Hi everybody. I'll call this meeting to order, Wednesday, April 27th, 6:00 PM. Urban Area Planning Commission, Grants Pass.

1. Roll
Let's start with a roll call. Commissioner Scherf?

Yes, I'm here.

Commissioner Arthur?

Yes. Here.

Commissioner Nelson?

Present.

I'm Eric, I'm here. Commissioner Aviles?

Here.

2. Introductions
Staff. Do we have any introductions?

We have none tonight.

3. Public Comment:
All righty. Item number three on the agenda is public comment. This is an opportunity for the public to address the Commission on items, not related to a public hearing or action item on this agenda. The intent is to provide information pertinent to the city's jurisdiction. Each speaker will be given three minutes to address the commission as one body. Please don't address us as individuals. The Commissioner may consider items brought up during this time later in our agenda during matters from Commission members and staff. Is anybody here for that purpose?
4. Approval of Minutes:
All right, I will move on to item number 4A, approval of minutes from April 13th, 2022. Is there a motion?
Yes chair, Nelson moves approval of the minutes.

Is there a second?

I'll second, chair.

We have a motion on the table to approve last meeting's minutes with a second. All those in favor, say aye.

Aye.

Anyone opposed? Alrighty. We do have a quorum here tonight, by the way. I forgot to state that.

MOTION/VOTE
Commissioner Nelson moved, and Commissioner Aviles seconded the motion to approve the minutes from the April 13, 2022, meeting. The vote resulted as follows: “AYES”: Chair Heesacker, Commissioners Aviles, Nelson, Scherf, and Arthur. “NAYS”: None. Abstain: None. Absent: Vice Chair Collier, Commissioners Coulter, and Tokarz-Krauss. The motion passed.

5. Informational Items:
Item number five, informational items. Nothing?

I don't think we have any.

6. Findings of Fact:
a. 201-00417-22/301-00149-22 ~ Rogue Credit Union ~ Union Avenue Major Site Plan & Major Variance Review
All righty. Item 6A, findings of fact for the Rogue Credit Union. Did anybody else see the typo that I found on page 55 of the packet? We will have to amend those. Page 55 of the packet, under Roman numeral six. The second bullet says, approve the request for the 25 lot subdivision. And that was for a site plan review for a bank. So I’m going to suggest that amendment to the findings of fact. Are there any others? Somebody want to make a motion?

Chair, Nelson moves approval of the findings of facts as amended.

We have a motion on the table from Commissioner Nelson to approve the findings of fact as amended. Is there a second?

I second.

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

Aye.
Anybody opposed? That motion passes.

MOTION/VOTE
Commissioner Nelson moved, and Commissioner Aviles seconed the motion to approve the Findings of Fact for the Rogue Credit Union, with the amendment to page 55, under section VI, to remove “approve the request for the 25-lot subdivision”. The vote resulted as follows: “AYES”: Chair Heesacker, Commissioners Aviles, Nelson, Scherf, and Arthur. “NAYS”: None. Abstain: None. Absent: Vice Chair Collier, Commissioners Coulter, and Tokarz-Krauss. The motion passed.

7. Public Hearing:
   a. 104-00147-22 ~ Leson Subdivision 25-lot Residential Subdivision ~ Staff Report
   Our next item, Item 7A, public hearing. Bear with me a second. Another second. All righty. This is a public hearing project number 201-00417-22 and project number 30100149-22, major site plan, major variance. Why am I reading this? Sorry, another second. Please delete all that from your mind. Here we go. Project number 104-00147-22, subdivision tentative plan, [Lessen 00:04:04] subdivision. I don’t think there’s anything else pertinent in here but I’m going to go ahead and open the public hearing. As soon as I read all this fun stuff. At this time, I will open the public hearing to consider an application filed by Don and Karen Leson, on Coach Drive and Allen Wood Drive.

   This is for 25 lot subdivision; tentative plan approval is what we’re entertaining tonight. We will begin the hearing with a staff report, followed by a presentation by the applicant. Statements by persons in favor of the application, then statements by persons in opposition to the application. Then an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed, and the matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Commission to hear this matter? Nobody’s raising their hand. Do any of the Commissioners wish to abstain from participating in this hearing or declare are a potential conflict of interest? Nobody’s indicating. So, are there any Commissioners who wish to disclose discussions, contacts, other ex parte information they have received prior to this meeting regarding the application?

   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 and one will be provided for you. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties, an opportunity to respond to the issue, you will not be able to appeal to the land use board of appeals, based on that issue. The hearing will now proceed with a report from staff.

   Mr. Chair, if I could just interrupt quickly before Jason starts. We, I believe had a sign in sheet in the back that got filled up. Doesn’t happen too often but it happened tonight. But we do have another one, so if anyone did not have the opportunity to sign the sign in sheet when you came in the door, there’s one back there now. So that would help for tracking the minutes.

   Thank you. Please do that, if you have not signed the sign in sheet. Go ahead, Jason Maki.
Good evening, Commissioners. My name is Jason Maki and we're going to be reviewing the Leson subdivision located at 1134 Southeast Allenwood Drive, as well as 2881 Southeast Coach Drive. The assigned planner for this project is a fellow planner, Gabby Sinagra. Unfortunately she wasn't able to attend tonight, so I will be presenting on her behalf. For the record, this is project 1040014722. So here's the location in the aerial map. The project is adjacent to Coach Drive to the south.

And the proposed tentative plan is calling for 25 lots. Both parcels are located within the city limits. The comprehensive plan designation is low density residential with an R18 zoning, which requires 7,000 square foot minimum lot size. The combined total of the lots is 8.34 acres. And the project is proposed to be completed in two phases. There is some existing development. There is an existing dwelling on each of the two parcels, which are proposed to remain. And there are some accessory structures which are proposed to be removed. And as you can see in the picture here on the slide, the majority of the development is within the steep slope hazard area. And tax lot 600, which is the larger lot to the right is within the Grants Pass Irrigation District.

Here's a slide showing the proposed tentative plan. I don't think a large size made it in the packet. So I provided that for you. So, phase one, as you can see from this dash line includes lots one through ten, the extension of Coach Drive, as well as a portion of what's proposed as Southeast Flicker Drive. And phase two is the remainder of the development, which does include a private street. So the subdivision is reviewed under the criteria in article 17, section 413, and the plan conforms to the lot dimension standards of article 12 and the base lot standards of section 17.510. Each of the proposed lots exceeds the minimum lot size of 7,000 square feet as required by the development code.

The proposed lots are between 7,200, approximately and over 15,000 square feet. And all of the lots exceed the required lot width of 65 feet. The proposal does comply with adopted street plans, as well as complies with all utility standards. We did receive a written comment after the staff report was issued last Wednesday, which I provided a copy for the Commission. And we'll just go through a few slides, addressing some of the concerns. There was a concern regarding the steep slope. Conditions of approval require steep slope development report to be submitted and approved by the City.

There's some concerns about fire and contamination from horses on the site. And staff found that the application has met all environmental standards in the City's development code. There's some concerns about increase in traffic. The plans have been reviewed by the City Engineer, Oregon Department of Transportation, Josephine County, Grants Pass City Planning and the proposal was found to comply with all applicable traffic standards. There's some concerns about storm water issues and the conditions of approval require storm water calculations and storm water plan, as well as ongoing storm water operations maintenance. Some concerns about public utilities.

The Public Works Department, City Engineering have reviewed the application and found capacity in the water and wastewater system to support the proposed development. Public right of way will be dedicated to allow the extension of gas and power utilities to serve the development. There was also some concerns about the tree plan and conditions of approval require a tree re-vegetation plan and tree deposit, to ensure tree canopy goals are met within the city. A concern about the capacity for public safety, both lots are within the urban growth boundary, as well as the city limits. Both of
which were approved with the understanding that services could be provided to these lots.

And some concerns about the City's noticing policy. City noticing policy is compliant with State Land Use Statutes and Rules. Current noticing policies are identified in the City of Grants Pass Development Code, section two. Just some high level conditions of approval A-list conditions. A revised site plan shall indicate reconfiguration of the existing driveway configuration providing access to tax lots 600, which currently is an existing gravel driveway. And there's an existing gravel driveway that currently serves what is proposed to be lot one and six and there needs to be a change reflected on a revised site plan, either paving or abandonment or some combination. And if there is going to be a proposed shared access potentially to lot one and six, there will need to be a recorded shared agreement.

In the letter you received, the written comment, which will be included as exhibit 11 does contain the following sentence, which reads, "We also request that each issue raised remain open." It is not staff's interpret to that. The written comment formally requests a continuation. However, there is enough ambiguity that the commission may want to consider a continuation based on the submitted comments. And in closing staff recommends the Planning Commission approve the tentative plan for the Leson Subdivision, what the conditions listed in the staff report based the criteria found in section 17.41 pending any questions. That's my presentation.

Questions of staff? Thank you, staff. You can get off the hot seat for now. Applicant would you like to come forward and make any statements? Please give us your name and address and go right ahead.

Good evening commission. I'm Lanny Hickey. [inaudible 00:15:11].

Oh, I'm sorry.

Is the red light on the base of the microphone?

Yeah. There, is that better?

Yes.

Good evening, Planning Commission. I'm Lanny Hickey with Rhine-Cross Group LLC, located in Klamath Falls. And do you need my physical address also?

No, that's good.

Okay. Anyway and I want to just thank Jason for presenting the application that is being proposed tonight. I don't have anything further to add right at this moment, but I would certainly be happy to answer some questions if I'm able.

Questions of the applicant? No questions.

Okay.
Okay, we will start now with opposition. Just a quick show of hands, how many people here are hoping to speak? Okay. That'd be great. I don't have any specific order. So you're just going to have to raise your hands again to remind me that you would like to say something. I have a couple of requests, please don't come up to the microphone and read this into the record. This is in the record, this written document. You are welcome to introduce any new concerns aside from this letter. If you do bring up concerns in the letter, I'm not going to jump on you and say, "Hey, we already have that." But just remember, you've only got three minutes a piece to speak and say what it is that you want. So please raise your hands again and I'll start on this side and work that way. Sir, you in the back, you may come up to the microphone please. Give us your name and address and go right ahead.

Dennis [Schup 00:17:00] 1210 Southeast Allenwood Drive. My concern would be the width of the street. Allenwood is 28 foot curb to curb, with cars parked on both sides it becomes a one way street. During the Christmas time when people were touring our neighborhood for Christmas lights, I had to wait over 45 minutes so I could get home. Because once a line of traffic is there, you cannot pass if there's cars parked on the curb. Another statement was made that there's adequate public safety. I've been a resident for 15 years calling on the City Police Department to enforce traffic or parking violations or loose dogs, no response whatsoever. So I assume that they're already doing the workload that they're able to handle. While this project is under construction, I'm sure there would be cement trucks and various deliveries. Southern Oregon Sanitation can barely get the trash trucks through there under normal conditions on Thursdays. We do have public access to Cathedral Heights at the top of Allenwood. They come and they'll park on both sides of the street.

So that's another, can be as much as 10 cars in our neighborhood. The golf course that is further south on Williams Highway has 450 members, as they play golf they create traffic on Williams Highway. When you go down there with the cars already in the neighborhood, it can take as much as five minutes to get onto Williams Highway of which the speed is 45 miles an hour. You have 1000 foot visibility. And I think with another 25 houses that would represent 50 cars additional to what we already have. So for those reasons, I feel it should be restricted to a smaller number. Thank you.

Thank you, sir. Please raise your hands again. People who want to speak? Yes, sir. Come on up to the microphone, in the blue shirt. You sir, yes. Name and address please and go right ahead.

Perfect. Members of the Council. Thank you very much for sending us this notice and for the opportunity to speak.

What's your name and address please?

My name is Bill [Burkman 00:20:08]. I live at 768 Rhonda Drive in the Cathedral Hills subdivision.

Thank you, sir.

So, I will be speaking really to issues that relate only to Cathedral Hills Estates. I wonder if I could ask one of you gentlemen, to put the notice diagram on the screen here.
It might take me just a moment to get that up, but I can work on it.

Appreciate that. Thank you. So everybody understands that fire travels uphill. Cathedral Hills Estates is classified as an extreme fire hazard for wildfires. Thank you. Pardon me ladies gentlemen, if I could walk past here. Appreciate that. That's all right, I'll have to speak louder. So Cathedral Hills Estates are the properties that bound the subject property to the east. Thank you. These are properties that are actually in the county. They are adjacent to Cathedral Hills Park. They are five acres each and they are significantly uphill from the properties.

So, Cathedral Hills Estates is at between 1200 and 1400 feet. So we're considerably uphill from the subject properties. Now the problem is that fire doesn't respect boundaries, as we all know. So any additional situation that would cause a higher risk for fires is of concern to us. More traffic down below, more people down below with barbecues and whatever causes more opportunity for fire. We have another issue and that is that the City of Grants Pass and the Two Rivers, Soil and Conservation District have a contract with all of the homeowners of Cathedral Hills Estates called the Forest Hillside Preservation Agreement.

Now this agreement is part of our CCNRs now and it requires that all of the homeowners in Cathedral Hills Estates have annual inspections from Two Rivers for our forest, the soil, the natural resources, animal resources. We are required to qualify as a Firewise community every year. Any development in adjacent properties is bound to have an effect on the forest and the trees, so from our perspective we need for the City to ensure that none of this development should it go through, will encroach on any of the forest on the adjacent properties. Now we have a third issue and it's not evident from the map here. Pardon me.

[inaudible 00:23:58]. This is Cathedral Hills Park, along here [inaudible 00:24:10] that way from the north heading to the south. We all know that miles of great trails at Cathedral Hills Park. Hell at one time, I was able to actually take those trails, not so much anymore. One of the problems that we have is one of the trails at Cathedral Hills Park winds up through our property, is here. Slightly over here then through there, [inaudible 00:24:43] trail traffic on those trails actually encroaches on private property. It's something that we understood for years we put up with and certainly from our own residents, hasn't been an issue.

But there is and have been issues in the past where we've had to clean up litter and debris. It creates a potential liability issue for all of the homeowners in the affected properties. And there are five effective properties by the way, having these trails. And of course it creates more opportunity for fire. So, from our perspective, we asked the Council to take all of these things into consideration when making the rules and regulations regarding the subdivision to make sure that the property rights and the forest and the issues surrounding fire are deeply considered. We ask also that the Council consider leaving the record open because we were only able to download the staff report on Friday afternoon. That means that we had very little time actually as homeowners to thoroughly review the staff report. And I think that we need more time, and I would respectfully request that the Council give us that time. Thank you very much.

Thank you, sir. Anyone else would like to speak?
Submission here. Thanks very much.

Anyone else would like to speak in opposition to this project? Yes, sir. Come on up to the mic. Name and address please.

Thank you, Council members. My name is Robert Gwen, my wife and I live at 1122 Southeast Allenwood Drive. I was pleasantly surprised by some of the comments made by your staff already that you'd gone through some of the written comments that we supplied you with. I won't bore you with much of it but I'd like to go back to a comment in your summary, there was a reference to natural hazards. I don't know what the City of Grants Pass considers definition wise for a natural hazard but the response was, none noted. So I would have to refer you back to the State of Oregon and the US Forest Service. The current studies they have underway relatively to the increased fire danger around that subdivision in the uphill area.

And I will only leave you with one vision. You really don't want the City of Grants Pass on the hook when it goes bad. And I'm a retired firefighter police officer. I've been in places where things have gone bad, you don't want to be there and you don't want to be associated with it. Please help the citizens of Grants Pass, do everything you can for them. Go through this report and pretend that it's going to hit tomorrow morning. What would you have done if you had known that in enough time? Okay. Thank you.

Thank you, sir. Anyone else like to speak in opposition to this project? Come right on up ma'am. Name an address please.

I'm Sherry Nelson - Gwen. I live at 1122 Southeast Allenwood. One of my concerns is on this plan, you talk about punching through another roadway for another exit. If I understood the plan correctly, it states that is not going to happen until phase two. It's not a matter of if we're going to have a wildfire, it is a matter of when. And it's been clearly stated not only in Firewise community which by the way, we're starting one down in our community right now, down within Allenwood. But also, the US Forest Department, Oregon State Forest, BLM, and a number of other agencies, including your own Fire Department states, it's not a matter of if it's a matter of when. In an attachment that was provided, this is what you're looking at as excess. This map is from 2017.

I'd like to understand how you propose to evacuate over a hundred people in that area with one exit, with highways on two lane road, along with emergency vehicles and fire trucks, trying to get up there to contain a fire. I don't see that adequately addressed in any of the documents that I've read. Furthermore, I know that you've asked for comments further than just this. I'd like to know what the City plans to do working with Josephine County and the state regarding Highway 238. If you notice on Exhibit... I'll get it in just a second, sorry. If you notice on Exhibit 13, this is a map here of what Highway 238, Williams Highway looks like, with the density of population and the amount of wildfire both high and extreme. I don't know how that the county or Grants Pass can commit to more development. This is the other attachment, Attachment 11. This just goes from the intersection, which is a choke point, to another intersection on Harbeck, which is another choke point, to further down to McKenna/New Hope Road, which is another choke point all the way down to the golf course. I don't see any of this being addressed in regards to any kind of evacuation, any kind of an emergency.
Because I guarantee you, if that emergency happens further down Williams Highway, you're going to look at a catastrophic loss of life all through this area, because we are not going to be able to get out of this community, and we're not the only ones. On top of that, the other concern I have has to do with EPA. I didn't see the EPA report regarding underwater or the runoff of urine and horse manure from a facility that's been in operation for I don't even know how long, because I'm a new resident here, I've only been here four years. However, on Exhibit nine, I show you creeks, I show you underground water, I show you exactly where the wetlands are, and it is directly across the road. We live four houses up from Williams Highway. We have a landscape that allows for a small bank about this high, that side that faces west is always covered in moss, year-round. We power wash it, within about three, four months, it's back.

You cannot tell me we do not have runoff from up the hill, and how is that going to impact when you start handling water from underground with urine and fecal material in it? I want to see the EPA report and I'd like to understand how that can be approved.

Ma'am, you have 30 seconds.

Thank you. I don't have any other comments other than the notification field on this personally needs to be addressed by the council, because other areas, Josephine, Medford, other areas have a larger disposition of notification. It's not 100 feet, Josephine has 258. Where I came from in Washington, it was a half mile air mile. You're a growing community, you need to revise your plans to be prepared for the next other developments, so these issues can be addressed properly within the community and within notification of the affected people. I'm disabled, I have an inability to walk fast, along with other things, and so has my husband. The family that lives up from us is totally disabled. If there's a fire or an emergency that needs to be evacuated, we're going to be the ones trying to get them out and we're already disabled. Thank you.

Thank you, Mrs. Guinn, appreciate your time. Anyone else like to speak? Applicant, would you like to rebut anything?

Again, I'm Lani Hickey and I would like to thank all the residents surrounding the proposed subdivision for showing up and voicing their concerns. I would also like to make note that the concerns addressed here this evening are covered not only within the Grants Pass Municipal Code, the Land Conservation... It's right here. There are many, many codes and rules within not only the City of Grants Pass, but also within the state of Oregon, that address these concerns that these residents have. To begin with, the streets. Well, the streets, they conform to the standards set forth by the requirements of the City of Grants Pass, and meet those requirements. Congestion and whatnot created from other concerns and activities, such as Christmas and whatnot, they can't really deal with those types of situations, you can only have certain standards that this applicant has complied with. Secondly, oh, there was a lot of discussion about fire, and there definitely is a concern here in Oregon, and within areas like this, where you see growth in these types of areas.

The property in question is zoned as residential, and certainly one of the criteria or conditions, I'm certain that a condition of approval is common sense but is defensible space around your homes. Many, many, many of these areas are very wooded and defensible space is a great way of helping not only preserve and contain and reduce fire, but provides a mechanism to protect these types of developments. There's also
something that I am sure that the City of Grants Pass is very involved with is emergency services. It's the goal and it's the requirement of emergency services to identify evacuation routes, how to protect the community, how to safely get an area that may be under a threat of some type of a disaster safely out of that area. And then, really not something that I need to address here, but there was a couple discussions on surface contamination from activities that have happened before. Again, this proposed subdivision will comply with and meet the standards set forth within the codes.

There will be a 25-year storm requirement in the development of the subdivision, which we’ll have to meet, and so post-development runoff will not exceed pre-development runoff. So, all those items will be addressed in the engineering and planning for this subdivision. So, like I said, I certainly want to thank everybody for coming here and voicing their concerns, but I also want to state that all of the items that needed to be addressed were addressed, and all the items that will have to have conditions on them, those conditions will have to be met before this subdivision can even move forward. And so, I recommend, of course, approval of this subdivision.

Any clarifications on part of the applicant, anybody? Thank you very much, you can have a seat.

Thank you.

Any questions of staff? Do we have a motion? Commissioner Nelson? Sorry.

Mister, I would move approval of the application as conditioned, and then I had some questions.

Okay. Do we have a second for this motion?

I'll second, Clint.

All right. Motion from Commissioner Nelson, seconded by Commissioner Scherf. Commissioner Nelson, go right ahead.

I had a question for staff, if I may.

Sure. You want Jason back up on the hot seat?

Yeah. So, in regards to fire hazard, does our fire chief who puts in a review of the application review those types of conditions?

We do have a comment, I believe it's in the exhibit list, from fire safety, from the fire department. Definitely, they review applicable standards related to fire safety. In the Development Code, we don't have specific objective standards that can be applied to a development to mitigate future wildfires, so I can't speak specifically to what fire safety reviews in terms of wildfires, but they did review the project and provide comment.

So, when they provide dealing with parking and road access, et cetera, they do, at the same time, making sure that emergency vehicles have an ability to get within sight, if need be, for any type of fire mitigation?
Correct.

Any other discussion of the motion? Yes?

It's a question for staff. So, there was a public comment around an EPA report, is that required in the packet?

It's not a required condition under the Development Code standards.

Okay, thank you. Oh, and the other question, I know that we don't have specific statutes around fire, but there was a comment around natural hazards, so I'm assuming the connection there is fire is a natural hazard? So, would that be one of the criteria that would need to be explored regarding fire?

Typically, the section I believe the commenter was making reference to, is to specific natural hazards defined in the Development Code, wildfire areas are not one. We have flood hazard areas, steep slope hazard areas, things like that. Wildfire areas is not a specific section of the Development Code.

Thank you.

Anything else because I have something to bring up? Not very timely of me since the motion has been made and seconded, but staff, I think that we should entertain this notion for a continuance, as you mentioned in the staff report, and one of these fine people actually requested that. Should we not vote on that before we vote on a motion to approve?

Mr. Chair, you should. The Oregon statutes makes it pretty clear that if there's a request from an interested party to continue a hearing, that the hearing body needs to acknowledge that and continue it. The ORS actually doesn't require there to be any reason, if there's a request, it must be honored. So, I think staff's interpretation is that that's what you heard tonight. It's up to you, ultimately, but I do think that what you heard on the record tonight was a request to continue.

I got clarification on that, because what I heard on the record was to keep the public comment open. I understand that it's not keeping the case open, but keeping the public comment open. Am I interpreting that wrong?

Well, in order to keep public comment open, you need to keep the hearing open.

Perfect, that's why I was asking for clarification.

Yep.

Proceed. Go ahead, Commissioner Nelson.

You jumped the gun on me, I opened the motion to have discussion. I do recognize that as long as no one else has any further questions, then I would move that we hold this over for a continuance to the next meeting, or is that by possible?

Yes, as long as it's at least seven days, is what the code says. So, your next meeting is-
My motion would include to keep the hearing open just in case there's other comments or written comment.

What happens to your motion to approve?

Yeah, I think you'd have to withdraw.

I'm taking it off the table.

Okay.

But that was to get the discussion going.

Okay, all right.

Otherwise, you wouldn't have the ability to ask staff questions.

Thank you for doing that. All right. So, we're continuing to date certain to the next hearing and we have room on that agenda to occur?

Well, you will need to, because any continued hearing needs to be put first on the next meeting.

Okay.

Yep.

So, we're making room no matter what.

May 11th.

Okay. So, we have a motion to continue, do we have a second to that motion?

I'll second.

Commissioner Scherf seconds. All those in favor, say, "Aye."

Aye.

Aye. Anybody opposed? All right, this hearing is continued to the next meeting. Thank you all for showing up.

**MOTION/VOTE**

Commissioner Nelson moved, and Commissioner Scherf seconded the motion to continue the Public Hearing for the Leson Subdivision 25-lot Residential Subdivision. The vote resulted as follows: “AYES”: Chair Heesacker, Commissioners Aviles, Nelson, Scherf, and Arthur. “NAYS”: None. Abstain: None. Absent: Vice Chair Collier, Commissioners Coulter, and Tokarz-Krauss. The motion passed.

Yes, Jason?
Chair, if I may, I would just like to let the public know that if you would like your written comment to be included in the next packet, it will need to be submitted by end of day Wednesday of next week. So, the hearing will be in two weeks, but written comment needs to be submitted within one week to be included in the... [crosstalk 00:46:00]. If you'd like for your written comment to be included in the next packet, it'll need to be submitted to staff by end of day next Wednesday.

What about the comments that were already submitted?

Those will be included in the record.

[inaudible 00:46:16].

Included in the record, yep. Right.

Thank you all very much for coming tonight.

b. 105-00106-22 ~ Kicken Cattle Co. Planned Community Preliminary PUD

Review PC ~ Staff Report

Our next item on the agenda is Item Number 7B, Kicken Cattle Company Planned Community Preliminary PUD Review. Oh, I will pause, thank you very much. Thanks. [crosstalk 00:47:10]. I did not.

Ladies and gentlemen, I know this is [inaudible 00:47:12], but I just wanted to assure you, you all made a very good decision today.

All right then. This will be a public hearing for Project Number 105-00106-22, Planned Unit Development at 1637 Carnahan Drive. You folks, could you please take your discussion outside? Thank you very much. Kicken Cattle PUD. At this time, I will open the public hearing to consider this application filed by P Squared, Inc. The application is for, I believe it's a 5-lot PUD. I'm looking for the lot number. I'm pretty sure it's a 5-lot PUD at 1637 Carnahan. We will begin the hearing with a staff report, followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed, and the matter will be discussed and agreed and acted upon by the Commission.

Is there anyone present who wishes to challenge the authority of the Commission to hear this matter? There is not. Do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? And there is not. Are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding the application? I don't see any. 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'd like a copy of the report, please write that on a note to staff and one will be provided. It is important to remember, if you fail to raise 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 will now proceed with a staff report from Jason Maki.

Thank you, Chair. Staff's going to be presenting Kichen Cattle Planned Unit Development. For the record, the project number is 105-00106-22. So, the proposed development site consists of one tax lot totaling 0.61 acres and is located at 1637 Carnahan Drive. The property is surrounded primarily by existing low-density, single detached dwelling units. The property is adjacent to and takes access from Carnahan Drive, which is a City of Grants Pass local access street. A key variable of this project is the zoning, I'll just read this statement here. As part of the growth management planning for the 2013 through 2033 planning period, a Zoning Transition Overlay District was formed. The new district identified the subject parcel as changing from R-1-10 zoning to R-3-2 zoning, effective upon the adoption of the updated Transportation Plan, the TSP. The adoption of the TSP happened in November of 2021, and the Overlay Zoning designated on the Overlay District map became the new base zoning for the subject property. So, just to clarify, staff has reviewed this application under the standards of the R-3-2 zoning district.

The proposal is for a tentative Planned Unit Development, a PUD, for a 5-lot residential development in the R-3-2 zoning district. It also includes the construction of a private street, taking access off Carnahan Drive for Lots 2-5, and Lot 1 will take access directly from Carnahan Drive. The applicant is proposing to extend a public water main approximately 670 feet from Rogue River Highway, within the Carnahan Drive right of way, to the southern property line of the subject parcel. You can see the dashed blue line indicating the proposed water main extension. The applicant is pursuing a PUD approval as opposed to a standard subdivision approval due to the housing type being proposed. Under Schedule 12-2 of the Grants Pass Development Code, single detached dwelling unit housing types can only be approved through a PUD review. I won't read these word for word, but there are PUD approval criteria which do apply this review, and its staff's recommendation that the Planning Commission review this criteria and apply it appropriately to the applicant's proposal.

On the right-hand side here, you can see the applicants proposed housing type. Again, it is single-family detached residential dwelling units, and all homes within the development would be constructed to the same general size and character. Staff's recommendation is, we're proposing not to make a formal recommendation. As noted above, the applicant is asked to provide additional information related to the PUD Criteria 4, 5, and 6. In order to approve either the tentative subdivision or PUD as submitted, the UAPC must determine that all nine PUD criterion are met. Staff recommends the UAPC consider both the written evidence presented in the application, as well as any new evidence presented during the public hearing. If the PUD application is approved, the subdivision can be approved as is. If the PUD application is not approved, the subdivision cannot be approved as currently designed, because the private street is too narrow to accommodate two dwelling units per lot. Pending any questions for me, that's my presentation.

Any questions of staff? Commissioner Nelson?

I'm sorry, clarification. In regards to PUD versus the zoning, when was the overlay changed?
The original R-1-10 zoning changed to R-3-2 happened in November of 2021. That would allow for just duplex, under current requirements?

Under the R-3-2 zoning district, the minimum dwelling unit number housing type, would be a duplex.

That's what I thought. All right, thank you.

Any combination of two dwelling units.

And that would be on the entire lot?

Right, any lot would require a minimum of two units.

Okay. All right, no further questions. Thank you.

Anyone else, questions of staff? Thank you, you can get off the hot seat for now. Applicant, your turn. There we go.

Perfect. Evening, Commissioners. Justin Gerlitz, Gerlitz Engineering Consultants, here on behalf of the applicant, P Squared, tonight for the Kicken Cattle Company Planned Unit Development. So, I'll start with the name, because the applicant's grandson actually wants to name his ranch this one day. He's young, eight or nine years old, and so we told him we do this for him. So, just some background on that. As mentioned by Jason, which I appreciate that presentation, it's a 5-lot residential PUD. The intention is for single-family homes in an area surrounded by single-family, low-density housing. As mentioned, originally, it was in the R-1-10 zone, this actually occurred when it was purchased. When we submitted the pre-application for review, it was still R-1-10, and then during the pre-application review, the overlays kicked in, unfortunately, without any public notice to the applicant or anyone else in the community, which I'll get into here in a moment. The property, as mentioned, is located on Carnahan. It's one of the last remaining undeveloped pieces of property in the area, it doesn't have anything on it. It did, at one time, have a single-family home on it.

Zooming in here, you can see right now, it's basically just a pasture with a couple of trees. These are some Google Earth 3D-view shots just showing what we have going on here. So, again, this is the property in the middle, you can see we've got single-family homes on all sides. This is a view from a different angle, and this looks back towards the west. There's actually a subdivision that abuts it on this side over here. The existing roadways out front, Carnahan Drive is a city roadway, it's unimproved with curb, gutter, and sidewalk. So, that is proposed as part of this project in front of this particular property, but it will probably likely remain the way it is today for quite some time because of all the development that's occurred. This is the layout for the project. You can see here, it is proposed as five individual lots. Four of those lots would access off of a proposed private street 20 feet in width, which is the maximum number of lots for that street, and this Lot 1 would have a separate approach out onto Carnahan Drive.

Utility-wise, we'll be extending a sewer main up the street, new water services out from the street. As mentioned per the Public Works comments, we will be constructing curb, gutter, and sidewalk off the shoulder of that roadway, in the hopes that in the future, it
would connect into future improvements out there. It's a real flat lot, it's a boring lot, nothing too fancy about it, couple of trees. So, as part of that, we'll be doing a tree plan, we included it with the packet, and that will include at least two trees per lot. There is a couple of existing trees we're going to try to save, but for the most part, we'll have a new vegetation that will be planted for part of the project when the houses are constructed. As mentioned by Jason, the water is a staggering 650-plus feet away, which is unfortunate for a small development, and that's what we've been finding on these projects.

So, it will be extended down Carnahan, and that will actually provide future benefits for this area off of Fruitdale Drive, because this water line will serve a very large area as it's extended out into the southeast portion of town. So why a PUD? I think that's the big question tonight that I'm hoping to provide some clarification on. So as mentioned by Jason, I believe this ordinance, this 2013 plan which we're trying to get some clarification on, at that time said, when we get this transportation plan done, these overlays are going to go into effect. But it's 2022 now. And unfortunately there wasn't any notification for any properties within the city that these zone changes were going to occur. And as mentioned, this overlay adoption occurred actually during our pre-op review. We actually found out about it at our pre-app review meeting.

And when we go into the zoning maps, as they sit today, they still show the old zoning. So none of these have been updated in the last several months either, even though I mentioned this back to public works in December when we found out about it. So what we're finding is we got all these overlays that were automatically adopted without notice and no one knows about them. So that's been a challenging thing for us on this project and others as well.

You can see that the surrounding zones as they are showing up today are primarily R1 10 east of Carnahan and R2 west of Carnahan. So this is primarily low to low medium density residential development area. When you look at these overlays which are represented with these hatch lines here, this is what changed. So the properties north of this line were rezoned automatically to general commercial, and then the rest of this area was rezoned to R32 kind of across the board. With the R32, I think at one time it allowed single family and then there was some code updates that occurred also last fall that said you can do single family with a planning unit development, or if you don't use a planning unit development procedure you had to do at least a duplex or an accessory dwelling unit on each lot. And that's represented here in this article 12 code section here that shows that today single family is allowed through PUD, without a PUD it's allowed through the director's approval. And you can see here these code changes were made in September of last year. So also, in the same time period.

So, with that I wanted to elaborate on why we feel that a PUD is appropriate for this location. PUD is stated here in item one, provides an alternative development process. We are doing that specifically because the original intention of this project as purchase was to develop single family housing. And this lot configuration doesn't really accommodate multiple units. It's very, very narrow. It's actually 100 feet wide. So when you take out five feet for the private street setback, 20 feet for the private street, 20 more feet for the setback up to the house and another five feet in the rear yard, the depth of the buildable area of these lots as they stand right now is only 50 feet, which is much less than a normal lot in our community that you normally see. Typically, a lot is 50 by 100 without those approach with only a partial encroachment.
That to me qualifies for item two, which is a unique physical constraint on this particular site. It's also surrounded by developed housing, which doesn't give us opportunities for building half streets or coming in from a different location. Item three, I think what we are proposing is ownership of real property, which is one of the points in that. By doing single family homes it allows owners to purchase these and live in them in a very small neighborhood surrounded by a neighborhood of other single-family homes versus trying to do investment type properties which should be duplexes or triplexes.

Also, one of the things that this property, because of these small footprints, which is something I think we're going to start seeing, is these units are going to be smaller in size than what we've been normally seeing lately, which is a 17, 1800 square foot house with a cost of development and a cost of housing going up. I think what we're seeing on our development side of things is houses are getting smaller and these footprints are also going to be smaller than what we would normally see in these zones because of those constraints. And then item six probably most importantly is to using PUD to recognize the needs, to protect and buffer dissimilar development in the established districts.

Again, we have R1-10 historically for a very, very long time. Properties developed out with single family homes. We're proposing to increase the density from the R1-10 allowance by 150% with these five lots. So we are still making this property very dense as compared to its previous zone. And I think using the PUD process is the best way that we need to accomplish that. In closing, I think this will provide kind of a best fit scenario for the neighborhood based on the constraints of this lot. I do think the PUD process is appropriate based on our responses and I do think this project is a very important one for a city as it's one of the last infill lots in this area. So, with that, I'd be happy to take any questions from you at this time.

Mr. Scherf.

Can you quickly go through the dimensions from Northern property line to building?

Yeah. So, it's a 100-foot-deep property all the way across with no ability to extend the road in any other location. We've got five feet to the private street, which is a required setback. We've got 20 foot private street, we've got 20 foot to the garage face, and then we've got five feet behind it here. So I think the total on that I believe is 50 feet, 50 feet of allowable area between this line here and this line here. So one of the things, let's say that we were to do this, not with PUD as a subdivision which would require two units for parcel. A private street at 20 foot width only allows four units as you know. To go up to additional units, whether it be one or four or five, we would have to widen that private street seven feet. And that's two more feet of street, two curbs, because it requires curbs that are six inches wide and a four-foot sidewalk.

So, you start looking at this very pinched 50-foot dimension, you start looking at taking seven more feet out of that dimension, now we're down to a half of a lot, what we normally would have to allow. So that was another one of the main reasons that we're proposing this more limited footprint.

Perfect. Last question is the turnaround, how far from the main street is the turnaround?

This little piece right here to here?
Yep. No, no. From basically-

Oh, from the main street?

What's the distance?

They're 54, 53. So we're a little over 150 feet.

Okay, perfect. Thank you.

Other questions at the end-

Oh, one last question, sorry. Did you have a picture of an overview of the community and an aerial picture again? I just wanted to verify... Go back to the last one you just had. There you go. Basically it looks to me when I'm looking at the aerial that the majority of all the residents around that is single family, which I think you've already clarified. And it does look like that is one of the last undeveloped areas, is that one-

It is. When you go back to... I know these don't have a, let's see if I can find a good picture here. There we go. Yeah. So these properties up here, these undeveloped properties that are empty are actually commercially zone for the highway access. So yes, if you take the line right here of the residential zone and go south, basically everything around it has development on it. They all have houses and out-

So just to make a statement that basically overlay to put duplexes in a totally 99% developed single family residents-

Correct.

... is basically what the overlay did.

Versus a large block of undeveloped properties like on Fairview, for instance, there's a lot of-

All right. Thanks.

Commissioner Nelson.

Just a curiosity question. You've got these five houses, roughly 1300 square feet, what do you look at? Or I don't know if you do, but what do you look at as for a cost value on those?

I couldn't answer that right now, but I know, like I said, the goal of a lot of developers in the community right now is to figure out how to bring the cost of housing down so people can afford it in our community. And what we're seeing is we're going smaller because I know right now 16 to 1700 square foot houses are pushing $400,000.

Which is a median.

Yes. And with interest rates going up two points in the last quarter or less here as well, this is kind of the direction I think we're going. It's smaller is better.
That more of a curiosity question for you? Is that more of a curiosity question for you?
Yes.
Okay. I just kind of making sure because that's not within our purview of-
No, just curiosity question.
Thanks.
Anyone else questions? Ms. Aviles.
Thank you. I was just wondering what's happening with the well that's on the property?
The well, I believe we're going to abandon the well. And that well sits right at that little square right there.
Anyone else questions to the applicant? Thank you for now, sir. Anyone here to speak in opposition to this project? Any more questions to staff? Commissioner Nelson.
Quick question in regards, probably off topic, but I've been noticing several things that we look at where wells are being kept. Is there a calculation that goes into as how that affects the aquifers replacement value or do, they even bother?
Yeah. Those are handled through different agency, so I don't think we're really going to have a good answer for your Commissioner.
So, is that something, when you cap, do you notify the state that this well is no longer an exempt well?
Well, yeah. When the applicant goes through the well abandonment process, that's going through the state. They maintain a log of wells.
Okay. That's why I was curious.
Yeah. Yeah.
Mr. Scherf.
I had a clarification question from staff. You had stated within staff was not going to recommend approval or denial and then you made another statement in regards to that decision. It was based on just the street width? This clarification, because that's kind of the way it went through my brain. I don't know if I heard everything correctly.
I heard it as you did. Go ahead.
I apologize because that wasn't my intent. Really the lack of denial or recommendation by staff is really related to kind of the subjective nature of the PUD criteria. So, we're looking to the Commission to use your discretion to determine if that criteria is being met.
Right. And just to add to that as you heard the applicant, Justin Gerlitz, he put up on the screen those yellow block highlights from the planned unit development chapter and almost everything that he said tonight was new. That wasn't part of their application. So, when staff is reviewing this material and we are preparing a recommendation to you, the only thing that we can go off of is what they give to us in writing as part of the-

No, no. I understand. And I appreciate the clarification. I'm just going to stop you because that's not where my question was going. I understood that you were kind of, maybe the staff was concerned about the width of the road. So basically my next question would be the fire department or fire review have any concerns with 150 foot turnaround, length of 150 foot turnaround from the street and the 20 foot width, which is basically minimum fire code, correct? So, is fire fine with everything?

Understood. Yeah, no. And as Jason said, that is not an issue that they comply with the code on that piece, it's-

I wasn't trying to put you guys on the spot, I was just trying to get to my second question.

Sure.

I guess if I could just clarify one point because I do recall now what I mentioned is just if the PUD was to be denied, then the subdivision would also need to be denied because the subdivision would not be-

Understood.

... on its own, right? Okay.

Understood.

Cool.

I was just trying to make sure that we didn't have that you guys were secretly saying like the fire, wasn't happy with this thing. Because fire's been a very big issue tonight, so I'm trying to make sure everything's good. No more questions. Thank you.

Anyone else? Questions of staff?

Well, I don't know if some staff, I should have asked earlier. I'm not clear on the parking. Is each place going to have at least two parking spaces and two on the street? Does that street allow parking on it? Not the private street, but there should be about 50 feet left of unoccupied curb on Carnahan in for a couple of visitor cars or something.

Commissioner, let me just clarify one thing really quick here.

Each 142 is the fire and that's no parking.

My concern is we've reduced the amount of parking required for everything recently. And I just wondered how far it got reduced.

Yeah. So-
We actually haven't reduced that parking yet because we haven't approved that code yet.

So, under the current code, the required parking for a three-bedroom unit would be two spaces. Given the garage and the driveway, it appears that two spaces can be relatively easily met.

And there is parking allow on Carnahan?

No.

Not on Carnahan?

It's too narrow. There's no side street.

It just empties into ditches with culverts. There's no parking on the street. I walk down it every day.

Other questions of staff. All righty. Then I'm going to go ahead and close the public hearing. Yes sir. Sure.

So, the Carnahan actually, even though it's weird probably would accommodate a couple parking stalls because we are widening the existing narrow road to a city street standard. It's not likely that it's going to be used that often for that because it's like a whole straight street and there's this little pop out right there, but we are going to have two car garages with double car parking spaces in front of each garage. So I mean, in theory you could park up to four vehicles at each house if you use two cars in the garage. I just wanted to clarify that.

Hang on one second. So you're doing essentially a half street improvement. Curb gutter, right?

Yes.

So, you're covering the ditch that's there now?

Yes. And we're going to put a pipe underneath it.


Thank you. So in front of that again, because I walk that every day so I know exactly where that's at. Right in front of the fencing of that lot there are multiple mailboxes, right?

Yeah.

So, would those be moved to create space for parking?

Yes. It's actually shown on our plan right about there next to the driveway it's going to be moved, shifted over from where they're at right now. And then there's a little concrete irrigation type ditch, there too the water goes through. That's going to be piped from one end to the other so that water will pass through.
Okay.

Other questions to the applicant? Thank you, sir.

Thank you.

So, I'm getting ready to close the public hearing and it's closed. Do we have motion? Commissioner Nelson.

Thank you, Mr. Chair. I would move approval of this plan unit development. I think I was having some questions about it and after hearing the application about the units and so forth, I think that they have met the standards as far as providing alternate development in a unique situation, which is very limited on space. I was also encouraged that in my mind, it equals the part about equaling or being superior to what would've been there. I think that meets not only the neighborhood standard of single family residents and perhaps alleviating fears in the community, but also, I don't know how you squeezed that many houses on there to tell you the truth. And I don't know if you could do any better with the duplexes or not. Parking certainly still would've been an issue with duplexes and other situations could have arisen. So, I'm encouraged to promote this PUD.

We have a motion to approve. Do we have a second?

I second.

Commissioner Scherf second Commissioner Nelson's motion to approve the subdivision. I'm going to call roll on this one. Commissioner Scherf?

Yes.

Commissioner Arthur?

Yes.

Commissioner Nelson?

Yes.

I'm voting yes. Commissioner Aviles?

I just want to clarify, is that as submitted or with the condition stated in staff report?

As with conditions.

Okay. Then yes.

Unanimous vote. Congratulations.

MOTION/VOTE
Commissioner Nelson moved, and Commissioner Scherf seconded the motion to approve the Kicken Cattle Co. Planned Community Preliminary PUD Review PC, with conditions stated by staff. The vote resulted as follows: "AYES": Chair Heesacker,

c. 405-00129-22 ~ Middle Housing Code Text Amendment CC ~ Continued Hearing
All righty. Next item on the agenda. Item 7C. Continued hearing for the middle housing code text amendment. Project number 405-00129-22. Staff take it away.

Thank you Chair. Members of the Commission. I don’t have a PowerPoint for this. I would just refer you to page 159 of your packet. I put a memo in there that just kind of gives you a little background from the last hearing. So you continued your hearing for the middle housing code last time. Our understanding was really just it gives you more time as a Commission to go through the material. There is a lot there understood that you only had a week to look at it last time. But then we also heard another primary reason was the infrastructure and Commissioner Scherf raise that. And I think a couple others sort of nodded in agreement. If you assume a reasonable buildout under this code where you’re adding the potential for 2, 3, 4 more units on properties, is the infrastructure there?

So, what we included in your packet were just selected sections from the approved Sewer Water Storm and TSP Plans. So, these are the adopted plans, and I won’t go through all of them, but I did want to just as an example, if you go to page 161, and this first one is the Sewer Wastewater Master Plan. And there’s each one of these master plans, which was developed by a consultant who specializes in that particular facility area, they were in through. And at the top of that, you’ll see that it assumed a population of 44,500 that’s in that top of page 161, the third line down there. For this particular plan, that was the population buildout that they assumed. The same page, section 1.3.1, they looked at a 20 year planning horizon and then there’s maps in there that show what they used. Page 163 at the bottom, the third lineup, approximately 1,370 acres will be added to the existing service area to make the future build out service of 9,892 acres.

Anyway, not to belabor the point, but I guess to emphasize that when they were designing the overall system, they were factoring in the entire urban growth boundary at those additional populations and those additional numbers. Now, as we talked about last time, these are master plans. So they’re not taking sub areas into consideration and going into design level detail for each neighborhood, just like you saw tonight. A Carnahan Drive wasn’t pulled out in the master planning process and say, okay, well, this area’s going to need this size pipe. But what they proposed tonight was a 600 foot extension of a new 10 inch water line, which is per the master plan and potentially a 10 inch water main will provide enough capacity to serve those if they built out to an R32 density. So I think that’s really all, there was the purpose of what we added to the record tonight. So, I think at this point I’ll sit down and just let you deliberate, and we can continue to dialogue as you wish.

Thank you, sir. I have a direct question to what you-

Yeah, don’t sit down. Commissioner Scherf.

So, I completely understand the master build out, master plan on how it’s done. I appreciate the added information. My argument with it is this master plan was already done underneath the zoning layout that it was analyzed on the date that it was analyzed.
We are actually looking at code, which increases the density and changes those zoning layouts. So my argument would be that these master plans are not valid anymore. If you go ahead and start approving this middle housing where you’re increasing the density, you’re allowing higher densities within lower density areas, then those master plans are not valid anymore. And that’s a statement to you. You don’t even have to comment on. But I totally, absolutely appreciate this extra information and I’m glad that you presented it because it gives me an opportunity to actually express my point. Is when you go through and increase the allowable density without redoing your master plan, then your old master plans are null and void.

Sure. And I think there’s a whole two hours that we could probably spend on—

Exactly.

... on analyzing that.

And again, I’m just trying to thank you for the information you provided because it allows me to basically hit the point that I’ve been trying to hit with you guys. Is basically you have to look at this in a realistic manner. This master plan is not on a real time basis if we’re dealing with increasing or changing our code to increased density. So then the master plan basically doesn’t line up in five years with the increased density that we’ve just changed our code to. That’s the only point I’m trying to get across. And I appreciate the information.

Mr. Nelson.

And I appreciate your comments, but I’ve never seen a master plan match up anyway in my 30 years.

No, I understand. But if you drastically changed your density—

All they are is guesses.

No, exactly. But my point is you as a governing board and as a city who is in the middle of growth and development, as we’re trying to manage our growth and development, we need to look at this code that’s coming from a state level. That’s put to that are by people that live in high metropolitan areas that rely on mass transit. Half of these people don’t even use cars. We rely on cars.

That was my bigger concern was transportation issues, which I didn’t see a lot of detail on that.

My point is we have to go through this code and make this code valid for our community.

That might be a project we’ll have to do with the new.

Yeah, exactly.

My question to you, sir, is in regards to process, we saw tonight how a community can be upset about a development. If we change this now as the state wants us to, would that process have taken place?
Nope.

You talking about the first public hearing tonight?

Either one, but the first one primarily.

It would. I mean, they're subdividing property into 25 lots and the middle housing code does not change the fact that you have to have a public hearing for a 25-lot subdivision.

Oh, is that correct? Okay.

No, it just goes back to our second hearing when they're trying to do a more dense area and take a single-family resident area and put duplexes, triplexes, cottage development, whatever. Specifically, I'll point you to page 194 in the code that we're trying to change. It outlines the exceptions and basically takes all what they call 'middle housing' out of public scrutiny or public address. And I think that's absolutely wrong.

That was my next point. So, in the second one, or even in the first one, after development those R zoned lots could be redone by the individual.

Can you explain redone?

Increased density or a duplex put into, instead of building a house, building a duplex.

Correct. Yeah. And that would not trigger any kind of public [crosstalk 01:28:14] or hearing. They would still have to meet minimum setbacks, they would still have to meet all the code. Yeah. And I guess my only slight concern with the broad statement that our master plans are essentially defunked, is that we are so significantly under built to date that you need to factor in the difference between where we are at today in terms of the build out densities and where the master plans assumed that the building would be.

We didn't provide you that information, I did in my memo talk about kind of the challenges with that. And that it's historically, we have not seen middle housing even though it's largely been permitted in a lot of R zones. So you're dealing with a marketplace issue here, you're dealing with topography. There's a lot of factors. But I can't stand up and give you a lot of data on that but I do think that to say that our master plans are essentially defunct today when they're assuming 44,000 population and we're below that in terms of being on track for that. So, there would be a lot of math involved to go through and analyze that.

It's a statistical nightmare.

Yeah.

They always over guess. Commissioner Scherf.

So where are we at at this process?

I've been trying to formulate a big picture look at this. We are looking at either adopting what's in front of us, adopting what's in front of us with changes that we'd like to see, or
we're looking at adopting the state's model code instead, which gives us another month or two to fix this up to a place where we like it. Don't hear me being a defeatist, but-

So, are we in discussion phase or are we entertaining motions to change code?

Well, I think that if we want to do that, we can close the public hearing and make a motion for code changes if we think we would like to do that. And then once-

Okay. I have a couple staff questions before we do that, then.

Okay.

Specifically in code. So, I'm just going to go back to...

The original packet?

Well, yeah, the code is a code, right? It's going to have the same pages. Okay. So I guess it was last week, last time's package, it would be page 357 page 30-14 of the code. This is definitions, the definitions of dwelling types. Once I actually read this, specifically under dwelling types, number two, duplex dwellings or two dwelling units on one lot in any detached or attached configuration. I don't understand that because when you're talking about dwelling units, when you're talking about parking and there's other criteria that actually default to the density of that actual unit, meaning two bedrooms, three bedrooms, one bedroom. I know they don't make duplexes with one bedroom. Well, no, I'm not saying that they don't, but you can't say a duplex is only one bedroom and one bedroom in one building attached and your parking calcs don't work out. So I don't understand that definition. Can you elaborate on that? Or am I just reading these definitions wrong?

So, we're talking about page 367-

Correct. Dwelling types number two, specifically it's duplex dwellings. It's the definition of duplex units.

Okay. Two dwelling units on one lot or parcel in any detached or attached configuration does not include a detached dwelling and an accessory dwelling unit on one lot.

Correct. Okay. So here's my line of thinking. When you go back to the parking section of that code, it says the duplex is only going to be one, I'm going to probably get the numbers wrong, but is only going to be one parking requirement per duplex. What if it's a three bedroom duplex attached to another three bedroom duplex? You're only going to require one car when a single family residence of three bedroom requires two cars? Do you see where the disconnect is coming or the disconnect?

I think I'm following you. So, the parking...

If you go specifically to the parking, I'd have-


We had this discussion last week. Yeah.
Yeah. Page 346. The land use says duplex dwelling, triplex [inaudible 01:33:42]. Duplex dwelling is only one parking space per duplex dwelling. Yet right above it, single family, two bedrooms or fewer is one space, three bedrooms or more is two space. So how can you build a denser unit and have less parking requirement? That's where I think there's a disconnect here. So for example, if I have a single family residence with one dwelling unit, three bedroom is required to have two cars. In this new code, I can put two units side by side called a duplex and have as many bedrooms as I possibly want, but I only have to have one car for it.

Yeah. Well, you did two. Yeah, because it's one space per dwelling unit.

But if each one of those dwelling units has three bedrooms, why doesn't it have the same criteria as a single-family residence?

No, I see your point. And I would say that that's worthy of consideration because that as worded, you would have two parking spaces required for one duplex, regardless of how many bedrooms.

And let's take one breath here. I look at this from what my profession is. I represent the guys on the other side, the developer, who is going to try to find every single loophole possible to get the maximum bang out of his buck and basically push his limits and bastardize the whole thing. So I'm trying to basically cover all the loopholes here. So I'm not arguing the definition of the dwelling unit, because obviously that could be changed or whatever. I think what I would end up entertaining for the rest of everybody is basically us looking at this parking and maybe changing the parking requirements specifically on the bedroom size, no matter whether it's a single family, duplex, triplex, or whatever.

And so, ponder that, because I'll have a motion here in a minute. My second question, and I think this will be last one. It looks like when I read through the code, you guys highlighted a lot of spots that changed, which was very good and directs your eye right to where the changes would be. There was a lot of places where it looks like you took out duplex, triplex, or so forth and so forth and just added the verbiage of middle housing, but then you defined it in the back, which I completely understand. The problem I'm going to have with that is I think if I make a motion to change one thing in this code, it might have that butterfly effect where I think we're going to have... If my motion is accepted and goes forth, I think we'd have to change a lot of the verbiage back in the code and get rid of that middle housing. The biggest crux I have is the prime example of tonight is if you... Here, let's just go back to where we're going to start here. Go to page 194.

And again, you're referring to last week?

Yes. Sorry. Page 194, which is page 1221 of the code. Let's see here. This is determining the densities of the residential development, basically. At the bottom of the page, it's all completely highlighted from our last packet. Number five says the following exceptions to the maximum net residential density in schedule 12-4, A apply two. So basically, this is saying we're accepting all of these and how you explained it to me last time, Brad, was these densities, duplex, triplex, townhouses, cottage, clusters would now not be reviewed, per se, as a type three or even go through Council or even us and it would be approved directly as a same process as a single-family development.
Correct.

Single family house development. So the problem I have with this is, now you are doubling, tripling, quadrupling the density of a single family residence zone without any [inaudible 01:38:22] notification to the public, without any feedback from the public. And we just saw a prime example of a subdivision going through the full process. So I think it's something for us to quannder. I mean, it's something for us to basically look at. This should be tailored to us.

Is there any discussion or questions to my line of questioning because I'm about ready to make a motion.

Mr. Nelson, you're ready.

Well, I'll defer. Make your motion so that at least we have something to discuss.

And I'm sorry if I'm going around in circles. I'm a little bit passionate about this because I think-

It's your business.

Yes. Okay, so my first motion would be that the code be changed.

Are you-

In this specific page, page 194 in our packet, page 12-22 in the development code, I will accept the exception of duplexes and triplexes, but I would make a motion that-

Mr. Scherf.

Yes, sir.

We don't even have a motion whether we're using this document or-

No, we're changing things.

... state. So you'd have to either move this one, so that we can amend parts of it that you are trying to do. So, you would move this-

Oh, and I'm not making motions to make changes? I mean, it's just-

Not unless you have a primary motion that adopts this particular piece of legislation for this community or are we adopting the state standard and we're going to try to amend that or do something else with that entirely?

Well, I think, I mean, the application that is before this Commission is-

To adopt this code. That's the way it is.

... This document right here, it's not the state.
Yeah.

Yeah.

No, I understand. But we have two options and I’d feel more comfortable if this is what we’re going to work on that [inaudible 01:40:13] say, this is the motion. And then-

Oh, I understand what you’re getting at. You’re basically saying, "Are we going to work on pile A or pile B and..." Okay, I make a motion that we...

Just you’re adopting this.

I would make a motion that we adopt the code in front of us as presented by staff with discussion and changes for our discussion. Is that...

I would second.

I don't want to adopt this as a whole. And I'm sorry if I'm being confusing.

Oh, that's the process.

Okay. So, I make a motion to adopt the code as presented by staff with discussion and changes.

You don't need to set forth. And I would second that.

So, we have a motion and a second. Do we have any discussion? Is everybody clear on the motion and the second? All right. All those in favor, say aye.

Aye.

Aye.

All those opposed? Any abstentions?

And I apologize. I thought we already did that.

So, we're working on pile A.

Pile A. Okay, so are we going to be making changes as motions? I mean, I guess this is procedural. This is where I'm a little bit [inaudible 01:41:31].

Appending the document.

Okay. So I make a motion to append the document that we've adopted here, page 12-22 of the code, section five. Changes would be to subsection B, C and D. The following exceptions I do not want to include, except... How am I going to word this? I make a motion that section five exceptions be pertained to duplexes and triplexes only. Any fourplexes and greater density should not be part of these exceptions. That's my first motion. If I need to explain it, what I'm trying to get at is, I think if you increase the density at least four times, which is basically a fourplex on a single-family residence, I
think we’re doing disservice to the public if they don’t have notification and or a voice to their opinion to that development in their neighborhood.

Can I ask for clarification on your motion?

Yes, sir.

Why would you not lump triplexes in with that same thing?

Because triplexes is usually a one building and it’s a gray area. I was thinking triplexes, but you know what, I’m trying to get some more density in there, but I think triplex is a little bit more for a community or a neighborhood to stomach versus a fourplex.

All right. Just curious. Thank you. Mr. Nelson?

For the sake of argument, I’m going to second the motion, doesn’t necessarily mean I support the motion, but because we don’t have... We are using Roberts, I’ll second just to move the conversation. Staff, I had to question in regards to public comment. Is there anything in the state law that prohibits us from allowing public comment?

Clarification. Are you talking about this hearing, or you mean in the future with these types of housing types?

Yes, middle housing. The law was changed for allowing middle housing development. Is there anything that excludes public hearing?

There is. Yeah. It has to be administrative. There’s two or three sections in the statute that talk about that.

So, if they’d like to see-

If you approve a single-family house that way, then you need to approve middle housing the same method. So that’s the underlying presumption. So, if your city is approving a single family, detached dwelling through an administrative review process only, then you need to use that exact same process for approving other middle housing types.

Well then can we then even entertain this motion by Commissioner Scherf?

You can always entertain it.

Yep.

Well, yeah. And the way staff’s interpreting the motion. I mean, we’re talking about just the section where we’re calculating density. Is your point Commissioner of the motion to not just address maximum density calculations, but to actually expand it throughout the whole rest of the code?

I want to expand it through the rest of the code. I guess the topic I’m trying to get across is, I think anything fourplex and a greater density should be a type three review minimum. So that means at least it’s seen by us, which opens it up to a public hearing.
Yeah, which in staff’s opinion, would not be authorized under the state statute as it’s before us. So I don’t think that that would be consistent with the intent of HB 2001. Does it mean that you can't forward that onto the council to express this Commission’s-

Frustration.

... opinion about it? I guess not. I mean, we're not here to stop you as a Commission from making a motion the Council, but we will definitely be asking the city attorney to communicate with the other legal counsel in the state, just so that we can give that information when it goes to the City Council and say, "Hey, the Commission voted for this and here is what the Attorney General's office is saying about this," because I think that they've had some other review and opinions from other cities around the state of Oregon on this very question.

Well, then I would make a motion to continue this whole thing then, because I want more clarification. Any statute that comes down for code changes from the state on a state level has the discretion within a community for you to tailor that code to your community. That's exactly what we're doing here. And I mean, if it's got to go to legal advice to clarify that we can't do that, then I'm all for going for that next step. Because I think it's a disservice to us to not... I just think it's a huge disservice to any community to cut the public out of their opinion. And that's exactly what you're doing. This is exactly what this code is doing if it is it adopted exactly the way it's written.

And we, as your local city staff, are just-

You're advising.

... we're representing what we believe is in the statute. It doesn't reflect personal opinion. That's what you're-

No, and I'm not taking it to that. And I absolutely wholeheartedly appreciate your guys' candid advice. And I just, I think it's a disservice as us as a Commission here not to explore the avenues to tailor this to our community.

What happens then, if we make a motion to continue, what happens to the motion that we already passed to work on pile A as opposed to pile B? Anything, nothing?

Nothing. The way I understand it is if we miss the deadline for the Council to approve it, then [crosstalk 01:48:13] you default to the state mandate and the Council, they're going to, I guess they have to have our approval to go forward. But yeah. We still have time to work on this, but I don't know. I don't know why we don't have our legal representation here to advise us on what we can and can't do because this is a judicial, this is a legal binding contract between the City of Grants Pass and a developer. I just don't see where there's not the latitude that changes for your community, but...

So, you're recommending now continuance until the City Attorney can [inaudible 01:48:54]?

I would advise that wholeheartedly. I mean, it's my personal opinion. I'm one of eight people up here. So that's what my opinion is. So, I will with withdraw my motion to
change this section and add a motion to continue this until we have legal counsel advise us.

All right. We have a new motion on the table. Anybody want to second? Well, that means the motion dies, yes?

Correct.

So now what do we do? Just forge ahead?

Continued deliberation.

Mr. Nelson?

If you withdrew the motion, I'll put the motion back on the floor so we can continue working on it. Is there a second?

I just withdrew my motion to change the verbiage.

That's why I'm saying-

The original motion to-

I'm sorry.

Oh yeah. It was voted on.

Okay. I'm sorry.

Yeah.

So, I had a-

Go ahead, Commissioner Nelson.

We talked last week and then Commissioner Scherf brought it up in regards to the dwelling units. And you had stated, because I had the same type of questions on page 346, and you said that we should actually strike dwelling unit.

You're talking about the parking section now?

Yes.

I don't recall this conversation, but please go on.

You want me to read it to you? So we were talking about how this conflicted, the multi-dwelling units up to the single family dwelling units. So, the single family I was arguing that could actually have up to 15 spaces if you have a five-bedroom house, because the dwelling unit is the bedroom.
Well, the dwelling unit, again, it's for the single family detached dwellings, there's two different options there. You're either going to have one space or you're going to have two spaces. As it's worded, I mean, you're never going to have more than that.

But when you see single family detached dwelling, it says one, two or fewer bedrooms dwelling units.

Oh, I'm sorry. Okay. You're looking at just the first column. I was focused on the second column. Right. So, two or fewer bedrooms.

And you recommended-

We'll stop.

... that we should change that to two or fewer bedrooms and strike dwelling units?

Yes. Thank you. Thank you. Yeah, staff would agree with that.

Okay. So that's my motion of striking, because that was totally confusing to me when I read that. So dwelling units-

It took a minute to catch up with you. That's all right.

And then, it should be single family detached dwelling unit up on top, correct?

Correct.

And then it would reflect one space per dwelling unit, so if it's single family, it'd be one space. Correct?

Right.

And then [inaudible 01:52:18] two or three or more bedrooms, it would be two spaces per that single family resident?

Correct.

Okay.

Did you just make a motion?

Mm-hmm (affirmative).

Do we have a second? And this is a motion to clarify what's in here?

Correct.

I'll second it. All right. We have a motion on the floor with a second. All those in favor, say aye.

Aye.
Aye.

Anybody opposed? Any abstentions? All right. We've got some headway.

**MOTION/VOTE**

Commissioner Nelson moved, and Chair Heesacker seconded the motion to change single family detached dwelling as “one, two, or fewer bedrooms dwelling units” to “two or fewer bedrooms” and strike dwelling units. The vote resulted as follows: “AYES”: Chair Heesacker, Commissioners Aviles, Nelson, Scherf, and Arthur. “NAYS”: None. Abstain: None. Absent: Vice Chair Collier, Commissioners Coulter, and Tokarz-Krauss. The motion passed.

Mr. Chairman.

Commissioner Arthur.

I'm still trying to figure out exactly what Clint is foreseeing accomplishing by having to have public [inaudible 01:53:09] notification and all those kinds of things on this process, because I think what we saw tonight is a pretty good example. It is likely that that project meets criteria, and something may or may not be accomplished by having a lot of people show up. The ones that come are going to be against it, but there's nothing you can do about it. So, I'm not sure what's accomplished other than longer meetings and more expense to do the processes.

I guess my argument is if your community doesn't feel that they have a voice, then you have a disgruntled community. And what's the added cost to it? The added cost is staff time, yes, I completely understand that, but there's no added cost to the developer. Developer has to show up here. He fortifies his loan previous during his pre-application, then he might sit on his loan and have a little bit more interest. But usually when you do development, everything previous of your permits is all soft cost. It's taken on by the developer and then construction costs are basically what the developer actually finances. So I don't see an added cost to the developer. Time, yes. Staff time, yes, but [inaudible 01:54:49] what their job is. I just think it's very disheartening to say, "Well, we don't really give a crap about the public and we don't want them to..."

Is it more disheartening to have them come and express their opinions and then get voted the opposite way anyway?

I don't think it's disheartening to them. They feel that they have a voice. If it meets the criteria, it's a prime time for staff and us to explain to the public that it meets all the criteria. Most of the people want to stand up here and say, "You didn't look at this, you didn't look at this, you didn't look at that." And then we're saying, "Well, we looked at this, we looked at that and we looked at that." And you actually open up dialogue between the developer and the community as well. That usually will happen after the fact that doesn't happen before the fact.

Commissioner Nelson.

I mean, I'm not disagreeing with Commissioner Scherf. The process has been like this for as many years as I can remember. And I feel sorry for the staff, because now they're going to take the brunt of it when things go sideways. But that also means indirectly, the
City Councils are going to take the brunt of it and local communities are going to be up in arms. If this is as significant as you're saying it is, then the City Councils are going to hear it and they're going to talk to their state representatives. And maybe then your state of Oregon will get out there and do things correctly and listen to local communities.

I hope that the world is so bright and shiny as you think, but I don't have that optimistic outlook. I'd like to make a motion to change some verbiage in the parking section. Same page that we were just discussing, page 25-9. The parking facilities table, single family detached dwelling, [inaudible 01:57:04] two bedrooms, fewer dwelling units is one space, three bedrooms or more is two spaces. I know I read that completely wrong. I'd like to make a motion to duplicate the two bedroom and three-bedroom requirements underneath all the multifamily criteria, such as duplexes, triplex, quadplex, townhouses, cottage dwelling units, excluding the multi-dwelling because it seems like they account for it.

My argument with that is I believe if you are dealing with duplexes, triplexes, and townhouses, we would be putting ourselves in a situation where we're under accounting for adequate parking for those units. So, my motion would be to duplicate the criteria for two bedrooms and fewer and three bedrooms and more underneath duplex dwellings, triplexes, quadplexes townhouses, and quad cottage dwellings.

Is there a second? Please tell me the packet page.

346.

Thank you.

I guess I have a question on staff is, you went with square footage. Was there a reason for that?

I apologize that we don't have the model code too, because this could be coming as part of the model code. I don't have that before you tonight. But so, you're referring to under the triplex quad where it talks about the square footages, one space for dwelling units except for three spaces on a lot between 5,000 and 7,000 square feet, where it's referring to the lot size square footage?

Then Commissioner Scherf, I believe, wants to just adopt the languages that is in the residential use. Is that correct?

Correct.

Simplifying it, saying that if you have these many bedrooms, then you have these many parking spaces.

Right, which is-

It's a direct correlation to the actual number of people that would be in each unit.

That's why I'm asking is there a reason for the square footage?
I'm following you. Just do away with a square foot and go with the number of bedrooms. What's good for the goose is good for the gander.

I understand the square footage model. They're trying to accommodate for a bigger triplex. My argument is Grants Pass is debilitated by a lack of parking everywhere. We're changing our parking code, so it's going to be even worse.

Sorry. We're just looking at the-

No, you're fine.

... Article 12 to see if there's a quarrel, because it...

Eventually we will have driverless vehicles. We won't own a vehicle, so we won't even need the spaces.

Well, don't you know that all the electrical vehicles are bad now because Mr. so-and-so bought Twitter.

Tesla's going to have one out here that's almost driverless.

Oh, crazy, crazy.

You don't want to claim driverless because you know what happens. [crosstalk 02:01:07]

Mr. Chairman, can I comment on something while we're waiting?

Sure, Commissioner.

This reminds me of something that was in the very old instructions for Planning Commissions back in the early days. And it talked about Oregon's land use providing a way for every person to be involved in and express their opinions on land use issues and then it said in the appropriate venue at the appropriate time and what it was getting at and the examples it discussed were that if people really were concerned about the kinds of things, and I hear you, what you're concerned about, like the people tonight coming in, they needed to be paying attention back when those rules were made and have some opinion and comment something to contribute at that time, not just come in years later and complain about it. Just an observation.

I think about the only piece that we can add to the conversation is in Article 12, which sets the minimum lot sizes for the type of housing type, so this is on page 202 of the packet from last week or two weeks ago. I'm sorry. There's two new columns, and I pointed this out in my presentation last week, that talk about lot area for triplexes and lot area for quadplexes. And those minimum lot areas decrease as you increase in your density of your zones. So there would physically really be no way to accommodate onsite parking on those smaller lot sizes as you go down. So, I do believe that the assumption behind the legislation is that as you move into those higher density zones, that those are going to be located closer and closer to activity centers, to nucleus points in the community where you do have greater opportunity for transit.

I understand that.
That's-

You're taking all these middle housing and throwing them in all over the residential single-family areas, which is not next to an epicenter, a transportation center. And I, too, completely argue with the fact that even if you do increase the amount of open or I mean lot coverage, which is basically lot coverage is defined as the amount of [roof 02:04:17] building on the square footage of that actual land.

When you get to multifamily, there is thousands of ways to actually get parking on there. Down in Arizona, we do carports underneath. We do three stories and the first story is a carport. The house sits on stilts. So there's tons of ways to get the parking. I think it's a disservice to us. For example, the five unit one that we just looked at, if that is zoned now as an R23, it is so far away from an epicenter of a transit of a shopping center of anything, and you put a huge multifamily on that little piece of property with no parking that the city right away of the existing street within that city right away, there's no improvements. You've just forced that one developer to make a 50-foot length improvement with sidewalk and widen the road.

It's going to be years before that whole road gets developed. So where are these people going to park? Again, we're, we're trying to tailor this thing to our community and you're getting this stuff... I'm going to get on my soapbox. You're getting this stuff shoved down your throat from a state level, from people that have no clue on living in a rural area. It's like you look at the economy of scale. They're not looking at how this code affects everybody else except themselves in their little, little box. And I think it's a disservice to us if we are not scouring this thing line by line and curtailing it to our community. If we take this carte blanche, I guarantee in 15 years or less, we're going to overpopulate this area and our infrastructure structure is going to be null and void, and we're not going to have enough infrastructure to cater to all this stuff. Off my soapbox.

I just have an issue. So I guess if we can't change this stuff with these simple little, little things, I think we legal representation here giving us the full, what we can and can't do. Because I just feel this is a futile effort and at this point, I'm going to leave so you don't have a quorum because I'm kind of done with this. I don't feel like we're being supported whatsoever in the job that we're supposed to do. We need legal representation sitting next to you guys to tell us what we can and can't do on this.

Sure. And, and we can start- [crosstalk 02:07:06].

And I'm sorry if I'm getting heated with you guys, but this is ridiculous. We're not able to do our job.

I'm not hearing heat. I'm hearing logic here.

Okay. I'm sorry. I'm getting a little bit passionate about this and I'm sorry. This is just ridiculous. I feel that... Sorry. I feel I have a job here. I have a responsibility to help my community, and this is not helping my community.

I'm not disagreeing with you. And probably if the Council wanted us to review this for them, they should have thought of that.

Yeah.
But on the other hand, it's not the staff's fault.

No. And I'm apologizing if I'm getting passionate or heated towards you, because I'm not trying to. I'm not trying to direct this to you. I feel the word misrepresented.

If you make that motion, I'm willing to second it because we're going to give them the best we can.

Yeah.

I don't think I have the tools to go through this because I went through this. Look at my little tabs. I went through this line by line. I made my- [crosstalk 02:07:56]

I did, too.

... suggestions and now I've been shot down on every single suggestion because

Legal.

... you have the precedent to tell me and the candidness to tell me, Clint, I don't think we can do that legally. Well, you know what? I want my lawyer to tell me that because I think that we're misrepresented if we're not exploring every avenue and we know for a fact that there are small communities throughout the state that are mounting a pushback against the state on this. [crosstalk 02:08:24]

Here's what the attorney's going to say. Under state law, this is based language that they had. I believe that's what they adopted was what the state had. The attorney's going to say now, if you don't agree with that, go ahead and change it. Then we have to go through litigation. He's not going to tell you if it's right or wrong.

No, no, but I don't even feel I have the ability to have any wiggle room in this. That's where I'm- [crosstalk 02:08:46]

No, if you feel passionate about it, you can change it and either the Council adopts it, or they change it back.

All right.

Hang on one second. Commissioner Aviles, did you want to say something?

No.

Okay. But that's the process. We can't change it. That's up to the Council.

To be clear. We weren't saying that you don't have the right as a Commissioner to change that particular section on the parking to what your last motion was. I can't remember if there was a second or not, but I [crosstalk 02:09:19] think there was, but I do think it has implications for those lot sizes. So, I guess what I'm hearing is that we're not going to be able to bring an attorney to tell you yes on every individual one, but at a broader level, what I'm hearing, Commissioner Scherf say is help us understand the boundaries within which we can work with this legislation. What are the areas that we
can change locally versus the ones that are really black and white and a set in stone?
And-

I would love a summary as you set forth there. And I think that's the direction I'm looking at, or I'm asking for, I'm begging for, because I'm absolutely defeated right this second. And I feel that if, I don't know, I feel if we adopt this or we even left to go to the state standard, it's a disservice to our community. This does not tailor to our community.

I'm hearing a request for a continuance. Can we do that again and still meet timelines and not have Council getting all miffed at us and yada yada?

Well, we don't have any direction from Council specific to this code amendment so I can't speak to that exactly. We have, informed Council this is the deadline. The process is that you, as the Commission, that's appointed by the Council is to make a recommendation. It's in your court right now. So, I think the most prudent thing to do right now would be for you to make a recommendation that is well thought out and has done the work that the Council's going to have to do anyway. So, is there a risk that we're going to miss that deadline? Yes. Is the Council going to do anything about that? Again, I can't say, but what we will be doing is giving an update next Wednesday night to the Council about where you're at, and we can bring that feedback back. But I mean, you really, in my opinion, don't have the ability tonight to make a recommendation to the Council of any kind, because you're not feeling like you have sufficient information, at least from the Commissioners that have spoken.

Mr. Chair?

Commissioner Nelson.

I don't know if this has to go through, but I would make the motion that you communicate with the Council, the frustration of the Commission. And I'll join in with the Commissioner Scherf. I don't know if the others will. That'll be part of the motion, but we do need some legal answers as to the ramification of how this law pertains to this community in some specific areas. And those areas that be dwelling units, transportation impacts, et cetera.

Yeah, I mean, I'll give you a list of it. I mean, I'd like to know if we have latitude to change parking requirements. I'd like to know if we have latitude to change-

Public hearing.

Public hearing. I mean, I think it's a huge disservice. And then another thing, because we're taking out public notification and public hearings, you're taking out PUDs completely, as well as the whole section on cottage dwellings.

Well, that just got removed to a different article. It's still there. It's still there.

Oh, okay. Okay. I missed that part then, but yeah. I just think there's a lot of let's just take all this stuff out and we be damned about the results of it. So yeah, I'd like to know if we have latitude in changing some of the densities, latitude in changing some of the parking requirements, latitude in changing-

Transportation.
... transportation, as well as public notice and public hearing. I kind of feel that the last one is null and void, but I'd still like to have the lawyer tell me or somebody of legal precedence tell me no, this state says absolutely no. That's most uphill battle on slippery slopes and we're not going to take that on. Great, fine.

So, I'm assuming that's a second?

Oh, yeah. I second your motion.

Okay. Please restate your motion. I know I won't make you do it five times, but just please restate it. Just-

Motion is for you to communicate with the Council in regards to our dilemma in doing a good job on this document and that we would appreciate some legal advice as we go through this process in regards to many of the questions that Commissioner Scherf outlined as well as I think the key issue. How are we going to adopt public process within our local community?

Okay. And you're nominating me to do this to Council.

Absolutely.

You're our big guy.

Do I get a pay increase for this?

From zero to zero.

All right. We have a motion on the floor and a second. All those in favor, say aye. Aye. [crosstalk 02:14:29] Anybody opposed?

I oppose.

Any abstentions? All right. We're four to one that I'm going before Council next week and get my head shaved. Okay. It's good for you.

**MOTION/VOTE**

Commissioner Nelson moved, and Commissioner Scherf seconded the motion to communicate with Council in regards to the dilemma with the document and seek legal advice in this process. The vote resulted as follows: “AYES”: Chair Heesacker, Commissioners Arthur, Aviles, Nelson, and Scherf. “NAYS”: None. Abstain: None. Absent: Vice Chair Collier, Commissioners Coulter, and Tokarz-Krauss. The motion passed.

Staff will certainly be there with you, and we will communicate with the city attorney so that he can do some preparation for that meeting.

Okay. Thank you very much.
8. Matters from Commission Members and Staff:

Next on the agenda. Sorry. Next on the agenda, matters from Commission Members and Staff. Staff, you got anything for us?

We don't.

Members, do we have anything more for each other?

I have several items I wanted to comment on.

Go right ahead.

One is, I don't know if anybody noticed it particularly, but in that at the very end in the page 181 of these very useful diagrams, none of which have dates on them, which kind of distressed me because they're useful information to refer back to or if somebody asks you questions about it, to be able to show them and there's no point in time here.

Is that on the ones that-

No, the ones that are provided in this code summary thing though. On the one on page 181, when I saw it reminded me of something that came up at the UGB final hearings, which was lots of people came and said, "We don't want this to turn into Las Vegas and no, we don't want to expand the boundary," and all that kind of thing. And John [Camiller 02:16:26], who was one of our chief developers at that time said he had calculated the expansion and it expanded the perimeter by 29 feet outward. And if you look at this drawing, that white line looks almost exactly like that. I mean, it's not accurate for that use exactly, but it's a good visual demonstration to somebody who really thinks we're taking over the whole county or something. That was just a comment because it was very useful at the time.

I would like to know, and this I've raised a couple of times, we didn't used to have access to the internet type satellite view of things, but tonight with the Cathedral Hills subdivision thing, we've been back and forth for years with this expansion of Coach Drive and so on, and how is it fitting together across that hillside? And I looked at what was in there and I thought that 69,000 square foot lot that goes up the steep hill and back, I don't know what I thought if I thought about it, but that there was nothing beyond it. That that was that open territory, BLM or something, I don't know, whatever surrounds us on the hills. And then you have these people coming in and saying, "Well, we all live... We have a subdivision and we're right here next to it." And I don't feel like sometimes I'm getting the little wider view, just a little bit more around the edges of what we're talking about.

Anyway, the ability to include more than a hundred feet around the specific thing we're talking about, and then having dates on some of those data pages, not those old ones, but as a practice for things like that would be a good idea. That was just the main kind of thing. And I had a number of comments, a list like you, tabs all over from going through that code review also, but a lot of them would be for future things, not specifically related to the model code. So I hope we can continue with that. We bring our copies next time or what?
Yes, I mean, if anyone needs another copy, we're certainly happy to do that, but our assumption is that you would still have your packet from the first meeting in April where this was opened up so that we save paper, save copies, but if you need another one, we're happy to make one for you.

I've heard a couple of times now in the last probably year and a half, this concern about the radius mailing that we do. So, we do maintain a list of code amendments that have been suggested from time to time, either from staff or from the Commissioner Councilors. Do you at least hear what you know tonight want us to add that as a topic for a future code amendment in terms of going from instead of a hundred foot radius mailing, go to 200 or 300? The state only requires a hundred, and so that's what the City of Grants Pass has always used, but that doesn't mean we can't go larger.

It's going to be pointless because if we pass this code, we won't have any hearings.

Well, [crosstalk 02:20:50] you're going to have hearings. You're going to have plenty of hearings.

It's like plan reviews and stuff like that.

All almost all of your hearings to date are either new commercial, subdivisions, variances. None of those are going to change.

From my experience in notification, I'm usually used to 300 feet. I haven't done any developments where it's been under 300 feet. Most of the developments for public hearing that I deal with on the other side is for multifamily, triplexes, duplexes, and so forth. I don't deal with hundred acre subdivisions. I deal with 10 lot subdivisions, so smaller stuff, because I'm a smaller guy, but yeah, it's always been like 300 feet. So, a hundred feet does seem a little bit nil, but I would like to see it come forth as a discussion.

Just not a half a mile. That's rural.

Yeah. Yeah. Well, I think you have some discrepancy too, because this specific one, like the gentleman got up there, Cathedral Hills is county. It's on a county border, so it's really hard, too, when you are on those adjacent to the county's projects. It's really hard to get it across to these guys that you're kind of in a different state more or less, but yeah, it's a topic that could be discussed in the future. Definitely.

Okay. Well, we'll add it so that when we bring kind of this omnibus change, which I think we'll probably see in the next year, I'll say there's probably about what would you say, Jason? There's probably 60 items on there? We'll add that as a topic.

I think more important, I mean, it is still important footage, was the comment that they didn't get the notification till last Friday.

But he said that's when they were able to download the staff report from the website.

Yeah. Typically, it's a week to two weeks that you have the notification out, isn't it?

Well, the notification of the hearing definitely happened before. That's 20 days.
Oh, okay.  
But I think he was referring to when they got the staff report, which should be one week.  
And I do think that it didn't get uploaded to the website until Friday.  

Since we're on that topic, the city has a Firewise coordinator. Am I wrong? I thought we had one.  

That's correct. [Rick McClintalk 02:23:21].  

But that's not part of the city's review process at this point?  

So Firewise is a voluntary program-  

Correct.  

... that in order, you need a minimum of, I believe it's eight different property owners within a neighborhood that agree to it or that would, in order to set that boundary. And then from that point, yeah, it's a completely voluntary program, but it does increase your ability to prevent because you have some minimum standards for preventing wildfire, like cleaning the stuff out of your gutters and keeping your certain debris from building up around the footage of your house foundations and having an evacuation plan for your neighborhood. Those are all kind of things that go with that. But it's not mandatory.  

Not for you to speak for the fire review, but when a subdivision does go through you guys, you do have fire department or a representative it's going through a review. They're kind of looking at some of that stuff as well. Correct?  

They receive every development application. Whether they're looking at the fire prevention aspect of it, I don't know, but I've after tonight's hearing, I think we're going verify what exact checklists they're using.  

I thought it was very skimpy because when they brought that up, I went and looked and all it talked about was fire hydrants.  

Yeah. And well, normally it's access because what I'm experienced to is the fire department's going to be looking at my development and going, do I have access to get to those people, where's the fire hydrants. And they do have a small list, but we do live in a rural area that has to do with wildfire. So maybe it's something to have a discussion to kind of add to the pile. I mean, it was a good point that the public was bringing across, so something to keep in the back of mind. Thanks.  

Anything else from anybody?  

Well, I have one more thing. Sorry. It's going to take a while.
9. Adjourn
   Meeting adjourned.

[Signatures]

Eric Heesacker, Chair
Urban Area Planning Commissioner

Date: 5-11-22