



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/18/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 29, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lora Glover, City of Grants Pass
Angela Lazarean, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

JUL 11 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: *Grants Pass*Date of Adoption: *11-4020000 / 6/15/11 signed 7/6/11*Local file number: *11-40200001*Date Mailed: *7/8/11*Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

*Comprehensive Plan Map and Zone Map Amendments to
change tax lot 907 and a portion of tax lot 905 from
Industrial to Business Park.*

Does the Adoption differ from proposal? Please select one

Plan Map Changed from:

I

to:

BP

Zone Map Changed from:

I

to:

*BP*Location: *Land 17 Fire Mtn Way 36.5-17-40 905 & 907*Acres Involved: *10.84*

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 001-11 (18745) [16705]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Josephine County
Oregon Dept of Transportation

Local Contact: Lora Glover, Associate Planner Phone: (541) 476-6355 Extension: 6427
Address: 101 NW A Street Fax Number: 541-476-9218
City: Grants Pass OR Zip: 97526 E-mail Address: lglover@grantspassoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 16, 2010

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**FREEDMAN FMG PROPERTY LLC
COMPREHENSIVE PLAN MAP AMENDMENT, ZONING MAP AMENDMENT,
AND DEVELOPMENT AGREEMENT #2011-01
FINDINGS OF FACT**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	11-40200001
Project Type:	Comprehensive Plan Map Amendment, Zoning Map Amendment, and Development Agreement
Owner/Applicant:	Freedman FMG Property LLC
Representative:	CSA Planning, Ltd./Craig Stone
Map & Tax Lot:	36-05-17-40, TL 905 & TL 907
Address:	1 Fire Mountain Way
Total Acreage:	TL 905 ~ 6.21 acres; TL 907 ~ 4.63 acres (10.84 total)
Existing Comprehensive Plan Designation:	Industrial
Proposed Comprehensive Plan Designation:	Business Park
Existing Zoning:	Industrial - (I)
Proposed Zoning:	Business Park - (BP)
Planner Assigned:	Lora Glover
Application Received:	February 25, 2011
Application Complete:	February 25, 2011
Date of Staff Report:	April 19, 2011
Date of UAPC Hearing:	April 27, 2011
Date of City Council Staff Report:	June 7, 2011
Date of City Council Hearing:	June 15, 2011
Date of Findings of Fact:	July 6, 2011

I. PROPOSAL:

The request is for a Comprehensive Plan Map Amendment and Zoning Map Amendment from Industrial (I) to Business Park (BP) for the above-referenced properties containing a combined acreage of approximately 10.84. The tract is currently developed with the Fire Mountain Gems facility.

The application materials include a narrative, and a Traffic Impact Analysis. Due to existing and proposed traffic impacts, the application will include a proposed Development Agreement for the existing use and the proposed 51,000 sq. ft. expansion that would include accessory uses consisting of an athletic club, day care center, restaurant, specialty retail, geologic museum and additional warehouse.

II. AUTHORITY AND CRITERIA:

Sections 13.5.5 and 13.8.3 of the Grants Pass Urban Area Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for amendment and revision to Comprehensive Plan findings, goals, policies, and land use maps of the Comprehensive Plan. However, the 1998 Intergovernmental Agreement modified that provision with the result that the City Council will make the decision, and the County will have automatic party status.

Section 13.8.3 of the Comprehensive Plan provides that notice shall be as provided in Section 2.060 of the *Development Code* for a Type IV procedure, with a recommendation from the Urban Area Planning Commission and a final decision by City Council. The text or map of the Comprehensive Plan may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan Policies Document are met. The Zoning Map may be amended provided the Criteria in Section 4.033 of the *Development Code* are met.

The development agreement must meet the requirements of ORS 94.504 to 94.528.

III. APPEAL PROCEDURE:

Section 10.060 provides the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

IV. PROCEDURE:

- A. An application for a Comprehensive Plan Map and Zone Map Amendment was submitted and deemed complete on February 25, 2011. The application was processed in accordance with Section 2.060 of the *Development Code*.
- B. Notice of the proposed amendment and the public hearing was mailed to the Oregon Department of Land Conservation and Development on March 9, 2011, in accordance with ORS 197.610 and OAR Chapter 660, Division 18.
- C. Public notice of the April 27, 2011, Urban Area Planning Commission public hearing was mailed on April 5, 2011, in accordance with Sections 2.053 and 2.063 of the *Development Code*.
- D. At the April 27, 2011, public hearing, the Planning Commission made a recommendation in support of the request.
- E. The Planning Commission signed the Findings of Fact on May 11, 2011.
- F. Public notice of the June 15, 2011, City Council public hearing was mailed on June 1, 2011.
- G. Public notice of the June 15, 2011, City Council public hearing was published in the newspapers June 7, 2011.

- H. On June 15, 2011, the City Council held a public hearing to consider the request. A roll call vote was taken during the public hearing and the City Council voted to approve the request.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the City Council on June 15, 2011, are attached as Exhibit "B" and incorporated herein.
- C. The PowerPoint Presentation given by staff at the June 15, 2011, public hearing is attached as Exhibit "C" and incorporated herein.

VI. FINDINGS OF FACT:

The City Council found that the request meets the criteria contained in Section 13.5.4 of the Comprehensive Community Development Plan Policies and the criteria contained in Section 4.033 of the Development Code based on the reasons stated in the findings below.

VII. GENERAL FINDINGS OF FACT, BACKGROUND AND DISCUSSION:

Property Characteristics

1. **Comprehensive Plan Designation:** Industrial (I)
2. **Zoning:** Industrial (I)
3. **Size:** 10.84 acres
4. **Access:** The parcel has frontage on the Grants Pass Parkway; along with frontage and access on Fire Mountain Way and "F" Street.
5. **Utilities:**
 - a. **Water:** 2, 6 & 8 inch mains in the right-of-way of Fire Mtn Way and 6, 10 & 12 inch mains in right-of-way of "F" Street;
 - b. **Sewer:** 8-inch main in the right-of-way of Fire Mtn Way and an 8-inch line in the right-of-way of "F" Street
 - c. **Storm:** Drain ditches along west and east property line of TL 907 and along east property line of TL 905. 12, 15, 18, and 24 inch in Fire Mtn Way; 12 & 18 inch in "F" Street; 12 inch lines to property.
6. **Topography:** The property is generally level.
 - a. **Natural Hazards:** None identified.

- b. **Natural Resources:** None identified.

7. Land Use

- a. Existing: Fire Mountain Gems (light industrial complex)
- b. Proposed: FMG, to include 51,000 sq. ft. expansion with a athletic club, day care, geologic museum, restaurant, specialty retail and warehouse expansion

8. Surrounding Land Use:

- a. North: Grants Pass Shopping Center located across "F" Street (GC)
- b. South: Copeland Sand & Gravel across railroad r-o-w (I)
- c. East: Parkway Village Shopping Center across GP Parkway (GC)
- d. West: Vacant/Home Depot Site and Freedman lots ~ (BP & GC)

Discussion

The subject property has a Comprehensive Plan and zoning designation of Industrial (I). The proposal would amend both the plan designation and the zoning designation to Business Park (BP). Section 12.321 of the Development Code states that the purpose of the Business Park District:

"... is to provide a mixed-use zone for light industrial and commercial uses. Retail trade is permitted as an accessory use or when determined to be compatible with, or can be made compatible with, light industrial or wholesale trade uses via a discretionary review process. Performance Development Standards are designed to ensure the compatibility of the light industrial uses with the commercial uses, and with compatibility with adjacent Commercial and Residential Zoning District."

Whereas the purpose statement for the Industrial District is:

"... to provide for those industrial uses with heavier impacts upon their surroundings and the need for outdoor functions..." (Section 12.323).

The subject parcel is located within the Northeast Subarea as described in the Comprehensive Plan. Element 13 – Land Use Element of the Comprehensive Plan provides the following discussion for the subarea:

The Northeast Subarea is described in Section 13.9.4 of the Comprehensive Plan as being that area located north of the Southern Pacific railroad tracks and east of 6th Street. The area is bordered by commercial development on the south and east. Public facilities have capacity for moderate residential density in the southern part of the subarea and the remaining area has low density facilities capacity.

As Grants Pass continues to grow, transportation and connectivity become a constraining factor on economic development. We have seen this issue recently with the approved Home Depot site and the mitigation measures required for that development. Encouraging mixed use developments will help to alleviate some of the stress placed on the existing transportation facilities.

The demand for commercial land is driven by the expansion and relocation of existing businesses and new businesses locating in Grants Pass. As noted in the Economic Element of the Grants Pass & Urbanizing Area Comprehensive Plan, the employment growth projections indicate that the service sector will increase from a 21% share of employment base to 42%. The proposed zone of Business Park provides a wide range of mixed uses under the land use categories as listed in Schedule 12-2 of the Development Code. Compatibility is an important factor when reviewing a proposed comprehensive plan and zone map change which will expand commercial and industrial uses within a neighborhood.

The property is located off Fire Mountain Way and "F" Street, east of the future Home Depot site. Due to the pending development of the Home Depot site, the location of the Grants Pass Shopping Center across "F" Street, the Parkway Village across the Grants Pass Parkway to the east, along with the variety of mixed uses on nearby properties, the proposed request lends itself to meeting the purpose of the BP zone as discussed in Section 12.321 of the Development Code.

The applicant has submitted a Traffic Impact Analysis (TIA) for Tax Lots 905 & 907, prepared by Michael Weishar of Access Engineering, LLC, dated December 22, 2010. The TIA incorporates data and future mitigation measures that have been approved under the pending Home Depot site.

In addition to the Comprehensive Plan Map Amendment and the Zoning Map Amendment, the applicant is proposing to enter into a development agreement with the City of Grants Pass for the subject parcels limiting the AM and PM peak hour trips. The proposed development agreement will incorporate the mitigation measures, and is in conformance with ORS 94.504 to 94.528 (see Exhibit 7).

VIII. FINDINGS OF FACT - CONFORMANCE WITH APPLICABLE CRITERIA:

The criteria in the Comprehensive Plan Policy Section 13.5.4 have been met:

CRITERION (a): Consistency with other findings, goals and policies in the Comprehensive Plan.

City Council Response: Satisfied. The proposal is consistent with the applicable Goals and Policies found in Element 8 ~ Economy, Element 10 ~ Public Facilities and Services, and Element 13 ~ Land Use of the Comprehensive Plan for reasons summarized below.

Element 8 - Economy

Goal: To improve, *expand, diversify and stabilize the economic base of the community*

Policy 8.1 (d) – by insuring that an adequate quality and quantity of industrial land is available, properly zoned, and serviced.

Policy 8.1 (e) – by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

The Comprehensive Plan was adopted in 1982 and is a guiding document that addresses different components of the Grants Pass community. The purpose of Element 8 (Economy) examines the basic economic activities that have supported and support the local economy (data dates back to the 1960s and 1970s), evaluates the economic activities that apply in the future, describes several commercial and industrial scenarios for the future including their impacts, and projects commercial and industrial acreage requirements up to year 2000. Following is a brief description of these different components in the plan.

Economic Base Described in the Comprehensive Plan – Trends in the 1960s and 1970s:

- 1) Lumber and Wood Products Manufacturing was the major source of income and jobs in the late 1970s.
- 2) Other manufacturing jobs such as electronic equipment and Recreational Vehicle manufacturing were also a major source of employment.
- 3) Tourism was the third economic base identified.
- 4) Pensions and Other Transfer Payments rounded out the top four with a large portion of the population over sixty (60) years old living off of social security benefits or retirement. It also described that people were receiving public assistance due to unemployment.

Description of the Long Run National Trends

Economic development in Grants Pass over the next twenty years will occur in the context of long-run national trends. The most important of these trends include:

- The aging of the baby boom generation, accompanied by increase in life expectancy. One of the economic effects of this demographic change will include a slowing of the growth of the labor force.
- The growing importance of education as a determinant of wages and household income.
- Continued growth in global trade and the globalization of business activity.
- Innovation in electronics and communication technology, and its application to production.
- Continued shift of employment from manufacturing and resource-intensive industries to the service-oriented sectors of the economy. While Oregon has transitioned from the Lumber and Wood Products manufacturing to high-tech manufacturing, it has not significantly improved its diversity relative to the national economy. Relatively low economic diversity increases the risk of economic volatility as measured by changes in output or employment.

Future Commercial and Industrial Scenarios

Three commercial scenarios were evaluated. Scenario 1 relates to the proposal and will be described below.

Scenario 1: Major commercial growth is channeled to

the existing centers of commercial activity, the downtown and the Grants Pass Shopping Center area east of downtown.

This scenario allocated sixty-five (65) percent of the commercial growth for the decade to the downtown and the Grants Pass Shopping Center area. It was anticipated that a department store anchor would locate downtown with other retailers to follow along with possibly a second anchor.

Three industrial scenarios were evaluated.

- 1) Continuation of present trends, with growth accommodated in East Grants Pass and North Grants Pass
- 2) More rapid growth that is accommodated in the Redwood Area
- 3) More rapid growth that is accommodated in the Merlin area

Description of the Industrial Base

Based on the economic base activities identified and the discussion in the Comprehensive Plan, a major expansion or new heavy industry will not take place in Grants Pass and that there will be resistance to it. Due to limited land and airshed capacity and people seeking a "superior natural environment" Grants Pass will have difficulty attracting new, heavy industry. It was believed that heavy industry would locate near Medford or somewhere outside the Grants Pass airshed. Remaining manufacturing firms are tied to their region to be near supplies or markets, or manufacture specialized goods for which small production quantities, fast turn-around times, and the need for quality limit the ability to outsource.

There will be continued competition for light manufacturing jobs to come to Grants Pass.

1st Conclusion under Criterion (a):

The proposed zone change from Industrial to Business Park keeps the 10.84 acre tract within the industrial inventory. The allowable uses in the Business Park zone are the same as those in the Industrial zone with the exception of a few uses (i.e., outdoor industrial use for the Industrial zone; and a variety of commercial uses allowed in the Business Park zone). The proposed zone is compatible with the other Business Park to the west and the allowed uses are well suited with the uses that already either exist or have been approved in the immediate area.

The Comprehensive Plan provides reasons for allowing this change as noted above. The site is close to downtown and the I-5 corridor, and has utility services readily available to serve the existing development and proposed expansion. Finally, current data indicates that the City is in need of both industrial and commercial lands to accommodate future growth.

Policy 8.7(a) – "The City and County will encourage commercial development at major commercial nodes, which includes the East Grants Pass area around the existing Grants Pass Shopping Center, the Redwood Commercial Triangle south of the Rogue River area and the downtown area. The City will also encourage

infill commercial office development along Sixth and Seventh Streets, and in the North City commercial area.”

2nd Conclusion under Criterion (a):

The area near the Grants Pass Shopping Center was identified as a viable commercial node that could accommodate future development. The proposed zone change would allow for the addition of the proposed accessory commercial uses in conjunction with the existing Fire Mountain Gem operations, which will compliment existing uses in the area.

Element 10. Public Facilities and Services:

Goal: To provide needed facilities and services for the Urban Growth Boundary area in a timely, orderly, efficient, economic and coordinated manner.

3rd Conclusion under Criterion (a):

With the exception of the water and transportation facilities noted below, the remaining public facilities and services are available to serve the existing and proposed use as covered by the adopted utility plans and service policies.

Element 13. Land Use:

Goal: To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that:

- (d) is responsive to the wishes of the citizens and property owners of the planning area, and
- (e) provides adequate amounts of industrial, commercial, and residential lands to meet growth needs over the planning period.

Policy 13.2.1 Comp Plan Land Use Map:

The Comprehensive Plan Land Use Map shall:

- (a) designate the highest and best land use for all portions of the Urban Growth Boundary area, on a parcel-by-parcel basis.
- (b) guide and direct changes to the Zoning Map
- (c) meet the demonstrated need during the planning period for residential, commercial, industrial, and public lands as determined by the Comprehensive Plan.

13.9.12 North Area Industrial – East City II

“This subarea contains the city’s prime blocks of heavy industrial lands, almost all fully serviced, much with excellent rail access, and accessed by the Redwood Highway Spur, convenient to the City’s southern freeway exit. Some conversion to commercial uses along “F” Street and the Redwood Spur may be required to meet demand in the East Grants Pass commercial subarea. 37% of the subarea is under utilized or vacant, but much of the under-utilized land is being held for future expansion by existing enterprises.”

4th Conclusion under Criterion (a):

The site is the northeastern most Industrial site within the industrial zone boundary in this area. A conversion from Industrial to Business Park will allow a mix of both industrial and commercial uses. The development plan proposed for the site favors the commercial allowance that the Business Park provides. However, the proposed zone can accommodate industrial based users in the future if development circumstances changes. The Comprehensive Plan indicates that heavy industrial users may not locate in Grants Pass but that light manufacturing establishments are encouraged to locate here. The Business Park zone supports light manufacturing uses.

The proposed amendment of approximately 10.84 acres of land from Industrial to Business Park will not have a substantial impact on the planned land uses in this area. The policies for the Northeast subarea states that this area will continue to develop with high densities adjoining the commercial area near the "E" and "F" couplet and the Redwood Spur. The proposed amendment and potential of mixed use development meets this requirement by blending into the existing commercial and industrial uses in the neighborhood while providing a transition into the existing and pending commercial developments to the north and west.

The area near the Grants Pass Shopping Center is an evolving area with several new shops and centers including the Parkway Village and Deardorff Corners, and recent additions to the shopping center including Ross Dress for Less and Aaron's. The railroad tracks create a separation between the heavier industrial uses and the northern indoor industrial use of the Fire Mountain Gems facility located on the subject property. The placement of a heavy industrial use next to existing and future surrounding uses may be incompatible for the area. The proposed zone allows for a mix of light industrial and commercial uses that more easily blend into the existing landscape of uses.

The City realizes it has a deficiency of both industrial and commercial lands. The Business Park zone allows for retention of industrial lands, with the allowance of a number of non-industrial uses that can be sited on the property. The Comprehensive Plan supports the addition of light manufacturing business and identifies the commercial node around the Grants Pass Shopping Center. The Business Park zone can accommodate either light industrial or commercial users.

CRITERION (b): A change in circumstances validated by and supported by the database or proposed changes to the database, which would necessitate a change in findings, goals and policies.

City Council Response: Satisfied. As discussed above, the site is located within the vicinity of a variety of mixed commercial uses, to include the Fred Meyer complex, the Deardorff Corners shopping area to the east, the Grants Pass Shopping Center to the north, and the pending Home Depot development adjacent to the property. Element 13 of the Comprehensive Plan discusses the draw of higher density to increased commercial development, specifically for the Grants Pass Shopping Center and Redwood Spur area. The proposed amendment for the property will change the database to allow a variety of mixed commercial and light industrial uses. The Comprehensive Plan Elements support the database change. The proposed

amendment would amend the plan and zoning map from Industrial (I) to Business Park (BP), and would not require the amending of findings, goals or policies.

CRITERION (c): Applicable planning goals and guidelines of the State of Oregon.

City Council Response: Satisfied. The proposal is consistent with six (6) of the nineteen (19) applicable statewide planning goals described below:

Goal 1: Citizen Involvement

The proposal is reviewed and noticed according to the requirements for a Type IV-B procedure. Property owners within two hundred and fifty (250) feet were sent notice of the application. Public notice is posted for both the Planning Commission and City Council hearings in the *Daily Courier* (the local newspaper), on the City of Grants Pass website, www.grantspassoregon.gov and on the first floor of the City Hall building. Such notification provides the public an opportunity to provide written or oral comments on the matter either before or at the hearings.

The City has an acknowledged Citizen Involvement Program adopted under Resolution 1748 that insures the public can actively engage in the planning process.

No comments were received from surrounding property owners during the notice period.

Conclusion: The City's procedures outlined in the *Comprehensive Plan* and *Development Code* pertaining to citizen involvement are being followed. The proposal is consistent with Goal 1 standards and requirements.

Goal 2: Land Use

The Grants Pass *Comprehensive Plan* and *Development Code* outline the planning process to consider a Comprehensive Plan Map Amendment and the Zoning Map Amendment. The process requires the application to be heard by both the Planning Commission and the City Council. The Planning Commission will review the proposal and provide a formal recommendation that will be considered by the City Council for final decision. Specific criteria have been adopted that relate to the proposal. The review bodies will evaluate the proposal against those criteria in order to make a decision.

Conclusion: The application is being reviewed through the City's land use process, making it consistent with the purpose of statewide Goal 2.

Goal 9: Economic Development

The proposed amendment to change the subject parcel to Business Park (BP) would provide more flexibility in the development of the tract for mixed commercial and light industrial uses.

Oregon Administrative Rule (OAR) Division 9, Economic Development (660-009-0000) requires that cities review and amend their comprehensive plans as

necessary to comply with this division to provide economic opportunity analyses for the demand of land for industrial and other employment uses to the existing land supply.

Element 8 ~ Economy of the Grants Pass & Urbanizing Area Comprehensive Plan (GPUACP) states that the employment sectors with the largest job growth for Josephine County between 1980 and 2005 included retail trade, government and services (such as health care and social assistance), and accommodation and food services. State forecasts indicate that these sectors will continue to lead the employment growth in Josephine County.

Based on the previous employment trends and projected forecasts referenced above, the proposed amendment is in compliance with OAR 660-009-0010 by providing additional land for "Other Employment Uses" which is defined as:

" . . . all non-industrial employment activities including the wide range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community . . . "

Conclusion: The proposal provides diversification and further economic opportunities, thus meeting the standards and requirements of Goal 9.

Goal 11: Public Facilities and Services

A public facilities plan is defined as "a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500."

In terms of water and sewer plans, the City has acknowledged master plans for both of these urban services that are part of the *Comprehensive Plan* and *Grants Pass Development Code*. Though both water and sewer services are currently available to the subject property, due to existing fire flow capacity problems, the potential build out of the property would have an adverse impact on the available fire protection for the existing industrial developments on Fire Mountain Way. The water service will be upgraded by the installation of 12" public fire line to be shall installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013).

In regards to transportation facilities, the City has an adopted Master Transportation Plan that describes the City's Level of Service (LOS) standard and outlines planned future improvements. In addition to the TIA prepared by Access Engineering dated December 22, 2010, the applicant also provided an addendum (dtd 04/11/2011) in response to ODOT's letter of March 29, 2011, which provided additional clarification of the potential impacts of the proposed request. Based upon the TIA and the proposed Development Agreement which will limit the PM peak hour trips.

Conclusion: Based upon the TIA and supplemental letter from Access Engineering and the proposed development agreement establishing a PM peak hour trip cap, the request is consistent with Goal 11 as related to those services. Additional discussion is provided for the transportation impacts under Goal 12.

Goal 12: Transportation

The City has an acknowledged Master Transportation Plan as part of the *Comprehensive Plan* and *Grants Pass Development Code*. The tract has frontage on the Grants Pass Parkway, along with frontage and existing access off "F" Street, a State Arterial, and off Fire Mountain Way, a local street ending in a cul-de-sac.

The proposal is subject to the Transportation Planning Rule outlined in OAR 660-012-0060 and the Grants Pass Development Code. The applicant has submitted a Traffic Impact Analysis (TIA) for Tax Lots 905 & 907, prepared by Michael Weishar of Access Engineering, LLC, dated December 22, 2010. The TIA incorporates data and future mitigation measures that have been approved under the pending Home Depot site.

In addition to the Comprehensive Plan Map Amendment and the Zoning Map Amendment, the applicant is proposing to enter into a development agreement with the City of Grants Pass for the subject parcels limiting the AM and PM peak hour trips. The proposed development agreement is in conformance with ORS 94.504 to 94.528 (see Exhibit 7).

Conclusion: Based upon the City Engineer's concurrence with the applicant's TIA, and with the execution of the Development Agreement, the traffic impacts from the proposed development will be mitigated to meet City Standards, meeting the criteria for the Comprehensive Plan Map and Zone Change request. A new study will be required for any future development that is not identified in the current study and the applicant will have to mitigate any identified impacts. The proposal is consistent with Goal 12.

Goal 13: Energy Conservation

Any development of the property should try to implement energy conservation principles regardless of zoning designation.

Conclusion: The proposed amendment is consistent with Goal 13.

Overall Conclusion: Of the nineteen (19) statewide planning goals, the City finds that six (6) of the applicable nineteen (19) goals analyzed above have been met by the proposal. As noted above, the proposal will comply with Goals 1, 2, 9, 11, 12 & 13. The remaining thirteen (13) goals are as follows and are not found to be applicable to the application:

Goal 3 – Agriculture, Goal 4 – Forest, Goal 5 – Natural Resources, Scenic and Historic Areas, Goal 6 – Air, Water, and Land Resources Quality, Goal 7 – Areas subject to Natural Hazards, Goal 8 – Recreational Needs, Goal 10 – Housing, Goal 14 – Urbanization, Goal 15 – Willamette River Greenway, Goal 16 –

Estuarine Resources, Goal 17 – Coastal Shorelands, Goal 18 – Beaches and Dunes, and Goal 19 – Ocean Resources. These goals do not relate to the site under review. The site is not designated as agricultural or forest land. The property does not contain any natural resources or natural hazards. The property is not identified in the City's Comprehensive Plan as a future recreational area. The site is located in an urbanized area. Goals 15-19 do not relate to Grants Pass.

CRITERION (d): Citizen review and comment.

City Council Response: Satisfied. Public notice of the proposal was mailed to surrounding properties in accordance with the Comprehensive Plan and Development Code procedures. No comments or inquiries were received from property owners during the notice period.

CRITERION (e): Review and comment from affected governmental units and other agencies.

City Council Response: Satisfied. Affected governmental units and agencies were notified.

Notice of the proposal was mailed to the Department of Land Conservation and Development (DLCDD) on March 9, 2011. No comments were received.

Notice of the proposal was mailed to Josephine County on March 9, 2011, in accordance with the 1998 Intergovernmental Agreement. The County had no comments.

Notice was provided to the ODOT. Their comments are contained in Exhibit 8.

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

City Council Response: Satisfied. Water, sewer, storm, and streets are all present adjacent to the property and are available to serve the property. As discussed above, pending the installation of 12" public fire line to be installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013), there will be adequate water for fire flow protection, and with the proposed development agreement, there will be adequate transportation capacity. Therefore, the proposed amendment is in conformance with the Comprehensive Plan.

CRITERION (g): Additional information as required by the review body.

City Council Response: Satisfied. No additional information was requested by the review body.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan was originally adopted in error.

City Council Response: Not Applicable. There is no indication that the original boundaries were adopted in error.

The criteria for Zone Map Amendments Section 4.033 of the City of Grants Pass Development Code are met:

CRITERION 1: The proposed use, if any is consistent with the proposed Zoning District.

City Council Response: Satisfied. If the proposed zone change is approved, commercial and light industrial uses are permitted in the Business Park zone as listed in Schedule 12-2 of the Development Code.

CRITERION 2: The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.

City Council Response: Satisfied based on action taken on the proposed Comprehensive Plan Amendment. The Comprehensive Plan designation is amended as proposed, so the Business Park zoning district and the Business Park comprehensive plan map designation will correspond. As described above, and reflected on the zoning map, the property is located within a neighborhood containing a variety of mixed uses. The extension of the Business Park zone by the proposed amendment for the subject property is consistent with the surrounding plan designations, zoning, and the policy for this subarea and neighborhood.

CRITERION 3: A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impacts upon the affected service area or without a change to adopted utility plans.

City Council Response: Satisfied. Basic services such as sewer and water can be provided to accommodate the proposed development, pending the completion of the looped water system conditioned under the Home Depot project. Through the execution of a Development Agreement, the City has written assurances that the traffic impacts under the proposed development will be mitigated to meet City standards.

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

City Council Response: Satisfied with conditions. The impacts of the proposed zone change and potential additional development have been described in the submitted traffic study. With the execution of the Development Agreement, the plan will be consistent with the standards in the Master Transportation Plan.

CRITERION 5: The natural features of the site are conducive to the proposed Zoning District.

City Council Response: Not Applicable. There are no unique or unusual physical features on the properties that have been noted.

CRITERION 6: The proposed zone is consistent with the requirements of all overlay districts that include the subject property.

City Council Response: Not Applicable. There are no overlay districts that include the subject property.

CRITERION 7: The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.

City Council Response: Satisfied with Conditions. As discussed above, the time of the zone change is appropriate with regards to the efficient provision and/or upgrading of basic urban services, based upon the installation of a 12" public fire line to be installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013), and the PM peak hour trip cap in accordance with the proposed Development Agreement.

CRITERION 8: In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

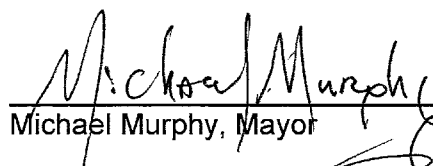
City Council Response: Not Applicable. The subject property is not located within an Urban Reserve District, and this criterion does not apply.

IX. DECISION AND SUMMARY:

The City Council **APPROVED** the Comprehensive Plan Map and Zone Map amendment from Industrial (I) to Business Park (BP), as conditioned upon the attached Development Agreement #2011-01 being signed and recorded (which shall occur within thirty [30] days of the effective date of the Ordinance).

The vote was 8-0 with Councilors DeYoung, Reedy, Morgan, Riker, Williams, Michelin, Woodburn & Fowler in favor.

X. APPROVED BY THE CITY COUNCIL this 6th day of July, 2011.



Michael Murphy, Mayor

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**FREEDMAN FMG PROPERTY LLC
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT,
AND DEVELOPMENT AGREEMENT
STAFF REPORT-CITY COUNCIL**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	11-40200001
Project Type:	Comprehensive Plan Map Amendment, Zoning Map Amendment, and Development Agreement
Owner:	Freedman FMG Property LLC
Applicant:	CSA Planning, Ltd./Craig Stone
Map & Tax Lot:	36-05-17-40, TLs 905 & 907
Address:	1 Fire Mountain Way
Existing Comprehensive Plan Designation:	Industrial
Proposed Comprehensive Plan Designation:	Business Park
Existing Zoning:	Industrial (I)
Proposed Zoning:	Business Park (BP)
Planner Assigned:	Lora Glover
Application Received:	February 25, 2011
Application Complete:	February 25, 2011
Date of Staff Report:	April 19, 2011
Date of Planning Commission Hearing:	April 27, 2011
Date of Findings of Fact:	May 11, 2011
Date of City Council Staff Report:	June 7, 2011
Date of City Council Hearing:	June 15, 2011

I. PROPOSAL:

The request is for a Comprehensive Plan Map Amendment and Zoning Map Amendment from Industrial (I) to Business Park (BP) for the above-referenced properties containing a combined acreage of approximately 10.84. The tract is currently developed with the Fire Mountain Gems facility.

The application materials include a narrative, and a Traffic Impact Analysis. Due to existing and proposed traffic impacts, the application will include a proposed Development Agreement for the existing use and the proposed 51,000 sq. ft. expansion that would include accessory uses

consisting of an athletic club, day care center, restaurant, specialty retail, geologic museum and additional warehouse.

Note: The easterly portion of TL 905 (formerly ODOT excess right-of-way) will retain its General Commercial (GC) zoning, and is not a part of the proposed Development Agreement. Further development of this portion of TL 905 (other than a parking lot expansion for the Fire Mountain Gems facility) will require a separate application submittal and approval.

II. AUTHORITY AND CRITERIA:

Sections 13.5.5 and 13.8.3 of the Grants Pass Urban Area Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for amendment and revision to Comprehensive Plan findings, goals, policies, and land use maps of the Comprehensive Plan. However, the 1998 Intergovernmental Agreement modified that provision with the result that the City Council will make the decision, and the County will have automatic party status.

Section 13.8.3 of the Comprehensive Plan provides that notice shall be as provided in Section 2.060 of the *Development Code* for a Type IV procedure, with a recommendation from the Urban Area Planning Commission and a final decision by City Council. The text or map of the Comprehensive Plan may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan are met. The Zoning Map may be amended provided the Criteria in Section 4.033 of the *Development Code* are met.

The development agreement must meet the requirements of ORS 94.504 to 94.528.

III. APPEAL PROCEDURE:

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

IV. BACKGROUND AND DISCUSSION:

Detailed background and discussion are provided in the Planning Commission's Findings of Fact. The Planning Commission's recommendation was based in part upon the applicant's narrative; traffic analysis; and supplemental analysis (see Exhibits 5-10 to the UAPC Staff Report).

V. CONFORMANCE WITH APPLICABLE CRITERIA:

Detailed background and discussion is provided in the Planning Commission's Findings of Fact and Minutes from the April 27, 2011, public hearing.

VI. RECOMMENDATION:

The Urban Area Planning Commission finds the applicable criteria are satisfied and **RECOMMENDS APPROVAL** of the proposed comprehensive plan map and zone map amendments to the City Council.

The Urban Area Planning Commission finds the development agreement is in compliance with ORS 94.504 to 94.528 and **RECOMMENDS APPROVAL** of the proposed development agreement to the City Council.

VII. CITY COUNCIL ACTION:

A. Positive Action:

1. Approve the proposal as recommended.
2. Approve the proposal with revisions (list):

B. Negative Action: deny the request and adopt no amendment for the following reasons (list):

C. Postponement: Continue item

1. Indefinitely.
2. To a time certain.

VIII. INDEX TO EXHIBITS:

1. Planning Commission's Findings of Fact and the Attached Record:

Index to Exhibits:

A. UAPC Staff Report:

1. Vicinity
2. Aerial Photograph
3. Existing Zoning
4. Proposed Zoning
5. Applicant's written narrative
6. Access Engineering TIA dated December 22, 2010 (see file for Traffic Data ~ Appendix B)
7. Development Agreement
8. ODOT's comments dated March 29, 2011
9. Access Engineering's Response dated April 11, 2011
10. City Engineer's e-mail memorandum dated April 20, 2011

B. Minutes from April 27, 2011, UAPC hearing

1. ODOT comments dated 04/25/11

C. PowerPoint Presentation

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**FREEDMAN FMG PROPERTY LLC
COMPREHENSIVE PLAN MAP AMENDMENT, ZONING MAP AMENDMENT,
AND DEVELOPMENT AGREEMENT
FINDINGS OF FACT - URBAN AREA PLANNING COMMISSION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	11-40200001
Project Type:	Comprehensive Plan Map Amendment, Zoning Map Amendment, and Development Agreement
Owner/Applicant:	Freedman FMG Property LLC
Representative:	CSA Planning, Ltd./Craig Stone
Map & Tax Lot:	36-05-17-40, TL 905 & TL 907
Address:	1 Fire Mountain Way
Total Acreage:	TL 905 ~ 6.21 acres; TL 907 ~ 4.63 acres (10.84 total)
Existing Comprehensive Plan Designation:	Industrial
Proposed Comprehensive Plan Designation:	Business Park
Existing Zoning:	Industrial - (I)
Proposed Zoning:	Business Park - (BP)
Planner Assigned:	Lora Glover
Application Received:	February 25, 2011
Application Complete:	February 25, 2011
Date of Staff Report:	April 19, 2011
Date of UAPC Hearing:	April 27, 2011
Date Findings Signed:	May 11, 2011

I. PROPOSAL:

The request is for a Comprehensive Plan Map Amendment and Zoning Map Amendment from Industrial (I) to Business Park (BP) for the above-referenced properties containing a combined acreage of approximately 10.84. The tract is currently developed with the Fire Mountain Gems facility.

The application materials include a narrative, and a Traffic Impact Analysis. Due to the existing and proposed traffic impacts, the application will include a proposed Development Agreement for the existing use and the proposed 51,000 sq. ft. expansion that would include accessory uses consisting of an athletic club, day care center, restaurant, specialty retail, geologic museum and additional warehouse.

II. AUTHORITY AND CRITERIA:

Sections 13.5.5 and 13.8.3 of the Grants Pass Urban Area Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be required for amendment and revision to Comprehensive Plan findings, goals, policies, and land use maps of the Comprehensive Plan. However, the 1998 Intergovernmental Agreement modified that provision with the result that the City Council will make the decision, and the County will have automatic party status.

Section 13.8.3 of the Comprehensive Plan provides that notice shall be as provided in Section 2.060 of the *Development Code* for a Type IV procedure, with a recommendation from the Urban Area Planning Commission and a final decision by City Council. The text or map of the Comprehensive Plan may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan Policies Document are met. The Zoning Map may be amended provided the Criteria in Section 4.033 of the *Development Code* are met.

The development agreement must meet the requirements of ORS 94.504 to 94.

III. APPEAL PROCEDURE:

Section 10.060 provides the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

IV. PROCEDURE:

- A. An application for the Comprehensive Plan Map and Zone Map Amendment was submitted and deemed complete February 25, 2011. The application was processed in accordance with Section 2.060 of the *Development Code*.
- B. Notice of the proposed amendment and the April 27, 2011, public hearing was mailed to the Oregon Department of Land Conservation and Development on March 9, 2011, in accordance with ORS 197.610 and OAR Chapter 660, Division 18.
- C. Public notice of the April 27, 2011, public hearing was mailed on April 5, 2011, in accordance with Sections 2.053 and 2.063 of the *Development Code*.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on April 27, 2011, which are attached as Exhibit "B" summarize the oral testimony presented and are hereby adopted and incorporated herein.

- C. Staff's PowerPoint Presentation given at the April 27, 2011, hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS, BACKGROUND AND DISCUSSION:

Property Characteristics

1. **Comprehensive Plan Designation:** Industrial (I)
2. **Zoning:** Industrial (I)
3. **Size:** 10.84 acres
4. **Access:** The parcel has frontage on the Grants Pass Parkway; along with frontage and access on Fire Mountain Way and "F" Street.
5. **Utilities:**
 - a. **Water:** 2, 6 & 8 inch mains in the right-of-way of Fire Mtn Way and 6, 10 & 12 inch mains in right-of-way of "F" Street;
 - b. **Sewer:** 8-inch main in the right-of-way of Fire Mtn Way and an 8-inch line in the right-of-way of "F" Street
 - c. **Storm:** Drain ditches along west and east property line of TL 907 and along east property line of TL 905. 12, 15, 18, and 24 inch in Fire Mtn Way; 12 & 18 inch in "F" Street; 12 inch lines to property.
6. **Topography:** The property is generally level.
 - a. **Natural Hazards:** None identified.
 - b. **Natural Resources:** None identified.
7. **Land Use**
 - a. **Existing:** Fire Mountain Gems (light industrial complex)
 - b. **Proposed:** FMG, to include 51,000 sq. ft. expansion with a athletic club, day care, geologic museum, restaurant, specialty retail and warehouse expansion
8. **Surrounding Land Use:**
 - a. **North:** Grants Pass Shopping Center located across "F" Street (GC)
 - b. **South:** Copeland Sand & Gravel across railroad r-o-w (I)
 - c. **East:** Parkway Village Shopping Center across GP Parkway (GC)
 - d. **West:** Vacant/Home Depot Site and Freedman lots ~ (BP & GC)

Discussion

The subject property has a Comprehensive Plan and zoning designation of Industrial (I). The proposal would amend both the plan designation and the zoning designation to Business Park (BP). Section 12.321 of the Development Code states that the purpose of the Business Park District:

“ . . . is to provide a mixed-use zone for light industrial and commercial uses. Retail trade is permitted as an accessory use or when determined to be compatible with, or can be made compatible with, light industrial or wholesale trade uses via a discretionary review process. Performance Development Standards are designed to ensure the compatibility of the light industrial uses with the commercial uses, and with compatibility with adjacent Commercial and Residential Zoning District.”

Whereas the purpose statement for the Industrial District is:

“ . . . to provide for those industrial uses with heavier impacts upon their surroundings and the need for outdoor functions . . . ” (Section 12.323).

The subject parcel is located within the Northeast Subarea as described in the Comprehensive Plan. Element 13 – Land Use Element of the Comprehensive Plan provides the following discussion for the subarea:

The Northeast Subarea is described in Section 13.9.4 of the Comprehensive Plan as being that area located north of the Southern Pacific railroad tracks and east of 6th Street. The area is bordered by commercial development on the south and east. Public facilities have capacity for moderate residential density in the southern part of the subarea and the remaining area has low density facilities capacity.

As Grants Pass continues to grow, transportation and connectivity become a constraining factor on economic development. We have seen this issue recently with the approved Home Depot site and the mitigation measures required for that development. Encouraging mixed use developments will help to alleviate some of the stress placed on the existing transportation facilities.

The demand for commercial land is driven by the expansion and relocation of existing businesses and new businesses locating in Grants Pass. As noted in the Economic Element of the Grants Pass & Urbanizing Area Comprehensive Plan, the employment growth projections indicate that the service sector will increase from a 21% share of employment base to 42%. The proposed zone of Business Park provides a wide range of mixed uses under the land use categories as listed in Schedule 12-2 of the Development Code. Compatibility is an important factor when reviewing a proposed comprehensive plan and zone map change which will expand commercial and industrial uses within a neighborhood.

The property is located off Fire Mountain Way and “F” Street, east of the future Home Depot site. Due to the pending development of the Home Depot site, the location of the Grants Pass Shopping Center across “F” Street, the Parkway Village across the Grants Pass Parkway to the east, along with the variety of mixed uses on nearby properties, the proposed request lends itself to meeting the purpose of the BP zone as discussed in Section 12.321 of the Development Code.

The applicant has submitted a Traffic Impact Analysis (TIA) for Tax Lots 905 & 907, prepared by Michael Weishar of Access Engineering, LLC, dated December 22, 2010. The TIA incorporates data and future mitigation measures that have been approved under the pending Home Depot site.

In addition to the Comprehensive Plan Map Amendment and the Zoning Map Amendment, the applicant is proposing to enter into a development agreement with the City of Grants Pass for the subject parcels limiting the AM and PM peak hour trips. The proposed development agreement will incorporate the mitigation measures, and is in conformance with ORS 94.504 to 94.528 (see Exhibit 7).

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

For comprehensive plan map amendments, Comprehensive Plan Policy 13.5.4 requires that all of the following criteria be met:

CRITERION (a): Consistency with other findings, goals and policies in the Comprehensive Plan.

Planning Commission Response: Satisfied. The proposal is consistent with the applicable Goals and Policies found in Element 8 ~ Economy, Element 10 ~ Public Facilities and Services, and Element 13 ~ Land Use of the Comprehensive Plan for reasons summarized below.

Element 8 - Economy

Goal: To improve, expand, diversify and stabilize the economic base of the community

Policy 8.1 (d) – by insuring that an adequate quality and quantity of industrial land is available, properly zoned, and serviced.

Policy 8.1 (e) – by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

The Comprehensive Plan was adopted in 1982 and is a guiding document that addresses different components of the Grants Pass community. The purpose of Element 8 (Economy) examines the basic economic activities that have supported and support the local economy (data dates back to the 1960s and 1970s), evaluates the economic activities that apply in the future, describes several commercial and industrial scenarios for the future including their impacts, and projects commercial and industrial acreage requirements up to year 2000. Following is a brief description of these different components in the plan.

Economic Base Described in the Comprehensive Plan – Trends in the 1960s and 1970s:

- 1) Lumber and Wood Products Manufacturing was the major source of income and jobs in the late 1970s.
- 2) Other manufacturing jobs such as electronic equipment and Recreational Vehicle manufacturing were also a major source of employment.
- 3) Tourism was the third economic base identified.
- 4) Pensions and Other Transfer Payments rounded out the top four with a large portion of the population over sixty (60) years old living off of social security

benefits or retirement. It also described that people were receiving public assistance due to unemployment.

Description of the Long Run National Trends

Economic development in Grants Pass over the next twenty years will occur in the context of long-run national trends. The most important of these trends include:

- The aging of the baby boom generation, accompanied by increase in life expectancy. One of the economic effects of this demographic change will include a slowing of the growth of the labor force.
- The growing importance of education as a determinant of wages and household income.
- Continued growth in global trade and the globalization of business activity.
- Innovation in electronics and communication technology, and its application to production.
- Continued shift of employment from manufacturing and resource-intensive industries to the service-oriented sectors of the economy. While Oregon has transitioned from the Lumber and Wood Products manufacturing to high-tech manufacturing, it has not significantly improved its diversity relative to the national economy. Relatively low economic diversity increases the risk of economic volatility as measured by changes in output or employment.

Future Commercial and Industrial Scenarios

Three commercial scenarios were evaluated. Scenario 1 relates to the proposal and will be described below.

Scenario 1: Major commercial growth is channeled to the existing centers of commercial activity, the downtown and the Grants Pass Shopping Center area east of downtown.

This scenario allocated sixty-five (65) percent of the commercial growth for the decade to the downtown and the Grants Pass Shopping Center area. It was anticipated that a department store anchor would locate downtown with other retailers to follow along with possibly a second anchor.

Three industrial scenarios were evaluated.

- 1) Continuation of present trends, with growth accommodated in East Grants Pass and North Grants Pass
- 2) More rapid growth that is accommodated in the Redwood Area
- 3) More rapid growth that is accommodated in the Merlin area

Description of the Industrial Base

Based on the economic base activities identified and the discussion in the Comprehensive Plan, a major expansion or new heavy industry will not take place in Grants Pass and that there will be resistance to it. Due to limited land and airshed capacity and people seeking a "superior natural environment" Grants

Pass will have difficulty attracting new, heavy industry. It was believed that heavy industry would locate near Medford or somewhere outside the Grants Pass airshed. Remaining manufacturing firms are tied to their region to be near supplies or markets, or manufacture specialized goods for which small production quantities, fast turn-around times, and the need for quality limit the ability to outsource.

There will be continued competition for light manufacturing jobs to come to Grants Pass.

1st Conclusion under Criterion (a):

The proposed zone change from Industrial to Business Park keeps the 10.84 acre tract within the industrial inventory. The allowable uses in the Business Park zone are the same as those in the Industrial zone with the exception of a few uses (i.e., outdoor industrial use for the Industrial zone; and a variety of commercial uses allowed in the Business Park zone). The proposed zone is compatible with the other Business Park to the west and the allowed uses are well suited with the uses that already either exist or have been approved in the immediate area.

The Comprehensive Plan provides reasons for allowing this change as noted above. The site is close to downtown and the I-5 corridor, and has utility services readily available to serve the existing development and proposed expansion. Finally, current data indicates that the City is in need of both industrial and commercial lands to accommodate future growth.

Policy 8.7(a) – “The City and County will encourage commercial development at major commercial nodes, which includes the East Grants Pass area around the existing Grants Pass Shopping Center, the Redwood Commercial Triangle south of the Rogue River area and the downtown area. The City will also encourage infill commercial office development along Sixth and Seventh Streets, and in the North City commercial area.”

2nd Conclusion under Criterion (a):

The area near the Grants Pass Shopping Center was identified as a viable commercial node that could accommodate future development. The proposed zone change would allow for the addition of the proposed accessory commercial uses in conjunction with the existing Fire Mountain Gem operations, which will compliment existing uses in the area.

Element 10. Public Facilities and Services:

Goal: To provide needed facilities and services for the Urban Growth Boundary area in a timely, orderly, efficient, economic and coordinated manner.

3rd Conclusion under Criterion (a):

With the exception of the water and transportation facilities noted below, the remaining public facilities and services are available to serve the existing and proposed use as covered by the adopted utility plans and service policies.

Element 13. Land Use:

Goal: To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that:

- (d) is responsive to the wishes of the citizens and property owners of the planning area, and
- (e) provides adequate amounts of industrial, commercial, and residential lands to meet growth needs over the planning period.

Policy 13.2.1 Comp Plan Land Use Map:

The Comprehensive Plan Land Use Map shall:

- (a) designate the highest and best land use for all portions of the Urban Growth Boundary area, on a parcel-by-parcel basis.
- (b) guide and direct changes to the Zoning Map
- (c) meet the demonstrated need during the planning period for residential, commercial, industrial, and public lands as determined by the Comprehensive Plan.

13.9.12 North Area Industrial – East City II

"This subarea contains the city's prime blocks of heavy industrial lands, almost all fully serviced, much with excellent rail access, and accessed by the Redwood Highway Spur, convenient to the City's southern freeway exit. Some conversion to commercial uses along "F" Street and the Redwood Spur may be required to meet demand in the East Grants Pass commercial subarea. 37% of the subarea is under utilized or vacant, but much of the under-utilized land is being held for future expansion by existing enterprises."

4th Conclusion under Criterion (a):

The site is the northeastern most Industrial site within the industrial zone boundary in this area. A conversion from Industrial to Business Park will allow a mix of both industrial and commercial uses. The development plan proposed for the site favors the commercial allowance that the Business Park provides. However, the proposed zone can accommodate industrial based users in the future if development circumstances changes. The Comprehensive Plan indicates that heavy industrial users may not locate in Grants Pass but that light manufacturing establishments are encouraged to locate here. The Business Park zone supports light manufacturing uses.

The proposed amendment of approximately 10.84 acres of land from Industrial to Business Park will not have a substantial impact on the planned land uses in this area. The policies for the Northeast subarea states that this area will continue to develop with high densities adjoining the commercial area near the "E" and "F" couplet and the Redwood Spur. The proposed amendment and potential of mixed use development meets this requirement by blending into the existing commercial and industrial uses in the neighborhood while providing a transition into the existing and pending commercial developments to the north and west.

The area near the Grants Pass Shopping Center is an evolving area with several new shops and centers including the Parkway Village and Deardorff Corners, and recent additions to the shopping center including Ross Dress for Less and

Aaron's. The railroad tracks create a separation between the heavier industrial uses and the northern indoor industrial use of the Fire Mountain Gems facility located on the subject property. The placement of a heavy industrial use next to existing and future surrounding uses may be incompatible for the area. The proposed zone allows for a mix of light industrial and commercial uses that more easily blend into the existing landscape of uses.

The City realizes it has a deficiency of both industrial and commercial lands. The Business Park zone allows for retention of industrial lands, with the allowance of a number of non-industrial uses that can be sited on the property. The Comprehensive Plan supports the addition of light manufacturing business and identifies the commercial node around the Grants Pass Shopping Center. The Business Park zone can accommodate either light industrial or commercial users.

CRITERION (b): A change in circumstances validated by and supported by the database or proposed changes to the database, which would necessitate a change in findings, goals and policies.

Planning Commission Response: Satisfied. As discussed above, the site is located within the vicinity of a variety of mixed commercial uses, to include the Fred Meyer complex, the Deardorff Corners shopping area to the east, the Grants Pass Shopping Center to the north, and the pending Home Depot development adjacent to the property. Element 13 of the Comprehensive Plan discusses the draw of higher density to increased commercial development, specifically for the Grants Pass Shopping Center and Redwood Spur area. The proposed amendment for the property will change the database to allow a variety of mixed commercial and light industrial uses. The Comprehensive Plan Elements support the database change. The proposed amendment would amend the plan and zoning map from Industrial (I) to Business Park (BP), and would not require the amending of findings, goals or policies.

CRITERION (c): Applicable planning goals and guidelines of the State of Oregon.

Planning Commission Response: Satisfied. The proposal is consistent with six (6) of the nineteen (19) applicable statewide planning goals described below:

Goal 1: Citizen Involvement

The proposal is reviewed and noticed according to the requirements for a Type IV-B procedure. Property owners within two hundred and fifty (250) feet were sent notice of the application. Public notice is posted for both the Planning Commission and City Council hearings in the *Daily Courier* (the local newspaper), on the City of Grants Pass website, www.grantspassoregon.gov and on the first floor of the City Hall building. Such notification provides the public an opportunity to provide written or oral comments on the matter either before or at the hearings.

The City has an acknowledged Citizen Involvement Program adopted under Resolution 1748 that insures the public can actively engage in the planning process.

No comments were received from surrounding property owners during the notice period.

Conclusion: The City's procedures outlined in the *Comprehensive Plan* and *Development Code* pertaining to citizen involvement are being followed. The proposal is consistent with Goal 1 standards and requirements.

Goal 2: Land Use

The Grants Pass *Comprehensive Plan* and *Development Code* outline the planning process to consider a Comprehensive Plan Map Amendment and the Zoning Map Amendment. The process requires the application to be heard by both the Planning Commission and the City Council. The Planning Commission will review the proposal and provide a formal recommendation that will be considered by the City Council for final decision. Specific criteria have been adopted that relate to the proposal. The review bodies will evaluate the proposal against those criteria in order to make a decision.

Conclusion: The application is being reviewed through the City's land use process, making it consistent with the purpose of statewide Goal 2.

Goal 9: Economic Development

The proposed amendment to change the subject parcel to Business Park (BP) would provide more flexibility in the development of the tract for mixed commercial and light industrial uses.

Oregon Administrative Rule (OAR) Division 9, Economic Development (660-009-0000) requires that cities review and amend their comprehensive plans as necessary to comply with this division to provide economic opportunity analyses for the demand of land for industrial and other employment uses to the existing land supply.

Element 8 ~ Economy of the Grants Pass & Urbanizing Area Comprehensive Plan (GPUACP) states that the employment sectors with the largest job growth for Josephine County between 1980 and 2005 included retail trade, government and services (such as health care and social assistance), and accommodation and food services. State forecasts indicate that these sectors will continue to lead the employment growth in Josephine County.

Based on the previous employment trends and projected forecasts referenced above, the proposed amendment is in compliance with OAR 660-009-0010 by providing additional land for "Other Employment Uses" which is defined as:

" . . . all non-industrial employment activities including the wide range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community . . . "

Conclusion: The proposal provides diversification and further economic opportunities, thus meeting the standards and requirements of Goal 9.

Goal 11: Public Facilities and Services

A public facilities plan is defined as "a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500."

In terms of water and sewer plans, the City has acknowledged master plans for both of these urban services that are part of the *Comprehensive Plan* and *Grants Pass Development Code*. Though both water and sewer services are currently available to the subject property, due to existing fire flow capacity problems, the potential build out of the property would have an adverse impact on the available fire protection for the existing industrial developments on Fire Mountain Way. The water service will be upgraded by the installation of 12" public fire line to be shall installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013).

In regards to transportation facilities, the City has an adopted Master Transportation Plan that describes the City's Level of Service (LOS) standard and outlines planned future improvements. In addition to the TIA prepared by Access Engineering dated December 22, 2010, the applicant also provided an addendum (dtd 04/11/2011) in response to ODOT's letter of March 29, 2011, which provided additional clarification of the potential impacts of the proposed request. Based upon the TIA and the proposed Development Agreement which will limit the PM peak hour trips.

Conclusion: Based upon the TIA and supplemental letter from Access Engineering and the proposed development agreement establishing a PM peak hour trip cap, the request is consistent with Goal 11 as related to those services. Additional discussion is provided for the transportation impacts under Goal 12.

Goal 12: Transportation

The City has an acknowledged Master Transportation Plan as part of the *Comprehensive Plan* and *Grants Pass Development Code*. The tract has frontage on the Grants Pass Parkway, along with frontage and existing access off "F" Street, a State Arterial, and off Fire Mountain Way, a local street ending in a cul-de-sac.

The proposal is subject to the Transportation Planning Rule outlined in OAR 660-012-0060 and the Grants Pass Development Code. The applicant has submitted a Traffic Impact Analysis (TIA) for Tax Lots 905 & 907, prepared by Michael Weishar of Access Engineering, LLC, dated December 22, 2010. The TIA incorporates data and future mitigation measures that have been approved under the pending Home Depot site.

In addition to the Comprehensive Plan Map Amendment and the Zoning Map Amendment, the applicant is proposing to enter into a development agreement

with the City of Grants Pass for the subject parcels limiting the AM and PM peak hour trips. The proposed development agreement is in conformance with ORS 94.504 to 94.528 (see Exhibit 7).

Conclusion: Based upon the City Engineer's concurrence with the applicant's TIA, and with the execution of the Development Agreement, the traffic impacts from the proposed development will be mitigated to meet City Standards, meeting the criteria for the Comprehensive Plan Map and Zone Change request. A new study will be required for any future development that is not identified in the current study and the applicant will have to mitigate any identified impacts. The proposal is consistent with Goal 12.

Goal 13: Energy Conservation

Any development of the property should try to implement energy conservation principles regardless of zoning designation.

Conclusion: The proposed amendment is consistent with Goal 13.

Overall Conclusion: Of the nineteen (19) statewide planning goals, the City finds that six (6) of the applicable nineteen (19) goals analyzed above have been met by the proposal. As noted above, the proposal will comply with Goals 1, 2, 9, 11, 12 & 13. The remaining thirteen (13) goals are as follows and are not found to be applicable to the application:

Goal 3 – Agriculture, Goal 4 – Forest, Goal 5 – Natural Resources, Scenic and Historic Areas, Goal 6 – Air, Water, and Land Resources Quality, Goal 7 – Areas subject to Natural Hazards, Goal 8 – Recreational Needs, Goal 10 – Housing, Goal 14 – Urbanization, Goal 15 – Willamette River Greenway, Goal 16 – Estuarine Resources, Goal 17 – Coastal Shorelands, Goal 18 – Beaches and Dunes, and Goal 19 – Ocean Resources. These goals do not relate to the site under review. The site is not designated as agricultural or forest land. The property does not contain any natural resources or natural hazards. The property is not identified in the City's Comprehensive Plan as a future recreational area. The site is located in an urbanized area. Goals 15-19 do not relate to Grants Pass.

CRITERION (d): Citizen review and comment.

Planning Commission Response: Satisfied. Public notice of the proposal was mailed to surrounding properties in accordance with the Comprehensive Plan and Development Code procedures. No comments or inquiries were received from property owners during the notice period.

CRITERION (e): Review and comment from affected governmental units and other agencies.

Planning Commission Response: Satisfied. Affected governmental units and agencies were notified.

Notice of the proposal was mailed to the Department of Land Conservation and Development (DLCD) on March 9, 2011. No comments were received.

Notice of the proposal was mailed to Josephine County on March 9, 2011, in accordance with the 1998 Intergovernmental Agreement. The County had no comments.

Notice was provided to the ODOT. Their comments are contained in Exhibit 8.

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

Planning Commission Response: Satisfied. Water, sewer, storm, and streets are all present adjacent to the property and are available to serve the property. As discussed above, pending the installation of 12" public fire line to be installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013), there will be adequate water for fire flow protection, and with the proposed development agreement, there will be adequate transportation capacity. Therefore, the proposed amendment is in conformance with the Comprehensive Plan.

CRITERION (g): Additional information as required by the review body.

Planning Commission Response: Satisfied. Additional information will be provided upon request of the review body.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan was originally adopted in error.

Planning Commission Response: Not Applicable. There is no indication that the original boundaries were adopted in error.

For Zone Map Amendments, Section 4.033 of the City of Grants Pass Development Code requires that all of the following criteria be met:

CRITERION 1: The proposed use, if any is consistent with the proposed Zoning District.

Planning Commission Response: Satisfied. If the proposed zone change is approved, commercial and light industrial uses are permitted in the Business Park zone as listed in Schedule 12-2 of the Development Code.

CRITERION 2: The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.

Planning Commission Response: Satisfied based on action taken on the proposed Comprehensive Plan Amendment. If the Comprehensive Plan designation is amended as proposed, the Business Park zoning district and the Business Park comprehensive plan map designation would correspond. As described above, and reflected on the zoning map, the property is located within a neighborhood containing a variety of mixed uses. The extension of the Business Park zone by the proposed amendment for the subject property is consistent with the surrounding plan designations, zoning, and the policy for this subarea and neighborhood.

CRITERION 3: A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impacts upon the affected service area or without a change to adopted utility plans.

Planning Commission Response: Satisfied. Basic services such as sewer and water can be provided to accommodate the proposed development, pending the completion of the looped water system conditioned under the Home Depot project. Through the execution of a Development Agreement, the City has written assurances that the traffic impacts under the proposed development will be mitigated to meet City standards.

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

Planning Commission Response: Satisfied with conditions. The impacts of the proposed zone change and potential additional development have been described in the submitted traffic study. With the execution of the Development Agreement, the plan will be consistent with the standards in the Master Transportation Plan.

CRITERION 5: The natural features of the site are conducive to the proposed Zoning District.

Planning Commission Response: Not Applicable. There are no unique or unusual physical features on the properties that have been noted.

CRITERION 6: The proposed zone is consistent with the requirements of all overlay districts that include the subject property.

Planning Commission Response: Not Applicable. There are no overlay districts that include the subject property.

CRITERION 7: The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.

Planning Commission Response: Satisfied with Conditions. As discussed above, the time of the zone change is appropriate with regards to the efficient provision and/or upgrading of basic urban services, based upon the installation of a 12" public fire line to be installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013), and the PM peak hour trip cap in accordance with the proposed Development Agreement.

CRITERION 8: In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

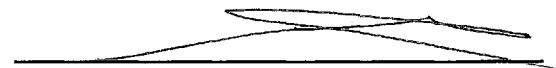
Planning Commission Response: Not Applicable. The subject property is not located within an Urban Reserve District, and this criterion does not apply.

VIII. RECOMMENDATION:

The Urban Area Planning Commission recommends that City Council **APPROVE** the proposed Comprehensive Plan map amendment and zoning map amendment from Industrial to Business Park. The vote was 6-0 with Commissioners Berlant, Cowell Fitzgerald, Regan, Coulter and Richardson in favor. Commissioner Harmony was absent. There is one vacancy on the Commission.

The Urban Area Planning Commission recommends that City Council **APPROVE** the proposed development agreement. The zone change can be approved without the need for a development agreement. The vote was 6-0 with Commissioners Berlant, Cowell Fitzgerald, Regan, Coulter and Richardson in favor. Commissioner Harmony was absent.

IX. APPROVED BY THE URBAN AREA PLANNING COMMISSION this 11th day of May, 2011.


Commissioner Gary Berlant, Chair

NOTE: This application is not subject to the 120-day requirement per ORS 227.178.

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**FREEDMAN FMG PROPERTY LLC
COMPREHENSIVE PLAN MAP AMENDMENT, ZONING MAP AMENDMENT,
AND DEVELOPMENT AGREEMENT
STAFF REPORT - URBAN AREA PLANNING COMMISSION**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	11-40200001
Project Type:	Comprehensive Plan Map Amendment, Zoning Map Amendment, and Development Agreement
Owner/Applicant:	Freedman FMG Property LLC
Representative:	CSA Planning, Ltd./Craig Stone
Map & Tax Lot:	36-05-17-40, TL 905 & TL 907
Address:	1 Fire Mountain Way (see <i>Exhibits 1 and 2</i>)
Total Acreage:	TL 905 ~ 6.21 acres; TL 907 ~ 4.63 acres (10.84 total)
Existing Comprehensive Plan Designation:	Industrial (see <i>Exhibit 3</i>)
Proposed Comprehensive Plan Designation:	Business Park (see <i>Exhibit 4</i>)
Existing Zoning:	Industrial - (I)
Proposed Zoning:	Business Park - (BP)
Planner Assigned:	Lora Glover
Application Received:	February 25, 2011
Application Complete:	February 25, 2011
Date of Staff Report:	April 19, 2011
Date of UAPC Hearing:	April 27, 2011

I. PROPOSAL:

The request is for a Comprehensive Plan Map Amendment and Zoning Map Amendment from Industrial (I) to Business Park (BP) for the above-referenced properties containing a combined acreage of approximately 10.84. The tract is currently developed with the Fire Mountain Gems facility.

The application materials include a narrative (see *Exhibit 5*), and a Traffic Impact Analysis (see *Exhibit 6*). Due to existing and proposed traffic impacts, the application will include a proposed Development Agreement for the existing use and the proposed 51,000 sq. ft. expansion that would include accessory uses consisting of an athletic club, day care center, restaurant, specialty retail, geologic museum and additional warehouse.

II. AUTHORITY AND CRITERIA:

Sections 13.5.5 and 13.8.3 of the Grants Pass Urban Area Comprehensive Plan provide that joint review by the City Council and Board of County Commissioners shall be

required for amendment and revision to Comprehensive Plan findings, goals, policies, and land use maps of the Comprehensive Plan. However, the 1998 Intergovernmental Agreement modified that provision with the result that the City Council will make the decision, and the County will have automatic party status.

Section 13.8.3 of the Comprehensive Plan provides that notice shall be as provided in Section 2.060 of the *Development Code* for a Type IV procedure, with a recommendation from the Urban Area Planning Commission and a final decision by City Council. The text or map of the Comprehensive Plan may be recommended for amendment and amended provided the criteria in Section 13.5.4 of the Comprehensive Plan Policies Document are met. The Zoning Map may be amended provided the Criteria in Section 4.033 of the *Development Code* are met.

The development agreement must meet the requirements of ORS 94.504 to 94.528 (see *Exhibit 7*).

III. APPEAL PROCEDURE:

Section 10.060 provides the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

IV. BACKGROUND AND DISCUSSION:

Property Characteristics

1. **Comprehensive Plan Designation:** Industrial (I)
2. **Zoning:** Industrial (I)
3. **Size:** 10.84 acres
4. **Access:** The parcel has frontage on the Grants Pass Parkway; along with frontage and access on Fire Mountain Way and "F" Street.
5. **Utilities:**
 - a. **Water:** 2, 6 & 8 inch mains in the right-of-way of Fire Mtn Way and 6, 10 & 12 inch mains in right-of-way of "F" Street;
 - b. **Sewer:** 8-inch main in the right-of-way of Fire Mtn Way and an 8-inch line in the right-of-way of "F" Street
 - c. **Storm:** Drain ditches along west and east property line of TL 907 and along east property line of TL 905. 12, 15, 18, and 24 inch in Fire Mtn Way; 12 & 18 inch in "F" Street; 12 inch lines to property.
6. **Topography:** The property is generally level.
 - a. **Natural Hazards:** None identified.
 - b. **Natural Resources:** None identified.

7. Land Use

- a. Existing: Fire Mountain Gems (light industrial complex)
- b. Proposed: FMG, to include 51,000 sq. ft. expansion with a athletic club, day care, geologic museum, restaurant, specialty retail and warehouse expansion

8. Surrounding Land Use:

- a. North: Grants Pass Shopping Center located across "F" Street (GC)
- b. South: Copeland Sand & Gravel across railroad r-o-w (I)
- c. East: Parkway Village Shopping Center across GP Parkway (GC)
- d. West: Vacant/Home Depot Site and Freedman lots ~ (BP & GC)

Discussion

The subject property has a Comprehensive Plan and zoning designation of Industrial (I). The proposal would amend both the plan designation and the zoning designation to Business Park (BP). Section 12.321 of the Development Code states that the purpose of the Business Park District:

"... is to provide a mixed-use zone for light industrial and commercial uses. Retail trade is permitted as an accessory use or when determined to be compatible with, or can be made compatible with, light industrial or wholesale trade uses via a discretionary review process. Performance Development Standards are designed to ensure the compatibility of the light industrial uses with the commercial uses, and with compatibility with adjacent Commercial and Residential Zoning District."

Whereas the purpose statement for the Industrial District is:

"... to provide for those industrial uses with heavier impacts upon their surroundings and the need for outdoor functions ..." (Section 12.323).

The subject parcel is located within the Northeast Subarea as described in the Comprehensive Plan. Element 13 – Land Use Element of the Comprehensive Plan provides the following discussion for the subarea:

The Northeast Subarea is described in Section 13.9.4 of the Comprehensive Plan as being that area located north of the Southern Pacific railroad tracks and east of 6th Street. The area is bordered by commercial development on the south and east. Public facilities have capacity for moderate residential density in the southern part of the subarea and the remaining area has low density facilities capacity.

As Grants Pass continues to grow, transportation and connectivity become a constraining factor on economic development. We have seen this issue recently with the approved Home Depot site and the mitigation measures required for that development. Encouraging mixed use developments will help to alleviate some of the stress placed on the existing transportation facilities.

The demand for commercial land is driven by the expansion and relocation of existing businesses and new businesses locating in Grants Pass. As noted in the Economic Element of the Grants Pass & Urbanizing Area Comprehensive Plan, the employment growth projections indicate that the service sector will increase from a 21% share of employment base to 42%. The proposed zone of Business Park provides a wide range of mixed uses under the land use categories as listed in Schedule 12-2 of the Development Code. Compatibility is an important factor when reviewing a proposed comprehensive plan and zone map change which will expand commercial and industrial uses within a neighborhood.

The property is located off Fire Mountain Way and "F" Street, east of the future Home Depot site. Due to the pending development of the Home Depot site, the location of the Grants Pass Shopping Center across "F" Street, the Parkway Village across the Grants Pass Parkway to the east, along with the variety of mixed uses on nearby properties, the proposed request lends itself to meeting the purpose of the BP zone as discussed in Section 12.321 of the Development Code.

The applicant has submitted a Traffic Impact Analysis (TIA) for Tax Lots 905 & 907, prepared by Michael Weishar of Access Engineering, LLC, dated December 22, 2010. The TIA incorporates data and future mitigation measures that have been approved under the pending Home Depot site.

In addition to the Comprehensive Plan Map Amendment and the Zoning Map Amendment, the applicant is proposing to enter into a development agreement with the City of Grants Pass for the subject parcels limiting the AM and PM peak hour trips. The proposed development agreement will incorporate the mitigation measures, and is in conformance with ORS 94.504 to 94.528 (see Exhibit 7).

V. CONFORMANCE WITH APPLICABLE CRITERIA:

For comprehensive plan map amendments, Comprehensive Plan Policy 13.5.4 requires that all of the following criteria be met:

CRITERION (a): Consistency with other findings, goals and policies in the Comprehensive Plan.

Staff's Response: Satisfied. The proposal is consistent with the applicable Goals and Policies found in Element 8 ~ Economy, Element 10 ~ Public Facilities and Services, and Element 13 ~ Land Use of the Comprehensive Plan for reasons summarized below.

Element 8 - Economy

Goal: To improve, expand, diversify and stabilize the economic base of the community

Policy 8.1 (d) – by insuring that an adequate quality and quantity of industrial land is available, properly zoned, and serviced.

Policy 8.1 (e) – by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

The Comprehensive Plan was adopted in 1982 and is a guiding document that addresses different components of the Grants Pass community. The purpose of Element 8 (Economy) examines the basic economic activities that have supported and support the local economy (data dates back to the 1960s and 1970s), evaluates the economic activities that apply in the future, describes several commercial and industrial scenarios for the future including their impacts, and projects commercial and industrial acreage requirements up to year 2000. Following is a brief description of these different components in the plan.

Economic Base Described in the Comprehensive Plan – Trends in the 1960s and 1970s:

- 1) Lumber and Wood Products Manufacturing was the major source of income and jobs in the late 1970s.
- 2) Other manufacturing jobs such as electronic equipment and Recreational Vehicle manufacturing were also a major source of employment.
- 3) Tourism was the third economic base identified.
- 4) Pensions and Other Transfer Payments rounded out the top four with a large portion of the population over sixty (60) years old living off of social security benefits or retirement. It also described that people were receiving public assistance due to unemployment.

Description of the Long Run National Trends

Economic development in Grants Pass over the next twenty years will occur in the context of long-run national trends. The most important of these trends include:

- The aging of the baby boom generation, accompanied by increase in life expectancy. One of the economic effects of this demographic change will include a slowing of the growth of the labor force.
- The growing importance of education as a determinant of wages and household income.
- Continued growth in global trade and the globalization of business activity.
- Innovation in electronics and communication technology, and its application to production.
- Continued shift of employment from manufacturing and resource-intensive industries to the service-oriented sectors of the economy. While Oregon has transitioned from the Lumber and Wood Products manufacturing to high-tech manufacturing, it has not significantly improved its diversity relative to the national economy. Relatively low economic diversity increases the risk of economic volatility as measured by changes in output or employment.

Future Commercial and Industrial Scenarios

Three commercial scenarios were evaluated. Scenario 1 relates to the proposal and will be described below.

Scenario 1: Major commercial growth is channeled to the existing centers of commercial activity, the downtown

and the Grants Pass Shopping Center area east of downtown.

This scenario allocated sixty-five (65) percent of the commercial growth for the decade to the downtown and the Grants Pass Shopping Center area. It was anticipated that a department store anchor would locate downtown with other retailers to follow along with possibly a second anchor.

Three industrial scenarios were evaluated.

- 1) Continuation of present trends, with growth accommodated in East Grants Pass and North Grants Pass
- 2) More rapid growth that is accommodated in the Redwood Area
- 3) More rapid growth that is accommodated in the Merlin area

Description of the Industrial Base

Based on the economic base activities identified and the discussion in the Comprehensive Plan, a major expansion or new heavy industry will not take place in Grants Pass and that there will be resistance to it. Due to limited land and airshed capacity and people seeking a "superior natural environment" Grants Pass will have difficulty attracting new, heavy industry. It was believed that heavy industry would locate near Medford or somewhere outside the Grants Pass airshed. Remaining manufacturing firms are tied to their region to be near supplies or markets, or manufacture specialized goods for which small production quantities, fast turn-around times, and the need for quality limit the ability to outsource.

There will be continued competition for light manufacturing jobs to come to Grants Pass.

1st Conclusion under Criterion (a):

The proposed zone change from Industrial to Business Park keeps the 10.84 acre tract within the industrial inventory. The allowable uses in the Business Park zone are the same as those in the Industrial zone with the exception of a few uses (i.e., outdoor industrial use for the Industrial zone; and a variety of commercial uses allowed in the Business Park zone). The proposed zone is compatible with the other Business Park to the west and the allowed uses are well suited with the uses that already either exist or have been approved in the immediate area.

The Comprehensive Plan provides reasons for allowing this change as noted above. The site is close to downtown and the I-5 corridor, and has utility services readily available to serve the existing development and proposed expansion. Finally, current data indicates that the City is in need of both industrial and commercial lands to accommodate future growth.

Policy 8.7(a) – "The City and County will encourage commercial development at major commercial nodes, which includes the East Grants Pass area around the existing Grants Pass Shopping Center, the Redwood Commercial Triangle south of the Rogue River area and the downtown area. The City will also encourage infill commercial office development along Sixth and Seventh Streets, and in the North City commercial area."

2nd Conclusion under Criterion (a):

The area near the Grants Pass Shopping Center was identified as a viable commercial node that could accommodate future development. The proposed zone change would allow for the addition of the proposed accessory commercial uses in conjunction with the existing Fire Mountain Gem operations, which will compliment existing uses in the area.

Element 10. Public Facilities and Services:

Goal: To provide needed facilities and services for the Urban Growth Boundary area in a timely, orderly, efficient, economic and coordinated manner.

3rd Conclusion under Criterion (a):

With the exception of the water and transportation facilities noted below, the remaining public facilities and services are available to serve the existing and proposed use as covered by the adopted utility plans and service policies.

Element 13. Land Use:

Goal: To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in such a manner that:

- (d) is responsive to the wishes of the citizens and property owners of the planning area, and
- (e) provides adequate amounts of industrial, commercial, and residential lands to meet growth needs over the planning period.

Policy 13.2.1 Comp Plan Land Use Map:

The Comprehensive Plan Land Use Map shall:

- (a) designate the highest and best land use for all portions of the Urban Growth Boundary area, on a parcel-by-parcel basis.
- (b) guide and direct changes to the Zoning Map
- (c) meet the demonstrated need during the planning period for residential, commercial, industrial, and public lands as determined by the Comprehensive Plan.

13.9.12 North Area Industrial – East City II

"This subarea contains the city's prime blocks of heavy industrial lands, almost all fully serviced, much with excellent rail access, and accessed by the Redwood Highway Spur, convenient to the City's southern freeway exit. Some conversion to commercial uses along "F" Street and the Redwood Spur may be required to meet demand in the East Grants Pass commercial subarea. 37% of the subarea is under utilized or vacant, but much of the under-utilized land is being held for future expansion by existing enterprises."

4th Conclusion under Criterion (a):

The site is the northeastern most Industrial site within the industrial zone boundary in this area. A conversion from Industrial to Business Park will allow a

mix of both industrial and commercial uses. The development plan proposed for the site favors the commercial allowance that the Business Park provides. However, the proposed zone can accommodate industrial based users in the future if development circumstances changes. The Comprehensive Plan indicates that heavy industrial users may not locate in Grants Pass but that light manufacturing establishments are encouraged to locate here. The Business Park zone supports light manufacturing uses.

The proposed amendment of approximately 10.84 acres of land from Industrial to Business Park will not have a substantial impact on the planned land uses in this area. The policies for the Northeast subarea states that this area will continue to develop with high densities adjoining the commercial area near the "E" and "F" couplet and the Redwood Spur. The proposed amendment and potential of mixed use development meets this requirement by blending into the existing commercial and industrial uses in the neighborhood while providing a transition into the existing and pending commercial developments to the north and west.

The area near the Grants Pass Shopping Center is an evolving area with several new shops and centers including the Parkway Village and Deardorff Corners, and recent additions to the shopping center including Ross Dress for Less and Aaron's. The railroad tracks create a separation between the heavier industrial uses and the northern indoor industrial use of the Fire Mountain Gems facility located on the subject property. The placement of a heavy industrial use next to existing and future surrounding uses may be incompatible for the area. The proposed zone allows for a mix of light industrial and commercial uses that more easily blend into the existing landscape of uses.

The City realizes it has a deficiency of both industrial and commercial lands. The Business Park zone allows for retention of industrial lands, with the allowance of a number of non-industrial uses that can be sited on the property. The Comprehensive Plan supports the addition of light manufacturing business and identifies the commercial node around the Grants Pass Shopping Center. The Business Park zone can accommodate either light industrial or commercial users.

CRITERION (b): A change in circumstances validated by and supported by the database or proposed changes to the database, which would necessitate a change in findings, goals and policies.

Staff's Response: Satisfied. As discussed above, the site is located within the vicinity of a variety of mixed commercial uses, to include the Fred Meyer complex, the Deardorff Corners shopping area to the east, the Grants Pass Shopping Center to the north, and the pending Home Depot development adjacent to the property. Element 13 of the Comprehensive Plan discusses the draw of higher density to increased commercial development, specifically for the Grants Pass Shopping Center and Redwood Spur area. The proposed amendment for the property will change the database to allow a variety of mixed commercial and light industrial uses. The Comprehensive Plan Elements support the database change. The proposed amendment would amend the plan and zoning map from Industrial (I) to Business Park (BP), and would not require the amending of findings, goals or policies.

CRITERION (c): Applicable planning goals and guidelines of the State of Oregon.

Staff's Response: Satisfied. The proposal is consistent with six (6) of the nineteen (19) applicable statewide planning goals described below:

Goal 1: Citizen Involvement

The proposal is reviewed and noticed according to the requirements for a Type IV-B procedure. Property owners within two hundred and fifty (250) feet were sent notice of the application. Public notice is posted for both the Planning Commission and City Council hearings in the *Daily Courier* (the local newspaper), on the City of Grants Pass website, www.grantspassoregon.gov and on the first floor of the City Hall building. Such notification provides the public an opportunity to provide written or oral comments on the matter either before or at the hearings.

The City has an acknowledged Citizen Involvement Program adopted under Resolution 1748 that insures the public can actively engage in the planning process.

No comments were received from surrounding property owners during the notice period.

Conclusion: The City's procedures outlined in the *Comprehensive Plan* and *Development Code* pertaining to citizen involvement are being followed. The proposal is consistent with Goal 1 standards and requirements.

Goal 2: Land Use

The Grants Pass *Comprehensive Plan* and *Development Code* outline the planning process to consider a Comprehensive Plan Map Amendment and the Zoning Map Amendment. The process requires the application to be heard by both the Planning Commission and the City Council. The Planning Commission will review the proposal and provide a formal recommendation that will be considered by the City Council for final decision. Specific criteria have been adopted that relate to the proposal. The review bodies will evaluate the proposal against those criteria in order to make a decision.

Conclusion: The application is being reviewed through the City's land use process, making it consistent with the purpose of statewide Goal 2.

Goal 9: Economic Development

The proposed amendment to change the subject parcel to Business Park (BP) would provide more flexibility in the development of the tract for mixed commercial and light industrial uses.

Oregon Administrative Rule (OAR) Division 9, Economic Development (660-009-0000) requires that cities review and amend their comprehensive plans as necessary to comply with this division to provide economic opportunity analyses for the demand of land for industrial and other employment uses to the existing land supply.

Element 8 ~ Economy of the Grants Pass & Urbanizing Area Comprehensive Plan (GPUACP) states that the employment sectors with the largest job growth for Josephine County between 1980 and 2005 included retail trade, government and services (such as health care and social assistance), and accommodation and food services. State forecasts indicate that these sectors will continue to lead the employment growth in Josephine County.

Based on the previous employment trends and projected forecasts referenced above, the proposed amendment is in compliance with OAR 660-009-0010 by providing additional land for "Other Employment Uses" which is defined as:

"... all non-industrial employment activities including the wide range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community ..."

Conclusion: The proposal provides diversification and further economic opportunities, thus meeting the standards and requirements of Goal 9.

Goal 11: Public Facilities and Services

A public facilities plan is defined as "a support document or documents to a comprehensive plan. The facility plan describes the water, sewer and transportation facilities which are to support the land uses designated in the appropriate acknowledged comprehensive plans within an urban growth boundary containing a population greater than 2,500."

In terms of water and sewer plans, the City has acknowledged master plans for both of these urban services that are part of the *Comprehensive Plan* and *Grants Pass Development Code*. Though both water and sewer services are currently available to the subject property, due to existing fire flow capacity problems, the potential build out of the property would have an adverse impact on the available fire protection for the existing industrial developments on Fire Mountain Way. The water service will be upgraded by the installation of 12" public fire line to be shall installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013).

In regards to transportation facilities, the City has an adopted Master Transportation Plan that describes the City's Level of Service (LOS) standard and outlines planned future improvements. In addition to the TIA prepared by Access Engineering dated December 22, 2010, the applicant also provided an addendum (dtd 04/11/2011) in response to ODOT's letter of March 29, 2011, (see **Exhibits 8 & 9**) which provided additional clarification of the potential impacts of the proposed request. Based upon the TIA and the proposed Development Agreement which will limit the PM peak hour trips.

Conclusion: Based upon the TIA and supplemental letter from Access Engineering and the proposed development agreement establishing a PM peak

hour trip cap, the request is consistent with Goal 11 as related to those services. Additional discussion is provided for the transportation impacts under Goal 12.

Goal 12: Transportation

The City has an acknowledged Master Transportation Plan as part of the *Comprehensive Plan* and *Grants Pass Development Code*. The tract has frontage on the Grants Pass Parkway, along with frontage and existing access off "F" Street, a State Arterial, and off Fire Mountain Way, a local street ending in a cul-de-sac.

The proposal is subject to the Transportation Planning Rule outlined in OAR 660-012-0060 and the Grants Pass Development Code. The applicant has submitted a Traffic Impact Analysis (TIA) for Tax Lots 905 & 907, prepared by Michael Weishar of Access Engineering, LLC, dated December 22, 2010. The TIA incorporates data and future mitigation measures that have been approved under the pending Home Depot site.

In addition to the Comprehensive Plan Map Amendment and the Zoning Map Amendment, the applicant is proposing to enter into a development agreement with the City of Grants Pass for the subject parcels limiting the AM and PM peak hour trips. The proposed development agreement is in conformance with ORS 94.504 to 94.528 (see Exhibit 7).

Conclusion: Based upon the City Engineer's concurrence with the applicant's TIA (see **Exhibit 10**), and with the execution of the Development Agreement, the traffic impacts from the proposed development will be mitigated to meet City Standards, meeting the criteria for the Comprehensive Plan Map and Zone Change request. A new study will be required for any future development that is not identified in the current study and the applicant will have to mitigate any identified impacts. The proposal is consistent with Goal 12.

Goal 13: Energy Conservation

Any development of the property should try to implement energy conservation principles regardless of zoning designation.

Conclusion: The proposed amendment is consistent with Goal 13.

Overall Conclusion: Of the nineteen (19) statewide planning goals, the City finds that six (6) of the applicable nineteen (19) goals analyzed above have been met by the proposal. As noted above, the proposal will comply with Goals 1, 2, 9, 11, 12 & 13. The remaining thirteen (13) goals are as follows and are not found to be applicable to the application:

Goal 3 – Agriculture, Goal 4 – Forest, Goal 5 – Natural Resources, Scenic and Historic Areas, Goal 6 – Air, Water, and Land Resources Quality, Goal 7 – Areas subject to Natural Hazards, Goal 8 – Recreational Needs, Goal 10 – Housing, Goal 14 – Urbanization, Goal 15 – Willamette River Greenway, Goal 16 – Estuarine Resources, Goal 17 – Coastal Shorelands, Goal 18 – Beaches and Dunes, and Goal 19 – Ocean Resources. These goals do not relate to the site under review. The site is not designated as agricultural or forest land. The

property does not contain any natural resources or natural hazards. The property is not identified in the City's Comprehensive Plan as a future recreational area. The site is located in an urbanized area. Goals 15-19 do not relate to Grants Pass.

CRITERION (d): Citizen review and comment.

Staff's Response: Satisfied. Public notice of the proposal was mailed to surrounding properties in accordance with the Comprehensive Plan and Development Code procedures. No comments or inquiries were received from property owners during the notice period.

CRITERION (e): Review and comment from affected governmental units and other agencies.

Staff's Response: Satisfied. Affected governmental units and agencies were notified.

Notice of the proposal was mailed to the Department of Land Conservation and Development (DLCD) on March 9, 2011. No comments were received.

Notice of the proposal was mailed to Josephine County on March 9, 2011, in accordance with the 1998 Intergovernmental Agreement. The County had no comments.

Notice was provided to the ODOT. Their comments are contained in Exhibit 8.

CRITERION (f): A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

Staff's Response: Satisfied. Water, sewer, storm, and streets are all present adjacent to the property and are available to serve the property. As discussed above, pending the installation of 12" public fire line to be installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013), there will be adequate water for fire flow protection, and with the proposed development agreement, there will be adequate transportation capacity. Therefore, the proposed amendment is in conformance with the Comprehensive Plan.

CRITERION (g): Additional information as required by the review body.

Staff's Response: Satisfied. Additional information will be provided upon request of the review body.

CRITERION (h): In lieu of item (b) above, demonstration that the Plan was originally adopted in error.

Staff's Response: Not Applicable. There is no indication that the original boundaries were adopted in error.

For Zone Map Amendments, Section 4.033 of the City of Grants Pass Development Code requires that all of the following criteria be met:

CRITERION 1: The proposed use, if any is consistent with the proposed Zoning District.

Staff's Response: Satisfied. If the proposed zone change is approved, commercial and light industrial uses are permitted in the Business Park zone as listed in Schedule 12-2 of the Development Code.

CRITERION 2: The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.

Staff's Response: Satisfied based on action taken on the proposed Comprehensive Plan Amendment. If the Comprehensive Plan designation is amended as proposed, the Business Park zoning district and the Business Park comprehensive plan map designation would correspond. As described above, and reflected on the zoning map, the property is located within a neighborhood containing a variety of mixed uses. The extension of the Business Park zone by the proposed amendment for the subject property is consistent with the surrounding plan designations, zoning, and the policy for this subarea and neighborhood.

CRITERION 3: A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impacts upon the affected service area or without a change to adopted utility plans.

Staff's Response: Satisfied. Basic services such as sewer and water can be provided to accommodate the proposed development, pending the completion of the looped water system conditioned under the Home Depot project. Through the execution of a Development Agreement, the City has written assurances that the traffic impacts under the proposed development will be mitigated to meet City standards.

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

Staff's Response: Satisfied with conditions. The impacts of the proposed zone change and potential additional development have been described in the submitted traffic study. With the execution of the Development Agreement, the plan will be consistent with the standards in the Master Transportation Plan.

CRITERION 5: The natural features of the site are conducive to the proposed Zoning District.

Staff's Response: Not Applicable. There are no unique or unusual physical features on the properties that have been noted.

CRITERION 6: The proposed zone is consistent with the requirements of all overlay districts that include the subject property.

Staff's Response: Not Applicable. There are no overlay districts that include the subject property.

CRITERION 7: The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.

Staff's Response: Satisfied with Conditions. As discussed above, the time of the zone change is appropriate with regards to the efficient provision and/or upgrading of basic urban services, based upon the installation of a 12" public fire line to be installed between NE Mill Street and Fire Mountain Way to create a looped water system under the Home Depot project (File No. 08-30200013), and the PM peak hour trip cap in accordance with the proposed Development Agreement.

CRITERION 8: In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

Staff's Response: Not Applicable. The subject property is not located within an Urban Reserve District, and this criterion does not apply.

VI. RECOMMENDATION:

It is recommended that the Urban Area Planning Commission recommend that City Council **APPROVE** the proposed Comprehensive Plan map amendment and zoning map amendment from Industrial to Business Park.

It is recommended that the Urban Area Planning Commission recommend that City Council **APPROVE** the proposed development agreement.

VII. PLANNING COMMISSION ACTION:

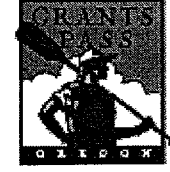
- A. Positive Action: Recommend approval of the request:
 - 1. as submitted.
 - 2. as modified by the Planning Commission (list):
- B. Negative Action: Recommend denial of the request for the following reasons (list):
- C. Postponement: Continue item
 - 1. indefinitely.
 - 2. to a time certain.

NOTE: The application is not subject to the 120 day requirement per ORS 227.178.

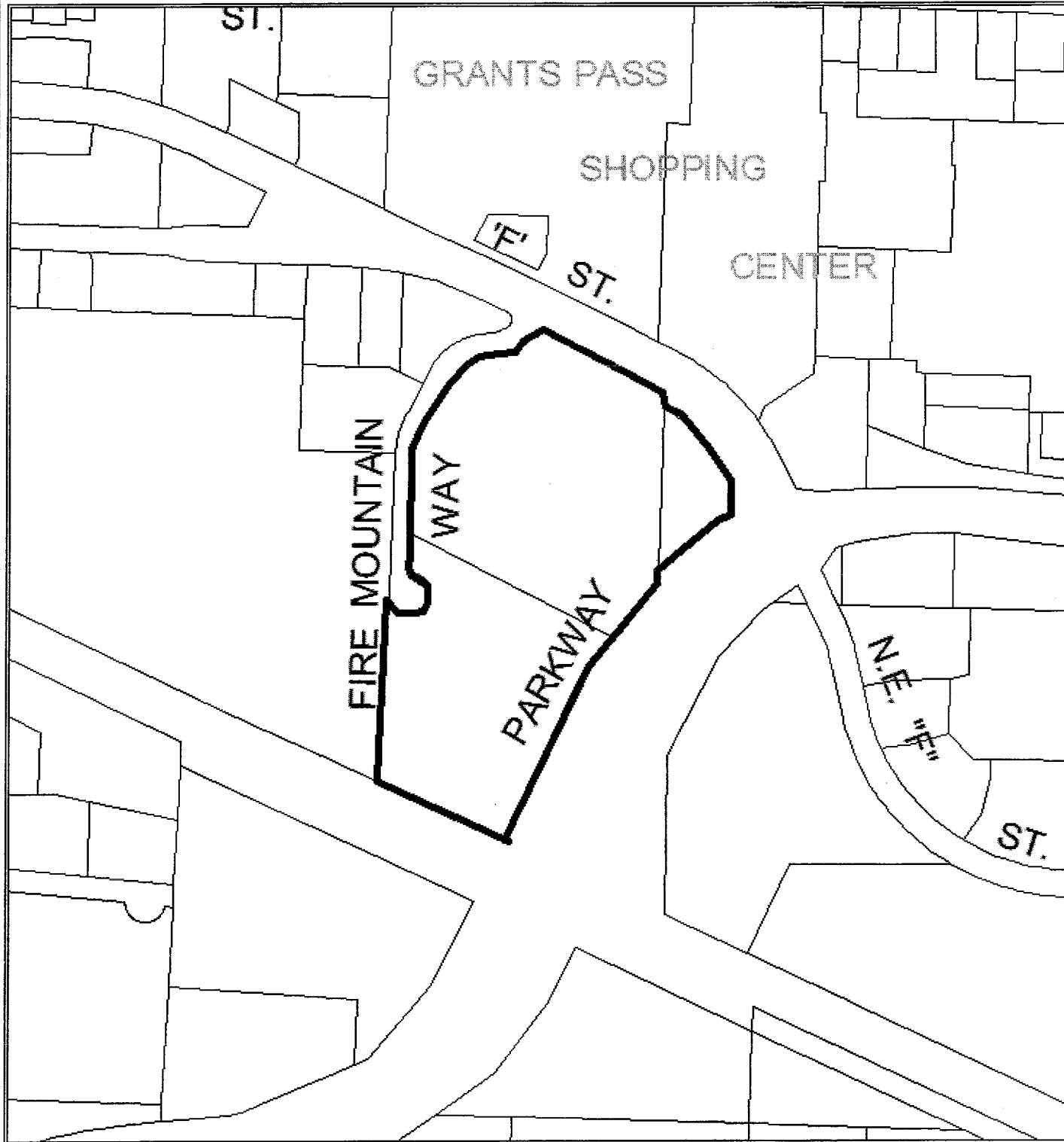
VIII. INDEX TO EXHIBITS:

- 1. Vicinity
- 2. Aerial Photograph
- 3. Existing Zoning
- 4. Proposed Zoning
- 5. Applicant's written narrative
- 6. Access Engineering TIA dated December 22, 2010 (see file for Traffic Data ~ Appendix B)
- 7. Development Agreement
- 8. ODOT's comments dated March 29, 2011
- 9. Access Engineering's Response dated April 11, 2011
- 10. City Engineer's e-mail memorandum dated April 20, 2011

FREEDMAN FMG PROPERTY LLC
36-05-17-40, TL 905 & 907



Winner Van Meter Award 2006



300 0 300 600 Feet



EXHIBIT 1

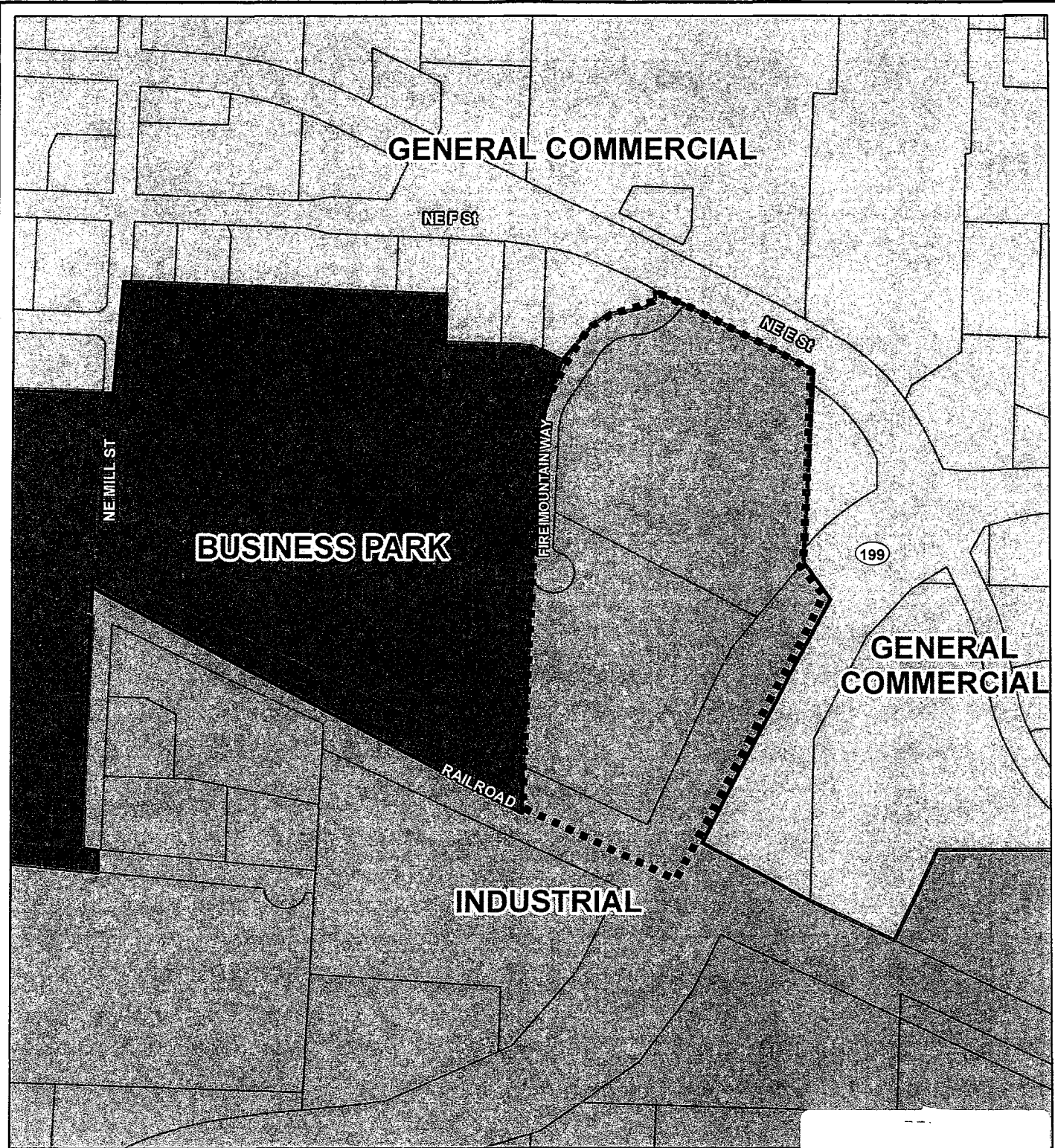
FREEDMAN FMG PROPERTY LLC
36-05-17-40, TL 905 & 907








300 0 300 600 Feet



EXHIBIT 2



-  Subject Area
-  Tax Lots
- Existing Comprehensive Plan**
-  Business Park
-  GC
-  Industrial

Existing Comprehensive Plan

Comprehensive Plan Amendment & Zone Change
Fire Mountain Gems

300 150


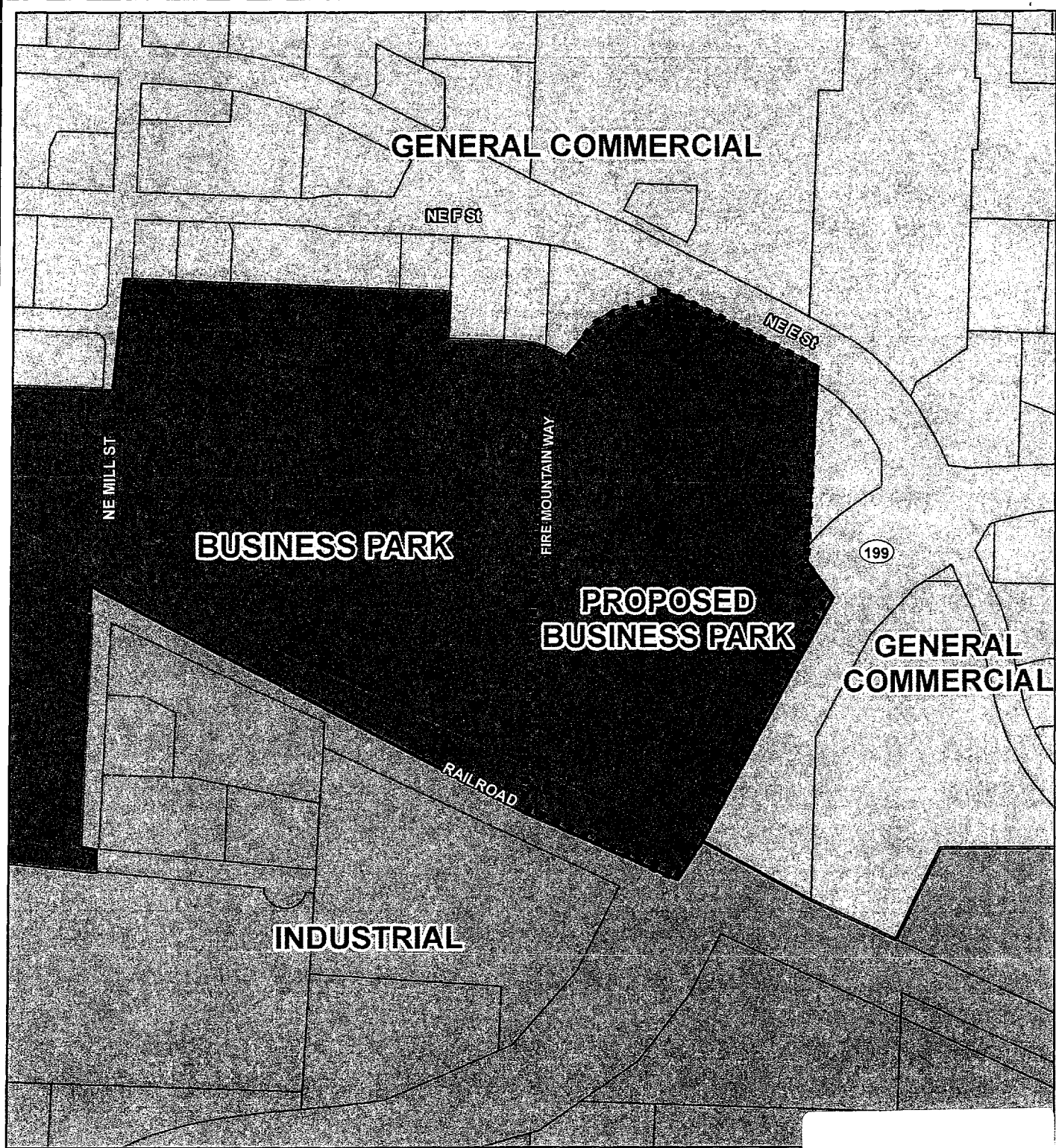


EXHIBIT 3

Date: January 2011

Source: CSA Planning, Josephine C



- Subject Area
 Tax Lots
Proposed Comprehensive Plan
 Business Park
 GC
 Industrial

Proposed Comprehensive Plan

Comprehensive Plan Amendment & Zone Change
 Fire Mountain Gems

300 150

EXHIBIT 4

Date: January 2011

Source: CSA Planning, Josephine

BEFORE THE CITY COUNCIL
FOR THE CITY OF GRANTS PASS
JOSEPHINE COUNTY, OREGON

RECEIVED
FEB 25 2011
CITY OF GRANTS PASS

IN THE MATTER OF A LAND USE)
APPLICATION TO AMEND THE CITY)
OF GRANTS PASS COMPREHENSIVE)
PLAN MAP AND CHANGE THE ZONING)
FOR TWO LAND PARCELS SITUATED)
AT 1 FIRE MOUNTAIN WAY AT THE)
CORNER OF NE 'F' STREET AND THE)
GRANTS PASS PARKWAY, AND)
WITHIN THE CORPORATE LIMITS OF)
THE CITY OF GRANTS PASS,)
OREGON)
Owner/Applicant: Freedman FMG)
Property, LLC)

PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW

Applicants' Exhibit 1

I

NATURE, SCOPE AND INTENT OF APPLICATION

Freedman FMG Property, LLC (hereinafter "Applicant") seeks to amend both the Grants Pass Comprehensive Plan Map and Zoning Map. The proposed amendments affect two parcels located on Fire Mountain Way at the southwest intersection with NE 'F' Street and Grants Pass Parkway; the application may change the Grants Pass Urban Area Master Transportation Plan at the discretion of the Council. The request is a GPDC Type IV-B application, and if approved, would change Tax Lot 907 and a portion of Tax Lot 905 from *Industrial* to *Business Park*.¹ Applicant intends to add several uses to the existing facilities which are not permitted under present Industrial zoning, but are permitted within a Business Park zone. The additional intended uses include:

- Retail for the purpose of selling Fire Mountain Gems (FMG) products to visitors who tour its facilities.
- A Rock and Gem Museum that will replace a museum operated by the Oregon Department of Geology and Mineral Industries which has been forced to close.²

In addition to above uses that would be permitted by the plan map amendment and zone change sought herein, the Applicant intends to construct a small restaurant, daycare and athletic facilities for its employees, and expand and reconfigure the core business

¹ A portion of Tax Lot 905 which is planned and zoned General Commercial is not proposed to be changed. That portion of the property to remain General Commercial was acquired by Applicant from ODOT as part of surplus land sale.

² Applicant believes this use is not permitted within the Industrial zone and is appropriately permitted in the BP zone, however Applicant accepts that this is open to interpretation.

EXHIBIT **5**



Findings of Fact and Conclusions of Law
Comprehensive Plan and Zone Change Applications
Freedman FMG Property, LLC: Owner/Applicant

operations space to include additional administration, distribution, and seminar and training space. This project, in its entirety, is reflected in the evidence regarding adequacy of public facilities.

II

EVIDENCE SUBMITTED WITH THE APPLICATION

Applicant has submitted the following evidence in support of the contemporaneously filed land use applications:

- Exhibit 1** The proposed Findings of Fact and Conclusions of Law (this document) which demonstrates how the application complies with the applicable substantive approval criteria for a Comprehensive Plan map amendment and Zone Change as set forth in the Grants Pass Comprehensive Plan, the Grants Pass Development Code and the Oregon Transportation Planning Rule.
- Exhibit 2** Completed application forms and a Limited Power of Attorney which authorizes CSA Planning, Ltd. to function as Applicant's agent in these proceedings
- Exhibit 3** Josephine County Assessor Map
- Exhibit 4** Final plat for Fire Mountain Subdivision
- Exhibit 5** Zoning Map on Aerial Photo
- Exhibit 6** Zoning Map that shows the proposed rezoning
- Exhibit 7** Current Comprehensive Plan Land Use Map
- Exhibit 8** Comprehensive Plan Land Use Map reflecting proposed map change
- Exhibit 9** Sanitary Sewer Services Map *-Partial systems map provided at Applicant's request by City of Grants Pass Engineering department, February 2, 2009*
- Exhibit 10** Water Services Map *-Partial systems map provided at Applicant's request by City of Grants Pass Engineering department, February 2, 2009*
- Exhibit 11** Storm Drainage Map *-Partial system map provided at Applicant's request by City of Grants Pass Engineering department, February 2, 2009*
- Exhibit 12** Subject Property Photos and Map
- Exhibit 13** Traffic Impact Analysis by Access Engineering, Inc. December 22, 2010



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The City Council concludes that that the following constitutes all of the relevant substantive criteria applicable to a Minor Amendment of the Comprehensive Plan Data Base, the Comprehensive Plan Map and the Zoning Map through a GPDC Type IV-B procedure. The approval criteria are recited verbatim below and in Section V where each is addressed with the conclusions of law of the Council:

COMPREHENSIVE PLAN MAP AMENDMENT

13.5.4 Criteria for the Amendment:

For amending the findings, goals, policies and Land Use Map of the Comprehensive Plan, the City Council of County Commissioners shall base their conclusions upon, and adopt findings in consideration of, all the following criteria:

- (a) Consistency with other findings, goals and policies in the Comprehensive Plan.³
- (b) A change in circumstances, validated by and supported by the data base or proposed changes to the data base, which would necessitate a change in findings, goals and policies.
- (c) Applicable planning goals and guidelines of the State of Oregon.
- (d) Citizen Review and comment.
- (e) Review and comment from affected governmental units and other agencies.
- (f) A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.
- (g) Additional information as required by the review body.
- (h) In lieu of item 2 above, demonstration that the Plan as originally adopted was in error.

ZONE CHANGE

City of Grants Pass Development Code (GPDC) (inapplicable provisions omitted)

4.033 Criteria for Amendment. The Zoning Map may be amended by the review bodies provided that all the following criteria are met:

- (1) The proposed use, if any, is consistent with the proposed Zoning District.
- (2) The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.
- (3) A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impact upon the affected service area or without a change to adopted utility plans.

³ The comprehensive plan contains certain goals and policies which by their language and context suggest the city's intention that they operate as independent approval standards. The relevant goals and policies are not listed here but are cited (and addressed) in Section V under the conclusions of law for Criterion 1 which requires a demonstration of consistency with the comprehensive plan.



Findings of Fact and Conclusions of Law

Comprehensive Plan and Zone Change Applications
Freedman FMG Property, LLC: Owner/Applicant

- (4) A demonstration that the proposed amendment is consistent with the functions, capacities and performance standards of transportation facilities identified in the Master Transportation Plan.
- (5) The natural features of the site are conducive to the proposed Zoning District.
- (6) The proposed zone is consistent with the requirements of all overlay Districts that include the subject property.
- (7) The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.
- (8) In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

27.121 General Design Standards

- (1) All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit.
- (2) The minimum performance standard for intersections shall be as follows:
 - a) For all signalized intersections:
 - Level of Service "D" or better for the intersection as a whole, and
 - No approach operating below LOS "E", and
 - A volume-to-capacity (v/c) ratio not higher than 1.0 for the sum of critical movements.
 - When a state highway is affected, the City's minimum performance standard shall apply, in addition to the applicable standards of the most recent State Highway Plan as determined by the Oregon Department of Transportation.

An approach is described as the flow of traffic entering into the intersection from any given direction. For example, a four-way all-stop-controlled intersection laid out in a north, south, east and west configuration will have four (4) distinct approaches, one from each direction.

A movement is described as directional movement allowed at a given intersection, commonly involving left turns, right turns, and through movements.

Level of service is determined by using the latest edition of the *Highway Capacity Manual (HCM)*.

For the purpose of analysis, the minimum performance standard shall apply to the peak hour of the average day during the first year after opening when approval of a site plan is involved, to the peak hour of the average day during the first year after recording of the final plat when a land division is involved, and to the average day during the first year after opening and 20 years hence when a comprehensive plan amendment and compliance with provisions of the Transportation Planning Rule are involved. The minimum performance standard shall apply to whatever peak hour is determined to produce the greatest traffic impact, even if it is different than the traditional peak hour.

- (3) A traffic analysis report shall be prepared by a Traffic Engineer licensed in the State of Oregon. The City Engineer will maintain written administrative guidelines on the basic requirements for such studies. Unless waived pursuant to subsection b) below, this transportation impact analysis is required prior to City acceptance of applications for Development Permits when the trip generation falls within the ranges given below in subsection a):

Trip Generation Ranges

- 1) The development is projected to generate twenty-five (25) or more peak hour trips on an arterial or collector segment or intersection, or;
- 2) The development is projected to generate 500 vehicle trips per day or more on any day of the week.



Findings of Fact and Conclusions of Law

Comprehensive Plan and Zone Change Applications
Freedman FMG Property, LLC: Owner/Applicant

A transportation impact analysis may also be required under certain conditions:

- 1) When the development will impact known safety, congestion or capacity problems;
 - 2) When the project is on a highway segment with special access controls;
- b) Waiver or limits to scope

The City Engineer may waive or reduce the scope of the transportation impact analysis if the impacts from the development area are reasonably known and do not provide reasonable justification for the estimated cost of the analysis and report preparation. In waiving or limiting the scope of a transportation impact analysis that would otherwise be required by subsection (1) above, the City Engineer shall make a written determination that potentially affected intersections will not fall below the performance standards of Section 27.121(2) or the intersections have been adequately analyzed already in research and reports available to the City. The City Engineer shall coordinate with ODOT or Josephine County as appropriate prior to waiving or reducing the scope of a transportation impact analysis for any development impacting a state or county maintained roadway.

OREGON TRANSPORTATION PLANNING RULE OREGON ADMINISTRATIVE RULES CHAPTER 660, DIVISION 012

Amendments to acknowledged comprehensive plans are also subject to specific provisions of the Oregon Transportation Planning Rule. The rule provisions applicable to plan amendments is in OAR 660-012-0060 which states in pertinent part:

OAR 660-012-0060: PLAN AND LAND USE REGULATION AMENDMENTS

Section 660-012-0060 (1)

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.



OREGON ECONOMIC DEVELOPMENT RULE
OREGON ADMINISTRATIVE RULES CHAPTER 660, DIVISION 009

OAR 660-009-0010 (4): For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

IV

FINDINGS OF FACT

The Council reaches the following facts and finds them to be true with respect to this matter. The below Findings of Fact support the Conclusions of Law of the Council as the same are set forth in Section V.

- 1. Property Location:** The subject property is comprised of two parcels located on Fire Mountain Way, south of NE 'F' Street within the corporate boundaries of the City of Grants Pass. The situs address for both properties is 1 Fire Mountain Way, Grants Pass, Oregon.
- 2. Subject Property Description, Acreage:** **Parcel 1** is identified by the Josephine County Assessors as Tax Lot 905 on Map 36S-5W-17D and has 7.00 acres⁴. **Parcel 2** is identified by the Josephine County Assessor as Tax Lot 907 on Map 36S-5W-17D and has 4.63 acres. The property has an aggregate 11.63 acres.
- 3. Ownership and History:** Subject Tax Lots 905 and 907 are owned in fee simple by the Freedman FMG Property, LLC. In 2002, the 14.77-acre parent parcel, Tax Lot 900, was subdivided into the 7-lot Fire Mountain Subdivision which included creation of a new public street, Fire Mountain Way. This application includes Lots 5, 6 and 7 of that subdivision, which became Tax Lots 905, 906 and 907 respectively.

In 2006, concurrent with the Site Review for the new warehouse, Lots 6 and 7 were consolidated to become Tax Lot 907 and the property line was adjusted between Tax Lot 907 and 905 to accommodate the construction of a new warehouse.

In 2007, ODOT "surplused" portions of former Tax Lots 1300 and 1400 which abutted Tax Lot 905 at the intersection of NE "F" Street and the Grants Pass Parkway. These ODOT surplus properties were purchased and consolidated with Tax Lot 905 in 2007.

⁴ Acreage is based upon property line adjustment plat; this acreage is slightly different than the acreage in the Assessor's records.



Findings of Fact and Conclusions of Law

Comprehensive Plan and Zone Change Applications
Freedman FMG Property, LLC: Owner/Applicant

- 4. Comprehensive Plan Map (Existing and Proposed):** Parcel 1 (Portion of Tax Lot 905) is primarily designated *Industrial* on the Grants Pass Comprehensive Plan Map. The portion that was acquired from ODOT is designated General Commercial and that portion is not included in these applications. Parcel 2 (Tax Lot 907) is designated *Industrial* on the Grants Pass Comprehensive Plan Map. Applicant seeks to amend the *Industrial* designation for both parcels to *Business Park*.
- 5. Zoning (Existing and Proposed):** Parcel 1 (Portion of Tax Lot 905) is a split-zoned property, primarily zoned *Industrial (I)*. The 0.78 acre portion that was acquired from ODOT is zoned *General Commercial (GC)*. Parcel 2 (Tax Lot 907) is zoned *Industrial (I)*. Applicant seeks to change the *Industrial (I)* zoning on both parcels to *Business Park (BP)*. Existing General Commercial (GC) plan and zoning designations covering the 0.78 portion of Tax Lot 905 acquired from ODOT is intended to remain unchanged.
- 6. Existing site development:** The property is the site of the Fire Mountain Gems headquarters and distribution facilities. Two buildings are present on site. The headquarters is housed in what was the old Litton building and houses the company's corporate administration, call center and packaging facilities. A new warehouse was constructed in 2006 and houses Fire Mountain Gems' distribution and warehouse facilities.
- 7. Existing and Surrounding Land Use:** Land uses in the surrounding area consist of the following:
 - West:** The abutting property to the southwest is a parcel that had housed a mill that was formerly owned and operated by Timber Products Company. The City recently approved a comprehensive plan map amendment and rezoning to *Business Park*, and other land use entitlements on the former mill property which were needed to accommodate a new Home Depot home improvement store. The property across Fire Mountain Way to the west includes the remaining parcels of the Fire Mountain Subdivision. Due west, Tax Lots 904 and 1000 are zoned *Business Park*. Parcels bordering NE 'F' Street are zoned *General Commercial*. All are currently vacant. Parcels to the northwest along NE 'F', beyond the Fire Mountain properties, are zoned *General Commercial* and house small businesses such as the Eam Advertising Agency.
 - North:** Properties across NE 'F' Street are zoned *General Commercial* and are typically of a retail nature with businesses that include the Grants Pass Shopping Center and Bank of America.
 - East:** The property abuts the Grants Pass Parkway on the east. Beyond that are shopping centers and properties zoned for commercial use.
 - South:** The property is bordered on the south by the Central Oregon Pacific Railroad right-of-way. Beyond the rail line, properties are zoned for industrial use.



Findings of Fact and Conclusions of Law

Comprehensive Plan and Zone Change Applications
Freedman FMG Property, LLC: Owner/Applicant

8. Wildlife Habitat/Wetlands: The City of Grants Pass in its entirety is designated as deer habitat. The subject property is not separately nor more specifically designated as wildlife habitat and exists within an area of Grants Pass that is near-fully developed with urban buildings, industrial development, streets, off-street parking and ornamental landscaping.

No identified wetlands or surface waters of any kind exist on the property.

9. Police and Fire Protection: Police and Fire protection are provided by City of Grants Pass.

10. Public Facilities: The subject property is currently served by the following public facilities and services:

A. Sanitary Sewer Collection Lines: An existing 8-inch sanitary sewer line exists within the right-of-way of Fire Mountain Way and connects to an existing 8-inch sanitary sewer line within the NE 'F' Street right-of way. *See*, Applicant's Exhibit 9 (Sanitary Sewer Services Map).

B. Sewer Treatment: Sewer treatment is provided at the Grants Pass Water Restoration Plant (WRP) and services the City, the Harbeck-Fruitdale and Redwood areas. The WRP was put in service in 1935 at its current site. The first plant expansion occurred in 1953 and in 1962 the plant was upgraded to provide secondary treatment. In 1974 a major plant renovation and expansion added the still-used activated sludge process facilities. More improvements were made from 1994 through 1996 to reduce impacts on the Rogue River. Improvements were extensive and an Ultraviolet (UV) disinfection system was added. In 1999 the disinfection capacity was increased from 21.5 mgd to 43 million gallons per day (mgd).

Grants Pass WRP currently treats 4.5 mgd of average dry weather flow to a record peak storm flow of 26.5 mgd. The grants pass WRP has a 27 mgd peak hydraulic capacity for influent pumping, screening and primary treatment; a 13-mgd hydraulic capacity for secondary treatment; and a 42-mgd capacity for UV disinfection. Flow exceeding the secondary treatment capacity receives only primary treatments and disinfection. This occurs only a few days a year during wet weather storm conditions. Biosolids from the Wastewater Treatment Plant are transported to the JO-GRO™ Co-composting facility where they are mixed with greenwaste from the surrounding community to create co-compost for sale to the public. Currently wastewater from approximately 10,000 homes and businesses in the city and urban growth boundary is handled via 164 miles of piping, two lift stations and three force main pump stations. By the year 2020, it is anticipated that the Grants Pass WRP will serve 62,700 people. A facilities development plan is in place for improvements that will provide adequate capacity to meet that need, including improvements to treat the projected peak flow of 37.5 mgd.⁵ Public wastewater treatment capacity at present is sufficient to accommodate development of the subject property commensurate with its size and the range of potential land uses permitted under the proposed zoning district.

⁵ From City of Grants Pass Wastewater website and the Grants Pass Wastewater Facilities Plan, April 2000



- C. Water Distribution Lines:** An 8-inch water line exists within the right-of-way of Fire Mountain Way and connects to the existing 12-inch water main line within the NE 'F' Street right-of way. *See*, Applicant's Exhibit 10 (Water Services Map).
- D. Water Supply and Treatment:** Public water service is supplied to land within the corporate limits by the City of Grants Pass. Grants Pass' water supply is surface water from the Rogue River and is drawn at its pumping station adjacent to the water treatment plant. The City's existing water treatment plant capacity will accommodate a population of 52,710. The current population within the Grants Pass Urban Growth Boundary is estimated to be 36,702. Current capacity is 18 million gallons per day (mgd), with expansion capacity available to 30 mgd to accommodate growth over the next 20 to 25 years. Grants Pass holds water rights for nearly 57 mgd. Public water treatment capacity at present is sufficient to accommodate development of the subject property commensurate with its size and the range of potential land uses permitted in the proposed zoning district.⁶
- E. Storm Drainage:** The property is served by the City of Grants Pass storm water drainage system. An 18-inch underground storm drain parallels the property's frontage on Fire Mountain Way. Storm drainage which emanates on the property is presently collected through an on-site catch basin system which connects to a 24-inch line in Fire Mountain Way which daylights into a Grants Pass open drainage ditch system adjacent to the railroad right-of-way where it flows downstream and ultimately discharges into the Rogue River. *See*, Exhibit 11, Storm Drainage Map.

9. Topography: The subject property is approximately level.

10. Transportation Facilities:

- A. Access:** The subject property fronts upon Fire Mountain Way, a local access cul-de-sac street. Primary access to the property is through two driveways, one on each parcel, on Fire Mountain Way. A secondary right-in/right-out driveway is located on the NE 'F' Street frontage of Tax Lot 905, between Fire Mountain Way and the Grants Pass parkway.
- B. Street Functional Classifications:** Fire Mountain Way is functionally classified as a local access street in the City of Grants Pass Master Transportation Plan. Fire Mountain Way connects to NE 'F' Street at a signalized intersection. NE 'F' Street is classified by the City of Grants Pass as a Major Arterial and connects to the Grants Pass Parkway. Grants Pass Parkway is classified as a Major Arterial by ODOT and is the primary connection for the site to the regional transportation network.
- C. Traffic Generation and Analysis:** A Transportation Impact Analysis (TIA) has been prepared by registered professional traffic engineers, Access Engineering, LLC in

⁶ Grants Pass Water Distribution System Master Plan, January 2001



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response to the City's Traffic Scoping Letter of June 2, 2010. The scoping letter was provided to Applicant by the City Engineer for the purpose of establishing the extent and parameters of the TIA before it was begun. Access Engineering has provided extensive traffic analysis for this and other major projects in the vicinity, including the nearby Home Depot project, approved earlier by the City. The TIA is attached as Exhibit 12 and the same is incorporated and adopted herein. The TIA calculates intersection operations for the expected year of opening (2011) and the horizon year (2030).

D. Minor Transportation Improvements: The TIA indicates that the City may benefit from planning a minor transportation improvement project at the intersection of "F" Street and the Grants Pass Parkway. This Comprehensive Plan Map amendment submittal includes an optional component to change the adopted Grants Pass Urban Area Master Transportation Plan (the City's TSP) to plan the minor transportation improvements identified in the TIA that would allow this intersection to continue to operate at LOS "D".

11. Economic Development: Oregon's Statewide Planning Goal 9, and its implementing Rule at OAR 660 Division 9, contains specific land use planning requirements for employment lands. The following Economic Development and Employment Land Planning facts are relevant to the proposed plan amendment, and associated zone change:

A. Economic Opportunity: This Comprehensive Plan Amendment seeks to deliver immediate economic opportunity through land use plan map amendments that will allow expansion of the existing Fire Mountain Gems core business operations as well as clustering complementary uses on the same site. Because the amendment is targeted to support an array of uses, the resulting employment opportunities will include additional internet marketing and distribution industry employment in Fire Mountain Gems core business, service jobs in connection with the accessory restaurant, museum tours and support, day-care and athletic, and retail jobs.

B. Site Requirements: The subject site is the only site where the full complement of proposed uses could be located. Collectively these uses are specifically intended to be, and functionally must be, co-located with the main Fire Mountain Gems core business operations facility. The location is well suited to a variety of employment land uses due to its excellent access to major regional transportation facilities. The location is near the geographic center of Grants Pass providing excellent access to local labor markets demanded by the core Fire Mountain Gems business activities. The site is also well situated for commercial uses as there are already commercial uses on two adjacent street frontages and a third commercial use is proposed for near term development across Fire Mountain Way to the west — a Home Depot store.

C. Planning Horizon and Short-Term Land Supply Impacts: Uses contemplated in these applications, along with the existing uses, will intensify and enhance utilization



of the subject property. Therefore, the proposed amendments are not expected to have any meaningful impact on the aggregate or short-term supply of employment land.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are based on the findings of fact contained in Section IV above and the evidence enumerated in Section II. The below conclusions of law of the City Council (“the Council”) are preceded by the approval criteria to which they relate:

COMPREHENSIVE PLAN LAND USE PLAN MAP AMENDMENT

**City of Grants Pass Comprehensive Plan
1984 Comprehensive Plan Policies (as last amended on 7/16/2008)**

Section 13.5.4 Criteria for the Amendment

For amending the findings, goals, policies and Land Use Map of the Comprehensive Plan, the City Council of County Commissioners shall base their conclusions upon, and adopt findings in consideration of, all the following criteria:

Plan Amendment Criterion 1

(a) Consistency with other findings, goals and policies in the Comprehensive Plan.

Discussion; Conclusions of Law: The Council concludes that goals and policies which are expressed in permissive terms or merely state broad objectives the city hopes to attain, are *not* approval criteria properly applied to this quasi-judicial land use application, and therefore require no responsive findings. *See, Ellison v. Clackamas County*, 28 Or LUBA 521, 525 (1995); *Wissusik v. Yamhill County*, 20 Or LUBA 246, 254-55 (1990); *McCoy v. Tillamook County*, 14 Or LUBA 108, 118 (1985). Moreover, the Council also concludes that the applicability of Criterion 1 is further narrowed by *Bennett v. City of Dallas*, 17 Or LUBA 450, *aff’d* 96 Or App 645 (1989). In that case, the court held that approval criteria requiring compliance with a comprehensive plan, does not automatically transform all comprehensive plan goals and policies into decisional criteria. The court further held that a determination of whether particular plan goals or policies are approval criteria, must be based on the language used in the goals/policies and the context in which they appear. The Council concludes that only the goals and policies of the comprehensive plan cited (and addressed) below are properly construed as independent approval criteria under *Bennett v. City of Dallas* pursuant to Criterion 1. The Council concludes that all other plan goals and policies do not operate as approval criteria, and therefore, they are not.

PUBLIC FACILITIES AND SERVICES GOAL, GENERAL SERVICE POLICY 10.1.6: SERVICES SHALL BE RESOURCE EFFECTIVE. SERVICES SHALL NOT BE EXTENDED PAST THE CARRYING CAPACITY OF THE RESOURCE BASE OF THAT SERVICE, AND SHALL UTILIZE THE RESOURCE IN THE MOST EFFECTIVE WAY PRACTICABLE.



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Conclusions of Law (Continued): The findings of fact and evidence shows that the property is served by existing public sanitary sewer, water and storm drainage facilities. The findings of fact and evidence further shows that the municipal water source, water supply mains, and treatment facilities have adequate capacity to supply water to the property in amounts sufficient to accommodate the different types of uses permitted in the proposed plan and zoning designations and without exceeding the carrying capacity of the water resource base. The findings and evidence also shows that municipal sewer treatment capacity is similarly sufficient to not exceed the carrying capacity of that resource base. The Council further concludes from the findings and evidence that public storm drainage facilities presently serve the property, are sufficient and, therefore, will not exceed the carrying capacity of storm drainage resources. Therefore, the Council concludes that the approval of these applications will not violate, and are therefore consistent with, Public Facilities and Services Goal, General Service Policy 10.1.6.

PUBLIC FACILITIES AND SERVICES GOAL, WATER SERVICES POLICY 10.2.8: URBAN LEVEL DEVELOPMENT SHALL REQUIRE A PUBLIC WATER SYSTEM, OR SHALL MEET REQUIREMENTS OF INTERIM DEVELOPMENT STANDARDS AS PROVIDED BY THE IMPLEMENTING ORDINANCES. INTERIM DEVELOPMENT STANDARDS SHALL ALLOW DEVELOPMENT TO PROCEED IN A TIMELY AND ECONOMICAL MANNER, PRIOR TO FULL PUBLIC WATER SYSTEM EXTENSION, PROVIDED THE REQUIREMENTS OF PUBLIC SAFETY, HEALTH AND WELFARE ARE MET, AND THE FUTURE EXTENSION OF THE PUBLIC WATER SYSTEM IS SAFEGUARDED.

Conclusions of Law (Continued): Based upon the findings of fact and the evidence, the Council concludes that the property is presently served by adjacent municipal water facilities and do not require consideration of the City's interim development standards. Therefore, the Council concludes that this application is consistent with Public Facilities and Services Goal, Water Services Policy 10.2.8.

PUBLIC FACILITIES AND SERVICES GOAL, SEWER SERVICES POLICY 10.3.7: URBAN LEVEL DEVELOPMENT SHALL REQUIRE A PUBLIC SANITARY SEWER SYSTEM, OR SHALL MEET REQUIREMENTS OF INTERIM DEVELOPMENT STANDARDS AS PROVIDED BY THE IMPLEMENTING ORDINANCES. INTERIM DEVELOPMENT STANDARDS SHALL ALLOW DEVELOPMENT TO PROCEED IN A TIMELY AND ECONOMICAL MANNER, PRIOR TO FULL PUBLIC WATER SYSTEM EXTENSION, PROVIDED THE REQUIREMENTS OF PUBLIC SAFETY, HEALTH AND WELFARE ARE MET, AND THE FUTURE EXTENSION OF THE PUBLIC WATER SYSTEM IS SAFEGUARDED.

Conclusions of Law (Continued): Based upon the findings of fact and the evidence, the Council concludes that the property is served by adjacent sanitary sewer facilities and do not require the use of interim development standards in order to permit development to proceed in a timely and economical manner in full compliance with Public Facilities and Services Goal, Sewer Services Policy 10.3.7.

PUBLIC FACILITIES AND SERVICES GOAL, STORM DRAIN SERVICES POLICY 10.4.9 URBAN LEVEL DEVELOPMENT SHALL REQUIRE URBAN LEVELS OF STORM DRAINAGE AS PROVIDED BY THE IMPLEMENTING ORDINANCES. INTERIM DEVELOPMENT STANDARDS SHALL ALLOW DEVELOPMENT TO PROCEED IN A TIMELY AND ECONOMICAL MANNER, PRIOR TO FULL EXTENSION AND DEVELOPMENT OF THE STORM DRAIN SYSTEM, PROVIDED THE REQUIREMENTS OF PUBLIC SAFETY, HEALTH AND WELFARE ARE MET.



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Conclusions of Law (Continued): Based upon the findings of fact and the evidence, the Council concludes that the property is served by adjacent underground storm drainage facilities which will not require the use of interim development standards and which will permit development to proceed in a timely and economical manner in full compliance with Public Facilities and Services Goal, Sewer Services Policy 10.4.9.

PUBLIC FACILITIES AND SERVICES GOAL, POLICE PROTECTION SERVICE POLICY 10.6.1
URBAN LEVEL DEVELOPMENT SHALL REQUIRE URBAN LEVELS OF POLICE PROTECTION. AS THE URBANIZING AREA CONVERTS FROM RURAL TO URBAN LEVELS AND INTENSITIES OF LAND USE OVER TIME, POLICE PROTECTION SHOULD BE INCREASED TO MEET THE INCREASED SERVICE NEED.

Conclusions of Law (Continued): The Council concludes that the subject property is within a central portion of the city, an area presently served by urban level police protection provided by the City of Grants Pass, supported by the Josephine County Sheriff and Oregon State Police. Action on the instant land use applications will not affect the delivery of urban police protection nor in any substantive way violate Policy 10.6.1. Therefore, the Council concludes that this application is consistent with Public Facilities and Services Goal, Sewer Services Policy 10.6.1.

PUBLIC FACILITIES AND SERVICES GOAL, FIRE PROTECTION SERVICE POLICY 10.7.2:
URBAN LEVELS OF DEVELOPMENT SHALL REQUIRE URBAN LEVELS OF FIRE PROTECTION AS STIPULATED BY THE IMPLEMENTING ORDINANCES. THE MINIMUM URBAN LEVEL OF FIRE PROTECTION FOR FULLY DEVELOPED RESIDENTIAL, COMMERCIAL AND INDUSTRIAL AREAS SHALL BE THAT QUALIFYING FOR THE INSURANCE UNDERWRITERS RELATIVE CLASSIFICATION RATING OF 5. PROVISION OF FIRE PROTECTION SHOULD BE PHASED OVER TIME AS URBAN LEVEL DEVELOPMENT PROCEED WITHOUT A MINIMUM OF A CLASS 8 RATING, NOR SHALL COMMERCIAL INDUSTRIAL DEVELOPMENT PROCEED WITHOUT A MINIMUM OF A CLASS 9 RATING.

Conclusions of Law (Continued): The Council concludes that the subject property is within an area served by urban level fire protection provided by the City of Grants Pass which holds a fire protection classification rating of 3 from the Insurance Services Office.⁷ The Class 3 rating is superior to and exceeds the required rating of 5.

Action on the instant land use applications will not affect the delivery of urban fire protection nor in any substantive way violate Policy 10.7.2. Therefore, the Council concludes that the application is consistent with Public Facilities and Services Goal, Sewer Services Policy 10.7.2.

Moreover, the Grants Pass Fire Department has apprised the Applicant that available fire flow in this area may be low and will need to be increased. Applicant argues there are two methods by which fire flows can be increased as part of this development. First, it is possible to provide on-site storage in pressurized tanks. Secondly and preferably, it is our understanding a loop fire line is to be installed connecting the line in Fire Mountain Way to the line in Mill Street. The Fire Department has stated that once that line is installed as part of the Home Depot development, fire flow in the area will be sufficient for proposed

⁷ Reference from City of Grants Pass website- <http://www.grantspassoregon.gov/index.aspx?page=73>



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development on the Applicant's parcel. Which method will be used will be submitted when the Applicant applies for site review.

In summary conclusion, the Council concludes that the application is consistent and meets the requirements of all the Comprehensive Plan Goals and policies that are properly construed as decisional criteria consistent with the specific conclusions of law addressing same.

GRANTS PASS URBAN AREA MASTER TRANSPORTATION PLAN POLICY 1.2.1.

(SEE TRANSPORTATION PLANNING SECTION OF THESE CONCLUSIONS OF LAW)

Plan Amendment Criterion 2

- (b) A change in circumstances, validated by and supported by the data base or proposed changes to the data base, which would necessitate a change in findings, goals and policies.

Conclusions of Law: The preface for the approval criteria for comprehensive plan amendments requires the adoption of findings in consideration of the various criteria. The Council interprets this to mean that if a criterion is not applicable, the Council must explain why. Criterion 2 is limited to changes to the [plan's] findings, goals and policies [but not to the comprehensive plan map]. However, this application seeks to amend the comprehensive plan map but not its goals and policies and only the findings to the extent the transportation impact analysis results in a finding that a minor planned transportation improvement project may be appropriate. As such, the Council concludes that Criterion 2 is only narrowly applicable as it relates to a *potential* change to the Grants Pass Urban Area Master Transportation plan and the planning for an intersection improvement that would support future traffic operations at Level of Service "D". The Council concludes the Transportation Impact Analysis supplied with the application updates the transportation facility adequacy data base for this intersection sufficient that if the Council elects to amend its plan, then the planned improvements are validated by the said analysis. Based upon the foregoing findings of fact and conclusions of law, the Council concludes that this application is consistent with Plan Amendment Criterion 2.

Plan Amendment Criterion 3

- (c) Applicable planning goals and guidelines of the State of Oregon.

Conclusions of Law: The proposed plan map amendment is required to comply with the applicable goals and policies of the comprehensive plan. The comprehensive plan, acknowledged by LCDC, addresses the state goals and guidelines and has been deemed acknowledged. That is, the State of Oregon has found the city's comprehensive plan to be consistent with the Statewide Planning Goals (and the implementing administrative rules in OAR Chapter 660). To the extent that any Statewide Planning Goals or implementing administrative rules operate as approval standards in context of this post-acknowledgement



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plan amendment, it is in required compliance with applicable provisions of OAR 660-0012 (the “Oregon Transportation Planning Rule”) and OAR 660-009 (the “Oregon Economic Development Rule”). In the case of OAR 660-0012, the standards are addressed separately below in the Transportation Planning Section, the findings of fact and conclusions of law for which are herewith incorporated and adopted. With respect to OAR 660-009, the same is addressed as herein below under transportation planning, the findings of fact and conclusions of law for which are also herewith incorporated and adopted.

Based upon the foregoing, the Council concludes that the magnitude of the change in this instance — changes to a significantly developed site to permit a complement of uses — is such that it will not violate any of Oregon’s applicable planning goals nor its implementing administrative rules and conclusions of law demonstrating compliance with the relevant rules are provided herein. Therefore the Council concludes that the application is consistent with Plan Amendment Criterion 3.

* * * * *

Plan Amendment Criterion 4

(d) Citizen Review and comment.

Conclusions of Law: Amendments to the comprehensive plan and zoning maps require a Type IV review — the most intensive public land use approval process provided for in the GPDC. The purpose of the Type IV procedure is to provide for quasi-judicial and legislative review of certain designated land use actions by the City Council at a public hearing, following public notice given in a newspaper of general local circulation and mailed notice to nearby property owners (not less than 10 calendar days prior to the public hearing) owning property located within 250 feet of the subject property. The public notice and public hearing has provided for citizen review and comment pursuant to the rules of the City of Grants Pass and the procedures set forth in ORS 197.763. Therefore and on this basis, the Council concludes that Criterion 4 can, will and has been met.

* * * * *

Plan Amendment Criterion 5

(e) Review and comment from affected governmental units and other agencies.

Conclusions of Law: GPDC 3.060 provides for review and comment from affected governmental units and other agencies. According to those Code procedures, within five working days after accepting a complete application, the Community Development Director transmits a copy of the application and other appropriate materials to each municipal department the Director believes might have a potential comment on the proposal. The Community Development Director also forwards the application materials to other governmental agencies which have a regulatory interest in the outcome of the local land use proceeding. Comments received from the various governmental units and other agencies are



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then placed before municipal decision makers before or during the time of public hearing so the same can be given due consideration. These procedures ensure effective communication, review and consideration and the Council concludes that Criterion 5 can, will and has been met.

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Plan Amendment Criterion 6

- (f) A demonstration that any additional need for basic urban services (water, sewer, streets, storm drainage, parks, and fire and police protection) is adequately covered by adopted utility plans and service policies, or a proposal for the requisite changes to said utility plans and service policies as a part of the requested Comprehensive Plan amendment.

Conclusions of Law: Based upon the Findings of Fact in Section IV hereinabove and evidence in Applicant's Exhibits 9, 10 and 11 (regarding public sanitary sewer, water and storm drainage) the Council concludes that there is no *additional* need for these basic urban services as a result of the impacts this application is expected to produce. The Council further concludes that some urban facilities/services must be provided in advance of growth and development, while others respond to growth. Police and fire protection is among the latter, responding with additional resources following growth and development if and as the need arises. This property is served by adequate municipal police and fire protection and there is no additional need for these services to be augmented as a result of this application.

With respect to transportation facilities, the Council concludes that Applicant prepared a Transportation Impact Analysis (TIA). *See*, Exhibit 12. The results of the TIA with respect to the approval criteria are addressed in the below Transportation Planning Section, the findings of fact and conclusions of law for which are herewith incorporated and adopted. The findings of the Transportation Impact Analysis explain that the City's utility plans may appropriately be, but are not required to be, amended to plan a minor transportation improvement project that will assure Level of Service "D" at the end of the planning period for the intersection of F Street and the Grants Pass Parkway. Therefore, the Council concludes this Comprehensive Plan Amendment application appropriately includes an option to change the Grants Pass Urban Area Master Transportation Plan by adding a minor transportation improvement if the Council finds said change to be a benefit to the City's long-range transportation plan in approving the Comprehensive Plan Map Amendment. Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the application is consistent with the requirements of Plan Amendment Criterion 6.

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Plan Amendment Criterion 7

(g) Additional information as required by the review body.

Conclusions of Law: The Council has reviewed and considered all evidence before it and has, to its satisfaction, reconciled or resolved any conflicts of fact or law and has so indicated such occurrences herein. Therefore, the Council concludes that no additional information is required and Criterion 7 has, therefore, been satisfied in full.

* * * * *

Plan Amendment Criterion 8

(h) In lieu of item (b) above, demonstration that the Plan as originally adopted was in error.

Conclusions of Law: The Plan, as originally adopted, has *not* been found to have been adopted in error. Therefore, the Council concludes that Criterion 8 is inapplicable to this land use application.

* * * * *

Plan Amendment Criterion 9

**OREGON ECONOMIC DEVELOPMENT RULE
OREGON ADMINISTRATIVE RULES CHAPTER 660, DIVISION 009**

Post-acknowledgment amendments to comprehensive plans changes are subject to specific provisions of the Oregon Economic Development Rule at Oregon Administrative Rules (OAR) Chapter 660, Division 009. Applicability of these rules are set forth in OAR 660-009-0010(4) which states:

OAR 660-009-0010 (4): For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

Conclusions of Law: The City Council concludes the above administrative rule provides alternative paths to compliance with the OAR 660 Division 009. On February 20, 2008 the City of Grants Pass adopted a complete update to its Comprehensive Plan Economic Element with a new Economic Opportunities Analysis and Economic Development planning provisions that were intended and acknowledged to address all substantive requirements of the most recent OAR 660, Division 009 rule. On that basis, the Council concludes that alternative (a) above is available and that demonstration that the proposed map amendment is



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consistent with the City's most recent the economic opportunities analysis (EOA) is sufficient to demonstrate compliance with OAR 660 Division 009.

The City Council herewith incorporates and adopts the findings of fact in Section IV above with respect Economic Development generally and economic opportunities, site requirements, and employment lands supplies collectively that relate to this Comprehensive Plan amendment. The Council concludes it has reviewed the City's most recent EOA and Economic Element and found no specific components of the said EOA and Economic Element that conflict with the above incorporated Economic Development facts. The Council concludes it has reviewed the City's most recent EOA and Economic Element, adopted February 20, 2008, and found no overarching EOA goals, policies or implementation strategies that conflict with the above incorporated Economic Development facts. Because no conflicts have been identified, the Grants Pass City Council herewith concludes the proposed Comprehensive Plan Map amendment is consistent with the City's most recent adopted EOA and Economic Element and is thus consistent with OAR 660 Division 009.

TRANSPORTATION PLANNING

Transportation Planning Criterion 1

GRANTS PASS URBAN AREA MASTER TRANSPORTATION PLAN POLICY 1.2.1.

MAINTAIN ADEQUATE MOBILITY AT STREET INTERSECTIONS. THE SPECIFIC APPLICATION OF THIS POLICY SHALL BE AS DESCRIBED IN ARTICLE 27 OF THE GRANTS PASS DEVELOPMENT CODE. AT A MINIMUM, LEVELS OF SERVICE SHALL BE MAINTAINED AS FOLLOWS:

- LOS "D" OR BETTER FOR SIGNALIZED INTERSECTIONS AS A WHOLE, AND
- LOS "D" OR BETTER FOR ARTERIAL AND COLLECTOR APPROACHES AT UNSIGNALIZED INTERSECTIONS.

Conclusions of Law: Pursuant to the express language in Policy 1.2.1, the Council concludes that application of this policy is implemented by the below Article 27 GPDC text:

27.121 General Design Standards

- (1) All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit.
- (2) The minimum performance standard for intersections shall be as follows:
 - a) For all signalized intersections:
 - Level of Service "D" or better for the intersection as a whole, and
 - No approach operating below LOS "E", and
 - A volume-to-capacity (v/c) ratio not higher than 1.0 for the sum of critical movements.
 - When a state highway is affected, the City's minimum performance standard shall apply, in addition to the applicable standards of the most recent State Highway Plan as determined by the Oregon Department of Transportation.
 - b) *[Omitted because there are not unsignalized intersections]*



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An approach is described as the flow of traffic entering into the intersection from any given direction. For example, a four-way all-stop-controlled intersection laid out in a north, south, east and west configuration will have four (4) distinct approaches, one from each direction.

A movement is described as directional movement allowed at a given intersection, commonly involving left turns, right turns, and through movements.

Level of service is determined by using the latest edition of the *Highway Capacity Manual (HCM)*.

For the purpose of analysis, the minimum performance standard shall apply to the peak hour of the average day during the first year after opening when approval of a site plan is involved, to the peak hour of the average day during the first year after recording of the final plat when a land division is involved, and to the average day during the first year after opening and 20 years hence when a comprehensive plan amendment and compliance with provisions of the Transportation Planning Rule are involved. The minimum performance standard shall apply to whatever peak hour is determined to produce the greatest traffic impact, even if it is different than the traditional peak hour.

- (3) A traffic analysis report shall be prepared by a Traffic Engineer licensed in the State of Oregon. The City Engineer will maintain written administrative guidelines on the basic requirements for such studies. Unless waived pursuant to subsection b) below, this transportation impact analysis is required prior to City acceptance of applications for Development Permits when the trip generation falls within the ranges given below in subsection a):

a) Trip Generation Ranges

- 1) The development is projected to generate twenty-five (25) or more peak hour trips on an arterial or collector segment or intersection, or;
- 2) The development is projected to generate 500 vehicle trips per day or more on any day of the week.

A transportation impact analysis may also be required under certain conditions:

- 1) When the development will impact known safety, congestion or capacity problems;
- 2) When the project is on a highway segment with special access controls;

b) Waiver or limits to scope

The City Engineer may waive or reduce the scope of the transportation impact analysis if the impacts from the development area are reasonably known and do not provide reasonable justification for the estimated cost of the analysis and report preparation. In waiving or limiting the scope of a transportation impact analysis that would otherwise be required by subsection (1) above, the City Engineer shall make a written determination that potentially affected intersections will not fall below the performance standards of Section 27.121(2) or the intersections have been adequately analyzed already in research and reports available to the City. The City Engineer shall coordinate with ODOT or Josephine County as appropriate prior to waiving or reducing the scope of a transportation impact analysis for any development impacting a state or county maintained roadway.

Conclusions of Law (Continued): The subject property will be and is served by a public urban level street system. Fire Mountain Way, a city street, was constructed to meet the city's local access street standards. A Transportation Impact Analysis (TIA) was prepared by registered professional traffic engineers, Access Engineering, LLC to analyze the prospective traffic impacts of this application pursuant to the relevant requirements of GPDC 27.121. The Council concludes that GPDC 27.121 contains several discrete requirements and adopts the following conclusions of law addressing these discrete requirements, as follows:

- **Scope of Analysis-** The Council concludes that on June 2, 2010 the City of Grants Pass Public Works Department issued a letter which outlined the required scope of work for the traffic analysis. A copy of the scope of work letter is in Exhibit 12. The City Council



concludes that the Transportation Impact Analysis (TIA) in Exhibit 12 is responsive to and consistent with that Scope of Work. Moreover, the Council concludes that the TIA is also consistent, in the following ways, with the TIA scope requirements set forth in GPDC 27.121:

- **Study Area-** The TIA study area described in the scope of work and agreed upon by Access Engineering, included Fire Mountain Way at its intersection with “F” Street, and “F” Street at its intersection with the Grants Pass Parkway. The Council concludes that the study area established by the Public Works Department is appropriate because these are the only two intersections expected to fall within the trip generation range of 25 or more peak hour trips requiring study at GPDC 27.121(3)(a)(1). All other intersections will be impacted by fewer than 25 peak hour trips and are not required to be studied under the terms of the GPDC.
 - **Analysis Period(s)-** The TIA covers the year in which the intended project will be built — the “build year” — 2011. The TIA also covers a 20-year future planning horizon (2030) and these analysis years are consistent with the scope of work issued by the City and the GPDC requirements above set forth.
 - **Trip Generation-** The Council concludes that the trip generation methodology utilized in the TIA fairly characterizes the trip generation potential associated with development expected to result from the proposed plan amendment and zone change and is consistent with the generation methods approved by the Grants Pass Traffic Engineering staff.
 - **Trip Distribution-** The Council concludes the trip distribution methodology utilized in the TIA fairly characterizes the directional distribution of trips entering and leaving the site from the development expected to result from the proposed plan amendment and zone change and is consistent with the distribution methods approved by the Grants Pass Traffic Engineering staff.
- **Results of the Analysis**
- **2011 (Build-Year):** The Council concludes that the GPDC requires a demonstration of compliance with the City’s traffic performance standards for affected roadways in the year of opening, but that ODOT has no performance standards which apply at the year of opening (except for access permitting standards). The Council concludes as follows with respect to the City’s standards:
 - The TIA demonstrates that Level of Service (“LOS”) D will be met for the intersection as a whole at Grants Pass Parkway and “F” Street and LOS C for the intersection as a whole at Fire Mountain Way and “F” Street.
 - The TIA demonstrates that no approaches will exceed LOS E for the intersection of Grants Pass Parkway and “F” Street and LOS C for the intersection of Fire Mountain Way and “F” Street.



Findings of Fact and Conclusions of Law

Comprehensive Plan and Zone Change Applications
Freedman FMG Property, LLC: Owner/Applicant

- The TIA demonstrates that the ratio of volume to capacity (“v/c”) for the intersection of Grants Pass Parkway and “F” Street will be less than 1.0 and the v/c for the intersection of Fire Mountain Way and “F” Street will be less than 1.0.
- o **2030 (Planning-Year):** The Council concludes that the GPDC requires a demonstration of compliance with the City’s and ODOT performance standards twenty years hence pursuant to the Transportation Planning Rule when the same is applicable. In this instance, twenty years hence is 2030. The City Council also observes that the GPDC makes specific reference to the Transportation Planning Rule in its code provisions. In setting forth performance standards, the GPDC is silent on the correct application of GPDC 27.121 and Master Transportation Plan Policy 1.2.1 where the Transportation Planning Rule is involved and the performance analysis demonstrates a facility is otherwise projected to perform below the adopted performance standards. Because the GPDC is silent on this issue, the Council concludes that the GPDC is properly interpreted in a manner consistent with the referenced Transportation Planning Rule at OAR 660-012-0060(1)(c). In fact, the Council is required to interpret its ordinance consistent with the state rule which is implemented by the City’s ordinance. The Council thus concludes that satisfaction of Policy 1.2.1 and GPDC 27.121 is achieved where the transportation impacts in relation to the City’s standards, in addition to ODOT’s standards for a State Highway, are analyzed and the evidence shows that the proposed Comprehensive Plan amendment and/or zone change will not cause the performance of the transportation facility to be made worse twenty years hence. Consistent with this interpretation, the City Council concludes as follows with respect to the planning year (2030) impacts of the proposed Comprehensive Plan amendment and zone change from Industrial to Business Park, as follows:
 - The TIA demonstrates that all City performance standards will be met for the intersection of “F” Street and Fire Mountain Way. The overall intersection LOS will be C which is better than and meets the LOS D standard. No intersection approaches will exceed the City’s LOS E performance standard. The overall intersection v/c less than 1.0.
 - The TIA demonstrates that all City performance standards, as well as the ODOT performance standard, will be exceeded for the intersection of Grants Pass Parkway and “F” Street by 2030 with or without the proposed Comprehensive Plan Map and Zoning Map amendments.
 - The TIA demonstrates that none of the adopted performance standards will be made worse as a result of the Comprehensive Plan Amendment and Zone Change. The overall intersection v/c ratio will be 1.17 with or without the amendments. The LOS will be F with or without the amendments.⁸

⁸ The TIA also demonstrates no appreciable change in delay (~3 sec.) with or without the amendments all within the LOS F range.



Findings of Fact and Conclusions of Law
Comprehensive Plan and Zone Change Applications
Freedman FMG Property, LLC: Owner/Applicant

- **Minor Transportation Improvement Planning:** The Council concludes that the TIA identifies improvements that would improve the operation of Grants Pass Parkway and “F” Street to meet LOS D in the planning year (2030). The Council also concludes that improvements identified in the TIA are considered minor transportation improvements under the Transportation Planning Rule because they are limited to turning lane improvements that the TPR allows but does not mandate such improvements be planned as projects within the TSP.⁹ The Council further concludes that, while not required to satisfy the specific criteria under TPR (for this application) the consideration of amendments to the Master Transportation Plan to add such improvements as a planned project may be appropriate in the context of Plan Amendment Criterion 6. Thus, the Council concludes and reserves its right to evaluate whether inclusion of such improvements as a planned project and associated change to the Master Transportation Plan would be a benefit to said plan.

Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the application is consistent with the requirements of Master Transportation Plan Policy 1.2.1, as implemented by GPDC 27.121.

* * * * *

Transportation Planning Criterion 2

Amendments to acknowledged comprehensive plans and zone changes are subject to specific provisions of the Oregon Transportation Planning Rule at Oregon Administrative Rules (OAR) Chapter 660, Division 012. The rule provisions applicable to plan amendments are in OAR 660-012-0060 which states in pertinent part:

OREGON TRANSPORTATION PLANNING RULE

Oregon Administrative Rules Chapter 660, Division 12

OAR 660-012-0060: PLAN AND LAND USE REGULATION AMENDMENTS

Section 660-012-0060 (1)

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or

⁹ TPR Definition (15) "Minor transportation improvements" include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways or expressways; new collector or arterial streets, road realignments or addition of travel lanes.



Findings of Fact and Conclusions of Law

Comprehensive Plan and Zone Change Applications
Freedman FMG Property, LLC: Owner/Applicant

- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Conclusions of Law: Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the applications (for both the comprehensive plan amendment and zone change) are consistent with Transportation Planning Criterion 2 because the proposed amendments will not significantly affect a transportation facility for the following reasons:

- Neither the proposed Plan Amendment nor Zone Change will change the functional classification of any existing or planned transportation facilities.
- No changes to the standards implementing the City's functional classification system are proposed or required for either the proposed Plan Amendment or Zone Change.
- The subject property will take access from a local access street planned to accept the types and levels of traffic that can reasonably be expected to be generated by permitted uses that would utilize the site at the end of the planning horizon based upon the Exhibit 12 Traffic Impact Analysis.
- The Exhibit 12 TIA demonstrates that all City performance standards will be met for the intersection of "F" Street and Fire Mountain Way. The overall intersection LOS will be C which is better than and meets the LOS D standard. No intersection approaches will exceed the City's LOS E performance standard. The overall intersection v/c less than 1.0. Therefore, the Comprehensive Plan Amendment will not reduce the performance of this intersection below the minimum acceptable performance standard in the Master Transportation Plan (City's TSP).
- The TIA demonstrates that all City performance standards, as well as the ODOT performance standard, will otherwise be expected to perform below the minimum acceptable performance standard for the intersection of Grants Pass Parkway and "F" Street by 2030. The TIA demonstrates that none of the adopted performance standards will be made worse as a result of the Comprehensive Plan Amendment and Zone Change. The overall intersection v/c ratio will be 1.17 with or without the amendments. The LOS will be F with or without the amendments.

Consistent the above specific conclusions of law, the Council concludes the proposed Comprehensive Plan Map Amendment and associated Zone Change will not significantly affect a transportation facility. Therefore, approval of these applications is not inconsistent (and is therefore consistent) with the requirements of OAR 660-012-0060 (1) — Transportation Planning Criterion 2.



ZONE CHANGE

Grants Pass Development Code (GPDC)

4.033 Criteria for Amendment. The Zoning Map may be amended by the review bodies provided that all the following criteria are met:

Zone Change Criterion 1

(1) The proposed use, if any, is consistent with the proposed Zoning District.

Conclusions of Law: The Council concludes that Criterion 1 does not require the identification of a use but, in this instance, the application contemplates uses that are expected to be formally proposed through the site plan review process. These uses include an Athletic Club, Day Care Center, Restaurant, Specialty Retail, Geologic Museum and expansion of the existing core business all of which are permitted uses in the BP zone pursuant to GPDC Article 12, Schedule 12-2. Therefore, the Council concludes that this application is consistent with Zone Change Criterion 1.

* * * * *

Zone Change Criterion 2

(2) The proposed Zoning District is consistent with the Comprehensive Plan Land Use Map designation.

Conclusions of Law: Schedule 12-1 in GPDC 12.026 sets forth the various Comprehensive Plan Land Use Map Designations along with their various corresponding zoning districts. It shows that the Business Park plan map designation corresponds only to the Business Park (BP) zoning district. This application for zone change was contemporaneously filed with an application that seeks to change the plan map designation of the subject property from Industrial to Business Park and, if approved, the proposed BP zone will be consistent with the Business Park plan map designation. Therefore, the Council concludes that the proposed zone is consistent with the Comprehensive Plan Land Use designation and compliance with Zone Change Criterion 2 has been established.

* * * * *

Zone Change Criterion 3

(3) A demonstration that existing or proposed levels of basic urban services can accommodate the proposed or potential development without adverse impact upon the affected service area or without a change to adopted utility plans.

Conclusions of Law: Based upon the Findings of Fact in Section IV hereinabove and evidence introduced into the record as Applicant's Exhibits 9 through 11 (regarding public facilities) the Council concludes that all required basic urban public facilities and services are available to serve the subject property. The Council concludes that the potential land uses are those permitted in the BP zone as set forth in the GPDC. Therefore, the Council concludes



that the zone change application is consistent with the requirements of Zone Change Criterion 3.

* * * * *

Zone Change Criterion 4

- (4) A demonstration that the proposed amendment is consistent with the functions, capacities and performance standards of transportation facilities identified in the Master Transportation Plan.

Conclusions of Law: The City Council herewith incorporates and adopts its conclusions of law in the Transportation Planning section — Transportation Planning Criterion 1 and 2. The City Council concludes that Zone Change Criterion 4 above is general in nature and for which demonstration of compliance with the more specific criteria addressed in the Transportation Planning Section above is both necessary and sufficient to demonstrate compliance with the generalized Zone Change Criterion 4. Consistent with this conclusion, the City Council deduces that because the application has been found consistent with the more specific criteria in the Transportation Planning Section, this application is also consistent with Zone Change Criterion 4.

* * * * *

Zone Change Criterion 5

- (5) The natural features of the site are conducive to the proposed Zoning District.

Conclusions of Law: The Council finds from the evidence that the subject property has no unique or unusual natural features or other features that preclude the change in zoning designation or which prevent intensified development of the subject property with uses permitted in the *Business Park* zone. Therefore, the Council concludes that the zone change application is consistent with the requirements of Zone Change Criterion 5.

* * * * *

Zone Change Criterion 6

- (6) The proposed zone is consistent with the requirements of all overlay Districts that include the subject property.

Conclusions of Law: Based on the City of Grants Pass map overlays, the entire City of Grants Pass is designated as deer habitat. The subject property is not separately or more specifically designated as wildlife habitat and exists within a central portion of the city that is also fully urbanized with buildings, streets, off-street parking, ornamental landscaping and other urban features. While the Council believes that deer may sometimes be present in central portions of the city, such areas do not constitute habitat worthy of natural preservation. Therefore and because the subject property is not covered by any other regulatory overlay zones, the Council concludes that compliance with Zone Change Criterion 6 is established.

* * * * *



Zone Change Criterion 7

- (7) The timing of the zone change request is appropriate in terms of the efficient provision or upgrading of basic urban services versus the utilization of other buildable lands in similar zoning districts already provided with basic urban services.

Conclusions of Law: The Council herewith incorporates by reference and adopts its findings of fact and conclusions of law for Zone Change Criterion 3 with respect to the plan amendment and the nature of the contemplated project to result from the requested zone change. Consistent with these findings of fact and conclusions of law, basic urban services exist and are sufficient in size and capacity to accommodate future development intensification of the site for uses permitted in the *Business Park* zone. Therefore, the Council concludes that the zone change application is consistent with Zone Change Criterion 7.

* * * * *

Zone Change Criterion 8

- (8) In the case of rezoning from the Urban Reserve District, that the criteria for conversion are met, as provided in Section 4.034.

Conclusions of Law: The Council concludes that Criterion 8 is inapplicable by reason that the proposed zone change is neither to be from nor to the Urban Reserve District. Therefore, compliance with Zone Change Criterion 8 is established by reason of inapplicability.

* * * * *

VI

APPLICANT AGREED TO STIPULATIONS

As part of these land use applications, Applicant Fire Mountain Gems herewith agrees to stipulate to the following matters to which it agrees to adhere if the same are made condition(s) attached to approval of these applications:

1. Building permits for uses permitted only in the Business Park (BP) zoning district contemplated on the subject property will not be issued by the City until the physical transportation system improvements which were required as conditions to the city's approving the nearby Home Depot store are either constructed or their funding is assured. Provided, however, that this will not limit Applicant Fire Mountain Gems from obtaining building permits for use(s) which are permitted in *both* the BP and Industrial (I) districts before the said transportation system improvements.



VII

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, the City Council for the City of Grants Pass ultimately concludes that these contemporaneously filed land use applications both conform with all of the relevant substantive approval criteria of the City of Grants Pass and the State of Oregon. Therefore, the Council orders that the same be and they are hereby approved and that the official Grants Pass Comprehensive Plan and Zoning maps shall be amended to expand the adjacent *Business Park (BP)* plan and zoning designations to include the subject properties identified as Tax Lots 905 and 907 on Map 36S-5W-17D.

Respectfully submitted on behalf of Applicant Freedman FMG Property LLC:

CSA PLANNING, LTD.



Craig A. Stone

Dated: February 22, 2011

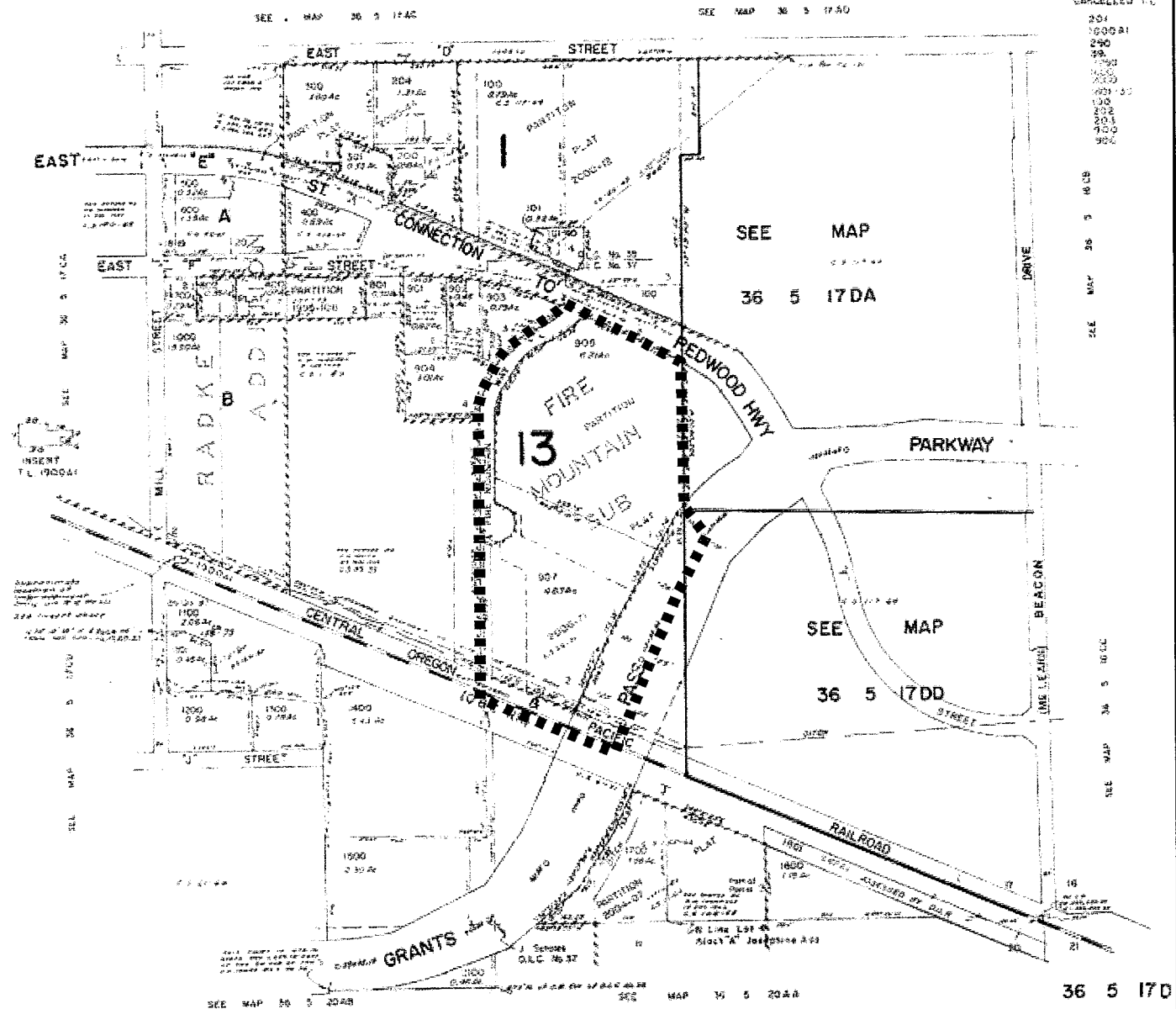


BOOK 6


SE 1/4 SEC 17 T 36S R 5W WM.
JOSEPHINE COUNTY

36 5 17D
& INDEX

This map was prepared for
assessment purposes only.



Legend

 Proposed Zone Change Area

Assessment Plat Map

Exhibit 3

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems



CSA Planning, Ltd.

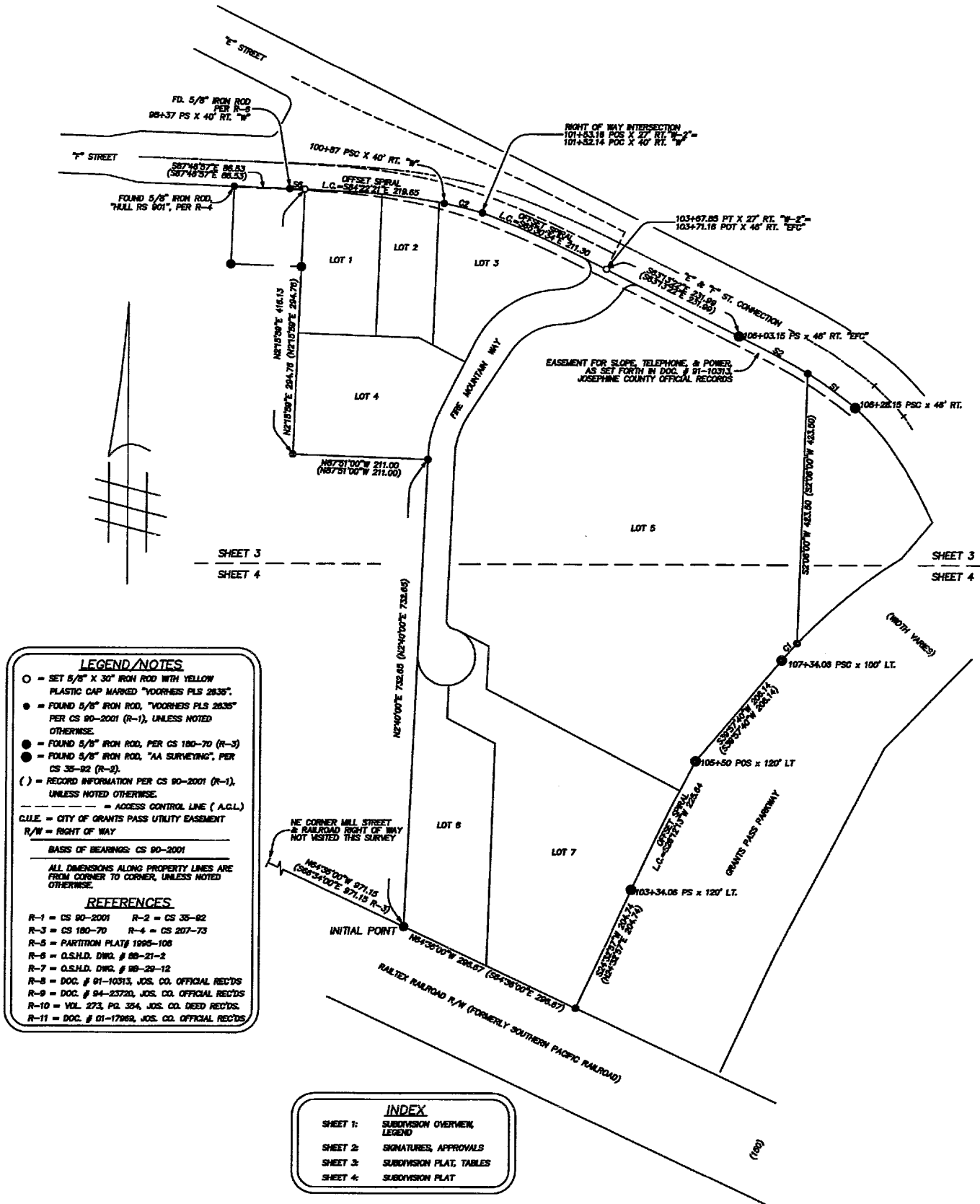
Modified Scale



Date: January 2011

Source: CSA Planning, Josephine County LION, City of Grants Pass

FINAL PLAT OF FIRE MOUNTAIN SUBDIVISION



THIS PLAT WAS PREPARED WITH A HEWLETT-PACKARD (HP) DESIGN JET 430
USING NO. C4B44A INKJET INK ON CONTINENTAL IMAGING NO. JPC4M2 POLYESTER FILM.

**VOORHEIS LAND SURVEYING, John J. Voorheis, PLS 2635
3388-B Merlin Road # 113, Grants Pass, Oregon (541) 478-0801**

Fire Mountain Subdivision

SITUATED IN THE SE 1/4 SECTION 17, T.36 S., R.5 W., W.M.,
CITY OF GRANTS PASS, JOSEPHINE COUNTY, OREGON
SURVEY FOR: Fire Mountain Gems
Grants Pass, Oregon
DATE: Feb. 23, 2004
SCALE 1" = 100'

INDEX

SHEET 1:	SUBDIVISION OVERVIEW, LEGEND
SHEET 2:	SIGNATURES, APPROVALS
SHEET 3:	SUBDIVISION PLAT, TABLES
SHEET 4:	SUBDIVISION PLAT

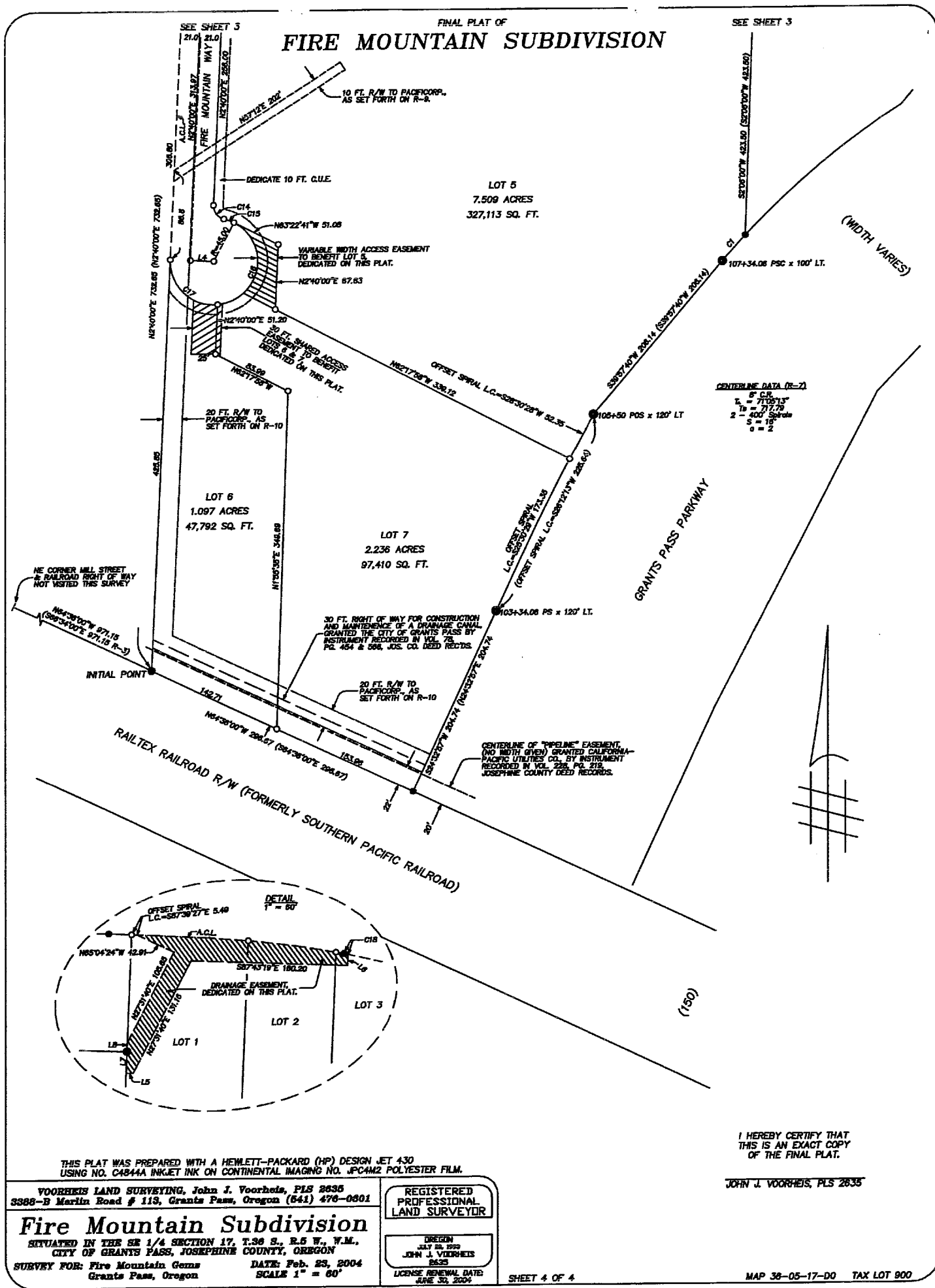
I HEREBY CERTIFY THAT
THIS IS AN EXACT COPY
OF THE FINAL PLAT.

JOHN J. VOORHEIS, FLS 2835

OREGON
JULY 18, 1993
JOHN J. VOORHEIS
2635
LICENSE RENEWAL DATE:
JUNE 30, 2004

SHEET 1 OF 4

MAP 36-05-17-00 TAX LOT 900

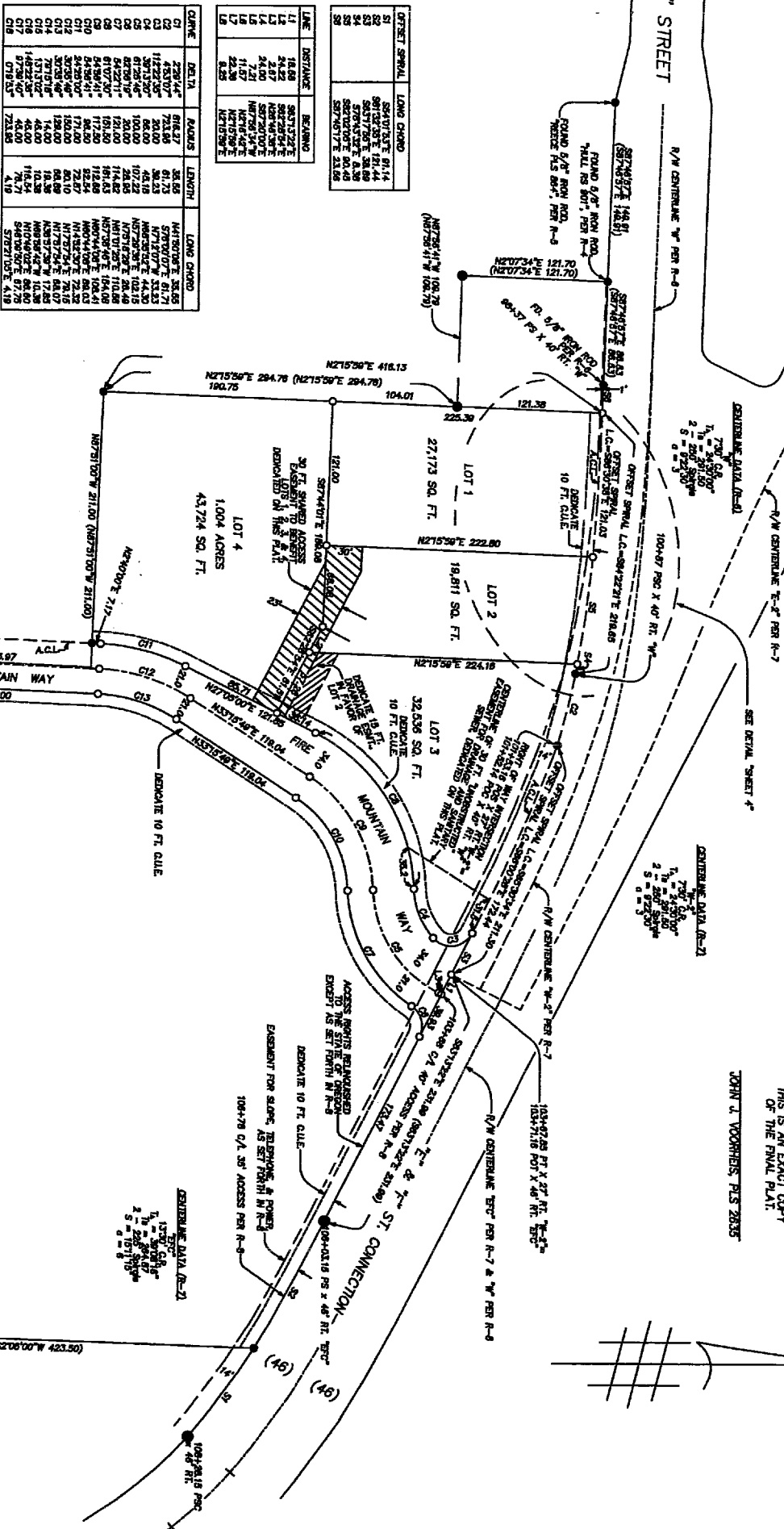


FIRE MOUNTAIN SUBDIVISION

FINAL PLAT OF

I HEREBY CERTIFY THAT
THIS IS AN EXACT COPY
OF THE FINAL PLAT.

JOHN L. VOORHIES, PLS 2835

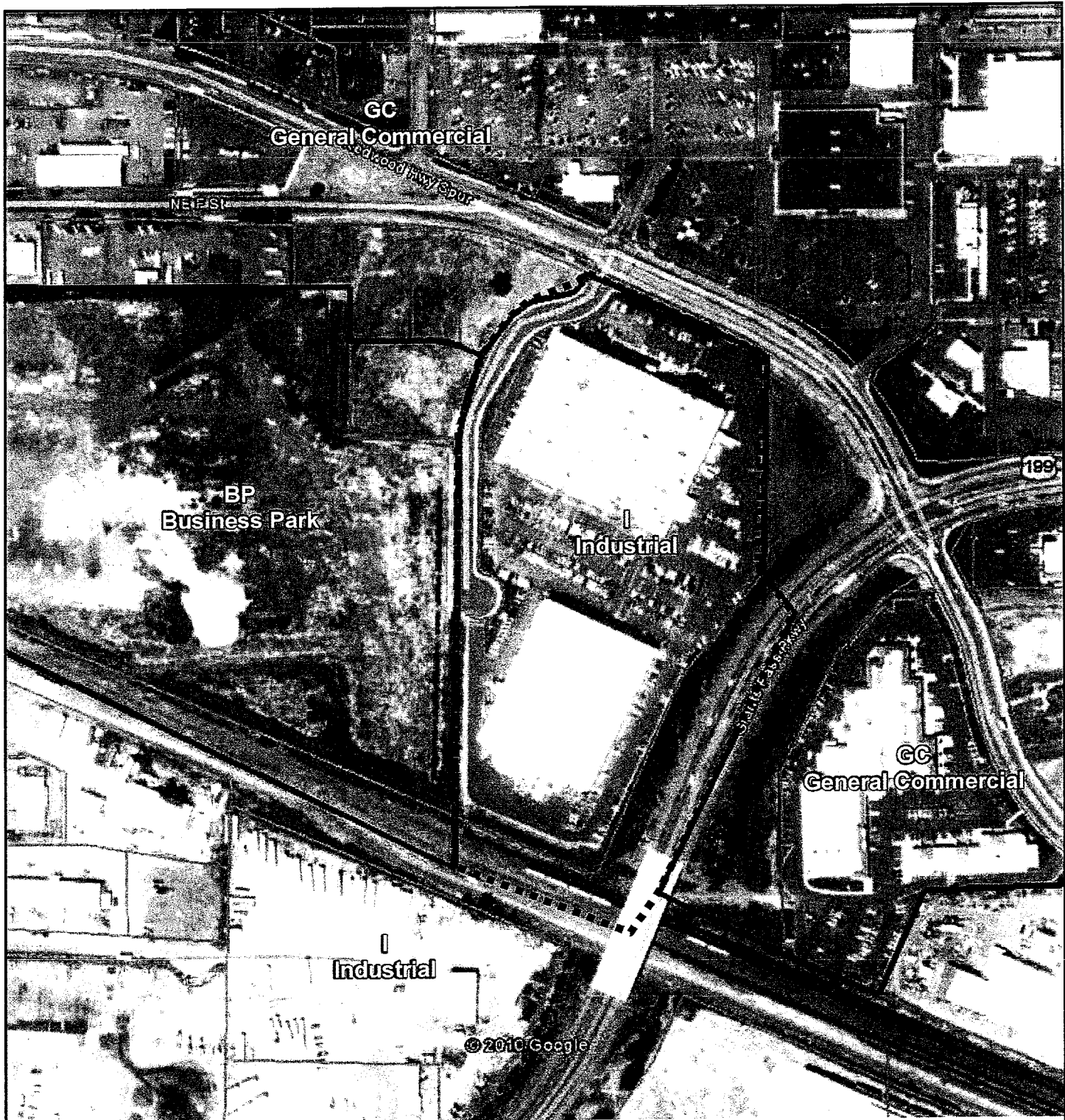


LINE	DISTANCE	BEARING
L1	18.83	S87°32'22"E
L2	24.82	N82°46'38"E
L3	2.07	N82°46'38"E
L4	24.00	S87°20'10"E
L5	11.57	N87°14'42"E
L6	22.39	N87°15'29"E
L7	8.25	N87°15'29"E


LINE	DISTANCE	BEARING
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L6	22.39	N87°15'29"E
L7	8.25	N87°15'29"E


LINE	DELTA	BEARS	LENGTH	LONG CHORD
C1	270°14'	618.27	38.52	N41°30'07"E 38.52
C2	43°30'07"	723.86	61.73	S70°10'07"E 61.73
C3	112°22'35"	20.00	20.00	N87°15'07"W 20.00
C4	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C5	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C6	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C7	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C8	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C9	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C10	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C11	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C12	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C13	87°13'25"	20.00	20.00	N87°15'07"W 20.00
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C18	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C19	87°13'25"	20.00	20.00	N87°15'07"W 20.00
C20	87°13'25"	20.00	20.00	N87°15'07"W 20.00


THIS PLAT WAS PREPARED WITH A HENNETT-PACKARD (HP) DESIGN SET 430
USING NO. C8444 MARKET HKT ON CONVENTIONAL MACHING NO. PCOM2 POLYESTER FILM.
VOORHIES LAND SURVEYING, John L. Voorhies, PLS 2835
5986-B Martin Road # 118, Grants Pass, Oregon (541) 476-0601
Fire Mountain Subdivision
SITUATED IN THE SE 1/4 SECTION 17, T.36 S., R.6 E., W.4 M.,
CITY OF GRANTS PASS, JOSEPHINE COUNTY, OREGON
SURVEY FOR: Fire Mountain Subdivision
Grants Pass, Oregon
DATE: Feb. 28, 2004
SCALE: 1" = 60'
REGISTERED
PROFESSIONAL
LAND SURVEYOR
JOHN L. VOORHIES
PLS 2835
LICENSE NUMBER: 1001
DATE: 01/01/2001
SHEET 3 OF 4
MAP 36-05-17-00 TAX LOT 800



Legend

 Proposed Zone Change Area

 Tax Lots

 Zoning

* 2010 Aerial

Existing Zoning on Aerial

Exhibit 5

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems



CSA Planning, Ltd.

Modified Scale



Date: January 2011

Source: CSA Planning, Josephine County LION, City of Grants Pass, Google Earth

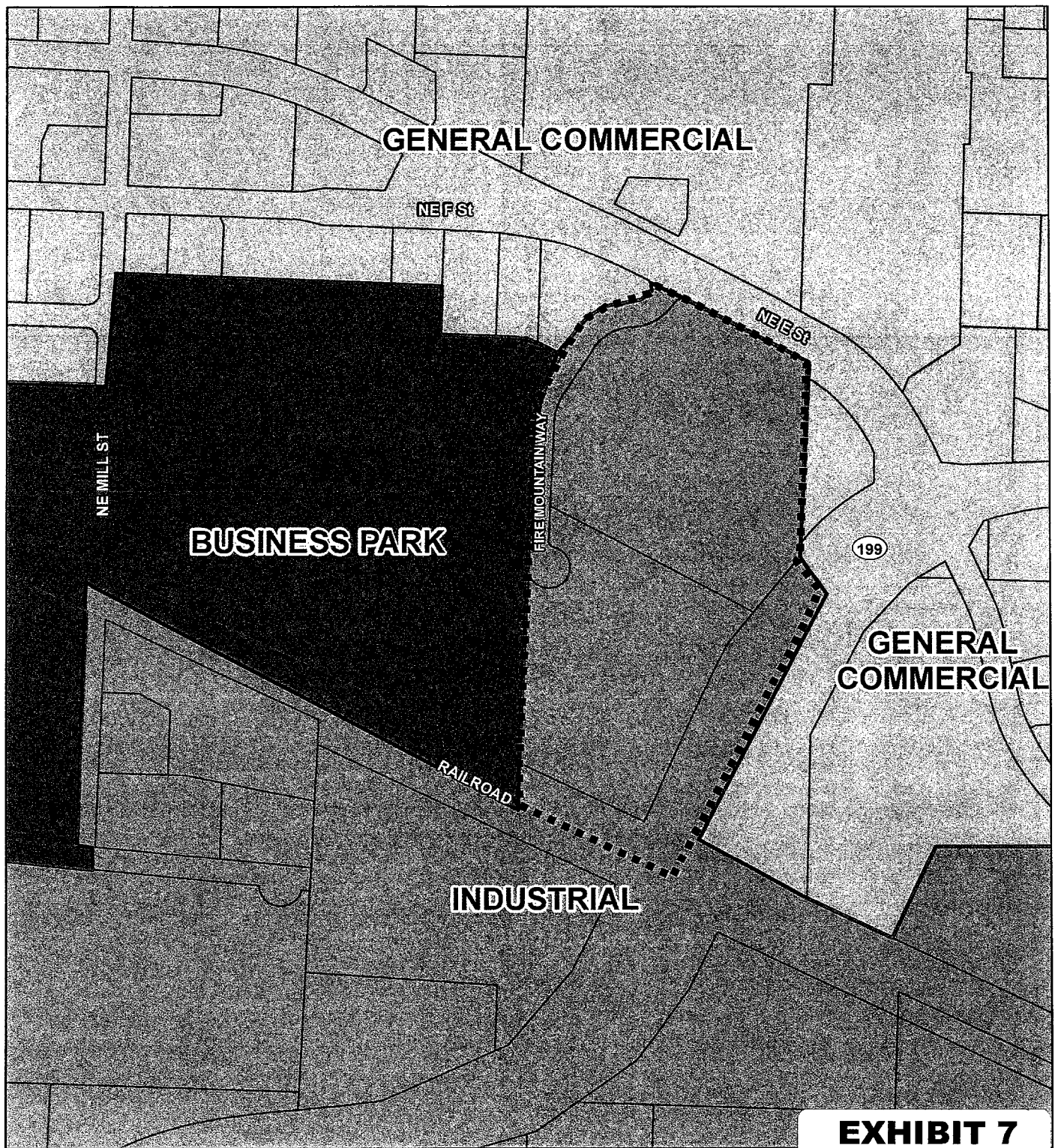


EXHIBIT 7

Subject Area
 Tax Lots
Existing Comprehensive Plan
 Business Park
 GC
 Industrial

Existing Comprehensive Plan

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems

Exhibit 7

CSA Planning, Ltd.

300 150 0 300 Feet



Date: January 2011

Source: CSA Planning, Josephine County LION, City of Grants Pass

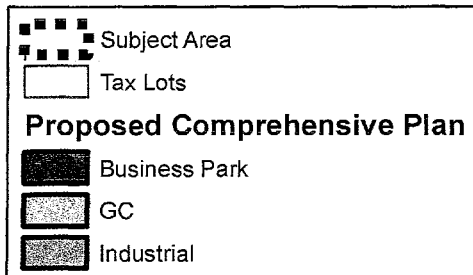
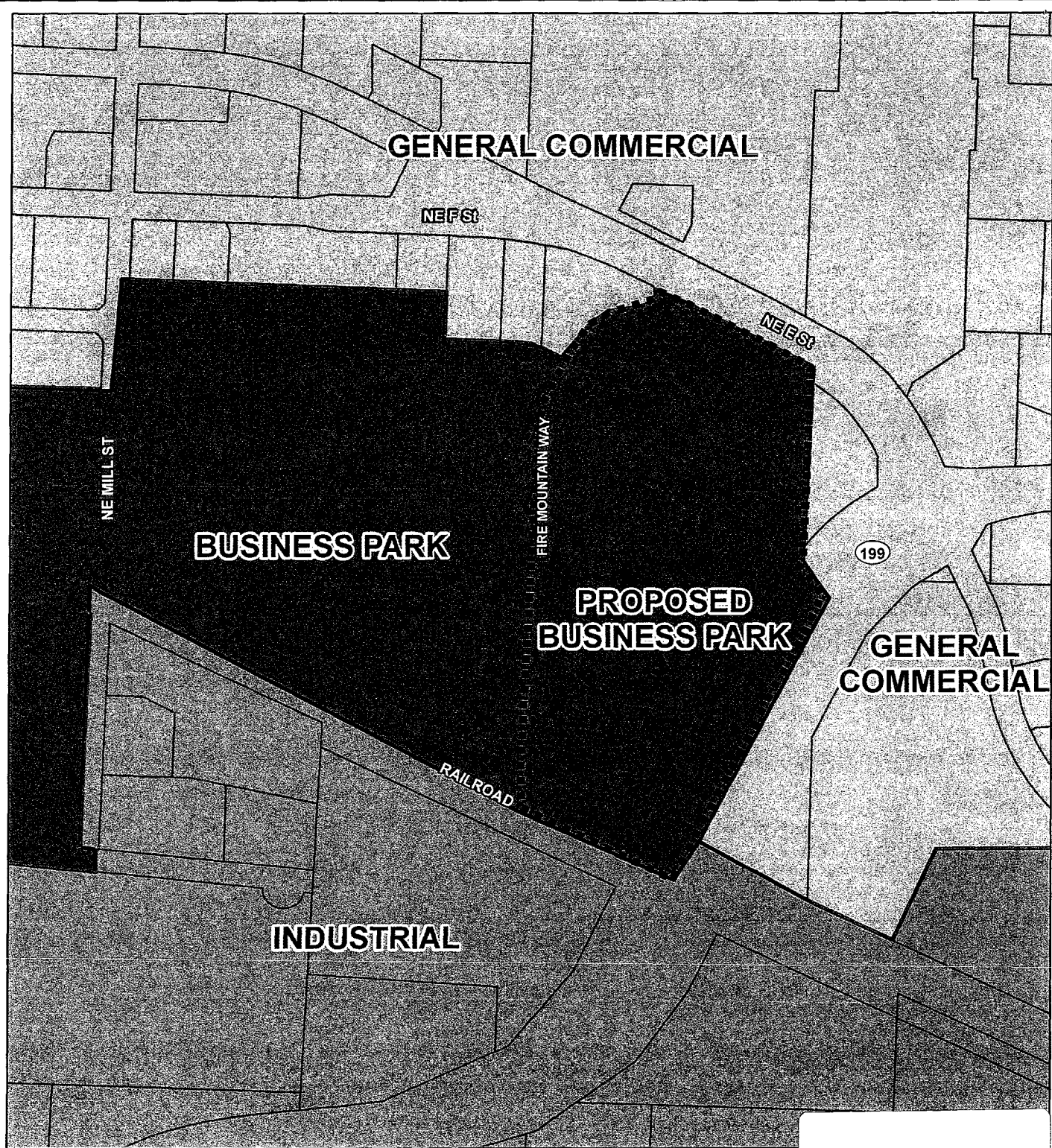


EXHIBIT 8

Proposed Comprehensive Plan

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems Exhibit 8

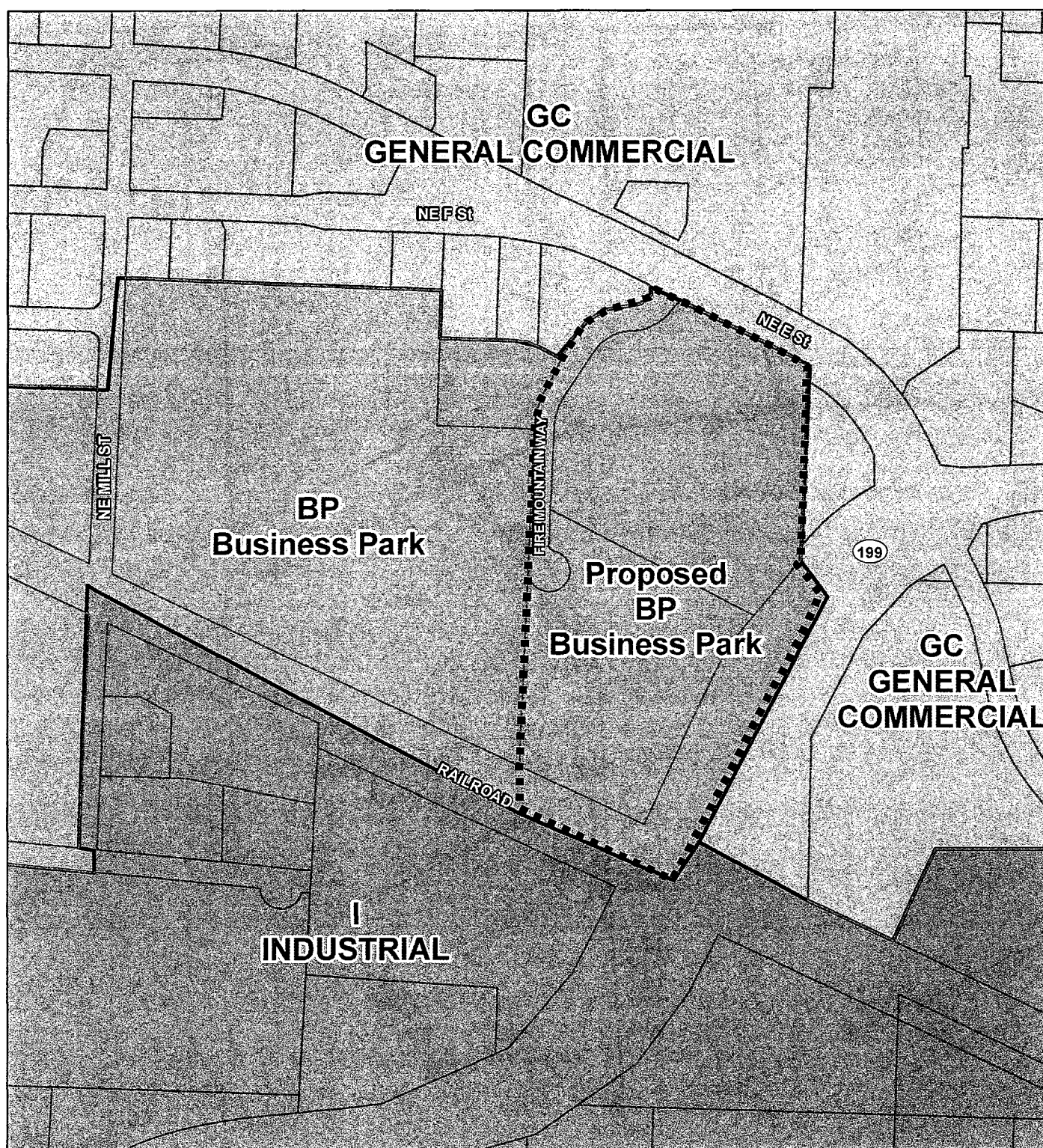
300 150 0 300 Feet

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CSA Planning, Ltd.

Date: January 2011

Source: CSA Planning, Josephine County LION, City of Grants Pass



Area Proposed BP

Tax Lots

Zoning

Business Park

GC

Industrial

Proposed Zoning

Exhibit 6

Comprehensive Plan Amendment & Zone Change

Fire Mountain Gems



CSA Planning, Ltd.

300 150 0 300 Feet



Date: January 2011

Source: CSA Planning, Josephine County LION, City of Grants Pass

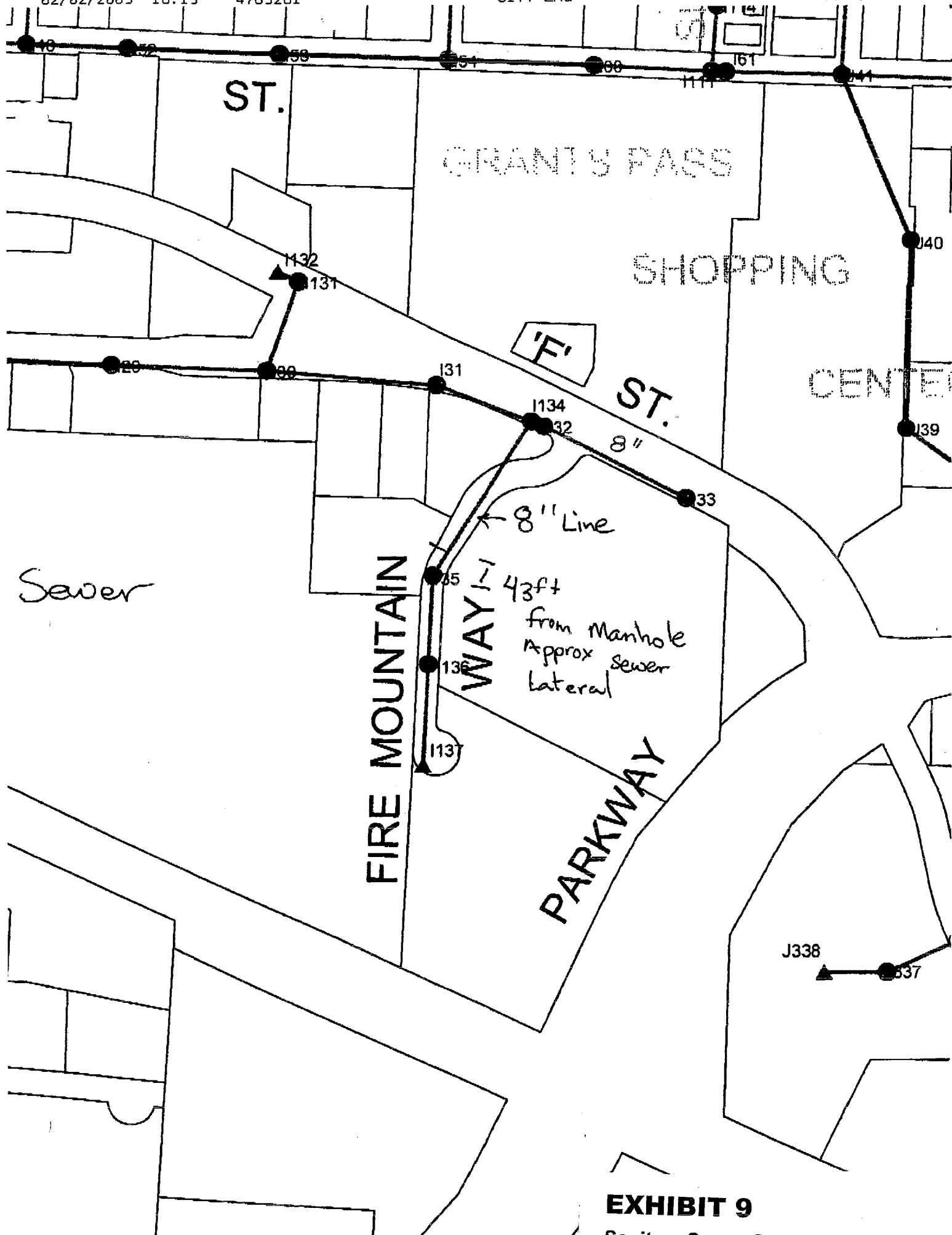


EXHIBIT 9

Sanitary Sewer

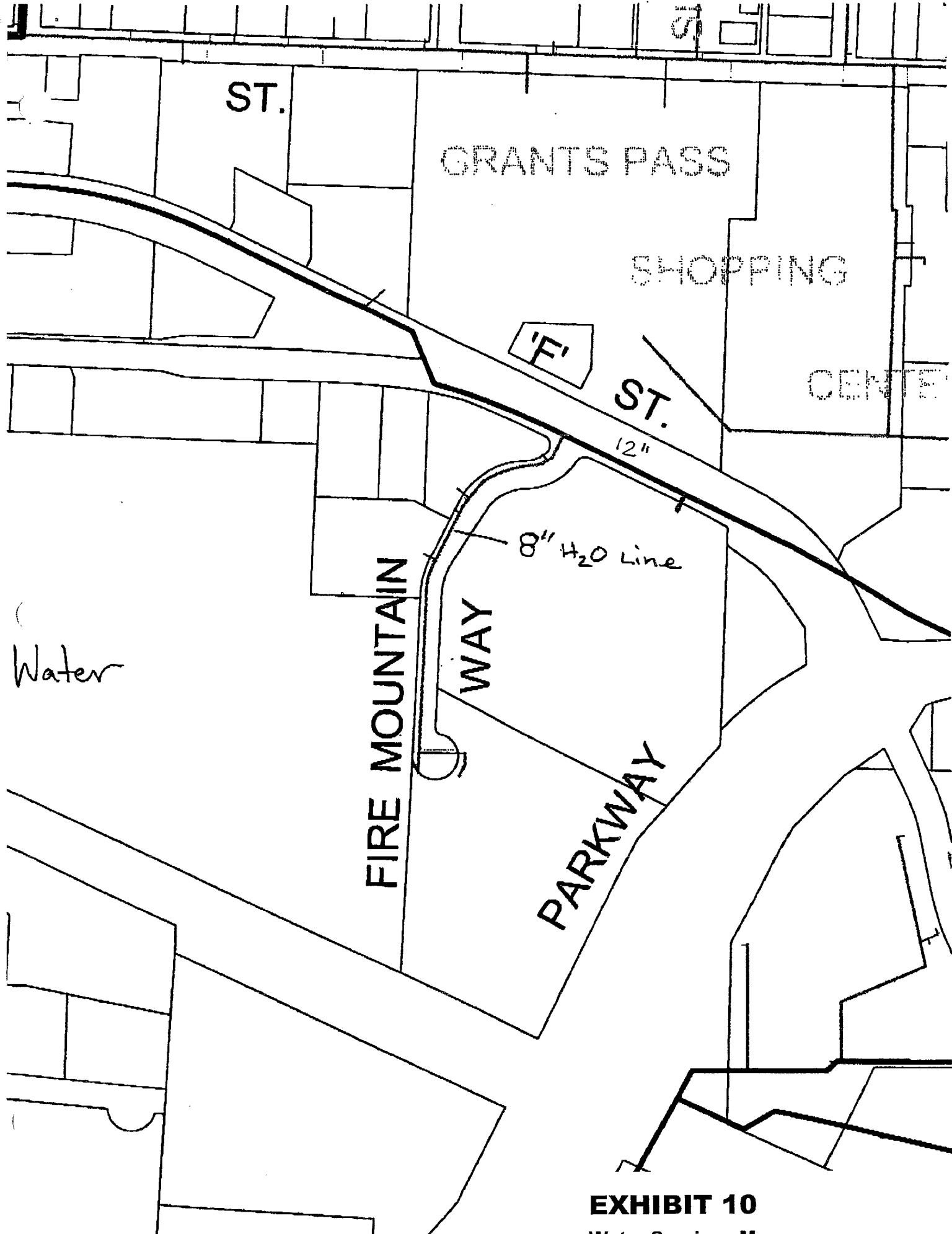


EXHIBIT 10

Water Services Map

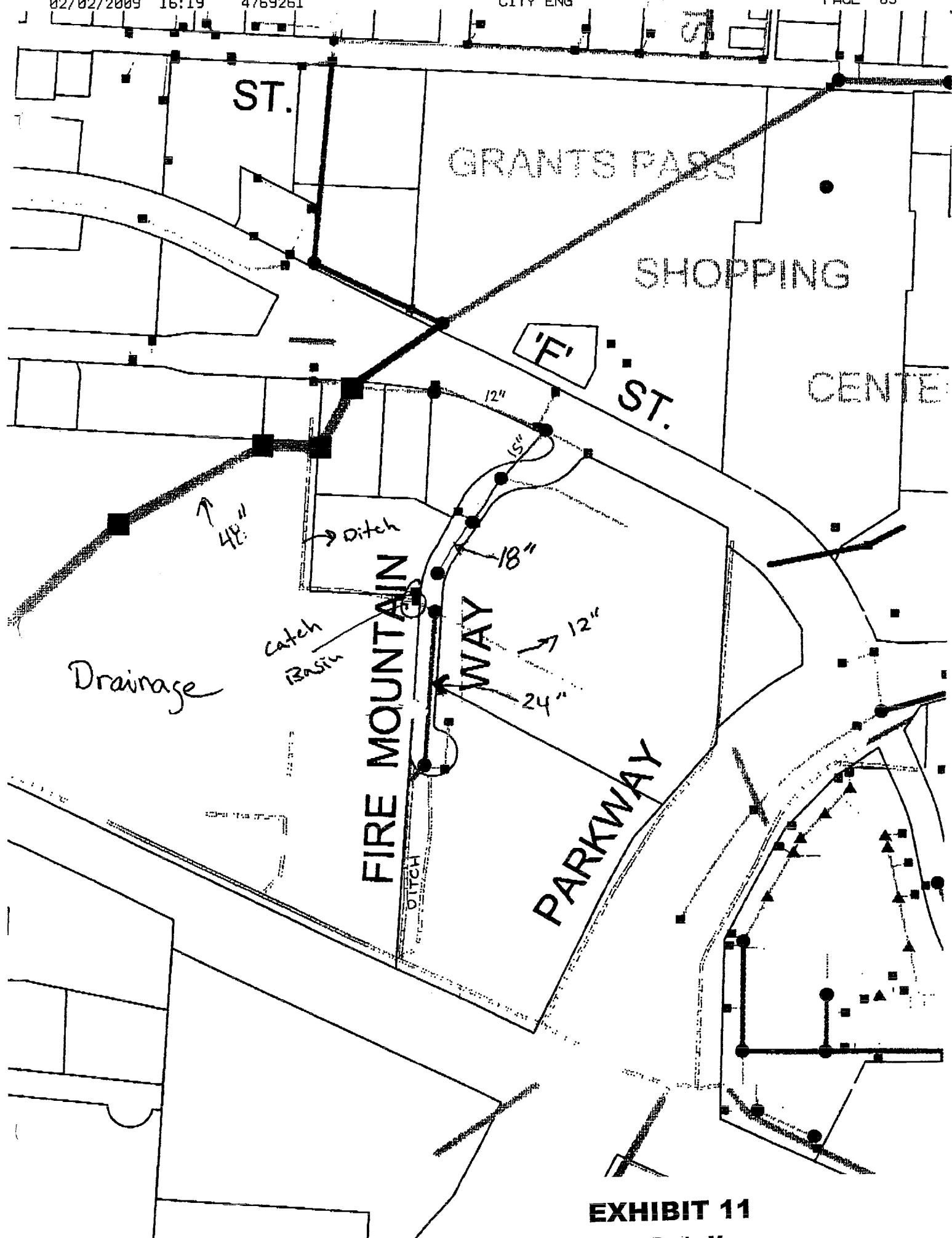





EXHIBIT 11

Storm Drain Map



Legend

-  Proposed Zone Change Area
-  Tax Lots
-  Zoning

* 2010 Aerial

Photo Key Map

Comprehensive Plan Amendment & Zone Change
Fire Mountain Gems



CSA Planning, Ltd.

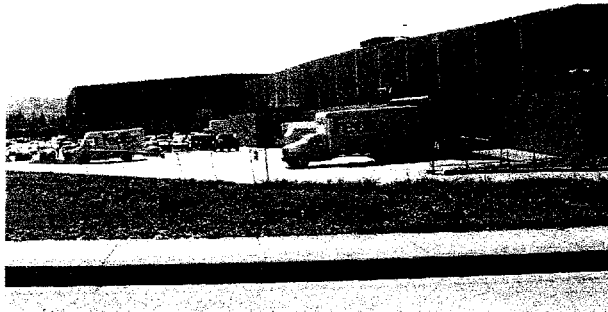
Modified Scale



Exhibit 12

Date: January 2011

Source: CSA Planning, Josephine County LION, City of Grants Pass, Google Earth



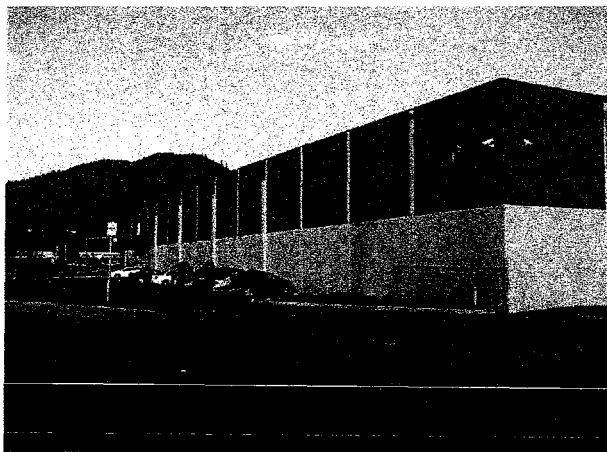
①

Eastern façade
Fire Mountain Gems
Shipping Docks
Warehouse beyond



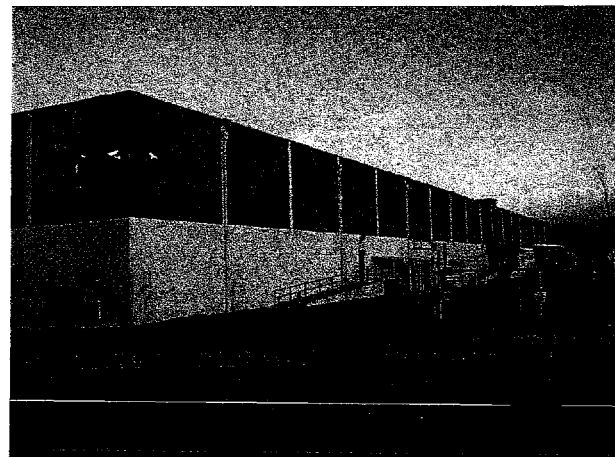
②

Northern Façade
Fire Mountain Gems
on 'F' Street



③

Western facade
Fire Mountain Gems
facing Fire Mountain Way



④

Southern Façade
Fire Mountain Gems
facing parking lot

Legend

②

Photo ID
Number

Property Photos

Exhibit 12

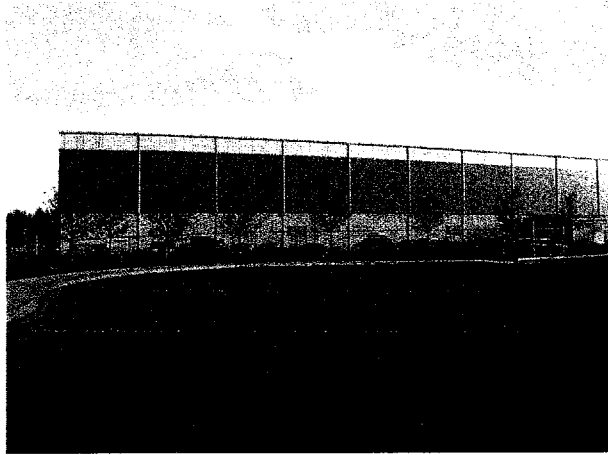
Comprehensive Plan Amendment and Zone Change

Fire Mountain Gems



CSA Planning, Ltd

February 18, 2011



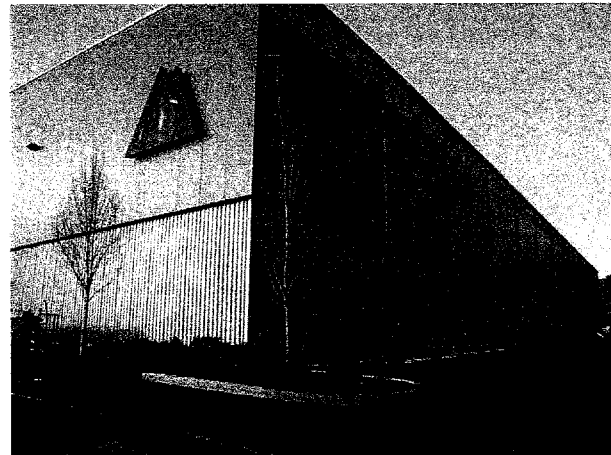
⑤ Warehouse west façade from
cul-de-sac



⑥ View of warehouse from
'F' Street. Parking and FMG
Building on left



⑦ Warehouse south façade
With loading dock



⑧ SE corner of Warehouse

Legend

② Photo ID
Number

Property Photos

Exhibit 12

Comprehensive Plan Amendment and Zone Change

Fire Mountain Gems



CSA Planning, Ltd

February 18, 2011



Access Engineering LLC

24 E. 13th Ave. Suite 2

Elmira, Oregon 97401

Phone & Fax

541-485-3215

infoaccesseng.com

Transportation Engineering

Traffic Design

Trip Generation

Access Management

Traffic Counts

Street Lighting

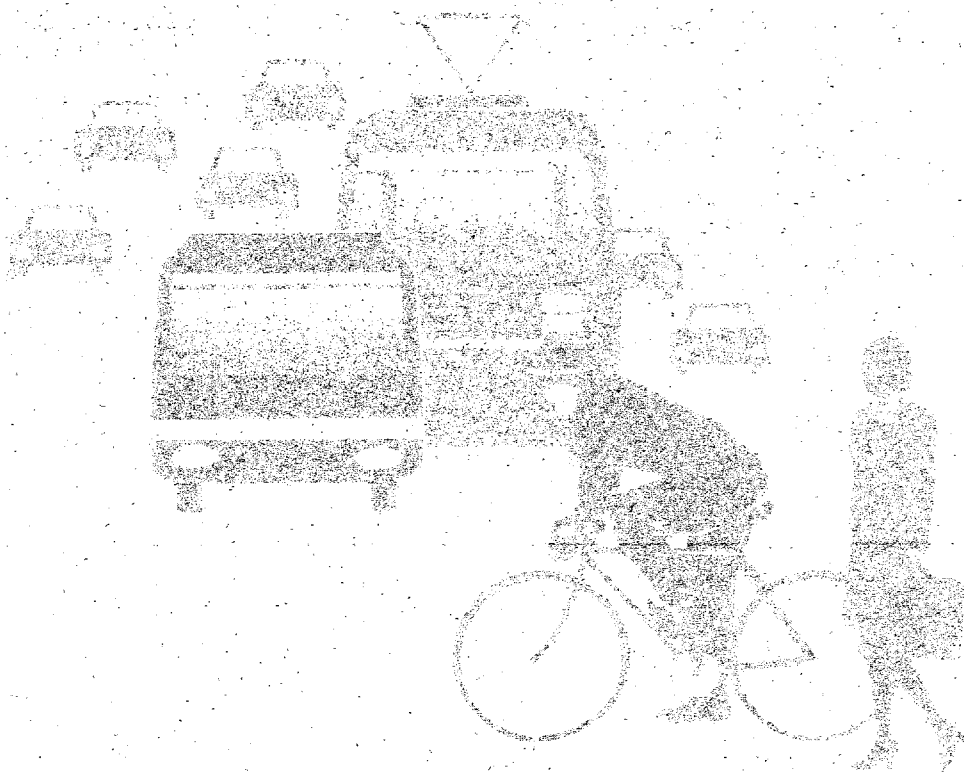
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FEB 25 2011

CITY OF GRANTS PASS

Fire Mountain Gems Tax Lots 905 & 907 Plan Amendment and Zone Change Traffic Impact Analysis

Grants Pass, Oregon



December 22, 2010

EXHIBIT 6

**Fire Mountain Gems Tax Lots 905 & 907
Plan Amendment & Zone Change
Traffic Impact Analysis**

Grants Pass, Oregon



Renews: 6/30/12

December 22, 2010

Fire Mountain Gems Tax Lots 905-907 - Plan Amendment and Zone Change Traffic Impact Analysis

I. Executive Summary

This Traffic Impact Analysis is prepared for the proposed Plan Amendment and Zone Change request for the Fire Mountain Gems properties, tax lots 905 and 907, located on the east side of Fire Mountain Way south of "F" Street in Grants Pass, Oregon. The request is to change the zoning of the subject property from (I) Industrial to (BP) Business Park.

The site currently contains two buildings; a 100,486 square foot building for administrative offices, support facilities, packaging, and shipping and receiving; and a 68,400 square foot warehouse facility. The purpose of the zone change is to allow an expansion of the facility to include a "Rock and Gem Museum" and limited retail which are not allowed in the Industrial zone. The expansion could be up to 51,000 square feet and include 36,000 square feet of expanded manufacturing and warehousing space, a 5,000 square foot Athletic Center, a 2,000 square foot restaurant, and a 3,000 square foot Day Care Center, 2,500 square feet for the Museum, and 2,500 square feet for the retail shop. The Day Care Center would be for employees only.

A trip generation and distribution study for the proposed new uses plus expansion has been completed, reviewed, and approved by the City of Grants Pass. The trip generation was determined in two parts; trips were generated for the new land uses using the ITE Trip Generation manual, and trips for the expanded manufacturing and warehousing space were determined by applying the percentage of additional square footage of the expansion to the current trip generation of the existing site determined by driveway counts. The total combined new trips generated was found to be 67 trips in the AM peak hour and 78 trips in the PM peak hour of the site. New trips to and from the site were distributed in proportion to the distribution of peak hour trips at the Fire Mountain Way at "F" Street intersection. The resulting distribution showed that Fire Mountain Way at "F" Street and Grants Pass Pkwy. at "F" Street were the only intersections impacted by at least 25 new trips and hence would require analysis.

Traffic counts were taken at the two study area intersections to determine the existing traffic volumes and level of service during the peak hours of Fire Mountain Gems site and the surrounding streets. The existing traffic conditions show that the traffic volumes in the AM peak hours are significantly less than in the PM peak hours. City staff has agreed that the intersection analysis can be limited to the PM peak hours. An operational analysis of the existing conditions at the two study area intersections revealed that the Grants Pass Pkwy. At "F" Street intersection currently fails to meet the ODOT mobility standard in the PM peak hour. However, both intersections do meet the Grants Pass mobility standard in both peak hours.

EXISTING
CONDITIONS?
W/O PIPELINE
W/ DEVELOPMENT

II. Development Proposal

A. Location and Vicinity Map

The Fire Mountain Gems site in Grants Pass, Oregon totals 11.62 acres consisting of two parcels, tax lots 905 (6.99 a.) and 907 (4.63 a.) on Josephine Co. Tax Map 36S 5W 17D. This site is the headquarters of Fire Mountain Gems located at 1 Fire Mountain Way just south of "F" Street. The location in the Grants Pass area as shown on the vicinity map, Figure 1 in Appendix A.

B. Property Description

Parcel 1 (tax lot 905) contains the administrative offices, support facilities, packaging, and shipping and receiving in a 100,486 square foot building. The building also includes a training center, meeting rooms, banquet area and cafeteria. The parcel is currently split-zoned Industrial (I) and General Commercial (GC). The GC portion consisting of 0.78 acres was purchased in 2007 from ODOT as surplus right-of-way at the Grants Pass Parkway and "F" Street intersection. Parcel 2 (tax lot 907) contains a 68,400 square foot warehouse facility and is currently zoned Industrial (I). The proposal is to change the zoning of the Industrial zoning on both parcels to Business Park zoning. No change to the GC zoning is planned. The purpose of the zone change is to allow an expansion of the facility to include a "Rock and Gem Museum" and limited retail for the purpose of selling products to visitors who tour the Fire Mountain Gems facility.

The facility expansion could be up to 51,000 square feet and include 2,500 square feet for the Museum, 2,500 square feet for the retail shop. The expansion would also include the following uses that are allowed in both I and BP zones: 36,000 square feet of expanded manufacturing and warehousing space, a 5,000 square foot Athletic Center, a 2,000 square foot restaurant, and a 3,000 square foot Day Care Center. The Day Care Center would be for employees only.

As specified in June 2 Scoping Letter from the City of Grants Pass (see Appendix G), the traffic impact analysis will compare the traffic impacts of the above specified expansion to the current traffic generated by the site as measured by the existing driveway usage. The expected year of completion of the developments is 2011.

C. Zone Change Study Area

The study area, as specified in the scoping letter, is to include all arterial and collector streets and all other intersections impacted by 25 or more peak hour trips as well as all driveway accesses to public streets. The first step in the analysis will be to determine the trip generation of the proposed expansion, distribute those trips to the surrounding street system, and determine what intersections are impacted by 25 or more peak hour trips.

City staff has designated three pipeline projects that have land use approval but have not yet been developed; the Home Depot located between Mill Street and Fire Mountain Way south of "F" Street, the Fire Mountain Gems retail properties located on the west side of Fire Mountain Way south of "F" Street, and the Main Place mixed-use development located on the northwest corner of Grants Pass Parkway and Terry Lane. These pipeline projects are assumed to be in completed with any required mitigation measures in place at the year of opening of the new Fire Mountain Gems facilities, 2011. The Home Depot project has a mitigation for the "F" Street at Grants Pass Pkwy. intersection that would add a right-turn lane on the westbound approach of "F" Street. ODOT is currently looking at a modification of that plan which would change the lane geometry on that approach to double left-turn lanes and a through + right-turn lane. This would allow a standard eight-phase rotation and the opportunity for coordination of "F" Street traffic. The City has requested both the existing mitigation (Scenario 1) and the modification (Scenario 2) be analyzed. Scenario 1 is the approved mitigation scenario pursuant.

WITH OR WITHOUT PIPELINES / MITIGATION?
The results of the operational analysis for the year of opening, 2011, show that the Grants Pass Pkwy. at "F" Street intersection will not meet the ODOT mobility standard under either scenario, however both scenarios do meet the City mobility standard. Under TPR rules, since the existing no-build conditions at the intersection do not meet the ODOT standard, then the operation of the intersection under the proposed expansion must be no worse than the operation under the no-build condition. The v/c ratios are equal in Scenario 1 and reduced in Scenario 2 satisfying the TPR. **We recommend that no mitigation should be required at the time of opening.**

BUILD OR NO-BUILD?
The results of the operational analysis for the horizon year, 2030, show that the Grants Pass Pkwy. at "F" Street intersection will meet the TPR requirements under both scenarios. However, the LOS on the Grants Pass Pkwy. at "F" Street intersection would be below the City's mobility standard under each scenario and would require mitigation in the future.

The TIA identifies the following project improvements that were found to reduce the intersection delay to that of LOS "D" for both scenarios in the horizon year, 2030:

- ALL IN ADDITION TO
PROPOSED HOME DEPOT MITIGATION?
- ★ Add a 400-foot southbound lane on the "F" Street approach: two left-turn lanes, a through lane, a right-turn lane.
 - ★ Add a 200-foot northbound through + right-turn lane and lengthen the left-turn lane to 300 feet on the northbound "F" Street approach.
 - ★ Add a 250-foot left-turn lane and extend the existing left-turn lane on the eastbound Grants Pass Pkwy. approach.

1. Business Park Zoning - Proposed Development

Fire Mountain Gems (FMG) will stipulate to a specific development plan with a maximum expansion of 51,000 square feet that would provide 36,000 square feet of additional manufacturing and warehousing space and 15,000 square feet for an Athletic Club, Day Care, Quality Restaurant, and Rock Museum with a Specialty Retail outlet selling rocks and gems. Since the trip generation of the existing facility is determined by actual driveway counts, the trips generated by the expansion of the existing facility will be proportionally increased. The current facility is 168,886 square feet, the manufacturing and warehousing expansion is 36,000 square feet so the proportional increase is $204,886/168,886$ or 1.21, a 21% increase.

15,000
36,000
51,000

The trips generated by the remaining 15,000 square feet non-industrial uses will be calculated individually. Then, since many of these uses are complementary (e.g. museum and specialty retail) or mainly for employees (e.g. day care and athletic club) there will be internal trips that should be deducted. The trips generated by these uses were calculated separately using the Eighth Edition of the Institute of Transportation Engineers Trip Generation manual. Land Use codes 493 - Athletic Club, 565 - Day Care Center, 814 - Specialty Retail, and 932 - Restaurant were used to generate trips during the peak hour of adjacent traffic.

For the Museum, FMG proposes to move the existing Geologic Museum, currently a small state-owned facility connected to the state geological offices in Merlin, Oregon into the site with additions from the FMG collection. Maximum attendance at the previous site was 10 visitors per day. FMG conducts two tours of their facility a day at 10 AM and 2 PM with up to 20 people per tour. These visitors will be exiting through the museum and retail center usually before the peak hour of adjacent street traffic. Maximum tour attendance is 20 people. Most of these visitors will arrive and depart in groups of 2 to 4 per vehicle. Tours for schools will most likely depart by the end of the school day before the peak hour. A conservative occupancy of 2 persons per vehicle is used to generate 10 museum/tour trips and all are assumed to exit during the PM peak hour.

The table on the following page calculates the trips generated by the uses other than manufacturing or warehousing. The internal trip reductions shown have been approved and agreed upon by City staff and FMG planners. The specialty retail store and the Museum will not be open during the AM peak hour (6:30-7:30 AM). However, the City has requested that trips for the Specialty Retail be included for the AM peak hour. The ITE Trip Generation manual has no listing for trips during the AM peak hour between 7 and 9 AM. The closest similar land use is ITE Code 820 - Shopping Center and the average trip rate for this use is used for the Specialty Retail use.

Table 1: Peak Hour Trip Generation - Non Industrial Uses

AM Peak Hour	Size	Rate	Trips	% Internal	#	New	Enter	Exit
Athletic Club (493)	5,000 SF	2.97	15	40%	6	9	5	4
Day Care Center (565)	3,000 SF	12.26	37	90%	33	4	2	2
Restaurant (932)	2,000 SF	11.52	23	30%	7	16	8	8
Specialty Retail (814)	2,500 SF	1.00	3	0%	0	3	2	1
Geologic Museum	2,500 SF	0.00	0	10%	0	0	0	0
Totals:	15,000 SF		78		46	32	17	15
PM Peak Hour	Size	Rate	Trips	% Internal	#	New	Enter	Exit
Athletic Club (493)	5,000 SF	*3.08	15	40%	6	9	6	3
Day Care Center (565)	3,000 SF	12.46	38	90%	34	4	2	2
Restaurant (932)	2,000 SF	11.15	22	30%	7	16	10	6
Specialty Retail (814)	2,500 SF	2.71	7	0%	0	7	4	3
Geologic Museum	2,500 SF		10	10%	1	9	0	9
Totals:	15,000 SF		92		48	45	22	23

* - Rate is based on fitted curve equation with $R^2 = 0.88$

2. Existing Facility Trips

The scoping letter states that the existing counts at the site driveways will determine the trips generated by the existing facility. Since all existing traffic on Fire Mountain Way is generated solely by Fire Mountain Gems, directional hose counts were taken on Fire Mountain Way south of the intersection with "F" Street and north of the single site driveway. A counter was also placed on the right-in/right-out only driveway on "F" Street east of the Fire Mountain Way intersection. Figure 2 in Appendix A shows the existing site layout and location of the counters. The counters were in place from July 12th through 16th and recorded traffic in 15-minute intervals. A summary of the counts for the weekdays Tuesday through Thursday of that week are in Appendix B. Table 2 shows the average peak hour trips at the two count locations during the overall peak hours found to be 6:30-7:30 AM and 4:30-5:30 PM.

Table 2: Trip Generation - Existing Facility

	AM Peak Hour			PM Peak Hour		
	Trips	Enter	Exit	Trips	Enter	Exit
Fire Mountain Gems						
Fire Mountain Way	128	114	14	120	17	103
"F" Street Driveway	38	22	16	39	19	20
Total Existing Trips	166	136	30	159	36	123

The driveway onto "F" Street provides access to the parking area that serves the main entrance to the office and also the small truck delivery area on the east side of the main building. This driveway is mainly used by administrative personnel, visitors, and for FedEx and UPS deliveries at the main building. Larger trucks use Fire Mountain Way for access to and from the warehouse facility. Fire Mountain Way is also the main access to the parking area for the manufacturing and warehousing employees.

3. Trip Generation - Proposed BP Zoning

The total new trips generated by the proposed BP zoning are the new trips generated by the new non-industrial land uses shown in Table 1 plus the new trips generated by the 21% additional manufacturing and warehousing space in the new facility.

Table 3: New Trips Generated by Proposed Zoning

Fire Mountain Gems	AM Peak Hour			PM Peak Hour		
	Trips	Enter	Exit	Trips	Enter	Exit
Non-industrial Uses	32	17	15	45	22	23
Added Manufacturing /Warehousing Trips*	35	29	6	33	8	25
Totals:	67	46	21	78	30	48

* - 21% of the total existing trips from Table 2

4. Trip Distribution

The distribution of the additional trips generated by the proposed BP zoning development during the peak hours of the site will be distributed in the same proportions as the existing movements at the Fire Mountain Way at "F" Street intersection and at the driveway on "F" Street. At the "F" Street driveway, a 21% increase in the existing right-in/right-out traffic is applied corresponding to the increase in industrial space. The remaining additional employee trips using Fire Mountain Way will be distributed according to the turning movements of the existing employees at Fire Mountain Way at "F" Street. Finally, the trips to and from the non-industrial uses are expected to follow the same patterns as the existing employee trips. In the AM peak the inbound trips will be predominantly coming from home similar to the employee trips and the outbound trips will be going to other commercial/industrial areas similar to outbound industrial trips. In the PM peak, the reverse movements will coincide.

Access Engineering staff counted turning movements at the Fire Mountain Way at "F" Street intersection from 4 to 6 PM on July 21st and 6 to 8 AM on July 22nd. The Grants Pass Parkway at "F" Street intersection was counted by TrafStats on August 3rd from 3 to 6 PM and August 4th from 6 to 9 AM. Summaries of the counts are in Appendix B.

Design hour volumes (DHV) are used by ODOT for planning level analyses and are defined as the 30th highest hour volumes for the analysis year. In urban areas the DHV usually occurs during the peak hour on a weekday of the peak month of the year. For the commuter traffic trend which characterizes the study area, July 15th is the peak traffic of the year. The Fire Mountain Gems' traffic counted on July 13-15 will require no seasonal factor adjustment. The turning movement counts on July 21/22 and on August 3/4 are seasonally adjusted using the 2009 Seasonal Trend Table provided by the ODOT Transportation Planning and Analysis Unit. The seasonal adjustment factors are 1.003 for July 21/22 and 1.008 for August 3/4. These calculations are provided in Appendix B.

The seasonally adjusted and balanced existing traffic volumes for the study area during the peak hours of Fire Mountain Gems traffic are shown in Figure 3 in Appendix A.

Figure 4 in Appendix A shows the assignment of the new trips in the surrounding area generated by the proposed zone change expansion. Based on this distribution, the study area, as defined by intersections impacted by 25 or more peak hour trips, consists of:

"F" Street @ Fire Mountain Way

Grants Pass Parkway @ "F" Street

III. Existing Conditions

A. Study Area Street System

Table 4 summarizes the functional classification and existing improvements on the study area streets. Figure 3 in Appendix A shows the existing lane geometry and intersection controls for each of the study area intersections.

Table 4: Existing Study Area Street Conditions

Street	Segment	Classification	Posted Speed	Travel Lanes*	Bike Lanes	On-Street Parking	Sidewalks
Grants Pass Parkway (GPP)	Agness to F F to M	ODOT Major Arterial	45	4	Yes	None	Both Sides None
"E" Street	"F" to Mill - (one-way)	City Major Arterial	35	2	Yes	South Side	Partial
"F" Street	Mill to "E" - (one-way)	City Mjr Arterial	35	2		North Side	Partial
	E to GPP - (two-way)	City Mjr Arterial	35	4	Yes	None	Both Sides
	GPP to south - (two-way)	City Mjr Collector	25	2		None	Both Sides
Fire Mountain Way		Local Street	25	2	No	None	West Side

* - Travel lanes shown are through lanes. See Figure 3 for the existing lane configuration and traffic control at the intersections.

B. Transit Service

Transit service in the Grants Pass area is provided by Josephine Community Transit (JCT). JCT provides service between the hours of 7:00 AM and 6:30 PM running on 30-minute head ways. Routes 10 and X-Town run on "F" Street and connect to the downtown, Grant Pass Pkwy. shopping areas, and Redwood Hwy. areas. JCT also provides "The Shuttle" connecting many high density and elderly residential communities, medical centers, and shopping areas. Limited service is also provided to outlying communities such as Cave Junction and Merlin.

C. Analysis Traffic Volumes

The peak hours of traffic for the Fire Mountain Gems site was found to be 6:30-7:30 AM and 4:30-5:30 PM. The PM peak coincided with the peak hour of traffic at "F" Street @ Fire Mountain Way but did not match the peak hours of traffic of the Grants Pass Pkwy. @ "F" Street intersection which were 7:30-8:30 AM and 3:00-4:00 PM. The table below shows the total intersection traffic levels at Grants Pass Pkwy. @ "F" Street compared to the Fire Mountain Gems trip generation for the differing peak hours:

Table 5: Peak Hour Traffic Comparison

Location	AM Peak Hour		PM Peak Hour	
	of FMG (6:30-7:30)	of Int. (7:30-8:30)	of FMG (4:30-5:30)	of Int. (3:00-4:00)
Grants Pass Pkwy. @ "F" Street	1215	1864	3232	3331
Fire Mountain Gems Trips	128	103	120	85

The table clearly shows that traffic levels in the AM peak hours are significantly less than in the PM peak hours. City staff has agreed that the intersection analysis can be limited to the PM peak hour.

1. Pipeline Projects

There are three projects that have land use approval but have not yet been developed; the Home Depot located between Mill Street and Fire Mountain Way south of "F" Street, the Fire Mountain Gems properties (tax lots 901-904) proposing a specialty retail center with its access located on the west side of Fire Mountain Way south of "F" Street, and the Main Place mixed-use development located on the northwest corner of Grants Pass Parkway and Terry Lane. Each of these developments have new trips assigned to the study area and mitigation measures identified. The June 2 scoping letter requires that this analysis assume that these projects are completed and their mitigation measures are in place. The approved Home Depot development on the Don Bradley property includes several mitigation measures, one of which is in the study area; the addition of a right-turn lane on the westbound approach on "F" Street at Grants Pass Parkway.

Figure 5 in Appendix A presents the 2010 PM peak hour trips in the study area for the Home Depot, FMG Retail Properties, and Main Place developments. No AM peak hour trip data is available for these developments. In addition, there is no trip generation data for these developments for the 3:00 to 4:00 PM peak hour of the Grants Pass Pkwy. @ "F" Street intersection. The ITE Trip Generation manual only provides data for the peak hour of the adjacent street between 4:00 and 6:00 PM. Table 5 above shows that there are only 99 more vehicles (3%) between 3:00 - 4:00 PM than between 4:30 - 5:30 PM. Fire Mountain Gems generates 35 fewer trips (30% less) than the 4:30 - 5:30 PM peak. A similar reduction could be made for the pipeline projects. However, since there is no way to verify that assumption would apply to commercial uses in the pipeline projects or FMG expansion, the analysis will be limited to the PM peak hour of Fire Mountain Gems and "F" Street traffic.

Figure 6 in Appendix A shows the resulting traffic levels in 2011 with all pipeline projects and associated improvements in place and with and without the Fire Mountain Gems expansion.

2. Growth Factors

Background traffic growth for Grants Pass Parkway in the study area was estimated using the 2028 Highway Future Volume Table produced by ODOT. The average annual growth rate at the two count stations used, one at Terry Lane and one at "M" Street, was 1.63 percent per year when pipeline projects were subtracted from the 2028 total volume. After applying the growth factor (1.382) to the 2010 DHV, the pipeline projects' trips are then added to the traffic volumes on the Parkway to determine the no-expansion traffic levels in 2030.

A separate growth factor for "F" Street in the study area was attempted based on traffic counts taken at the intersection of "F" Street with Grants Pass Parkway in August of 2005 and August of 2010. The approach traffic levels on "F" Street east and west of the Parkway for the peak hour and the three-hour period 3 to 6 PM were compared. The results show that during the peak hour, traffic on the eastbound approach of "F" Street decreased slightly in 2010 compared to 2005 while the westbound approach increased by 60 vehicles. The three-hour comparison, however, showed that both directions increased by about 200 vehicles in those five years. This would indicate that peak traffic on "F" Street has been spreading out during the afternoon rather than concentrating during the peak hour. A comparison of traffic on Grants Pass Pkwy. approaches at the "F" Street intersection over the same time periods show a more consistent annual increase of from 1.2% to 2.0%. That increase tends to verify the ODOT model predicting a 1.84% per year growth rate (including the pipeline projects). Increases in westbound traffic on "F" Street at Grants Pass Pkwy. can be attributed to a shopping center and bank that were built since 2005 and have access on that approach. The growth rate on the westbound approach should more closely match the Parkway growth Rate going forward. We also propose to use the Parkway growth rate for eastbound "F" Street traffic rather than assume a continued decrease. In both cases we subtract the pipeline project trips on each approach (see Figure 5) from the ODOT annual growth rate (1.84%) to obtain the annual growth rate for the "F" Street approaches. These calculations can be found in Appendix B.

IV. Analysis

A. Capacity Analysis, General Procedures

The current Highway Capacity Manual (HCM) defines the methods by which capacity analysis is performed. For ODOT intersections, the volume to capacity ratio (v/c) is used as the standard mobility measure. As the volume of traffic nears its capacity the ratio approaches 1.0. For City intersections the standard mobility measure is the Level Of Service (LOS) based on the average delay.

The maximum allowable v/c for ODOT intersections is specified in Table 6 in the 1999 Oregon Highway Plan (OHP) Amended. For Grants Pass Pkwy., classified as an expressway inside the Urban Growth Boundary with a speed of 45 MPH, the maximum allowable v/c is 0.70. The ODOT standard applies to the Grants Pass Pkwy. at "F" Street only. For City intersections the mobility standard for the intersection as a whole is LOS "D" and no approach shall operate below LOS "E"; for signalized intersections the v/c of the critical movements must be 1.0 or less, and for unsignalized intersections no movement serving more than 20 vehicles shall operate below LOS "E". Since the study area intersections are within Grants Pass, the City's mobility standard applies to all. The Synchro6 software using the Highway Capacity Manual method is used to evaluate the operation of all study area intersections.

B. Existing Traffic Operations

Operational analyses for the study area intersections were performed for the existing DHV's in 2010 and the intersection geometry shown in Figure 3. Table 6 below displays the results of the analyses. The Synchro6 worksheets can be found in Appendix C.

Table 6: 2010 Design Hour LOS Analysis; Existing Conditions

Intersection Approach	Control	Mobility Standard	AM FMG Peak Hour			PM FMG Peak Hour		
			V/C	Delay (Sec.)	LOS	V/C	Delay (Sec.)	LOS
Grants Pass Pkwy. @ "F" St.	Signal/Free	0.70 / D	0.41	16.5	B	0.93	48.3	D
Eastbound GPP		E		14.6	B		39.9	D
Westbound GPP		E		11.3	B		29.9	C
Northbound F		E		32.3	C		75.9	E
Southbound F		E		27.8	C		77.7	E
"F" Street @ Fire Mountain Way	Signal/Free	1.0/ D	0.21	19.9	B	0.54	20.0	C
Eastbound F		E		22.3	C		17.2	B
Westbound F		E		15.7	B		16.3	B
Northbound FMW		E		28.1	C		27.5	C
Southbound FMW		E		28.6	C		33.7	C

Table 6 shows that the Grants Pass Pkwy. At "F" Street intersection currently fails to meet the ODOT mobility standard in the PM peak hour. Both intersections meet the Grants Pass mobility standards in both peak hours.

C. Traffic Volumes & Operations - Year of Opening - 2011

By 2011 the expansion and the pipeline projects are assumed to be fully completed and mitigation measures in place. Figure 6 in Appendix A shows the DHV at the study area intersections resulting from the adding the pipeline project trips to the background traffic levels shown in Figure 3 and adding the total site trips from the expansion. Two scenarios have been analyzed at the request of the City. Scenario 1 analyzes the existing intersection geometry and the existing uncoordinated operation on "F" Street between the Parkway and Fire Mountain Way. Scenario 2 assumes a proposed change on the "F" Street approach to the Parkway (two left-turn lanes and a through plus right-turn lane) which will allow a standard 8-phase rotation rather than the existing split phasing for the "F" Street approaches, and coordination for "F" Street between the Parkway and Fire Mountain Way. Figure 6 also shows the lane geometry for the "F" Street approach under each scenario.

Table 7 on the following page shows the results of the intersection analysis for 2011 comparing the expansion traffic conditions added to the no-build traffic conditions with pipeline projects and mitigation in place for each scenario. The peak hour factors used in the year of opening analysis are the same as in the existing conditions. The minimum green times were adjusted to ensure that each approach at the intersection received sufficient green time to reach "E". The actuated cycle lengths for both the uncoordinated and coordinated operations were then optimized for the new traffic conditions but limited to a maximum cycle length of 120 seconds.

The Synchro Reports are contained in Appendix D. Intersection v/c and LOS results that exceed the mobility standards are shown in bold type.

The results of the operational analysis for the year of opening, 2011, show that the Grants Pass Pkwy. at "F" Street intersection will not meet the ODOT mobility standard under either scenario, however both scenarios do meet the City mobility standard. Under TPR rules, since the existing no-build conditions at the intersection do not meet the ODOT standard, then the operation of the intersection under the proposed expansion must be no worse than the operation under the no-build condition. The v/c ratios are equal in Scenario 1 and reduced in Scenario 2. The v/c is reduced because of reduced lost time as calculated by Synchro. **Since both the TPR and City mobility standards are satisfied, we recommend that no mitigation should be required for the year of opening.**

Table 7: Year of Opening - 2011 Design Hour Operational Analysis Comparison

Intersection Approach	Mobility Standard	No-Build w/Pipeline			+ FMG Expansion		
		V/C	Delay (Sec.)	LOS	V/C	Delay (Sec.)	LOS
Scenario 1 - Existing Uncoordinated Operation							
Grants Pass Pkwy. @ "F" St. Eastbound GPP Westbound GPP Northbound F Southbound F	0.70 / D	0.93	49.5	D	0.93	51.6	D
			34.6	C		37.5	D
			38.9	C		41.7	D
			77.4	E		75.8	E
			73.6	E		74.4	E
"F" Street @ Fire Mountain Way Eastbound F Westbound F Northbound FMW Southbound FMW	D	0.61	23.1	C	0.62	23.2	C
			24.5	C		23.5	C
			22.4	C		26.0	C
			20.8	C		19.1	B
			24.4	C		21.0	C
Scenario 2 - Proposed Coordinated Operation							
Grants Pass Pkwy. @ "F" St. Eastbound GPP Westbound GPP Northbound F Southbound F	0.70 / D	0.92	44.0	D	0.89	45.6	D
			24.4	C		24.3	C
			44.9	D		44.3	D
			69.4	E		72.6	E
			54.6	D		61.5	E
"F" Street @ Fire Mountain Way Eastbound F Westbound F Northbound FMW Southbound FMW	D	0.61	27.5	C	0.67	31.3	C
			27.4	C		27.1	C
			19.8	B		21.1	C
			32.6	C		33.5	C
			44.2	D		71.0	E
Site Access @ Fire Mountain Way Eastbound Movements (both scenarios)	D	0.09	11.2	B	0.10	12.1	B

D. Queuing Analysis - Year of Opening - 2011

SimTraffic was used to evaluate the queue lengths following the guidelines in Chapter 8 of TPAU's "Analysis Procedures Manual". Five runs with a random seed were averaged. The 95th percentile queues are reported. The 95th percentile queues are used for design purposes and are rounded to the next nearest 25 foot increment.

Table 8 on the following page shows the results of the simulations for each scenario with and without the proposed expansion. Where a left-turn lane is preceded by a center-turn-lane, the value shown is the distance to the beginning of the center-turn-lane and the value is marked with an asterisk. The actual storage length will in most cases be the same as the adjacent through lane.

The storage length for through lanes is the distance from the Stop line to the upstream intersection. Where the projected queues exceed the available storage length, they are shown in bold type. The SimTraffic Reports can be found in Appendix D.

Table 8: Year of Opening, 2011 - 95th Percentile Queuing Analysis

Intersection Movement	Lane Storage (Ft.)	Scenario 1		Scenario 2	
		No FMG Expansion	With FMG Expansion	No FMG Expansion	With FMG Expansion
Grants Pass Pkwy @ "F" Street					
Northbound Left turn	150*	225	225	225	225
Northbound Thru + Right	1000	800	700	800	450
Southbound Left turn	700	275	300	175	200
Southbound Left +Thru	700	350	325	225	200
Southbound Right turn	400	125	125	325	350
Eastbound Left turn	215	275	275	250	250
Eastbound Thru + Right	3100	325	350	300	275
Westbound Left turn	160	75	75	75	75
Westbound Thru	560	450	525	500	450
Westbound Right turn	350	225	275	300	225
"F" Street @ Fire Mountain Way					
Northbound Left turn	165	75	100	100	125
Northbound Thru + Right	300	100	100	125	175
Southbound Left turn	150	100	125	125	150
Southbound Left +Thru	175	75	75	75	100
Eastbound Left turn	250	125	125	150	150
Eastbound Thru	1150	150	150	175	150
Westbound Left turn	300	125	125	125	150
Westbound Thru	725	175	175	175	150
"F" Street @ TL 904 Driveway					
Eastbound Movements	100	75	75	75	75

* - The left-turn pocket is preceded by a center-turn-lane which is available for storage.

The queuing analysis shows that queues will exceed the available storage on the same approaches to the Grants Pass Pkwy at "F" Street intersection with and without the expansion under both operational scenarios. The coordinated operation, scenario 2, resulted in reduced queues for most movements at the "F" Street and Grants Pass Pkwy. intersection. The queues in the northbound "F" Street approach to the Parkway include left-turning vehicles. Many of the left-turns could be stored in the center-turn-lane reducing the queue length in the through lane. The first driveway is 400 feet south of the intersection.

E. Anticipated Transportation System Improvements

There are no projects currently identified in the ODOT 2008-2011 Statewide Transportation Improvement Plan (STIP) or the Draft 2010-2013 STIP that can be assumed to be in place by the horizon year 2030.

The City of Grants Pass Master Transportation Plan's Street Improvement Program identifies several projects on city streets within the study area. None of the improvements will affect the analysis of the study area intersection operations.

F. Traffic Volumes & Operations - 20-Year Planning Horizon - 2030

Figure 7 in Appendix A shows the traffic levels at the study area intersections in the planning horizon year, 2030. The background traffic levels in the study area were increased by the growth factors calculated above and the pipeline projects trips added to determine the no-build traffic volumes. For the expansion scenarios, the traffic levels on the study area streets were increased by the expansion trips. Both scenarios were analyzed; Scenario 1 - existing geometry and uncoordinated operation; Scenario 2 - proposed geometry and coordinated operation. Table 9 shows the results of the intersection operational analysis. The Synchro reports are found in Appendix E.

Table 9: Horizon Year- 2030 Design Hour Operational Analysis Comparison

Intersection Approach	Mobility Standard	No-Build w/Pipeline			+ FMG Expansion		
		V/C	Delay (Sec.)	LOS	V/C	Delay (Sec.)	LOS
Scenario 1 - Existing Uncoordinated Operation							
Grants Pass Pkwy. @ "F" St.	0.70 / D	1.17	92.3	F	1.17	95.6	F
Eastbound GPP			60.9	E		54.2	D
Westbound GPP			81.3	F		73.9	E
Northbound F			149.0	F		195.6	F
Southbound F			124.2	F		133.4	F
"F" Street @ Fire Mountain Way	D	0.69	24.8	C	0.71	25.8	C
Eastbound F			22.4	C		23.5	C
Westbound F			24.4	C		27.9	C
Northbound FMW			24.5	C		23.1	C
Southbound FMW			34.2	C		30.0	C
Scenario 2 - Proposed Coordinated Operation							
Grants Pass Pkwy. @ "F" St.	0.70 / D	1.16	85.2	F	1.17	88.3	F
Eastbound GPP			51.9	D		52.8	D
Westbound GPP			63.7	E		63.7	E
Northbound F			153.8	F		154.5	F
Southbound F			133.2	F		146.3	F
"F" Street @ Fire Mountain Way	D	0.62	33.1	C	0.65	34.5	C
Eastbound F			30.8	C		31.5	C
Westbound F			20.2	C		21.2	C
Northbound FMW			37.8	D		37.1	D
Southbound FMW			73.9	E		79.8	E
Site Access @ Fire Mountain Way	D	0.09	11.2	B	0.10	12.1	B
Eastbound Movements (both scenarios)							

The results of the operational analysis show that the Grants Pass Pkwy. at "F" Street intersection will not meet the ODOT mobility standard under either scenario. However, since the existing no-build conditions at the intersection do not meet the ODOT standard and the v/c ratios for the expansion are equal in Scenario 1 and within 0.01 of the no-build conditions under Scenario 2, the TPR is essentially satisfied. The Scenario 2 increase of 0.01 over the v/c of 1.16 is less than a 1% difference and is insignificant in relation to the total number of trips at the intersection. Never-the-less, the LOS on the Grants Pass Pkwy. at "F" Street intersection is below the City's mobility standard under each scenario and would require mitigation in the future.

G. Queuing Analysis - Horizon Year - 2030

SimTraffic was again used to evaluate the queue lengths for the future year traffic levels in 2030 following the guidelines in Chapter 8 of TPAU's "Analysis Procedures Manual". Table 10 shows the results of the simulations. Where the projected queues exceed the available storage length, they are shown in bold. The SimTraffic Reports are found in Appendix E.

Table 10: Horizon Year, 2030 - 95th Percentile Queuing Analysis

Intersection Movement	Lane Storage (Ft.)	Scenario 1		Scenario 2	
		No FMG Expansion	With FMG Expansion	No FMG Expansion	With FMG Expansion
Grants Pass Pkwy @ "F" Street					
Northbound Left turn	150*	225	225	225	225
Northbound Thru + Right	1000	1250	1250	1325	1350
Southbound Left turn	700	550	750	550	500
Southbound Left +Thru	700	575	775	700	675
Southbound Right turn	400	325	500	525	525
Eastbound Left turn	215	275	300	275	300
Eastbound Thru + Right	3100	1075	1025	975	1050
Westbound Left turn	160	50	75	75	75
Westbound Thru	560	700	775	700	750
Westbound Right turn	350	525	500	525	525
"F" Street @ Fire Mountain Way					
Northbound Left turn	165	75	100	100	125
Northbound Thru + Right	300	100	150	150	150
Southbound Left turn	150	125	125	150	150
Southbound Left +Thru	175	75	75	100	100
Eastbound Left turn	250	150	150	175	175
Eastbound Thru	1150	175	175	175	175
Westbound Left turn	300	100	125	150	150
Westbound Thru	725	225	225	225	225
"F" Street @ TL 904 Driveway					
Eastbound Movements	100	50	75	75	50

* - The left-turn pocket is preceded by a center-turn-lane which is available for storage.

By 2030, at least one lane on each of the approaches to Grants Pass Pkwy. at "F" Street will experience long queues that exceed the currently available storage under both zoning scenarios. The proposed expansion results in significant queues southbound on "F" Street at the Parkway under the uncoordinated operation.

H. Horizon Year Project Improvements

In the year of opening, the TPR and City mobility standard are both satisfied under both scenarios, uncoordinated and coordinated operation, therefore no mitigation is required for the proposed expansion. By the horizon year, however, background traffic levels are expected to grow resulting in intersection average delays that exceed the City's "D" standard, but remain consistent with the ODOT Highway Plan requirements of no further degradation. Improvements must be planned to meet the City's LOS "D" standard.

The following planned improvements would reduce the intersection delay to that of LOS "D" for both scenarios:

- * Add a 400-foot southbound lane on the "F" Street approach: two left-turn lanes, a through lane, a right-turn lane.
- * Add a 200-foot northbound through + right-turn lane and lengthen the left-turn lane to 300 feet on the northbound "F" Street approach.
- * Add a 250-foot left-turn lane and extend the existing left-turn lane on the eastbound Grants Pass Pkwy. approach.

Figure 8 in Appendix A shows graphically the planned improvements. Table 11 on the following page shows the resulting intersection operations under both scenarios comparing the planned improvements to the no-build conditions. The Synchro reports are found in Appendix F.

Table 11: Horizon Year Project Improvements - 2030 Operational Analysis Comparison

Intersection Approach	Mobility Standard	No-Build w/Pipeline			+ FMG Exp. + Mitigation								
		V/C	Delay (Sec.)	LOS	V/C	Delay (Sec.)	LOS						
Scenario 1 - Existing Uncoordinated Operation													
Grants Pass Pkwy. @ "F" St. Eastbound GPP Westbound GPP Northbound F Southbound F	0.70 / D	1.17	92.3 61.8 89.1 149.0 124.2	F E F F F	0.99	53.6 42.9 51.0 76.1 59.9	D D D E E						
"F" Street @ Fire Mountain Way Eastbound F Westbound F Northbound FMW Southbound FMW			D	0.69		24.8 22.4 24.4 24.5 34.2	C C C C C	0.71	25.8 23.5 27.9 23.1 30.0	C C C C C			
Scenario 2 - Proposed Coordinated Operation													
Grants Pass Pkwy. @ "F" St. Eastbound GPP Westbound GPP Northbound F Southbound F						0.70 / D	1.16		85.2 51.9 63.7 153.8 133.2	F D E F F	0.93	47.1 36.7 45.3 52.4 63.1	D D D D E
"F" Street @ Fire Mountain Way Eastbound F Westbound F Northbound FMW Southbound FMW									D	0.62		33.1 30.8 20.2 37.8 73.9	C C C D E

The results of the operational analysis show that the proposed mitigation would bring the LOS at the Grants Pass Pkwy. at "F" Street intersection back to "D" satisfying the City's mobility standard under both scenarios. The v/c ratio after mitigation would improve the mobility at the intersection compared to the no-build case thereby satisfying the TPR.

I. Queuing Analysis - 2030 Project Improvements

SimTraffic was again used to evaluate the queue lengths for the future year traffic levels in 2030 following the guidelines in Chapter 8 of TPAU's "Analysis Procedures Manual". Table 12 on the following page shows the results of the simulations. Where the projected queues exceed the available storage length, they are shown in bold. The SimTraffic Reports are found in Appendix F.

Table 12: Future Year Mitigation, 2030 - 95th Percentile Queuing Analysis

Intersection Movement	Lane Storage (Ft.)	Scenario 1		Scenario 2	
		No FMG Expansion	With FMG Mitigation	No FMG Expansion	With FMG Mitigation
Grants Pass Pkwy @ "F" Street					
Northbound Left turn	150*/400**	225	375	225	450
Northbound Thru	1000	1250	500	1325	675
Northbound Thru + Right	—/400	—	200	—	200
Southbound Left turn	700	550	350	550	275
Southbound Thru	700	575	300	700	275
Southbound Right turn	400	325	175	525	150
Eastbound Left turn	250	275	250	275	250
Eastbound Thru + Right	3100	1075	475	975	450
Westbound Left turn	160	50	50	75	100
Westbound Thru	560	700	750	700	725
Westbound Right turn	350	525	450	525	450
"F" Street @ Fire Mountain Way					
Northbound Left turn	165	75	100	100	125
Northbound Thru + Right	300	100	125	150	150
Southbound Left turn	150	125	125	150	150
Southbound Left + Thru	175	75	100	100	100
Eastbound Left turn	250	150	175	175	175
Eastbound Thru	1150	175	175	175	175
Westbound Left turn	300	100	125	150	175
Westbound Thru	725	225	250	225	275

* - The left-turn pocket is preceded by a center-turn-lane which is available for storage.

** - The mitigation lengthens the northbound left-turn lane to the first driveway south of the intersection.

V. Conclusions and Recommendations

The proposed zone change and expansion of the Fire Mountain Gems facilities by up to 51,000 square feet will result in up to 78 additional PM peak hour trips. When distributed to the surrounding street system only two intersections are impacted by 25 or more new trips; "F" Street @ Fire Mountain Way and Grants Pass Pkwy. at "F" Street. These study area intersections meet the City's mobility standard (LOS "D") currently and in the year of opening, 2011. The intersection of Grants Pass Pkwy. at "F" Street which is currently failing to meet ODOT's mobility standard, will be no worse under the proposed BP zoning and expansion than under the current I zoning in the year of opening. **Based on this analysis, no mitigation is required as a result of the proposed zone change and expansion at the year of opening, 2011.**

In the horizon year, 2030, Grants Pass Pkwy. and "F" Street will fail to meet either the ODOT or City mobility standards whether the zone change and expansion are built or not. By this year, the proposed expansion will meet the TPR requirements under Scenario 1 (the currently approved mitigation at the time of filing). The v/c under Scenario 2 is equal to the no-build v/c of Scenario 1 which projects the future conditions of the currently approved plan for the intersection.

In both scenarios the LOS will not meet the City's mobility standard of LOS "D" in the horizon year. The TIA identifies an improvement project for the LOS at the intersection to meet the City's mobility standard.

Appendix A

Figures

Figure 1



Figure 2

F.M.G. TL 905 and 907 Zone Change Traffic Impact Study
Existing Site Plan

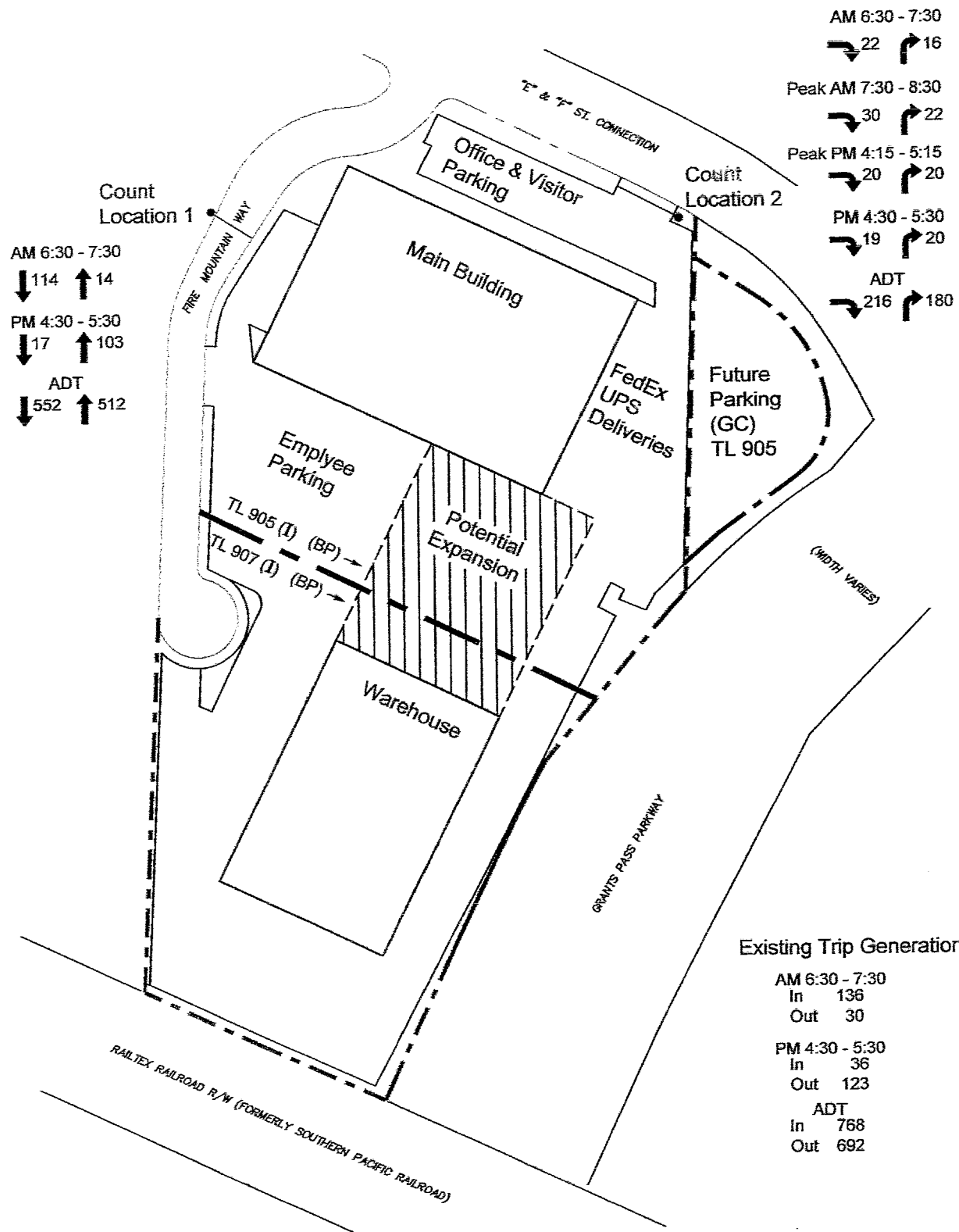


Figure 3



Figure 4

F.M.G. TL 905 and 907 Zone Change Traffic Impact Study
Trip Distribution and Assignment

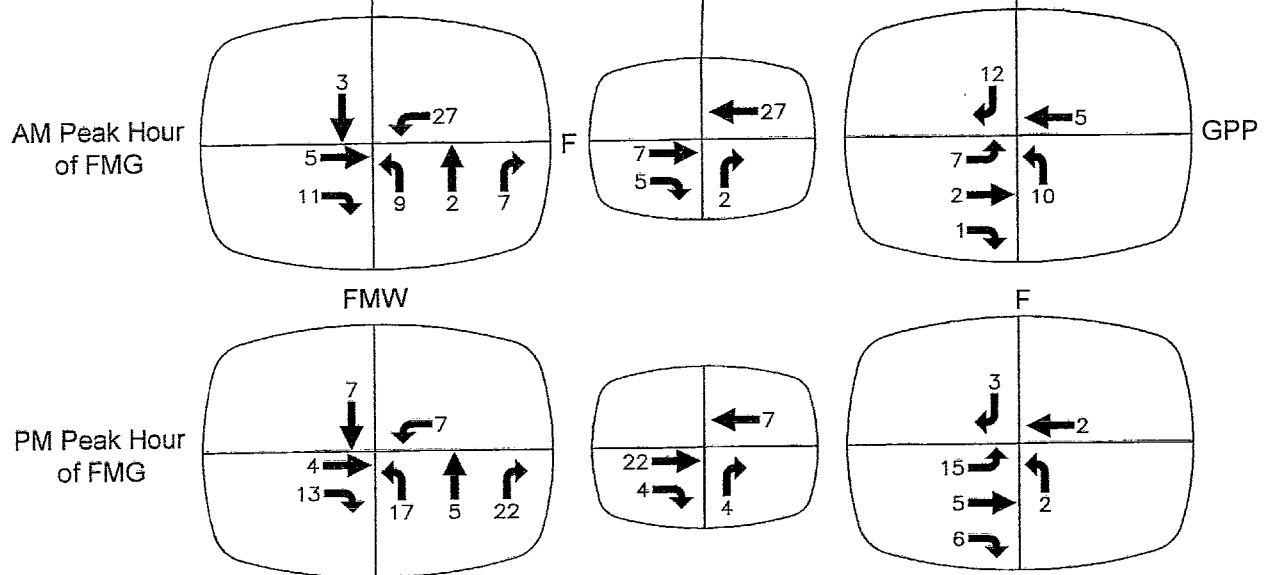
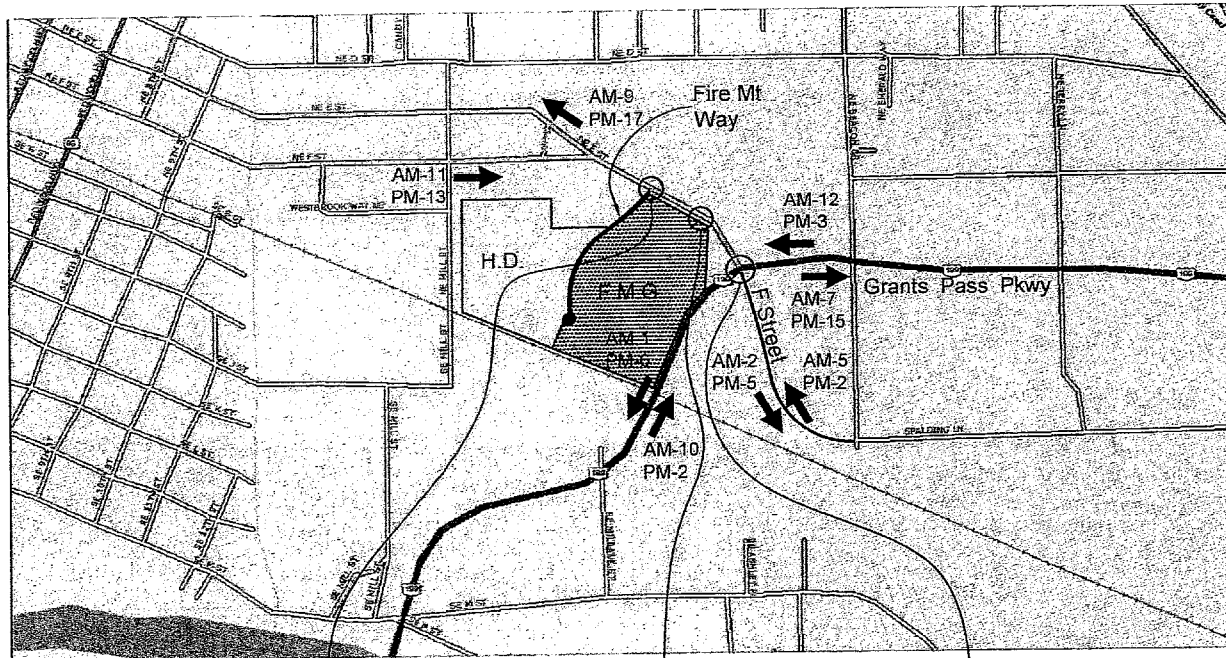
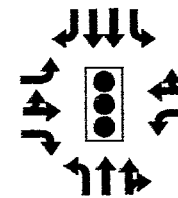
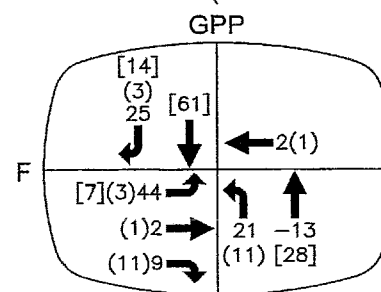
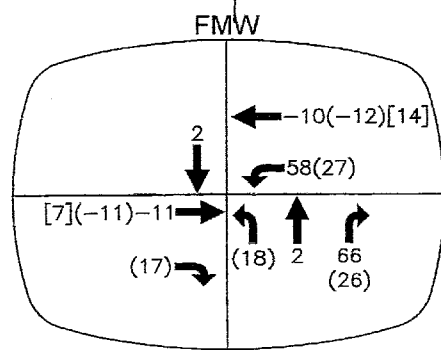
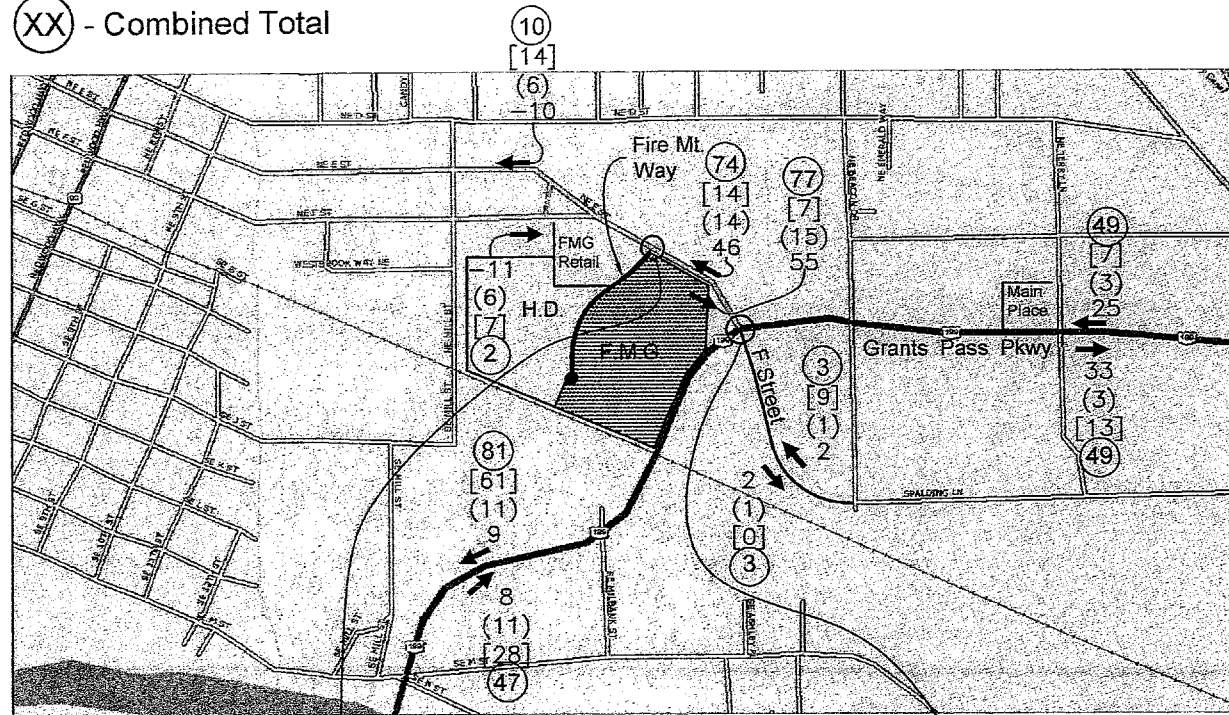


Figure 5

F.M.G. TL 905 and 907 Zone Change Traffic Impact Study
Pipeline Projects
PM Peak Hour Trips

LEGEND

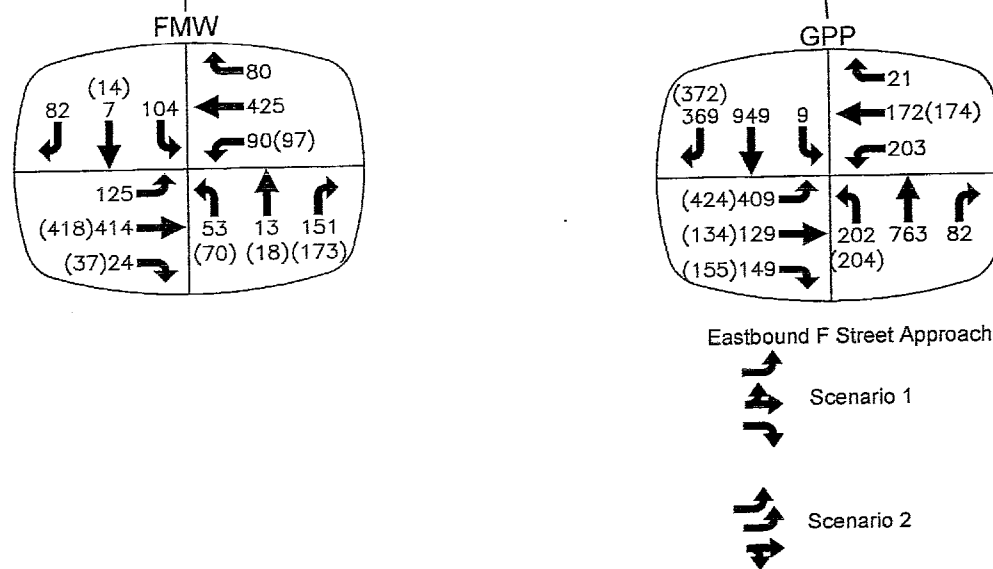
- XX - Home Depot
- (XX) - FMG Retail
- [XX] - Main Place
- ⓧ - Combined Total



Home Depot Mitigation

***F.M.G. TL 905 and 907 Zone Change Traffic Impact Study
2011 PM Peak Hour Trips
With Expansion***

XX - No Build + Pipeline Projects
(XX) - Expansion (where different)



F.M.G. TL 905 and 907 Zone Change Traffic Impact Study
2030 PM Peak Hour Trips
With Expansion

XX - No Build + Pipeline Projects
(XX) - Ex[ansion (where different)



***F.M.G. TL 905 and 907 Zone Change Traffic Impact Study
2030 PM Peak Hour Trips
With Expansion***

XX - No Build + Pipeline Projects
(XX) - Ex[ansion (where different)

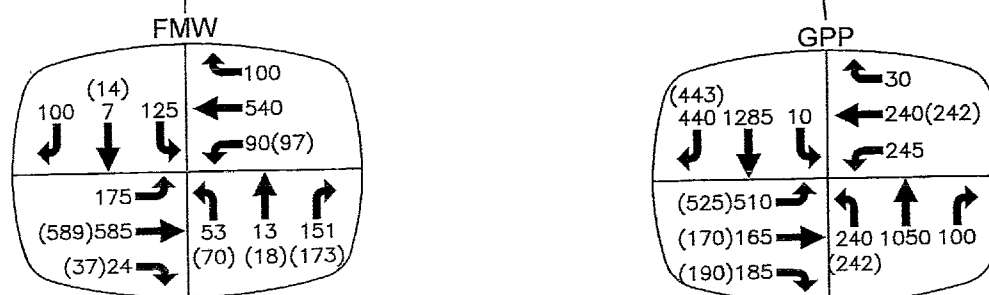
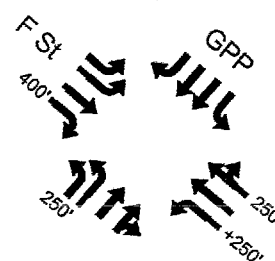


Figure 8



DEVELOPMENT AGREEMENT #2011-01

BETWEEN: City of Grants Pass, ("City")
an Oregon municipal corporation

AND: Freedman FMG Property LLC, ("Owner")
a limited liability company; its successors, assigns and
any other person or entity authorized to develop or apply
for development approval on the Property.

RECITALS

A. Owner owns approximately 10.84 acres of real property, known as Lots 5, 6 & 7 of the Fire Mountain subdivision (Tax Lots 905 and 907), Assessor's Map Twn 36, Range 5, Section 17-40 located in the City of Grants Pass, more specifically identified in the legal description attached to this Development Agreement ("this Agreement") as **Exhibit A** (the "Property") and as illustrated in **Exhibit B**. The Property has comprehensive plan map designations of Industrial and is zoned Industrial. Owner has applied to City for approval of a comprehensive plan map and zoning designation amendment that would change the comprehensive plan map designation of the Property from Industrial to Business Park and the zoning map from Industrial to Business Park (City file number 11-40200001), (the "Application"). A small section of TL 905 (identified as 36-05-17-41, TL 1300 – excess right-of-way purchased from ODOT) is and will remain zoned General Commercial. Thereafter, the Property will have comprehensive plan map designations of General Commercial and Business Park and will be zoned General Commercial and Business Park.

B. Owner intends to develop the property in such a way that would result in no more than two hundred thirty-seven (237) PM peak hour trips (the "Proposed Development") The basis for the two hundred thirty-seven (237) peak hour trips is set forth in the documentation identified as **Exhibit C**.

C. A development agreement is the appropriate mechanism for City and Owner to enter into an agreement for the Application approval, limitation on uses of the Property, and the timing and construction of the mitigation measures to be installed as part of the previously approved Timber Products/Home Depot Development Agreement #2008-01 and as listed in **Exhibit D** (the "Planned Improvements"). If the Planned Improvements are not installed prior to the approval of a site plan review application, Owner will be required to submit a revised Traffic Impact Analysis ("TIA") consistent with this agreement to address impacts of the Proposed Development.

D. The City Council duly noticed and held a public hearing on this agreement on June 15, 2011, at which time the City Council accepted public testimony on this Agreement.

E. At the end of the public hearing, the City Council voted to approve this Agreement as adopted by City Ordinance No. _____.

AGREEMENT

NOW THEREFORE, based on the foregoing recitals, the City Council, for City and Owner, hereby agree to the following:

1. Comprehensive Plan Map and Zoning Designation Amendment Application Approval:

City hereby approves the Application (11-402000001) presented by Owner as reflected in the Findings of Fact, Freedman FMG Property LLC for a Comprehensive Plan Map and Zoning Designation Amendments for Lots 5, 6 & 7 of the Fire Mountain subdivision ("Approval").

2. Development Conditions:

a. Development on the Property shall meet all applicable City standards at the time a development application is made, including appropriate design standards.

b. If any development of the Property exceeds two hundred thirty-seven (237) PM peak hour trips, Owner shall submit a revised TIA addressing the extent to which the development of the Property exceeds two hundred thirty-seven (237) PM peak hour trips. A revised TIA and any related mitigation requirements shall comply with the City's site review standards and procedures and its level of service standards which are applicable at the time the application is filed with the City. Nothing here shall prohibit the Owner from submitting a site plan review application for less than the entire Property nor developing the Property in phases. Documentation shall be submitted by the applicant with the application materials identifying the peak hour trips for any proposed development on the Property.

c. All required Planned Improvements shall be constructed pursuant to the Timber Products/Home Depot Development Agreement prior to occupancy of the Proposed Development of the Property or such incremental or phased development of the Property as contemplated in Paragraph 2(b) above. If the Planned Improvements are not constructed, Owner agrees to submit a revised TIA and mitigation plan for the Proposed Development. Nothing here shall prevent the Owner from voluntarily submitting a new TIA for the Property or any portion thereof. The City shall not require a new TIA if the property is incrementally developed in a manner that does not, in the aggregate, exceed the two hundred thirty-seven (237) PM peak hour trips.

d. If the ultimate plans for development of the Property produce no greater than the reserve traffic capacity of two hundred thirty-seven (237) PM peak hour trips contemplated in this agreement, and an application for a site plan or other development approval is submitted and deemed complete pursuant to the *Grants Pass Development Code* within five (5) years of the date of this Agreement, Owner shall not be required to make any additional improvements to the transportation system beyond those listed in ***Exhibit D***.

If an application for site plan or other development approval is not submitted and deemed complete pursuant to the *Grants Pass Development Code* within five (5) years of this Agreement, the City has the right to require a new TIA be submitted by the Owner/developer of the Property for the development then proposed.

3. **Agreement to be Adopted by Ordinance:** This Agreement shall be incorporated and attached to the adopting ordinance that approved the Application for the Comprehensive Plan and Zone Map Amendments for Tax Lots 905 and 907 of the Property.

4. **Effective Date, Term and Modification:** This Agreement shall be effective upon signature by both parties and once the document is recorded with the Josephine County Clerk's Office. The Agreement shall be signed and recorded after the ordinance is effective, which is thirty (30) days from the effective date of the ordinance to sign and record the document, provided that the City's approval of the application is not appealed. If the application is appealed, the Agreement shall be recorded thirty (30) days following final resolution of the appeal. The Agreement shall have a duration (term) of five (5) years from the Effective Date. This Agreement may be modified or terminated sooner than five (5) years only upon written agreement signed by the authorized representatives of both parties (subject to provisions of Section 11 of this Agreement).

5. **Effect when Laws and Rules render compliance impossible.** When changes in federal or state laws or rules render compliance with the Agreement impossible, unlawful or inconsistent with such laws, rules or policy the following shall apply:

The City shall consider adoption of amendments to this Agreement or the Development Code consistent with said changes and if adopted by the City, the Parties shall sign amendments to this Agreement that acknowledge conformance to the same.

6. **Assignment and Transfer:** This Agreement shall be fully assignable. This Agreement shall be binding on and inure to the benefit of any future owner/land developer of this property for the full term of the Agreement.

7. **Remedies for Breach:** Should either party breach this Agreement, remedies available under Oregon law for breach of contract are available to the parties, including damages and injunction relief.

8. **Controlling Law and Venue for Disputes:** This Agreement shall be deemed to have been entered into in the State of Oregon and shall be construed and interpreted in accordance with the laws of Oregon. Any litigation or proceedings arising out of or connected with the Agreement shall be heard and decided in Oregon Circuit Court for the County of Josephine.

9. **No Third Party Beneficiaries:** None of the duties and obligations of the parties to this Agreement shall in any way or in any manner be deemed to create any rights to any person or entity other than the parties hereto, and their successors and assigns, if any.

10. **Entire Agreement:** City and Owner acknowledge and agree that no promises or representations have been made which do not appear written herein and that this Agreement contains the entire agreement of the parties as to this Agreement.

11. **Severability Clause:** The parties to this Agreement agree that if any term, provision, covenant, condition or portion of this Agreement is held to be illegal, invalid, void, voidable or unenforceable, the remainder of the provisions shall remain in full force and effect as a separate contract and shall in no way be affected, impaired or invalidated.

12. **Amendment or Cancellation of Agreement; Enforceability:**

a. This Agreement may be amended or cancelled by mutual consent of the parties to the agreement or their successors in interest.

b. Until this Agreement is amended or cancelled by mutual consent of both parties under this section, the terms of this Agreement are enforceable by any party to the Agreement.

13. **Recitals within this Agreement:** The recitals contained within this Agreement as written above are restated herein and made part of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Development Agreement in duplicate, intending that it may be effective as of the date it is recorded.

Executed this _____ day of _____, 2011.

CITY:

City of Grants Pass

By: _____

Name: _____

Title: _____

STATE OF OREGON)

)ss

COUNTY OF JOSEPHINE)

Signed before me on the ____ day of _____.

OWNERS:

Freedman FMG Property LLC

By: _____

Name: _____

Title: _____

STATE OF OREGON)

)ss

COUNTY OF JOSEPHINE)

Signed before me on the ____ day of _____.

By _____

IN WITNESS WHEREOF I hereto set my
hand and seal on this same date,

Notary Public for Oregon
My Commission Expires _____

By _____

IN WITNESS WHEREOF I hereto set my
hand and seal on this same date,

Notary Public for Oregon
My Commission Expires _____

**EXHIBIT A
FREEDMAN PROPERTIES**

Tax Lot 905 (Assessor's Map 36-05-17-40)

Lot 5 of FIRE MOUNTAIN SUBDIVISION, IN THE City of Grants Pass, Josephine County, Oregon, according to the official plat thereof recorded in Volume 9, Page 583, Plat Records.

Tax Lot 907 (Assessor's Map 36-05-17-40)

Lot 6 and Lot 7 of FIRE MOUNTAIN SUBDIVISION, IN THE City of Grants Pass, Josephine County, Oregon, according to the official plat thereof recorded in Volume 9, Page 583, Plat Records.

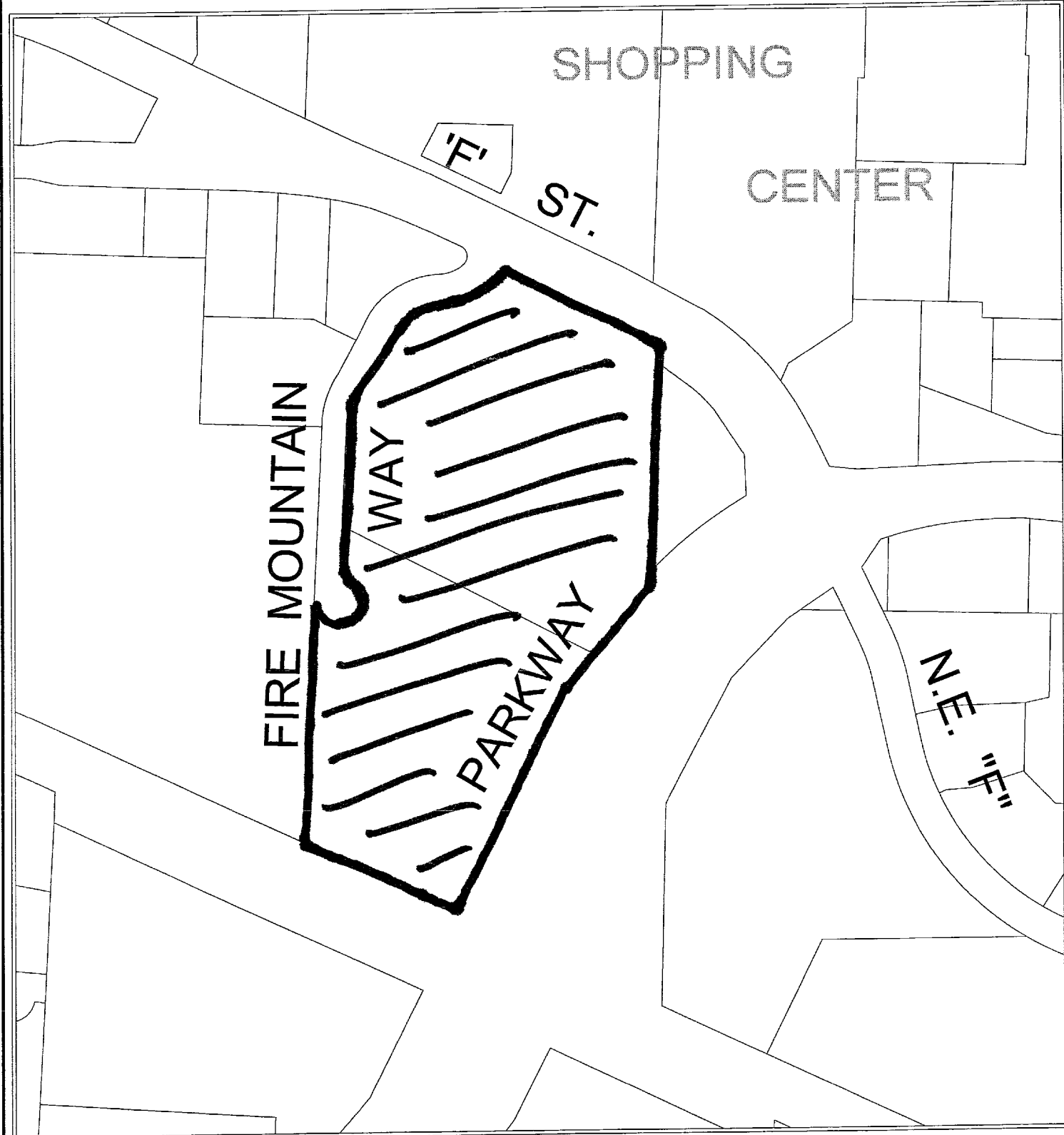
EXHIBIT A

FREEDMAN FMG PROPERTY LLC

36-05-17-40, TLs 905 & 907



WHERE THE ROGUE RIVER RUNS



300 0 300 600 Feet



EXHIBIT B
DEVELOPMENT AGREEMENT

Lora Glover

From: Rich Schaff
Sent: Wednesday, April 20, 2011 5:33 PM
To: Lora Glover
Cc: Carla Angeli; Michael Black
Subject: Fire Mountain Gems Zone Change, Lots 905 and 907 - City Engineer's Traffic Recommendations

Lora,

I have reviewed the TIA associated with the proposed zone change for Tax Lots 905 and 907. Below are my findings, discussion, and recommendations:

Findings

- The proposed uses (warehousing, day care, cafeteria, museum, athletic club) aggregate trip generation is estimated to produce an additional 78 PM peak hour trips. The existing site produces 159 PM peak hour trips. The total proposed trip generation for this site is $159 + 78 = 237$ PM peak hour trips.

Existing conditions are defined by the TIA and are based on the following parameters:

1. Existing traffic volumes
 2. No pipeline traffic
 3. No pipeline mitigation
- Existing LOS's and v/c ratios indicate that the operations of both intersections (F St/Parkway and F St/Fire Mountain Way) operate within acceptable City standards but fail to meet ODOT standards.
 - Year of Opening conditions are defined by the TIA and are based on the following parameters:
 1. Existing traffic volumes plus one year of growth rate.
 2. Pipeline developments are generating traffic to their assumed levels
 3. Pipeline projects are installed and functioning

Results at Year of opening are:

- F St/Parkway without zone change – City mobility standards are met, ODOT's mobility standards are not met.
- F St/Parkway with zone change – City mobility standards are met, ODOT's mobility standards are not met. (there is no change in ODOT's mobility standards with or without zone change)
- F St/FMW without zone change – City mobility standards are met. ODOT N/A
- F St/FMW with zone change – City mobility standards are met. ODOT N/A

Future Year (2030) conditions defined by the TIA are based on the following parameters:

1. Existing traffic volumes plus twenty years of growth rate
2. Pipeline developments are generating traffic to their assumed levels
3. Pipeline projects are installed and functioning

Results of the Future Year are:

- F St/Parkway without zone change – City mobility standards are not met. ODOT mobility standards are not met
- F St/Parkway with zone change – City mobility standards are not met. (LOS letter designation remains the same with or without zone change. However, overall delay is increased by 2.1 seconds) ODOT mobility standards are not met. (ODOT mobility standard (v/c) remains the same with our without the zone change.)

4/20/2011

EXHIBIT C

- F St/FMW without zone change – City mobility standards are met. ODOT N/A
- F St/FMW with zone change – City mobility standards are met. ODOT N/A

Discussion and Recommendation

The traffic engineer has followed the scoping letter and supplemental direction. Of both studied intersections, F St/Parkway and F St/FMW, only F St/FMW meets mobility standards now, at the year of opening, and the future year. The F St/Parkway intersection meets the City's mobility standards now and at the year of opening. However, it will not meet mobility standards in the future year nor does it meet ODOT's mobility standards at any time. With that said, there is no significant impact. In fact the impact is of such insignificance that daily variations in traffic volumes will exceed the impacts of the zone change. The largest impact to the F St/Parkway intersection will be the continued background traffic growth which is of course outside the scope of this zone change..

This traffic study was based upon an assumed trip generations from the developer's anticipated improvements that he would be able to accomplish with the zone change. It is important to note that a complete comparison of reasonable worst-case scenarios was not performed. It is for this reason, that a Development Agreement should accompany the conditions of the zone change which would limit any future use of the site to 237 PM peak hour trips. Any more than 237 PM peak hour trips would need to be accompanied by a supplemental TIA.

I concur with the traffic engineer's conclusion that the zone change be approved without requiring mitigation of the transportation system. However, it should be conditioned with a Development Agreement instituting a trip cap of 237 PM peak hour trips.

Rich Schaff, P.E.
City Engineer
City of Grants Pass
101 NW A Street
Grants Pass, OR 97526
541-474-6355
rschaff@grantspassoregon.gov

4/20/2011

EXHIBIT D

Improvements approved under Timber Products/Home Depot Development Agreement #2008-01

1. Installation of a traffic signal at "E" Street and Mill Street including but not limited to all applicable requirements associated with the installation such as right of way dedication, lane width configuration, striping, curb, gutter and sidewalk replacement.
2. Installation of a traffic signal at "F" Street and Mill Street including but not limited to all applicable requirements associated with the installation such as right of way dedication, lane width configuration, striping, curb, gutter, and sidewalk replacement.
3. Installation of a traffic signal at "M" Street and Mill Street including but not limited to all applicable requirements associated with the installation such as right of way dedication, lane width configuration, striping, curb, gutter, and sidewalk replacement.
4. Grants Pass Parkway at "F" Street - Addition of an eastbound lane on "F" Street to allow for dual left-turn lanes and a through/right turn movement onto the Parkway and related acquisitions and/or improvements.
5. Grants Pass Parkway at "M" Street – Addition of a second left turn lane on westbound "M" Street to southbound Parkway and related acquisitions and/or improvements.
6. Grants Pass Parkway and Highway 238 – Addition of a second left turn lane on southbound Parkway to southbound Highway 238 and related acquisitions and/or improvements.
7. Owner is responsible for the usual and customary conditions associated with approval of a site plan review and/or land division on the property pursuant to the Grants Pass Development Code. However, under no circumstances shall the Owner be required to make transportation improvements not identified in the Owner's TIA or a subsequent Owner's TIA, other than those usual and customary street improvements associated with approval of a site plan review and/or land division on the property pursuant to the Grants Pass Development Code. Any subsequent Owner's TIA shall be approved by the City.

EXHIBIT D



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Rogue Valley Office
100 Antelope Rd
White City, OR 97503-1674
(541) 774-6299
FAX (541) 774-6349

March 29, 2011

City of Grants Pass Planning Division
Attn: Lora Glover, Planner
101 NW "A" Street
Grants Pass, OR 97526

Subject: Fire Mountain Gems (Tax Lots 905 & 907) Plan Amendment & Zone Change Traffic Impact Analysis.

Dear Ms. Glover,

ODOT has reviewed and evaluated the draft Traffic Impact Study (TIS) submitted by Craig Stone and Associates on behalf of the applicant/owner Freedman FMG for the proposed land use application to amend the City of Grants Pass Comprehensive Plan Map and change the zoning for two land parcels situated at 1 Fire Mountain Way at the corner of NE "F" Street and the Grants Pass Parkway, and within the corporate limits of the City of Grants Pass.

The Traffic Section for Region 3 has reviewed the draft TIS and submitted a Technical Memorandum with a list of technical deficiencies requiring corrections and additional information (See Attachment #2). Please submit the necessary corrections and updated information to Michael Wang, Region 3's Traffic Engineer. Also, identify the project, timeframe and funding source for all state highway improvements being relied upon as traffic mitigation for both day-of-opening and year 2030.

Please contact Michael Wang, Region 3 Traffic Engineer at (541) 774-6316 for TIS questions. You may also contact me at (541) 774-6399 if you require additional information.

Sincerely,

Ian K. Horlacher
Development Review Planner

Attachment: 1. Technical Memorandum

Cc: City of Grants Pass
Craig Stone and Associates, attn: Craig Stone
RVDRT

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APR 01 2011

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EXHIBIT 8



Oregon

John A. Kitzhaber, Governor

Oregon Department of Transportation
Region 3, District 8
100 Antelope Road
White City, OR 97503
(541) 774-6316
FAX (541) 774-6397

FILE CODE:

TECHNICAL MEMORANDUM

TO: Ian K. Horlacher
District 8 Development Review Planner

FROM: Wei (Michael) Wang, M.S. & P.E. WW
Development Review Traffic Engineer

DATE: March 24, 2011

SUBJECT: Review of Fire Mountain Gems Plan Amendment and Zone Change TIA

It is the Oregon Department of Transportation's (ODOT) understanding that the Fire Mountain Gems zone change and plan amendment will occur with approximately 11.62 acres on Township 36S Range 5W Section 17D, Tax Lot 905 and 907 in Grants Pass, Oregon. The two tax lots are located on northwest quadrant of "F" street and Grants Pass Parkway intersection. Tax lot 905 is currently split-zoned Industrial (I) and General Commercial (GC). Tax lot 907 is currently zoned Industrial (I). The application is to change the zoning of Industrial on both tax lots to Business Park. The traffic analysis dated 12/22/2010 was prepared by Access Engineering LLC.

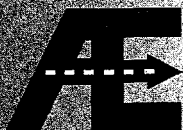
Based on the TIA, the facility expansion could be up to 51,000 square feet and include 2,500 square feet for the museum, 2,500 square feet for the retail shop. The expansion would also include the following uses that are allowed in both I and BP zones: 36,000 square feet of expanded manufacturing and warehousing space, a 5,000 square foot athletic center, a 2,000 square foot restaurant, and a 3,000 square foot day care center. Based on the proposed use, Access Engineering LLC stipulates this application will generate **67 AM peak hour trips** and **78 PM peak hour trips** at the time of opening. Access Engineering recommends that **no mitigation should be required at the time of opening.**

ODOT region 3 staffs have reviewed the TIA and have below comments:

Page	Paragraph	Comment
2	4	The TIA identifies the following project improvements in the horizon year 2030. ODOT staff verified these improvements with City of Grants Pass. City and ODOT has no future projects planned for these improvements. Please clarify which party will construct the improvements.
5	Table 1	PM peak hour rate for Athletic Club (493) is 5.96; ODOT staffs can't find the rate for 3.08 which is based on fitted curve equation in the reports.
6	2	Trip generation: the TIA calculated the new trips based on proposed use. Generally, ODOT prefer to calculate the new trips based on worse

		case scenario for the entire 11.62 acres property. Technically, the engineer should use Business Park trip rate per acres X 11.62 acres to calculate the new trips
12	3	Scenario 2 assumes the coordination for "F" street between the Parkway and Fire Mountain Way. "F" street can't be coordinated between the parkway and Fire Mountain Way because Parkway is a coordinated highway.
19	Table 12	In the future year mitigation queuing analysis, Pkwy & "F" intersection: Northbound Thru, Eastbound Thru+Right; Westbound Thru; Westbound Right 95 th percentile queues are still longer than the available storage. What's the mitigation for these queuing issues?
Appendix A	Figure 8	Northbound improvements do not match with the improvements listed in the Page 17 Horizon Year Project Improvements.
General	General	ODOT staffs recommend modifying the signalization at the intersection of "F" & Fire Mountain Way to 8 phase signalization with protected/permissive left turn on Fire Mountain Way.

If you have any questions regarding my comments, please call me at (541) 774-6316 or Wei.Wang@odot.state.or.us.



Access Engineering LLC

April 11, 2011

Wei (Michael) Wang, MS & PE
Development Review Traffic Engineer
ODOT Region 3, District 8
100 Antelope Road
White City, OR 97503

134 E. 13th Ave. Suite 2

Eugene, Oregon 97401

Phone & Fax

541-485-3215

www.accesseng.com

Transportation Engineering

Traffic Design

Trip Generation

Access Management

Traffic Counts

Street Lighting

RE: Response to ODOT Review of Fire Mountain Gems Plan Amendment and Zone Change TIA

Thank you for your review of the Fire Mountain Gems Plan Amendment and Zone Change TIA. While the plan amendment and zone change would affect the entire 11.62 acres on tax lots 905 and 907, the existing two buildings; a 100,486 square foot building for administrative offices, support facilities, packaging, and shipping and receiving; and a 68,400 square foot warehouse facility will remain unchanged. The proposed change from industrial to business park designation is to allow the limited expansion of the facility to include a "Rock and Gem Museum" and limited retail which are not allowed in the Industrial zone. The existing traffic from the uses already permitted in both the current and proposed zones are not new trips either from a practical or technical perspective. Fire Mountain Gems is proposing a trip cap on new trips based upon contemplated development to satisfy the TPR. As specified in June 2 Scoping Letter from the City of Grants Pass (attached), the traffic impact analysis compared the traffic impacts of the specified 51,000 square foot expansion to the current traffic generated by the site as measured by the existing driveway usage.

The following are our responses to the review comments you have provided:

Page 2, Para. 4: The TIA identifies project improvements in the horizon year 2030. Please clarify which party will construct these improvements.

The improvements suggested in the TIA for the the horizon year 2030 were developed to satisfy the City of Grants Pass' LOS "D" requirement. The TPR analysis would not require any improvements since the volume to capacity ratio will not be substantially changed by the proposed expansion compared to the no-build conditions. The improvements listed for the year of opening are to be developed and paid for by the Home Depot project.

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CITY OF GRANTS PASS

EXHIBIT 9

Page 5, Table 1: PM peak hour rate for Athletic Club (493) is 5.96; ODOT staff can't find the rate for 3.08 which is based on fitted curve equation in the report.

The trip rate was calculated in two steps. The vehicle trips were calculated directly from the fitted curve equation and the trip rate was then calculated by dividing the generated trips by the square footage of the Athletic Club times 1000:

$$\text{Trips} = 6.58(X) - 17.51 = 6.58 \times 5.0 - 17.51 = 15.39 \text{ trips}$$

$$\text{Trip Rate} = (15.39 \text{ trips}/5000 \text{ SF}) \times 1000 = \mathbf{3.08 \text{ trips}/1000 \text{ square feet}}$$

Page 6, Para. 2: Trip Generation: the TIA calculated the new trips based on proposed use. Generally, ODOT prefers to calculate the new trips based on worst case scenario for the entire 11.62 acres property. Typically the engineer should use Business Park trip rate per acres per 11.62 acres to calculate the new trips.

As discussed in the opening paragraph of this letter, the intent is to add two land uses totaling 5,000 square feet to the existing site that are not allowed in the current industrial designations. In negotiations with the City of Grants Pass it was agreed to limit the analysis to that level. The scope of work (attached) gave the option of either "A), a reasonable proposal by the applicant and a trip cap set through a development agreement, or B) the entire site developed as a commercial property with the building areas remaining as existing". Option A) was selected.

Page 12, Para. 3: Scenario 2 assumes the coordination of "F" Street between the Parkway and Fire Mountain Way. "F" Street can't be coordinated between the Parkway and Fire Mountain Way because the Parkway is a coordinated highway.

An email from Rich Schaff, City Engineer, on 10/28/2010 (see Appendix G of the TIA) specified that we were to analyze the coordinated scenario as an option to the existing free operation. It is also our understanding that unless changes were made in the last 3 years, the section of the Parkway in our study area has not been operated as a coordinated system.

Page 19, Table 12: In the future year mitigation queuing analysis, Pkwy @ "F" intersection: Northbound Thru, Eastbound Thru+Right; Westbound Thru; Westbound Right 95th percentile queues are still longer than the available storage. What is the mitigation for these queuing issues?

Table 12 does not show a queuing problem for Northbound Thru or Eastbound Thru+Right lanes for the proposed expansion mitigation in either scenario. Mitigation for queuing issues is typically provided by increasing the storage length or adding lanes. In this instance, for the Westbound right-turn lane, the proposed zone change is not causing the the available storage to

be exceeded. The three additional trips out of 443 total trips are not significantly affecting the storage issues in this lane. No trips are added to the Westbound Thru lane by the proposed zone change. The Westbound queuing issues are a system problem and the mitigation, an additional through lane, is an issue for a TSP update.

Appendix A, Figure 8: Northbound improvements do not match with the improvements listed in the page 17 Horizon Year Project Improvements.

The second northbound left-turn arrow in Figure 8 was omitted. The figure has been corrected and is attached.

General, General: ODOT staff recommends modifying the signalization at the intersection of "F" Street & Fire Mountain Way to 8 phase signalization with protected/permmissive left turn on Fire Mountain Way.

The current operational phasing of the "F" Street & Fire Mountain Way intersection, which includes a pedestrian only phase, was developed by the City of Grants Pass in response to complaints from pedestrians. Permissive left turns from both the shopping driveway and from Fire Mountain Way were not yielding to pedestrians in the crosswalks. The proposal to add a protected/permmissive left turn phase on Fire Mountain Way would reinstate this situation.

Thank you again for your comments. If you have any questions regarding these responses, please contact me at 541-485-3215 or mikew@accesseng.com.

Michael Weishar, PE
Access Engineering LLC

cc: Lora Glover, City of Grants Pass
Craig Stone, Craig Stone & Assoc.

June 2, 2010

City of Grants Pass



Mike Weishar
Access Engineering
134 E. 13th Ave. Suite 2
Eugene, OR 97401

Subject: Traffic Impact Analysis Scoping Letter, Fire Mountain Gems TL 905 & 907

Dear Mr. Weishar:

Your proposed development triggers the need for a Traffic Impact Analysis per the Development Code Section 27.121(3). The purpose of this letter is to provide you with a scoping letter that can be used to analyze the impact to the City's transportation system.

I have received your letter dated August 26, 2009. Although your reasoning is sound to compare the existing and proposed uses under OAR 660-012-0060 ("TPR"), it creates a problem when the applicant wants to make any changes of use in the future. As you know, there is a congested intersection in the area (F St/GP Parkway) and any impact to that intersection will need to be mitigated. If the City were to allow the zone change without any mitigation impact, no further development would be allowed without mitigation, or at least a Traffic Impact Analysis (TIA) showing acceptable Levels of Service (LOS).

Furthermore, ODOT and I are concerned that because the City's development code contains no percentage restrictions on mixed uses; i.e. both lots could be entirely converted to commercial, and a significant amount of traffic generation could occur. The existing traffic generated by the two lots must be measured at the driveways and set as a baseline and compared to either (A), a reasonable proposal by the applicant and a trip cap set through a development agreement, or (B), to the entire site developed as a commercial property with the building area remaining as existing. Impacts that will degrade traffic facilities below the City's and/or ODOT's minimum operational standards in either option (A) or (B) shall be mitigated at the time of zone change.

In many of the cases presented in your letter, the percentages of internal trips appear to be high. Although many of the employees may use the athletic club, day care center, restaurant, specialty retail and geologic museum, I feel a higher percentage of the public will use them than you proposed. If option (A) is to be used, the following percentages of internal trips shall be utilized: Athletic club 40%, Day Care Center 80%, Restaurant 30%, Specialty Retail 10%, Geologic Museum 10%.

General Guidance

It is the applicant's responsibility to show adequacy of the transportation system with the development of his/her project. The applicant should present the results of the analyses and provide comparisons with applicable operating standards.

For facilities under City jurisdiction, the applicable intersection operational standard is Level of Service "D", as specified in the Master Transportation Plan and the Development Code Article 27. For facilities under Oregon Department of Transportation (ODOT) jurisdiction, the ODOT mobility standards shall be used, as specified in the Oregon Highway Plan in addition to the City's standard.

The study shall account for all developments in the area, AKA pipeline projects, which have obtained a land use approval and are not yet occupied. Specifically, Home Depot, Terry Lane (Phases 1 and 2), and The Fire Mountain Gems Rezone on Tax Lots 901, 902, and 903 have received land use approvals with development agreements. Each of these projects has mitigation associated with them. The study shall assume these projects have been completed, are generating their maximum peak hour trips, and have installed their mitigations.

The applicant shall contact the Planning Division for information regarding the pipeline projects and their associated development agreements, traffic studies, and proposed mitigations. Pre-approval of trip generation and distribution parameters from the City and the Oregon Department of Transportation shall be obtained prior to commencing further analysis.

Specific Guidance

1. **Study Area.** The study area shall be all arterials (which includes state highways), collector segments, and intersections (regardless of classification) which are impacted by 25 or more peak hour trips from this development. Additionally, all internal circulation and access points to public streets will be evaluated. The study area shall be approved by the City Engineer prior to performing the analysis.


Pursuant to GPDC 27.121(3)(a)(1)(1), regardless of the 25 peak hour impact, the intersection of GP Parkway/F Street will be studied as it is known to experience congestion.

2. **Time period of analysis.** The study shall perform analysis for the AM and PM weekday peak hours. If this development is anticipated to have peak hour trip generation other than the typical AM or PM peak hours, that peak hour shall also be analyzed.
3. **Traffic Counts.** All-day traffic counts shall be taken at the existing driveways to set the baseline for the comparisons. Traffic counts shall be obtained at all intersections within the study area. Counts more than twelve months old shall not be used as the basis for analysis. The City is unaware of any recent traffic counts within the area. Adjustments shall be made for seasonal variation.
4. **Trip Generation.** The applicant shall use appropriate and reasonable worst-case trip generation rates based on the latest edition of the *ITE Trip Generation Manual* unless the applicant can provide strong justification for using another source. The trip generation and methodology shall be approved by the City Engineer and shall be coordinated with the Oregon Department of Transportation (ODOT) prior to performing the analysis.
5. **Trip Distribution.** The engineer shall provide thorough documentation of assumptions and methodology. The trip distribution shall be approved by the City Engineer and shall be coordinated with the Oregon Department of Transportation (ODOT) prior to performing the analysis.
6. **Future Analysis Years and Traffic Growth.** The analysis shall account for a reasonable rate of growth from the date of the traffic counts until the peak hour of the average day during the first year after opening. Additionally, the TIA shall project a reasonable amount of growth and analyze a 20-year projection. The applicant may consider ODOT's traffic growth model for projections.

7. **Analysis.** Traffic analyses for state facilities shall be performed as outlined in ODOT's Analysis Procedures Manual. Traffic analyses for City facilities shall be performed as outlined in the latest edition of the *Highway Capacity Manual (HCM)*.
8. **Turn Lanes.** An analysis shall be performed to determine whether the site accesses require dedicated turn lanes. Special consideration to site accesses off Fire Mountain Way will be required.
9. **Site Plan and Access.** Not applicable
10. **Mitigation Plan.** The mitigation plan should propose improvements to assure that both ODOT's and the City's mobility standards are met (i.e. ODOT mobility standards and the City's LOS standards). No further degradation below either the City's or ODOT's standards shall be allowed. The mitigation plan could include new travel lanes, new turn lanes, and signalization changes. The engineer shall be careful to abide by ODOT signal timing requirements related to minimum and maximum phases. The engineer shall identify any additional right of way that would be required as a result of the mitigation plan. If any intersection or roadway segment is deemed to be below either the City's or ODOT's minimum operating standards as a result of existing conditions without the development, mitigation shall be proposed to offset the impact of this development. Signal timing adjustments will not be considered as mitigation.
11. **Queuing Analysis.** A queuing analysis shall be performed for all approaches to all intersections in the study area. Where queues are excessive or adversely affect accesses, propose mitigation to offset the impacts created by this development.

If you have any questions or need any further information concerning this project please call me at 541-474-6355.

Sincerely,

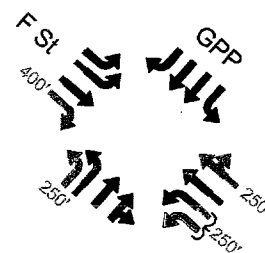
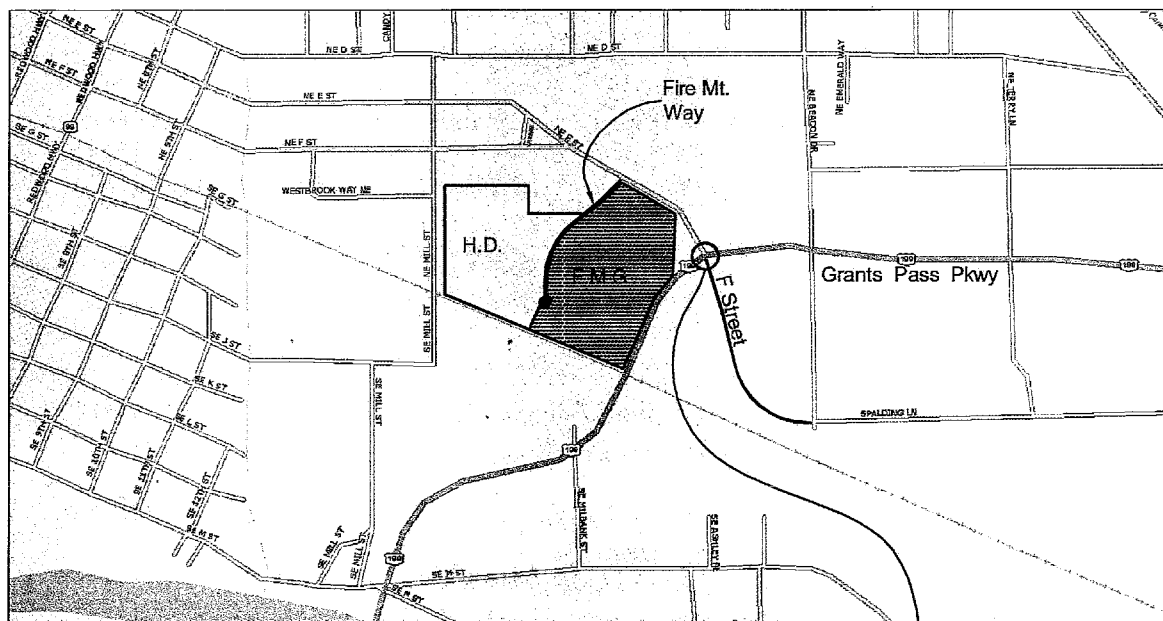


Rich Schaff, P.E.
City Engineer

Cc: c/f, tax lot file: 36-05-17-D0 TL 905 & 907
Lora Glover, Associate Planner
Wei Michael Wang, ODOT
Craig Stone, CSA Planning

(T:/CD/Planning/Reports/2009/09-0010018_FreedmanFMGCPMA.ZC.lig/FMG.ScopingLetter.RezoneTL905.907.06022010.doc)

Figure 8
F.M.G. TL 905 and 907 Zone Change Traffic Impact Study
Future Year Mitigation



Lora Glover

From: Rich Schaff
Sent: Wednesday, April 20, 2011 5:33 PM
To: Lora Glover
Cc: Carla Angeli; Michael Black
Subject: Fire Mountain Gems Zone Change, Lots 905 and 907 - City Engineer's Traffic Recommendations

Lora,

I have reviewed the TIA associated with the proposed zone change for Tax Lots 905 and 907. Below are my findings, discussion, and recommendations:

Findings

- The proposed uses (warehousing, day care, cafeteria, museum, athletic club) aggregate trip generation is estimated to produce an additional 78 PM peak hour trips. The existing site produces 159 PM peak hour trips. The total proposed trip generation for this site is $159 + 78 = 237$ PM peak hour trips.

Existing conditions are defined by the TIA and are based on the following parameters:

1. Existing traffic volumes
 2. No pipeline traffic
 3. No pipeline mitigation
- Existing LOS's and v/c ratios indicate that the operations of both intersections (F St/Parkway and F St/Fire Mountain Way) operate within acceptable City standards but fail to meet ODOT standards.
 - Year of Opening conditions are defined by the TIA and are based on the following parameters:
 1. Existing traffic volumes plus one year of growth rate.
 2. Pipeline developments are generating traffic to their assumed levels
 3. Pipeline projects are installed and functioning

Results at Year of opening are:

- F St/Parkway without zone change – City mobility standards are met, ODOT's mobility standards are not met.
- F St/Parkway with zone change – City mobility standards are met, ODOT's mobility standards are not met. (there is no change in ODOT's mobility standards with or without zone change)
- F St/FMW without zone change – City mobility standards are met. ODOT N/A
- F St/FMW with zone change – City mobility standards are met. ODOT N/A

Future Year (2030) conditions defined by the TIA are based on the following parameters:

1. Existing traffic volumes plus twenty years of growth rate
2. Pipeline developments are generating traffic to their assumed levels
3. Pipeline projects are installed and functioning

Results of the Future Year are:

- F St/Parkway without zone change – City mobility standards are not met. ODOT mobility standards are not met
- F St/Parkway with zone change – City mobility standards are not met. (LOS letter designation remains the same with or without zone change. However, overall delay is increased by 2.1 seconds) ODOT mobility standards are not met. (ODOT mobility standard (v/c) remains the same with or without the zone change.)

4/20/2011

EXHIBIT 10

- F St/FMW without zone change – City mobility standards are met. ODOT N/A
- F St/FMW with zone change – City mobility standards are met. ODOT N/A

Discussion and Recommendation

The traffic engineer has followed the scoping letter and supplemental direction. Of both studied intersections, F St/Parkway and F St/FMW, only F St/FMW meets mobility standards now, at the year of opening, and the future year. The F St/Parkway intersection meets the City's mobility standards now and at the year of opening. However, it will not meet mobility standards in the future year nor does it meet ODOT's mobility standards at any time. With that said, there is no significant impact. In fact the impact is of such insignificance that daily variations in traffic volumes will exceed the impacts of the zone change. The largest impact to the F St/Parkway intersection will be the continued background traffic growth which is of course outside the scope of this zone change..

This traffic study was based upon an assumed trip generations from the developer's anticipated improvements that he would be able to accomplish with the zone change. It is important to note that a complete comparison of reasonable worst-case scenarios was not performed. It is for this reason, that a Development Agreement should accompany the conditions of the zone change which would limit any future use of the site to 237 PM peak hour trips. Any more than 237 PM peak hour trips would need to be accompanied by a supplemental TIA.

I concur with the traffic engineer's conclusion that the zone change be approved without requiring mitigation of the transportation system. However, it should be conditioned with a Development Agreement instituting a trip cap of 237 PM peak hour trips.

Rich Schaff, P.E.
City Engineer
City of Grants Pass
101 NW A Street
Grants Pass, OR 97526
541-474-6355
rschaff@grantspassoregon.gov

4/20/2011

JOINT HEARING
RIVERFRONT REVIEW BOARD & URBAN AREA PLANNING COMMISSION
MEETING MINUTES
April 27, 2011

The Urban Area Planning Commission met in a joint session with the Riverfront Review Board on the above date with Chair Gary Berlant presiding. Commissioners Fitzgerald, Richardson, Cowell, Regan, and Coulter were also present. Commissioner Harmony was absent, and one vacant position was noted. Riverfront Review Board members Holzinger, Headley, Charleboix, Bowers, Cummings, Fisher, and Pare were present as well. Also present and representing the City were Principal Planner Angeli Paladino and Associate Planner Glover.

1. SWEAR IN NEW PLANNING COMMISSIONER & ROLL CALL

Chair Berlant stated, I call this joint meeting of the Urban Area Planning Commission and the Riverfront Review Board to order. First thing on the agenda is the swearing in of the new Commissioner. Let's do that first.

SWEARING IN

Commissioner Jim Coulter sworn in as a new Commissioner.

Chair Berlant stated, Welcome Jim and I see as far as the rest of the roll call I see Clair Harmony is absent, Loree Arthur is confused about where she is sitting. I think she is here or maybe she's not, I don't know, but we'll call her present. No? She's not here? Okay, are you sitting on a technicality? Well, Carla, do you know what we are doing? Are we putting that one back out for application? Loree Arthur's term has apparently expired so where are we at with that?

Planner Angeli-Paladino stated, I believe Administration has already put the advertisement out. We typically try to have three applicants come in and then City Council will interview.

Chair Berlant asked, So for the present time that position is vacant? Is that what you're telling me? Okay, okay, there we go; so Loree Arthur does not exist. So that position is vacant.

2. ITEMS FROM THE PUBLIC: None

Urban Area Planning Commission 04/27/2011

EXHIBIT B
- 11/11/11 - EDC -

Mr. Baldridge stated, Yes, I would be glad to participate at that open meeting.

Chair Berlant stated, Yes, you will be given notice of it, and you are specifically invited to participate in that, in the walking of property and then once again to their meeting to decide.

Board Member Bowers stated, Okay the only other thing is, Gary, do think it be appropriate if we uh either send a letter or notify the other committees, the park committee.... They should, they might want to come to....

Chair Berlant stated, absolutely, absolutely to your site review, yeah. Okay thank you guys. Do guys want to move forward or take a break? Yes, we can have five minutes..

Board Member Headley stated, Gary, thank you.

5. ADJOURN JOINT HEARING

(At this time, the Commission took a five-minute recess)

6. PUBLIC HEARING

- i. Fire Mountain Gems Comprehensive Plan Amendment, Zoning Map Amendment and Development Agreement.

Chair Berlant stated, Okay I'm going to attempt to call the Commission back to order. Craig Stone wants to get out of here. Well, they probably can, if I can hold my comments back. The next proposed... the next item on the agenda is the... public hearing is the Friedman FMG property LLC comprehensive plan map amendme... comprehensive zoning map amendment and development agreement at number 1140200001. Is there anyone present who wishes to challenge the authority of the Commission to hear this matter? Seeing none, are there any Commissioners who wish to abstain from participating in the hearing or wish to declare a potential conflict of interest? Seeing none, any commissioners who wish to disclose contacts, discussions or other ex-party information they received prior to this meeting regarding the application? Again, seeing none, the decision will be based on criteria in the development code. They're listed in the staff report. All testimony must be directed at that, and remember if you fail to raise an issue with sufficient specificity, it will preclude appeal to the

Land Use Board of Appeals. If you need a copy of the staff report, let us know. Looks like not. Okay, so we'll hear from Lora.

Associate Planner Glover stated, Good evening. Again, the proposal tonight is to uh complete an amendment and zone change application to the Fire Mountain Gems property. This is their main operation facility. You reviewed, in 2009, a similar application for their subplot which was off to the west of Fire Mountain. Same criteria that we're going to go through. The proposal tonight will also include a development agreement, their traffic analysis review, the proposed additional uses they wanted to add into the facility including an athletic club, daycare center, primarily for their employees, a restaurant, specialty retail facility that will be focusing on Fire Mountain Gems merchandise where they'll sell some of their beads, the Geological Museum they want to locate there, the former state facility and the additional warehouse space, total approximately 51,000 square foot addition. We are not including a site review with this application tonight. This is the proposal, but again that's why the analysis with the trip count is important with the development agreement. So here's the property along the parkway with Fire Mountain and also has frontage on F Street. This little section of the property here, part of tax lot 905 was acquired from the state as additional right of way. That portion has general commercial zoning and it is staying as is, so the application really addresses the industrial zoned sections of 905 and 907. Here's one of our older aerial photographs. What's important through the zone change is to acknowledge how the zone would blend into these other areas and the uses around it. So we will have the future Home Depot site over here, which is also BP, the little sub parcel, if I can get my arrow back. This whole little section is owned by Fire Mountain Gems. They went through and had a development agreement on that part, also in 2009. Then of course the shopping center over to the north, and then east of the parkway is Parkway Village and Deerdorf Corners, and then we get down into the heavy industrial to the southeast, and of course with some Copland operation to the south, across the railroad tracks. So as you review this, it is important to recognize how this would blend into the area, the light industrial or the BP. It provides for some of those commercial uses. It's going to blend into the Home Depot site. One of the justifications that we also used when we reviewed that Copland for change... again, the purpose of the BP zoning is to provide a mixed use of light industrial and commercial. The industrial zone itself is a heavier use industrial, a lot of times using and needing outdoor space, and more of a buffer from the commercial industrial the City does have need for both commercial and industrial, so this option is kind of a nice blend. So, depending on what this property is used for in the future, again we went through what's around the property, and the pending development of the Home Depot site. Again, the compatibility is an important factor for this property and then one of the additions, when we go through the comp plan, and reviewed the different elements of that, we talked

about our heavy industrial uses are probably going to be somewhat limited for this area. This is an attractive site, because of the commercial opportunities this close downtown and the I5 corridor. The likelihood of a new heavy industrial use coming into this specific location is probably not a compatible use, though it would be a permitted use if they chose to. And then again, keeping the 10 acre tract that is BP, industrial types zoning, it provides great flexibility of uses. Uh, the current economic element of the compound indicates that again, we do need both, need both commercial and industrial to accommodate future growth. We do have utility services available. The Home Depot property would be bringing in the loop water system that you're probably familiar with that will... for the fire service and then fulfill. Any future expansion on this site will be dependent upon that completing which also goes with the development agreement. This map is kind of a large-scale of our zoning area. You can see the last of the industrial zone up on this northeast area, north of the railroad tracks, and then that comes down toward the southeast, so blending this into the BP zoning here, and then this little parcel is also BP. This map is slightly outdated or hasn't been changed, so that gives you an overview of how this zoning will swath down through to the I5 corridor. The applicant submitted a traffic analysis also with the application. It's pretty thick to get working through. At the basic, I think the most important part, the applicant can go through this a little bit more, is we have some issues around parkway and F Street. We know that. We have issues, with Fire Mountain Gems or without Fire Mountain Gems, and so, they had to show that their proposed addition wouldn't throw it over that element, especially between ODOT's requirements, because it's their intersection. As long as it doesn't make it worse, they're okay. That's where the development agreement ties back in. They were not required to do a worst-case scenario study, because they're going to limit their trips. Now, if they decide to come back in, later on, add five fast food restaurants, then it's off the charts; they would have to come back through the proposal, and then would have to mitigate and put some improvements in. So, and then traffic analysis and the City engineer's agreement with that was that it was based upon those uses. They weren't going to make it any worse. We still know we have severe problems coming up in 2030 that we'll have to deal with, as a community. So based on the analysis and the materials provided and the proposed development agreement, staff contends that the application meets the statewide planning goals, the comprehensive plan policy and also the zone map amendment section 4.033 of the development code. It is recommended that you recommend approval to the City Council for the amendment and also for the development agreement. If you have questions or comments for me, I will take those at this time.

Chair Berlant asked, Questions for Lora? Seeing none, thank you, would the applicant care to make a presentation?

Mr. Stone stated, I'm appearing on behalf of, of applicants Friedman FMG properties LLC. Pardon me? Yes thanks, appearing on behalf of Friedman FMG properties LLC. It's an LLC owned by the same owner as Fire Mountain Gems, that would be Stewart and Christine Friedman. I've read the staff report very carefully, listened attentively, don't have a thing to take issue with, with respect to the staff's position. We prepared findings of fact and conclusions of law. Attached to it, are a number of exhibits including the mentioned traffic impact analysis. These together show that we comply with the relevant criteria that the City has adopted to... to measure the desirability of plan amendments and zone changes, showing we comply with those. The City staff has concurred. About the least exciting kind of presentation I'm ever called upon to make are things like zone changes and plan amendments which don't have a lot of sex appeal. I'm not going to try to go through those standards this evening, and I promised Commissioner Fitzgerald a pretty brief presentation, and you just heard it. I should tell you Chuck Wolfmüller from Fire Mountain Gems and Jay Harland, one of my partners and Beverly Thriesten, who's on our staff all three of us worked on this matter and we think we can field questions, if you have them. So let me just ask. I'll close for now and just if you have any questions...?

Commissioner Cowell stated, I'm just really excited about the little rest... not restaurant but little place where they have to look at the stuff. I'm so excited. I love Fire Mountain Gems.

Mr. Stone stated, yeah, we don't expect this to be a real deep retail sale place, but they do receive visitors at Fire Mountain Gems, people who participate in the catalog business, who like to tour the facility, and they often inquire, is there a place that we can look at things and perhaps buy, and there isn't. So, it would make some provision for that.

Commissioner Richardson asked, I do have one question, from this restaurant standpoint, are you talking about like a company cafeteria?

Mr. Stone stated, Yes, it'll primarily be along those lines, but to the extent of when we have visitors they might be dining there, but it's not going to be like a restaurant that they would advertise and try to attract business. It's primarily for the employees.

Commissioner Richardson stated, Because what I noticed, if you're at Grants Pass Shopping Center about noonish, there are people coming across that very busy intersection trying to get to restaurants,

and it seems like a wise thing to do, that it would actually help the congestion if they didn't have to cross the street right there.

Mr. Stone stated, Well, I agree with that,, and you know it's just common sense if there's a place to eat on this side, you're less likely to leave. On the other hand, when it comes to doing things like traffic analyses, folks like engineers and ODOT.people are not going to give you any credit for that. They look at the use, there's a manual they go by and that's where they'll reflect for the future vehicle trip counts, but the benefit, the traffic benefit from having that is not something that will immediately materialize in our dealings with ODOT.

Chair Berlant asked, Any other questions for Greg? No? Thanks for your attention.

Mr. Stone stated, thank you

Chair Berlant asked, Anybody else want to speak? Good. Okay no closing comments.

Commissioner Richardson asked, How do you limit the number of trips? I know it says in here working to limit the number of trips to 213 or some number. How do you physically make that happen, not that it's a bad idea, just how does that happen

Associate Planner Glover stated, It's through the use that allowed. So when they come in and do their next site review and application, their proposed use is what we calculate the trips off of, and so that's where... they may or may not do a day care center, they may not do the athletic center, but they can move that use around as long as the trips from the traffic analysis books don't exceed that.

Chair Berlant asked, Anything else? Lora? Close the public hearing portion and hand it over to the Commissioners

MOTION

It was moved by Commissioner Cowell and seconded by Commissioner Richardson that the Commission recommend approval to the City Council for the comprehensive plan, the amendment to the zoning from industrial to business park and the proposed development agreement. The vote resulted as follows: "AYES": Berlant, Cowell, Fitzgerald, Regan, Coulter and Richardson. "NAYS": None. Abstain: None. Absent: Harmony. The motion passed.

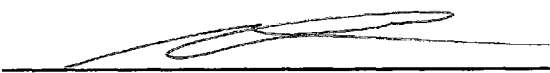
was a good thing that we were there, because there were some issues that apparently we didn't do a good job of communicating and I... the city staffers, bless their hearts were having to defend ideas that I don't know that they clearly understood. We had not made it clear, and it did give us an opportunity to do that and that was a joint workshop. It worked very well, and I think when we had met with the City Council, we generally know our place in that family... do pretty well. So this one was kind of unusual, to say the least.

Commissioner Fitzgerald stated, next time, don't do it on the Sabbath, please

Chair Berlant stated, Welcome Jim.

10 ADJOURNMENT

There being no further business to come before the Commission, Chair Berlant adjourned the meeting at 8:56 p.m.



Gary Berlant, Chair
Urban Area Planning Commission



Date

These minutes were prepared by contract minute taker, Juliet Meredith.



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Rogue Valley Office
100 Antelope Rd
White City, OR 97503-1674
(541) 774-6299
FAX (541) 774-6349

April 25, 2011

City of Grants Pass Planning Division
Attn: Lora Glover
101 NW "A" Street
Grants Pass, OR 97526

Re: Review of Fire Mountain Gems Comprehensive Plan Amendment and Zone Map Change.

Dear Ms. Glover,

Thank you for the opportunity to comment on the review of the Fire Mountain Gems Comprehensive Plan Amendment and Zone Change for approximately (Map and Tax Lot: 36-05-17D: TL 905 and 907) 11.62 acres, and the submitted traffic impact analysis completed by the applicant for the amendment and zone map change.

ODOT has reviewed the comprehensive plan amendment and zone map change and supports the City of Grant Pass's decision of applying a peak hour trip cap of 237 peak hour trips as a condition of approval for the amendment and subsequent project.

If this condition of approval is adopted, then the proposal will not adversely impact the state's transportation facility; therefore, the proposed land use actions do not trigger ODOT's review under the Transportation Planning Rule (OAR 660-012-0000) or under the Access Management Rule (OAR 734-051-0000). Please review the attached Technical Memorandum submitted by District 8 Traffic Engineer, Michael Wang. We have no further comments on this project.

Please enter this letter into the public record for the proposed land use action and send me a copy of the City's final decision. Please feel free to contact me at (541) 774-6399 if you have additional comments or questions.

Respectfully,

Ian K. Horlacher
Development Review Planner

Cc: RVDRT

EXHIBIT 1 
TO UARC MINUTES



Oregon

John A. Kitzhaber, Governor

Oregon Department of Transportation
Region 3, District 8
100 Antelope Road
White City, OR 97503
(541) 774-6316
FAX (541) 774-6397

FILE CODE:

TECHNICAL MEMORANDUM

TO: Ian K. Horlacher
District 8 Development Review Planner

FROM: Wei (Michael) Wang, M.S. & P.E. *WW*
Development Review Traffic Engineer

DATE: April 21, 2011

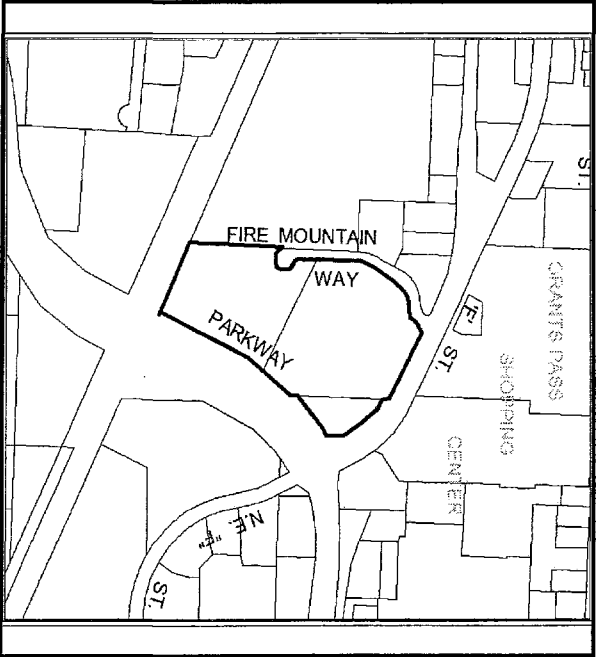
SUBJECT: Review of Fire Mountain Gems Plan Amendment and Zone Change Response Letter (04/11/2011)

ODOT staff has reviewed the response letter dated 04/11/2011 from Access Engineering LLC regarding Fire Mountain Gems Plan Amendment and Zone Change project. ODOT staff supports the City of Grants Pass's decision of applying a **peak hour trip cap of 237** as a condition of approval for the project. **The peak hour trips cap includes 159 Existing Trips and 78 New Trips** from the Zone Change.

If you have any questions regarding my comments, please call me at (541) 774-6316 or Wei.Wang@odot.state.or.us.

**FREEDMAN FMG PROPERTY LLC
COMPREHENSIVE PLAN MAP AMENDMENT,
ZONING MAP AMENDMENT,
AND DEVELOPMENT AGREEMENT**

- ☐ Owner: Freedman FMG Property LLC
- ☐ Representative: CSA Planning Ltd.
- ☐ Map/Tax Lot: 36-05-17-40, TL 905 & 907
- ☐ Acreage: 10.84 acres
- ☐ Project No.: 11-40200001
- ☐ Planner: Lota Glover
- ☐ UAPC Hearing: April 27, 2011



Proposal & Property Characteristics:

- Request is for a Comprehensive Plan Map Amendment from Industrial to Business Park and Zoning Map Amendment from (I) to (BP); and
- Development Agreement limiting 237 PM peak hour trips for existing and proposed accessory uses:
 - Athletic Club;
 - Day Care Center;
 - Restaurant;
 - Specialty Retail (FMG Merchandise)
 - Geologic Museum
 - Additional Warehouse Space

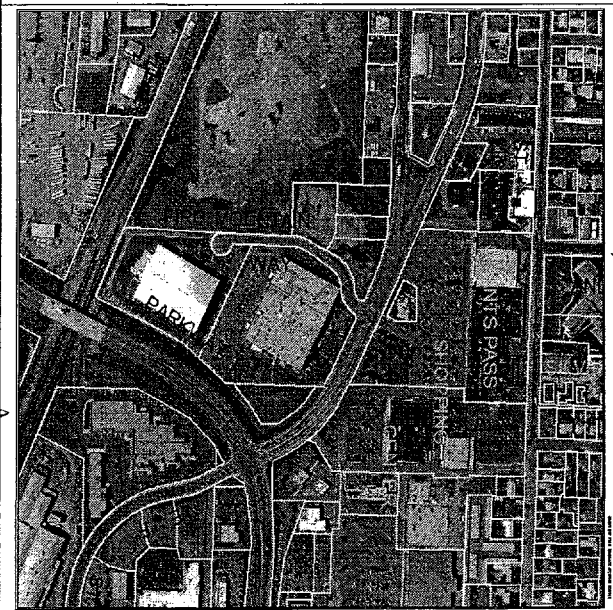


EXHIBIT C
11/14/2011 FDE

Discussion

- The purpose of the BP zone is to:
 - Provide a mixed-use zone for light industrial and commercial;
 - Retail trade is permitted as an accessory or when compatible; (Section 12.321)
- The purpose of the Industrial zone is to provide for industrial uses with heavier impacts upon their surroundings and the need for outdoor functions (Section 12.323).

Discussion, cont.

- The demand for commercial land is driven by expansion and relocation of existing businesses;
- The proposed BP zone provides a wide range of mixed uses pursuant to Schedule 12-2 of the Development Code;
- Compatibility in an important factor when reviewing a CMP/ZC when expanding commercial and industrial uses within a neighborhood.

Discussion, cont.

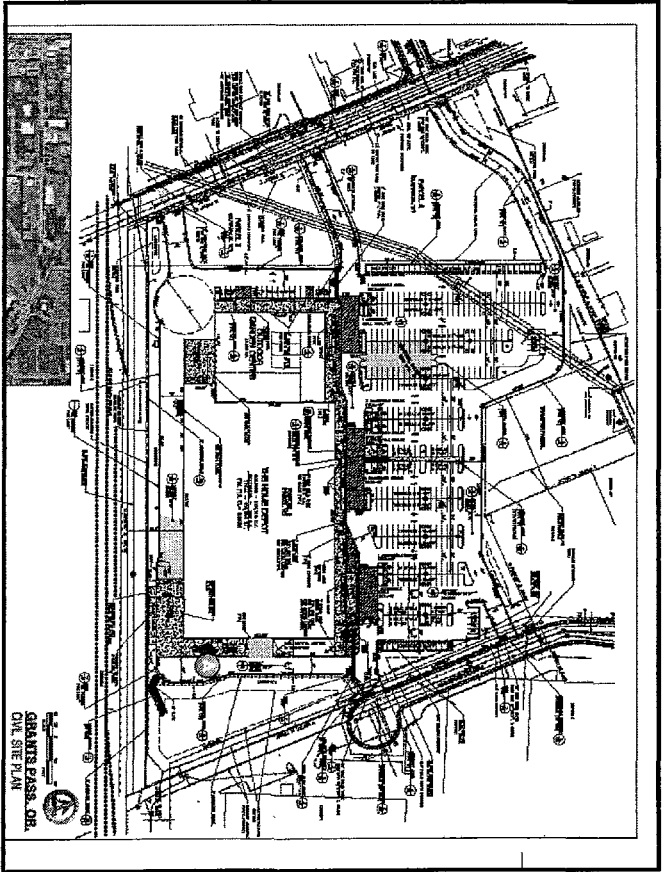
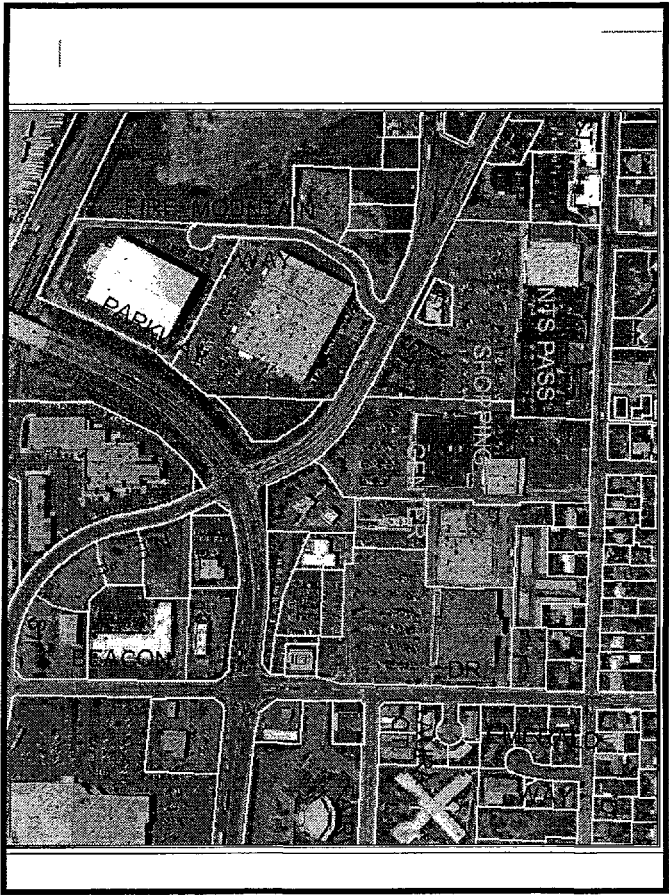
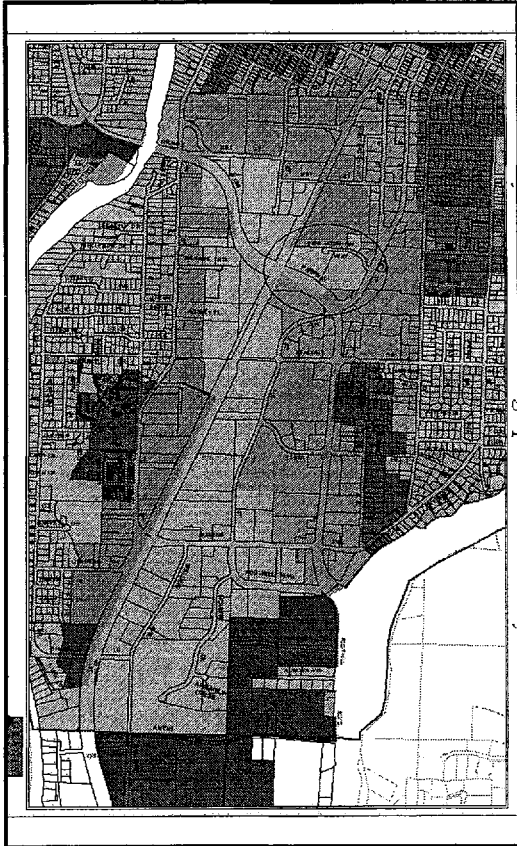
- Surrounding development includes:
 - North ~ Grants Pass Shopping Center
 - South ~ Copeland Sand & Gravel
 - East ~ Parkway Village Deardorff Corner
 - West ~ Future Home Depot Site
- Due to the pending development of the Home Depot site, and surrounding uses, the proposed request lends itself to meeting the purpose of the BP zone.

Discussion, cont.

- Based on the discussion in the Comprehensive Plan, due to limited air shed and the preference for a “superior natural environment” Grants Pass will have difficulty attracting new, heavy industry.
- There will be continued competition for light manufacturing jobs.
- Keeping the 10.84 acre tract in the industrial inventory provides a greater flexibility of uses.

Discussion, cont.

- The Comprehensive Plan provides reasons for allowing the change:
 - The site is close to downtown and the I-5 corridor;
 - Utility services will be readily available (pending the water looping with the Home Depot development);
 - Current data in the Economic Element of the Comprehensive Plan indicates a need for both commercial and industrial land to accommodate future growth.



Discussion, cont.

- The Traffic Impact Analysis (TIA) incorporates mitigation measures approved under the pending Home Depot development.
- The TIA notes that the intersection at the Grants Pass Parkway and “F” Street will not meet ODOT’s mobility standards. Under TPR rules, the proposal may be approved provided the expansion must be no worse than the operation under the no-build condition.
- The operational analysis for the horizon year 2030 so that future mitigation will be required under both scenarios.

Conformance w/ Applicable Criteria

- Based on the analysis and materials provided, including the proposed Development Agreement, staff contends that the request meets the applicable goals, policies and criteria:
 - Statewide Planning Goals (1,2,9,11,12,&13)
 - Comprehensive Plan Policy 13.5.4
 - Zone Map Amendments, Section 4.033 of the Development Code

Recommendation

- It is recommended that the Urban Area Planning Commission recommend that City Council Approve the proposed Comprehensive Plan map amendment and zoning map amendment from Industrial to Business Park.
- It is recommended that the Urban Area Planning Commission recommend that City Council Approve the proposed development agreement.

Questions?



City of Grants Pass
101 Northwest A Street
Grants Pass, OR 97526

TO:

ATTN: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION & DEV
635 CAPITOL STREET NE STE 150
SALEM OR 97301-2540

Priority Mail
ComBasPrice



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