

# DRAFT

## RESOLUTION NO. 14-\_\_\_\_

### A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS PROVIDING DIRECTION TO STAFF FOR THE URBAN GROWTH PLANNING WORK.

#### WHEREAS:

1. The Grants Pass City Council and Josephine County Board of Commissioners adopted coordinated countywide and Grants Pass urban area population forecasts in 2008, and the City and County proceeded with Grants Pass urban growth planning work consistent with the adopted forecasts.
2. In January 2013, the Oregon Office of Economic Analysis (OEA) issued a new 2010-2050 draft population forecast for Oregon and its counties. Their final forecast was issued in March 2013.
3. On March 20, 2013, the City Council adopted Resolution 6049 providing updated direction to staff on the population forecasts, the 'needs documents' Comprehensive Plan updates, and the scope of work for the urban growth planning work.
4. On March 20, 2013, the City Council adopted a motion providing direction to staff on the extent and nature of rezoning of lands within the current urban growth boundary (UGB) in conjunction with the planning for the UGB expansion and land needs within the UGB expansion areas.
5. On May 15, 2013, the City Council adopted Resolution 13-6075 providing revised, updated direction to staff on the population forecasts, the 'needs documents' Comprehensive Plan updates, and scope of work for the urban growth planning work.
6. On May 22, 2013, the Board of Commissioners adopted Resolution 2013-032 in concurrence.
7. On October 28, 2013 and November 12, 2013, staff presented recommendations for a revised draft proposal to the City Council and Board of Commissioners based on the direction provided in the May 2013 resolutions.
8. In a letter dated January 23, 2014, the Board of Commissioners identified issues regarding the draft proposal.
9. The City Council held work sessions on January 27 and February 3, 2014 to review and discuss the draft proposal and the January 23, 2014 letter from the Board of Commissioners. At their February 3 work session, the City Council provided direction to staff for revisions to the draft proposal.

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10. Staff submitted a February 7, 2014 memo to the Josephine County Planning Director and Board of Commissioners outlining the City Council's direction for revisions to the draft proposal.
11. It is beneficial for the City Council to provide formal direction regarding the draft proposal, and it is beneficial for the City Council and Josephine County Board of Commissioners to provide formal concurrence and direction for those draft proposal items below which will require concurrence and joint adoption by the City Council and the Board of Commissioners.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Grants  
Pass:

### **Section 1. Population Forecast.**

- a. Consistent with the direction provided in City Council Resolution 13-6075 and County Resolution 2013-032, staff is directed to initiate an amendment to the Population Element of the Comprehensive Plan using a population forecast based on the March 2013 forecast from Oregon Office of Economic Analysis (OEA) for Josephine County, using the methodology for the Grants Pass urban area described in an April 9, 2013 memo attached as Exhibit 'A' to Resolution 13-6075.
- b. In addition, staff is directed to work with Josephine County to initiate amendments to the countywide coordinated population forecast consistent with this direction, also reflecting the updated Cave Junction population forecast consistent with Cave Junction City Council Resolution 776 adopted in August 2013, as presented in Table 2 of Exhibit 'A' to this resolution.
- c. The forecast will be consistent with Table 2 of **Exhibit 'A'** to this resolution, with Column 4 updated to reflect the base year urban area population consistent with the draft UGB and Urban Reserve boundaries described in Section 6.

### **Section 2. 'Needs Documents' Updates - Comprehensive Plan Amendments.**

- a. Except as provided in Subsection (b), consistent with the direction provided in City Council Resolution 13-6075 and County Resolution 2013-032, staff is directed to update the 'needs documents' (the Population, Housing, Economy, and Urbanization Elements of the Comprehensive Plan) based on a proportion of the total identified needs corresponding to the new population forecast. The Oregon Department of Land Conservation and Development (DLCDD) has previously concurred with this methodology.

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- b. Consistent with the direction provided by the City Council at the February 3, 2014 work session and summarized in a February 7, 2014 memo, in addition to the proportional adjustments to the employment site needs in the Economy Element associated with the revised population forecast and associated safe harbor employment forecasts, staff is directed to update the necessary planning documents, including the Economy Element and the Urbanization Element, to reflect the revised economic development strategy and policies.

The City's economic development strategy will capture less of the potential regional employment on land within the Grants Pass urban area, and rely more on a regional strategy that includes other employment lands in Josephine County. The City Council re-emphasizes the need to address infrastructure needs for other lands if there is to be a successful strategy to meet those needs on other lands for businesses that require a full range of public facilities and services, including sewer, water, and public safety.

- c. Consistent with the direction provided in City Council Resolution 13-6075 and County Resolution 2013-032, staff is directed to update the buildable lands inventory by deducting acreage/properties that have since developed from the original adopted inventory, prior to the beginning of the new planning period.

**Section 3. Scope of Work.** Consistent with the direction provided in City Council Resolution 13-6075 and County Resolution 2013-032, staff is directed to initiate the plan amendments described in this resolution to establish a 20-year Urban Growth Boundary (UGB) and an additional 10-year Urban Reserve based on the new forecast for the Grants Pass urban area. In addition to the required planning for the UGB, staff is directed to conduct infrastructure planning for the 30-year period, including the Urban Reserve area, and the necessary conceptual land use planning for the Urban Reserve that is required for the infrastructure plans and modeling.

**Section 4. Upzoning of Lands within Current UGB.** Consistent with the direction provided by the March 20, 2013 City Council motion, staff is directed to initiate amendments to the Comprehensive Plan and the zoning map for lands inside the current UGB consistent with the map presented at the March 20, 2013 meeting, attached to this resolution as ***Exhibit 'B'***.

**Section 5. Policy for Timing of Rural to Urban Zoning for UGB Expansion Areas.** The direction provided in Section 6 of this resolution directs staff to initiate the following: amendments to the Urban Growth Boundary, establishment of an Urban Reserve, and Comprehensive Plan map amendments for these areas. It doesn't direct staff to initiate zoning map amendments for the UGB expansion areas at this time. Infrastructure plans must be updated and adopted before zoning can be applied to most properties. Prior to or concurrent with the adoption of infrastructure plan updates, staff is directed to schedule meetings with the City Council and Josephine County Board of Commissioners

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as necessary to discuss and decide on the policy and approach for the timing of rural to urban rezoning for UGB expansion areas. Options may include, but are not limited to, those outlined in **Exhibit 'C'** to this resolution.

### **Section 6. UGB and Urban Reserve Boundaries and Comprehensive Plan Maps.**

- a. Consistent with the direction provided by the City Council at the February 3, 2014 work session and summarized in a February 7, 2014 memo, staff is directed to coordinate with the County and initiate amendments to the Comprehensive Plan to amend the Urban Growth Boundary, establish an Urban Reserve, and update the Comprehensive Plan map designations consistent with the maps attached to this resolution as **Exhibit 'D'**, with the following revisions:

<b>Area</b>	<b>October/November 2013 Staff Recommendation</b>	<b>February 3, 2014 City Council Revision</b>
H1.1	Include in UGB (Employment)	Do not include in UGB or Urban Reserve
H2	Include in Urban Reserve (Employment)	Do not include in UGB or Urban Reserve
A3/A4, F1, and F3W	Include in Urban Reserve (Employment)	Include in UGB (Employment)
G1.1	Do not include in UGB or Urban Reserve	Include in UGB (Low Density Residential)

- b. The City Council also directs staff to review allocations between the UGB and Urban Reserve for properties north of Leonard Road near Redwood Elementary School. This is based on requests from property owners with properties within the recommended Urban Reserve who would like those properties to be within the UGB. This wouldn't change the overall combined boundary for the UGB and Urban Reserve or land use allocations. It would revise about 14 acres north of Redwood Elementary School from Urban Reserve to UGB (within Area V2NE), and require an equivalent revision from UGB to Urban Reserve (likely within Area V1.1NE).

### **Section 7. Interim Intergovernmental Agreement for UGB Expansion Areas.**

Concurrent with the Comprehensive Plan and Development Code Amendments, staff is directed to initiate the hearing process for adoption of an Interim Intergovernmental Agreement for the UGB expansion areas consistent with the October 24, 2013 draft attached to this resolution as **Exhibit 'E'**. Staff is further directed to work with the Josephine County Planning Director to establish coordination procedures and protocols as applicable.

**Section 8. Intergovernmental Agreement for Urban Reserve.** Concurrent with the Comprehensive Plan and Development Code Amendments, staff is directed to initiate the hearing process for adoption of an Intergovernmental Agreement for the Urban Reserve consistent with the October 24, 2013 draft

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attached to this resolution as **Exhibit 'F'**. Staff is further directed to work with the Josephine County Planning Director to establish coordination procedures and protocols as applicable.

**Section 9. Comprehensive Plan Amendment – UGB Inclusion Criterion**

**Section 13.6.3(e).** The City Council has directed staff to exclude Area H1.1 from the draft UGB expansion areas and the Urban Reserve. This was the only area with resource zoning (Farm Resource) that was proposed for inclusion in the draft UGB or Urban Reserve boundaries. At this time, the City Council does not want to consider, nor direct staff to initiate, an amendment to the UGB Inclusion Criterion in Section 13.6.3(e) of the Comprehensive Plan, which pertains to agricultural land.

**Section 10. "Efficiency Measures" – Development Code Amendments.**

Staff is directed to initiate amendments to the Development Code for adoption of efficiency measures described in the Urbanization Element of the Comprehensive Plan, summarized **Exhibit 'G'** to this resolution, including implementation of specific measures consistent with those presented in **Exhibit 'H'** to this resolution.

**Section 11. Coordination.**

Once all necessary draft work products have been prepared in accordance with this resolution, staff is directed to coordinate with Josephine County on the submittal of draft work products and notice to DLCD; any subsequent public information meetings; and the hearing dates, logistics, and staff report for the public hearing process.

**EFFECTIVE DATE** of this Resolution shall be immediate upon its passage by the City Council and approval by the Mayor.

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2014.

**SUBMITTED** to and \_\_\_\_\_ by the Mayor of the City of Grants Pass, Oregon, this \_\_\_ day of \_\_\_\_\_, 2014 to be effective on the date indicated as adopted by the City Council.

\_\_\_\_\_  
Darin Fowler, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Frerk, City Recorder

Date submitted to Mayor: \_\_\_\_\_

Approved as to Form, Mark Bartholomew, City Attorney \_\_\_\_\_

Table 1. Adjustments for Josephine County Coordinated Population Forecast Revised for Cave Junction September 5, 2013 (Resolution 776)

Year	Josephine County		Grants Pass Urban Area		Cave Junction Urban Area		Population	
	Growth Rate OEA	Population Updated Base Yr	Share of JoCo	Population	Growth Rate Updated Base Yr	Population Updated Base Yr	Growth Rate Updated Base Yr, Res 776	Population Updated Base Yr, Res 776
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2049								
2050								

Blue = Census/Estimate  
Black = Forecast  
Updated estimates for Urban Areas start with 2010 Census data

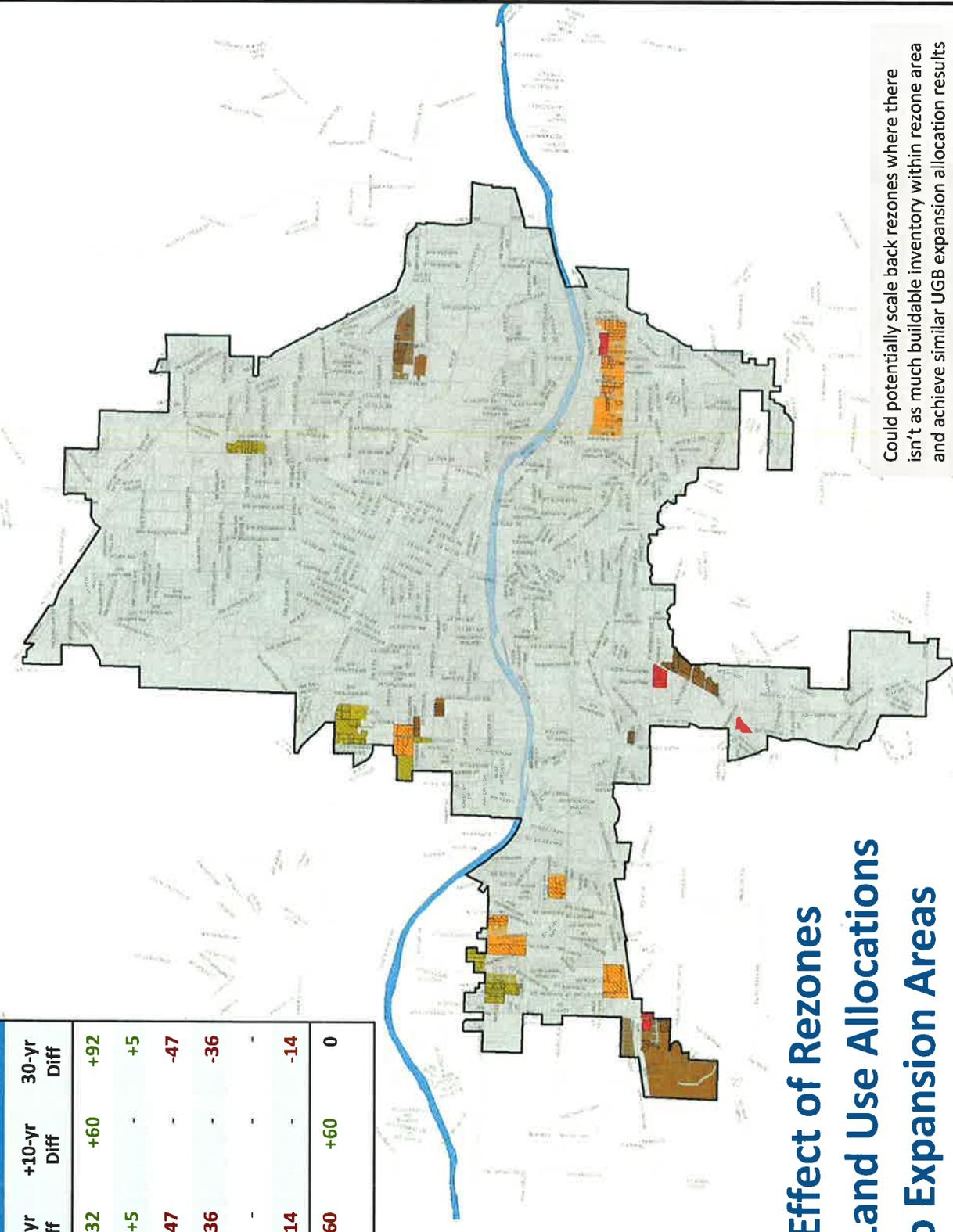
Table 2. Josephine County Coordinated Population Forecast to 2050

Year	Josephine County	Grants Pass Urban Area		Cave Junction Urban Area		Total		JoCo Outside Urban Areas
		Pass Urban Area Before Rev.	Est. Add'l GPJA Base Yr After Rev. UGB/UR	Urban Area Before Rev.	Est. Add'l GPJA Base Yr After Rev. UGB/UR	Urban Area Before Rev.	Est. Add'l GPJA Base Yr After Rev. UGB/UR	
2007								
2008								
2009								
2010								
2011								
2012								
2013								
2014								
2015								
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2050								

Blue = Census/Estimate  
Black = Forecast  
UGB/UR planning periods for Jurisdictions shaded orange

TO RESOLUTION

Effect of Rezones			
Plan Des	20-yr Diff	+10-yr Diff	30-yr Diff
LR	+32	+60	+92
MR	+5	-	+5
HR	-47	-	-47
HRR	-36	-	-36
Emp	-	-	-
Comm	-14	-	-14
<b>Total Diff</b>	<b>-60</b>	<b>+60</b>	<b>0</b>



Could potentially scale back rezones where there isn't as much buildable inventory within rezone area and achieve similar UGB expansion allocation results

## Effect of Rezones on Land Use Allocations to Expansion Areas

**Policy for Timing of Rural to Urban Rezoning for UGB Expansion Areas**

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**Item:**

**Policy for Timing of Rural to Urban Rezoning for UGB Expansion Areas**

**Action Items:**

- **Policy for Timing of Rural to Urban Rezoning for UGB Expansion Areas**
- **Zoning Map Amendments to Occur Later Based on Policy**
- *(Direction on this item can be provided later. However, this is a significant issue that the City and County should begin discussing for future action).*

**Background:**

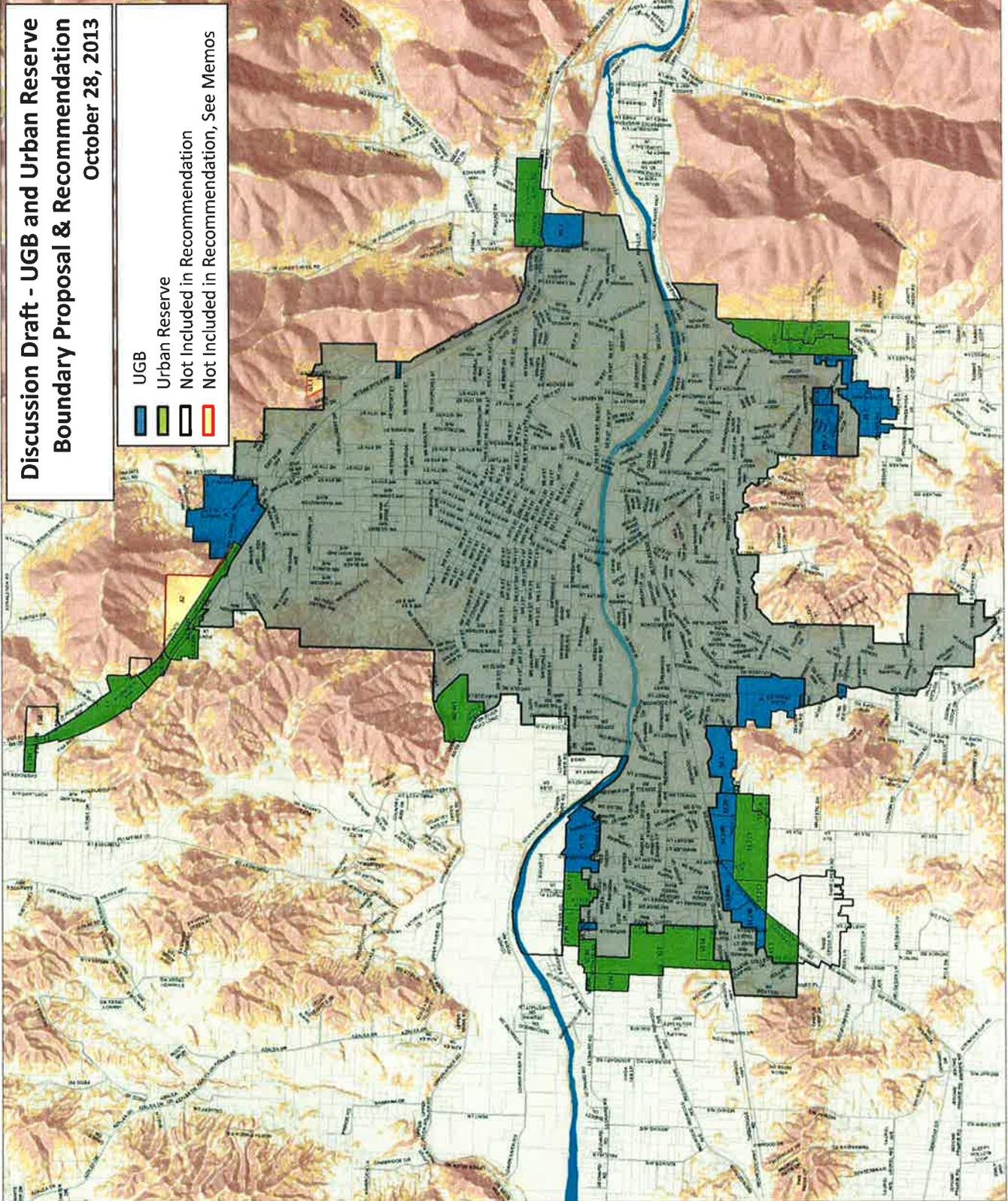
This item only applies to the rural to urban rezoning of UGB expansion areas. Lands in the Urban Reserve must retain rural zoning until lands are included in the UGB through a future UGB amendment. Properties already within the current UGB already have urban zoning and will continue to be managed as they are now.

State law allows urban Comprehensive Plan map designations to be adopted at the time of UGB expansion. However, before City urban zoning can be applied throughout the UGB expansion areas, it is necessary to complete transportation and infrastructure plans to support future land use, based on the Comprehensive Plan map. Those plans will identify infrastructure sizing and mitigation necessary to support development when urban zoning is applied and as properties develop. Transportation and infrastructure planning is expected to be completed within 12-18 months. The 'Goal 5' natural resource plan updates also need to be completed for the UGB expansion areas during that time.

During that time or sooner, the City and County can decide how to address the rural to urban rezoning of properties within the UGB expansion areas. In the meantime, the rural zoning will remain in place and the proposed Interim IGA for the UGB expansion areas provides for the county to continue to administer the rural land development code and building code in UGB expansion areas. Policy options, and pros and cons, for rural to urban rezoning will be presented in more detail at a future time. Policy options may include the following:

1. Upzone all properties in UGB expansion areas from rural to urban zoning all at the same time only after the transportation, infrastructure, and natural resource plans have been completed, and manage those areas the same way lands in the current UGB are now managed.
2. Generally upzone most properties as noted in #1 above only after the transportation, infrastructure, and natural resource plans have been completed, but evaluate whether there are any areas that should be upzoned from rural to urban zoning sooner for some limited areas where sewer, water, and major transportation facilities are already in place and significant changes won't occur through the infrastructure plan updates.
3. Apply urban zoning only at the time an owner signs an annexation agreement and develops property to urban standards, where the annexation agreement is an automatic administrative action that is a condition of approval that goes concurrent with a development application.
4. Apply urban zoning only at the time an owner signs an annexation agreement and develops property to urban standards. However, establish criteria where an annexation agreement isn't an automatic administrative action, where the city may have criteria that provide for timing and direction of growth and urban zoning that is phased and coordinated with a capital improvement plan and coordinated city investments in infrastructure for given areas.
5. Apply urban zoning and authorize extension of urban services for urban development only when properties are annexed into the City (except where services such as Redwood Sewer are now authorized to serve rural levels of development which would continue).





# Discussion Draft - UGB and Urban Reserve Boundary Proposal & Recommendation

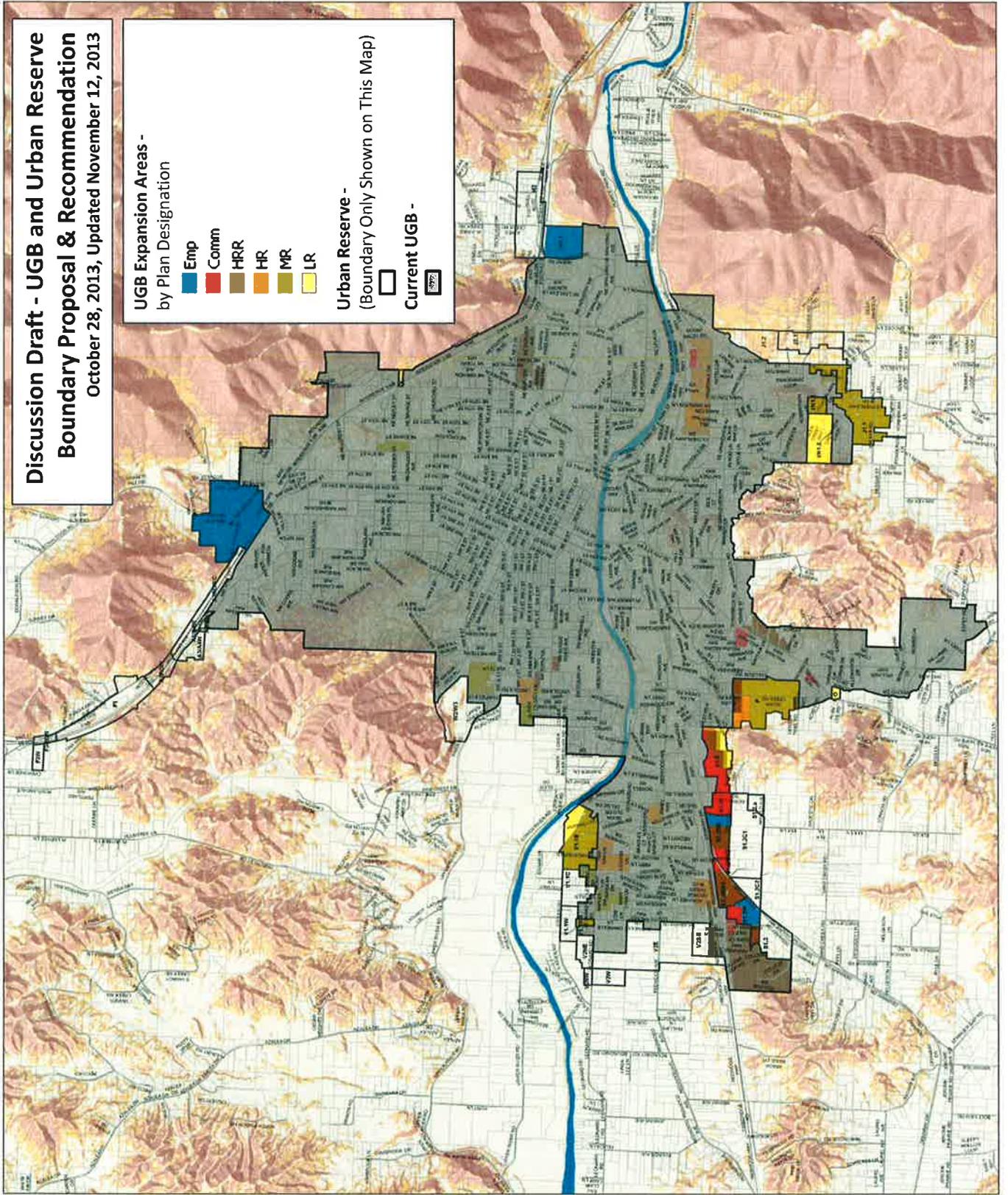
October 28, 2013, Updated November 12, 2013

UGB Expansion Areas -  
by Plan Designation

- Emp
- Comm
- HRR
- HR
- MR
- LR

Urban Reserve -  
(Boundary Only Shown on This Map)

Current UGB -

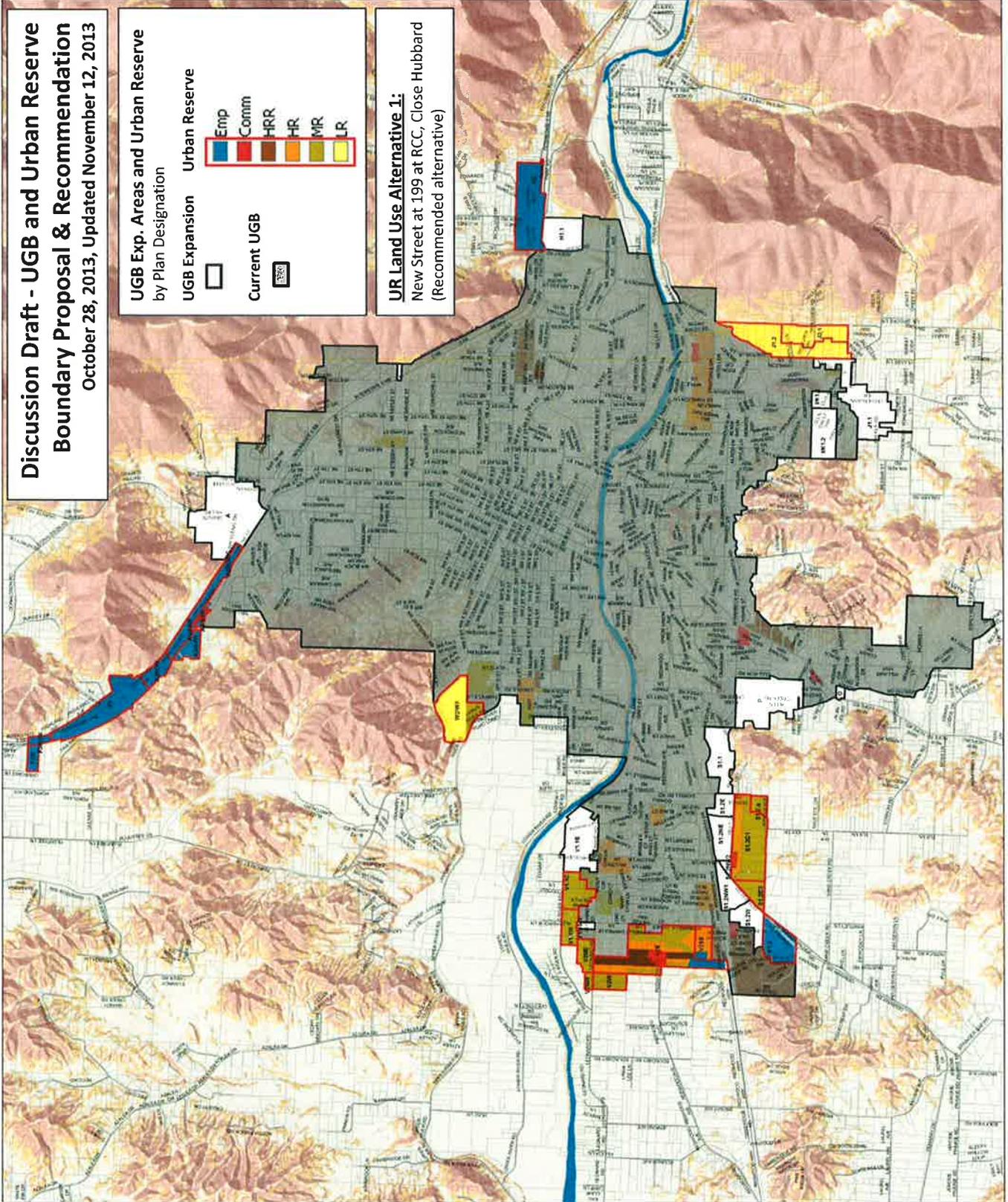


**Discussion Draft - UGB and Urban Reserve  
Boundary Proposal & Recommendation**  
October 28, 2013, Updated November 12, 2013

**UGB Exp. Areas and Urban Reserve**  
by Plan Designation

	UGB Expansion		Emp
	Current UGB		Comm
			HRR
			HR
			MR
			LR

**UR Land Use Alternative 1:**  
New Street at 199 at RCC, Close Hubbard  
(Recommended alternative)



# Discussion Draft - UGB and Urban Reserve Boundary Proposal & Recommendation

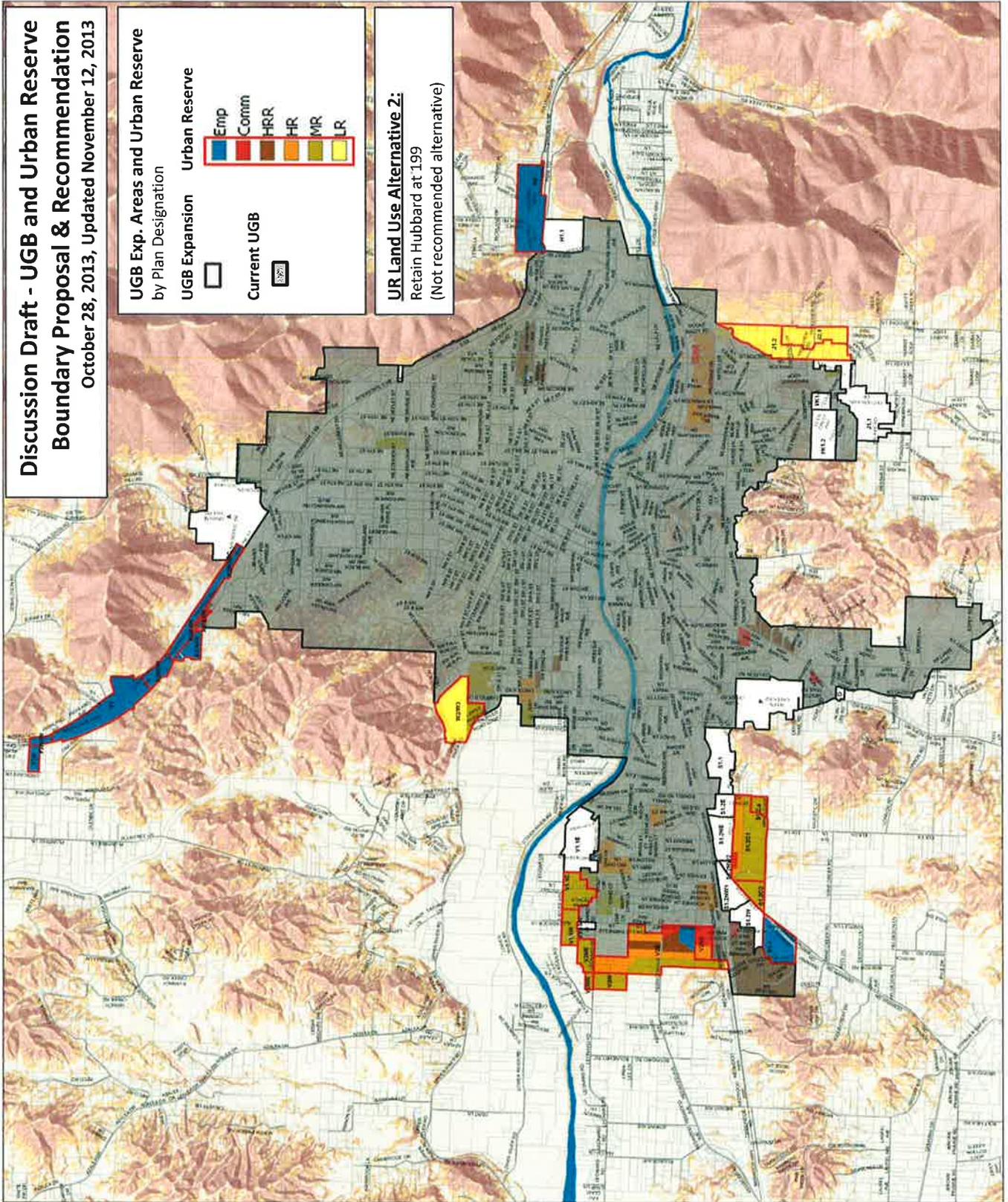
October 28, 2013, Updated November 12, 2013

**UGB Exp. Areas and Urban Reserve**  
by Plan Designation

UGB Expansion	Urban Reserve

**Current UGB**

**UR Land Use Alternative 2:**  
Retain Hubbard at 199  
(Not recommended alternative)



**DRAFT – October 24, 2013**

**INTERIM INTERGOVERNMENTAL AGREEMENT (IGA)  
FOR THE ORDERLY MANAGEMENT OF PROPERTIES ADDED TO THE  
GRANTS PASS URBAN GROWTH BOUNDARY AREA**

The parties to this agreement are Josephine County (hereinafter County) and the City of Grants Pass (hereinafter City).

WHEREAS, Oregon Revised Statutes Chapter 190 provides authority for management agreements; and

WHEREAS, City and County amended the Grants Pass Urban Growth Boundary (UGB) by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_, adding approximately 460 acres, consistent with the needs in the adopted Urbanization Element of the Comprehensive Plan; and

WHEREAS, City Ordinance \_\_\_\_\_ amended the Comprehensive Plan map designations for those properties added to the UGB, replacing the rural comprehensive plan map designations of the Josephine County Comprehensive Plan with the urban comprehensive plan map designations of the Grants Pass and Urbanizing Area Community Comprehensive Plan; and

WHEREAS, lands added to the UGB by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_ still have rural zoning, and they will retain rural zoning designations of the Josephine County Rural Land Development Code until rezoned to urban zoning designations of the City of Grants Pass Development Code; and

WHEREAS, it is anticipated that this Interim IGA will apply until urban infrastructure plans have been completed and adopted that address lands added to the UGB by the above ordinances. Following that work, this interim IGA will be replaced with the applicable permanent IGA; and

WHEREAS, it is in the public interest for the County to continue to manage rural development on land with rural zoning, including those lands that will retain rural zoning within the UGB until urban zoning is applied, and for the City to continue to manage urban development on land with urban zoning, and for the County and City to coordinate to facilitate the transition from rural zoning and development to urban zoning and development for lands within the UGB planned for future urban development; and

WHEREAS, the August 5, 1998 Intergovernmental Agreement (IGA) for the Orderly Management of the Grants Pass Urban Growth Boundary Area governs lands inside the UGB that have urban zoning designations of the City of Grants Pass Development Code; and

WHEREAS, it is not appropriate at this time to apply the 1998 IGA to land added to the UGB by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_ that retain rural zoning designations because the 1998 IGA provides for management of lands with urban zoning designations, and it does not provide for management of lands with rural zoning designations; and

WHEREAS, without this Interim IGA, the 1998 IGA would apply to all lands within the UGB, creating a conflict since the City of Grants Pass Development Code can't be applied to properties with rural zoning; and

WHEREAS this Interim IGA provides the necessary provisions for management of lands with rural zoning within the UGB until urban zoning has been applied.

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NOW, THEREFORE, the parties agree as follows:

## 1. Applicability.

- a. This Interim IGA will apply to properties added to the Urban Growth Boundary by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_ while they continue to have rural zoning.
- b. Once properties have been rezoned to urban zoning designations, the provisions of the August 5, 1998 IGA will apply to properties in the same manner as other properties with urban zoning in the UGB; however, if the City and County adopt a different IGA that applies to lands added to the UGB by the above ordinance, the provisions of said IGA will apply.
- c. The current August 5, 1998 IGA will continue to apply to properties already inside the Urban Growth Boundary with urban zoning prior to City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_, and this Interim IGA does not apply to those properties with urban zoning.

2. **All Provisions Except Land Use Management.** Except for Land Use Management provisions specified in Section 3 of this Agreement, all other issues pertaining to land use and development, provisions of public facilities and services, and all other issues shall be continue to be managed in the same manner as lands outside the Urban Growth Boundary.

## 3. Land Use Management.

- a. **Non-Legislative Decisions.** All non-legislative land use actions, those actions that apply current law rather than amend the law, including ministerial permits, quasi-judicial decisions, and appeals of those decisions shall be subject to the following:
  - i. **Applicable Comprehensive Plan and Land Use Regulations.** The Grants Pass & Urbanizing Area Community Comprehensive Plan and Comprehensive Plan Map will apply to properties in the UGB that have urban zoning. The Josephine County Rural Land Development Code and Zoning Map will continue to apply to properties in the UGB with rural zoning until they are rezoned to urban zoning designations, and then the City of Grants Pass Development Code and Zoning Map will apply.
  - ii. **Administration.** The Josephine County Planning Department will continue to administer the Josephine County Rural Land Development Code for properties with rural zoning. Reviews and appeals shall be subject to the jurisdiction of the review bodies specified in the Josephine County Rural Land Development Code, including the Josephine County Planning Director, Rural Planning Commission, and Josephine County Board of Commissioners.
  - iii. **Coordination.** The Josephine County Planning Department will continue to coordinate all actions required for permits and inspections with appropriate agencies, including the Josephine County Building

# DRAFT – October 24, 2013

Department, DEQ, and Water Resources Department, and other agencies, as may apply.

- iv. **Quasi-Judicial Map Amendments.** Quasi-judicial Comprehensive Plan map amendments and zoning map amendments pertaining only to rural designations are considered non-legislative decisions addressed under this section. County will provide notice of quasi-judicial map amendments to City.
- b. **Legislative Decisions.**
- i. **Existing Lands in UGB.** All administration and procedures applicable to lands in the UGB with urban zoning *prior to* City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_ shall continue to apply as they currently apply.
  - ii. **Urban.** Text and map amendments to the Grants Pass and Urbanizing Area Community Comprehensive Plan and/or Comprehensive Plan Map, Grants Pass Development Code and/or Zoning Map shall continue to be processed by the City in accordance with the 1998 IGA, including notification and County automatic party status specified in Section V.2 of the 1998 Intergovernmental Agreement. This shall include any provisions pertaining to urbanization and/or urban use and development, including applicability to lands added to the Urban Growth Boundary by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_, including zoning map amendments from rural to urban designations.
  - iii. **Rural.** Text and map amendments to the Josephine County Comprehensive Plan and/or Comprehensive Plan Map, Rural Land Development Code and/or Zoning Map shall be processed by the County. This shall include any provisions pertaining to rural use and development, including applicability to lands added to the Urban Growth Boundary by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_ that retain rural zoning. The County agrees to provide written notice of all proposed legislative actions that have applicability to lands within the new UGB at least 35 days prior to the public hearing at which the action is first considered. The City shall be deemed to have automatic party status regarding all such decisions for the purposes of standing for appeals.
4. **Severability.** If any term or provision of this agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this agreement and the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.
  5. **Repeal.** This Interim IGA shall remain in effect until replaced by a permanent IGA for all lands within the UGB by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_, or until all lands within the UGB have been rezoned to urban zoning designations, negating the necessity for provisions governing lands within rural zoning inside the UGB.
  6. **Effective Date.** This agreement shall become effective on the same effective date as the amended UGB adopted by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_.

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## JOSEPHINE COUNTY

\_\_\_\_\_ Date: \_\_\_\_\_  
Simon Hare, Chair

\_\_\_\_\_ Date: \_\_\_\_\_  
Cheryl Walker, Vice Chair

\_\_\_\_\_ Date: \_\_\_\_\_  
Keith Heck, Commissioner

Approved as to form: \_\_\_\_\_  
Steve Rich, Josephine County Counsel

## CITY OF GRANTS PASS

\_\_\_\_\_ Date: \_\_\_\_\_  
Darin Fowler, Mayor

\_\_\_\_\_ Date: \_\_\_\_\_  
Aaron K. Cubic, City Manager

ATTEST: \_\_\_\_\_  
Karen Frerk, City Recorder

Approved as to form: \_\_\_\_\_  
Mark Bartholomew, Grants Pass City Attorney

## DRAFT – 10-24-2013

### INTERGOVERNMENTAL AGREEMENT FOR THE ORDERLY MANAGEMENT OF THE GRANTS PASS URBAN RESERVE

**PARTIES** to this agreement are Josephine County (hereinafter County) and the City of Grants Pass (hereinafter City).

WHEREAS, Oregon Revised Statutes (ORS) Chapter 190 provides authority for intergovernmental agreements; and

WHEREAS, Oregon Revised Statutes Chapter 190 requires that an intergovernmental agreement shall specify functions or activities to be performed and the responsibilities for performance of those functions; and

WHEREAS, Oregon Revised Statutes (ORS) 195.145 and Oregon Administrative Rules (OAR) 660-021-0020 provide authority for local governments to cooperatively designate lands outside urban growth boundaries as urban reserves in accordance with OAR 660 Division 21; and

WHEREAS, Oregon Administrative Rules (OAR) 660-021-0010 defines 'Urban Reserve' as lands outside of an urban growth boundary that will provide for (a) future expansion over a long-term period, and (b) the cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary.

WHEREAS, City adopted Resolution 13-6075 and County adopted Resolution 2013-032, including provisions to proceed with planning for urban reserves and to exercise the authority provided in OAR 660-021-0040(6) to plan for the eventual provision of urban public facilities and services when lands in the urban reserves are included in the urban growth boundary; and

WHEREAS, OAR 660-021-0050 requires that urban reserve planning shall include the adoption and maintenance of urban reserve agreements, which shall be adopted by each applicable jurisdiction at or prior to the time of urban reserve designation; and

WHEREAS, OAR 660-021-0050 requires that urban reserve agreements include provisions that designate responsibilities among applicable jurisdictions; and

WHEREAS, OAR 660-021-0040(1) requires that lands within Urban Reserves shall retain rural zoning until included in the urban growth boundary; and

WHEREAS, OAR 660-021-0040 includes provisions for regulation and management of resource and nonresource lands within Urban Reserves and provides authority for measures that may be adopted to facilitate the efficient transition from rural to urban land uses and the orderly and efficient provision of urban services when lands are included in the urban growth boundary; and

WHEREAS, OAR 660-021-0040(2) specifies that urban reserve land use regulations shall be adopted by the time the urban reserves are designated; and

WHEREAS, it is the intent of this agreement to comply with Oregon Revised Statutes Chapters 190 and 195 and Oregon Administrative Rules 660 Division 021; to provide for cooperative management of the urban reserves as initially adopted, and as may be amended thereafter; and to provide for the efficient transition from rural to urban land uses and efficient provision of urban services when lands are included in the urban growth boundary.

# DRAFT – 10-24-2013

NOW, THEREFORE, the parties agree as follows:

## I. DEFINITIONS

For purposes of this agreement, terms defined in ORS 197.015, the statewide planning goals (OAR Chapter 660, Division 15), and OAR 660-021-0010 (Urban Reserves) apply.

## II. INTENT AND PURPOSE OF THE AGREEMENT

1. To comply with applicable state law for urban reserve agreements.
2. To enable the City and County to plan for the efficient transition from rural to urban land uses, the efficient provision of urban services and facilities, and the future transition of lands from the urban reserve to inclusion within the urban growth boundary.
3. To enable greater advance information to citizens, local governments, and services providers about the long-term direction and nature of future urban growth and services.
4. To minimize impacts to property owners, local governments, and service providers related to the transition from rural to urban land uses and provision of public facilities and services.
5. To enable the City and County to work together in planning for the transition from rural to urban land uses and provision of public facilities and services, and to maintain and improve coordination and communication between the City and County.
6. To specify the applicability of existing plans, policies, and regulations to lands within the urban reserve, and to establish supplemental plans, policies, and regulations consistent with OAR 660 Division 21 that provide for the rural use and development in the urban reserve in a manner that facilitates the future transition to urban uses and provision of public facilities and services when lands are included in the urban growth boundary.
7. To ensure incremental adjustments to the urban growth boundary are based on a comprehensive plan for the urban reserve that provides an adequate supply of sites planned at appropriate locations to meet future needs. To ensure that the finite supply of scarce sites with unique geographic characteristics and proximities is prioritized and protected for land uses with critical siting needs that require those characteristics, so those sites are not planned for, nor consumed by, land uses that have the most flexible siting capabilities.
8. To establish provisions for the amendment of the urban reserve.

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## III. APPLICABILITY

1. **Applicability: Geographic Area.** This agreement applies to lands within the Grants Pass Urban Reserve, as initially established, and as may be amended thereafter. The term 'Urban Reserve' includes the singular and plural, whether or not the Urban Reserve boundary or boundaries, and lands within them, are contiguous to one another.
2. **Applicability: Provision and Management of Services and Facilities.** Provision and management of those services and facilities specified in this Agreement shall apply within the Urban Reserve as specified herein. Except as provided in this agreement, provision of all other services and facilities within the urban reserve not specified in this agreement shall continue to be provided and managed in the same manner as, and by the same providers, as applies to other properties outside the urban growth boundary which are not within the urban reserve. These include water, sewer, streets and drainage, and parks & open space, public safety, and code enforcement.

However, properties that connect to municipal sewer or water service as authorized by this agreement or other agreement shall sign a Service and Annexation Agreement in accordance with applicable City policy in place at the time of this agreement, or as revised thereafter. In accordance with policy, any properties subject to a Service and Annexation Agreement that requires payment of a fee equal to the city tax rate shall also receive City public safety service, including police and fire, subject to mutual aid agreements between participating public safety providers. Properties paying the fee are not required to have a separate rural fire protection contract to receive services from mutual aid public safety providers.

Nothing in this agreement shall preclude the options available to the City to provide services to properties within the urban reserve in the same manner as services can already be provided to rural properties outside the urban growth boundary by separate agreement or contract.

## IV. LAND USE AND BUILDING MANAGEMENT

1. **Urban Reserve Boundary.** The City and County shall jointly adopt, and may amend, the urban reserve boundary in accordance with applicable state law using the Type V procedures specified in Section 13.6 of the Grants Pass and Urbanizing Area Comprehensive Community Development Plan Policies, or as thereafter mutually modified by the two governing bodies.

Plans, standards, and measures that govern the Urban Reserve shall be adopted prior to or concurrent with adoption of the Urban Reserve, and subsequent amendments shall be as provided in state law and in accordance with the provisions of this Agreement.

2. **Urban Reserve Planning and Zoning.** As required by OAR 660-021-0040(1), until included in the urban growth boundary, lands in the urban reserve shall continue to be zoned for rural uses, in accordance with the provisions of applicable state law and this agreement.

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3. **Josephine County Comprehensive Plan & Map, Rural Land Development Code & Zoning Map, Building Code.** Except as otherwise provided in this agreement, the County shall exclusively apply the applicable rural planning documents governing the rural use and development of properties to lands in the urban reserve, including the Josephine County Comprehensive Plan, the Josephine County Comprehensive Plan Map, the Rural Land Development Code, and the Rural Zoning Map. The County shall also administer and apply the Building Code for lands within the Urban Reserve.

The County will continue to coordinate all actions required for permits and inspections in the same manner as applies to other lands outside the UGB, with appropriate agencies including County Planning, County Building Department, DEQ, and Water Resources, as may apply.

The County shall also adopt and apply any rural services and facilities plans needed to serve the area while rural zoning applies. These include, but are not limited to, the rural Transportation System Plan and rural area drainage plans. Future updates to these plans shall be coordinated with the plans described in Sections IV.4. and IV.5 of this Agreement, which guide the future transition from rural to urban development.

The following additional provisions shall apply to the rural use and development of lands in the urban reserve.

**A. Limitations on Rezoning.**

1. **Exception Areas and Nonresource Land.** As required by OAR 660-021-0040(3), for exception areas and nonresource land in the urban reserve, this agreement prohibits zone amendments allowing more intensive uses, including higher residential density, than permitted by acknowledged zoning in effect as of the date of establishment of the urban reserve. This provision shall remain in effect until such time as the land is included in the urban growth boundary, at which time provisions of the applicable urban growth boundary management agreement shall apply.
2. **Resource Land.** As required by OAR 660-021-0040(4), resource land included in the urban reserves shall continue to be planned and zoned under the requirements of applicable statewide planning goals.

- B. Siting of a Single-Family Dwelling.** Per OAR 660-021-0040(7), this agreement does not prohibit the siting, use, and development of a single-family dwelling on a legal parcel pursuant to urban reserve planning requirements if the single-family dwelling would otherwise have been allowed under law existing prior to the designation of the parcel as part of an urban reserve.

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### C. Additional Standards for Siting of New Development on Existing Parcels.

1. As part of the development review for properties within the urban reserve, in addition to the review of standards in the Rural Comprehensive Plan and any associated planning documents and the Rural Land Development Code, Josephine County shall review and consider the plans described in Sections IV.4 and IV.5 of this Agreement including the Urban Reserve Transition Plan and plans that guide future provision of urban facilities and services of this agreement, to serve lands in the urban reserve when they are included in the urban growth boundary, This review shall be subject to the notification and comment provisions of Section IV.6 of this Agreement.
2. Development on existing parcels within the urban reserve shall be sited so that:
  - a. Structures shall not be sited within the alignment of future urban local collector, collector, or arterial streets and right-of-way identified in applicable transportation plans; and
  - b. Based on the future urban zones authorized by the Urban Reserve Transition Plan map, structures shall meet setbacks from the future right-of-way needed for urban standard local collector, collector, or arterial streets identified in applicable transportation plans; and
  - c. Structures shall not be sited within the alignment of future mainlines or easement widths identified for sewer collection or water distribution in applicable plans for future provision of urban infrastructure.
  - d. To the extent practical, structures shall be sited to facilitate the future development and extension of the local street network on the property and adjacent properties, that will be needed to serve future urban use and development, consistent with the map designations of the Urban Reserve Transition Plan and the street connectivity standards of the Development Code.
3. These provisions are intended to facilitate future transition from rural to urban use and development with minimal impacts to rural use and development that occurs while property is within the urban reserve. These provisions shall not preclude siting of development on a parcel. To the extent that a smaller property cannot meet all of the requirements of this subsection, structures shall be sited to minimize conflicts and impacts to the extent practical.

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4. **Service & Annexation Agreement and Written Waiver of Remonstrance.** A Service & Annexation Agreement and Written Waiver of Remonstrance for future annexation shall be required if the property is provided with urban services, including sewer and/or water services.
- D. **Additional Standards for Land Divisions.**
1. **Minimum Parcel Size.** Except as authorized for the clustering option in Subsection (2), the minimum parcel size shall be as specified for the applicable rural zoning district in the Rural Land Development Code.
  2. **Clustering Option.** As an option to Subsection (1) above, new parcels in the urban reserve may be smaller than the minimum parcel size specified for the rural zoning district in the Rural Land Development Code if the land division meets all of the requirements of this subsection.
    - a. The property is within a rural residential zone.
    - b. The property is within the Redwood sewer service area and is authorized to be served with public sewer.
    - c. No community water system shall be created. Either the land division includes no more than three parcels, which have individual wells or a shared well, or at its discretion, the City may authorize the parcels to be served with municipal water through separate agreement and terms.
    - d. The parent parcel is not a flag lot, and no new flag lots will be created.
    - e. The parent parcel may be divided using the clustering provisions of this section provided the overall average density of the newly created parcels does not exceed the density that would otherwise occur if the parent parcel was divided in a way that met minimum lot size requirements of the applicable rural zone for each new parcel.
    - f. One, and only one, of the newly created parcels shall be designated as the 'density granting parcel'. All other newly created parcels shall be designated as the 'density receiving parcels'. Density may be transferred from the 'density granting parcel' to the 'density receiving parcels' provided each 'density receiving parcel' is no larger than 0.25 acre and no smaller than smallest minimum lot size of the urban zoning district or districts authorized by the Urban Reserve Transition Plan Map, and meets the lot dimension requirements of that urban zoning district.

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- g. The application shall include a future development plan in accordance with Subsection (3) showing how the remaining 'density granting parcel' can be further divided and developed when included in the urban growth boundary in accordance with the applicable intergovernmental agreement for the UGB, the future urban infrastructure plans, and future urban zoning authorized by the Urban Reserve Future Land Use Plan Map; and
  - h. Each new parcel, including the 'density granting parcel', has frontage on a public street consistent with the future urban zoning district; and
  - i. At the City's discretion, if not already present, urban frontage improvements or a Deferred Development Agreement for future urban frontage improvements shall be required for the 'density receiving parcels' and the frontage of the area within the future development lot where a home will be sited on the 'density granting parcel'.
  - j. If the 'density granting parcel' will have more than twice the minimum lot size of the rural residential zone remaining after the land division, a deed declaration shall be recorded at the time the plat is filed, on a form approved by the City which states the property cannot be further divided until it is within the urban growth boundary has urban zoning applied, and must be developed in accordance with the provisions of the applicable intergovernmental agreement for urban growth boundary and the applicable urban zoning district.
  - k. Development of the 'density receiving parcels' and the future development portion of the 'density granting parcel' shall meet setbacks and development standards of the applicable future urban zone, including setbacks from the property lines shown in the future development plan for the 'density granting parcel'.
3. **Preplatting Future Lots or Parcels.** In addition to the submittal requirements of the Rural Land Development Code for a land division, a future development plan shall also be submitted that shows how the property can be further divided and developed in accordance with the future urban use and development standards for the map designation specified in the Urban Reserve Transition Plan and Future Urban Land Use Plan Map.
4. **Right-of-Way.** Excluding future streets shown on a future development plan that are not part of the immediate land division, adequate right-of-way width and dedication shall be required for the frontage of existing rural roads and new rural roads within the

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development consistent with the urban right-of-way widths required for future urban facilities specified in accordance with applicable plans and standards for future urban streets.

5. **New Facilities Serving More than One Parcel.** To the extent facilities that serve more than one parcel are permitted by the Rural Development Code and other applicable law, any new facility that serves more than one parcel in a land division shall be coordinated with the future provision of urban services.
  - a. **Community Water Systems.** Except as provided in Subsection (2)(c) above for the clustering option, if Community Water Systems are permitted by the Rural Land Development Code, such systems shall be allowed subject to the provisions of this Subsection. They shall be designed for future connection to the City water distribution system to accommodate future domestic use and fire flows, and to facilitate the transition to the City system when properties are further divided and/or developed with urban use and development. Any newly created Community Water System shall include provisions that specify the system will only serve rural use and development and that provide for the future connection and transfer of service to the City system at the time the property is developed with urban use and development that must be served by the City water distribution system.
  - b. **Streets and Drainage.** Any new streets and drainage facilities that serve a new land division shall be located and aligned to facilitate the future street system on the future development plan, and to the extent possible, to accommodate the grades and alignment of future underground utilities, such as sewer, water, and storm drainage.
6. **Service & Annexation Agreement and Written Waiver of Remonstrance.** A Service & Annexation Agreement and Written Waiver of Remonstrance for future annexation shall be required for each parcel that is provided with urban services, including public sewer and/or water services.
4. **Urban Reserve Transition Plan and Future Urban Land Use Plan Map.** As part of the Comprehensive Plan, the City and County shall adopt urban reserve transition planning documents as specified in this agreement, including a future urban land use plan map, to guide planning for the eventual inclusion of properties in the urban reserve within the urban growth boundary.
  - A. **Purpose.** The purpose of the Urban Reserve Transition Plan and Future Urban Land Use Plan Map is to:

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1. Provide the basis and guidance for the future transition from rural plan and zoning map designations to urban plan and zoning map designations.
  2. Ensure that lands that are uniquely suitable for certain land uses, due to unique geographic characteristics, proximities, and land use patterns are available for those uses when needed and included in the UGB,
  3. Avoid incremental, unplanned, piecemeal zoning that wouldn't meet long-term needs for land uses if lands are brought into urban growth boundary without a plan.
  4. Provide the basis and guidance for development of infrastructure and public facilities plans, including sizing of infrastructure to serve the urban growth boundary with consideration of the future needs and sizing of that infrastructure to serve lands within the urban reserve when they are included in the urban growth boundary.
  5. Together with the Future Public Facilities and Services Plans in Section IV.5 of this agreement, provide guidance for the Land Use Management provisions in Section IV.3 of this Agreement, which are intended to provide for the coordinated review of rural development to plan for efficient transition to future urbanization.
- B. The Future Urban Land Use Map may include the same Comprehensive Plan Map designations that apply to lands in the urban growth boundary, may contain different plan designations, or a combination. The map designations shall be sufficient to provide guidance on the generalized land use and development densities that will be permitted by future zoning, and shall be sufficient to guide future infrastructure planning.
5. **Urban Reserve Future Public Facilities and Services Plans.**
- A. Per OAR 660-021-0040(6), cities and counties are authorized to plan for the eventual provision of urban public facilities and services to urban reserves. This agreement includes planning for the eventual provision of urban public facilities and services to the land within the urban reserves. However, it does not authorize urban levels of development or services in urban reserves prior to their inclusion in the urban growth boundary. It is not intended to prevent the planning for, installation of, or connection to public facilities or services in urban reserves consistent with the statewide planning goals and with acknowledged comprehensive plans and land use regulations in effect at the effective date of this agreement.
  - B. The City shall be responsible for planning for eventual provision of urban public facilities and services; including Water, Sewer, Transportation, and Drainage, to eventually serve the lands within the urban reserve once they are included within the urban growth boundary and develop with urban use and development.

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- C. Sizing infrastructure for the long-term extension to serve the urban reserves is cumulative to the planning for the infrastructure and public facilities to serve the urban growth boundary. Therefore, this planning affects the sizing of infrastructure and public facilities that will be installed in the shorter term to serve the urban growth boundary as well as the infrastructure that will be in the longer term to serve lands in the urban reserve when they are included in the urban growth boundary and develop with urban use and development.

Therefore, these plans may be part of the same planning documents for infrastructure and public facilities for both the urban growth boundary and the urban reserve. The plans may identify how capital projects can be phased to initially serve lands in the urban growth boundary and to later serve lands in the urban reserve when they are included within the urban growth boundary. The plans may also include projects that cannot be phased, and must be initially sized and constructed to serve lands in the urban growth boundary and urban reserve, even though urban reserve lands may not initially be served at urban densities until they are included in the urban growth boundary.

- D. Nothing in this agreement is intended to limit or preclude the planning, siting, or development of facilities outside of the jurisdiction or service areas they are intended to serve, consistent with applicable state law.

### 6. Procedures, Notification, and Appeals.

- A. **Rural Planning and Development.** The following shall apply to actions taken by the County under the Rural Comprehensive Plan, Rural Comprehensive Plan Map, Rural Land Development Code, and Rural Zoning Map.
1. **Legislative Text Amendments and Legislative and Quasi-Judicial Map Amendments.** The County shall process these amendments in accordance with the procedures in the Rural Comprehensive Plan and Rural Land Development Code. In addition, the County shall provide written notice of all proposed legislative text amendments and legislative and quasi-judicial map amendment to the City at least 35 days prior to the public hearing at which the action is first considered. The City shall be deemed to have automatic party status regarding all such decisions for the purposes of standing for appeals.
  2. **Quasi-Judicial Applications Except Map Amendments.** The County shall process these amendments in accordance with the procedures in the Rural Comprehensive Plan and Rural Land Development Code. The County shall give the City written notice of all land use, limited land use and expedited land division decisions in the urban reserve in the same manner as required by Oregon Law for adjacent property owners. The City shall be deemed to have automatic party status regarding all such decisions for the purposes of standing for appeals. Quasi-judicial

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land use and limited land use development decisions made by the County's Planning Director, Hearings Officer, or the Rural Planning Commission may be appealed according to the County's land use hearing rules. The County may provide staff support for any administrative or quasi-judicial review of decisions regarding the application of land use regulations to land within the urban reserve.

3. **Administrative Permit Approvals.** For building permits and administrative permits that do not require quasi-judicial or legislative review, which are subject to the standards of Section IV.3.C of this Agreement, in addition to the County's review for consistency with that Section, the County shall route plans to the City for review and comment for consistency with the provisions of that Section prior to issuance of a permit. The County shall provide 7 days for the City to comment prior to issuance of a permit.
4. **Preapplications.** For any action that relates to land use and permit approvals within the urban reserve for which the County is required to provide notification to the City under this agreement, the County shall also provide notification of any pre-application to the City for any such associated application so the City may comment prior to submittal of a formal application. The County shall provide notice to the City in the same manner it notifies other affected agencies, and shall provide notice at least 10 business days before comments are due.
5. **Cooperation on Planning Undertakings.** The County is encouraged to notify the City as early as possible when it is considering undertaking plan, code, map, and/or service amendments that may affect the use and development of land within the urban reserve, and to invite the City to participate in the those undertakings, prior to review of a formal proposal through the public hearing process.

### B. Urban Planning and Development.

1. **Urban Reserve Transition Plan and Future Urban Land Use Plan Map.** The City and County shall initially adopt the Urban Reserve Transition Plan and Future Urban Land Use Plan Map at the time of adoption and amendment of the Urban Reserve, using the Type V procedure specified in the Grants Pass and Urbanizing Area Community Comprehensive Plan. Thereafter, the procedure for amendments to this plan for lands in the Urban Reserve shall be in the same manner specified in the Intergovernmental Agreement for the Urban Growth Boundary and specified in the Grants Pass and Urbanizing Area Community Comprehensive Plan, using the Type IV procedure, and including the same noticing provisions and automatic party status to the County.

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2. **Urban Reserve Future Public Facilities and Services Plans.** The City shall adopt Urban Reserve Future Public Facilities and Services Plans in the same manner specified in the Intergovernmental Agreement for the Urban Growth Boundary and specified in the Comprehensive Plan, using the Type IV procedure, and including the same noticing provisions and automatic party status to the County.
3. **Cooperation on Planning Undertakings.** For urban infrastructure planning that may affect rural lands and facilities, such as transportation and drainage facilities, including those outside the urban service planning area, the City is encouraged to involve the County in the planning process. This agreement is not intended to limit or preclude other cooperative infrastructure planning efforts that cross urban and rural boundaries.

### 7. **Inclusion of Urban Reserve Lands within the Urban Growth Boundary.**

- A. **Services.** When lands within the Urban Reserve are included within the Urban Growth Boundary, in accordance with the procedures of the applicable Intergovernmental Agreement for the Urban Growth Boundary, services shall be provided in accordance with the terms of the applicable Intergovernmental Agreement for the Urban Growth Boundary.

Land Use and Building Code Administration may differ for different lands within the UGB, depending on rezoning policies which may retain rural zoning on some lands within the UGB, whether the properties have rural or urban zoning, and the associated provisions of the Intergovernmental Agreement, or any Interim Intergovernmental Agreements for the UGB that may apply to lands with rural zoning.

- B. **Comprehensive Plan Map.** The Comprehensive Plan Map for the Urban Growth Boundary (UGB) shall be updated to include the new area added to the UGB, with plan designations that are the same as, or consistent with, the Urban Reserve Future Urban Land Use Plan Map for the subject lands.

## V. **FINANCING AUTHORITY**

Lands within the Urban Reserve will retain rural zoning prior to inclusion in the Urban Growth Boundary. Most public facilities and services within the Urban Reserve will be County owned and managed facilities built to rural standards. However, some City owned and managed services are authorized to serve rural development, as specified in this Agreement and other agreements.

For any public services and facilities that will be provided by the City in accordance with the Agreements, the County grants, and the City accepts, the authority to raise and collect monies that are necessary or convenient to provide, construct, improve, and maintain Urban Reserve public facilities and services, subject to the requirements and procedures of Oregon law. This authority shall include, but is not limited to, the formation of local improvement districts and similar service districts and special

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assessments, and to exercise any and all powers now or hereafter granted to the County through waivers of remonstrance to lands within the Urban Reserve, and to secure financing and establish liens or other devices, deferred payment programs and formats, and otherwise take all actions necessary to assure the timely, orderly and efficient arrangement of public facilities and services within the Urban Reserve. This authority shall also include the right to require the signing of service and annexation agreements when so authorized, and require compliance with standards specified in applicable agreements, prior to the provision of City owned or managed services to specific properties.

### **VI. MAINTENANCE AND AMENDMENT**

This agreement may be amended any time with the consent of the parties, provided 30-day written notice of the intention to amend is given to the Department of Land Conservation and Development. Modifications in this agreement shall be deemed consistent with the applicable Comprehensive Plan and its various elements.

### **VII. DISPUTE RESOLUTION**

1. Per OAR 660-021-0070(2), disputes between jurisdictions regarding urban reserve boundaries, planning and regulation, or urban reserve agreements may be mediated by the Department of Land Conservation and Development (DLCD) or the Land Conservation and Development Commission (LCDC) upon request by an affected party to this agreement.
2. In the event a dispute occurs regarding the operation or interpretation of this agreement, or the need for an amendment, and the parties come to an impasse regarding the dispute, the governing body of either the County or City may refer the dispute to a resolution committee. The resolution committee shall be comprised of two County representatives chosen by the County Commissioners, and two City representatives chosen by the City Council and the Chair of the Urban Area Planning Commission. The committee shall immediately proceed with non-binding mediation. The Resolution Committee may elect to proceed with binding arbitration by unanimous agreement.

### **VIII. SEVERABILITY**

If any term or provision of this agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this agreement and the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.

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## IX. EFFECTIVE DATE

This Agreement shall become effective on the same effective date as the adoption of the Urban Reserve Boundary adopted by City Ordinance \_\_\_\_\_ and County Ordinance \_\_\_\_\_.

### JOSEPHINE COUNTY

\_\_\_\_\_  
Simon Hare, Chair Date: \_\_\_\_\_

\_\_\_\_\_  
Cherryl Walker, Vice Chair Date: \_\_\_\_\_

\_\_\_\_\_  
Keith Heck, Commissioner Date: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Steve Rich, Josephine County Counsel

### CITY OF GRANTS PASS

\_\_\_\_\_  
Darin Fowler, Mayor Date: \_\_\_\_\_

\_\_\_\_\_  
Aaron Cubic, City Manager Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Karen Frerk, City Recorder

Approved as to form: \_\_\_\_\_  
Mark Bartholomew, City Attorney

**TABLE 14.60.3  
SUMMARY OF LAND USE EFFICIENCY MEASURES**

<b>A. EFFICIENCY MEASURES</b>	<b>Gross Acres Over 20 Years</b>
<b>I. More Efficient Use of Vacant and Partially Vacant Land</b>	
1a. 10% small lot allowance in LR subdivisions	30 acres (LR)
1b. Marginal reduction in LR min. lot sizes, or new zones with these min. lot sizes	43 acres (1,000 sf reduction) (LR)
1c. New R-1-5 zone in MR with <5,000 min. lot size in conjunction w/open space	13 acres (MR)
1d. Increase max allowed density in R-3/HR and R-4/HRR	11 acres (7 acres HR / 4 acres HRR)
1e. Commercial - reduce off-street parking requirement/provide on-street parking credit	20 acres (Commercial)
1f. Increase ratio of higher:lower density plan designation lands, and zones within each plan designation, when planning/zoning new lands to be included in the UGB.	78 acres (LR)
1g. Rezone areas with substantial buildable acres to higher density plan designations.	83 acres (LR, MR)
1h. Limit use of lowest density zones predominantly to areas where there are natural features and constraints, such as floodplain/floodway, riparian areas, steep slopes over 25% (R-1-12) and moderate slopes between 15-25% (R-1-10)	Dependent on total buildable acres affected.
<b>II. Reduce Demand for Vacant and Partially Land / More Efficient Use of Other Land</b>	
2a. Employment Land Infill	100 acres (50 ac. Comm., 50 ac. Ind.)
2b. Residential Land Infill (LR)	12 acres (LR)
2c. Residential Land Infill (MR, HR, HRR)	16 acres (MR, HR, HRR)
2d. Employment Land Redevelopment	125 acres (100 ac. Comm., 25 ac. Ind.)
2e. Residential Land Redevelopment	16 acres (13 ac. HR, 3 ac. HRR)
2f. Accessory Dwelling Unit (ADU) Ordinance	8 acres (Residential) (4 HR, 4HRR) (For new development, this measure also achieves the strategy of more efficient use of vacant and partially vacant land. This efficiency reflects ADUs for both situations).
2g. Allow employment in areas that are not designated for commercial development	100 acres (75 ac. Comm., 25 ac. Ind.)
<b>III. Mixed Use / Share Land for Residential and Employment Uses</b>	
3a. Mixed-Use Development - Central Area	12 acres (6 HRR, 6 Comm.)
3b. Mixed-Use Neighborhood Centers and Nodes	20 acres (10 HR, 10 HRR)
3c. Home-Based Businesses & Live/Work	See 2g which includes this efficiency
3d. Establish standards that permit a mix of uses and live/work within a Planned Unit Development.	See 2g which includes this efficiency
3e. In commercial zones that don't currently permit residential use, revise standards to permit residential use when part of a mixed use development.	10 acres (5 HR, 5 HRR)

<b>B. TOOLS TO PROVIDE REASONABLE LIKELIHOOD THAT MEASURES WILL BE ACHIEVED</b>	
<b>IV. Targeted Market and Other Incentives to Use Land and Infrastructure More Efficiently</b>	
4a.	Expand eligibility for state upper-story housing tax credit program to any zone that allows residential and employment use.
4b.	The City <i>may</i> revise SDC credits for multi-story employment or mixed-use development (building footprint sf vs. total sf), proximity of residential to services, ADU's, etc. This is not a land use regulation.
4c.	In addition to PUDs, allow cluster development and average density rather than a strict minimum lot size.
4d.	As part of PUD or cluster development, allow density bonuses in exchange for open space or amenities.
4f.	Permit more housing types to be reviewed through the Type 1 building permit process.
4g.	Simplify the review process and fees associated with Major Home Occupations.
<b>V. Mandates to Preserve Multi-Family &amp; Higher-Density Zoned Property for Its Intended Use</b>	
5a.	Create one or two zones with a minimum density for multi-family or other mix of housing that achieves the average minimum density, especially where needed near services.
5b.	In areas where both office and higher density residential use are needed, provide zoning that ensures all lands aren't consumed by one or the other of these uses.
5c.	In areas where both commercial and residential uses are needed, provide zoning that ensures lands designated and zoned for commercial use have standards that ensure they aren't consumed by exclusively residential uses.
<b>C. TOOLS TO ACHIEVE EFFICIENCIES IN A MANNER THAT INCREASES OPPORTUNITIES FOR OWNERSHIP</b>	
<b>VI. Measures that Provide Greater Opportunity for Homeownership</b>	
6a.	Allow "zero-lot line duplexes" at same density as standard duplexes in zones where duplexes are permitted
6b.	Allow other attached housing at same density as multi-dwellings in zones where multi-dwellings are permitted

# City of Grants Pass Code Assistance Project Urbanization Code Update

Prepared for the City of Grants Pass  
Prepared by Angelo Planning Group  
December 2012



Funded by a grant from:  
Oregon Transportation & Growth Management  
Smart Development Code Assistance



## **City of Grants Pass Code Assistance Project Urbanization Code Update**

### **Project Overview**

The City of Grants Pass (City) is a community of approximately 34,533 people located in Josephine County, Oregon. The City is in the process of reviewing and expanding its urban growth boundary (UGB) and has recently adopted a new Urbanization Element in its comprehensive plan. The Urbanization Element identifies efficiency measures for residential and other land uses in the current UGB and potential expansion areas; promotes policies for a more livable community; and provides greater housing choices and opportunities supportive of alternative transportation modes.

Recognizing a need to update the current land use regulations to support the new Urbanization Element policies, the City requested and received assistance from the Oregon Transportation and Growth Management (TGM) Program. The TGM Program provided funding for a land use consultant (Angelo Planning Group) to work with the City to evaluate and draft new code provisions intended to implement the Urbanization Element policies.

Specific provisions targeted in an update of the development code included:

- Small lot allowance percentage in lower density zones
- Clear and objective single-family attached development standards
- Simplified cluster development/average density standards separate from the PUD process.
- Measures that consider actual density (units/acre) and other intensity, open space, and affordability considerations to provide additional density for developments
- Co-housing
- Parking reductions
- Simplified home occupation standards and procedures
- Greater opportunities for owner-occupied zero-lot line structures at same densities in zones where duplexes and other multi-family are already authorized.
- Additional density allowances associated with affordable units.
- Accessory dwelling unit standards

The project consisted of three primary tasks. Task 1 involved preparation of a Discussion Memorandum that identified the key questions resulting from a review of the Grants Pass development code and discussions with City staff. A Summary Memorandum was also prepared to memorialize decisions that were made in response to the Discussion Memorandum. The Summary Memorandum served as the foundation for the rest of the project. The Summary Memorandum is provided in Appendix A of this report.

Task 2 provided an evaluation of alternative code concepts for each of the key issues identified in Task 1. This task included examples from the TGM Model Code and other jurisdictions to help the City visualize potential code approaches. The Task 2 Evaluation Memorandum is provided in Appendix B of this report.

Task 3 involved several rounds of draft code amendments intended to implement the code concepts agreed upon in Task 2. The fourth round of draft code amendments is considered the final deliverable for this project and is provided in this report.

## Acknowledgements

This project was made possible through the work of planning staff of the City of Grants Pass and a Project Advisory Team that helped guide decision-making throughout the entire process. Those involved are recognized here.

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- Carla Angeli Paladino, Principal Planner, City of Grants Pass
- Gary Fish, Agency Project Manager, Department of Land Conservation & Development
- Ian Horlacher, Planner, Oregon Department of Transportation Region 3
- Josh Lebombard, Regional Representative, Department of Land Conservation & Development

### Consultant Team

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*The contents of this document do not necessarily reflect views or policies of the State of Oregon.*

# Memorandum

**Date:** December 28, 2012  
**To:** Tom Schauer, Senior Planner City of Grants Pass  
Carla Angeli, Principal Planner, City of Grants Pass  
Gary Fish, Transportation Planner, ODOT  
**From:** Serah Breakstone and Cathy Corliss  
**Re:** City of Grants Pass Urbanization Update Code Assistance Project -  
Task 6.2 Final Recommended Code Amendments

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## INTRODUCTION

The purpose of this memo is to provide the City of Grants Pass with a set of recommended code amendments intended to improve land use efficiency within the Urban Growth Boundary and expansion areas as described in the Urbanization Element (Element 14)<sup>1</sup> of the city's Comprehensive Plan. The recommended amendments in this memo are guided by code concepts and tools that were identified during Tasks 1 and 2 of this project. The final reports from Tasks 1 and 2 are provided in Appendices A and B respectively. During those tasks, the Project Management Team and Project Advisory Team identified a list of potential efficiency measures and discussed alternative approaches to implementing those measures. Where several options were available for implementation, the city chose the option that appeared most suitable for Grants Pass.

The portions of the Grants Pass Development Code (last amended March 7, 2012) that are impacted by the recommended amendments include:

Article 12: Zoning Districts	Article 22: Residential Development Standards
Article 14: Certain Uses	Article 25: Parking And Loading Standards
Article 18: Planned Unit Development (PUD)	Article 30: Definitions
Article 19: Site Plan Review	

The Task 2 Final Evaluation Report dated August 31, 2012 provides a detailed discussion of the alternatives that were considered and the city's preferred approach for each efficiency measure. For consistency, this memo indicates which measures are being implemented, both in the summary table on the following page and at the beginning of each section. The title and number of each measure corresponds with the discussion in the Task 2 Report. Because this memo is organized by code chapters (articles), there is some overlap. For example, Measure #2, Single-Family Attached Housing is implemented through amendments to both Articles 12 and 22.

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<sup>1</sup> Grants Pass & Urbanizing Area Comprehensive Plan, Element 14, adopted 11/4/2009 (Urbanization Element).

**Summary Table: Efficiency Measures by Code Section**

Task 2 Efficiency Measures	Code Sections Proposed for Amendment						
	Article 12: Zoning Districts	Article 14: Certain Uses	Article 18: Planned Unit Development (PUD)	Article 19: Site Plan Review	Article 22: Residential Development Standards	Article 25: Parking And Loading Standards	Article 30: Definitions
1. Small lot allowances	X						
2. Single-family attached development standards	X				X		X
3. Cluster development and lot size averaging standards	X						
4. Additional measures to increase density	X			X	X		
5. Co-housing development (group quarters vs. family)	X	X					X
6. Cottage housing development	X		X				X
7. Parking reductions						X	
8. Simplified home occupation standards		X					
9. Additional density allowances for affordable housing [Not included*]							
10. Accessory dwelling unit standards	X				X		X
11. Flexible planned unit development (PUD) standards	X		X				
12. Mixed-use development	X						
13. Terminology							X

*(\* Note that one measure - density bonuses for affordable housing - is not addressed in this memo because the team concluded that there was little to no demand for additional density)*

The recommended text amendments in this memo are shown in text boxes in underline and ~~strikeout~~ format. Underlined text indicates new language; strikeout text indicates language that will be deleted. Where an entirely new section of code language is recommended, a new section number will be chosen as appropriate within the context of the code. In some cases, new graphics are also included to help clarify and illustrate the standards.

This memo provides the fourth and final version of recommended code amendments.

**DRAFT CODE AMENDMENTS - ARTICLE 12: ZONING DISTRICTS**

These amendments to Article 12: Zoning Districts are recommended to implement the following measures:

1. **Small lot allowance in lower density zones:** Permit small lot allowance outright.
2. **Single-family Attached Housing :** Add single attached to list of permitted uses (Schedule 12-2), apply standards through Article 22.
3. **Lot size averaging and cluster development standards separate from the PUD process.** Add provisions to allow lot size averaging and clustering.
4. **Additional Measures to Increase Density:** Reduce the open space standard for small multi-dwelling projects in commercial zones to promote efficient use of land.
5. **Co-housing (group quarters):** Allow group quarters in more residential zones, apply standards through Article 14.
6. **Cottage Development:** Allow cottage development in residential zones, apply standards through Article 18.
10. **Accessory dwelling unit (ADU) standards:** Allow ADUs in residential zones, apply standards through Article 22.
11. **Planned Unit Development (PUD) standards:** Allow a broader mix of trade and service uses in residential PUDs, apply limitations through Article 18.
12. **Mixed Use Developments:** Allow multi-dwelling residential in the RTC-II and RTC-III zones when on the upper floor of a mixed-use development.

<b>Article 12: Zoning Districts</b>						
<b>Schedule 12-2 Permitted Uses and Site Plan Review Procedures</b>						
<b>Land Use Types</b>	<b>UR</b>	<b>R-1-12 R-1-10 R-1-8</b>	<b>R-1-6</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>
<b>(2) Residential Dwelling Units</b>						
<b>(b) New</b>						
<u>6. Single Attached, Two Units, per 22.700</u>	<u>PUD</u>	<u>PUD</u>	<u>P-II</u>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I-A</u>
<u>7. Single Attached, Three or More Units, per 22.700</u>	<u>PUD</u>	<u>PUD</u>	<u>PUD</u>	<u>P-II</u>	<u>P-I-C</u>	<u>P-I-C</u>
<u>8. Accessory Dwelling Unit, per 22.720</u>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I-A</u>
<u>9. Cottage Development, Four Units, per 18.100</u>	<u>P-II</u>	<u>P-II</u>	<u>P-II</u>	<u>P-II</u>	<u>P-II</u>	<u>P-II</u>
<u>10. Cottage Development, Five to Twelve Units, per 18.100</u>	<u>P-III</u>	<u>P-III</u>	<u>P-III</u>	<u>P-III</u>	<u>P-III</u>	<u>P-III</u>
<b>(c) Group quarters, per 14.700</b>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I-A</u>	<u>P-I</u>
<b>(3) Trade</b>						
<b>a) Retail Indoor</b>	-	<u>PUD (i)</u>	<u>PUD (i)</u>	<u>PUD (i)</u>	<u>PUD (i)</u>	<u>PUD (i)</u>

(4) Services							
a) Professional Office	-	<u>PUD (j)</u>	P-II				
b) Business Office	-	<u>PUD (j)</u>					
f) Eating and Drinking Establishment	-	<u>PUD (j)</u>					
k) Group Care	-	<u>PUD (j)</u>	<u>PUD (j)</u>	<u>PUD (j)</u>	<u>PUD (j)</u>	P-III	P-III
q) Personal Service	-	<u>PUD (j)</u>	P-II				

**Table Notes:**

(j) Trade and service uses permitted through a PUD in residential zones are subject to the limitations in Article 18.

<b>Schedule 12-3. RTC Zone - Permitted Uses and Review Procedures</b>			
Land Uses	Zoning District		
	RTC-I	RTC-II	RTC-III
1. Residential			
a. Multi-dwelling residential	P-III-r	<u>P-III-r<sup>(1)</sup></u>	<u>P-III-r<sup>(1)</sup></u>
b. Condominiums	P-III-r	<u>P-III-r<sup>(1)</sup></u>	<u>P-III-r<sup>(1)</sup></u>

Table notes:

(1) Residential uses are permitted in the RTC-II and RTC-III zones only on upper floors when part of a mixed-use development that includes commercial uses on the ground floor.

**12.140 Determining Residential Density**

(3) The maximum density for any given zone is not subject to increase using the variance process, the PUD process, or the subdivision option process. The maximum density for any given zone may be increased only by using the PUD process, small lot allowance, or density incentives as provided in this Code.

**12.150 Residential Base Development Standards**

12.250 Commercial Base Development Standards...

12.251 Purpose...

**12.152 Lot Requirements**

(1) Minimum lot requirements shall be as given in Schedule 12-5, except as specified in subsection (3):

(3) Exceptions to minimum lot size and width. The following exceptions to minimum lot size and width are allowed outright:

(a) Small lot allowance. The small lot allowance applies to new subdivisions with five (5) lots or more in the R-1-6, R-1-8, R-1-10 and R-1-12 zones. The small lot allowance is intended to promote efficient use of land and flexibility in subdivision design.

(i) Up to 20 percent (20%) of new residential lots within a subdivision may be below the minimum lot size, but not smaller than 5,000 square feet.

(ii) Small lots created in accordance with this provision shall not be included in the calculation of maximum density set forth in Schedule 12-4.

(b) Lot size averaging. In order to promote efficient use of land and allow flexibility in

subdivision design to address site constraints such as cul-de-sacs or irregularly shaped lots, the lot area standards may be modified through the use of lot size averaging as follows:

- (i) This option is allowed only within the R-1-12, R-1-10 and R-1-8 zones.
  - (ii) Up to 50 percent (50%) of the lots within the subdivision may be smaller than the minimum lot size required by the zone provided that the smallest lots created are not less than 80 percent (80%) of the minimum lot size.
  - (iii) For each lot below the minimum lot size, there shall be one lot that is above the minimum lot size. For example, if five lots below the minimum lot size are created using lot size averaging, five lots above the minimum lot size shall also be created. Combining the "leftover" square footage from small lots into one very large lot is not allowed.
  - (iv) The minimum lot width may also be reduced only on the smaller lots created through lot size averaging. On those lots, the lot width shall not be less than 80 percent of the minimum lot width established by the base zone.
  - (v) The overall density of the subdivision shall not exceed the maximum density standard for the zone unless the small lot allowance in (a) above is also used.
  - (vi) A deed restriction shall be placed on any lots that could be further divided if such a subsequent land division would exceed the maximum density of the zone.
  - (vii) This option may be used in conjunction with the small lot allowance provisions in (a) above.
- (c) Cluster lots. These standards are intended to provide an option to allow for greater flexibility in preserving natural features and providing open space while achieving zoned density. These provisions are allowed in any residential zone.
- (i) Lot Size Reductions. If a subdivision creates one or more public or private open space lots meeting the requirements of Subsection (ii), any developable lot with at least 50 feet abutting the open space lot on one or more interior side or rear lot lines may have a reduced minimum lot size, as follows:
    - (1) Those lots shall not be less than 50% of the minimum lot size of the zone, and not less than 4,000 square feet, whichever is larger.
    - (2) The lot width for a lot may be reduced below the minimum lot width requirement by the same percentage that the lot size is reduced below the minimum lot size, but not less than 50 feet. (For example, in the R-1-12 zone, if a lot is reduced to 80% of the minimum, from the 12,000 square feet minimum to 9,600 square feet, lot width for that lot may be reduced to 80% from 80 feet to 67 feet).
    - (3) These provisions do not allow for an overall increase above maximum density for the parent parcel that would exceed the maximum allowed density of the zone. However, these provisions may be used together with the small lot allowance provisions in Subsection (a).
  - (ii) Common Open Space Area. The common open space lot required to allow smaller cluster lots described in Subsection (i) shall meet the following requirements:
    - (1) The common open space lot or lots shall be created as part of the subdivision. It may be public or private. If public, the applicant must have prior approval from the affected public agency to accept the dedication. If private, it shall be a common area.
    - (2) A common open space lot shall contain an area no less than the sum of the difference between the actual lot size and minimum lot size for each reduced size lot abutting the common open space. However, in no case shall any open space lot shall be less than 5,000 square feet. (For example, if 10 lots abutting the open space each have lot sizes 2,000 square feet below the minimum lot size of the zone, the open space lot shall contain at least 20,000 square feet).
    - (3) The common open space lot shall have a minimum width or depth dimension of no less than 20 feet at any point.

- (4) The common open space lot shall have at least 50 feet of frontage on a public right-of-way.
- (5) The common open space lot shall be for preservation of special natural features or and/or provision of natural or recreational open space.
- (6) The open space lot shall be predominantly vegetated, but may contain hardscape elements such as pedestrian and bicycle trails, play structures, etc., that may be counted toward the minimum area requirements for the open space lot. Sidewalks and bike lanes located within an adjacent public right-of-way shall not be counted toward the open space area.
- (7) Any area provided for vehicular parking adjacent to an open space lot will not count toward the minimum lot area requirement.
- (8) If the common open area lot contains a delineated resource (wetland, wetland buffer, riparian area, etc.), the open space lot lines shall be set back at least 20 feet from the edge of the delineated resource.
- (9) The applicant shall record a covenant for any lot abutting the open space lot that precludes sight-obscuring fencing taller than 4 feet within 20 feet of a pedestrian path in a common area lot. Taller fencing may be permitted within the specified distance, provided it isn't sight-obscuring.

(d) Lot requirements for Single Attached development. The following lot requirements apply to Single Attached residential development.

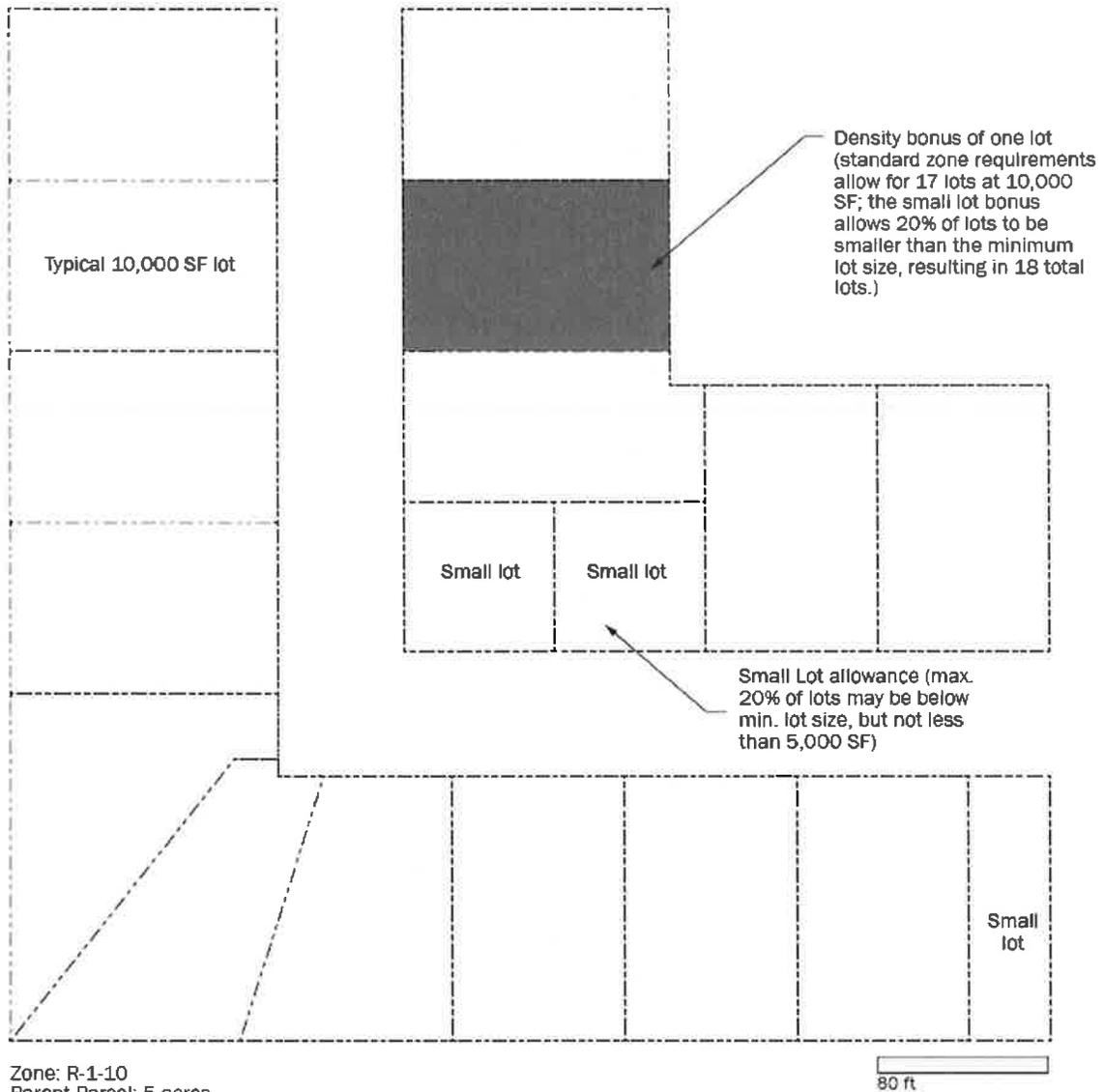
- i. The minimum lot size for a Single Attached lot shall be 2,000 square feet. The maximum density requirements per the base zone apply.
- ii. No side yard setback is required for an interior property line (lots that have a Single Attached dwelling on both sides).
- iii. The minimum lot width shall be 20 feet for interior Single Attached lots (lots that have a Single Attached dwelling on both sides).
- iv. The minimum lot width shall be 30 feet for exterior Single Attached lots (lots with a Single Attached dwelling on only one side).

**[Note: Renumber rest of this section]**

12.156 Alternate Development Options. Residential Development other than as provided in these Base Development Standards may be pursued by the following procedures of this Code:

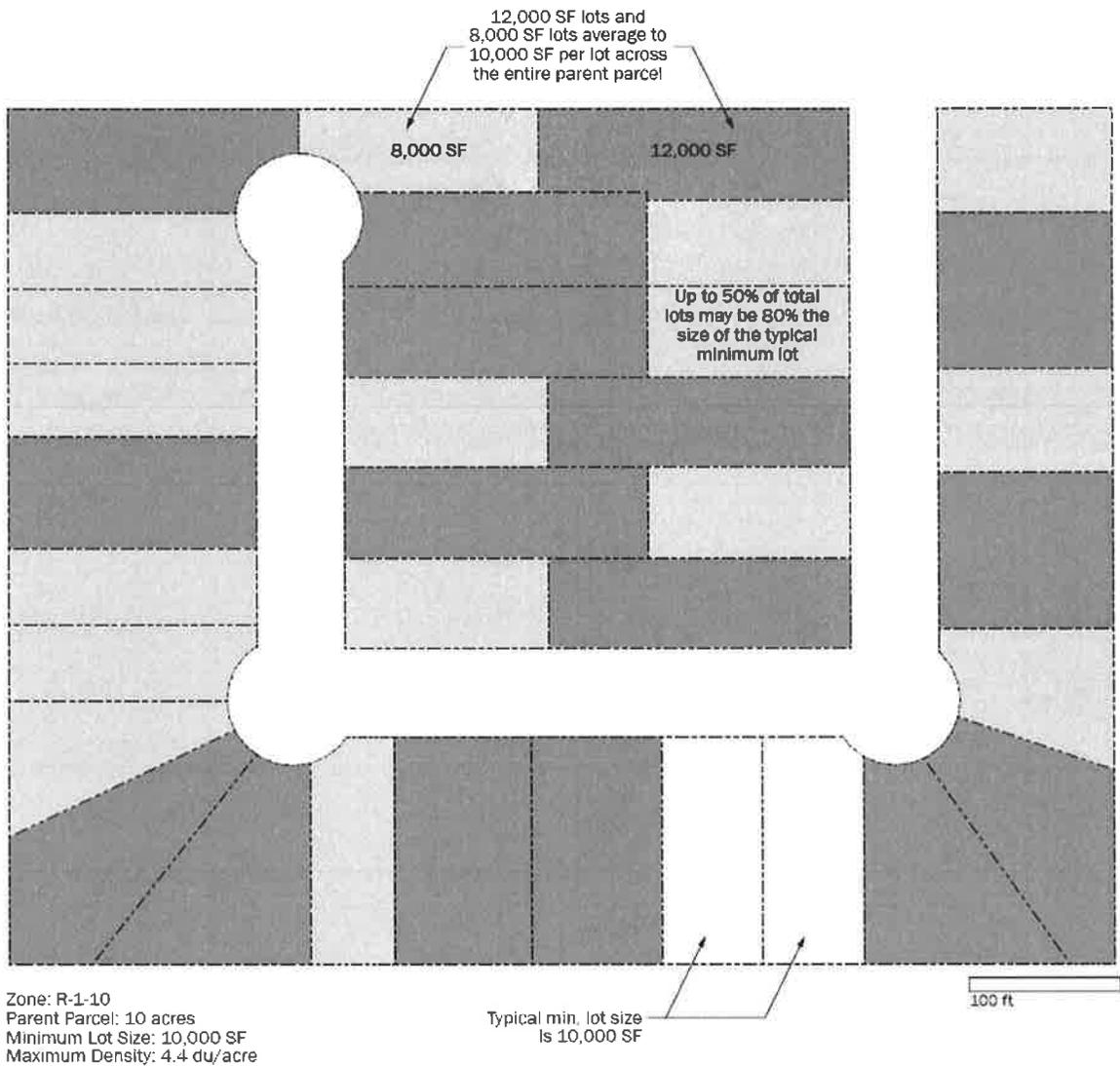
- (1) Planned Unit Development & Alternative Development Options, Article 18.
- (2) Modified Setback Option, Residential Development Standards, Article 22.
- (3) Variance, Article 6.

**Figure X: Illustration of small lot allowance**

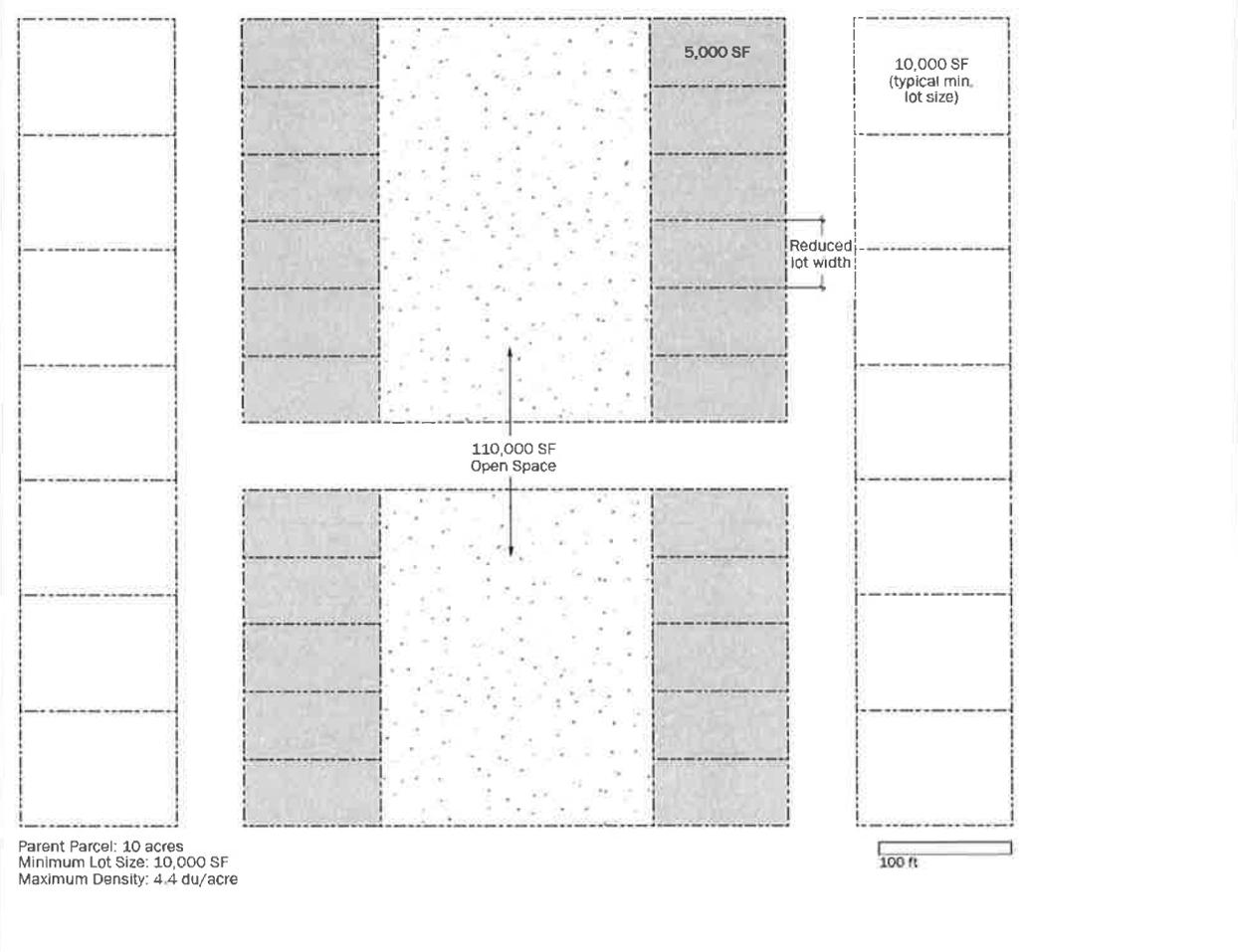


Zone: R-1-10  
Parent Parcel: 5 acres  
Minimum Lot Size: 10,000 SF  
Maximum Density: 4.4 du/acre

**Figure X: Illustration of lot size averaging**



**Figure X: Illustration of lot clustering**



**12.200 Commercial Zoning Districts**

**12.224 Riverfront Tourist Commercial District (RTC).**

- (2) Riverfront Tourist Commercial District-II (RTC-II). The RTC-II District is located next to the downtown and Central Business District of Grants Pass. The purpose of this subdistrict is to encourage both high quality building density and visitor-serving activities which allow the beauty of the river to be seen. The scale and architectural character must have an urban ambience and sophistication. Mixed-use developments with residential units located above ground floor commercial are encouraged.
- (3) Riverfront Tourist Commercial District-III (RTC-III). The RTC-III District is directly related to the County Fairgrounds/Race Track and the Riverside West All Sports Park. Affordable visitor- serving activities and commercial recreation development are desired. These activities should occur in a park-like setting. Mixed-use developments with residential units located above ground floor commercial are encouraged.

**12.240 Residential Densities in Commercial Zones**

12.241 New Residential Dwelling Units. New residential dwelling units may be permitted in General Commercial and Central Business Districts. No minimum or maximum density standard applies in these districts. Residential Development in the GC zone must meet the applicable open space standards in Article 22, Schedule 22-1 and additional applicable Residential Development

Standards of Article 22 for the R-3 zone. Residential development in the RTC zones is permitted as noted below.

12.243 Residential Density Within the RTC zones RTC-I District.

- (1) The RTC-I District allows for residential development up to R-3 densities or 17.4 dwelling units/acre.
- (2) The RTC-II District has no minimum or maximum density standards for allowed upper floor residential development.
- (3) The RTC-III District allows for upper floor residential development up to R-4 densities, or 34.6 dwellings units/acre.

## **DRAFT CODE AMENDMENTS - ARTICLE 14: CERTAIN USES**

The recommended amendments in this section are intended to implement the following measures:

- 5. Co-housing (group quarters):** Apply standards and limitations to group quarters (which are permitted in more zones per the amendments to Article 12 in this memo).
- 8. Simplified home occupation standards and procedures:** Encourage home occupations by providing more exemptions and allowing more flexibility for minor home occupations.

### **Article 14: Certain Uses**

#### **214.200 Home Occupation**

14.211 Exemptions. The following occupational uses are not required to apply for home occupation permits. The uses are required to comply with the standards for minor home occupations.

- (1) Building contractors, home builders, building tradespeople, landscaping services, and janitorial services, and truck drivers, where the work is conducted entirely off-site, and
- (2) Other businesses where the office in the home serves only as a secondary office and there are no customers visiting the site and no outside employees working from the site.
- (3) Primary home offices that have no customers visiting the site and no outside employees working from the site.
- (4) Exempt home occupations are limited to one business-related vehicle parked on the site at any given time.

14.220 Permit Required. A permit for a Minor Home Occupation and a Development Permit for a Major Home Occupation shall be obtained from the Director of the Community Development Department prior to any said use. Before any appropriate permit can be issued for a Home Occupation, the appropriate criteria shall be met.

14.225 Home Occupations in Multifamily and Cottage Developments. The following types of home occupations are allowed in multifamily and cottage developments:

- (1) Multifamily development. Only exempt home occupations are allowed in multifamily developments, and must be consistent with the applicable standards in this section.
- (2) Cottage development. Only exempt and minor home occupations are allowed in cottage developments, and must be consistent with the applicable standards in this section.

14.230 Criteria.

- (1) General Criteria for all Home Occupations and occupational uses exempted from home occupation permits. Home occupations and those exempted from permits shall comply with the following requirements:
  - (c) ~~Only members of the family residing in the dwelling shall be employees working at that site.~~ For non-exempt home occupations, only members of the family residing in the dwelling plus one outside employee (a person not residing in the home) shall be allowed to work at the home occupation site.
  - (i) One business sign no larger than four (4) square feet in area is permitted. The sign shall be attached to the dwelling of the home occupation and shall not be internally illuminated.

(2) Additional Criteria for Minor Home Occupations. Minor Home Occupations and occupational uses exempted from home occupation permits shall comply with the following additional requirements:

- (a) ~~There shall be no clients or customers on-site. Only one client or customer shall be on site at any given point in time, and there shall be no more than eight (8) total client or customer visits to the site per day. There shall be no client/customer visits between the hours of 9:00 pm and 7:00 am.~~
- (b) ~~No signs advertising the occupational use shall be permitted.~~
- (c) ~~There shall be no regular (weekly) deliveries. There shall be no more than three (3) business-related deliveries per day, and no deliveries between the hours of 9:00 pm and 7:00 am.~~
- (d) ~~There shall be no outside storage related to the home occupation on the site.~~

#### 14.240 Mitigation.

- (1) The issuance of a home occupation permit may require the mitigation of potential land use conflicts. Issues needing mitigation may include, but are not limited to: dust, odors, noise, interference with TV/radio transmissions, electrical interference, vibrations, heat, smoke, visual interference including glare and excess lighting, storage of flammable and hazardous materials, traffic, parking and interference with residential character of a neighborhood.
- (2) Methods of mitigation may include, but are not limited to: limiting the hours of operation, limiting the hours of deliveries, buffering, controlling the number of clients on-site at any one given time and the total number of customers per day, controlling the number of on-site parking spaces, and restricting the type of equipment, supplies, chemicals which may be stored onsite and limiting the type and amount of signage.

#### 14.260 Prohibited Home Occupations. [NEW SECTION] The following types of home occupations are prohibited:

- (1) Ambulance service
- (2) Auto and other vehicle repair, including auto painting
- (3) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on site

#### 14.700 Group Quarters [NEW SECTION]

##### 14.710 Standards for group quarters in all zones. Group quarters in all zones must meet the following development standards:

- (1) The review body may require landscaping or site obscuring fencing when necessary to mitigate conflicts with adjacent properties.

[Note: The city may want to include additional standards here based on previous discussions.]

## **DRAFT CODE AMENDMENTS - ARTICLE 18: PLANNED UNIT DEVELOPMENT (PUD)**

The recommended amendments in this section are intended to implement the following measures:

6. **Cottage Development:** Apply design and development standards for cottage development.
11. **Planned Unit Development (PUD) Standards:** Provide a density bonus for PUDs that provide open space, remove private street requirement for existing density bonus, apply limitations to trade and service uses in residential PUDs (to correspond with amendments to Article 12 allowing more commercial uses in residential PUDs).

### **Article 18: Planned Unit Development (PUD) & Alternative Development Options**

#### **18.090 PUD Development Standards**

##### 18.091 Density Determination.

- (1) Potential Units. ~~Unlike conventional development, which must use public streets for access, a~~ A Planned Unit Development may use public or private streets, and thereby not have to deduct these private but in either case, rights of way do not have to be deducted from the total site area prior to determining maximum dwelling units. Increases in actual density of 10% to 20% are often accomplished. The degree to which the applicant benefits from this potential increase in actual density shall depend on the effectiveness of the PUD design in meeting the purpose and approval criteria for the PUD as provided in Sections 18.012 and 18.043.
- (2) Density bonus for open space. Within a residential PUD, applicants may earn a density bonus of one dwelling unit per acre for each acre of open space that is provided in excess of the minimum required. The open space shall be set aside and permanently protected from future development through a deed restriction or other instrument acceptable to the City.

- ~~(2)~~ (3) Density Range. The applicant, therefore, has a range to work with in terms of maximum dwelling unit yield. At the low end of the range, applicant deducts actual area utilized for streets (public or private) and then determines potential units.

Example: 6 acres (total site area) minus 1.2 acres (streets) equals 4.8 acres (usable site area used to calculate number of units). Multiply 4.8 x 5.5 (density factor for Low Density Comp Plan) = 26.4 units = 26 units. If actual street area is unknown, deduct a normal standard of 20%.

At the high end of the range, applicant does not deduct any area used for public or private streets and takes advantage of the density bonus for open space in accordance with (2) above. ~~deducts only the area dedicated for public right of way.~~

Example: 6 acres (total site area) ~~minus 5 acres (public streets)~~ x 5.5 (density factor for Low Density Comp Plan) equals 30.25 33 units plus 2 additional units for setting aside 2 acres of open space = 35 units. ~~= 30 units.~~

The review body may require density at the low end of the range, or at any intermediate point up to the high end of the range, depending on how well the applicant meets the criteria and purpose of the PUD. Therefore, the applicant has an incentive to pull together the best possible design to achieve his maximum potential units.

18.097 Limitations on Commercial Uses in Residential PUD [NEW SECTION]. The following limitations apply in PUDs in a residential zone.

- (1) The total amount of land dedicated to trade or service uses (including required parking) within the residential PUD shall not exceed 10 percent (10%) of the total PUD site area.
- (2) Individual buildings containing trade and service uses shall not have a footprint larger than 20,000 square feet.
- (3) Trade or service uses may be located along an abutting arterial, within the interior of the PUD, or in other locations that will not impact adjacent residential uses outside the PUD.
- (4) The proposed street plan shall be designed to ensure safe and efficient access to the proposed trade or service use(s).
- (5) Mitigation. Trade or service uses within a residential PUD may require mitigation of potential land use conflicts. Issues needing mitigation may include, but are not limited to: dust, odors, noise, interference with TV/radio transmissions, electrical interference, vibrations, heat, smoke, visual interference including glare and excess lighting, storage of flammable and hazardous materials, traffic, parking and interference with residential character of a neighborhood.  
Methods of mitigation may include, but are not limited to: limiting the hours of operation; limiting the hours of deliveries; buffering; controlling the number of clients on-site at any given time and the total number of customers per day; controlling the number of on-site parking spaces; restricting the type of equipment, supplies, chemicals that may be stored onsite; and limiting the type and amount of signage.

### **18.300 Alternative Development Option: Cottage Developments [NEW SECTION]**

#### **18.310. Purpose and Guiding Principles**

18.311. Purpose. This section establishes standards for cottage housing development as an alternative housing choice in order to encourage creation of usable common open space in residential communities; promote neighborhood interaction and safety through design; ensure compatibility with surrounding neighborhoods; and provide opportunities for creative infill development.

#### 18.312. Concept.

1. The standards of this chapter provide a voluntary option to allow compatible infill development with an automatic density bonus together with standards designed to limit the intensity of development and provide for high-quality construction. Density standards address the number of dwellings per acre. Intensity standards address how spacious a development feels. Intensity standards address elements such as amount and arrangement of dwellings, lot coverage, and open space.
2. By reviewing cottage development (and the associated land division together, if applicable) with a set of cohesive standards, it is possible to ensure higher density development occurs in a way that is compatible with the surrounding area.

18.313. Guiding Principles. The following elements are intended to guide cottage developments to foster community and ensure a balance between privacy, security and neighborhood interactions. The guiding elements are encouraged. The city may require proposed cottage development to be consistent with the guiding elements.

1. Shared Open Space. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care and oversight,

thereby enhancing a sense of security and identity.

2. Active Commons. Development can be arranged to encourage community interaction in the commons. This can be achieved by arrangement of mailboxes, parking areas and common buildings, and by orienting front doors toward the commons. Rather than having homes turn their backs to their neighbors, active interior rooms can be oriented so they look onto the active commons.
3. Common Buildings. An advantage of living in a cottage development is being able to have shared buildings. These can be simple and inexpensive shared amenities such a tool shed, outdoor barbeque, or picnic shelter. A multipurpose room with a kitchenette, bathroom and storage room can be used to host community events such as potlucks, meetings, exercise groups, and movie nights.

#### Example X Common buildings

Project: Danielson Grove in Kirkland, WA. Architect: Ross Chapin Architects. Developer: The Cottage Company.



4. Adequate Parking that does not Dominate. Parking areas should be located so they are shielded or screened from the surrounding neighborhood, adjoining public street, and the central commons. Parking areas can also be located and arranged to encourage interaction of residents and guests. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes.
5. Connection and Contribution to the Neighborhood. A cottage development should make the neighborhood a better place. The site should be designed to connect and contribute to the fabric of the surrounding houses and streetscape. The development should be designed to make improvements that serve both personal needs and the larger community at the same time.

Example X Connection and Contribution to Neighborhood

Project: Danielson Grove in Kirkland, WA. Architect: Ross Chapin Architects. Developer: The Cottage Company.



6. Eyes on the Commons. When the active spaces of the houses look onto the shared common areas, safety for all residents is enhanced.
7. Layers of Personal Space. When living closer together, the design and relationship of public and private space is important. It is desirable to help define and provide for transitions from public to semi-private to private space. Creating multiple 'layers of personal space' will help achieve the right balance between privacy and community.

This can be achieved between the cottage development and its surrounding neighborhood, as well as between the commons and homes within the cottage development. At the transition between the public street and the semi-public commons, this can be achieved by creating a passage of some sort: a gateway, arbor, or narrowed enclosure of plantings, for example.

Between the commons and the front door of the homes, this can be achieved by creating a series of layers such as a private yard with a low fence and/or border of shrubs and flowers at the edge of the sidewalk, a covered porch with a low railing and flowerboxes, and then the front door. With this layering, residents will feel comfortable being on the porch with enough enclosure to be private, with enough openness to acknowledge passersby.

### Example X Layers of Personal Space

Project: Greenwood Avenue Cottages in Shoreline, WA. Architect: Ross Chapin Architects. Developer: The Cottage Company.



8. Private Space and a Place for Planting. Include private ground space for each dwelling, such as a small yard or a planting bed. Locating at least some of the private garden in view of the shared common area provides a personal touch that contributes to the character of the commons, as well as a way of fostering connections with neighbors, and transitioning between public and private space.
9. Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space, and height of railings are important to creating strong community connections.
10. Nested Houses. Residences should be designed with open and closed sides so that neighboring homes 'nest' together. This means the open side has large windows facing its side yard, while the closed side has high windows and skylights to bring in ample light while preserving privacy. The result is that neighbors do not peer into one another's living space.
11. Smaller, High-Quality, Well-Designed Dwellings. Slightly smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood. Together, the common areas and individual home elements, such as the porch, gardens and shared common buildings serve as additional living area. There are opportunities for privacy while fostering connection among neighbors with a spacious feeling and without a sense of overcrowding.

Figure XX. Additional Illustrations of Key Guiding Principles and Cottage Development Elements

	<p><u>Shared open space</u></p> <p><u>Project: Danielson Grove in Kirkland, WA.</u></p> <p><u>Architect: Ross Chapin Architects.</u></p> <p><u>Developer: The Cottage Company.</u></p>
	<p><u>Connection to the neighborhood</u></p> <p><u>Photo provided by SERA Architects</u></p>
	<p><u>Eyes on the common</u></p> <p><u>Photo provided by SERA Architects</u></p>
 <p><small>Project: Greenwood Avenue Cottages   Architect: Ross Chapin Architects   Developer: The Cottage Company   Location: Shoreline, WA</small></p>	<p><u>Porches</u></p> <p><u>Project: Greenwood Avenue Cottages in Shoreline, WA.</u></p> <p><u>Architect: Ross Chapin Architects.</u></p> <p><u>Developer: The Cottage Company.</u></p>



Project: Conover Commons in Redmond, WA.  
Architect: Ross Chapin Architects.  
Developer: The Cottage Company.

18.320. Applicability and Review.

1. Review Procedure. Cottage development is permitted in all residential zones and shall be processed in accordance with the procedure specified in Schedule 12-2. (4 units, Type II. 5-12 units, Type III).
2. If a cottage development includes creation of individual lots, subsequent development of those individual lots shall be in accordance with the approved cottage development plan and the provisions of this Chapter, rather than the standards of the applicable zoning district. Special use and development standards apply to lots within a cottage development that don't apply to other lots. Those use and development provisions are specified in this Section.
3. Cottage development is not considered "needed housing" per the definition in Oregon Revised Statutes, and as such is not limited to clear and objective review standards. Cottage development provides a voluntary alternative to standard land division and development methods to provide creative housing solutions. However, the standards of this Section are intended to provide a "template" that clearly identifies the necessary elements to successfully obtain approval of a cottage development.
4. Whether or not lots are created as part of the cottage development, all provisions of the Development Code pertaining to frontage improvements along any public street frontage shall apply to the parent parcel. Improvements within the cottage development shall be as specified in this Section.

18.321. Definitions. See Article 30.

18.322. Submittal Requirements and Review Procedures

1. The applicant shall submit all items required for Major Site Plan review specified in Section 19.051 of the Development Code. The application shall include site plans and elevations for the structures.
2. If the application includes creation of individual lots, the applicant shall also submit all items required for a Preliminary Subdivision Plat specified in Section 17.411 of the Development Code.
3. If the application includes creation of individual lots, the applicant shall submit a final plat for approval upon completion of the XX.

18.325. Approval Criteria.

1. The application complies with all criteria for Major Site Plan review specified in Section 19.050.

2. If the application includes creation of individual lots, the application complies with all of the criteria for tentative plan approval in Section 17.410. However, the base lot standards in Articles 12 and 17 may be modified as specified in this Section.
  3. The application complies with all provisions for public street frontage improvements.
  4. The application complies with the standards of this Section for all development and lots.
  5. The application is consistent with the purpose and guiding principles of this Section.
- 18.330. Permitted Uses and Structures within a cottage development.
1. Cottage. Permitted in all zones where cottage development is permitted.
  2. Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use. May include guest quarters.
  3. Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking, storage buildings. Shall not be permitted within central common area and must be screened from view from central common areas.
  4. Individual Accessory Structures. Individual attached garages may be permitted for a cottage. Garages shall not face a central common area.
  5. Two Cottage Unit (Attached). Permitted as part of cottage development only in R-1-6, R-2, R-3, and R-4 zones. Limited to XX % of units.
  6. Carriage House (1 unit above a common parking structure). Permitted as part of cottage development only in R-1-6, R-2, R-3, and R-4 zones. Limited to XX % of units.
- 18.332. Limitations on Use and Accessory Uses
1. Accessory Dwelling Units are not permitted as part of cottage development.
  2. Home Occupation Limits. Home occupations are limited to exempt home occupations that don't have outside employees or on-site clients and which are only be conducted within the dwelling unit or attached garage. If the home occupation is located within an attached garage, it shall not preclude parking in the garage.
- 18.340. Density.
1. An automatic density bonus is allowed with cottage developments that meet the requirements in this section. Cottage developments may reach a density of up to 125% of the maximum density established by the base zone.
  2. In any zone that has a minimum density requirement, cottage development shall only be permitted if it meets those requirements, independently, or together with other development included in the overall proposal.
- 18.350. General site requirements.
1. Ownership options. Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. NOTE: Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.
  2. Overall site requirements.
    - (a) The parent parcel shall be at least 8,000 square feet. The lot may be further subdivided to facilitate individual lot ownership combined with shared ownership of common spaces.
    - (b) Cottage developments shall contain a minimum of four cottages, and no more than a total

of 12 cottage units (single or attached).

- (c) Lot Coverage. Principal and accessory structures in the cottage development shall account for no more than 35 percent of the gross lot area in the overall development.
- (d) If individual lots are created, the lots shall not be subject to the minimum lot size provisions of the zone. They may be smaller subject to compliance with the density requirements for the overall cottage development, and in accordance with the provisions of this Section, including requirements for provision of common areas and private open space. There is no minimum lot size for the individual cottage lots, provided they include the footprint and private yards areas for the individual cottages.

3. Lot/cottage arrangement

- (a) Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space.
- (b) Units along the public right-of-way should have an inviting facade such as a primary or secondary entrance facing the right-of-way.
- (c) All other units shall be arranged around the common open space and have their primary entry and porch facing that common open space.
- (d) Lots fronting common area and public right-of-way should generally be arranged at a corner to avoid a need for "two fronts" that would preclude full-height fencing, if desired, of both the front and back sides of the unit.
- (e) A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, consistent with the standards in subsection (17) below.

4. Setbacks.

- (a) Front yards (yards facing a public right-of-way) shall meet the front yard setback of the zoning district.
- (b) Exterior side and rear yards (facing public right-of-way) shall be a minimum of 10 feet.
- (c) Interior units on a common lot or separate lots shall be spaced at least 10 feet apart.
- (d) If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy. [May need language requiring an easement]
- (e) Setbacks from central common area – private area between sidewalk and unit. Minimum of 5 feet to porch.

5. Private and common open space.

- (a) Central Common Open Space.
  - (i) Common open space is a defining characteristic of a cottage housing development. A minimum of 400 square feet of central common open space per unit shall be provided.
  - (ii) Up to 50 percent of the central common open space requirement may be provided in an area constrained from development such as a wetlands, steep slope, or forested area.
  - (iii) Cottages shall be present on at least two sides of common open space to provide a sense of enclosure.
  - (iv) Common space should be in one contiguous area, or no more than three separate areas. Each contiguous common area shall have a minimum of four cottages arranged around at least 2 sides of the common area.
  - (v) Each common open space area should have minimum width and depth

dimensions of 20 feet.

(vi) The central common shall include a sidewalk (width) around the open space, connecting to each cottage front entrance facing the common area.

(vii) No vehicular areas shall be located between dwellings and central common areas. Vehicular areas shall be screened as specified in Subsection [City will provide correct reference here].

(b) Private Open Space.

(i) A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.

(ii) Required exterior side yards shall not apply to the calculation of required private open space.

6. Frontage, access, parking, and vehicular circulation.

(a) Frontage. The parent parcel shall have frontage on a public street.

(b) If individual lots are created within the cottage development, each lot shall abut a common area, but is not required to have public street frontage.

(c) Access. Access, parking and circulation will be provided through a shared private lane. A lane is similar to a private driveway and parking area serving multiple units. There shall be pedestrian connectivity to the common area, but a lane is not a public street and is not subject to street standards. A lane will not fulfill block length and connectivity standards and is not intended for through-connectivity to other properties, although shared access may be required or desirable in some cases. If a public street connection is required to meet connectivity requirements or other street connectivity standards or plans, a public street connection shall be required where applicable.

(d) Parking. A minimum of one parking space per unit shall be provided, plus one additional parking space for every four cottages to provide for visitors and extra vehicles.

(e) Parking and/or garage structures shall be located behind or to the side of the residential area and open space. They shall be accessed from the back of the cottages.

(f) Parking areas, shared parking structures, and garages shall be screened from common space and public streets by landscaping or architectural screening, not chain link.

(g) Shared covered or uncovered parking is permitted. Parking should be limited to groups not to exceed 4 spaces, with each group separated by at least 20 feet.

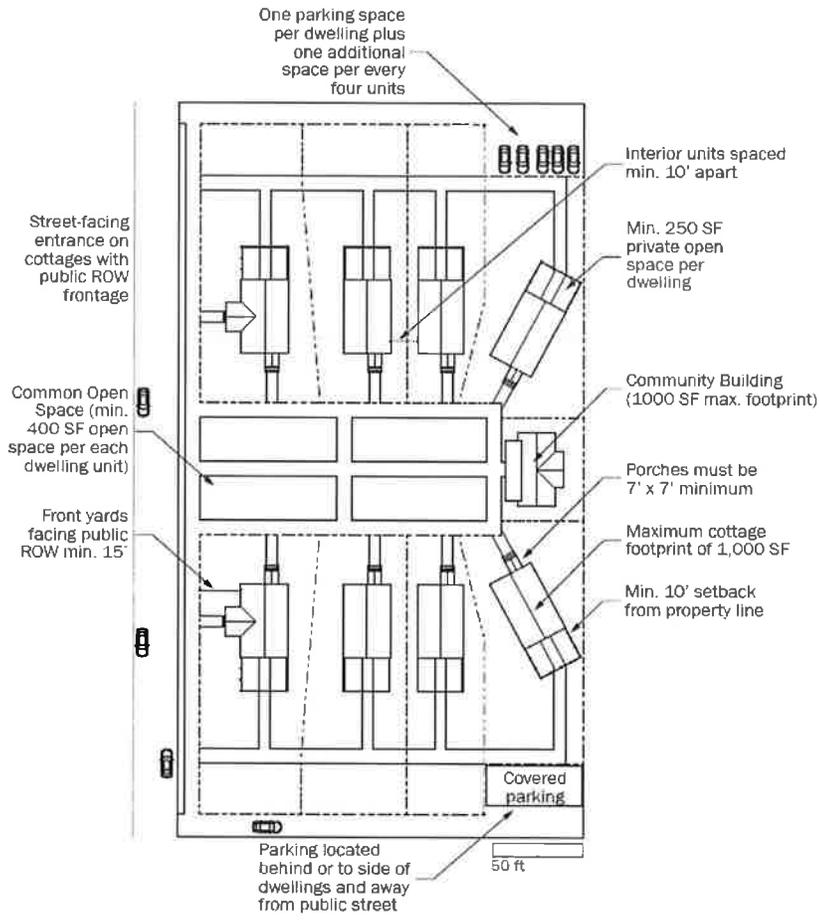
(h) If the property has frontage on a public alley, access and parking may be provided from the alley.

(i) If individual lots are created, parking and access shall be provided in a common area with access easement.

(j) Fire Access. [City is awaiting a response from the fire department regarding fire access]

(k) On-Street parking may be counted toward meeting the guest parking requirements for the development.

**Figure X: Cottage Development Layout**



**7. Landscaping and vegetation.**

- (a) Where feasible, cottage developments should be designed to retain existing mature trees (at least 6 inches in diameter) that do not pose a safety hazard.
- (b) Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs.

**8. Fences.**

- (a) No fence taller than 36 inches in height shall be located between the front wall of a cottage or community building and the common open space.
- (b) Fences around dwelling units or on the street frontage shall not exceed 36 inches in height.
- (c) If private yards between buildings are fenced, they shall not exceed 6 feet in height.

**9. Utilities.**

- (a) Cottage development is subject to any applicable code provisions regarding public street frontages.
  - (b) Water. Water meters shall be installed within the public right-of-way. If the property is retained as a single lot, a master meter or individual meters may be used. If individual lots are created, each lot shall have a separate meter and service. Service lines may cross common areas to the individual lots, but shall not cross individual lots. If on-site fire hydrants are required, they shall be served by a public fire line located in a drivable easement within the parking and circulation areas.
  - (c) Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots.
  - (d) Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots. [City is considering language to limit the location and number of utility pedestals]
  - (e) Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation.
  - (f) Mailboxes. Mailboxes may be individual or grouped and are encouraged to be placed within or near a common area. Mailboxes are subject to all post office requirements.
10. Addressing. Cottages should be addressed from a public street, not a private lane.

#### 18.360. Building Requirements

##### 1. Cottages.

- (a) Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. The footprint of an attached one-car garage is not included in this maximum, but shall not exceed 200 square feet per unit.
- (b) Cottages may have a second partial or full story, provided that the floor area of the second story is no more than 0.6 of the square footage of the main floor (e.g., a cottage with an 800-square-foot building footprint (main floor) could have a second floor of 480 square feet, for a total floor area of 1,280 square feet).
- (c) The maximum total floor area of cottages shall be 1,600 square feet (e.g., a cottage with a 1,000-square-foot building footprint (main floor) could have a second floor of 600 square feet, for a total floor area of 1,600 square feet).. An additional 200 square feet is permitted for an attached garage.
- (d) A below-grade partial story may be allowed, but habitable space on that story shall count toward the total floor area of the cottage.
- (e) Building Height. The maximum building height shall be 24 feet.
- (f) Porches. Attached, covered porches are required and shall have minimum width and depth dimensions of seven feet. (for cottages, two-unit cottages). Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck).
- (g) Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. (Some repetition is acceptable.)

2. Two-Unit Structures.

- (a) Where permitted, two-unit attached cottages shall not exceed a building footprint of 2,000 square feet for one-story units (average 1000 square feet footprint per unit) or 1,800 square feet for either one-and-a-half or two-story units (average 900 square feet footprint per unit).
- (b) The number of attached units in a cottage development may not exceed one-third of the total number of units.
- (c) Attached two-unit structures are allowed and must be similar in appearance to detached cottages.
- (d) Attached two-unit structures shall have one primary shared entry facing the common open space.

3. Carriage Units.

- (a) [Placeholder - city is considering building standards for carriage units]

4. Community Buildings.

- (a) Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, or similar amenities. Guest quarters, storage space, or a carriage unit could be included as part of a community building.
- (b) A community building shall be of similar scale, design, and height as the cottages, with a maximum footprint of 1,000 square feet and with the second floor not to exceed 0.6 square footage of the first floor.
- (c) Commercial uses are prohibited in the community building.

5. Accessory Structures.

- (a) Accessory structures such as garages, carports, storage or tool sheds shall not exceed 200 square feet per unit, or 1,000 square feet per accessory structure that is shared by five or more dwelling units. Storage space may be included in a garage structure, but vehicle space may not be used for storage or uses other than parking.
- (b) The design of garages, carports, and other accessory structures must be similar or compatible with that of the cottages in the development.

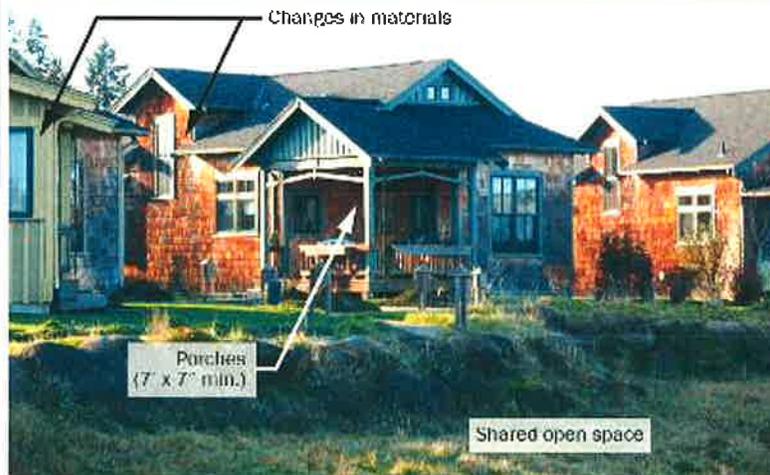
6. Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased.

7. Renovation and Expansion.

- (a) Renovations shall be in keeping with the size and architectural character of the new development.
- (b) A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this section shall be recorded against the property.

18.370. Transportation SDCs. Cottages shall be classified as [City will determine appropriate classification here] for purposes of calculating transportation SDCs.

**Figure X: Cottage development design standards**



## **DRAFT CODE AMENDMENTS – ARTICLE 19: SITE PLAN REVIEW**

The recommended amendments in this section are intended to help implement the following measures:

4. **Additional Measures to Increase Density:** Remove compatibility criterion to provide more flexibility for in-fill residential development.

### **Article 19: Site Plan Review**

#### **19.050 Major Site Plan Review**

19.052 Criteria for Approval. The Review Body shall approve, conditionally approve, or deny the request based upon the following criteria:

- (8) The characteristics of existing adjacent development have been determined and considered in the development of the site plan. At a minimum, special design consideration shall be given to:
  - (a) Areas of land use conflicts, such as more restrictive use adjacent or across street from proposal. Mitigate by orienting business operations away from use, additional setbacks, screening/buffering, landscaping, direct traffic away from use.
  - (b) Setbacks. Where existing buildings are setback deeper than required by Code, new setbacks to be compatible.
  - ~~(c) Building Size and Design. Existing surrounding architecture and building size to be considered to insure compatible scale and balance to the area.~~
  - (c) Transitions between existing development and new development. New development should be consistent with the purpose statement of the base zone but also recognize compatibility with existing, adjacent development.
  - (d) Signs. New signs shall not block primary view to existing signs, and shall be sized consistent with Code or existing signs, whichever is less.
  - (e) Lighting. Exterior lighting shall not impact adjacent development or traveling motorist.

**DRAFT CODE AMENDMENTS - ARTICLE 22: RESIDENTIAL DEVELOPMENT STANDARDS**

These amendments to Article 22 Residential Development Standards are recommended to implement the following measures:

- 2. **Single-family Attached Housing:** Apply design and development standards for single attached housing.
- 4. **Additional Measures to Increase Density:** Clarify and reduce the open space requirements for small (one acre or less) multi-family development and multi-family in commercial zones.
- 10. **Accessory dwelling unit (ADU) standards:** Apply design and development standards for ADUs.

**Article 22: Residential Development Standards**

**22.030 Applicability**

A development permit shall not be issued for any parcel or lot where compliance with the provisions of this Article has not been met.

The standards specifically apply to:

- (5) Single detached, single attached, and duplex residences
- (7) Accessory dwelling units

**22.100 Multi-Dwellings**

22.102 Open Space

- (3) Minimum Requirements. All multi-dwelling projects shall provide open space as shown in Schedule 22-1, unless the special open space requirements in subsection (4) below apply. Where only a total is provided in Schedule 22-1, the open space may be recreational, pervious or any combination of the two types.

Multi-Dwelling Open Space Requirements Schedule 22-1			
Zone	Minimum Percent of Lot Required to be Open Space		
	Recreational	Pervious	Total
<u>GC</u>	-	-	<u>10%</u>
<u>RTC-I</u>	-	-	<u>10%</u>
<u>RTC-II</u>	-	-	<u>10%</u>
<u>RTC-III</u>	-	-	<u>10%</u>
<u>CBD</u>	-	-	<u>0%</u>

- (4) Special open space requirements for smaller lots. For lots that are one-half (0.5) acre or less in size in the R-2, R-3 and R-4 zones, the following open space requirements apply. The requirements in this section supersede those requirements in Schedule 22-1.
  - (a) A minimum of 20 percent of the lot must be dedicated to open space. The open space may be recreational, pervious, or any combination of the two types.
  - (b) Open space areas not otherwise developed with recreational facilities shall be landscaped.
- (5) Exceptions. In the GC, CBD and RTC zones, the open space requirement may be reduced to

zero percent (0%) if the development is located within a one-quarter mile radius of an existing public park or open space.

~~22.103 Separation Between Buildings. To provide privacy, light, air and access to the dwellings within the development, the following minimum standards shall apply:~~

- ~~(1) Between the walls of principal buildings, at least one-half (1/2) the sum of the height of both buildings.~~
- ~~(2) Separations between the walls of principal buildings may be less than required by 22.103(1) if one of the following design standards exist:
  - ~~(a) Buildings with windowed walls facing blank building walls – 15 feet minimum.~~
  - ~~(b) Buildings with blank walls facing buildings with blank walls, or with windows oriented so as not to face another building – 10 feet minimum.~~~~
- ~~(3) Where buildings exceed a horizontal distance of 60 feet, the minimum wall separation shall be increased. For each 15 feet of horizontal distance exceeding 60 feet, the building separation shall be increased by one foot.~~

#### **22.400 Architectural Features for Single and Duplex Residences.**

22.402 Applicability. All single detached, single attached and duplex residences shall have architectural features along any face of the building that is visible from a street.

#### **22.700 Additional Standards for Single Attached Development [NEW SECTION]**

22.701 Purpose. These additional developments standards for single attached are intended to promote compatibility with single-family neighborhoods, attention to detail, human-scale design and street visibility, while affording flexibility to use a variety of building styles.

22.702 Standards. All new single attached developments shall meet the following standards.

- (1) Number of consecutive units. Single attached developments with street-facing driveways and/or garages are limited to six consecutive attached units. Single attached developments that have no street-facing driveways or garages (rear access only) have no limitation on number of attached units, but shall not exceed [city is considering either 300 or 600] feet in length.
- (2) All units shall include at least three of the following features on any building elevation that faces the street (if on a corner lot, this standard applies on the street-facing elevation where the dwelling takes access).
  - (a) Covered porch at least 5 feet deep
  - (b) Entry area recessed at least 2 feet from the exterior wall to the door
  - (c) Bay or bow window that projects at least 1 foot from exterior wall
  - (d) Offset on the building face of at least 16 inch from one exterior wall surface to the other
  - (e) Dormer
  - (f) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls
  - (g) Roof line offsets of at least 16 inches from the top surface of one roof to the top surface of the other
  - (h) Attached garage
  - (i) Cupola
  - (j) Tile or wood shingle roofs

(k) Horizontal lap siding

(l) Brick covering at least 40% of the building elevation that is visible from the street

(3) The design of front building elevations may not be repeated on more than four consecutive units.

(4) Driveway and garage standards. Single attached developments with street-facing garages shall meet the following criteria:

(a) Where two abutting units have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;

(b) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;

(c) The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing primary dwelling façade.

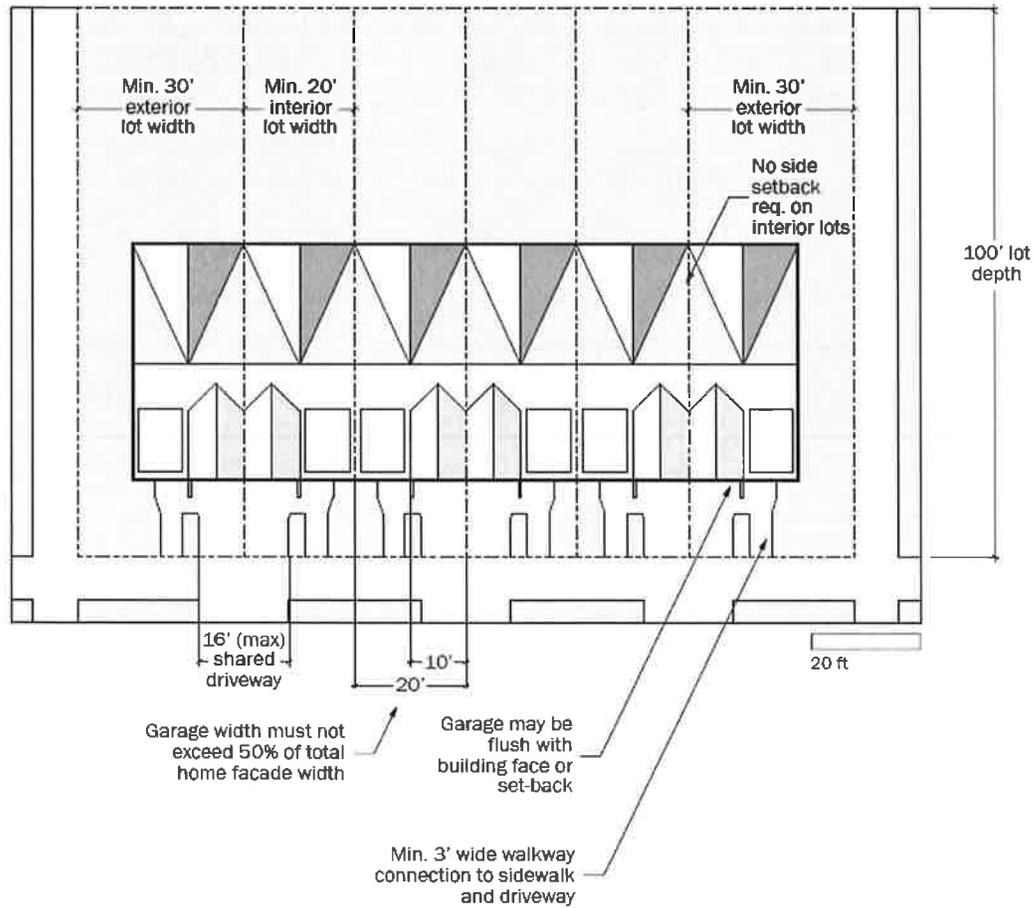
(d) Where the street-facing façade of a primary dwelling unit is less than 22 feet long, an attached garage is not allowed as part of that façade.

(e) A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

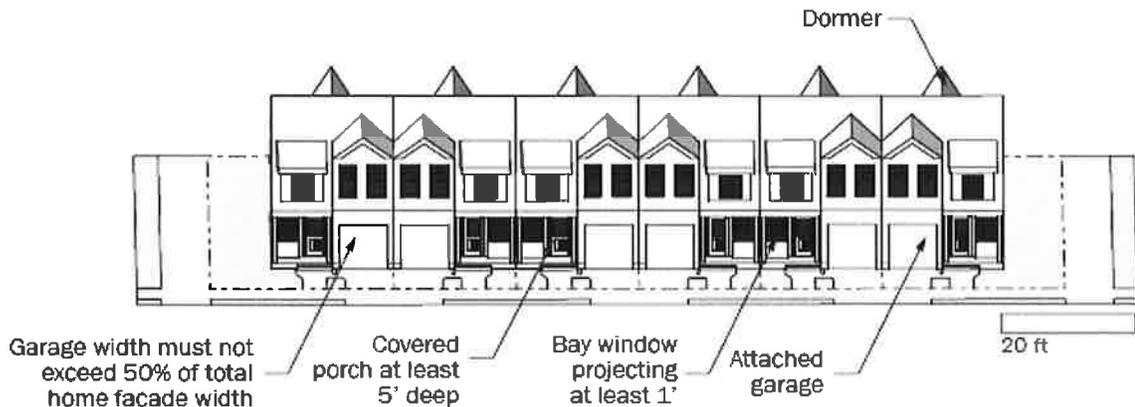
(5) Common areas. Any common areas shall be owned and maintained by a homeowners association or other legal entity, unless a public dedication is approved by the City. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

22.703 Alternative design. As an alternative to Section 22.702, single attached dwellings of three or more units may be designed to de-emphasize individual units and create the impression of a larger, single-family dwelling. Elements that could be used to achieve such an impression include shared porches and upper floor extensions, unified exterior colors/treatments, continuous overhangs above the ground floor and continuous rooflines extending across units. Architectural features similar to those required for single family detached dwellings (Article 22.400) should also be used. Single attached development using this alternative design approach shall be reviewed as a Major Site Plan in the R-2, R-3 and R-4 zones and through a PUD in all other zones where single attached is allowed per Schedule 12-2.

**Figure X: Single attached development site standards**



**Figure X: Single attached development building standards**



**Figure X: Single attached development examples**



**22.720 Accessory Dwelling Unit Standards [NEW SECTION]**

22.721 Purpose. These standards are intended to support the provision of affordable and decent housing while providing homeowners with alternative financial resources, thereby encouraging maintenance of existing housing stock. It is the intent of this section that development of accessory dwelling units not diminish the single-family character of a neighborhood and that any single-family residence containing an accessory dwelling maintain the appearance of a single-family dwelling as viewed from the street.

22.725 Creation of an accessory dwelling unit. An accessory dwelling unit may only be created on a lot with one single-family detached dwelling through one of the following methods:

- (1) Conversion of existing space in one of two ways:
  - (a) Conversion of attached space (for example, attached garage, basement or attic)
  - (b) Conversion of detached space (for example, detached garage or storage shed).
- (2) Addition of new space in one of two ways:
  - (c) Addition of a new unit attached to a single-family dwelling.
  - (d) Addition of a new, detached unit (this includes accessory dwelling units added to a detached garage, either on the second story or same level).

22.727 Applicability. The standards in this section apply to all new accessory dwelling units.

22.730 Density exemption. Accessory dwelling units are exempt from the residential density standards of this code.

22.732 Development and design standards.

- (1) Standards for all accessory dwelling units:
  - (a) No more than one accessory dwelling unit per lot is permitted.
  - (b) No portion of an existing building that encroaches within a required yard setback may be converted to or used as an accessory dwelling unit.
  - (c) Building design standards:
    - i. The size of the accessory dwelling unit shall not exceed 800 square feet.
    - ii. Exterior access to an attached accessory dwelling unit shall be located in side or rear yards or by means of the existing main entrance or front-facing basement entrance.
    - iii. Exterior finish materials shall visually match in type, size and placement, the exterior finish materials of the primary dwelling.
    - iv. The roof pitch shall be the same as the predominant roof pitch of the primary dwelling.
    - v. If the street-facing façade of the accessory dwelling unit is visible from the street, windows shall match, in proportion and orientation, the windows of the primary dwelling.
    - vi. If the primary dwelling has eaves, the accessory dwelling must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required on the accessory dwelling unit.
    - vii. Fire escapes or exterior stairs for access to an attached upper level accessory dwelling unit shall not be located on the front of the primary dwelling.
- (2) Additional standards for detached accessory dwelling units. The following additional standards apply only to conversion of an existing detached space or creation of a new detached unit.
  - (a) The accessory dwelling unit shall be located at least six feet behind the primary dwelling, unless the accessory dwelling unit is in an existing detached space that does not meet this standard.
  - (b) The height of the accessory dwelling unit shall not exceed 1.5 stories or 18 feet, whichever is less.
  - (c) The building footprint of the accessory dwelling unit shall not be larger than the footprint of the primary dwelling.

22.735 Approval criteria. Applications for accessory dwelling units must meet the following criteria.

- (1) The applicant must demonstrate that the accessory dwelling unit complies with all development and design standards in 22.732 above.
- (2) The applicant must demonstrate the proposed modifications comply with applicable building and fire safety codes.
- (3) Ownership and Tenancy. Either the primary residence or the accessory dwelling unit must be occupied by the property owner. Proof of owner-occupancy shall be made annually in accordance with a procedure and submittal requirements established by the Planning Director. Ownership of the accessory units shall not be subdivided or otherwise separated from ownership of the primary residence.
- (4) Business License Required. A business license is required for operation of rental property, pursuant to [city will provide appropriate reference here].

**Figure X: Detached ADU site standards**

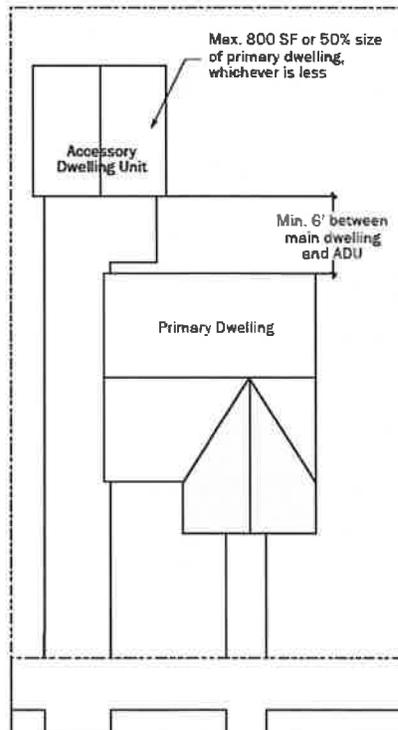


Figure X: Examples of detached and attached ADUs



**DRAFT CODE AMENDMENTS - ARTICLE 25: PARKING AND LOADING STANDARDS**

Recommended amendments to Article 25 are intended to implement the following:

- 7. **Parking reductions:** Reduce the minimum parking requirements, facilitate shared parking and allow on-street parking to count towards minimum requirements.

[Note: The recommended parking requirements were taken from the Model Code<sup>2</sup>.]

**Draft 3 Revisions:** None

**Article 25: Parking and Loading Standards**

**25.030 General Provisions**

25.031 Applicability

(8) In the case of mixed uses, the total requirements for off-street parking space shall be the sum of the requirements for the various uses, unless joint use of parking facilities can be established consistent with Section 25.032(3).

~~(9) Parking spaces in a public right-of-way shall not be counted as fulfilling any part of the parking requirements.~~

25.032 Location of Parking and Loading Facilities.

(1) Residential. All off-street parking facilities for residential uses shall be located on the same lot as the use or ~~an abutting lot~~ on a parcel or tract owned in common by all the owners of the properties that will use the parking area. If parking is provided on a separate ~~an abutting~~ lot, an easement or shared parking agreement shall be recorded allowing use of the parking.

(2) Other Uses. For uses other than residences, parking spaces shall be located on the same parcel or on another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building or use. Where parking is located on a parcel not owned by the applicant, a lease or other evidence of agreement shall be submitted to the Director that the use of the facilities are is exclusively for the applicant. On-street parking may be counted toward the minimum parking requirements when it is on the block face abutting the subject use. On-street parking counted toward the minimum requirement shall remain open and available to the public.

**24.040 25.040 Off-Street Parking and Loading Requirements by Use**

25.042 Parking facilities

Land Use	Off-Street Parking Requirements
<b>(1) Residential Uses</b>	
<del>(a) Studio and one bedroom dwelling unit</del>	<del>1.00 space per dwelling unit.</del>
<del>(b) Two bedroom dwelling units</del>	<del>1.50 spaces per dwelling unit.</del>
<del>(c) Three and four bedroom dwelling units</del>	<del>2.00 spaces per dwelling unit.</del>
<del>(d) Five or more bedrooms</del>	<del>3.00 spaces per dwelling unit.</del>
<del>(e) For projects not providing on street parking add:</del>	<del>0.20 space per dwelling unit (guest).</del>

<sup>2</sup> Model Development Code & User's Guide for Small Cities, Draft #4 – 3rd Edition, Oregon Transportation and Growth Management Program, April 2012 (unless an earlier version is specified).



	<u>2 spaces per 1,000 sq. ft. of gross floor area, except bulk retail per (b).</u>
(d) Medical or dental:	<del>One space per 250 sq. ft. of gross floor area.</del> <u>2 spaces per 1,000 sq. ft. of gross floor area</u>
(e) Other office buildings, business and professional offices:	<del>One space for every 400 sq. ft. of gross floor area.</del> <u>2 spaces per 1,000 sq. ft. of gross floor area</u>
(f) Pharmacies:	<del>One space for each 150 sq. ft. of gross floor area.</del> <u>2 spaces per 1,000 sq. ft. of gross floor area</u>
(g) Establishments for the sale and consumption on the premises of food and beverages (restaurants and bars): Restaurant or tavern — Restaurant with separate tavern	<del>10 spaces per 1,000 sq. ft. of gross floor area.</del> <del>15 spaces per 1,000 sq. ft. of gross floor area.</del> <u>5 spaces per 1,000 sq. ft. of gross floor area</u>

## **DRAFT CODE AMENDMENTS – ARTICLE 30: DEFINITIONS**

The recommended amendments in this section are intended to help implement the following measures:

2. **Single-family Attached Housing:** Revise definition
6. **Cottage Development:** Add definition and delete the term “cluster” from the list of terms that are not considered building types.
10. **Accessory dwelling unit (ADU) standards:** Add definition
13. **Terminology:** A discussion regarding terminology can be found at the end of this section.

### **Article 30: Definitions**

#### **30.020 Definitions**

**Building Types:** The description of buildings according to their placement and arrangement on a site or sites as follows:

(2) Residential - That group of building types comprising the following:

(a) **Single Detached-One:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site. (See Concept Sketch 30-Building Types.)

(b) **Single Detached-Two:** Two dwelling units located on the same lot that are not attached in any manner. (See Concept Sketch 30-Building Types.)

(c) **Duplex:** Two dwelling units placed so that some structural parts are in common and are located on a single lot or development site. (See Concept Sketch 30-Building Types.)

(d) **Single Attached:** Two or more dwelling units attached side-by-side with some structural parts in common at a common property line. (See Concept Sketch 30-Building Types.)

(e) **Multi-Dwelling:** A structure or complex of structures containing at least three dwelling units in any vertical or horizontal arrangement, located on a lot or development site. (See Concept Sketch 30-Building Types.)

(f) **Accessory Dwelling Unit (ADU):** A second dwelling unit created on a lot with a primary single-family detached house. The second unit is created auxiliary to, and is always smaller than the primary house. The ADU includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

(g) **Cottage Development:** A grouping of four to twelve small, single family dwelling units clustered around a common open space area and developed with a coherent plan for the entire site. Cottage units may have other shared amenities. The shared common area and coordinated design may allow densities that are somewhat higher than typical in single family neighborhoods possible while minimizing impacts on adjacent residential areas.

**Family:** Any of the following:

- (1) An individual or group of persons not to exceed fifteen in number, related by blood, marriage or adoption;

(2) An individual or group of disabled persons, not to exceed fifteen in number.

(3) An individual or a group of not more than five persons (excluding servants) who need not be related by blood, marriage or adoption, living together in a dwelling unit. A group of six to fifteen unrelated persons may qualify as a "family" under this definition if the group:

- (a) Shares the entire house.
- (b) Lives and cooks together as a single housekeeping unit.
- (c) Shares expenses for food, rent or mortgage, utilities or other household expenses, and
- (d) Is permanent and stable (e.g., all parties have long-term leases or ownership interest in the property).

[Note: The definition of family should be reviewed with legal council]

Group Quarters: The residential occupancy of living units by groups of more than five of persons who do not meet the definition of "family" are not all related by blood, marriage or adoption, and where the communal kitchen and/or dining facilities are provided. Residential facilities are defined separately and are not included as group quarters.

(3) The following commonly used terms are not considered building types for purposes of this

Code:

- (a) Cluster
- (b) Condominium
- (c) Townhouse
- (d) Apartment

**Terminology.** Because the issue of terminology for residential building types was raised after the Final Evaluation Report was drafted, a brief discussion is included here.

Per comments from the Planning Commission, terminology used in the code should be consistent with common real-estate and financing terms to the extent practicable to avoid barriers to financing. Some development types (condominiums and developments with shared common space, for example) have real-estate disclosure requirements per the Oregon Revised Statutes.

Existing terminology is shown in the text box above. Terms that are not used in Grants Pass code but are commonly used in other jurisdictions and are regulated by the Oregon Residential Specialty Code (ORSC) include townhouse and rowhouse.

- Townhouse: Single-family dwelling unit in a group of three or more attached units. Each unit extends from foundation to roof and has yard or public way on at least two sides. All units are on the same lot. Per the Oregon Residential Specialty Code (ORSC), townhomes are considered separate buildings and must have a fire wall
- Rowhouse: A rowhouse is a single family unit constructed in a row of attached units separated by property lines. Rowhouses have a different set of building code standards per the ORSC.

It is unclear which development types were being referenced in the Planning Commission discussion, and what conflicts have occurred in the past that may need to be addressed. It's also unclear if the city's building code conflicts with the development code in terms of residential

building type naming or definitions. Further clarification from the city will be needed in order to draft recommended code amendments.