'm done.

Okay. So, at this point, we'll take public comment. Is there anyone who would like to speak in favor of the application? Seeing none. Is there anyone who would like to speak in opposition? I did?

Step on up then.

Well, I don't have a comment point for that. You're in the middle, but you'd like to speak. Okay.

Is that roadkill?

I don't know. Go ahead. If you'll give us your name, you're just from the county, is fine. We don't do the red-light thing, but you want to push the button and speak into the microphone. We generally give three minutes.

Push a button? I don't know.

No, you're good.

All right. Well, my name is Dustin Smith. And actually, Ryan, I know if you can go to the view that has my property next door. I'm the property owner to the east of the

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development. And just so you know, I've worked in construction for 20 years. I was a project executive. So, I'm very familiar with this process. Like I said, I'm not opposed. I know that the entitlement is here and bought the property knowing that I was in the urban growth zone, and it was going to happen. A little earlier than I'd like, but whatever. And so, it's kind of got me thinking about, okay, what are we going to do with our property in the future? And how does it connect and all that? So, I almost want to think of it at this point as, maybe we're phase four. Right? My kids are still in school and don't want to do anything to the property until they're done with school. But my goal is just, at this point, is to ensure that this development, which does have these road stubs onto our property, is done in a way that works for our property, for a future development. Maybe it's, because youngest graduates in six years, that makes sense to do it then.

So basically, looks like the Northeast road stub from the property works okay. I submitted an email and there's a little sketch in there, probably in the packet. And the Southeast road stub, unfortunately has a little bit of a conflict with where it enters our property. We're actually not even finaled on a pool that we just installed last year. Our house was built 1998. It's a nice big house, where I live in it. There was someone who lived in it for 50 years or whatever. We have a guest house, so it was really two residences kind of like that, that we'd like to keep.

And so, then we could see, on our property, there's kind of a U-shape development that could occur around our existing residents. And so, I just wanted to make sure that, that road stub would work for us. So, I talked to Justin Gerlitz, who's a friend of mine, engineer. I showed Michael, he came over and we talked about the development. And I kind of showed him, hey, maybe this is a plan. I talked to Ryan Nolan. I guess that stub might need to be modified to allow for future lot development on the south part of our property. And I think it's in everybody's best interest, for the future, to make that work. Again, ideally, if you looked at this as one subdivision, including our property. I mean, that's the way I look at it. Because once those road stubs are in, it kind of says, hey, this is what's going to happen in the future.

So, my request. After talking with Ryan, he said, hey, try to make a specific request. I couldn't do engineering in a matter of days or whatever. But the request is basically that, there's some sort of condition of approval that says, hey, that southeast road stub, can we have the applicant have their engineer kind of make it work, so that we can put what I think is four lots, in the future, on the south part of our property. Without having to require the demolition of our pool or our house or whatever. So that's the specific request that I have.

And what did you come up with?

What's that?

Where do we sit?

He doesn't have one.

So, I wrote in the email that I sent to Ryan, the request for the approval. And Michael's already agreed. I think that it's feasible. I just, as a property owner adjacent to this development, I was actually a little bit, not shocked, but just frustrated with the reality that the code that Ryan is asked to go by doesn't take into account the neighboring properties.
I guess it would be another request of mine, that the commission maybe look at that and require a future development plan or some sort of look at the adjacent properties, and where are those road stubs are going, and how does that work for the future development of the adjacent properties? In this condition, we're in the urban growth zone. I actually have a traffic study that encouraged to do the rezoning sooner rather than later.

So, I'm probably in the best position, not like a lot of owners here just saying, hey, no development, it's not going to happen and never going to happen, or whatever. I'm just saying, hey, it's going to happen, I know it's going to happen. Now is the time to make sure that this works for us. One example of this idea of looking at future connectivity or future development of adjacent properties, for mine, the example would be that the tentative plan is 14 lots would go onto my property. So, this idea of egress is an issue. And you would have 54 lots on the subject property, but eventually, that same access point to Leonard Road would serve an additional 14 lots to my property. And so that's why it's kind of like, I would say, hey, let's look at this as a whole future subdivision. How is it all going to work down the road? And in this case, like I'm saying, it's probably going to be five or six years down the road that we would pull the trigger and make it happen.

The last thing, just wanted to say is that we talked about the frontage issue. Actually, I think two more things. The frontage issue, and like I talked about with Michael. And I was PTA president at the Redwood School last year. I know the principal and know her concerns, and deal with the traffic on a daily basis. I think it'd be great to get the frontage in. Told him that, at some point, if I develop my property, I'm going to have to pay for that. Would be willing to participate in that. Or like you said, if there's grants, and if there's a way to make that happen, they could make the school happy. I think the development would be served well. The students would have a lot safer access to the school. Specific too, I talked to Mrs. Moony, the principal. And the idea of having a second crosswalk is something that they kind of frown upon in the district. From like staffing, and then just also, kind of having the kids spread out and everything else. So, they'd like to funnel everybody into one crosswalk.

So, the last thing is regarding that access road that you were questioning. I call them access road, but the Buckmaster Drive. And Ryan, there's a picture, actually, one of the first pictures you showed. From the east property line, there's a turn lane that's entering the school from the east. But on the west side of the school, it's actually, that turn lane starts and it has two double yellow lines. And I just paced it off, and it's about 165 feet from the subject property's east property line.

Right there, that last one that you just had up. So, you can see where that comes together. So, I think that your issue too, is where, as far as where that road goes, that coordination is, there's already this existing kind of start of a turn lane. And it's 165 feet over, is where that ends. Currently, the plan has the road a little bit closer. So, it just needs to, I don't know about how that gets engineered and everything, but that's kind of the issue there.

So, you're saying... I'm sorry. I didn't mean to interrupt you.

No, go ahead.

Right here is the west side? That's west?
Looking west, so that's the east property line.

This is currently, Buckmaster Road would be somewhere in here?

Probably closer to the telephone pole.

Right in here?

So, I think there's a conflict with the existing terminus of that turn lane, that just needs to be engineered. If it stays where it's at, that just needs to be addressed. Obviously, the request from the principal in the district was, hey, if you can push it further down, that would be great for traffic. I felt like, if there wasn't frontage put in, that a crosswalk could be put in there for access. But again, talking to Mrs. Moony, that's something they don't like to see, is to have the two crosswalks.

Thank you.

Thank you.

So now, is there anyone that would like to speak in opposition to the application?

My name is Christian Macklovich. I live on South River Road. I'm not opposed to this. The density bothers me a bit. It looks like private roads are being put in to maybe squeeze in a couple like extra houses. 54 houses on 10 acres, in your backyard, is awful lot. I know we need houses; things need to grow. But boy, 5,000 square foot minimum in your backyard. If you go to a few of the other developments, if you look at the driveways of the streets. Trailers, RVs, there's no place to park stuff. Big drawback. The Redwood area, I moved out here 20 years ago when it was nice, open, and that's the feel of the redwoods. Anyone who's grown up there knows that. And understand, we have to develop, and we need the houses, but five to an acre is an awful lot. And unfortunately, I missed the zoning meeting and was unable to speak at that. I'm a little late now, but if somehow, we could, a little less dense. Four to an acre. Five's awful tight. But that's all I have.

Thank you. Is there anyone else who'd like to speak in opposition to the application?

[inaudible 00:57:59].

Come on a way up.

I was just curious. This water retention pond or filter system. When is that going to be installed? Is that the beginning of the construction?

So, we can give you an answer after, if you just state your question, we can't go back and forth. But we'll get to your answer once you're done. Go ahead and ask all your questions and then we can answer it.

The other one is, now they flood irrigate that, is this retention area above elevation? We're down towards the river, so all that run off is coming. And are there going to be DIs in this, that go, is all the water going to be filtered?
All right. I don't know what a DI is.

Drain inlet.

Okay.

You know, in a road, and the water pours down it.

Okay. And what other questions do you have?

Other than that, I might [inaudible 00:59:06] 54 units, fire, and land, they'll all burn. We paid for one [acre 00:59:16] lot with one resident. And this, I missed the zoning, and this is the second time I've been downzoned, so this value in my property is going to drop because of this. So, okay, that's it.


I'd like to respond to some of the questions that have been asked. You can look at your exhibit, on lot two, in response to Dustin Smith, that's an 8,000 square foot lot. So, there is the ability to adjust where that intersection or the continuation of the road will go into his property.

What exhibit are you looking at?

This one here, which would be exhibit D or T1. It's on your large map. Okay? So, I don't see that's a problem. In fact, it's to our advantage to work, as the applicant, Michael Masters has stated, it's to our advantage to work with him because we want the road system to work properly. What I'm trying to confirm is that we have the ability to work with him because of the large size of that lot, so it's not a problem. Also, in the northwest corner, track A, that's the wetlands. The storm drainage will have to go in at the very beginning of any development of the property, so that the wetlands will be developed. And if you've done a wetland plan before, any drainage that currently comes off the property now, cannot exceed that in the future. So, there will be mitigated drainage plan, and that it will not see what currently the flow is now for water. When you talk about filtering, one advantage of wetlands, wetlands does natural filtering. So would be also an advantage.

Those are the comments I wanted to make at this point. If there's any other questions, I'd be happy to answer them. Thank you.

Anyone else in opposition? Anyone I missed? Okay. At this point, we'll close the public hearing and bring it to the commission. Actually, do we need staff for final comments? Yeah, we do. Okay, sorry, haven't closed anything.

Just a few follow up comments on some of the issues raised. So, it sounds like Mr. Smith, just to clarify, kind of did have a specific request. Which was that Stony Creek Road, the stub to the east be engineered to allow a standard cul-de-sac bulb to be constructed between the proposed terminus and the existing improvements on his property at 3130 Leonard Road. As staff, I can't identify a code set that would allow us to require that, but it sounds like the applicant may be open to working with him to accomplish that. If the applicant was open to a condition of something like that, you could add it as a condition.
But if he didn't agree to it, I don't see a code section that allows you to require the road to be altered based on an existing house and pool, even though it makes very good sense to the neighbor, I don't see in our code that section. So, there was one comment.

Just to speak to the neighbor's concern about density, that's of course understandable when you live in what is currently kind of a rural area. But again, that's in lots of work through the city in 2014, that was designated at this comprehensive designation so that it could be as small as 5,000 square foot lot. So that's a decision that was made with the comp plan designation, reinforced with the zoning change.

And then I think the applicant addressed the stormwater concerns that Mr. Garvin had.

So, with that, those are just a few staff comments. If there's any final staff questions before the hearing is closed, I'd be happy to try to answer those for the planning commission.

Questions for staff? Mr. Nelson.

I had a question on the Buckmaster Lane. As it comes out, if I was turning to the left, looking and it appears to me that there is a deviation on the traffic going to the east. And then there's an open spot. Is that a turn lane on Leonard Road?

There's a very small section, essentially improved, in front of the fire station, that has a turn lane. As Leonard Road is built out to a collector standard and widened, there will be a center turn lane. So, this applicant will be required to improve the frontage. And potentially, dedicate a small section of right of way, that's to be determined by their surveyor, to meet that standard. So that as it's built out, it will have a center turn lane. But right now, the only section that does in this area is a small section, basically right at the southwest Harvest Drive intersection.

So how would they turn left, then? They come out; they would have to go across whatever this partial lane is?

If you came out of Buckmaster Road, which would be about here, and you're going to turn left...

You had picture of it earlier. I'm just trying to figure out where that, remember, you said the telephone pole right here?

So, it's going to be somewhere here, but this street, this is going to be quite a bit wider. So, this will be altered when their full improvements are made along this frontage. So, this asphalt's going to extend.

Okay. Because that seemed confusing to me, because you'd have to cross over that. But if there was going to be, if that's a turn lane, I don't know what that D is, but...

So, from the center line of Leonard Road, they're going to be improving 30 feet, which is significantly wider than this half is currently.

Then that would then be able to be put in as a turn lane?
Correct. As part of this, I assume the turn lane will extend, and eventually will continue all the way down.

Anything else? Last chance. Okay. We’re going to close the public portion of the commission, for consideration. Anybody? Comments, questions, concerns? Commissioner Nelson.

I’m going to put the motion on the table to move approval, the Buckmaster subdivision, with the conditions laid out by our staff. I believe there was three conditions. Is that correct, Ryan? Oh, is it’s a lot more? Oh, there was also? So, is fine just to say, "as conditioned in the staff report"? Clear as mud.

So, we have a motion to approve.

Second.

Seconded by Commissioner Scherf. Discussion.

Well, I have something to say.

Commissioner Arthur.

I can understand the wish to keep it rural and not have a high density, and so on. But five lots per acre is pretty shallow. At the time that we did the urban growth boundary, starting in 2006, it took us eight years to get done with it. The state, clear back at the beginning, was insisting on a minimum everywhere, for anything, of at least eight units per acre. And it was a struggle to even get there. So, I think at this point, that getting the 54 lots is a very good idea for the housing that we need.

Anyone else? Don’t all speak at once. Commissioner Nelson.

One of the conditions I was reading in there was with fire protection, and I was a little confused by that. Could someone explain that to me? As far as the development.

The Oregon fire code specifically prohibits development of more than 30 single family dwelling units without either two fire access roads to access it for ingress in the egress, or fire suppression in each home. So, you could put sprinklers in all 54 homes and not have a second road, or you put in a second road, and you can have more than 30 units.

So, are they looking at, phase three, doing the second road?

I believe that’s the applicant’s intent that they would do two phases. And then prior to phase three, complete a secondary urgency access.

But we don’t have any idea where that would go?

They could do that with approval from the fire marshal, through an easement across one of the tax lots.

Okay, that was the one down in 46 and 45.

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That was their proposal tonight.

All right, now I'm clear. I'm sorry, thank you.

Anyone else? Last chance. Okay. We have first and a second. So, call the roll. Commissioner Nelson.

Yes.

Commissioner Aviles.

[inaudible 01:09:36]

Commissioner Arthur.

Yes.

Commissioner Tokarz-Krauss.

Yes.

Commissioner Collier votes aye. Commissioner Scherf.

Yes.

The motion passes.

MOTION/VOTE

Commissioner Nelson moved and Commissioner Scherf seconded the motion to approve the Buckmaster subdivision, with the conditions laid out by our staff in the staff report. The vote resulted as follows: "AYES": Vice Chair Collier, Commissioners Aviles, Tokarz-Krauss, Arthur, Scherf, and Nelson. "NAYS": None. Abstain: None. Absent: Chair Heesacker.

The motion passed.

Okay. That's everything.

Thank you for coming. One of the things that I've noticed is, there's been a lot of success in discussion by opponents and proponents, outside after the meeting. So, if you'd like to stick around, I see a lot of success, in my experience in the last two years, after the meeting. I think you might have an answer for your wetland question.

Matters from commission members and staff? How's everybody? Good? That's all I got.

Are you going down the line? [crosstalk 01:10:36]

No, I'm going, whoever raises their hand.

I had a couple of notes. One was, I guess it's a good idea every few years, to sit down and read the comprehensive plan that you haven't looked at, except in little snippets, in a
long time. There was one thing I had a question about, and I didn't read everything carefully, but I did kind of skim through. And that was section a little ways into our portion, that discussed the citizen advisory councils. And I probably should look up exactly what it was. Page 135 was the note. When I skimmed down through that, the citizen involvement program, and I thought they were making some changes on it, but I haven't seen any state stuff on it. Some decades ago, maybe, the UAPC was told by the city council that we are the body responsible for administering the citizen involvement program, and we're supposed to be making the year report on the progress on that. And we haven't done that for years and years. So, I don't know whether the whole thing actually vanished or what, but I'd almost forgotten about it until I read this page.

I was reading that too, and I wondered, hmm, are we doing any of this? Yeah, so I get it.

Well originally, there were 19 citizen advisory councils in the county. And the purpose of them was, primarily, for land use issues. They were geographical entities. And the city has fulfilled its requirement by having, I don't know what you'd call it, subject or topical ones, by having historic district and parks, and different kinds of citizen advisory councils, not the geographic ones. And almost all of the other ones have died, as far as I know, except for the one in Wilderville and possibly, somebody said there might be something left in Murphy, and the north valley had a little active group that was more like a homeowner's group. But I just thought it might be good to mention, because somewhere on the books, we are the responsible body for making that happen.

Does that have any traction with anyone else? Okay. You got another point?

Yes. Is it possible for us to get a list of contact information for everybody on the UAPC? It used to be out on the website, but it's not now. And I know we're not supposed to be discussing business matters on that, but when something comes up like a thing with Eric, it'd be nice to know where to send a card or make a call, or something.

So, we of course do have a roster. And I think we generally, for the city committees and commissions, haven't been putting member addresses and phone numbers out there for the public. I mean, we of course, at city staff, have that. But, certainly up to the commission members, if you would like to have that, we can make the roster available to each of you. Recognizing, as you said, Commissioner, that you have some limitations on when you can communicate with each other.

I think I got one. When, at the beginning, you say, here's everyone else. Here's your email address and their phone number. Usually when something changes, the other committees, at least parks and rec, and bikeways, hand that out. And I think I do have one somewhere.

I don't know if I was scolded for saying what I did when I announced that Eric had a stroke. I wasn't in error because he actually put it on Facebook. So that's when I relayed it to each of you. It happened about two hours before the meeting two weeks ago. And he's been posting updates to Facebook, just two updates. But that was how he communicated to the world.

He called me right beforehand. But he shifted from hospital up here to the hospital in Medford. And after that, it was mostly on Facebook that we got ahold of him. Then I did
ask you, he thanked us for the flowers. And then I said, hey, you bet. And then I had to call the Brad and say, yo, who sent him flowers? Because I didn't. So apparently, somebody sent him flowers and they named it after us. So, if he thanks you for the flowers, you just head nod and, "yep". So apparently, someone from the city sent him flowers, and he appreciates it. You'll see him hopefully in two weeks, but also, he's got a presence at the Grower's Market. His son's down there, he's got a booth down there. So that's about the only way to get ahold of him, is via email. We've all got each other's email address. And if he wanted the phone number, I think city admin has given it out before, phone numbers. So, it's up to you, if you wanted.

Well, I just wondered when it changed. Because for years, all the information was published on the website, and it was easy to get for everybody.

Yeah, I don't want mine on the website.

[inaudible 01:16:21]

But we have given it to individual members. No, I don't see anyone saying, I want my phone number public. I don't want mine. But I can give you his number if you want it. Anything else?

I just want to make doubly sure. I mean, having been out there as a public, like, President of the Association of Realtors, there are a lot of nut cakes who want to track you down and take your time. That, I don't want, but you're willing to give it out to anybody on the commission. But just not, I don't want it public. Of course, I can look up all of yours because I'm a realtor. So anyway, just saying.

Anything else? Brad, Ryan, anybody? Going once. Okay, we're adjourn. Thank you very much.

\[Signature\]

Eric Heesacker, Chair
Urban Area Planning Commissioner

\[Date\]