URBAN AREA PLANNING COMMISSION
Meeting Minutes – April 13, 2022, at 6:00 p.m.
Council Chambers

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

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:
Matt Small
Julia Ryden

... one. You have chosen to admit all.

Say leave off [inaudible 00:00:44] I made the mistake of reading all the way through to the definitions. Again, that's disastrous. I read clear to the end.

All right. 6:00. April 13th, 6:00 PM. I'm going to call this meeting to order and start with a roll call.

1. Roll:
Commissioner Nelson.

Present.

Commissioner Aviles.

Present, and I am attending via Teams. Yeah. Hey, everyone.

Thank you for your sacrifice. We appreciate you being here. Commissioner Arthur.

Here.

Commissioner Scherf.

Here.

Commissioner Collier.

Here.

Commissioner Tokarz-Krauss. Commissioner Coulter.

Here.

And I'm Eric Heesacker. I'm here.
2. Introductions:

Staff, any introductions?

We have none.

3. Public Comment:

Public comment. Item three in the agenda. 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 for that purpose? Nobody is.

4. Approval of Minutes:
   a. March 23, 2022

   We’ll move on to item four A, approval of the minutes from the last meeting. Do we have a motion to approve or a motion to amend? Commissioner Nelson?

   Mr. Chair, I move approval of the minutes from March 23rd meeting.

   Is there a second?

   Second. Collier.

   Commissioner Nelson moves to approve the minutes. Commissioner Collier seconds the motion. All those in favor, say aye.

   Aye.

   Anyone opposed? Anyone abstaining.

   Abstain.

   Commissioner Aviles abstains.

   Commissioner Scherf and Aviles abstain from approval of the minutes.

   MOTION/VOTE

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

   Absent: None.

   The motion passed.

5. Informational Items:

Item number five, informational items. Is that in the right place on the agenda? Seems like I’ve seen...

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Yeah, elsewhere before.

It is if you want it there.

We'll work for tonight.

You can change it wherever you'd like, but yeah, you generally don't have any. I think it's just, if there's some kind of special events or trainings or sometimes, we'll announce that there.

Thank you very much.

Because it happened too often, especially during COVID.

6. Findings of Fact:
Item six, findings of fact. We don't have any.

7. Public Hearing:
   a. 201-00417-22/301-00149-22 ~ Rogue Credit Union ~ Union Avenue Major Site Plan & Major Variance Review ~ Staff Report ~ Continued
   Item seven A, we have a public hearing that we have continued from the last meeting.
   I'm not going to reread all the mumbo jumbo. I don't need to, do I? On if we're continuing. All right. So, I guess we're going to let staff take this away.

   All right. Good evening, everybody. Let's hop right into it. So, at our last hearing, you guys will remember, we discussed a proposed Rogue Credit Union branch over on 340 Union Avenue. They had requested a variance to the access standards outlined in Article 27 and be allowed to have the two two-way entries and exits off Union Avenue. A motion was made during the March 23rd hearing during deliberation of the application, which denied that variance request. It was due to safety concerns, as well as the recommendations from our city traffic engineer, John Replinger. The applicant's request for approval of the major site plan review to allow the development of that vacant lot with the Rogue Credit Union and the three drive-through personal teller machines was continued to today's hearing.

   So, we have an amended variance request, as well as a site plan on April 5th, 2022. The applicant submitted a revised site plan indicating two access scenarios for you to review tonight, and you can reference those on page 114 and 115 of your packet. The applicant is now requesting to reopen the public hearing concerning the variance requests for the two accesses off of Union Avenue under the included revisions that address the concerns of the UAPC and the comments that were made from John Replinger. So, they provided two scenarios for you to consider. Once again, that's page 113 to 115 in the packet. So, here, option A, they're proposing still two accesses, but they've changed one of the accesses on the Western side to be a one-way driveway into the site and a one-way driveway exiting the site onto Union Avenue. The exit over on the Eastern side is designed with both right and left turn lanes.

   The applicant has also provided more comment from their traffic engineer, Kelly Sendall, that has addressed the safety and the operational concerns with this approach, and she has deemed that there weren't any concerns, and it should function efficiently, as well as
safely. The option B is really just aligned with Article 27. And so, it's the one approach off of Union, and that includes a two-way access, including one entry lane, a left hand turning exiting lane, and a right hand turning exiting lane. Some revisions to the staff report that I've included for tonight, you'll remember that we had some discussions on this in the last hearing. One of those discussions pertained to bicycle parking.

In my staff report, I had calculated due to the lack of a floor plan with the appropriate square footage that they were going to be required to have a type three bicycle parking space. Since then, on April 5th, they've given me a revised floor plan indicating the appropriate square footage that meets the exemptions under Section 25.0351. So, with these submitted revisions, the requirement has now been reduced to one type one bicycle parking space. Sidewalks. So, after reviewing the public works conditions to widen the sidewalk and do that seven and a half foot planter strip, and I believe it was the six foot sidewalk, the applicant has proposed to no longer modify or redo the sidewalk configuration and keep the existing five foot. So, since they are no longer proposing any modifications to the Union Avenue right of way, the existing nonconforming sidewalk configuration can remain, and they have indicated this change on the revised site plan.

There was also the request to move the city utility easement requirement from the A list to the B list. The impact of this revision is that now they can get their development permit without providing the recorded copies to the Community Development Department of the CUE. So, after looking at the revisions, staff recommends that you approve the revised major variance application. And we also recommend the approval of the request for the major site plan review to allow the development of that vacant lot with the Rogue Credit Union as proposed and the three drive through personal towing machines.

Any questions for staff?

Mr. Chair, I should have added that a technicality at the beginning, you actually closed the public hearing for the variance since your last meeting. In order to review this item tonight, you would actually need to reopen the variance public hearing. You left the public hearing open for the site plan. So, you're good there, but since there is still a potential for the commission to decide on the variance, I mean, you can discuss that amongst yourselves. If you don't choose to reopen the public hearing for the variants, then the only option up here is the single approach. So, if you want to consider both of the options that Gabby just presented, you would actually need to reopen the public hearing for the variance.

And what will this reopening of the hearing cost mean, in terms of reading all this stuff? Do I read it all over again?

Yes.

Are we going to have... Yeah.

You actually should have had a findings of fact, too, because that actually was closed as a denial.
Right, and the City Attorney reviewed with staff there, a decision of this body is not final until you actually vote on findings of fact. So, in his opinion, you haven't made a final decision on the variance because you haven't approved any findings of fact.

We should have actually had a findings of fact.

Now, we can hear you.

Folks deny anyway, actually, if we went by.

Right, just you got to have to get up to the microphone.

We should have actually had a findings of fact, if you go by the book, as a quote.

That's correct. If you just look at the variance by itself, that's correct.

Yes.

But you have a companion application right now.

Option B is not a variance or a variance. It actually would just be part of the site plan.

Right.

Right. Okay.

All right. So, all I have to do is say we're going to reopen the public hearing, read all the mumbo jumbo for Ward Nelson, at least, and for the record. Okay. I get it. So, opening the hearing. At this time, I will open the public hearing to consider the variance portion of this application, and I'm going to read off the project number. Is the variance, is that the one that starts with 201 or 301?

Three.

So, this is for project 301-00149-22, Rogue Credit Union, Union Avenue major site plan, and major variance review. As I said, the public hearing is being reopened for purposes of us re-entertaining a variance. We have begun the hearing already with the staff report. We will follow with a presentation by the applicant momentarily after I read all this, then we'll take statements from the public. Are you two ladies here to speak about the Rogue Valley Credit Union? And so, it looks like it'll go a little quicker.

Objections to the jurisdiction. Is there anyone present who wishes to challenge the authority of the Commission to hear this matter? Nobody is. Abstentions, conflicts of interest. Do any of the Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Prior ex parte contacts by Commissioners. Are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received since our last meeting regarding this application? Nobody's indicating.
So, in this hearing, the decision of the Commission will be based upon specific criteria, which are set forth in the development code. All testimony which apply in this case are noted in the staff report. If you would like a copy of the report, please write that on a note to staff here, and one will be provided. It is important to remember if you failed to base an issue with enough detail to afford the Commission and the parties and opportunity to respond to the issue, you will not be able to appeal to the land use board of appeals based on that issue. The hearing now, we already had our staff report. As I asked, are there any questions of staff? The public hearing is now reopened. We're on the record. Alrighty. Applicant, would you please come forward to make your presentation? Thank you.

Good evening. My name is Matt Small. I'm with KSW Architects, 66 Water Street, Suite 101, Ashland. I really don't have anything to add to the staff report. I just want to make myself available to any questions. I think the revised site plans meet the concerns that you had at our last hearing regarding safety. My hope is that the traffic report from our traffic engineer is adequate and really don't have much to add.

Questions of the applicant, anybody? Thank you very much, sir.

I do.


On the plan we now have, I'm just curious. You cut down the east side to one lane entry, but then you continue that one lane, half of the way to the parking lot. I was just wondering if there was some reason for making that narrow for such a long distance. I'm just thinking of cars coming in that want to go to the parking lot, not sit in the queue for the mobile things.

The design was to support traffic coming in and any future traffic to that parking lot. That's why it gets a little wider there.

Well, I'm not asking why it's wider. I'm asking why it's narrow.

Let me grab my site plan. I will have it right in front of you, if you don't mind.

I can also pull it up.

Yeah, that would help.

Yeah.

So, the question is, why is it narrower?

Yeah. I realize you cut it down to one lane entrance.

Right.

But not everybody coming in is headed straight down to the back. Some of them want to get into the parking area and it's hard for me to estimate. You haven't given us any
information about what you're queuing length is there. How many cars you're accommodating?

So, we have people coming in from the east entrance, and as you travel north into the side, it widens...

Eventually.

At the future access to the parking, there's also the ability for people, it's hard to describe, but people traveling. Do you have your little... Yeah, the pointer.

There you go.

Sorry about that.

I got one. I got it right here on the screen.

So, you're talking about this area right here. Am I correct?

I'm not seeing them.

Yes, right there. So, we have the potential of people coming in the future, coming this way, and wanting in to get into this parking lot.

Coming which?

So, that is why if this development occurs, they'll have access. Let's say they miss their turn, they come around. They can come back in. That's why it's wider there.

I'm not following that at all.

I don't know if I...

The first site plan was for a dual entrance, two dual entrances two-way traffic.

I know.

The new site plan is for a dual entrance and a single one-way entrance. So, that's why it's skinny at the beginning, and it widens at the end because you don't want to promote two-way traffic. You want to...

Well, I understand. I'm not objecting to it being one right where you turn. But if you follow all these little arrows going back and forth, I don't see, if you really look at them, how it's going to work real well. I mean, as I said, first of all, we were not given the information about how many cars, how long that queue would be given the distance.

Which queue are you talking about?

I'm talking about the one waiting in line to get to the car... What do you call them?
To get into here?

Huh? Yeah.

Into the drive-through?

Right.

There's enough... There's one car, so just to here is probably close to eight to 10. If they have that much business, they'll be happy.

Queuing space times three. So, you could have 24, 25 cars waiting before you've even impeded this access into that side of the parking lot. Does that make sense?

Yeah, it would've helped to have a little more information on that, but then you've got these arrows going both ways in both lanes. The one the driveway across in front of the building, you have an arrow going out.

Right here.

Against the flow of traffic. I can't even see the...

So, the idea here is someone goes through the ATM. They realize that they have more things to do with the branch, so they can pull in here and park and walk in.

No, I'm talking about the inbound.

Right here. Is that what you're talking about?

I'm not seeing the here. I can't see what you're pointing at. I need a better pointer.

I'm sorry. Maybe I'm...

Can you see that one?

Oh, there. Now, I can see it.

Yeah. He's down.

I'm not talking... Yeah, I'm talking about...

Yeah, that's where he is.

The section between the two rows of parking go up father.

Right here?

No.

Right here.

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Stay in the inbound lane. Stay in the inbound lane. Now, up. Another inch and you've got an arrow coming out.

These two arrows...

Oh, you're talking about...

She's talking about these two arrows right here.

Right there. Yeah.

So, the traffic in here and the traffic in here is two-way traffic.

Why?

Because as I said, someone comes through, they forgot something, they need to, they can pull in here, and...

Well, you're talking about in the parking area. I'm talking about the inbound road right there.

I understood, but now...

So, why is it omni direction, by directional right there is what she's asking.

Yeah, I get it. I'm trying to understand. I guess it could also... I don't know.

Is that what you're saying?

Somebody coming in has got turn left.

I guess if you have a two two-way traffic here, you're going to need two-way traffic out here.

Why?

So, I have an explanation.

Because if you're going this way and you thought you had to stop, but you decide you didn't have to, you're going to have to pull in back out and go out this way.

I can't tell what this way is. I don't know. Okay. Yeah.

Okay. This is the one-way...

Right.

You're asking why it opens up here?
No, that's fine. I'm not asking that.

It's right here.

Right there. That's spot.

So, that's why this is lighter [inaudible 00:22:07].

Well, to my mind, that's part of the entrance. You're talking about one-way traffic flow, one way in and one way out.

But there's also a future site there that they're accommodating. It's right on the site.

That's beyond that point.

There's a future site.

That's past that point.

Well, that would be a discussion for the site plan, not the variance.

Correct.

It would be what?

Say that again. She didn't hear that.

That would be a discussion for the site plan, not the variance.

Tony, real quick and short. Tony Workman.

You guys hear that? Everybody to hear that? Okay. So, we shouldn't really be discussing it until we go to a site plan, at least that part.

So, to her point on the arrow, if, for instance, all those what Matt said, if they come around through the ATMs and they decide they need to go in the branch. And so, if they were to pull in left into that parking area and all those parking spots were completely full, they would need to pull through that area to get back to the other parking. So, they would...

Why? Why couldn't they just go the way they came in to get to the next row?

Why are we telling them how to [inaudible 00:23:23]?

Well, I'd like to see that that one-way stays one-way. That was the point of having it one-way.

I think the issue is regarding one-way is right here. That's the safety issue.

Yeah.
It's really not much of a safety issue up here as I see it. It's right here.

Well, and we'll talk about it in 10 minutes. Fine.

I'm sorry?

I said, we'll talk about it on site plan then.

Okay. Any other questions?

Commissioner Aviles, I'm not meaning to ignore you. If you have a question pipe in, please.

No, I don't have a question. I couldn't see whatever people were pointing at or showing, but I think I could follow it because I do have the staff's report up, which shows the map, as well. But no, I had no comment. Thank you for checking in.

Anything else for the applicant. You may have a seat, sir. Thank you very much.

Thank you.

So, I'm going to go ahead and close the public hearing for the variance at this point. All right. Public hearing is closed. We need a motion so that we can begin discussing the variance for these access points. Oh, Commissioner Nelson.

I'm sorry. For the sake of discussion, I'm going to move the site plan for A, which I believe is the one we have up there now or the variance that we have up there now. Thank you.

To approve. A, that one.

Moving to approve.

Moving to approve.

We have a second.

I second.

All right. Commissioner Nelson moved for approval of the variance. It's been seconded by Commissioner Collier and Commissioner Scherf. Any discussion?

No discussion.

Okay. We'll take a roll call vote. Approving of the variance. Commissioner Nelson.

Aye.

Commissioner Aviles.
Yes.
Commissioner Arthur.
Yes.
Commissioner Tokarz-Krauss.
Yes.
Mister Collier.
Yes.
Commissioner Scherf.
Yes.
Commissioner Coulter.
Yes.
And I'm Heesacker, I'm voting yes.

MOTION/VOTE
Commissioner Nelson moved, and Vice Chair Collier and Commissioner Scherf seconded the motion to approve the Rogue Credit Union ~ Union Avenue Major Variance Review. The vote resulted as follows: "AYES": Chair Heesacker, Vice Chair Collier, Commissioners Aviles, Coulter, Nelson, Tokarz-Krauss, Scherf, and Arthur. "NAYS": None. Abstain: None.
Absent: None.
The motion passed.

Okay. Now, we can entertain the site plan review. When I closed the hearing, I did say we're closing it for the variance. Do I need to reopen this for the site plan review?

The site plan's already open.

Great. Great. We've had our staff report. Applicant, would you like to say anything about the site plan review?

Okay then. I will go ahead and close the public hearing for the site plan review. Do we have a motion?

I would move approval of the site plan.

Commissioner Nelson approves or makes a motion to approve the site plan review. Is there a second?

Second.
Commissioner Coulter seconds. Any discussion? Commissioner Arthur?

I still have concern about the way they're showing the traffic flow around those islands, and I'll tell you why. I had a roommate many years ago. Did a master's degree on a Ford plan creating for the first time, the animated flow of a production line in an auto building plant. And if you did that on this drawing, you'd have cars coming two lanes in and somebody coming around going the opposite way towards somebody trying to get to the parking and the same thing at the other end of that row. They're showing two way at the other end of the row, and there might be an occasional circumstance where somebody had to go around and come back or change their mind, but they can always stay with the flow and go around themselves. The one out of 120 cases, rather than having it at both ends of that aisle have two-way traffic. It just doesn't...

I just envision exactly how that would look in the animated traffic diagram. The flow would be ridiculous, and that's why I'm concerned about that particular part. It works just fine, keeping everything northbound one-way and everything southbound one-way on the two main roads.

So, your concern here is with the arrows that we're seeing on the site plan.

Yeah.

And if these arrows are transferred out there to the pavement, there could be some sort of confusion. So, I'm understanding what you're getting at. And I'm wondering if we need to place a condition, just thinking out loud here. Should we have two arrows here both pointing in that would prevent people from trying to do this maneuver. Is that your concern?

And there's nothing... If they did what he said and came around and had to park and go in, they're not going to go out that way. They're going to go back the way they came from and continue out the outbound road.

That arrow was...

Huh? Yeah. Both of them at each end, at the west end also. The wrong way one.

Hang on a second. Commissioner Coulter, you had your hand up first.

Yeah. I inclined to agree with Commissioner Arthur. I think that does constitute confusion there and potential for fender benders. I think I'm swayed by the fact that that would become the exception of somebody needing to go the other direction. Again, even then, even more so, because it would become the exception. People are not going to be expecting somebody to be coming the other direction. So, I'm inclined, for safety purposes, that all be one way there.

On both ends?

Yeah.

Yes. Yep.

Commissioner Scherf, you had your hand up.
Yeah. Brad, is there an ordinance or statute that we can use to delegate the internal traffic flow? Because to my mind, I can't think of anything, so-

I don't think we have to, if we think we're compelled to think it's a significant-

But you're-

... safety issue from the perspective of, not necessarily bad crashes, but a safety issue-

But as a governing board, wouldn't we have to have a statute or a code to stand on to argue.

No. Well-

Because we're a governing board, we're not an opinionated board.

Well, we do have leeway and-

Okay. I'm just asking because I don't understand how we're arguing this if there's not a code or statute that we can stand up.

Yeah. It would be I think ideal, but I do still think we have leeway-

Okay.

... to make that as a condition of approval. We can't use the past as a pattern to justify it, but I can say, historically, we have done that before.

Commissioner Collier.

I'm inclined to go with Commissioner Scherf's question to Mr. Clark to find out, do we have code background, I'd like to hear that answered, to tell a guy how to handle his internal parking? I think our concern is the east and west entrance and departures, and I think it ends there, unless you tell me there's a code that goes beyond this. I don't want to be over prescriptive with telling a guy how he's got to mark up his parking lot, beyond what's already written. So, I'm uncomfortable with this, because we're looking at this at on an 8 x 11 page, and he's got hundreds of yards that some professional has already set this to motion, and I'm not really comfortable at telling him, "Nope, we're going to rediagram your parking lot." So, I'd like to have that question opened to Mr. Clark.

Well, are we not supposed to look at the whole site plan then?

That's my question.

So, the authority of this board to make site plan decisions is 100% based on the 13 criterion that are in Article 19. 100%, those criterion are the only basis on which you can make your decision. Now, there's a lot of criterion there. In terms of Commissioner Scherf's question, the only specific language in the code about traffic movement is one-way and two-way, and it does talk about if you have one-way movement on an off-street parking lot, you have to have X amount of
width, we can look that up, and if you have two-way traffic, you can have X amount of width. That's all it is, is just the width of the aisle, which they meet. So, you would, at that point, have to start looking at Criterion 9, which states, "Traffic conflicts and hazards are minimized on- and off-site." That's the language in Criterion 9, "Traffic conflicts and hazards are minimized on- and off-site." If you were to change what the applicant has proposed, you would have to have a very specific reason and probably some data as to why you find Criterion 9 is not met.

Because at this point, staff is looking at it and said, "Criteria 9 is met." The Commission has to say why Criterion 9 is not met, so that's the discussion that you're having. You can get there potentially, but you do need to have some specific information.

Commissioner Nelson.

So, I'm looking at this as I don't have enough information to make a decision to go with one-ways. They have already outlined this, and you have correct, with the traffic report. So, anything that does happen in the future at this property is the property owner's domain, correct, liability-wise?

Correct, yeah.

Commissioner Arthur.

Well, I personally think that nobody even looked at those arrows when they did this redrawing, they only looked out at the street. So, it's not in a big, intentional thing that they really went through the whole traffic flow every possible way, I think it's an oversight. I don't know. It's clearly not workable, or it's potentially hazardous.

I would argue that from a professional standpoint, since we have documentation within our report from a traffic engineer within the city and a private traffic engineer for the applicant that yes, they have looked at it. That's what professionals do. Your statement is more of a hearsay, and I can't put any latitude behind that. So, I would say that I have to have confidence that these professionals have looked at that. So, I don't agree with your statement.

May I ask a question

Commissioner Tokarz-Krauss, go right ahead, please.

Just like with anything, I believe that they looked at this and they planned this, and that one perceived potential problem, which is perceived and it is potential, could be corrected if it is, in fact, a problem down the road and they have the latitude to do that. Am I not correct in that? Therefore, if this meets, in my mind, the criteria set forth for it, with the warning that there may be a potential hazard in the future, that they would simply look to that and if it does occur, they would, obviously, have an obligation to their clients and to the public to correct it. So, I'm inclined to respect what Commissioner Arthur has brought forth, but to bring this up as something that they will, they being the credit union, would need to deal with down the road should it actually occur, should the potentiality become a fact.

Anyone else? Commission Aviles.
Yeah. I just wanted to comment that in regards to the parking lot and the parking flow, it's actually a plan that I've seen around town. I can think of a couple of businesses that have parking layouts similar to this, where there's that long outlying lane and then parking in between. I think the parking lot over near Beacon and... Can't think of the... It's just that main intersection as you're getting onto the freeway, but the Carl's Jr. Restaurant that's in that shopping corner, I think has a very similar parking layout, just in terms of various lanes of traffic and parking in between. And so, I agree that while the safety issue is a concern, I don't see it as something that should hold up this process, given that, as indicated by the applicant, there is a risk and liability that he's already aware of and needs to take precautions around himself. I just wanted to point out that this parking lot looks very familiar to several parking lots that are already in and around town, so that was just all I wanted to add.

Miss Aviles, you said Carl's Jr. Did you mean the In-N-Out up there on Morgan?

I didn't, but that, I guess, is another example, where it has that long boomerang shape with the long lane, but then the parking in the middle. I was actually thinking of the actual Carl's Jr. opposite of the Starbucks and the Panda Express at that intersection where there's just lots of fast food and drive-throughs, but that parking lot's very similar. And then, it actually extends to more parking for MOD Pizza and the other restaurants that are in that little section of town. Does that help with where I'm speaking of?

Yes, thank you very much. Anyone else want to say anything, because here I go? What I'm hearing here is it would not be impossible, but maybe a leaping of our authority to condition the site plan as we're discussing, but maybe just leave a warning for the applicant, here's my little dot up here, maybe it would behoove you to extend this double width landscape planter at least to this point. Maybe put a sign here for traffic heading south, "Do not enter." I think that's what you're hearing, is that this body is warning you that might be a good tactic for you to employ. Alrighty. That's all I'm going to say.

Yeah, I wasn't concerned about that portion at all. I'm just concerned about somebody coming down to the right in the first aisle by the building, and turning right against the incoming traffic to get around to the next lane to go out. I don't know why they'd do that, they can go in and they can go back out the way they came. But it's set up right now that that could happen at both ends, where you have the arrow going the wrong way.

Understood. And the applicant is hearing our discussion. Any more on this particular issue, because I have two things that I want to ask here? Do we need to ensure that there is some kind of recorded easement for this property to the west, somewhere along in here, or do we leave it to the good graces of the applicant to go ahead and do that of their own volition?

If they do intend to do a shared access with the other parcel, then that would be something that they would have to do prior to the issuance of a development permit, I believe.

It's a future condition.

It's a future condition. It's not being proposed right now and the other lot is not being accessed, so I think that would be something that would be conditioned in a future context.

Look at my dot up here, for this portion of this property? Or from when this parcel-
Oh, oh. Are you talking about the future building there?

Actually, I am talking about the parcel, too.

Yeah, the cross-access. Yeah, they would need to obtain a shared access agreement. Brad, feel free to correct me if I'm wrong, but I think the language would probably be something like, "If the applicant in the future desires to share access with the neighboring tax lot, a shared access agreement will need to be obtained and recorded."

Understood. And that would be up to the two property owners, not for us to condition at this hearing?

No, sir. That's not my understanding.

Understood. Thank you. That was my first point.

It is on page 50.

Okay.

It's Condition 17.

Oh, thank you very much. All right. My next point, throughout the staff report, I saw in several places when discussing the variants layout that this access... I don't like the wording and I'm being nitpicky here, it kept being referred to as two-way, and that was confusing for me as I was reading. I'm thinking, "What can we use as a better term here?" The only word I could come up with is bidirectional, and if nobody else thinks this is an issue, I'm going to let it go. This is not something I'm going to fall on the sword and die from.

I don't see the issue.

Okay, no issue with that. I am done talking any more discussion? Do we have a motion for the site plan review?

I thought I made it.

Did you make it already? All right. So, we do have a motion on the table that's been seconded to approve the site plan. I'm going to do a roll call vote. Commissioner Nelson?

Yes.

Commissioner Aviles?

Yes.

Commissioner Arthur?
Yes.

Commissioner Tokarz-Krauss?

Yes.

Commissioner Collier?

Yes.

Commissioner Scherf?

Yes.

Commissioner Coulter?

Yes.

And I am voting yes.

MOTION/VOTE

Commissioner Nelson moved, and Commissioner Coulter seconded the motion to approve the Rogue Credit Union ~ Union Avenue Major Site Plan. The vote resulted as follows: “AYES”: Chair Heesacker, Vice Chair Collier, Commissioners Aviles, Coulter, Nelson, Tokarz-Krauss, Scherf, and Arthur. “NAYS”: None. Abstain: None.

Absent: None.

The motion passed.

All righty. Thank you for very much, applicant, for your time and driving all the way over here in this bad weather. We appreciate it.

b. 405-00129-22 ~ Middle Housing Code Text Amendment CC ~ Staff Report
Next item is Item 7b, Middle Housing Code Text Amendment. This is a different kind of hearing. I forget the terms for them, legislative. This one’s legislative, right? All right. I’m going to open the hearing. At this time, I will open the public hearing to consider project 405-00129-22 Middle Housing Code Text Amendment. We will begin the hearing with a staff report followed by public comment, and then the matter will be discussed and acted upon by the commission. Objections to jurisdiction, is there anyone present who wishes to challenge the authority of the Commission to consider this matter?

I don’t think you need all that. Do you?

I do need to read all this, yes.

Yes.

Really, for legislative?
Yep.

It's a different one.

Conflicts of interest, do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Nobody's indicating so. In this hearing, the decision of the Commission will be based upon specific criteria. All testimony and evidence must be directed towards those criteria. The criteria which apply in this case are noted in the staff report. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue, you will not be able to appeal to the Land Use Board of Appeals based on the issue. We will now begin the hearing with a staff report. Director Clark, the floor is yours.

Thank you, Chair. So, there's a lot of material in your packets for this hearing tonight. I'm going to try to break it down as best as I can. I will say upfront that depending on how the Commission feels when we get to the last couple of articles, where we get into the design issues, where you really start getting into more of the technicalities, like what you just talked about in this prior hearing in terms of parking and traffic movement and design issues, that if... I'll just throw this out there ahead of time so you can be thinking about it in your minds. You may want to consider a second meeting. Now, as you may have read in here, we do have ordinance statutes that do require that the City of Grants Pass adopts HB 2001 by June 30th. We can still meet that if you have one continuance, but I do think it would be tight to do it at your next meeting, so we'd probably have to do it next week. I know that's a lot to ask for you as volunteers, but just be thinking about that.

I actually don't have a lot of slides on those sections, so we'll just have to be referring to your hard copy packets. But let me just go through a little background here and introduce it for the record. So, this is a proposed Development Code Text Amendment that impacts 10 different articles or chapters in the Grants Pass Development Code, and this is all relating to House Bill 2001. So, this is legislation that was passed in 2019 at the Oregon Legislature. There was quite a bit in that bill, but the crux of it is that it requires local governments throughout the state of Oregon to allow housing of multiple types wherever you allow single-family development housing. It is sometimes referred to as the Middle Housing Bill. It basically requires these five types that I've got in bold here, these housing types, duplexes, triplexes, quadplexes, cottage clusters, and town homes, those are specifically called out in the 2019 legislation. All of those five have to be permitted uses on any lot or parcel that's zoned for residential use that allows for detached single-family dwelling.

Well, currently in Grants Pass, you can do single-family dwellings on any lot that has an R in front of it, Residential. So, that means it affects pretty much all residentially zoned parcels and land in Grants Pass. The main intent of the legislation, if you go back to some of the committees and what the Department of Land Conservation and Development is saying, is to remove unreasonable costs and delays to the development of middle housing, again, middle housing referring to those five bold types up there, and to ensure a clear and objective process and standards for those as... Single-family, as well, single dwellings, but also those others, so that there's no question if you want to develop a quadplex, here's the process, here's the steps you go through, and they want there to be no really unreasonable, is the term, cost or delays in building those types of
housing, just like now with single dwellings. Most people know if you want to build a single house on a single lot, you just come into the department, you pull your permit, and you go and you build it.

You know you're not going to have to go through a lot of steps or review to do that. They want that same expectation for all the other types of middle housing. There was model code that the state created to help cities with this process. They basically said, "Cities, you can update your own code, or you can use our model code." A lot of the same languages is in there, but we, obviously, chose to update our own code rather than rely on the state's model code. If we don't adopt by June 30th, the model code kicks in until such time as we do adopt our own code. I just wanted to throw this in there just so you can see at a high level where all the R zoning, this is the entire urban growth boundary for the city. Pretty much anything that's this yellowish or orangeish color that's got the R in front of it, is what we're talking about. It's a substantial percentage, it's 63 and 65% of the land area within the urban growth boundary.

DLCD, they awarded us a Technical Assistance Grant to help go through the housing needs analysis, which you already had your hearing on. Well, this was done all at the same time. The three consultants that we had helping us out is 3J, FCS Group and Jet Planning, those were the three consultants. Elizabeth Decker is the sole proprietor of Jet Planning, and her whole focus on this consultancy was just the Middle Housing Code update, so that was where she focused. There was a subcommittee of the Housing Advisory Committee that was formed in 2020 to review all these materials as the consultants were drafting them and going through them. These four individuals here, they're all Housing Advisory Committee members, were on that subcommittee, so you do have Commissioner Arthur, who was one of those four. In terms of public notification and discussion about this ordinance change, this just a shot of what the public notice looked like, but we did have some other opportunities for the public to hear about it.

There was the 2021 severe rent burden form that was actually held before you last year in February, this concept was presented at that point. And then, we've also had the city website and there's city hall public notice. Also, on March 28th, we did an email blast to about 1,400 local builders and developers, that's an email list that we in Community Development have tracked over the years. So, we did send a notice out to them, since this does impact the Building and Development Community, but then there's also the April 1st Daily Courier legal notice was put out. So, as I said, there's 10 different articles that this Development Code Text Amendment applies to. I'll just go quickly through what some of the highlights are on those, and there's more detail in your packet. Article 2 is very simple, there's just one minor edit to strike a comparison to a higher procedure type, that's on page 2-8. Article 12 changes are pretty substantive, so we'll spend some time going through this.

I already mentioned this first bullet, there's these 10 R districts, all those yellow and orange ones that I showed you a minute ago, that were single detached dwellings today, are permitted either outright or through a planned unit development. So, all of those zones, R-1 12 all the way up through R-5, need to allow for all five types of middle housing under this legislation. So, the edits allow those. And then, in the R-42 and the R-5, single units and duplex, are now prohibited. That's a provision that is allowed for in the statute for those high density zones, you can still do the triplexes and above. So, here's a shot from the amendments that are in your packet. I just wanted to walk through this
so you're really clear on what you're approving, or reviewing, or denying, or whatever tonight. So, starting here this first number one. So, currently it says just detached, that's the only word there. As you come across a top here, you have all the R zones. So, under this, this is the R-3-2, you can see where single detached dwellings were a planned unit development.

Well, that planned unit development is now stricken as an option in those R-3-2, R-4-2, and R-5.

Are you on page 182 in our packet?

Yes.

Thank you.

Yes. Thank you for that. Accessory dwelling units, those are just shown now to also be allowed as secondary uses in the R-3, R-4, and R-5 zones. The detached, that line is stricken just because it's covered underneath number one above. As you move down, the next one is stricken, as well. The new number three, that is now called just townhouse. So, basically, townhouses are not covered under here, and you'll see that they're all P-I-A, that's Permitted Type 1a. So, that's saying that where before it was maybe a Type 2 or it was a planned unit development, those are now just allowed outright. Duplexes, that's now new number four. They are now shown as being permitted in the first two columns, whereas before it was a planning, a development or a Type II hearing, so those now you can just do them straight out building permit. Triplexes, number five, again, those are allowed. P is permitted, one is administrative. And then, the quadplex is the same thing in all of those zones. Number seven, this is just changing under multi-dwellings where it used to say 3, it's now 5.

So, that's changing the definition, which we actually already changed before, this is just a correction. So, multi-dwellings are five units or above. Those are a completely different process, and this code doesn't really just doesn't speak to those. Number 9 and 10 are the cottage developments. So, these are your single standalone, usually smaller units that are in groups. Those are also permitted as the Type 1as in all of those residential zones. A couple other changes to Article 12. The footnote on page 12-17, that's actually referring to the page number on the code itself, not the PDF packet. We probably should have put that in there. That allows a conversion of a single dwelling to a duplex in zones where new residential uses are not permitted. So, that's again, aligning with the statute, which says you're basically allowing duplexes wherever you allow single family, in terms of the conversion. Section 12.140, so this strikes the detailed calculation for net density and just refers to the minimum lot area. So, we're going to get to that in just a second, but how you actually would calculate the density of a new project is changed by this.

It also exempts all middle housing from the maximum density thresholds. Again, something that the statute requires us to do. If you stuck with the maximum density in the R-1-10 zone, for example, which is fairly low density, and you kept the maximum density in there and you did a fourplex, on one lot, you would already exceed the maximum density. So, you can't do that under this legislation, you have to allow the fourplexes, which means, basically, you're not going to look at those in terms of maximum density. That just won't apply anymore. And then, Section 1215-2, there's just
some miscellaneous edits to align the lot requirements there. This 12-5, again, we're still in article 12, a lot of changes related to the lot sizes and the lot widths that are required. If you go on this tall first row header here, you'll see that it's changing the lot areas to, for single family detached or duplex. Then there's two new columns for triplexes and quadplexes that we didn't ever have before. So when we're talking about lot requirements, we have two entirely new categories to address how triplexes and fourplexes and cottage developments, how do you calculate the minimum lot area for those? So those are two brand new columns. Today, looking again at just this first column. If you go into the R-1-12 zone, it's an 11,000 square foot minimum, that got changed to 10,000. So it's reduced. R-1-10 goes from a 9,000 square foot to an 8,000 square foot minimum. The R-1-8 goes from seven to six. The R-1-6 goes from 5,500 square feet to 4,500 square feet. The R-2 goes from 5,000 square feet to 3,500. The R-3 goes from 5,000 to 2,500, same with the R-3-2. Then there's no minimum lot size for single family detach or duplex in those two high density zones. And then you can see for yourself in terms of what the lot area is for the triplexes and the quads. I guess I wanted to point that out because this isn't saying you can just go and cram them all in there in your property.

You're still going to have to meet minimum lot area for a quadplex, if you choose to do that, and a triplex. You're still going to have to meet these minimum lots sizes when you're doing your development. So those are the big changes to 12. Article 13, this is the special purpose district. There's just a couple of minor edits here, to strike the reference to the single homes and refer to residential structures. Those are equivalent terms really now. Article 15, this is nonconforming use and development. There's a few things here we should probably talk about. Because basically if you have an existing lot and you have a house that's nonconforming, today you want to change that to a higher intensity use, you got to jump through several hoops. This is saying that if you convert a single dwelling to a multi-dwelling with two to four units, that's not going to be defined as greater impact. Today, we would call that greater impact. If you have a single dwelling and you want to come in and change it to three units, we would say, that's a greater impact. You got to bring your whole property into conformance with the code. This is saying, that's not considered a greater impact now. Because again, the intent of this legislation was to say, okay, a triplex should be allowed wherever a single family is allowed. So you're just creating that level playing field. That's a fairly significant change.

It also does not trigger some other nonconforming code requirements. I didn't go into all those there. It does allow for the expansion of existing single dwellings that don't meet height or setback to convert to middle housing, as long as it doesn't increase the nonconformity. Just some legalese terms that basically says, if you come in and let's say, you're, you're supposed to have a five-foot setback from your property line ... from your house to your property line, you're supposed to have five feet. And you live in a house that was built 50 years ago, and you only have three feet. Well, that's technically a nonconforming situation. If you bring in another permit to bring in say another unit on that property, this is saying, you can't increase the nonconformity. Meaning, you can't go to two feet. But as long as you still have that three-foot setback, then you're good. Or as long as you don't go above the height, then you're good. You still have to work within the boundaries but you can expand that single dwelling to include middle housing products without having to go through some of the steps that you do now. 17, this is the article that talks about dividing lots, creating partitions, creating subdivisions. The one I wanted
to point out here is that second bullet. I guess it's technically the second red bullet, 17.311 and 17.402.

This is submittal requirements for partitions. So this adds a new proposed use requirement where you have to show the type of future use in the partition. So if you're coming into the city and you're proposing to divide your land, today we're not saying that you need to tell us what type of product you're going to do on that lot. What this is getting at is, if you are going to propose triplexes on that new lot in the future, then there's minimum lot sizes that go with triplexes, which are different than the minimum lot sizes which go with the duplexes. We don't think this is something that we're going to be hard and fast. I mean, if you're going to change your mind, you can. But from the planning standpoint, at the beginning of your subdivision process, we think this will actually help in terms of laying out the subdivision. Because if your intent is to do duplexes and triplexes, then it could change some things. Now you could still go through your subdivision process and get your lot approved. And somebody in five years could come back and say, "Well, I want to do a quadplex on this." This isn't saying they can't do that in five years.

But it is saying, at the front end when you're laying it out and designing, we want to try to, at the best of our ability, lay it out in such a way that you're going to be able to meet all the codes. The main one here really has to do with the street access, because if you're doing a private street to access your development, today it only has to be 22 feet wide. Well, that private street can only serve up to 10 units. So if you come in and you add an 11th unit or 12th unit, you're going to have to widen that street to meet minimum width standards, 36 feet. So from 22 feet to 36 feet is a big difference and if you don't know that at the front end when you're laying out your lots, it could really hurt you at the back end. So that's really the purpose with that. Article 18, this is the plan unit development section. Not really anything too substantial here. It just adds duplexes, town homes, cottages, and multi dwellings to say that they're allowed residential uses in a PUD. That's, just clarifying the statute language, it does add new land use data descriptions related to middle housing.

So, if you're coming in with a plan [needed 01:08:33] development, it asks for a little bit more data on what that middle housing is and what it's going to look like in your PUD. Then it takes out all of the cottage development section right now, that cottage developments are PUDs but under the legislation, they can't be a PUD. So we took all of the cottage development stuff that's currently in article 18 and moved it to article 22. Article 19, this is site plan review. Again, really not a lot of changes here. The significant piece is that it adds all middle housing types as being exempt from separate site plan review process. I don't know if you're able to follow along here, I'm trying to reference the section numbers. But 19.021, today it says that the only thing that's exempt from going through site plan review is the single dwellings. Now you're exempt from going through site plan review for the town homes, cottages, triplexes quadplexes. They're all administrative and at staff level. There's a new land use data description there. Then 18.300. No, actually I already read that, didn't I?

Yeah.

Okay. So now we're at the point where there's three articles left that are a part of this application, 22, 25 and 30. 30 is definitions. If you look at your article 30, you see that we
added basically verbatim what the Oregon statute says for these land use types. We put those in our article 30 definitions. 22 is dealing with the design and the layout, particularly related to townhouse projects, because we didn't have a lot of information in our code now related to that. 25 is dealing with parking and how you would manage parking related to these units. I apologize, they don't have detailed slides on those. If you feel comfortable as a Commission reviewing those, if you already did review them and you want to talk about them tonight, we can. But this is where I was referring to at the beginning. That because of the substance in here, if you want to have more time to think it over and talk about it next week, we could set a special meeting for that. That's really what I have for you. There's really in terms of cost implication from the CD's standpoint ... which is what this is getting at. Is there any cost implication to the taxpayer or to the city itself? There's not really. I mean, our general fund covers our staff time to make these edits and present them to you and to the City Council.

There's probably another 15 hours or something of time to do that. So that's the cost implication. And then your Council ... Well, I'm sorry. I left Council. It should be Commission's discretion on this in terms of how to move it ahead. I did put in my staff report the timeline that we're dealing with. We do need to make sure that we get this to the Council fairly soon. You're going to have to make your findings of fact and review all that. But that's again where we're at in terms of your comfort level. And if you want to set up another meeting or if you're comfortable moving ahead tonight with your discussion ... but it is a public hearing too. So, I just wanted to remind you of that, Chair.

Any questions of staff right now? Commissioner Nelson.

Yes. Mr. Clark, the question I had is, it sounds to me we have two choices. One is accepting this with modifications or approve this, or on June 30 the state has a modified code that would be put into place?

Right.

Am I understanding you, correct? So, one way or the other it's going to be one or the other.

That's correct. Yeah. You don't have to recommend approval of this to the Council. If you don't, the model code would kick in on July 1st. We have until June 30, quote unquote, large cities in Oregon, which are 25,000 population and above, are all subject to the same rules that we're talking about tonight. Yeah. The model code does have some graphics and things like that. It's laid out differently just because it's not following our code article structure. But we can certainly get that to you if you want to see that, because that's what would happen. Yeah. That would kick in on July 1st.

Anyone else? Mr. Scherf.

Just to clarify, Brad. We are making a recommendation or not making a recommendation to Council, but the Council wouldn't hold up their decision for us. Judicially, why is this? Is there a reason why they would not vote this in without our recommendation?

Would the Council vote it in without a recommendation?

*Urban Area Planning Commission*

*Meeting Minutes April 13, 2022*
Yeah.

I don't think they can. Code says that you have to give them a recommendation of some type.

Okay. I got a couple of more questions. Anybody have questions? Because I've got a list of them.

Anyone else? Commissioner Aviles.

No, I'm fine. Thank you.

Commissioner Scherf, go right ahead.

Okay. One thing I do want to point out is, when you do increase density within all of your developable area, there is a direct impact to infrastructure. Increased density has a direct impact to the cost of building. Also increased density increases SDC fees. Was there anything in the code that addressed relief on any SDC fees?

I did include what's called a Goal 10 analysis in the staff report. Goal 10 in Oregon, you do have to look at anything really related to affordability. If your code is going to impact residential development at all, you have to do this analysis. So I did do that. I don't know if it's to the degree that you would find as an engineer satisfactory. But we basically said, the Council has said because the Public Works Department relies on SDCs for over 20% of the revenue to do new capital projects, they did not want to waive SDCs.

And that leads into my line of ... I'm just making sure everybody's asking the right questions. It sounds like you guys did your research on that. I'll definitely review what you put in the report. One question I just need for clarification is, you said there was ... I don't remember what article it was. But the statement was, no maximum densities can be enforced. Can you go into that a little bit more and what article was that in? I missed it.

That's in 12.

Okay. Can you explain that one more time?

Sure. I'm trying to find the page number here so everybody can take a look at it. It's 12-21.

It's at page 194.

Thank you. Yeah, 194. So you can look on page 194. You'll see that table there in the middle, maximum residential density, and then you've got the zones. And then today it just shows the 3.96, 4.84, 6.22. Those are basically the new maximum densities for those zones, based on lot size. Then down below the following exceptions to maximum net residential density. Duplexes count as single dwellings. Triplexes are exempt from maximum density. Townhouses exempt from maximum density and cottage clusters exempt from maximum density. The point there was just that if you use the minimum lot size and you do the maximum density calculation that we have up here right now, you're
going to exceed the maximum density much of the time. So you still have to meet the minimum lot size but in terms of calculating density ... which is only a few times honestly, that really is important. But that's exempting it out for those.

So, it's basically to allow for these increased densities per the lot size. But there is the small chance that you could meet the minimum lot size for that zoning and put a higher density than for example the 4.35. So, you could end up putting seven units on there, if you meet the lot criteria and all the other restrictions such as setbacks and-

Right.

... landscaping and stuff like that. Okay. That explains it a little bit more. There was one other question I had, sorry. Article 19, you said that all middle housing is exempt. So basically the middle housing is the idea that we're going to put in all these multiple houses and allow them to be developed on a single family or an R-zoning. But then you made a statement saying that all middle housing is exempt from site plan reviews. Meaning for example if somebody put a triplex together, we would never see it, no matter what?

Correct. Yeah.

So, there would be no public hearing. There would be no UAPC governing board reviewing it?

Or hearings.

Nothing.

Yeah. There is a site plan review on ... We don't call it that but there is a review with your building permit. So one of the planners when they come in, I mean, they're still going to review it. But it doesn't require them to come in before their building permit with that. Because right now you have to come in, get your site plan review and then do your building permit. So, this is basically shrinking the timeframe by a month or more.

Shrinking the timeframe but disallowing the public any input.

Correct. There is not going to be public notification. Just like for the single house today, we don't notify the neighbors that you're going to come in and put-

No, correct. But the multifamily house is way different from a single family house. But the neighborhood's public would not be informed. It will not go through a public hearing. I'm just stating that over and over because I think people need to realize that. Was there significant changes in article 25 to the parking? I didn't actually read the text, but was there a decrease in parking requirements for the higher densities?

There is some changes there. I did summarize those in the staff report that I sent out. It might be a little easier just to look at that, at least to start out with. That's on page six of the staff report, minimum parking requirements. So the parking ratios currently set minimum off-street parking based on the number of bedrooms. The proposed code includes ratios for middle housing at one space per unit. So the bedroom ratios, they are
retained but there's some simplifications there. We can talk about that if we want to go into that. But basically, it does set middle housing at one space per unit.

Per unit. But when you are talking about middle housing, you're saying that a duplex, which is basically two ...

That's two.

... but it's considered as one unit in parking calcs now, right?

No. Well, for parking counts, that's still going to be considered two spaces because there's two units there.

Okay. I misunderstood because you made a comment earlier saying that duplexes were now considered a single family unit. So, it'd be one unit.

Yeah. Thank you for that. From a density standpoint, they're considered one.

Okay. But not from a parking?

But not from a parking. Yeah.

Okay. We don't want to cripple our town with over exuberate parking since we already have a problem with that. Okay. I think that's all the questions I had at this point. Thank you.

Commissioner Coulter.

This is just a curiosity question. It doesn't have any bearing on how we make our decision so you can ask why I'm discussing it. But it's more of a curiosity. Isn't it, I want to say Bend, that's pushing back on this legislation? I'm not sure if there is a court case in place. It makes me wonder if there's going to be down the road more changes or we go backwards a little bit again. I don't know if you've heard anything about that or not.

I have not.

I read about it. I don't know how factual it was. It was one article. I think it was Bend that was doing some pushback. It was to the point, Commissioner Scherf was bringing up that this will not allow public to have a lot of the input it does today. So just curious.

No, I'm sorry. I don't know what that is.

You haven't heard anything then-

I haven't.

... from the state level? Okay. Thanks.

I might just add that there's a curate report that I get that's put together by the Oregon Association of Realtors and their lobbyists and so forth. They do put out what each
governing body is working on every week or whatever. And that is something that was, I think the Bend ... I can't remember if it was even Sisters or city councils. Because the legislative body has literally crammed this down every community's throats, defining the 25,000 as large cities. So basically you have to do it. I mean, it just doesn't matter. The thing he's pointed out, Commissioner Scherf, about the density and the impacts and whatnot, it just doesn't matter because they're addressing this one ball. So there may be a legislative adjustment if a court case is brought to bear, but not to my knowledge has it happened yet. But it has been brought up in several of the different ... not just Bend, in several of the communities that were thrown into this designation of a large city. So, if that helps, it's being discussed elsewhere but that is one of the areas.

So, before I forget, I had a question dovetailing Commissioner Scherf's digging into this and Commissioner Scherf, thank you for that. Appreciate it. So the model code has been written, at least the Oregon legislature has adopted it. Does the model code include this decrease of public input that Commissioner Scherf noted?

It does.

And if this Commission and Council does not make a decision by June 30th, we're going to be using that model code regardless?

Correct.

Depending on how these court cases might play out, et cetera, et cetera. Commissioner Aviles, do you have anything?

I don't. Thank you.

Anyone else have questions? Commissioner Nelson?

A follow-up on the discussion on the parking on page 346. I was confused just by this so I just wanted ... maybe it's the language that we have here. It says multi-dwellings, studio and one-bedroom dwelling unit is one space per dwelling unit. Two-bedroom dwelling units ... so now you got plural. I'm thinking, two bedrooms are allowed one and a half spaces. Is that correct?

They're not allowed. They were mandatory.

Okay. So two bedroom, you're not talking ... before you said the dwelling unit, like a duplex, one dwelling unit, two dwelling units. Now this says two bedroom. Is it two bedrooms? Is each one a dwelling unit?

No, you're in section F.

That's what it reads to me.

Yeah. I can see where you're going with that. Section F is titled multi-dwellings, which by definition is five or more in a single structure.
Okay, so that's confusing with the bedroom thing going on there. I'm thinking my house, I've got about 12 spaces I can have outside now.

But that's a typical definition when you're talking about multi-housing. It basically is, they do try to work the density as occupancy on a number of bedrooms. So it's different when you're talking about a single family house. They don't really-

I would agree with you if it just said three or more bedroom in a dwelling unit.

Yeah. Well, I think they put units as plural to work with a triplex. Because you have one building but you have three units inside of it. Then if one unit is a two bedroom, one unit is a three bedroom and so forth ... it's familiar code to me because I deal with it every single day. But I think that's my explanation why they use the word plural.

Okay. I was just getting clarification.

It really is, you come in probably when you have 20 or more. So a lot of times in those larger complexes, you'll have say five one-bedroom units, 10 two-bedroom units and five three bedroom units, all in one apartment complex. So if you break it down that way, that apartment complex of 20 units, say five of them are one bedroom. So they're going to be calculated at one parking space for those, if they only have one bedroom. But if they have two bedrooms, then you're going to have to provide one-and-a-half spaces for those. So, you're going to just add all these up, and then you're going to get to the total number of required parking spaces.

So, explain the single family.

Up above?

Yeah. Three or more bedroom dwelling units. Now, isn't the single family a dwelling unit?

That's a good point. That actually probably should be changed to just say two or fewer bedrooms, and strike dwelling units. Yeah, yeah.

Yeah, because dwelling units is more or less terminology with the multifamily stuff.

Right. Yeah, that's actually a good catch.

I can't put in more parking out on the street?

Commissioner Scherf, you wanted to say something else?

Yeah, I had made some notes and I missed something. In Article 18, which is basically, Article 18 deals with PUDs, Planned Unit Development, planned community developments. You said they removed the whole cottage development, was removed from that. So basically, I'm just trying to clarify in my mind, so that takes it as ... so if somebody comes to you guys with a cottage-style development, it doesn't have to go through that planned community development, it's just going to go through just a single-family house?
Right.

It's more of a clarification question.

Exactly.

Okay, okay. So cottage developments, they don't have a specific section in the code? Basically, it's just going to be considered a single-family?

No, there is a section, and it's now in Article 22.

Oh, okay, okay, okay. Okay, I missed that.

There are standards for them.

Yeah, because then, there's going to be spacing and density. Okay, okay.

Yeah, yeah. And a lot of that's the same that you saw in there, we just moved it. But no, they're specific. Open space, distance from your parking to the unit, because a lot of times, you don't have parking in those cottages right in front of your unit. You have to walk to a common parking space, yeah.

Okay, perfect. I'll end it up with one statement here. I do understand that if this code that you guys have worked hard to modify and update is not accepted at a certain date, then the state standard code would be in place. You did make a statement until we had got our code in place, so is there still a secondary time period if we had to hash out some extra details, that if we got this code approved and happy with everybody, say July 1st, we could default back to ours? Or is, once we take on the state standard, then there's no way back? You made a statement in there that we could, so I just want to make sure-

Yeah, no, and my understanding, and I didn't get Augustus, the city attorney, to confirm this for me, but my understanding is that if we don't have ours in place, July 1, the model code from the state is going to kick in. But then if we get ours in place on August 1st, then it reverts back.

Okay, okay. So it's not a solid door that's going to close. We still have to get our ducks in a row and stuff like that?

Yeah.

Okay. With that, I'll end with a statement. The state has put a model code. The state has regulated that we, as a mid-size larger city, has to modify and adopt the premise of their code, and modify our code. The statement I want to say again is, modify our code. So we still have the latitude to make this as prevalent to our local community as we possibly can. I just wanted y'all to keep that in mind, and tonight, I'm not ready to vote on this, so whenever ready, I would actually motion to continue this, because there's a lot more reading, I have to do.

Well, I will call on you for a motion when we get there. Thanks, and thanks again for digging into this. You've given me faith in myself. When you started talking, I thought in
my head, "I bet he’s going to go to the public facilities portion of this," and you went right to it, because you enlightened me to that concern several months ago here when we were deliberating something else, and that was my first thought, that the housing is going to get way out in front of our public facilities really fast.

So along with that, and what Commissioner Scherf was just talking about, I know sometimes, we Commissioners don’t always hear this, but sometimes, you get direction from Council, and that direction is, make sure the Planning Commission does A, B and C. Have you heard such a thing regarding this code modification? Are they expecting something from us tonight?

No, we have not had this conversation at the Council, other than an update from the consultants several months ago, where the consultants were at a Council Workshop, and we gave a high-level overview of this material, and it was just, they understood it's going to go through the Commission. But there is no direction, and there’s been no recent conversations at the Council level about that.

Okay, and the only thing that Augustus has told you is that August 1st, we'd better have something if we want it, or we're stuck with the model code for quite some time.

Well, no, no. That was just me throwing out a date tonight. He did not say August 1st. The question that Commissioner Scherf asked was, if we don't have it adopted here at Grant Pass by July 1, or June 30 actually, are we stuck? That's what I [inaudible 01:36:06]. Are we stuck with the model code forever? And my answer to that was, no, I don’t think we are. If we come back and we amend ours, then-

We can drop the model code.

We can drop the model code.

Okay.

Yeah, I was just trying to get clarification that we're not under adverse stress to-

We don't need to continue this.

Second-guess ourselves and do something that we're not comfortable with.

Right, and meet again tomorrow night. I get you.

We can brewery, though.

May I ask a question?

Sure, just let me make one more statement. Are you guys all aware that we have a new city attorney? Because I don’t know [inaudible 01:36:42]. Okay, sorry about that. Yes, ma’am, go right ahead.

If we do not have our own in place by June 30th, we have put through all of this work and whatever for this proposed code, ours isn’t supplanted temporarily, perhaps, by
something already written, which is a heck of a lot of work. It just doesn't pop into our
codes overnight. So I would suggest that we get on it, because I personally am not going
to be putting ... I know we have to get this done. We've had some great
recommendations here. We do need to read what's given us to read, and give the
information that we've been given some due diligence, but if we allow the state's model
code to go into effect, we then have to reverse it or amend our code, reverse that. It's not
just as simple as just, "Oh, let's just push it aside," so do keep that in mind. It's a lot of
work that has to happen, because that code needs to be in place on July 1st. So I'd love
to be someone working for the city [inaudible 01:38:02]. Anyway, just saying.

Thank you very much. Commissioner Arthur?

I have a couple dozen items that I found going through this, because I haven't gone
through page by page in a long time, through those development code sections. There's
only one that concerned me, that has to do with the middle housing. We used to keep,
we meaning you guys, used to keep a running list of things that we ran across that need
to be fixed somewhere in the thing, like a definition that sends you to a section that isn't
there, that kind of thing, and several other issues having to do with not having enough
office classifications to handle the big problem with the call center, crowding and
parking, that kind of thing.

But this one, the only one that really affected this was what was happening with the
general commercial zone, because if I understand how, you've said it in here in the
report, we not only will now be stuck with having single-family house in the general
commercial zone, but all of the others too, and we've had a many-year goal of not using
general commercial land for residential purposes. We got caught on that subdivision
behind Alberton's, the Allen Creek area there, where that whole acreage was turned
into houses that had been designated for general commercial, and general commercial
was pretty scarce the farther out you go.

And I thought that somebody somewhere was making some effort to no longer allow
new residential in general commercial, except maybe the vertical housing or something
like that, with the mixed use, with apartments above businesses, or something like that.
And I guess that's my one concern here, is that we've expanded the access to use up
general commercial land for housing. Am I wrong in that? That's correct in that?

You are not correct in the sense that, the city did adopt a code change that prohibited
single dwellings and duplexes in the general commercial, that you recommended
approval in-

Yeah, because I thought-

In August of last year, and the Council approved it in October of last year?

Where does the show in the code, then?

It's possible that ... So here, the screen that I've got up here, the slide that I'm showing
right now, if you look at the general commercial column here, and then you look at the
detached single dwelling, it's a dash, which means that it's not allowed. So of the packet,
this is going to be 182. 182.
Oh, okay. Yeah, so if you look at, was that the fourth or fifth row down, number one, detached single-family? And you go across to general commercial. It used to be allowed, as you pointed out, Commissioner. You used to be able to do the single-family housing in the general commercial, but this is showing that it's prohibited now.

Yeah, we changed that.

So, you changed that a while ago, yeah. And then the same thing with duplex, if you go down to number four, which used to be number six, about halfway down the page, it's duplex. And you go over, and so you see that in the GC, there's a dash.

Okay, so in your report on that, it said it was adopted in 2021, now prohibits new single-family detached duplexes and manufactured homes in the GC zone, in order to preserve commercial zone. However, for all single-family detached dwellings that were built in the GC zone prior to that, they will be subject to the terms of this middle housing code update and will be allowed to construct the five additional housing types permitted.

Right, and that's kind of an interpretation, to be honest with you. I think that it would be difficult to argue the other way, but you certainly could, as a Commission, if you want to go down that road. All's I'm saying there is, we have all these single-family subdivisions that are in the general commercial zone today. There's hundreds, hundreds of units, and that's just saying that we're basically treating them as though they are zoned residential, because they were permitted, at one point, to be allowed.

And now, even though we changed our code in October to say that we're not allowing any new single units or duplexes in the general commercial, we still have hundreds that are there today from before October of '21. So what do you do with all those? If you were to say they can't come through and be allowed duplexes, then it seems to go against the intent of this legislation.

If you go on down the column there, on the general commercial one, what is that telling us? I don't know what all of those abbreviations mean. [inaudible 01:44:40].

The S, are you talking about ... I've got [crosstalk 01:44:45], the S is a secondary use.

Yeah, the PIA and [CNS 01:44:50], I see.

Yeah, that's just saying that you can do an accessory dwelling unit as a secondary use in the general commercial zone if you already have a single-family house there. If you keep going down, the P1C, that's the townhouse line, the townhouse row. So that's saying that townhouses are permitted in the general commercial.

Okay.

Commissioner Aviles, do you have anything for us?

No, I'm good. Thank you for asking.
Ma'am, you've been sitting here a long time, very patient. Is there something that you want to address? Go on up to the podium right there, give us your name and address, please, and go right ahead.

[inaudible 01:45:46].

Clint, could you help her with the-

[crosstalk 01:45:50].

Is it on?

To the right, to the right.

[inaudible 01:45:57].

Okay. So I am ... That's fine.

You're good?

I'm fine.

Okay, just trying to help.

Thank you, sir.

My name is Julia [Ryden 01:46:10]. I lived in this town for 27 years. Recently moved over to Central Point because I needed to be nearer my daughter. So my current address is 5646 [Gebhard 01:46:25] Road in Central Point. I would like to be added to the developer list that you notify, and my comment here, I serve on the board of Southern Oregon Rental Owners Association, and we have been watching the legislature get more and more eager to provide more housing, and less and less accommodating to people who are trying to build that housing, by making these very large, general plans.

So, I am very excited that you guys are working on doing it specifically for Grants Pass, because I think Grants Pass is a lovely town. I own property here still, and I would like you guys to continue to keep it being a lovely town. That means that's kind of against my own interest, because I do have some vacant land that I would like to develop. It's very hard to develop and pay for it under your current zoning rules the way they are. I've already had Gerlitz Engineering draw up a preliminary idea of what I can do under the current rules. So, I was willing to go ahead with it and take the risk, but this makes it easier for me if you change these rules.

But I would like to say that in Planning, I would like to see you take into account future types of things. For example, geothermal ground heat, heat pumps, electric charging stations at ... If I put in multi-unit on my little piece of land, I think that requiring the owner to at least allow for charging stations for those tenants is a good idea, and to make that somewhat a part of the planning. So that was my thoughts as I listen to what you guys have to say. I'm very pleased to be here and hear what you have to say, and we have a
board meeting tomorrow, so I'm taking all this to the board meeting at SOROA, so thank
you very much.

Thank you for waiting and being so patient. We appreciate that.

Ma'am, did you add your email to the list? I'm sorry, I'm over here.

[inaudible 01:50:04].

Okay. We'll get you on.

So, at this point, we need a motion.

[inaudible 01:50:17]. Yeah, I-

Commissioner Scherf, go right ahead.

Please acknowledge me. Be like my kid. Okay, I'd like to make a motion for continuance
on this. I definitely need some more time to digest, and I have a couple areas that I
would like to recommend changes. I would like to work on my wording, so I make a
motion for continuance of this.

To a date certain.

To a date certain. Do we got to pick a date certain here? Okay, and you were alluding to,
it's probably going to be a special meeting?

Well, I was, but I ...

Do we have the latitude to do this on our next ...

I was just looking at that. I think you could, so you're two weeks out. So, if that's your
next one, is two weeks-

27th.

27th, yeah.

Okay, we have a motion to continue until the 27th, leave the hearing open until then.
Commissioner Nelson, go right ahead.

I think it's an important issue that we're working on, and I may be out of town, so if I have
concerns or questions, could I submit that?

Yeah, yeah. As Commissioner Coulter said, you can. You can send it to me, and I can
send it around to all the others.

You can also attend remotely.

I'll be on vacation.

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So, do we have a second to Commissioner Scherf's motion?

I'll second it, Collier.

Collier seconds. All right, we'll take a roll call vote. Commissioner Nelson?

Aye.

Commissioner Aviles?

Yes.

Commissioner Arthur.

Yes.

Commissioner Tokarz-Krauss?

Sure.

Vice-Chair Collier?

Yes.

Commissioner Scherf?

Yes.

Commissioner Coulter?

Yes.

And I'm voting yes also. Item is continued.

**MOTION/VOTE**

Commissioner Scherf moved, and Vice Chair Collier seconded the motion to leave the hearing open for the Middle Housing Code Text Amendment until the April 27th meeting.

The vote resulted as follows: "AYES": Chair Heesacker, Vice Chair Collier, Commissioners Aviles, Coulter, Nelson, Tokarz-Krauss, Scherf, and Arthur. "NAYS": None. Abstain: None.

Absent: None.

The motion passed.

Thank you again for coming, ma'am. That was very nice of you to wait for us to ... We're kind of long-winded up here sometimes. We appreciate that. Thank you.


Item 8A, Matters from Commission Members and Staff, Allenwood surplus property discussion. So that item, I just wanted to make you aware, there's about a nine-acre parcel that's on Williams Highway. It's not quite to the big curve before you get to the golf course on the left.

*Urban Area Planning Commission*

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Before that, but not much before that, on the right side, the city has a surplus piece of property there. It's about nine acres, and that's one of the pieces that the Council is considering for opening up as an RFP for some other type of development, rather than just holding onto it as parkland, which it was secured originally as parkland.

There's about a acre and a half to two acres of wetlands on that nine acres, that most likely would not be included in a future sale. But in terms of potential use for that and how that moves ahead, the Council's going to be talking about that in about a week and a half, two weeks. If you have any concerns, ideas, suggestions that you want to pass on to Council for their workshop, in terms of as they're talking about that surplus property and whether or not it's wise to let it go, you prefer not to let it go, you want to see some other type of use on there.

Right now, I think it's ... I should've brought that. I think it's R-1-8. It's lower-density area, and there's really not much high-density out that way at all. You might just retain the zoning, bump it up. If you rezoned it, you're going to [inaudible 01:54:39] to spot zone, so I don't think that's probably going to happen. But anyway, I wanted the Commission to be aware that that discussion is ongoing, and you can either send them directly to councilmayor@grantspassoregon.gov, or you can send it to me, and I can get it to them.

Thank you very much. Commissioner Aviles, do you have anything for us?

No, I don't. Thank you.

Thank you for attending remotely. We appreciate that. Anyone else have anything they want to say to the Commission?

I'd like the address, or tax lot, or whatever, of the property you're referring to, because I can somewhat envision it.

Okay, thank you. Yep, let me send that out to everybody.

So that piece of property that he's talking about was actually discussed when I was in Council many, many, many, many years ago, and that was one of the bucket lists to get out to the public. It does have challenges because of the wetland, but you're talking about separating that out, but then it has challenges on access to it, because you cannot access it from Williams Highway. You have to access it back off Allenwood, right? And then there's-

I think that's true, but I-

There'd be some traffic impact that might be a little hairy on that aspect too, but it's a beautiful piece of property that would be great for medium-to-higher density.

Is that the green space off Williams Highway, basically?

Yep.

That's the one they're thinking of?
Yeah, when you neck down to two lanes, and then you go into that little bit of a dip, and you look off to the right, it's that whole big ... And it actually wraps around behind those three developments, or three single-family houses when you go back up the hill. It's a big piece of property. The bottom belly of it is the wetlands, but it does have challenges on getting into it, because the access road would have some significant traffic impact if we put a more medium-to-high density in there, but it's a great place to be developed.

Maybe a-

And there's no option of retaining it as parkland?

Well, it's certainly an option.

Since that was what it was purchased for.

It was, yeah.

What a strange thought. Yeah, okay.

Maybe a good place for a racino. Too early?

Very funny [inaudible 01:56:54].

Anyone else? Anyone else have anything?

Anything else we can do to kill employment in this area, let's do it. No, that area is quite gorgeous, and I'd like to take further look at that, because I live out in that area. And the traffic, and the school, all of it, with everything that we're talking about, of course, there's going to be ramifications, and not going to be so easy to get around anymore, and it isn't easy now. And we are a small town, even though we've been designated as a larger town, so growth is necessary, well-planned growth is essential, so there's my little, whatever.

That's why we're here, to manage growth, efficient growth. Yes, sir, Commissioner Nelson?

Just a point of business here is that, the speaking was Commissioner Tokarz-Krauss, which she was in attendance, that you didn't mention that she'd come in.

Oh, thank you very much. Yes, Commissioner Tokarz-Krauss was just three or four minutes late. She was here in attendance for this meeting. We had every member here, right, with Commissioner Aviles attending remotely?
[inaudible 01:58:15].

Good job, Commissioners. Appreciate your time. Meeting adjourned.

Thanks, [inaudible 01:58:20].

Eric Heesacker, Chair
Urban Area Planning Commissioner

4-27-22
Date